

State of Iowa  
1979

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

**1979 REGULAR SESSION**

OF THE

## Sixty-eighth General Assembly

OF THE

### STATE OF IOWA



**WAYNE A. FAUPEL**  
CODE EDITOR

**PHYLLIS BARRY**  
DEPUTY CODE EDITOR

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# CERTIFICATE

STATE OF IOWA  
Office of Code Editor

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 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

*Wayne A. Faupel*  
*Phyllis Barry*

June 1979.

Section 622.59 of the 1979 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 1979 Regular Session of the Sixty-eighth 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.

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

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v  
STATE ROSTER

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## STATE ROSTER

List of elective state officers, judges of the supreme and district courts, judicial magistrates and members of the General Assembly, the State of Iowa, inserted in the published volume of 1979 Session Laws for the Sixty-eighth General Assembly in accordance with the requirements of Code section 14.10 (4), 1979 Code of Iowa.

### 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>	
TERRY E. BRANSTAD .....	Winnebago
<b>SECRETARY OF STATE</b>	
MELVIN D. SYNHORST .....	Polk
J. Herman Schweiker, Deputy Secretary .....	Polk
<b>AUDITOR OF STATE</b>	
RICHARD D. JOHNSON .....	Polk
Richard C. Fish, Deputy - Administration .....	Polk
Richard J. Sydnes, Deputy - State Audit Division .....	Polk
Warren G. Jenkins, Deputy - Local Government Audit Division .....	Polk
<b>TREASURER OF STATE</b>	
MAURICE E. BARINGER .....	Fayette
Roger G. Barnett, Deputy Treasurer .....	Polk
<b>SECRETARY OF AGRICULTURE</b>	
ROBERT H. LOUNSBERRY .....	Story
Thatcher Johnson, Deputy Secretary .....	Boone
<b>ATTORNEY GENERAL</b>	
THOMAS J. MILLER .....	Clayton
Mark Schantz, Solicitor General .....	Johnson

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS

The following list has been furnished mostly  
by the Office of the Governor and the Supreme Court.

### ACCOUNTANCY BOARD

§ 116.3

Name and Office	City from which originally chosen	Term Ending
Ruth G. Kuney .....	Des Moines .....	June 30, 1982
Harlan L. Gronewold .....	Atlantic .....	June 30, 1982
Jerry J. Perpich .....	Des Moines .....	June 30, 1980
Donald W. Brown .....	Ames .....	June 30, 1980
Robert P. Fritzsche .....	Davenport .....	June 30, 1981
Harry C. Jensen .....	Des Moines .....	June 30, 1982
Ruth Roberts .....	Fort Dodge .....	June 30, 1981

### ACCOUNTING PRACTITIONERS ADVISORY COMMITTEE

§ 116.9

Verna E. Frank .....	Carroll .....	June 30, 1982
Richard D. Jones .....	Cedar Rapids .....	June 30, 1981
Leon H. Koele .....	Sheldon .....	June 30, 1980

### ADJUTANT GENERAL OF IOWA

Ch. 29A

Roger Gilbert .....	Des Moines .....	June 30, 1983
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### ADMINISTRATIVE RULES CO-ORDINATOR

§ 7.17

Brice C. Oakley .....	Pleasure of the Governor
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### ADMINISTRATIVE RULES REVIEW COMMITTEE

§ 17A.8

*Senate Members*

Berl E. Priebe, Vice Chairman .....	Algona .....	April 30, 1983
Edgar H. Holden .....	Davenport .....	April 30, 1983
Dale L. Tieden .....	Elkader .....	April 30, 1983

*House Members*

Laverne W. Schroeder, Chairman .....	McClelland .....	April 30, 1983
Betty J. Clark .....	Rockwell .....	April 30, 1983
John E. Patchett .....	North Liberty .....	April 30, 1983
Phyllis Barry, Secretary		
Joseph Royce, Staff		

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## AGING, COMMISSION ON

Ch. 249B

Name and Office	City from which originally chosen	Term Ending
Louise M. Rosenfeld .....	Ames .....	July 1, 1981
Harry I. Prugh .....	Des Moines .....	July 1, 1981
Colleen W. Shaw .....	Corning .....	July 1, 1981
Harriett J. Baum .....	Manchester .....	July 1, 1980
Glenn Haydon .....	Mason City .....	July 1, 1983
Rev. Donald B. Manworren .....	Waterloo .....	July 1, 1980
Glenn R. Bowles (Director) .....	Des Moines	

one vacancy

*Senate Members*

Sue Yenger

James Calhoon

*House Members*

Gregory D. Cusack

Ingwer L. Hansen

## AGRICULTURE PROMOTION BOARD

John W. Megown .....	Marion	Pleasure of the Governor
Vernon R. Hart .....	Red Oak	
James A. Mullins .....	Corwith	
Max Naylor .....	Scranton	
D.R. Davidson .....	Chariton	
E. Thurman Gaskill .....	Corwith	
Kenneth H. Joslin .....	Minburn	
Keith Kirkpatrick .....	DM	
Oliver Hansen .....	Durant	
Arnold Waldstein .....	Storm Lake	

## ARCHITECTURAL EXAMINERS

Ch. 118

Bernard Jones .....	Sioux City .....	June 30, 1982
George E. Deininger .....	Dubuque .....	June 30, 1982
Richard Hansen .....	Iowa City .....	June 30, 1981
James A. Lynch .....	Des Moines .....	June 30, 1981
W. David Frevort .....	West Des Moines .....	June 30, 1980
Margaret Apostle .....	Grinnell .....	June 30, 1981
Nancy G. McHugh .....	Cedar Rapids .....	June 30, 1980

## ARMORY BOARD

§ 29A.57

Brig. Gen. Roger Gilbert .....	Des Moines	Pleasure of the Governor
Col. Harold M. Thompson .....	Boone	
Delmar Van Horn .....	Jefferson	
Lt. Col. Vernon Buchman .....	Spirit Lake	
Brig. Gen. Maurice H. Phillips .....	Newton	
Lt. Col. Robert L. Sentman .....	Oxford	

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## ARTS COUNCIL

Ch. 304A

Name and Office	City from which originally chosen	Term Ending
Jack E. Olds (Director)	Des Moines	Pleasure of the Governor
Mary Ellen Kimball	Osceola	June 30, 1981
William Fultz	Des Moines	June 30, 1981
Frank Jeffrey	Mason City	June 30, 1981
Gordon Will	Red Oak	June 30, 1981
Leroy Mitchell	Des Moines	June 30, 1980
Alice Bowers	Keokuk	June 30, 1980
J. W. Henry	Sioux City	June 30, 1980
Jerome W. Wadian	Fayette	June 30, 1982
Maribeth Schechtman	Carroll	June 30, 1982
Jacqueline Merritt	Dubuque	June 30, 1982
Mrs. Mary Tone	Ames	June 30, 1982
Arnold E. Levine	Des Moines	June 30, 1980
John D. Singer	Waterloo	June 30, 1980
Joan Clark	Cedar Rapids	June 30, 1980
Marie Pearson	Marne	June 30, 1982

## ASSESSOR EDUCATION COMMITTEE

J. Michael Cavitt	Iowa City	Dec. 31, 1982
LeRoy H. Petersen	Grimes	Dec. 31, 1982
Jeannie D. Brodersen	Atlantic	Dec. 31, 1982

## ATHLETICS COMMISSIONER

Ch. 99C

Hon. Melvin D. Synhorst	Des Moines	Pleasure of the Governor
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## ATHLETIC COMMISSIONER'S ADVISORY COMMITTEE

Ch. 99C

Al Bisignano	Des Moines	Pleasure of the Governor
Calvin Crook	Newton	
Clayton L. Johnson	Sioux City	
Harold J. Schrader	Cedar Rapids	
John L. Mascaro	Des Moines	
Judd E. Truax	Cedar Falls	

BALANCE OF STATE (BOS)  
PRIME SPONSOR PLANNING COUNCIL

Kenneth L. Hays	Des Moines	Dec. 31, 1979
Charles R. Moench	Des Moines	Dec. 31, 1979
John Paul Keller	Des Moines	Dec. 31, 1979
Jay G. Glasnapp	Des Moines	Dec. 31, 1979
Lois Eichacker	Burlington	Dec. 31, 1979
James D. Meimann	Des Moines	Dec. 31, 1979
Patricia D. Brenner	Grinnell	Dec. 31, 1979
Robert R. White	Des Moines	Dec. 31, 1979
Linda L. Wiegand	Marshalltown	Dec. 31, 1979

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## BANKING BOARD

§ 524.205

Name and Office	City from which originally chosen	Term Ending
Thomas Hal Huston (Superintendent)	Columbus Junction	June 30, 1981
Vincent C. Chapman	West Des Moines	June 30, 1981
Julia F. Anderson	Ames	June 30, 1981
Charles H. Walsh	Burlington	June 30, 1981
C. Lyle Monahan	Audubon	June 30, 1981
Betty L. Steele	West Des Moines	June 30, 1981
Marvin F. Chevalier	Postville	June 30, 1981

## BARBER EXAMINERS

Ch. 147

Charles A. Vance	Davenport	June 30, 1982
Richard E. Sisco	Cedar Rapids	June 30, 1980
Harold L. Erichsen	Sioux City	June 30, 1981
Patricia E. Cornick	Des Moines	June 30, 1981
Karen Ann Voecks	West Des Moines	June 30, 1982

## BEER AND LIQUOR CONTROL COUNCIL

§ 123.6

Rolland Gallagher (Director)	Des Moines	
Donald J. Bell	New London	June 30, 1981
Joan Ballantyne	Cherokee	June 30, 1980
Dean L. Frederickson	Harlan	June 30, 1984
Glen Fobes	Edgewood	June 30, 1983
Bennett Gordon	Des Moines	June 30, 1982

## BLIND, COMMISSION FOR

Ch. 601B

Arlene Dayhoff	Cedar Rapids	June 30, 1981
Nolden Gentry	Des Moines	June 30, 1982
Jeannette Eyerly	Des Moines	June 30, 1980
John N. Taylor, Director		

## BUILDING CODE ADVISORY COUNCIL

Ch. 103A

Robert J. Ernster	Guttenberg	June 30, 1980
Earl M. Yoder	Iowa City	June 30, 1980
Carolyn Erickson	Ogden	June 30, 1980
Herman T. Wiedenman	Des Moines	June 30, 1980
R.C. Williams	Des Moines	June 30, 1980
Glen E. Lundblad	Sioux City	June 30, 1980
Donald W. Appell, Commissioner		

## BUILDINGS AND GROUNDS SUPERINTENDENT

Ch. 18

John Drummond	Pleasure of General Services
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## CAMPAIGN FINANCE DISCLOSURE COMMISSION

Ch. 56

Jolene Stevens	West Des Moines	June 30, 1981
Robert D. Fulton	Waterloo	June 30, 1983
Herbert S. Selby	Newton	June 30, 1983
E.D. Farwell	Decorah	June 30, 1985
Emmanuel Bikakis	Sioux City	June 30, 1985

APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

CAPITOL PLANNING COMMISSION

Ch. 18A

Name and Office	City from which originally chosen	Term Ending
John Fitzgibbon.....	Des Moines.....	Apr. 30, 1983
Glenn Brockett.....	Marshalltown.....	Apr. 30, 1981
Harold C. McCormick.....	Manchester.....	Apr. 30, 1983
Marie Millard.....	Woodbine.....	Apr. 30, 1981
Francis J. Camizzi.....	Cedar Rapids.....	Apr. 30, 1983
Gordon Linge.....	Storm Lake.....	Apr. 30, 1981
	<i>Senate Members</i>	
	Clarence Carney	
	Bass Van Gilst	
	<i>House Members</i>	
	W. W. Dieleman	
	Lawrence Pope	

CHILD LABOR COMMITTEE

Penny Binger.....	Cedar Rapids.....	June 30, 1982
Ernest J. Comito.....	Des Moines.....	June 30, 1982

CHILD ABUSE INFORMATION

§ 235A.24

Donald H. Strand.....	Iowa City.....	Pleasure of the Governor
A. Jean Purdy.....	Des Moines.....	
Margaret Hurst.....	Sioux City.....	

CHILDREN, COUNCIL FOR

Helen McDonald.....	Des Moines.....	Pleasure of the Governor
Larry Fane.....	Mason City.....	
Evelyn Davis.....	Des Moines.....	June 30, 1980
Sidney James.....	Ames.....	June 30, 1980
H. May Roberts.....	Menlo.....	June 30, 1980
Dorothy R. Pinsky.....	Ames.....	June 30, 1980
Theodore A. Lange.....	Council Bluffs.....	June 30, 1980
Sigrid Joanne Lane.....	Waterloo.....	June 30, 1980

CHIROPRACTIC EXAMINERS

Ch. 147

Ronald O. Master, II, D.C.....	Mason City.....	June 30, 1982
Donald J. Meylor, D.C.....	Anthon.....	June 30, 1982
Milton Schlein, D.C.....	Postville.....	June 30, 1981
Lloyd Cutler, D.C.....	Marshalltown.....	June 30, 1982
H. Ronald Frogley, D.C.....	Davenport.....	June 30, 1980
Martha Liebhart.....	Ottumwa.....	June 30, 1981
Mary Xavier Coens.....	Dubuque.....	June 30, 1980

CITIZENS' AIDE

William P. Angrick II, Ombudsman.....	Des Moines.....	Pleasure of the Legis. Council
Ruth L. Mosher, Deputy.....	Des Moines.....	

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## CITY FINANCE COMMITTEE

§ 384.13

Name and Office	City from which originally chosen	Term Ending
James E. Lindsay.....	Ida Grove.....	June 30, 1980
Kenneth E. Smith.....	Indianola.....	June 30, 1980
Betty Jo Harker.....	Ames.....	June 30, 1982
Daniel W. Clifford.....	Des Moines.....	June 30, 1980
J.M. Whitmer, Jr.....	Ames	Pleasure of Legis. Council
W. Kenneth Gearhart.....	Sioux City.....	June 30, 1982
Shirley I. Wacker.....	Wilton.....	June 30, 1982

## CIVIL RIGHTS COMMISSION

Ch. 105A

Thomas J. Mann, Jr. (Director).....	Des Moines	Pleasure of the Governor
Annette Pieper.....	Stuart.....	June 30, 1983
Harriet Bruce.....	Des Moines.....	June 30, 1981
Rachel W. Evans.....	Fort Dodge.....	June 30, 1981
Jack W. Peters.....	Council Bluffs.....	June 30, 1983
Lawson Tait Cummins.....	Cedar Rapids.....	June 30, 1981
Evelyne R. Villines.....	Des Moines.....	June 30, 1981
Alfredo G. Parrish.....	Des Moines.....	June 30, 1983

CLIENT SECURITY AND ATTORNEY DISCIPLINARY  
COMMISSION

Court rule 121.1

David A. Elderkin.....	Cedar Rapids.....	Jan. 1, 1980
Harris R. Stafford.....	Grinnell.....	Jan. 1, 1980
John E. Nagle.....	Davenport.....	Jan. 1, 1981
John H. Neiman.....	Des Moines.....	Jan. 1, 1981
Meredith Berryhill.....	Fort Dodge.....	Jan. 1, 1982
Edwin L. Mitchell.....	Alton.....	Jan. 1, 1983
Sanford Turner.....	Clarinda.....	Jan. 1, 1984

## CODE EDITOR

Ch. 14

Wayne A. Faupel.....	Clear Lake	Pleasure of
Phyllis Barry, Deputy.....	Des Moines	Legis. Council

## COLLEGE AID COMMISSION

William R. Ferguson.....	Glidden.....	June 30, 1983
Marilyn Tucker.....	Cedar Rapids.....	June 30, 1981
Robert E. Phipps.....	Fairfield.....	June 30, 1981
Mary Ann Brown.....	Mt. Pleasant.....	June 30, 1982
John B. Rigler.....	Muscatine.....	June 30, 1982
Ms. Willis Ann Wolff.....	Des Moines	
Karl F. Langrock.....	Des Moines.....	June 30, 1983
Ray V. Bailey.....	Milford.....	June 30, 1983
Robert D. Benton.....	Des Moines	
Patricia L. Thompson.....	West Des Moines.....	June 30, 1983
Arthur L. Gratias.....	Nora Springs.....	June 30, 1979

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## COMMERCE COMMISSION

§ 474.1

Name and Office	City from which originally chosen	Term Ending
Vacancy (Chairman)		
Mary F. Holstad	Des Moines	June 30, 1981
Fred. H. Moore	Des Moines	June 30, 1985

## COMPTROLLER, STATE

Ch. 8

Ronald Mosher	Des Moines	Pleasure of the Governor
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## CONFIDENTIAL RECORDS COUNCIL

§ 692.19

Hon. Robert D. Ray		
Donald H. Zarley	Des Moines	Pleasure of the Governor
Myrt Levin	Newton	
John P. Stark	Nevada	
Judge Anthony Critelli	Des Moines	Pleasure of the Supreme Court
Charles Larson (Commissioner of Public Safety)		

*House Members*

Doug Ritsema	Orange City
Thomas J. Jochum	Dubuque

*Senate Members*

Ray Taylor	Steamboat Rock
Patrick Deluhery	Davenport

## CONSERVATION COMMISSION

Ch. 107

Harlan Pike	Whiting	June 30, 1981
John C. Brophy	Lansing	June 30, 1981
Thomas A. Bates	Bellevue	June 30, 1981
John D. Field	Hamburg	June 30, 1985
Donald E. Knudsen	Eagle Grove	June 30, 1985
Carolyn T. Lumbar Wolters	Des Moines	June 30, 1983
Richard W. Kemler	Marshalltown	June 30, 1983

## CONTINUING LEGAL EDUCATION COMMISSION

Iowa Supreme Court

W. Don Brittin, Jr., Chairman	Des Moines	July 1, 1980
Robert N. Downer	Iowa City	July 1, 1980
Hon. Harlan W. Bainter	Ottumwa	July 1, 1980
Donald D. Mullin	Creston	July 1, 1980
Grady Lee Bluford	Sioux City	July 1, 1981
Larry J. Cohrt	Waterloo	July 1, 1981
Linda K. Neuman	Davenport	July 1, 1981
David L. Sayre	Cherokee	July 1, 1981
David E. Funkhouser	Mason City	July 1, 1982
Fred O. Jones	Indianola	July 1, 1982
Frank W. Pechacek, Jr.	Council Bluffs	July 1, 1982
Earl R. Shostrom	Des Moines	July 1, 1982



## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## COSMETOLOGY EXAMINERS

Ch. 147

Name and Office	City from which originally chosen	Term Ending
Nancy E. Welter.....	Cedar Rapids.....	June 30, 1981
Joyce M. Williams.....	Oakland.....	June 30, 1982
Barbara A. Failor.....	Ankeny.....	June 30, 1982
Helen Mefferd.....	Laurens.....	June 30, 1981
Deloris C. Morris.....	Oelwein.....	June 30, 1980

## CREDIT UNION ADMINISTRATOR

Betty Lou Minor.....	Des Moines	Pleasure of the Governor
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## CREDIT UNION REVIEW BOARD

Aileen Brown.....	Des Moines.....	June 30, 1981
Jerry R. Coughlon.....	Des Moines.....	June 30, 1982
Dorothy Elaine Krause.....	Iowa City.....	June 30, 1982
James J. McCue.....	Cedar Rapids.....	June 30, 1981
Lois Jean Miller.....	Carroll.....	June 30, 1980
Layton M. Stump.....	Waterloo.....	June 30, 1982
Terry T. Tilton.....	Anamosa.....	June 30, 1980

## CRIME COMMISSION

§ 80C.6

Richard E. George, Executive Director.....	Des Moines	Pleasure of the Governor
Morris F. Johnson.....	Des Moines.....	June 30, 1982
Ms. Kathleen M. Neylan.....	Elkader.....	June 30, 1982
William J. O'Brien.....	Des Moines.....	June 30, 1981
Calvin Auger.....	Anamosa.....	June 30, 1981
Charles W. Larson.....	Newton.....	June 30, 1980
James E. Carrell.....	Ft. Madison.....	June 30, 1980
Honorable Maynard Hayden.....	Indianola.....	June 30, 1980
Sandra Holien.....	Marshalltown.....	June 30, 1983
Honorable K. David Harris.....	Jefferson.....	June 30, 1979
Ms. Jean Penningroth.....	Mechanicsville.....	June 30, 1979
Lonny T. Morrison.....	Webster City.....	June 30, 1982
Thomas E. Martin.....	Sioux City.....	June 30, 1981

## CRIMINAL DETAINERS COMPACT

Harry Woods (Administrator).....	Des Moines	Pleasure of the Governor
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## DAIRY INDUSTRY COMMISSION

Harold Eggink.....	Sibley.....	July 1, 1980
Dr. Fred Foreman.....	Ames.....	July 1, 1980
Maynard Lang.....	Brooklyn.....	July 1, 1981
Robert Lounsberry.....	Des Moines.....	July 1, 1981
G. Joe Lyon.....	Toledo.....	July 1, 1981
Dr. William Marion.....	Ames.....	July 1, 1981
Leroy Meyer.....	Sac City.....	July 1, 1979
Elmer Paper.....	Stockton.....	July 1, 1980
John Prestemon.....	Waukon.....	July 1, 1980
Richard Reinhart.....	Cresco.....	July 1, 1979
Bob Schultz.....	Luana.....	July 1, 1981
Larry Shover.....	Delhi.....	July 1, 1979
Bradley Rugg, Executive Secretary		

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## DEAF, ADVISORY COMMITTEE ON

§ 601I.3

Name and Office	City from which originally chosen	Term Ending
Joseph B. Myklebust.....	Council Bluffs.....	June 30, 1982
Sharon Hovinga.....	Council Bluffs.....	June 30, 1980
Henry Lester Ahls.....	Cedar Falls.....	June 30, 1981
Donald Kissell.....	Des Moines.....	June 30, 1981
Melanie Ravlerson.....	Decorah.....	June 30, 1982
Becky Morgan.....	Des Moines.....	June 30, 1980
Lloyd William Courter.....	Boone.....	June 30, 1981

## DENTAL EXAMINERS

Ch. 147

Robert L. Moore, D.D.S.....	Hampton.....	June 30, 1980
Clarence R. Hosford, D.D.S.....	Monticello.....	June 30, 1981
Wayne J. Barnes, D.D.S.....	Sioux City.....	June 30, 1980
Marcia L. Wiedmeyer.....	Bettendorf.....	June 30, 1981
Judith E. Glasgow.....	Coralville.....	June 30, 1982
Robert J. Sixta.....	Cedar Rapids.....	June 30, 1982
Connie Price.....	Des Moines.....	June 30, 1981
Daniel J. Welsh, D.D.S.....	Emmetsburg.....	June 30, 1982
Lewis A. James, D.D.S.....	Des Moines.....	June 30, 1980

## DEVELOPMENT BOARD, CITY

§ 368.9

Sharon W. Nail.....	Iowa Falls.....	June 30, 1982
Thomas F. Pogue.....	Iowa City.....	June 30, 1980
Paul A. Burger.....	Sioux City.....	June 30, 1984

## DEVELOPMENTAL DISABILITIES COUNCIL

Wilbur Eason.....	Scranton.....	Dec. 31, 1980
William U. Patton.....	Storm Lake.....	Dec. 31, 1980
Nicole Raaz.....	Mason City.....	Dec. 31, 1980
Margaret Westerhof.....	Carlisle.....	Dec. 31, 1980
John C. MacQueen.....	Iowa City.....	Dec. 31, 1980
Elaine Ann Barwick.....	Dubuque.....	Dec. 31, 1980
Delores Krueger.....	Eagle Grove.....	Dec. 31, 1980
Alfred Healy.....	Iowa City.....	Dec. 31, 1980
Rolfe B. Karlsson.....	Des Moines.....	Dec. 31, 1981
Roy L. Stotts.....	Colo.....	Dec. 31, 1981
Thomas C. Teas.....	Mason City.....	Dec. 31, 1981
Sayeed B. Hussain.....	Des Moines.....	Dec. 31, 1981
Janice Lynne Ray.....	Des Moines.....	Dec. 31, 1981
Joyce Norton Packwood.....	Ames.....	Dec. 31, 1981
Marion J. VanManen.....	Cedar Rapids.....	Dec. 31, 1981

## DISASTER SERVICES

Donald Bruhn (Acting Director).....	Des Moines	Pleasure of the Governor
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## ECONOMIC ADVISORY COUNCIL, GOVERNOR'S

Margaret B. Andersen.....	Waterloo	Pleasure of the Governor
Jerald R. Barnard.....	Iowa City	
Gene A. Futrell.....	Ames	
Dayl Evans.....	Des Moines	
Marvin A. Pomerantz.....	Des Moines	
Richard H. Wolfe.....	Sioux City	

APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

§ 18.137

Name and Office	City from which originally chosen	Term Ending
John D. Baldrige.....	Chariton.....	June 30, 1980
Gary H. Koerselman.....	Sioux City.....	June 30, 1982
George J. Dorrington.....	Cedar Rapids.....	June 30, 1981

EDUCATION COMMISSION OF THE STATES

Robert D. Benton.....	Des Moines.....	Apr. 30, 1981
Stanley F. Redeker.....	Boone.....	Apr. 30, 1983

ELECTRONIC DATA PROCESSING ADVISORY COMMITTEE

C.C. Mosier.....	Ames.....	Pleasure of the Governor
John G. Helkenn.....	Des Moines.....	

EMERGENCY MEDICAL SERVICE  
ADVISORY COUNCIL

P.L. 89-564

Elizabeth R. Thompson.....	Mason City.....	Dec. 31, 1981
Donald L. Wederquist.....	Urbandale.....	Dec. 31, 1981
Monica Jo Honaker.....	Council Bluffs.....	Dec. 31, 1980
Helen VanGelder.....	Orange City.....	Dec. 31, 1980
John F. Collins.....	Davenport.....	Dec. 31, 1980
H. Walter Gary.....	Fairfield.....	Dec. 31, 1980
Phyllis D. Griggs.....	Lake City.....	Dec. 31, 1980
Duane D. Terpenning.....	West Des Moines.....	Dec. 31, 1980
Jane Ellen Hasek.....	Reinbeck.....	Dec. 31, 1980
Don E. Boyle.....	Sioux City.....	Dec. 31, 1980
Albert E. Cram.....	Iowa City.....	Dec. 31, 1979
Kenneth Barrows.....	West Des Moines.....	Dec. 31, 1979
Phillip F. Latessa.....	Des Moines.....	Dec. 31, 1979
Ronald D. Eckoff.....	Cumming.....	Dec. 31, 1979
Janice Fryett.....	West Des Moines.....	Dec. 31, 1979

EMPLOYEE DEVELOPMENT POLICY COMMITTEE

Maurice E. Baringer.....	West Des Moines
Marvin R. Selden.....	West Des Moines
Clayton L. Ringgenberg.....	Iowa City
Kevin J. Burns.....	Des Moines
Norman L. Pawlewski.....	Des Moines
Richard N. Smith.....	Des Moines
Wallace L. Keating.....	West Des Moines
Wythe Willey.....	Des Moines

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## EMPLOYMENT AND TRAINING COUNCIL

Name and Office	City from which originally chosen	Term Ending
Robert F. Tyson .....	Des Moines .....	Dec. 31, 1979
Harold R. Yeoman .....	Monticello .....	Dec. 31, 1979
Patricia A. Steiniger .....	Davenport .....	Dec. 31, 1979
Robert Lipman .....	Des Moines .....	Dec. 31, 1979
Jerry Starkweather .....	Des Moines .....	Dec. 31, 1979
Robert D. Benton .....	Des Moines .....	Dec. 31, 1979
Charles Miller .....	Des Moines .....	Dec. 31, 1979
Larry D. Harmon .....	Cedar Rapids .....	Dec. 31, 1979
J. Neff Wells, Jr. ....	Davenport .....	Dec. 31, 1979
Lynn G. Cutler .....	Waterloo .....	Dec. 31, 1979
Virginia Harper .....	Fort Madison .....	Dec. 31, 1979
W. Ray Richardson .....	Waterloo .....	Dec. 31, 1979
Warren K. Allbaugh .....	Des Moines .....	Dec. 31, 1979
Lorenzo Jasso .....	Des Moines .....	Dec. 31, 1979
Linda S. Lane .....	Des Moines .....	Dec. 31, 1979
Gary Evans .....	Des Moines .....	Dec. 31, 1979

## ENERGY POLICY COUNCIL

§93.2

J. Kathleen Uklu Wood .....	Des Moines .....	June 30, 1983
Charles H. Pelton .....	Clinton .....	June 30, 1980
Robert S. Hansen .....	Ames .....	June 30, 1980
Delmar Nelson .....	Spirit Lake .....	June 30, 1980
Sam Tuthill .....	Cedar Rapids .....	June 30, 1981
Josephine Gittler .....	Iowa City .....	June 30, 1983
Andrew Varley .....	Stuart .....	June 30, 1981
Edward J. Stanek II (Director) .....	Des Moines .....	Pleasure of the Governor

## ENGINEERING EXAMINERS

§ 114.3

R. Bruce Hopkins .....	Cedar Falls .....	June 30, 1982
Harrison Kane .....	Iowa City .....	June 30, 1982
Ronald D. Brown .....	Muscatine .....	June 30, 1980
Arnold O. Chantland .....	Ames .....	June 30, 1981
Francis E. Holland .....	Mason City .....	June 30, 1981
Dawn E. Chapman .....	Cedar Rapids .....	June 30, 1980
Herman Lewis .....	Edgewood .....	June 30, 1981

## ENVIRONMENTAL QUALITY—EXECUTIVE DIRECTOR

§ 455B.4

Larry E. Crane .....	Des Moines .....	Pleasure of the Governor
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## ENVIRONMENTAL QUALITY—AIR QUALITY COMMISSION

George Osborne .....	Alta .....	June 30, 1980
Helen Jane Gleeson .....	Sioux City .....	June 30, 1982
John R. Hagie .....	Clarion .....	June 30, 1980
Richard Timmerman .....	Jefferson .....	June 30, 1982
Donald P. Morgan .....	Oakdale .....	

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

ENVIRONMENTAL QUALITY—CHEMICAL  
TECHNOLOGY COMMISSION

Name and Office	City from which originally chosen	Term Ending
Fred Reed.....	Winterset.....	June 30, 1982
Robert C. Yapp.....	Des Moines.....	June 30, 1982

ENVIRONMENTAL QUALITY—SOLID  
WASTE DISPOSAL COMMISSION

Ann Frenzen.....	Cedar Rapids.....	June 30, 1982
Rosemary Shearer.....	Des Moines.....	June 30, 1982
Jack Harker.....	LeMars.....	June 30, 1980
Fred Gosch.....	Webster City.....	June 30, 1980
Russell E. Helms.....	West Des Moines.....	June 30, 1979

## ENVIRONMENTAL QUALITY—WATER QUALITY COMMISSION

Burt Harmes.....	Algona.....	June 30, 1980
Dale Hendricks.....	Bloomfield.....	June 30, 1980
Eldon McCann.....	Waterloo.....	June 30, 1982
Robert C. Russell.....	Iowa City.....	June 30, 1982
C.B. Curtis.....	Newton.....	June 30, 1980

D.E.Q. BOARD OF CERTIFICATION  
(WASTE WATER OPERATORS)

Harris F. Seidel.....	Ames.....	June 30, 1982
Robert W. Tonn.....	Clinton.....	June 30, 1980
Joseph E. Obr.....	West Des Moines.....	June 30, 1981
Beverly B. Everett.....	New Sharon.....	June 30, 1982
Vernon Spilker.....	Missouri Valley.....	June 30, 1981

## EXECUTIVE COUNCIL

Ch. 19

Robert D. Ray, Governor  
 Melvin D. Synhorst, Secretary of State  
 Richard Johnson, Auditor of State  
 Maurice E. Baringer, Treasurer of State  
 Robert H. Lounsberry, Secretary of Agriculture  
 West C. Wellman, Secretary

## FAIR BOARD

§173.1

Howard Waters, President.....	Danville
G. W. Prince, Vice Pres.....	Guthrie Center
C. C. Wagler.....	Bloomfield
Don Greiman.....	Garner
Joe Deeney.....	Waukon
W. L. Yount.....	Altoona
Jean M. Kleve.....	Humboldt
Edythe Satterlee.....	Manchester
Merritt Triggs.....	Mt. Ayr
Max Browneller.....	Rose Hill
Jerry Coughlon, Sec.....	Des Moines

Robert D. Ray, Governor  
 W. Robert Parks, President, Iowa State University, Ames  
 Robert H. Lounsberry, Secretary of Agriculture

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

FAIR, STATE—COMPREHENSIVE  
MASTER PLAN COMMITTEE

§173.1

Name and Office	City from which originally chosen	Term Ending
Mrs. Lyle Bruere.....	Cedar Rapids	Pleasure of the Governor
Fred W. Weitz.....	Des Moines	

## FAMILY PRACTICE EDUCATION ADVISORY BOARD

§ 148C.3

Madge Phillips.....	Cedar Rapids	Dec. 31, 1981
Rev. Bobbi J. Gatz.....	Bridgewater	Dec. 31, 1981

## FIRE MARSHAL

Ch. 100

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

## GENERAL SERVICES

Stanley L. McCausland, Director.....	Des Moines	Pleasure of the Governor
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GEOLOGIST AND DIRECTOR OF  
IOWA GEOLOGICAL SURVEY

Stanley C. Grant.....	Cedar Falls	Pleasure of Geological Board
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## HANDICAPPED, EMPLOYMENT

Ch. 601F

Angeline L. Anderson.....	Des Moines	June 30, 1980
George A. Arvidson.....	West Des Moines	June 30, 1980
LaBonne Earwood.....	Lohrville	June 30, 1980
William C. Glynn.....	Bettendorf	June 30, 1980
Linda Hannsen.....	Davenport	June 30, 1980
Thomas R. Johnson.....	Ottumwa	June 30, 1980
Scott D. Keith.....	Okoboji	June 30, 1980
Jon R. Schneider.....	Urbandale	June 30, 1980
Merle C. Smith.....	Sioux City	June 30, 1980
Vera E. Smith.....	Fairfield	June 30, 1980
John W. Staschke.....	Wilton	June 30, 1980
Kathleen L. O'Leary.....	Des Moines	June 30, 1980
James N. Bethel.....	Des Moines	June 30, 1980
Paul P. Brodigan.....	Glenwood	June 30, 1980
Gerald A. Woods.....	Clinton	June 30, 1980
Keith W. Kerbaugh.....	Newton	June 30, 1980
Ronald G. Grooms.....	Ames	June 30, 1980
B. L. Hawn.....	Waterloo	June 30, 1980
Paul J. DiBello.....	Des Moines	June 30, 1980
Edward F. McCartan.....	Des Moines	June 30, 1980
Ralph G. Neppel.....	Iowa City	June 30, 1980
Doris A. Kelley.....	Iowa City	June 30, 1980
William J. Wagner.....	Dallas Center	June 30, 1980
Rev. Robert Healy.....	Dubuque	June 30, 1981
Richard V. Hopkins.....	Davenport	June 30, 1980
Helen Settle.....	Marshalltown	June 30, 1981
Edward F. Winter.....	Cedar Rapids	June 30, 1981
Sharon Hovinga.....	Council Bluffs	June 30, 1981
Linda Wing.....	Des Moines	June 30, 1981

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

HEALTH CO-  
ORDINATING COUNCIL

Name and Office	City from which originally chosen	Term Ending
Karen Roseann Blue	Red Oak	June 30, 1980
Reverend Robert H. Evans	Logan	June 30, 1982
Ardelle J. Conner	Underwood	June 30, 1980
(VACANCY)		
Bonnie Tiarks	Council Bluffs	June 30, 1980
Edward R. Lynn	Council Bluffs	June 30, 1980
Leland M. Couch	Des Moines	June 30, 1982
Marilee Fredericks	Des Moines	June 30, 1981
(VACANCY)		
Dale A. Turnmire	Cresco	June 30, 1982
David S. Neugent	Des Moines	June 30, 1980
Ben Grayson	Albia	June 30, 1980
C. F. Barrett	Davenport	June 30, 1982
Barbara Lorscheider	Bettendorf	June 30, 1982
Vera V. French	Bettendorf	June 30, 1981
Thomas N. Kalshoven	Davenport	June 30, 1980
Linda Kamp	Davenport	June 30, 1981
Gregory J. Figulski	Bettendorf	June 30, 1980
Robert M. Dunlop	Orange City	June 30, 1982
Donald W. Dunn	Des Moines	June 30, 1981
Robert G. Gibbs	Des Moines	June 30, 1982
Helen B. Henderson	West Des Moines	June 30, 1980
Lynne M. Illes	Des Moines	June 30, 1979
Donald E. McAreevy	Maquoketa	June 30, 1981
Herman L. Rubel	Laurens	June 30, 1981
John E. Tyrrell	Manchester	June 30, 1979
E. J. Van Nostrand	Creston	June 30, 1981
Ethan Sproston	Marion	June 30, 1981
Gwendolyn Fowler	Des Moines	June 30, 1980
(VACANCY)		

## HEALTH FACILITIES COUNCIL

Wendell R. Benson	Marshalltown	June 30, 1983
Bernard L. Smith	Hawarden	June 30, 1983
Constance H. Kissack	Clinton	June 30, 1981
Minnette Doderer	Iowa City	June 30, 1981
Gage Parker	Shenandoah	June 30, 1985

## HEALTH, STATE BOARD OF

Chs 135, 136

Norman L. Pawlewski (Commissioner)	Des Moines	June 30, 1981
John L. Cleasby	Ames	June 30, 1982
Aaron P. Randolph	Anamosa	June 30, 1982
Kenneth L. Clayton	Spirit Lake	June 30, 1982
John I. Ballensky	Sigourney	June 30, 1981
Paul W. Thielking	Des Moines	June 30, 1981
Mary D. Kennedy	Cedar Falls	June 30, 1981
Paul M. Seebohm	Iowa City	June 30, 1980
Frederic M. Ashler	Hamburg	June 30, 1980
William T. Brown	Des Moines	June 30, 1980

## HEARING AID DEALERS EXAMINERS

Ch. 147

Larry D. Baker	Waterloo	June 30, 1981
Clifford Welcher	Greenfield	June 30, 1980
Ed. Chamberlain	Clear Lake	June 30, 1980
Mildred F. Coughlon	Fort Dodge	June 30, 1982
Mary L. Mills	Muscatine	June 30, 1981

APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

HISTORICAL DEPARTMENT

§ 303.5

Name and Office	City from which originally chosen	Term Ending
George S. Mills.....	Des Moines.....	June 30, 1982
Lawrence Lafore.....	Iowa City.....	June 30, 1982
Priscilla L. Wanatee.....	Tama.....	June 30, 1981
William O. Weaver.....	Wapello.....	June 30, 1981
Dorothy A. Schweider.....	Ames.....	June 30, 1980
R. Clark Mallam.....	Decorah.....	June 30, 1980

HISTORICAL RECORDS ADVISORY BOARD

Peter T. Harstad.....	Iowa City	Pleasure of the Governor
Keach D. Johnson.....	Des Moines.....	June 30, 1980
Helen M. Virden.....	Mt. Pleasant.....	June 30, 1980
Stanley M. Yates.....	Ames.....	June 30, 1980
Joyce Giaquinta.....	Iowa City.....	June 30, 1981
Thomas Thalken.....	West Branch.....	June 30, 1981
Richard H. Thomas.....	Mt. Vernon.....	June 30, 1981
Leslie W. Dunlap.....	Iowa City.....	June 30, 1982
Jack W. Musgrove.....	Des Moines.....	June 30, 1982
Darlene Paxton.....	Bettendorf.....	June 30, 1982
Edward N. McConnell.....	WDM.....	June 30, 1982
Duane W. Finstermann.....	Decorah.....	June 30, 1982

MUSEUM AND ARCHIVES

Jack Musgrove, Director

HOSPITAL AND OTHER HEALTH FACILITIES  
ADVISORY COUNCIL

Dwight G. Reigert.....	Bettendorf.....	June 30, 1981
Charles C. Ingersoll.....	West Des Moines.....	June 30, 1982
Bernard M. Graheck.....	Cedar Rapids.....	June 30, 1981
Richard G. Schreiber.....	Ottumwa.....	June 30, 1980
Kenneth R. Hobson.....	Cherokee.....	June 30, 1979



## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## HOUSING FINANCE AUTHORITY

Ch. 220

Name and Office	City from which originally chosen	Term Ending
William H. McNarney (Director)	Des Moines	Pleasure of the Governor
Bill E. Algood	Fort Dodge	June 30, 1981
Harold W. Godbersen	Ida Grove	June 30, 1981
F. Glen Erickson	Davenport	June 30, 1985
Gene E. Geissing	West Des Moines	June 30, 1985
Roy E. Berger	Des Moines	June 30, 1985
Gordon E. Aistrope	Fairfield	June 30, 1983
Constance C. Foster	Des Moines	June 30, 1983
Fredine M. Branson	Iowa City	June 30, 1983
Elmer Vermeer	Sioux Center	June 30, 1981

## INAUGURAL COMMITTEE

Name	City	Term
Jack Pester	Des Moines	Pleasure of the Governor
John McDonald	Dallas Center	
Lewis Kimer	Indianola	
Patty Yungclas	Webster City	
Susan Hill	Des Moines	
Annette Pieper	Des Moines	
Vincent Chapman	West Des Moines	

## INDUSTRIAL COMMISSIONER

Ch. 86

Robert C. Landess	West Des Moines	June 30, 1985
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## INSURANCE COMMISSIONER

Ch. 505

Herbert W. Anderson	Des Moines	June 30, 1983
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## INTERNATIONAL YEAR OF THE CHILD

George Belitsos	Ames	Jan. 31, 1980
Josephine Gittler	Iowa City	Jan. 31, 1980
Theodore Lange	Omaha-Council Bluffs	Jan. 31, 1980
Hon. Joan Lipsky	Cedar Rapids	Jan. 31, 1980
Dr. John MacQueen	Iowa City	Jan. 31, 1980
Kathleen Neylan	Elkader	Jan. 31, 1980
Pat O'Brien	Des Moines	Jan. 31, 1980
Dolph Pulliam	Des Moines	Jan. 31, 1980
Mike Ross	Cedar Falls	Jan. 31, 1980
Ed Stanek	Des Moines	Jan. 31, 1980
Herb Tschopp	Ames	Jan. 31, 1980
Leila Young	Oelwein	Jan. 31, 1980

## INTERSTATE CO-OPERATION COMMISSION

Ch. 28B

Gerald D. Bair	Ankeny	April 30, 1981
Maurice E. Baringer	West Des Moines	April 30, 1981
Clayton L. Ringgenberg	Iowa City	April 30, 1981

## INTERSTATE PAROLEES AND PROBATIONERS COMPACT

John W. Walton (Administrator)	Des Moines	Pleasure of the Governor
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## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## IOWA DEVELOPMENT COMMISSION

Ch. 28

Name and Office	City from which originally chosen	Term Ending
Douglas G. Billings	Red Oak	June 30, 1980
William F. Turner	Sioux City	June 30, 1980
John P. Tinley	Shenandoah	June 30, 1980
Donna Keppy	Wilton	June 30, 1983
Mardelle R. Noble	Oelwein	June 30, 1983
Forbes Olberg	Cedar Rapids	June 30, 1982
E. Thurman Gaskill	Corwith	June 30, 1981
William H. Burger	Waterloo	June 30, 1980
Steven G. Chapman	Des Moines	June 30, 1982
Hugh D. Clark	Des Moines	June 30, 1980
Robert H. Mier	Ottumwa	June 30, 1980
William H. Burger (Chairman)	Waterloo	Pleasure of the Governor
Delmar Van Horn (Director)	Jefferson	

## I.P.E.R.S. ADVISORY INVESTMENT BOARD

§97B.8

Keith Gunzenhauser	West Des Moines	June 30, 1983
Dale K. DeKoster	Waterloo	June 30, 1985
Arthur E. Dahl	Muscatine	June 30, 1981
George R. Duvall	Ames	June 30, 1981
Betty S. Maxheimer	Clarion	June 30, 1983

*Senate Member*  
John N. Nystrom

*House Member*  
Douglas Shull

## JOB SERVICE ADVISORY COUNCIL

§ 96.10

Jeannette Blackstone	Sioux City	June 30, 1981
Raymond P. Henely	Des Moines	June 30, 1981
Donald Lewis	Council Bluffs	June 30, 1981
Pat Marshall	Cedar Rapids	June 30, 1983
Thomas Textor	Des Moines	June 30, 1983
William Van Tuyl	Pella	June 30, 1983
Sheri Birge	West Des Moines	June 30, 1985
Wyatt Yon	Storm Lake	June 30, 1985
Joseph Zagnoli	Woodward	June 30, 1985

## JOB SERVICES APPEAL BOARD

§ 96.6

Hon. Cliff Burroughs	Greene	June 30, 1984
Norma I. Lock	Des Moines	June 30, 1982
James Alan Althaus	Sioux City	June 30, 1980

## JOB SERVICE

Colleen P. Shearer (Director)	Carlisle	Pleasure of the Governor
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## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## JUDICIAL NOMINATING COMMISSION

Name and Office	City from which originally chosen	Term Ending
Richard M. McMahon	Davenport	June 30, 1981
John J. Shea	Cedar Rapids	June 30, 1981
Robert H. Shepard	Mason City	June 30, 1985
Charles M. Manley	Grinnel	June 30, 1983
Terrence A. Hopkins	Des Moines	June 30, 1983
T. M. Wicher	Sioux City	June 30, 1981
Harold T. Beckman	Council Bluffs	June 30, 1985
Madelyn B. Nutt	Douds	June 30, 1983
Ms. Lyle Bruere	Cedar Rapids	June 30, 1983
Betty J. Furgerson	Waterloo	June 30, 1981
Jon H. Kneen	Ottumwa	June 30, 1985
John E. Evans	Des Moines	June 30, 1985
Lavonne Mydland	Inwood	June 30, 1983
Evelyn Birkby	Sidney	June 30, 1981

## JUDICIAL NOMINATING COMMISSION—DISTRICT 1-A

Wilbur Kehrl	Manchester	Jan. 31, 1982
Catherine Irons	Waukon	Jan. 31, 1982
Alice Jane Walter	Guttenberg	Jan. 31, 1980
Frank Holland	Decorah	Jan. 31, 1980
Charlotte Solomon	Dubuque	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 1-B

Georgia Hutchison	Oelwein	Jan. 31, 1982
Maxine P. Carson	Winthrop	Jan. 31, 1982
Richard H. Young	Waterloo	Jan. 31, 1980
Anita M. Andries	Waterloo	Jan. 31, 1980
Albert J. Denner	New Hampton	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 2-A

Frank Jeffrey	Mason City	Jan. 31, 1982
Betty Klechner	Orchard	Jan. 31, 1982
Robert L. Thomson	Charles City	Jan. 31, 1980
Graydon Anderson	Greene	Jan. 31, 1984
Kathy P. Helgeson	Lake Mills	Jan. 31, 1980

## JUDICIAL NOMINATING COMMISSION—DISTRICT 2-B

Chase McLaughlin	Humboldt	Jan. 31, 1982
Doris B. Speckeen	Nevada	Jan. 31, 1982
Paul Ferguson	Lake City	Jan. 31, 1980
Jon E. McClure	Fort Dodge	Jan. 31, 1980
Marie E. Holz	Grand Junction	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 3-A

Charles E. Spengler	Ocheyedan	Jan. 31, 1980
Elizabeth Vanden Heuvel	Rock Rapids	Jan. 31, 1980
John B. Anderson	Storm Lake	Jan. 31, 1982
Blaine Hoiem	Spirit Lake	Jan. 31, 1982
Mary Margaret Wolters	Estherville	Jan. 31, 1984

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## JUDICIAL NOMINATING COMMISSION—DISTRICT 3-B

Name and Office	City from which originally chosen	Term Ending
Dorothy Kelly.....	Sioux City.....	Jan. 31, 1982
Norton D. Orbrecht.....	Holstein.....	Jan. 31, 1982
Fran Moeller.....	LeMars.....	Jan. 31, 1980
Richard P. Sulzbach.....	Sioux City.....	Jan. 31, 1980
Wanda A. Zediker.....	Mapelton.....	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 4

Leo R. Kessler.....	Audubon.....	Jan. 31, 1980
Jane E. Paul.....	Henderson.....	Jan. 31, 1980
Pauline H. Rea.....	Sidney.....	Jan. 31, 1984
Virginia M. Deardorff.....	Atlantic.....	Jan. 31, 1982
Lewis W. Ross, Jr.....	Oakland.....	Jan. 31, 1982

## JUDICIAL NOMINATING COMMISSION—DISTRICT 5-A

Corinne M. Hubbell.....	Des Moines.....	Jan. 31, 1982
Sara Caldwell.....	Pella.....	Jan. 31, 1982
Eugene T. Smith.....	Indianola.....	Jan. 31, 1980
Rose A. Rinderknecht.....	Dallas Center.....	Jan. 31, 1980
Dan Krumm.....	Newton.....	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 5-B

Janet Winslow.....	Corydon.....	Jan. 31, 1982
Judith Carlson.....	Greenfield.....	Jan. 31, 1982
W. B. Cunning.....	Mount Ayr.....	Jan. 31, 1980
T. M. Thompson.....	Creston.....	Jan. 31, 1980
Allen Heaton.....	Corning.....	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 6

Mary Jean Johnson.....	Coralville.....	Jan. 31, 1984
Marsha Thudium.....	Vinton.....	Jan. 31, 1982
John B. Turner.....	Cedar Rapids.....	Jan. 31, 1980
John P. Woods.....	Cedar Rapids.....	Jan. 31, 1982
Roy A. Miller.....	Monticello.....	Jan. 31, 1980

## JUDICIAL NOMINATING COMMISSION—DISTRICT 7

Robert Joslin.....	Clarence.....	Jan. 31, 1980
Barbara Woodstra.....	Muscatine.....	Jan. 31, 1980
Al H. Keen.....	DeWitt.....	Jan. 31, 1984
Odetta Moore.....	Davenport.....	Jan. 31, 1982
Durward E. Gohlmann.....	Maquoketa.....	Jan. 31, 1982

## JUDICIAL NOMINATING COMMISSION—DISTRICT 8-A

Max A. Smith.....	Grinnell.....	Jan. 31, 1982
C. O. Schlunz.....	Ottumwa.....	Jan. 31, 1982
Milford R. Wonderlich.....	Ollie.....	Jan. 31, 1980
Julian Campbell.....	Bloomfield.....	Jan. 31, 1980
Mary H. Milani.....	Centerville.....	Jan. 31, 1984

## JUDICIAL NOMINATING COMMISSION—DISTRICT 8-B

Keith Garretson.....	Mt. Pleasant.....	Jan. 31, 1982
Nell Weber.....	Columbus Junction.....	Jan. 31, 1982
Ada Waters.....	Danville.....	Jan. 31, 1980
Jewell E. Jury.....	Farmington.....	Jan. 31, 1980
Leona Nixon.....	Keokuk.....	Jan. 31, 1984

APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

JUDICIAL QUALIFICATIONS

§ 605.26

Name and Office	City from which originally chosen	Term Ending
Richard C. Grossman .....	Marshalltown .....	Jan. 1, 1982
Doris Ann Peick .....	Cedar Rapids .....	Jan. 1, 1980
Jane Beard .....	Cedar Falls .....	Jan. 1, 1980
Hon. Ansel Chapman .....	District Ct. Judge .....	Jan. 1, 1984
Charles G. Rehling .....	Davenport .....	Jan. 1, 1982
Edward E. Eaton .....	Sidney .....	Jan. 1, 1980
VACANCY		

JUVENILE JUSTICE ADVISORY COUNCIL

P.L. 93-415, § 223

Kathleen M. Neylan .....	Elkader .....	June 30, 1982
Rev. Charles E. Hunt .....	Strawberry Point .....	June 30, 1980
Yvonne E. Gates .....	Des Moines .....	June 30, 1980
Marie Pearson .....	Marne .....	June 30, 1980
Yvonne Laning .....	Indianola .....	June 30, 1981
Lily R. Hill .....	Des Moines .....	June 30, 1981
Lori Hagg .....	Waverly .....	June 30, 1981
Dan Kroloff .....	Urbandale .....	June 30, 1981
James P. Swaim .....	Iowa City .....	June 30, 1981
Carol W. Worlan .....	Des Moines .....	June 30, 1982
Lonny T. Morrison .....	Iowa City .....	June 30, 1982
Mary King .....	Ottumwa .....	June 30, 1982
Linda Joedike .....	Mason City .....	June 30, 1980
Richard C. Miller .....	Decorah .....	June 30, 1980
Catherine G. Williams .....	Des Moines .....	June 30, 1980
Don Goslin .....	Polk City .....	June 30, 1981
Darlene L. Allen .....	Ft. Madison .....	June 30, 1981
Thomas E. Martin .....	Sioux City .....	June 30, 1981
Josephine Gittler .....	Iowa City .....	June 30, 1979
Lorenzo Creighton .....	Waterloo .....	June 30, 1982
William Marten .....	Grundy Center .....	June 30, 1982
J. Marc Ward .....	Des Moines .....	June 30, 1980
George Belitsos .....	Ames .....	June 30, 1981

LABOR, COMMISSIONER OF

Ch. 91

Allen J. Meier .....	Cedar Rapids .....	June 30, 1981
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LAND REHABILITATION ADVISORY BOARD

§ 83A.3

H. Gene Hertel .....	Des Moines .....	June 30, 1980
Stanley C. Grant .....	Iowa City .....	June 30, 1982
Stanley Henning .....	Ames .....	June 30, 1981
Carolyn T. Lumbard .....	Des Moines .....	June 30, 1981
Hugh A. Templeton .....	Knoxville .....	June 30, 1981
William Walton Fall .....	Knoxville .....	June 30, 1982
Richard Davidson .....	Des Moines .....	June 30, 1982

LANDSCAPE ARCHITECTURAL EXAMINERS

§ 118A.3

John L. Wallace III .....	Iowa City .....	June 30, 1982
Milford A. Fjare .....	Council Bluffs .....	June 30, 1980
Jesse Lewis .....	Des Moines .....	June 30, 1981
John M. Roberts .....	Ames .....	June 30, 1981
Norma S. Evers .....	Waterloo .....	June 30, 1981
Dorothy Sheil .....	West Des Moines .....	June 30, 1980

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## LAW ENFORCEMENT ACADEMY COUNCIL

Ch. 80B

Name and Office	City from which originally chosen	Term Ending
Gerald W. Shanahan.....	West Des Moines	
John Thalacker, Chairman.....	Ankeny	
Richard Holcomb.....	Iowa City	
Gary D. Hughes, Vice Chairman.....	Iowa City	
Harlan C. Phillips.....	Omaha	
Patrick J. Deluhery.....	Davenport	
Richard R. Ramsey.....	Osceola	
John Scott.....	Sioux City	
Elizabeth O. Shaw.....	Davenport	
Kermit Dunahoo.....	Des Moines	
Karl F. Langrock.....	Des Moines	
John F. Callaghan, Director.....	Urbandale	
Ben K. Yarrington, Assistant Director.....	Ankeny	
Lee Holt.....	Spencer	
Joe Welsh.....	Dubuque	

## LAW EXAMINERS

Ch. 610

Walter C. Schroeder (Chairman).....	Mason City.....	June 30, 1982
Frederick G. White.....	Waterloo.....	June 30, 1982
John J. Carlin.....	Davenport.....	June 30, 1980
Golda S. Sands.....	Des Moines.....	June 30, 1980
Susan Corey.....	Cedar Rapids.....	June 30, 1981

## LEGAL SERVICES ADVISORY COUNCIL

P. L. 93-355, § 1004(f)

David E. Vohs.....	Sioux City.....	Mar. 31, 1979
Mary Ellen Kerr.....	Davenport.....	Mar. 31, 1979
Martin W. Peterson.....	Algona.....	Mar. 31, 1979
Robert E. Woolridge.....	Guttenberg.....	Mar. 31, 1979
Gerald R. Monk.....	Grundy Center.....	Mar. 31, 1979
Barton L. Schwieger.....	Waterloo.....	Mar. 31, 1979
John G. Sorensen.....	Clear Lake.....	Mar. 31, 1979
Jack W. Peters.....	Council Bluffs.....	Mar. 31, 1979
Yvonne E. Gates.....	Des Moines.....	Mar. 31, 1979

## LEGISLATIVE COUNCIL

*Senate*  
 Terry Branstad, Ex officio  
 Willard R. Hansen  
 Calvin O. Hultman  
 Lowell Junkins  
 John Murray  
 William Palmer  
 James E. Briles  
 C. Joseph Coleman  
 Robert Rush

*House*  
 Floyd Millen, Speaker-Chairman  
 Roger A. Halvorson  
 Donald D. Avenson  
 Richard W. Welden  
 Gregory D. Cusack  
 Robert T. Anderson  
 John H. Clark  
 William H. Harbor  
 Norman G. Jesse  
 Delwyn Stromer

*Administration Committee*

Calvin O. Hultman  
 Lowell Junkins  
 James E. Briles

Roger A. Halvorson  
 Donald D. Avenson  
 John H. Clark

*Service Committee*

Willard R. Hansen  
 John Murray  
 Robert Rush

William H. Harbor  
 Delwyn Stromer  
 Gregory D. Cusack

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## LEGISLATIVE FISCAL BUREAU

Name and Office	City from which originally chosen	Term Ending
Gerry D. Rankin, Director.....	Des Moines	Pleasure of the Legis. Council

## LEGISLATIVE SERVICE BUREAU

Serge H. Garrison, Director .....	Des Moines	
Burnette E. Koebnick, Senior Research Analyst.....	Des Moines	
Philip E. Burks, Senior Research Analyst.....	Des Moines	
Thane R. Johnson, Senior Research Analyst.....	Des Moines	Pleasure of the Legis. Council
Dorothy D. Clarke, Executive Secretary .....	Des Moines	
Marge Knudsen, Financial Secretary.....	Des Moines	
Jo Ann Brown, Legal Editor.....	Des Moines	
Jean Wyer, Senior Text Processor .....	Des Moines	

## LIBRARY COMMISSION, STATE

Ch. 303A

Ralph A. Dorner.....	Des Moines	June 30, 1983
Richard O. Shirk.....	Oelwein	June 30, 1981
Marie Wallinga.....	Sioux Center	June 30, 1982
Julia F. Falk.....	Shenandoah	June 30, 1980
William O'Brien (Supreme Court Administrator)		

## LIBRARY, LAW

James Gritton .....	Des Moines
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## LIBRARY, MEDICAL

Pamela Clark Rees .....	Des Moines
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## MEDICAL ASSISTANCE ADVISORY COUNCIL

§ 249A.4(8)

Don L. McGrath.....	Eagle Grove	June 30, 1980
Mary Ellen Evans.....	Davenport	June 30, 1980
Deidra Reilly.....	Dubuque	June 30, 1981
Cheryl Finley.....	Clarion	June 30, 1981

## MEDICAL EXAMINERS

Ch. 147

Cyrus L. Beye.....	Sioux City	June 30, 1982
Rosalie B. Neligh.....	Council Bluffs	June 30, 1980
John M. Rhodes.....	Pocahontas	June 30, 1980
Reid E. Motley, M.D.....	Cedar Rapids	June 30, 1981
Alexander Ervastian, M.D.....	Des Moines	June 30, 1980
Kenneth R. Carrell.....	Columbus Junction	June 30, 1982
Frederick V. Hetzler .....	Davenport	June 30, 1981
Sheila Sidles.....	Centerville	June 30, 1981
Joseph A. McCaffrey .....	Davenport	June 30, 1982

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## MENTAL HEALTH ADVISORY COUNCIL

§ 135.44

Name and Office	City from which originally chosen	Term Ending
Ruth A. Brandwein	Iowa City	June 30, 1982
Rev. David B. Stout	Des Moines	June 30, 1982
Richard J. Bealka, M.D.	Independence	June 30, 1980
Elwin Farwell, M.D.	Decorah	June 30, 1980
Vera V. French, M.D.	Bettendorf	June 30, 1980
Alfred Sump	Clarinda	June 30, 1980
Phyllis Christiansen	Grinnell	June 30, 1981
James F. Hassenfritz	Mt. Pleasant	June 30, 1981
Helen Henderson	West Des Moines	June 30, 1981
Don Perkins	Des Moines	June 30, 1981
VACANCY		

## MENTAL HYGIENE COMMITTEE

§ 225B.2

Dean Hackett	Des Moines	July 3, 1981
Bill Mote, O.D.	Davenport	July 3, 1982
Philip R. Hastings	Waterloo	July 3, 1981
Roy E. Warman	Ames	July 3, 1981
Charles W. Semke	Le Mars	June 30, 1980
Judy Dierenfield	Deep River	June 30, 1980
Edward Anderson	Cedar Rapids	June 30, 1980
Robert M. Powell	Mason City	June 30, 1980

## MERIT EMPLOYMENT COMMISSION

Ch. 19A

Donald Sutler	Pella	June 30, 1981
Alice A. McKee	Des Moines	June 30, 1981
Evelyn E. Labode	Des Moines	June 30, 1985
Joan D. Mitchell	Grinnell	June 30, 1985
Ivor W. Stanley	Cedar Rapids	June 30, 1983

## MIDWEST NUCLEAR BOARD

Ch. 8B

William E. Twaler	Iowa City
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## MISSISSIPPI PARKWAY PLANNING COMMISSION

Ch. 308

Charles B. Millham	Guttenberg	June 30, 1983
John McCormally	Burlington	June 30, 1979
Phyllis M. Perry	Columbus Junction	June 30, 1981
Ivan E. Dull	Dubuque	June 30, 1981
John P. Bickel	McGregor	June 30, 1981
John T. Coffield	Keokuk	June 30, 1981
George J. Koenigsaecker	Muscatine	June 30, 1981
Jack E. Whitaker	Davenport	June 30, 1981
Thomas Kerndt	Lansing	June 30, 1981
Bernard M. Jacobsen	Clinton	June 30, 1981

## MORTUARY SCIENCE EXAMINERS

Eugene J. Siegert	Dubuque	June 30, 1982
Donna P. Gabriel	Clinton	June 30, 1982
Idamae Brandenberg Fake	Denison	June 30, 1981
Gary Lee Sliefert	Storm Lake	June 30, 1981
Paul L. Chapman	Clarence	June 30, 1980



## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## NATURAL RESOURCES COUNCIL

§ 455A.4

Name and Office	City from which originally chosen	Term Ending
John P. Whitesell.....	Iowa Falls.....	June 30, 1981
Hugh A. Templeton.....	Knoxville.....	June 30, 1981
Carol Hough.....	Lamoni.....	June 30, 1985
Dale Awtry.....	Lake City.....	June 30, 1985
Victor Stuelander.....	Grand Mound.....	June 30, 1985
Joyce Repp.....	Minburn.....	June 30, 1983
Merwin D. Dougal.....	Ames.....	June 30, 1983
E. Eileen Heiden.....	Denison.....	June 30, 1981
Sandra A. Yates.....	Ottumwa.....	June 30, 1983

## NURSING, STATE BOARD

Ch. 147

Donna R. Heald.....	Mt. Pleasant.....	June 30, 1982
Barbara Ann Steen.....	Jesup.....	June 30, 1982
Ruth M. Turnis, R.N.....	Dubuque.....	June 30, 1981
Elizabeth Kinney.....	Waterloo.....	June 30, 1981
Mark Zimmerman.....	Cedar Rapids.....	June 30, 1981
Joann H. Erickson.....	Sioux City.....	June 30, 1980
Molly Scott.....	Spencer.....	June 30, 1980

## NURSING HOME ADMINISTRATORS, EXAMINERS

Ch. 135E

Phyllis J. Peters.....	Sioux City.....	June 30, 1982
Blaine L. Donaldson.....	Storm Lake.....	June 30, 1980
Elaine Hulseberg.....	Cedar Rapids.....	June 30, 1982
Sidney S. Vanderwoude.....	Coralville.....	June 30, 1981
Lester Beachy, M.D.....	Des Moines.....	June 30, 1982
Dwight E. Fry, R.Ph.....	Greenfield.....	June 30, 1980
Mary E. Heltsley.....	Ames.....	June 30, 1982
Lois M. Sherman.....	Cedar Falls.....	June 30, 1982
Richard F. Rabe, D.D.S.....	Des Moines.....	June 30, 1981

OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION

Ch. 88

I. John Rossi.....	West Des Moines.....	June 30, 1982
Patricia Cepican.....	Davenport.....	June 30, 1984
Herbert W. Randels.....	Des Moines.....	June 30, 1980

## OPTOMETRY EXAMINERS

Ch. 147

Larry D. DeCook.....	Newton.....	June 30, 1982
Robert F. Renfro.....	Sioux City.....	June 30, 1982
Martha H. Peck, O.D.....	Fort Madison.....	June 30, 1981
Ira M. Deal, O.D.....	Mt. Pleasant.....	June 30, 1981
Bertha J. Kirkwood.....	Ankeny.....	June 30, 1980
Earl M. Overholser.....	Shenandoah.....	June 30, 1980
Maria Garcia-May.....	Des Moines.....	June 30, 1981

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## PAROLE BOARD

Ch. 904

Name and Office	City from which originally chosen	Term Ending
Jacqueline Day.....	Des Moines.....	June 30, 1980
Jack H. Bedell.....	Spirit Lake.....	June 30, 1981
Silas S. Ewing.....	Des Moines.....	June 30, 1983
Walter L. Sauer.....	Oelwein.....	June 30, 1982
Virginia Harper.....	Fort Madison.....	June 30, 1984

## PHARMACY EXAMINERS

Ch. 147

Dennis D. Killion.....	Red Oak.....	June 30, 1982
Max W. Eggleston.....	Waverly.....	June 30, 1982
Angelo J. Palmer.....	Des Moines.....	June 30, 1980
Susan C. Lutz.....	Altoona.....	June 30, 1981
Vennetta M. Fiedler.....	Spencer.....	June 30, 1980
William E. Ewing.....	Oskaloosa.....	June 30, 1981
Robert E. Bellinger.....	Fort Dodge.....	June 30, 1981

## PHYSICAL FITNESS AND SPORTS COUNCIL

Dolph Pulliam.....	Des Moines	Pleasure of the Governor
Jane Ross.....	Glenwood	
Ralph H. Rieks.....	Iowa City	
Ceil Herbold.....	Mingo	
Gwendolyn D. Wiegmann.....	Anamosa	
Rod Farmer.....	Des Moines	
Donald R. Casady.....	Iowa City	
Betty A. Hoff.....	Decorah	
Donald V. Cox.....	Des Moines	
Enfred E. Linder, M.D.....	Ogden	
Robert W. Anderson.....	Des Moines	
Albert L. Lewis.....	Storm Lake	
Frank E. Morlan.....	Sheldon	
Dr. Paul C. Vance.....	Des Moines	
Monsignor J.E. Tolan.....	Humboldt	
E. Wayne Cooley.....	Des Moines	
Bernie Saggau.....	Boone	
Gary Thompson.....	Ames	
Chalmers W. Elliott.....	Iowa City	
Rodney A. Lein.....	Ankeny	
J. Stephen Knight.....	Des Moines	
W. Scott Wood.....	Des Moines	

## PHYSICAL THERAPY EXAMINERS

Ch. 147

Thomas A. Wheatley.....	Newton.....	June 30, 1980
Janet K. Dunn.....	Des Moines.....	June 30, 1982
Kristi Livingston.....	Lorimor.....	June 30, 1982
Deborah Green.....	Cedar Falls.....	June 30, 1981

## PODIATRY EXAMINERS

Ch. 147

Wilfred M. Spector, D.P.M.....	Iowa City.....	June 30, 1982
Ray J. Samuel, D.P.M.....	Marshalltown.....	June 30, 1981
Richard N. Lepird, D.P.M.....	Estherville.....	June 30, 1980
Margaret Hardin.....	Perry.....	June 30, 1982
Shirley A. Thompson.....	Keokuk.....	June 30, 1981

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## PRINTING DIVISION OF GENERAL SERVICES

Ch. 18, Div. II

Name and Office	City from which originally chosen	Term Ending
Vernon Lundquist .....	Superintendent	
Dennis Groe .....	Assistant Superintendent	

## PRIVACY TASK FORCE, CITIZENS'

Mike Crosser .....	Eldora	Pleasure of the Governor
Hanna Weston .....	Iowa City	
Herbert J. Strentz .....	Urbandale	
Thomas L. Beell .....	Ames	
Lionel Foster .....	Mason City	

## PSYCHOLOGY EXAMINERS

Ch. 147

Joan M. Jacob .....	Cedar Rapids	June 30, 1982
Herbert S. Roth .....	Des Moines	June 30, 1982
John W. Meene, Ph.D. ....	Cambridge	June 30, 1980
Kathryn C. Gerkin .....	Iowa City	June 30, 1981
Darrel Dierks .....	Cedar Falls	June 30, 1981
Joan McKean .....	Cedar Falls	June 30, 1981
M. Cecelia Johnson .....	Des Moines	June 30, 1980

## PHYSICIANS' ASSISTANT PROGRAMS

Thornton Bryan, M.D. ....	Iowa City	
John K. MacGregor, M.D. ....	Mason City	
Virginia Lawrence .....	Mason City	
Robert S. Eicher, M.D. ....	Ankeny	
Edward R. Lynn .....	Council Bluffs	
Elizabeth Burrows, M.D. ....	Des Moines	
Byron M. Merkel, M.D. ....	Des Moines	
Robert L. Gustafson, M.D. ....	Dallas Center	

## PLANNING AND PROGRAMMING

Robert F. Tyson (Director) .....	Ankeny	Pleasure of the Governor
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## PRESERVES, ADVISORY BOARD FOR

§ 111B.3

John D. Dodd .....	Ames	June 30, 1980
Daryl Smith .....	Cedar Falls	June 30, 1982
M. Gene Ulrich .....	Le Mars	June 30, 1982
Peter T. Harstad .....	Iowa City	June 30, 1981
Duane C. Anderson .....	Iowa City	June 30, 1981
Dorothy M. Baringer .....	West Des Moines	June 30, 1980

## PRIVATE INDUSTRY COUNCIL

J.G. Glasnapp .....	West Des Moines	Pleasure of the Governor
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## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## PRIVATE SCHOOL ADVISORY COMMITTEE

§ 257.30

Name and Office	City from which originally chosen	Term Ending
Merl E. Alons .....	Sioux Center .....	June 30, 1982
Larry Kromann .....	West Des Moines .....	June 30, 1982
Rev. Russell Bleich .....	Dubuque .....	June 30, 1982
Rev. Gerald A. Hartz .....	Fort Dodge .....	June 30, 1982
Sister Dolores McHugh .....	Des Moines .....	June 30, 1982

## PROFESSIONAL TEACHING PRACTICES COMMISSION

Jo Ann Burgess .....	Clear Lake .....	June 30, 1982
Barbara K. Smeltzer .....	Dubuque .....	June 30, 1981
Kenneth Lemke .....	Cedar Rapids .....	June 30, 1982
Dale W. Hackett .....	Anamosa .....	June 30, 1981
James A. Hoobler .....	Cedar Falls .....	June 30, 1982
Robert I. Glass .....	West Des Moines .....	June 30, 1981
Marilyn Williams .....	Creston .....	June 30, 1980
Richard Paulsen .....	Audubon .....	June 30, 1980
James E. Knott .....	Carroll .....	June 30, 1981

## PUBLIC EMPLOYMENT RELATIONS BOARD

Ch. 20

John Beamer .....	Des Moines .....	June 30, 1982
Vernon C. Cook .....	Des Moines .....	June 30, 1980
John R. Loihl .....	Des Moines .....	June 30, 1980
Peter L.J. Pashler, Executive Director		

## PUBLIC INSTRUCTION, STATE BOARD

Ch. 257

Susan M. Wilson .....	Waterloo .....	Jan. 2, 1982
John E. VanderLinden .....	Sibley .....	Jan. 2, 1982
Harold R. Yeoman .....	Monticello .....	Jan. 2, 1982
Jolly Ann Davidson .....	Clarinda .....	Jan. 2, 1980
Robert G. Koons .....	Clinton .....	Jan. 2, 1980
Virginia Harper .....	Fort Madison .....	Jan. 2, 1980
Karen K. Goodenow .....	Wall Lake .....	Jan. 1, 1984
William N. Cropp .....	Des Moines .....	Jan. 1, 1984
Cornelius Bodine, Jr. ....	Sioux City .....	Jan. 1, 1984

## PUBLIC PROGRAMS IN THE HUMANITIES

Albert M. Rockwell .....	Des Moines .....	June 30, 1980
Jo Ann L. Friedman .....	Des Moines .....	June 30, 1980

## PUBLIC SAFETY DEPARTMENT

Ch. 80

Charles Larson, Commissioner .....	Newton	Pleasure of the Governor
Robert G. Holetz, Deputy		
Theodore R. Boecker, Legal Counsel		

## REAL ESTATE COMMISSION

Ch. 117

John J. Pogge .....	Council Bluffs .....	June 30, 1982
Gracie M. Ruden .....	Le Mars .....	June 30, 1981
Julian C. Campbell .....	Bloomfield .....	June 30, 1980
Mildred E. Elliott .....	Mt. Ayr .....	June 30, 1982
Monroe Colston .....	Urbandale .....	June 30, 1981
C. R. Galvin, Director		

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## REGENTS, BOARD OF

Ch. 262

Name and Office	City from which originally chosen	Term Ending
Mary Louise Petersen.....	Harlan.....	June 30, 1981
Ray V. Bailey.....	Milford.....	June 30, 1981
Donald H. Shaw.....	Davenport.....	June 30, 1981
Ann Jorgensen.....	Garrison.....	June 30, 1985
S.J. Brownlee.....	Emmetsburg.....	June 30, 1985
Arthur A. Neu.....	Carroll.....	June 30, 1985
Constance Belin.....	Des Moines.....	June 30, 1983
Percy G. Harris.....	Cedar Rapids.....	June 30, 1983
Peter J. Wenstrand.....	Essex.....	June 30, 1983
R. Wayne Richey, Executive Secretary		
Robert J. Barak, Director of Research		

## REVENUE DIRECTOR

§ 421.2

Gerald D. Bair.....	Norwalk.....	Pleasure of the Governor
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## RURAL COMMUNITY DEVELOPMENT COMMITTEE

Sidney Neal Davis.....	Garnavillo.....	June 30, 1980
Evelyn Birkby.....	Sidney.....	June 30, 1984
James E. Lindsay.....	Ida Grove.....	June 30, 1980
M. Jo Neal.....	Marble Rock.....	June 30, 1982
Patricia Ann Renaud.....	Bondurant.....	June 30, 1982
Clayton L. Ringgenberg.....	Iowa City.....	June 30, 1984
Richard Dale Singleton.....	Conesville.....	June 30, 1980

## SALARY REVIEW COMMISSION

Howard Hill.....	Minburn.....	June 30, 1981
Donald L. Arnold.....	Des Moines.....	June 30, 1980
Donald Rowen.....	Des Moines.....	June 30, 1984
Robert Newberg.....	West Des Moines.....	June 30, 1982
Don Briggs.....	West Des Moines.....	June 30, 1983

## SCHOOL BUDGET REVIEW COMMITTEE

§ 442.12

Judy Thoneson.....	Algona.....	June 30, 1979
Keith L. Vetter.....	Washington.....	June 30, 1981
Norman G. Lipsky.....	Cedar Rapids.....	June 30, 1980

## SCIENCE ADVISORY COUNCIL

Stanley Grant.....	Iowa City.....	
Roger Bachmann.....	Ames.....	Apr. 21, 1981
Clyde M. Berry.....	Iowa City.....	Apr. 21, 1981
Richard V. Bovbjerg.....	Iowa City.....	Apr. 21, 1981
William L. Brown.....	Des Moines.....	Apr. 21, 1981
Kenneth A. Christiansen.....	Grinnell.....	Apr. 21, 1981
Kenneth F. Clark.....	Iowa City.....	Apr. 21, 1981
Robert S. Hansen.....	Ames.....	Apr. 21, 1981
David Hodgins.....	Cedar Rapids.....	Apr. 21, 1981
Keith R. Long.....	Iowa City.....	Apr. 21, 1981
Virendra C. Patel.....	Iowa City.....	Apr. 21, 1981
David T. Nelson.....	Decorah.....	Apr. 21, 1981
Richard A. Van Deusen.....	Ames.....	Apr. 21, 1981

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## SHORTHAND REPORTERS BOARD OF EXAMINERS

Ch. 115

Name and Office	City from which originally chosen	Term Ending
William L. Fairbank .....	Des Moines .....	June 30, 1982
Shirley Lischer .....	Creston .....	June 30, 1981
Harriet E. Nielsen .....	Ida Grove .....	June 30, 1980
Floyd L. Pinder .....	Des Moines .....	June 30, 1981
Darold F. Westphal .....	Iowa City .....	June 30, 1982

## SOCIAL SERVICES DEPARTMENT

§ 217.2

Madalene R. Townsend .....	Davenport .....	June 30, 1985
Joan Lipsky .....	Cedar Rapids .....	June 30, 1985
Dolph Pulliam .....	Des Moines .....	June 30, 1981
Gracie R. Larsen .....	Ames .....	June 30, 1983
F.W. Robbins .....	Waverly .....	June 30, 1983
Catherine Williams, Acting Director		Pleasure of the Governor

## SOIL CONSERVATION COMMITTEE

Ch. 467A

Carroll J. Hobson .....	Eldora .....	June 30, 1981
Kenneth Kassel .....	Ayrshire .....	June 30, 1981
Clifford Stille .....	Clarinda .....	June 30, 1985
Walter Hagen .....	WATERVILLE .....	June 30, 1985
Virginia F. Streigle .....	What Cheer .....	June 30, 1983
Tom Kenny .....	Akron .....	June 30, 1983
Stanley Isaacson .....	Des Moines .....	June 30, 1985
Louise Moon .....	Des Moines .....	June 30, 1981

## SPANISH-SPEAKING PEOPLE'S COMMISSION

Ch. 16

Juan J. Cadena .....	Muscatine .....	June 30, 1981
Angel Gigaroa .....	Sioux City .....	June 30, 1981
Sister Irene Munoz .....	Muscatine .....	June 30, 1981
Ila R. Plasencia .....	West Des Moines .....	June 30, 1981
Ernesto Rodriquez .....	Davenport .....	June 30, 1981
John D. Tucker .....	Muscatine .....	June 30, 1981
Herbert Becerra .....	Council Bluffs .....	June 30, 1981
Virginia Correa-Jones .....	Ames .....	June 30, 1981
Alfredo Benavioes .....	Iowa City .....	June 30, 1981

## SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS

Frances P. Langdon .....	Jefferson .....	June 30, 1981
Niel Ver Hoef .....	Des Moines .....	June 30, 1980
Kenneth C. Hawes .....	Rockford .....	June 30, 1982
Donald R. White .....	Davenport .....	June 30, 1981
John Scherrman .....	Sioux City .....	June 30, 1982
Marvin Pekny .....	Council Bluffs .....	June 30, 1980
Julia Shirk .....	Des Moines .....	June 30, 1982

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## STATE RECORDS COMMISSION

Name and Office	City from which originally chosen	Term Ending
Melvin D. Synhorst, Des Moines, Secretary of State		
Jack Musgrove, Des Moines, Director, Historical Museum		
Maurice E. Baringer, West Des Moines, Treasurer		
Roland Mosher, Des Moines, State Comptroller		
William O'Brien, Des Moines, Supreme Court Administrator		
Richard D. Johnson, State Auditor		
Stanley L. McCausland, Des Moines, Director		

## SUBSTANCE ABUSE DEPARTMENT

Gary P. Riedmann (Director)	Ankeny	Dec. 31, 1981
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## SUBSTANCE ABUSE ADVISORY COUNCIL

Todd Beveridge	Knoxville	June 30, 1981
Kay Dull	Le Mars	June 30, 1981
Calvin R. Longhibler	Council Bluffs	June 30, 1981
Muriel Weir	Davenport	June 30, 1981
Tom Ferris	Des Moines	June 30, 1980
Harrison Fisch	Pringhar	June 30, 1980
George M. Strayer	Hudson	June 30, 1980
Gwendolyn Fowler	Des Moines	June 30, 1980
Jaqueline Naylor		June 30, 1981

## SUBSTANCE ABUSE, COMMISSION ON

Richard R. Whittlesey	Bettendorf	June 30, 1983
Marilyn Murphy	Sioux City	June 30, 1981
William N. Plymat	Urbandale	June 30, 1981
Joseph B. Mackrill	Forest City	June 30, 1983
Ruth Anderson	Waterloo	June 30, 1981
Frank J. Delaney	Burlington	June 30, 1981
Frank T. Harrison	West Des Moines	June 30, 1983
Carole Harder	Keystone	June 30, 1981
Dallas O. Minchin	Council Bluffs	June 30, 1983

## SUPREME COURT ADMINISTRATOR

Ch. 684

William O'Brien	Court Administrator	Pleasure of the Supreme Court
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SUPREME COURT ADVISORY COMMITTEE  
ON RULES OF CIVIL PROCEDURE

Eugene Davis, Chairman	Des Moines	July 1, 1981
Francis Fitzgibbons	Estherville	July 1, 1981
Judge Thomas E. Tucker	Ft. Madison	July 1, 1982
Robert C. Tilden	Cedar Rapids	July 1, 1981
Philip Willson	Council Bluffs	July 1, 1981
John Greer	Spencer	July 1, 1980
Robert Waterman	Bettendorf	July 1, 1980
William C. Fuerste	Dubuque	July 1, 1981
Henry Harmon	Cedar Rapids	July 1, 1980
Lee Blum	Hampton	July 1, 1982
Ross Sidney	Des Moines	July 1, 1979

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

SUPREME COURT ADVISORY COMMITTEE ON RULES OF  
CRIMINAL PROCEDURE

Name and Office	City from which originally chosen	Term Ending
John R. Sandre, Chairman.....	Des Moines.....	July 1, 1981
James L. Kramer.....	Fort Dodge.....	July 1, 1981
Patrick C. McCormick.....	Sioux City.....	July 1, 1981
Judge James P. Denato.....	Des Moines.....	July 1, 1980
David Dutton.....	Waterloo.....	July 1, 1980
Jerald W. Kinnamon.....	Cedar Rapids.....	July 1, 1980
Anna I. Shinkle.....	Des Moines.....	July 1, 1982
Kermit Dunahoo.....	Des Moines.....	July 1, 1982
Thomas M. Walter.....	Ottumwa.....	July 1, 1982

SUPREME COURT ADVISORY COMMITTEE ON RULES OF  
JUVENILE JUSTICE

Daniel Bray, Chairman.....	Iowa City.....	July 1, 1982
Jeffery C. Corzatt.....	Toledo.....	July 1, 1982
Judge Brent G. Harstad.....	Cedar Rapids.....	July 1, 1982
Philip B. Hill.....	Des Moines.....	July 1, 1980
Christopher F. O'Donohoe.....	New Hampton.....	July 1, 1980
L. Vern Robinson.....	Iowa City.....	July 1, 1980
Rosemary Shaw Sackett.....	Spencer.....	July 1, 1981
James F. Smith.....	Charles City.....	July 1, 1981
Judge Richard A. Strickler.....	Des Moines.....	July 1, 1981

## SUPREME COURT ETHICS COMMITTEE

*Senate*

John L. Mowry.....	Marshalltown
Nolden Gentry.....	Des Moines

*House*

Claire F. Carlson.....	Fort Dodge
Robert E. Conley.....	Des Moines

## SUPREME COURT RESEARCH

Emil Trott, Jr., Director.....	Pleasure of the Supreme Court
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## SURPLUS PROPERTY DIVISION

Thomas L. Roller, Director.....	Des Moines
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## TAX REVIEW BOARD

## § 421.1

William G. Murray.....	Ames.....	June 30, 1981
Steven H. Jacobs.....	Davenport.....	June 30, 1985
Cyril Ann Maudelbaum.....	Des Moines.....	June 30, 1983

## TERRACE HILL AUTHORITY

Adrian D. Anderson.....	Iowa City.....	June 30, 1980
Margaret N. Keyes.....	Iowa City.....	June 30, 1981
Richard H. Thomas.....	Mt. Vernon.....	June 30, 1980
Robert A. Schoeller.....	Des Moines.....	June 30, 1982
Billie Ray.....	Des Moines.....	June 30, 1982
Robert T. Bates.....	Albia.....	June 30, 1982
Maurice Baringer.....	West Des Moines.....	June 30, 1981
John R. Fitzgibbons.....	Des Moines.....	June 30, 1981



## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## TRANSPORTATION, DEPARTMENT OF

§ 307.3

Name and Office	City from which originally chosen	Term Ending
William F. McGrath .....	Melrose .....	June 30, 1980
Barbara J. Dunn .....	Des Moines .....	June 30, 1980
C. Roger Fair .....	Davenport .....	June 30, 1983
Bruce H. Van Druff .....	Red Oak .....	June 30, 1982
Robert R. Rigler .....	New Hampton .....	June 30, 1982
Donald K. Gardner .....	Cedar Rapids .....	June 30, 1981
Jules M. Busker .....	Sioux City .....	June 30, 1981

## TRANSPORTATION REGULATION BOARD

§ 307.15

Karen A. Bellis .....	Des Moines .....	June 30, 1979
Conrad A. Amend .....	Des Moines .....	June 30, 1981
Jack W. Linge .....	Des Moines .....	June 30, 1983

## UNIFORM STATE LAWS

Ch. 5

Allan D. Vestal .....	Iowa City .....	June 30, 1980
William C. Ball .....	Waterloo .....	June 30, 1980

## UNITED NATIONS DAY COMMITTEE

George R. Poage .....	Cedar Falls
Dorothy Schramm .....	Burlington

## VEHICLE DISPATCHER

Ch. 18, Div. IV

Milford L. Juhl .....	Boone	Pleasure of General Services Administration
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## VETERANS AFFAIRS

Warren Allbaugh .....	Des Moines .....	June 30, 1984
Lloyd G. Fosse .....	Cedar Falls .....	June 30, 1980
Buford Phillips .....	Des Moines .....	June 30, 1980
Rosa Cunningham .....	Des Moines .....	June 30, 1982
Kenneth D. Seemann .....	Woodward .....	June 30, 1982

## VETERINARY MEDICAL EXAMINERS

§ 169.5

Samuel D. Linn .....	Humboldt .....	June 30, 1982
Sally B. Prickett, D.V.M. ....	Norwalk .....	June 30, 1981
Joseph A. Graham, Jr. ....	Milo .....	June 30, 1980
Jim Meyer .....	Odebolt .....	June 30, 1981
Cathy Sue Kelly .....	West Des Moines .....	June 30, 1982

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## VOCATIONAL EDUCATION ADVISORY COUNCIL

§ 258.7

Name and Office	City from which originally chosen	Term Ending
Donna Keppy.....	Wilton.....	Sept. 30, 1980
Dr. Orville Frazier.....	Harlan.....	Sept. 30, 1980
Evelyn Roth.....	Sumner.....	Sept. 30, 1980
Henry E. Merkel.....	Des Moines.....	Sept. 30, 1980
Sister Mary Lenz.....	Sioux City.....	Sept. 30, 1982
Graciela Page.....	Muscatine.....	Sept. 30, 1982
W. Ray Richardson.....	Waterloo.....	Sept. 30, 1982
Mary A. Mixdorf.....	Iowa City.....	Sept. 30, 1981
Sandra L. Melvin.....	Burlington.....	Sept. 30, 1981
John P. Kibbie.....	Emmetsburg.....	Sept. 30, 1981
Don C. Lantz.....	Stanton.....	Sept. 30, 1981
Mary E. Sherer.....	Urbandale.....	Sept. 30, 1981
Elmer Sovern, Jr.....	Albia.....	Sept. 30, 1981
Frances Melvoid.....	Maquoketa.....	Sept. 30, 1981
Dennis Fetters.....	Carlisle.....	Sept. 30, 1981

## VOLUNTEER ADVISORY COUNCIL

Dorothea Sidney.....	Des Moines.....	June 30, 1980
Roy Follett.....	Des Moines.....	June 30, 1980
Willard L. Boyd.....	Iowa City.....	June 30, 1980
Carolyn Farrel.....	Dubuque.....	June 30, 1981
Dorothy Balfanz-Teas.....	Mason City.....	June 30, 1980
Roy Park.....	Ames.....	June 30, 1981
Lawrence Bryant.....	Waterloo.....	June 30, 1981
Marguerite Cothorn.....	Des Moines.....	June 30, 1980

## VOTER REGISTRATION COMMISSION

John Law.....	Des Moines
Lloyd Magee.....	Des Moines
Louise Whitcome.....	Des Moines
Dale L. Nelson, State Registrar.....	Des Moines

VOTING MACHINES AND ELECTRONIC VOTING  
SYSTEMS EXAMINERS

§ 52.4

Curtis Mineart.....	Oskaloosa.....	Feb. 3, 1984
Ralph De Cook.....	Pella.....	Feb. 3, 1984
Lois Schnoor.....	Maquoketa.....	Feb. 3, 1984

## WATCHMAKING EXAMINERS

§ 120.3

Irvin H. Palm.....	Red Oak.....	June 30, 1982
Howard Wilshire, Jr.....	New Hampton.....	June 30, 1982
James R. Van Denover.....	Oelwein.....	June 30, 1980
Karlton Lane Kunath.....	Spencer.....	June 30, 1981
James W. Peterson.....	Washington.....	June 30, 1981
Marian R. Haaf.....	Waterloo.....	June 30, 1980
Sidney E. Wilcox.....	Missouri Valley.....	June 30, 1981

## APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS—Continued

## WOMEN, STATUS OF

Ch. 601

Name and Office	City from which originally chosen	Term Ending
Philip Hill.....	Des Moines.....	June 30, 1982
Edward M. Anson.....	Sioux City.....	June 30, 1980
Carolyn Hannan.....	Council Bluffs.....	June 30, 1980
Mildred I. Freel.....	Iowa City.....	June 30, 1982
Frances Calhoon.....	Huxley.....	June 30, 1982
David E. Scott.....	Des Moines.....	June 30, 1982
Joan Poe.....	Cedar Falls.....	June 30, 1982
Sandra Williams.....	Davenport.....	June 30, 1982
Eunice Kuyper.....	Knoxville.....	June 30, 1980
Patricia Geadelmann.....	Cedar Falls.....	June 30, 1980
Mary Jean Montgomery.....	Spencer.....	June 30, 1980
Edith Sackett.....	Spencer.....	June 30, 1980
Rev. Mary Peterson.....	Shelby.....	June 30, 1980
Kathleen M. Green.....	Lawton.....	June 30, 1980
Margaret S. Anderson.....	Bettendorf.....	June 30, 1980
Rosa Lucia Howell.....	Des Moines.....	June 30, 1980
Glenna H. Johnson.....	Ottumwa.....	June 30, 1982
Mary Winslow.....	Des Moines.....	June 30, 1982
Esther Strothers.....	Mount Vernon.....	June 30, 1982
Iris Muchmore.....	Cedar Rapids.....	June 30, 1982
Clinton P. Davis III.....	Des Moines.....	June 30, 1982
Shirley G. Steele.....	Des Moines.....	June 30, 1980
Rosa Cunningham.....	Des Moines.....	June 30, 1980
Kristelle L. Petersen.....	Des Moines.....	June 30, 1982

JUDICIAL DEPARTMENT

JUDICIAL DEPARTMENT  
JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

<u>Name</u>	<u>Office Address</u>	<u>Term Ending</u>
Clay LeGrand .....	Davenport .....	Dec. 31, 1984
Warren J. Rees .....	Anamosa .....	Dec. 31, 1986
Harvey Uhlenhopp .....	Hampton .....	Dec. 31, 1980
W. Ward Reynoldson, Chief Justice .....	Osceola .....	Dec. 31, 1980
K. David Harris .....	Jefferson .....	Dec. 31, 1982
Mark McCormick .....	Des Moines .....	Dec. 31, 1982
Robert G. Allbee .....	Des Moines .....	Dec. 31, 1980
A. A. McGiverin .....	Ottumwa .....	Dec. 31, 1980
Jerry L. Larson .....	Harlan .....	Dec. 31, 1980

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Allen L. Donielson .....	Des Moines .....	Dec. 31, 1983
Bruce M. Snell, Jr. ....	Ida Grove .....	Dec. 31, 1984
Leo E. Oxberger .....	Des Moines .....	Dec. 31, 1983
James H. Carter .....	Cedar Rapids .....	Dec. 31, 1982
Janet Johnson .....	Des Moines .....	Dec. 31, 1980

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

*Election District 1A*

Thomas H. Nelson .....	Dubuque .....	Dec. 31, 1984
Joseph C. Keefe .....	Decorah .....	Dec. 31, 1984
Karl Kenline .....	Dubuque .....	Dec. 31, 1980
L. John Degnan .....	Guttenberg .....	Dec. 31, 1982

*Election District 1B*

Peter Van Metre .....	Waterloo .....	June 30, 1983
Carroll E. Engelkes .....	Waterloo .....	June 30, 1983
Roger F. Peterson .....	Waterloo .....	Dec. 31, 1980
Charles W. Antes, C. J. ....	West Union .....	Dec. 31, 1980
Dennis D. Damsgaard .....	Waterloo .....	Dec. 31, 1980
Frank D. Elwood .....	Cresco .....	Dec. 31, 1980
Leonard D. Lybbert .....	Waterloo .....	Dec. 31, 1982
William G. Klotzbach .....	Independence .....	Dec. 31, 1984

*Election District 2A*

John F. Stone .....	Mason City .....	Dec. 31, 1984
B. C. Sullivan .....	Rockford .....	Dec. 31, 1984
Jack W. Frye .....	Charles City .....	Dec. 31, 1980
Ray E. Clough .....	Mason City .....	Dec. 31, 1980
Ralph F. McCartney .....	Charles City .....	Dec. 31, 1980

*Election District 2B*

Paul E. Hellwege .....	Boone .....	Dec. 31, 1984
Edward J. Flattery, C. J. ....	Fort Dodge .....	Dec. 31, 1984
Newt Draheim, Jr. ....	Clarion .....	Dec. 31, 1984
James C. Smith .....	Carroll .....	Dec. 31, 1980
George G. Fagg .....	Marshalltown .....	Dec. 31, 1980
Russell J. Hill .....	Webster City .....	Dec. 31, 1980
Robert K. Richardson .....	Jefferson .....	Dec. 31, 1980
Albert L. Habhab .....	Fort Dodge .....	Dec. 31, 1982
Milton D. Seiser .....	Ames .....	Dec. 31, 1984
David R. Hansen .....	Eldora .....	Dec. 31, 1984

*Election District 3A*

Richard W. Cooper .....	Storm Lake .....	June 30, 1983
Murray S. Underwood .....	Spencer .....	Dec. 31, 1980
James H. Andreasen .....	Algona .....	Dec. 31, 1982
Tom Hamilton .....	Hartley .....	Dec. 31, 1984
Charles H. Barlow .....	Emmetsburg .....	Dec. 31, 1984

## JUDICIAL DEPARTMENT—Continued

*Election District 3B*

Lawrence W. McCormick.....	Sioux City.....	June 30, 1983
James P. Kelley, C. J. ....	LeMars.....	Dec. 31, 1982
Donald M. Pendleton.....	Sioux City.....	Dec. 31, 1984
George F. Davis.....	Sioux City.....	Dec. 31, 1982
David J. Blair.....	Sioux City.....	Dec. 31, 1984

*Election District 4*

Leroy H. Johnson.....	Red Oak.....	June 30, 1983
Harold L. Martin.....	Hamburg.....	Dec. 31, 1980
Paul H. Sulhoff, C. J. ....	Council Bluffs.....	Dec. 31, 1982
Ernest F. Hanson.....	Audubon.....	Dec. 31, 1982
Leo F. Connolly.....	Council Bluffs.....	Dec. 31, 1984
Keith E. Burgett.....	Oakland.....	Dec. 31, 1980

*Election District 5A*

Gibson C. Holliday, C. J. ....	Des Moines.....	June 30, 1983
Maurice C. Herrick.....	Indianola.....	Dec. 31, 1984
John N. Hughes, Jr. ....	Des Moines.....	Dec. 31, 1984
Harry Perkins, Jr. ....	Des Moines.....	Dec. 31, 1984
Dale S. Missildine.....	Des Moines.....	Dec. 31, 1984
Robert O. Frederick.....	Winterset.....	Dec. 31, 1980
James P. Denato.....	Des Moines.....	Dec. 31, 1980
A. B. Crouch.....	Des Moines.....	Dec. 31, 1982
Van Wifvat.....	Perry.....	Dec. 31, 1984
Anthony M. Critelli.....	Des Moines.....	Dec. 31, 1980
Maynard Hayden.....	Indianola.....	Dec. 31, 1980
Ray Hanrahan.....	Des Moines.....	Dec. 31, 1984
Luther T. Glanton.....	Des Moines.....	Dec. 31, 1984
Theodore H. Miller.....	Des Moines.....	Dec. 31, 1984
Richard A. Strickler.....	Des Moines.....	Dec. 31, 1984
Ray C. Fenton.....	Des Moines.....	Dec. 31, 1984
Louis A. Lavorato.....	Des Moines.....	Dec. 31, 1980

*Election District 5B*

A. V. Hass.....	Chariton.....	Dec. 31, 1984
Thomas S. Bown.....	Corydon.....	Dec. 31, 1984
James E. Hughes.....	Lenox.....	Dec. 31, 1984

*Election District 6*

William R. Eads.....	Cedar Rapids.....	Dec. 31, 1982
Ansel J. Chapman, Acting C. J. ....	Iowa City.....	Dec. 31, 1982
Robert Osmundson.....	Iowa City.....	Dec. 31, 1984
Clinton E. Shaeffer.....	Cedar Rapids.....	Dec. 31, 1984
John L. Hyland.....	Toledo.....	Dec. 31, 1984
Louis W. Schultz.....	Marengo.....	Dec. 31, 1980
A. Frederick Honsell, Jr. ....	Cedar Rapids.....	Dec. 31, 1980
Robert E. Ford.....	Cedar Rapids.....	Dec. 31, 1984
Harold Swailes.....	Belle Plaine.....	Dec. 31, 1984

*Election District 7*

Nathan Grant, C. J. ....	Davenport.....	June 30, 1983
Lowell D. Phelps.....	Davenport.....	Dec. 31, 1982
Robert K. Stohr.....	Muscatine.....	Dec. 31, 1984
James R. Havercamp.....	Davenport.....	Dec. 31, 1980
Max R. Werling.....	Tipton.....	Dec. 31, 1980
Charles H. Pelton.....	Clinton.....	Dec. 31, 1982
Lawrence D. Carstensen.....	Clinton.....	Dec. 31, 1982
Margaret S. Briles.....	Davenport.....	Dec. 31, 1984
J. Hobart Darbyshire.....	Davenport.....	Dec. 31, 1980

*Election District 8A*

Charles N. Pettit.....	Bloomfield.....	June 30, 1983
Ira Morrison.....	Washington.....	Dec. 31, 1984
Phillip R. Collett, C. J. ....	Ottumwa.....	Dec. 31, 1984
Dick Schlegel.....	Ottumwa.....	Dec. 31, 1980
Richard J. Vogel.....	Grinnell.....	Dec. 31, 1980
James D. Jenkins.....	Albia.....	Dec. 31, 1980

*Election District 8B*

William S. Cahill.....	Burlington.....	Dec. 31, 1980
Harlan W. Bainter.....	Mt. Pleasant.....	Dec. 31, 1984
David B. Hendrickson.....	Keokuk.....	Dec. 31, 1980
Thomas E. Tucker.....	Fort Madison.....	Dec. 31, 1984

## JUDICIAL DEPARTMENT—Continued

## DISTRICT ASSOCIATE JUDGES

Name	City and County	Term Expires
Gary J. Snyder.....	Burlington, Des Moines.....	Dec. 31, 1982
Forest E. Eastman.....	Cedar Falls, Black Hawk.....	Dec. 31, 1982
Lynne E. Brady.....	Cedar Rapids, Linn.....	Dec. 31, 1982
John F. Siebenmann.....	Cedar Rapids, Linn.....	Dec. 31, 1982
Ross F. Caniglia.....	Council Bluffs, Pottawattamie.....	Dec. 31, 1982
Jack F. Broderick.....	Davenport, Scott.....	Dec. 31, 1982
Don Petrucelli.....	Davenport, Scott.....	Dec. 31, 1982
Phillip T. Steffen, Jr.....	Davenport, Scott.....	Dec. 31, 1982
Norman D. Elliott.....	Des Moines, Polk.....	Dec. 31, 1982
Thomas A. Renda.....	Des Moines, Polk.....	Dec. 31, 1982
Grand D. Gilloon, Jr.....	Dubuque, Dubuque.....	Dec. 31, 1982
Jack L. Burns.....	Muscatine, Muscatine.....	Dec. 31, 1982
John M. Fachman.....	Sioux City, Woodbury.....	Dec. 31, 1982

## JUDICIAL DEPARTMENT—Continued

## IOWA JUDICIAL MAGISTRATES

(Full-time)

Leslie L. Boomhower Judicial Magistrate R.R. 4 Mason City, IA 50401	George L. Stigler Judicial Magistrate Waterloo City Hall Waterloo, IA 50703
Vincent M. Hanrahan Judicial Magistrate East 1st & Court Des Moines, IA 50309	Joseph Thornton Judicial Magistrate 2400 Tudor Drive Iowa City, IA 52240
Joel J. Kamp Judicial Magistrate Courthouse Fort Madison, IA 52627	Francis E. Tierney Judicial Magistrate Courthouse Fort Dodge, IA 50501
Matthew McEniry Judicial Magistrate 5th & Mulberry Des Moines, IA 50309	Arlen J. Van Zee Judicial Magistrate Courthouse Clinton, IA 52732
Dan R. McTaggart Judicial Magistrate Courthouse Council Bluffs, IA 51501	Rodney D. Vellinga Judicial Magistrate Municipal Building Sioux City, IA 51103
Albert C. Omer Judicial Magistrate Courthouse Newton, IA 50208	Robert E. Mahan Judicial Magistrate Courthouse Waterloo, IA 50703
Alan L. Pearson Judicial Magistrate Courthouse Dubuque, IA 52001	Thomas Lee Koehler Judicial Magistrate First Avenue Bridge Cedar Rapids, IA 52401
Max H. Ruschmeyer Judicial Magistrate Courthouse Ottumwa, IA 52501	Carl D. Baker Judicial Magistrate Courthouse Marshalltown, IA 50158
Glenn C. Sedgwick Judicial Magistrate 2037 Ferndale Avenue Ames, IA 50010	

JUDICIAL DEPARTMENT—Continued

SUBSTITUTE FULL TIME MAGISTRATES

DICKINSON

Hon. Cameron B. Arnold  
Judicial Magistrate  
Box ON, Courthouse  
Spirit Lake, IA 51360

DES MOINES

Hon. Thomas R. Brown  
Judicial Magistrate  
Box 954  
Burlington, IA 52601

LINN

Hon. Brent G. Harstad  
Judicial Magistrate  
305 2nd Avenue, SE  
Cedar Rapids, IA 52401

POLK

Hon. Louis A. Anania  
Judicial Magistrate  
211 E. Edison  
Des Moines, IA 50315  
Hon. I. Joel Pasternak  
Judicial Magistrate  
East 1st & Court  
Des Moines, IA 50309

POTTAWATTAMIE

Hon. Gordon Abel  
Judicial Magistrate  
227 S. 6th Street  
Council Bluffs, IA 51501

STORY

Hon. Gordon Young  
Judicial Magistrate  
Courthouse  
Nevada, IA 50201

WARREN

Hon. John P. Crouch  
Judicial Magistrate  
207 W. 1st Avenue  
Indianola, IA 50125

WOODBURY

Hon. William E. Adams  
Judicial Magistrate  
Municipal Building  
Sioux City, IA 51101

IOWA JUDICIAL MAGISTRATES

(Part-time)

Listed by County

*Adair*

Hon. Martin L. Fisher  
Judicial Magistrate  
306 Audubon  
Adair, IA 50002

*Adams*

Hon. Joe Jones  
Judicial Magistrate  
700 - 10th Street  
Corning, IA 50841

*Allamakee*

Hon. Alan J. Drolet  
Judicial Magistrate  
P.O. Box 23  
Waukon, IA 52172

*Appanoose*

Hon. James E. Brunt  
Judicial Magistrate  
Monitor Village  
Centerville, IA 52544  
Hon. Warren H. McQuary  
Judicial Magistrate  
801 W. Wall Street  
Centerville, IA 52544

*Audubon*

Hon. Joseph M. Sklenar  
Judicial Magistrate  
324 Washington  
Audubon, IA 50025

*Benton*

Hon. Wendell T. Edwards  
Judicial Magistrate  
P.O. Box 86  
Vinton, IA 52349  
Hon. David E. Happel  
Judicial Magistrate  
201 E. 4th Street  
Vinton, Ia 52349



JUDICIAL DEPARTMENT—Continued

*Black Hawk*

- Hon. Sally B. McLendon  
Judicial Magistrate  
907 Meadow Lane  
Waterloo, IA 50702
- Hon. Howard Nicholson  
Judicial Magistrate  
112 Prospect Circle  
Waterloo, IA 50701
- Hon. Gordon C. Richards  
Judicial Magistrate  
1613 Bertch Avenue  
Waterloo, IA 50702
- Hon. Forrest J. Shaulis  
Judicial Magistrate  
4211 Crestview Drive  
Cedar Falls, IA 50613
- Hon. Regena Lindeman  
Judicial Magistrate  
Courthouse  
Waterloo, IA 50703

*Boone*

- Hon. Stanley R. Simpson  
Judicial Magistrate  
P.O. Box 217  
Ogden, IA 50212
- Hon. Lee R. Johnson  
Judicial Magistrate  
218 W. Walnut  
Ogden, IA 50212

*Bremer*

- Hon. James L. Brandau  
Judicial Magistrate  
308 - 5th Avenue, NW  
Waverly, IA 50677
- Hon. Raymond L. Fredrick  
Judicial Magistrate  
R.R. 2  
Waverly, IA 50677

*Buchanan*

- Hon. John D. Hunt  
Judicial Magistrate  
210 - 5th Avenue, NE  
Independence, IA 50644
- Hon. Franklin W. Sauer  
Judicial Magistrate  
317 First Street, E  
Independence, IA 50644

*Buena Vista*

- Hon. James W. Gailey  
Judicial Magistrate  
P.O. Box 343  
Newell, IA 50568
- Hon. James A. Schall  
Judicial Magistrate  
5th & Cayuga Streets  
Storm Lake, IA 50588

*Butler*

- Hon. William Nolte  
Judicial Magistrate  
RR  
Dumont, IA 50625
- Hon. Richard W. Vickers  
Judicial Magistrate  
215 W. Traer Street  
Greene, IA 50636

*Calhoun*

- Hon. Robert E. Taylor  
Judicial Magistrate  
752 Richmond  
Rockwell City, IA 50579

*Carroll*

- Hon. Raymond O. Snook  
Judicial Magistrate  
Glidden, IA 51443
- Hon. Ronald F. Eich  
Judicial Magistrate  
815 N. Main Street  
Carroll, IA 51401

*Cass*

- Hon. Shirley Lawton  
Judicial Magistrate  
Courthouse  
Atlantic, IA 50022
- Hon. Robert L. Turner  
Judicial Magistrate  
1501 E. 7th  
Atlantic, IA 50022

*Cedar*

- Hon. Robert Stenander  
Judicial Magistrate  
Tipton, IA 52772
- Hon. Roger D. Freese  
Judicial Magistrate  
Clarence, IA 52216

*Cerro Gordo*

- Hon. James R. Axt  
Judicial Magistrate  
203 Main Ave, Box 47  
Clear Lake, IA 50428
- Hon. John R. Cherry  
Judicial Magistrate  
R. 1, Dodges Point Beach  
Clear Lake, IA 50428
- Hon. Roland P. McGee  
Judicial Magistrate  
Courthouse  
Mason City, IA 50401

## JUDICIAL DEPARTMENT—Continued

*Cherokee*

Hon. Woodrow Terry  
Judicial Magistrate  
432 E. Spruce Street  
Cherokee, IA 51012

Hon. Donavon D. Schaefer  
Judicial Magistrate  
Courthouse  
Cherokee, IA 51012

*Chickasaw*

Hon. Kathleen R. Seamans  
Judicial Magistrate  
Fredericksburg, IA 50630

Hon. James M. Demro  
Judicial Magistrate  
Box 325  
Nashua, IA 50658

*Clarke*

Hon. John E. Hansen  
Judicial Magistrate  
Courthouse  
Osceola, IA 50213

Hon. Edith L. Kearney  
Judicial Magistrate  
Osceola, IA 50213

*Clay*

Hon. Clare C. Wheeler  
Judicial Magistrate  
115 - 4th Avenue, W  
Spencer, IA 51301

Hon. Philip L. Hurst  
Judicial Magistrate  
Courthouse  
Spencer, IA 51301

*Clayton*

Hon. Ben J. O'Meara  
Judicial Magistrate  
709 - 1st, NW  
Elkader, IA 52043

Hon. Rosemary L. Tuecke  
Judicial Magistrate  
215 N. 1st Street  
Guttenberg, IA 52052

*Clinton*

Hon. Frank Hall  
Judicial Magistrate  
Low Moor, IA 52757

Hon. James Richmond  
Judicial Magistrate  
DeWitt, IA 52742

*Crawford*

Hon. Joseph L. Boddicker  
Judicial Magistrate  
39 Pleasant Street  
Denison, IA 51442

Hon. Arlo J. Schöenfeld  
Judicial Magistrate  
R. 2  
Charter Oak, IA 51439

*Dallas*

Hon. Henry A. Hollis  
Judicial Magistrate  
1619 W. 2nd Street  
Perry, IA 50220

Hon. Shirley L. Horan  
Judicial Magistrate  
1208 Green Street  
Adel, IA 50003

*Davis*

Hon. Martin H. Walton  
Judicial Magistrate  
306 S. Madison  
Bloomfield, IA 52537

*Decatur*

Hon. Howard E. Strand  
Judicial Magistrate  
Lamoni, IA 50140

*Delaware*

Hon. Hope Toomer  
Judicial Magistrate  
Delhi, IA 52223

Hon. Maurice C. Wendel  
Judicial Magistrate  
Courthouse  
Manchester, IA 52057

*Dubuque*

Hon. Gayelle Blum  
Judicial Magistrate  
4934 Asbury Road  
Dubuque, IA 52001

Hon. John R. Becker  
Judicial Magistrate  
703 Dubuque Bldg.  
Dubuque, IA 52001

*Emmet*

Hon. Marilyn Loebach  
Judicial Magistrate  
R.R. 2  
Estherville, IA 51334

Hon. Harmon Veldey  
Judicial Magistrate  
Courthouse  
Estherville, IA 51334

*Fayette*

Hon. Richard L. Stofer  
Judicial Magistrate  
201 Occo Drive, SE  
Oelwein, IA 50662

Hon. John W. D. Hofmeyer  
Judicial Magistrate  
Box 126  
Fayette, IA 52142

JUDICIAL DEPARTMENT—Continued

*Floyd*

Hon. William M. Frye  
Judicial Magistrate  
701 Blunt Parkway  
Charles City, IA 50616

Hon. Bradford Austin  
Judicial Magistrate  
119 North Jackson  
Charles City, IA 50616

*Franklin*

Hon. John W. Klousia  
Judicial Magistrate  
Courthouse  
Hampton, IA 50441

*Fremont*

Hon. Vincent P. Connors  
Judicial Magistrate  
Courthouse  
Sidney, IA 51652

*Greene*

Hon. B. Jack Hauptert  
Judicial Magistrate  
806 S. Elm  
Jefferson, IA 50129

*Grundy*

Hon. Charles I. Goodman  
Judicial Magistrate  
627 G. Avenue  
Grundy Center, IA 50638

Hon. E. Duane Greany  
Judicial Magistrate  
904 - 11th Street  
Grundy Center, IA 50638

*Guthrie*

Hon. Elaine Messinger  
Judicial Magistrate  
Menlo, IA 50164

Hon. Richard L. Hasbrouck  
Judicial Magistrate  
111 North 5th Street  
Guthrie Center, IA 50115

*Hamilton*

Hon. Mark R. Danielson  
Judicial Magistrate  
803 Des Moines St, Box 423  
Webster City, IA 50595

Hon. G. D. Warland  
Judicial Magistrate  
823 High Street  
Webster City, IA 50595

*Hancock*

Hon. Lee E. Nikolas  
Judicial Magistrate  
122 N. Main Street  
Kanawha, IA 50447

*Hardin*

Hon. Elizabeth E. Johnston  
Judicial Magistrate  
1009 Coyla  
Iowa Falls, IA 50126

Hon. Craig O. Froning  
Judicial Magistrate  
1102 - 11th Avenue  
Eldora, IA 50627

*Harrison*

Hon. Donald Drustrup  
Judicial Magistrate  
Missouri Valley, IA 51555

Hon. Edward W. Houston  
Judicial Magistrate  
Dunlap, IA 51529

*Henry*

Hon. Roger S. Galer  
Judicial Magistrate  
Mt. Pleasant, IA 52641

Hon. Robert L. Hansen  
Judicial Magistrate  
New London, IA 52645

*Howard*

Hon. James W. Ritchie  
Judicial Magistrate  
P.O. Box 114  
Cresco, IA 52136

*Humboldt*

Hon. Steven K. Sandblom  
Judicial Magistrate  
P.O. Box 66  
Humboldt, IA 50548

*Ida*

Hon. Robert E. Lister  
Judicial Magistrate  
Kofmehl Drive  
Holstein, IA 51025

Hon. JoAnn D. Heath  
Judicial Magistrate  
401 Moorehead Street  
Ida Grove, IA 51445

*Iowa*

Hon. Thomas M. Buchanan  
Judicial Magistrate  
Williamsburg, IA 52361

Hon. Jane McHarg  
Judicial Magistrate  
Victor, IA 52347

*Jackson*

Hon. Ronald J. Besch  
Judicial Magistrate  
204 N. 6th  
Bellevue, IA 52031

Hon. Graham Moyer  
Judicial Magistrate  
R.R. 3  
Maquoketa, IA 52060

JUDICIAL DEPARTMENT—Continued

*Jasper*

Hon. Thomas W. Mott  
Judicial Magistrate  
704 W. 4th Street, S  
Newton, IA 50208

*Jefferson*

Hon. Timothy B. Kuiken  
Judicial Magistrate  
First Nat'l Bank Bldg.  
Fairfield, IA 52556

Hon. Ida M. Horn  
Judicial Magistrate  
Courthouse  
Fairfield, IA 52556

*Johnson*

Hon. L. Jay Stein  
Judicial Magistrate  
206 Dey Building  
Iowa City, IA 52240

Hon. Emmet J. George, Jr.  
Judicial Magistrate  
326 South Clinton  
Iowa City, IA 52240

Hon. Theodore L. Kron  
Judicial Magistrate  
330 E. Court Street  
Iowa City, IA 52240

Hon. Leon Spies  
Judicial Magistrate  
411 Iowa St. Bank Bldg.  
Iowa City, IA 52240

*Jones*

Hon. Larry J. Conmey  
Judicial Magistrate  
106 E. Main  
Anamosa, IA 52205

Hon. C. J. Matthiessen  
Judicial Magistrate  
205 W. 1st Street  
Monticello, IA 52310

*Keokuk*

Hon. John Wehr  
Judicial Magistrate  
Box 245  
Sigourney, IA 52591

*Kossuth*

Hon. Richard D. Dreyer  
Judicial Magistrate  
Courthouse  
Algona, IA 50511

Hon. James A. McGlynn  
Judicial Magistrate  
111 N. Hall  
Algona, IA 50511

*Lee*

Hon. Leon A. Conrad  
Judicial Magistrate  
Courthouse  
Fort Madison, IA 52627

Hon. Colleen S. LeMaster  
Judicial Magistrate  
415 Blondeau Street  
Keokuk, IA 52632

Hon. John Pepple  
Judicial Magistrate  
415 Blondeau Street  
Keokuk, IA 52632

*Linn*

Hon. James Bennett  
Judicial Magistrate  
1039 - 25th Street, NE  
Cedar Rapids, IA 52402

Hon. Donna L. Paulsen  
Judicial Magistrate  
830 Higley Building  
Cedar Rapids, IA 52406

*Louisa*

Hon. Neal R. Kemp  
Judicial Magistrate  
803 Isett  
Wapello, IA 52653

*Lucas*

Hon. James B. Mefferd  
Judicial Magistrate  
307 N. Main Street  
Chariton, IA 50049

*Lyon*

Hon. Lewis P. Baker  
Judicial Magistrate  
213-1/2 First Avenue  
Rock Rapids, IA 52146

*Madison*

Hon. Edward A. Powell  
Judicial Magistrate  
Courthouse  
Winterset, IA 50273

*Mahaska*

Hon. Randy S. DeGeest  
Judicial Magistrate  
Courthouse  
Oskaloosa, IA 52577

Hon. Mindy J. Morse  
Judicial Magistrate  
Courthouse  
Oskaloosa, IA 52577

## JUDICIAL DEPARTMENT—Continued

*Marion*

Hon. James K. Marvel  
Judicial Magistrate  
1302 Main  
Pella, IA 50219

Hon. Norman R. Hays  
Judicial Magistrate  
111 E. Robinson  
Knoxville, IA 50138

*Marshall*

Hon. Susan S. Klaessy  
Judicial Magistrate  
1706 Olson Way  
Marshalltown, IA 50158

*Mills*

Hon. Esther Engle  
Judicial Magistrate  
RFD 2  
Glenwood, IA 51534

Hon. Timothy I. Markel  
Judicial Magistrate  
113 S. Walnut Street  
Glenwood, IA 51534

*Mitchell*

Hon. Eugene A. Groe  
Judicial Magistrate  
618 Main Street  
Osage, IA 50461

*Monona*

Hon. Harold Loomis  
Judicial Magistrate  
Onawa, IA 51040

Hon. Michael McGrane  
Judicial Magistrate  
Mapleton, IA 51034

*Monroe*

Hon. Helen O'Brien  
Judicial Magistrate  
236 West Benton  
Albia, IA 52531

*Montgomery*

Hon. Charles E. Richards  
Judicial Magistrate  
204 Reed Street  
Red Oak, IA 51566

Hon. Betty Wenstrand  
Judicial Magistrate  
501 Maple Street  
Red Oak, IA 51566

*Muscatine*

Hon. David R. LaFontaine  
Judicial Magistrate  
411 Laurel Building  
Muscatine, IA 52761

Hon. David W. Newell  
Judicial Magistrate  
301 Medical Arts Bldg.  
Muscatine, IA 52761

*O'Brien*

Hon. Elwood F. Schulz  
Judicial Magistrate  
Courthouse  
Primghar, IA 51245

*Osceola*

Hon. Karl Huenemann  
Judicial Magistrate  
Sibley, IA 51249

*Page*

Hon. Darrell L. Knittle  
Judicial Magistrate  
P.O. Box 411  
Shenandoah, IA 51601

Hon. Wendell D. Leonard  
Judicial Magistrate  
423 West Logan Street  
Clarinda, IA 51632

*Palo Alto*

Hon. Joseph L. Hanson  
Judicial Magistrate  
Emmetsburg, IA 50536

*Plymouth*

Hon. Francis Tritz  
Judicial Magistrate  
Remsen, IA 51050

Hon. E. R. Scholer  
Judicial Magistrate  
LeMars, IA 51031

*Pocahontas*

Hon. Donald M. Winkler  
Judicial Magistrate  
Laurens, IA 50554

*Polk*

Hon. William P. Mahedy  
Judicial Magistrate  
404 Lincoln Court  
Des Moines, IA 50312

*Pottawattamie*

Hon. Donald L. Heath  
Judicial Magistrate  
R. 5, Box 49  
Council Bluffs, IA 51501

Hon. Erik Olsen  
Judicial Magistrate  
424 Chestnut  
Avoca, IA 51521

*Poweshiek*

Hon. Eric M. Michaels  
Judicial Magistrate  
827 Commercial Street  
Grinnell, IA 50112

Hon. Elsie Minner  
Judicial Magistrate  
Montezuma, IA 50171

JUDICIAL DEPARTMENT—Continued

---

*Ringgold*

Hon. J. N. Chicken  
Judicial Magistrate  
106 N. Cass Street  
Mount Ayr, IA 50854

*Sac*

Hon. David E. Fitzgerald  
Judicial Magistrate  
811 Main Street  
Sac City, IA 50583

Hon. Truman Reida  
Judicial Magistrate  
Lake View, IA 51450

*Scott*

Hon. Paul A. Beckman  
Judicial Magistrate  
2810 Jersey Ridge Rd.  
Davenport, IA 52803

Hon. George A. Goebel  
Judicial Magistrate  
121 W. Locust Street  
Davenport, IA 52803

Hon. Alan R. Havercamp  
Judicial Magistrate  
2737 Carriage Hill Dr.  
Davenport, IA 52803

Hon. James L. Ottesen  
Judicial Magistrate  
2542 E. 46th Street  
Davenport, IA 52803

Hon. Norman M. Peterson  
Judicial Magistrate  
514 E. Geo. Washington Bl.  
Davenport, IA 52803

*Shelby*

Hon. Lorna M. Tinsley  
Judicial Magistrate  
Harlan, IA 51537

*Sioux*

Hon. Harlan W. Hummel  
Judicial Magistrate  
Hawarden, IA 51023

Hon. Richard L. Smith  
Judicial Magistrate  
Hawarden, IA 51023

*Tama*

Hon. George Stein  
Judicial Magistrate  
Toledo, IA 52342

Hon. John Felts  
Judicial Magistrate  
Traer, IA 50675

*Taylor*

Hon. Jack R. Campbell  
Judicial Magistrate  
Blockton, IA 50836

*Union*

Hon. L. R. Emerson  
Judicial Magistrate  
606 New York Avenue  
Creston, IA 50801

*Van Buren*

Hon. James W. McGrath  
Judicial Magistrate  
Keosauqua, IA 52565

*Wapello*

Hon. Fred W. Nydle  
Judicial Magistrate  
319 Grandview  
Ottumwa, IA 52501

Hon. Kenneth W. Luke  
Judicial Magistrate  
1956 Gladstone  
Ottumwa, IA 52501

*Washington*

Hon. Thomas J. Potter  
Judicial Magistrate  
P.O. Box 190  
Wellman, IA 52356

Hon. M. Jane Shepherd  
Judicial Magistrate  
715 N. 8th Street  
Washington, IA 52353

*Wayne*

Hon. Sheila Ann Harned  
Judicial Magistrate  
Courthouse  
Corydon, IA 50060

*Webster*

Hon. Francis H. Allen  
Judicial Magistrate  
RFD 2  
Fort Dodge, IA 50501

Hon. Kurt Wilke  
Judicial Magistrate  
Beh Building  
Fort Dodge, IA 50501

Hon. William Thatcher  
Judicial Magistrate  
136 N. 9th Street  
Fort Dodge, IA 50501

*Winnebago*

Hon. David Hawbaker  
Judicial Magistrate  
406 S. 9th Avenue  
Lake Mills, IA 50450

*Winneshiek*

Hon. Steven C. Schrader  
Judicial Magistrate  
510 North Street  
Decorah, IA 52101

Hon. Robert Hitesman  
Judicial Magistrate  
P.O. Box 477  
Calmar, IA 52132

JUDICIAL DEPARTMENT—Continued

*Woodbury*

Hon. Donald J. Dalton  
 Judicial Magistrate  
 6th & Water  
 Sioux City, IA 51101  
 Hon. Delbert D. Rowse  
 Judicial Magistrate  
 P.O. Box 53  
 Correctionville, IA 51016

*Worth*

Hon. Craig G. Ensign  
 Judicial Magistrate  
 Northwood, IA 50459

*Wright*

Hon. William A. Long  
 Judicial Magistrate  
 Eagle Grove, IA 50533  
 Hon. Robert Malloy  
 Judicial Magistrate  
 Goldfield, IA 50542

CONGRESSIONAL DIRECTORY  
 UNITED STATES SENATORS

Roger Jepsen, Davenport ..... Dec. 31, 1984  
 John Culver, Cedar Rapids ..... Dec. 31, 1980

UNITED STATES REPRESENTATIVES

District

1 James Leach, Davenport ..... Dec. 31, 1980  
 2 Tom Tauke, Dubuque ..... Dec. 31, 1980  
 3 Charles Grassley, New Hartford ..... Dec. 31, 1980  
 4 Neal Smith, Altoona ..... Dec. 31, 1980  
 5 Tom Harkin, Ames ..... Dec. 31, 1980  
 6 Berkley Bedell, Spirit Lake ..... Dec. 31, 1980

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
*Bergman, Irvin L.	Harris	67	Farmer—Businessman	2nd—Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Sioux	62, 63, 64, 65, 66, 67, 67X
Bisenius, Stephen W.	Cascade	31	Realtor	11th—Delaware, Dubuque, Jackson, Jones	67, 67X
*Briles, James E.	Corning	52	Auctioneer—Real Estate	48th—Adair, Adams, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X
Brown, Joe	Montezuma	27	High School Government and Economics Teacher	35th—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	None
*Calhoon, James	Sioux City	30	Meat Cutter	26th—Monona, Woodbury	67, 67X
Carney, Clarence	Sioux City	53	Utility Executive	25th—Cherokee, Plymouth, Woodbury	None
*Carr, Robert M.	Dubuque	41	Securities Broker	10th—Dubuque	65, 66, 67, 67X
Coleman, C. Joseph	Clare	55	Farmer—Businessman	23rd—Humboldt, Webster	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X
Comito, Richard	Waterloo	39	Businessman—Pharmacist	17th—Black Hawk	None
*Craft, Rolf V.	Decorah	41	Farmer—Teacher	8th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	67, 67X
DeKoster, Lucas J.	Hull	60	Lawyer—Insurance Agent	1st—Lyon, Plymouth, Sioux	61, 62, 63, 64, 65, 66, 67, 67X

GENERAL ASSEMBLY



MEMBERS OF THE SENATE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Deluhery, Patrick J.	Davenport	36	College Teacher	41st— <i>Scott</i>	None
*Drake, Richard F.	Muscatine	51	General Farming	38th—Johnson, Louisa, Muscatine, Scott	63, 64, 65, 66, 67, 67X
*Gallagher, James V.	Jesup	45	Telephone Company	16th—Benton, <i>Black Hawk</i> , Buchanan, Linn, Tama	61, 62, 65, 66, 67, 67X
Gentleman, Julia B.	Des Moines	47	Housewife	33rd— <i>Polk</i>	66, 67, 67X
Goodwin, Norman J.	DeWitt	65	Retired County Extension Director	39th— <i>Clinton</i> , Scott	None
Gratias, Arthur L.	Nora Springs	58	Farmer—Educator	7th—Cerro Gordo, Chicka- saw, Floyd, Howard, Mitchell	None
*Hansen, W. R. (Bill)	Cedar Falls	47	Insurance and Real Estate Consultant	18th— <i>Black Hawk</i>	63, 64, 65, 66, 67, 67X
Hester, Jack W.	Honey Creek	49	Farmer	27th—Crawford, Harrison, Monona, <i>Pottawattamie</i> , Shelby	None
*Holden, Edgar H.	Davenport	64	Entrepreneur	40th— <i>Scott</i>	62, 63, 64, 65, 67 (2nd)
*Hulse, Merlin D.	Clarence	55	Farmer	12th— <i>Cedar</i> , Clinton, Jackson, Johnson, Jones, Scott	67, 67X
Hultman, Calvin O.	Red Oak	37	Businessman	49th—Fremont, Mills, <i>Mont-</i> gomery, Page, <i>Potta-</i> wattamie	65, 66, 67, 67X
*Hutchins, C. W. Bill	Guthrie Center	47	Businessman	28th—Audubon, Carroll, Cass, Crawford, Greene, <i>Guthrie</i> , Shelby	65, 66, 67, 67X
Jensen, John W.	Plainfield	52	Farmer	19th—Black Hawk, <i>Bremer</i> , Butler, Floyd, Franklin, Grundy, Marshall, Tama	None

GENERAL ASSEMBLY—Continued

## MEMBERS OF THE SENATE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Junkins, Lowell L.	Montrose	34	Ambulance Service Owner/ Operator; Farmer— Businessman	43rd—Des Moines, Henry, Lee	65, 66, 67, 67X
*Kinley, George R.	Des Moines	41	Owner and Operator of Golf Sales	34th—Polk, Warren	64, 65, 66, 67, 67X
Kudart, A. R. Bud	Cedar Rapids	48	Lawyer	13th—Johnson, Linn	None
*Miller, Alvin V.	Ventura	57	Retail Merchant—Insurance Agency	6th—Cerro Gordo, Worth	65, 66, 67, 67X
*Miller, Charles P.	Burlington	60	Doctor of Chiropractic	42nd—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X
*Miller, Elizabeth R.	Marshalltown	73	Homemaker	20th—Grundy, Hardin, Jasper, Marshall, Story	63, 64, 65, 66, 67, 67X
Murray, John S.	Ames	39	Attorney	21st—Boone, Polk, Story	65, 66, 67, 67X
*Nystrom, John N.	Boone	45	Auto Dealer	22nd—Boone, Greene, Hamilton, Story, Webster	64, 65, 66, 67, 67X
*Orr, Joann	Grinnell	55	Legislator	36th—Benton, Iowa, Johnson, Keokuk, Poweshiek, Tama	63 (2nd), 65, 66, 67, 67X
*Palmer, William D.	Des Moines	43	Insurance	32nd—Polk	61, 62, 63, 64, 65, 66, 67, 67X
*Priebe, Berl E.	Algona	60	Farmer—Businessman	4th—Emmet, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66, 67, 67X

## MEMBERS OF THE SENATE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Ramsey, Dick	Osceola	38	Attorney	47th—Appanoose, <i>Clarke</i> , Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66, 67, 67X
*Readinger, David M.	Des Moines	42	Sales	30th— <i>Polk</i>	65, 66, 67, 67X
*Robinson, Cloyd E.	Cedar Rapids	40	Production Line Operator	14th—Benton, <i>Linn</i>	64, 65, 66, 67X
Rodgers, Norman G.	Adel	51	Farmer—Businessman	29th—Adair, <i>Clarke</i> , <i>Dallas</i> , Guthrie, Madison, Warren	63, 64, 65, 66, 67, 67X
Rush, Bob	Cedar Rapids	34	Lawyer	15th— <i>Linn</i>	67, 67X
*Schwengels, Forrest V.	Fairfield	63	Real Estate	44th—Henry, <i>Jefferson</i> , Keokuk, Lee, Van Buren, Wapello, Washington	65, 66, 67, 67X
*Scott, John	Pocahontas	34	Farmer—Attorney	24th—Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, <i>Pocahontas</i> , Sac	67, 67X
*Slater, Tom	Council Bluffs	33	Advertising	50th— <i>Pottawattamie</i>	67, 67X
Small, Arthur A., Jr.	Iowa City	45	Businessman	37th— <i>Johnson</i>	64, 65, 66, 67, 67X
Taylor, Ray	Steamboat Rock	55	Farming—Retailing	5th—Cerro Gordo, Franklin, Hancock, <i>Hardin</i> , Wright	65, 66, 67, 67X
Tieden, Dale L.	Elkader	56	Farmer	9th—Allamakee, <i>Clayton</i> , Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66, 67, 67X
*Van Gilst, Bass	Oskaloosa	67	Farming	46th—Keokuk, Lucas, <i>Mahaska</i> , Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66, 67, 67X
Waldstein, Arne	Storm Lake	53	Professional Farm Manager and Rural Appraiser	3rd— <i>Buena Vista</i> , Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	None
Willits, Earl M.	Des Moines	32	Lawyer	31st— <i>Polk</i>	64, 65, 66, 67, 67X
Yenger, Sue	Ottumwa	40	Legislator—Homemaker	45th—Appanoose, Davis, Mahaska, Monroe, <i>Wapello</i>	None

Frank J. Stork—Secretary

\*Holdover senators in 68th G.A.

MEMBERS OF THE HOUSE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Anderson, James O.	Brayton	50	Farmer	56th—Audubon, Carroll, Cass, Crawford, Greene, Guthrie Shelby	None
Anderson, Robert T.	Newton	33	Teacher	69th—Jasper, Marion, Polk, Warren	66, 67, 67X
Arnould, Robert C.	Davenport	25	Legislator	82nd—Scott	67 (2nd), 67X
Avenson, Donald D.	Oelwein	34	Tool and Die Maker	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66, 67, 67X
Bennett, Wayne	Galva	51	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66, 67, 67X
Bina, Robert F.	Davenport	39	Artist	80th—Scott	66, 67, 67X
Binneboese, Donald H.	Hinton	54	Farmer	49th—Cherokee, Plymouth, Woodbury	66 (2nd), 67, 67X
Brandt, Diane	Cedar Falls	40	Legislator	35th—Black Hawk	66, 67, 67X
Branstad, Clifford	Thompson	54	Farmer	8th—Emmet, Hancock, Kossuth, Winnebago	None
Bruner, Charles H.	Ames	30	Legislator	41st—Story	None
Byerly, Richard L.	Ankeny	40	College Administrator	61st—Polk	65, 66, 67, 67X
Chiodo, Ned F.	Des Moines	36	Golf Pro	67th—Polk	67, 67X
Clark, Betty Jean	Rockwell	58	Homemaker	11th—Cerro Gordo	67, 67X
Clark, John H.	Keokuk	32	Stockbroker	86th—Lee, Henry	64, 65, 66, 67, 67X
Cochran, Dale M.	Eagle Grove	50	Farmer—Businessman	45th—Humboldt, Webster	61, 62, 63, 64, 65, 66, 67, 67X
Conlon, Walter	Muscatine	31	Attorney	76th—Muscatine, Scott	67, 67X
Connolly, Michael W.	Dubuque	33	Teacher	20th—Dubuque	None
Connors, John H.	Des Moines	56	Fire Captain (Retired)	64th—Polk	65, 66, 67, 67X
Corey, Virgil E.	Morning Sun	62	Farmer	83rd—Des Moines, Henry, Louisa	None
Crabb, Frank	Denison	75	Retired Meat Packing Executive	53rd—Crawford, Harrison, Monona	63, 65, 66, 67, 67X
Crawford, Reid W.	Ames	27	Student	42nd—Boone, Polk, Story	65, 66, 67, 67X
Cusack, Gregory D.	Davenport	35	Community Organizer	81st—Scott	65, 66, 67, 67X
Daggett, Horace	Lenox	47	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66, 67, 67X
Danker, Arlyn E.	Minden	51	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66, 67, 67X

## MEMBERS OF THE HOUSE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Davitt, Philip A.	St. Charles	47	Farmer	58th—Adair, Clarke, Dallas, Madison, Warren	67, 67X
De Groot, Kenneth	Doon	49	Farmer	1st—Lyon, Sioux	None
Dieleman, W. W. (Bill)	Pella	47	Life Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66, 67, 67X
Diemer, Marvin E.	Cedar Falls	54	Public Accounting	36th—Black Hawk	None
Doyle, Donald V.	Sioux City	53	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66, 67, 67X
Egenes, Sonja	Story City	48	Legislator—Homemaker	43rd—Boone, Hamilton, Story, Webster	64, 65, 66, 67, 67X
Evans, Cooper	Grundy Center	54	Farm Manager	38th—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama	66, 67, 67X
Gettings, Don	Ottumwa	55	Machine Repairman	90th—Appanoose, Davis, Wapello	67 (2nd), 67X
Groth, Richard	Albert City	32	Educator	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	None
Hall, Hurley W.	Marion	43	Engineer	29th—Linn	None
Halvorson, Rod	Fort Dodge	29	Realtor	46th—Webster	None
Halvorson, Roger A.	Monona	44	Insurance—Realtor	17th—Allamakee, Clayton, Winneshiek	66, 67, 67X
Hansen, Ingwer L.	Hartley	66	Retired	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65, 66, 67, 67X
Hanson, Darrell R.	Manchester	24	Legislator	18th—Clayton, Delaware, Dubuque, Fayette	None
Harbor, William H.	Henderson	58	Grain Elevator Owner/Operator	97th—Fremont, Mills, Montgomery, Page	56, 57, 58, 62, 63, 64, 67, 67X
Hibbs, Dale W.	Iowa City	38	Teacher	74th—Johnson	None
Hinkhouse, Herbert C.	West Branch	61	Farmer	24th—Cedar, Clinton, Johnson, Scott	66, 67, 67X
Hoffmann, Betty A.	Muscatine	57	Former Businesswoman	75th—Johnson, Louisa, Muscatine	67, 67X
Holt, Lee	Spencer	69	Automobile Dealer	4th—Clay, Dickinson, Emmet, Palo Alto	None
Horn, Wally E.	Cedar Rapids	45	Teacher	28th—Linn	65, 66, 67, 67X

MEMBERS OF THE HOUSE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Howell, Rollin K.	Marble Rock	49	Farmer	13th—Cerro Gordo, <i>Floyd, Mitchell</i>	65, 66, 67, 67X
Hullinger, Arlo	Leon	57	Farmer	94th—Clarke, <i>Decatur, Madison, Ringgold, Union, Wayne</i>	61, 62, 66, 67, 67X
Hummel, Kyle	Vinton	43	Contractor—Realtor	31st— <i>Benton, Black Hawk, Buchanan, Linn, Tama</i>	None
Husak, Emil J.	Toledo	48	Farmer	71st—Benton, Iowa, Poweshiek, <i>Tama</i>	64, 65, 66, 67, 67X
Jay, Daniel	Moulton	24	Law Student	93rd— <i>Appanoose, Clarke, Lucas, Monroe, Wayne</i>	None
Jesse, Norman G.	Des Moines	41	Attorney	62nd— <i>Polk</i>	63, 64, 65, 66, 67, 67X
Jochum, Thomas J.	Dubuque	27	Laborer	19th— <i>Dubuque</i>	66, 67, 67X
Johnson, Jim	Elma	39	Businessman	14th— <i>Chickasaw, Floyd, Howard, Mitchell</i>	None
Johnson, Robert M. L.	Cedar Rapids	57	Marketing Manager	26th— <i>Linn</i>	None
Johnson, Warren	Sloan	56	Farmer	52nd— <i>Monona, Woodbury</i>	None
Kirkenslager, Larry	Burlington	34	Electrician	84th— <i>Des Moines</i>	None
Krewson, Lyle R.	Urbandale	35	Self-employed— Legislator	59th— <i>Polk</i>	67, 67X
Lageschulte, Ray	Waverly	56	Farmer—Insurance Adjuster	37th— <i>Black Hawk, Bremer, Butler, Floyd</i>	66, 67, 67X
Larsen, Sonja	Ottumwa	37	Realtor	89th— <i>Mahaska, Monroe, Wapello</i>	None
Lind, Thomas A.	Waterloo	60	Teacher—Businessman	33rd— <i>Black Hawk</i>	67 (2nd), 67X
Lloyd-Jones, Jean	Iowa City	49	Legislator	73rd— <i>Johnson</i>	None
Lonergan, Joyce	Boone	44	Homemaker	44th— <i>Boone, Greene</i>	66, 67, 67X
Lorenzen, James A.	Davenport	24	Sales Representative	79th— <i>Scott</i>	None
Lura, Mick	Marshalltown	30	Accountant	39th— <i>Marshall</i>	None
Maulsby, Ruhl	Rockwell City	55	Farmer	47th— <i>Calhoun, Carroll, Greene, Pocahontas, Sac</i>	None
McKean, Andy	Morley	29	College Instructor— Square Dance Caller	23rd— <i>Cedar, Clinton, Jackson, Jones</i>	None
Menke, Lester D.	Calumet	60	Farmer—Insurance	5th— <i>Buena Vista, Cherokee, Clay, O'Brien, Plymouth</i>	65, 66, 67, 67X

## MEMBERS OF THE HOUSE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Millen, Floyd H.	Farmington	59	Retired Businessman	87th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X
Miller, Kenneth D.	Independence	53	Mobile Home Court Owner	32nd—Black Hawk, Buchanan	65, 66, 67, 67X
Mullins, Sue	Corwith	42	Farm Homemaker	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	None
Norland, Lowell E.	Kensett	47	Farmer	12th—Cerro Gordo, Worth	65, 66, 67, 67X
O'Kane, Jim	Sioux City	27	Paralegal	50th—Woodbury	None
Oxley, M. B. (Mike)	Marion	56	Farmer	30th—Linn	61, 67, 67X
Patchett, John E.	North Liberty	29	Legislator—Law Student	25th—Johnson, Linn	65, 66, 67, 67X
Pavich, Emil S.	Council Bluffs	47	Cereal Company Employee	99th—Pottawattamie	66, 67, 67X
Pellett, Wendell C.	Atlantic	61	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64, 65, 66, 67, 67X
Pelton, John	Clinton	32	Attorney	77th—Clinton	67, 67X
Perkins, Carroll T.	Jefferson	52	Agriculture	55th—Audubon, Carroll, Crawford, Greene, Guthrie	66, 67, 67X
Poffenberger, Virginia	Perry	44	Lawyer	57th—Adair, Dallas, Guthrie	None
Pope, Lawrence	Des Moines	38	Law Professor	65th—Polk	None
Rapp, Stephen J.	Waterloo	29	Attorney	34th—Black Hawk	65
Ritsema, Doug	Orange City	26	Lawyer	2nd—Plymouth, Sioux	None
Schneklloth, Hugo	Eldridge	55	Farmer	78th—Clinton, Scott	67, 67X
Schroeder, Laverne W.	McClelland	45	Farmer	98th—Mills, Pottawattamie	62, 63, 64, 65, 66, 67, 67X
Sherzan, Richard	Altoona	32	Rental Housing Mediator	63rd—Polk	None
Shimanek, Nancy J.	Monticello	31	Lawyer	22nd—Delaware, Dubuque, Jackson, Jones	67, 67X
Shull, Douglas	Indianola	35	Accountant—C.P.A.	92nd—Lucas, Marion, Warren	None
Smalley, Douglas R.	Des Moines	32	Attorney	60th—Polk	67, 67X
Spear, Clay	Burlington	62	Retired Postal Service	85th—Des Moines, Lee	66, 67, 67X
Stromer, Delwyn	Garner	48	Farmer—Legislator	9th—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66, 67, 67X

MEMBERS OF THE HOUSE—SIXTY-EIGHTH GENERAL ASSEMBLY—1979 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Swearingen, George R.	Sigourney	55	Asst. Manager Grain Elevator	88th—Keokuk, Washington	None
Thompson, Patricia L.	West Des Moines	51	Legislator—Banker (Part-time)	66th—Polk	67, 67X
Tofte, Semor C.	Decorah	67	Retired	16th—Fayette, Howard, Winneshiek	65, 66, 67, 67X
Tyrrell, Phillip E.	North English	46	Insurance	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	None
Van Maanen, Harold	Oskaloosa	49	Farmer	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	None
Walter, Craig D.	Council Bluffs	29	Self-employed	100th—Pottawattamie	66, 67, 67X
Welden, Richard W.	Iowa Falls	70	Retired Contractor	10th—Franklin, Hardin, Wright	62, 63, 64, 65, 66, 67, 67X
Wells, James D.	Cedar Rapids	50	Shift Leader	27th—Benton, Linn	63, 64, 65, 66, 67, 67X
Welsh, Joseph	Dubuque	23	Deputy Sheriff	21st—Dubuque, Jackson	None
West, James C.	State Center	46	Retailer (Furniture)	40th—Grundy, Hardin, Jasper, Marshall, Story	65, 66, 67, 67X
Woods, Jack E.	Des Moines	42	Self-employed	68th—Polk, Warren	65, 66, 67, 67X

Office of the Chief Clerk  
David L. Wray  
June 14, 1979



# CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds  
For The Fiscal Period Ending June 30, 1978

**Fiscal Year Ending June 30, 1978**

	Balance July 1, 1977	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1978
General Revenue .....	\$ 206,431,628	\$1,269,649,281	\$1,476,080,909	\$1,229,395,081	\$ 161,734,461
Transfers .....				84,951,367	
Trust Funds .....	44,663,499	381,368,733	426,032,232	266,918,907	57,600,164
Transfers .....				101,513,161	
Special Funds (Comptroller's Warrants) .....	1,081,618,352	1,386,372,607	2,654,455,487	1,419,065,472	1,235,390,015
Transfers .....		186,464,528			
Special Funds (Treasurer's Checks) .....	297,344	715,406	1,012,750	701,219	311,531
<b>TOTALS .....</b>	<b>\$1,333,010,823</b>	<b>\$3,224,570,555</b>	<b>\$4,557,581,378</b>	<b>\$3,102,545,207</b>	<b>\$1,455,036,171</b>
Balance July 1, 1977 .....				\$1,333,010,823	
Receipts and Transfers .....				3,224,570,555	
Total .....				\$4,557,581,378	
Disbursements and Transfers .....				3,102,545,207	
Balance June 30, 1978 .....				\$1,455,036,171	

OFFICE OF STATE COMPTROLLER  
JUNE 29, 1979

**APPROPRIATIONS  
AND  
GENERAL LAWS**

**LAWS**  
OF THE  
1979 Regular Session  
OF THE  
**Sixty-eighth General Assembly**  
OF THE  
**STATE OF IOWA**

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE  
EIGHTH DAY OF JANUARY, AND ENDED ON THE ELEVENTH  
DAY OF MAY, A. D. 1979 IN THE ONE HUNDRED THIRTY-THIRD  
YEAR OF THE STATE.

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**APPROPRIATIONS**  
**AND**  
**GENERAL LAWS**

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**CHAPTER 1**  
**INCOME TAX REBATE**

H. F. 693

AN ACT providing for an individual income tax rebate for 1978 taxes and making an appropriation.

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

Section 1. Except as otherwise provided in this Act, each individual shall be treated as having made an additional payment against the tax imposed by division two (II) of chapter four hundred twenty-two (422) of the Code, for a tax year beginning in 1978 in an amount as determined pursuant to section two (2) of this Act.

Sec. 2. The amount treated as paid by the taxpayer for the tax year beginning in 1978 by reason of this Act shall be as follows:

1. The amount of the taxpayer's tax liability to the extent the tax liability does not exceed fifteen dollars.

2. Fifteen dollars, to the extent the taxpayer's tax liability is greater than fifteen dollars but less than one hundred fifty dollars.

3. Ten percent of the taxpayer's liability to the extent the tax liability is one hundred fifty dollars or more, but in no event shall the tax payment exceed two hundred fifty dollars.

Sec. 3. For purposes of this Act, the tax liability for the tax year beginning in 1978 shall be the tax imposed by division two (II) of chapter four hundred twenty-two (422) of the Code, for that year, reduced by the sum of the credits allowable under section four hundred twenty-two point twelve (422.12) and section four hundred twenty-two point eight (422.8), subsection one (1) of the Code for that year. A husband and wife shall be considered one taxpayer and the amount of the rebate shall be determined on the basis of the combined tax liability of the husband and wife.

Sec. 4. The payment provided by this Act shall be deemed made on the last date prescribed by law for the filing of the returns of tax in section four hundred twenty-two point twenty-one (422.21) of the Code for the tax year beginning in 1978, including any extensions thereof. A payment shall not be deemed to have been made unless the return is filed on or before the due date or the extended due date.

Sec. 5. A payment of tax deemed made under this Act by an individual for a tax year beginning in 1978, shall be considered an overpayment and shall be credited by the department against any tax due under chapter four hundred twenty-two (422) of the Code from the person who made the overpayment or, if no such tax is due, the amount shall be refunded by the department. Any payment of tax of one dollar or less shall be subject to the provisions for refunding contained in section four hundred twenty-two point sixteen (422.16), subsection eleven (11), paragraph e of the Code.

Sec. 6. A payment of tax deemed made under this Act by an individual for a tax year beginning in 1978, which is to be refunded under section five (5) of this Act shall be refunded to the taxpayer. If the refund is not made within one hundred twenty days from the date of payment provided under section four (4) of this Act, interest shall be paid at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month. Interest shall not be paid on returns improperly and incorrectly prepared.

Sec. 7. The provisions of this Act shall not be in effect after June 30, 1980.

Sec. 8. The director of revenue may adopt rules pursuant to chapter seventeen A (17A) of the Code to carry out the provisions of this Act.

Sec. 9. There is appropriated, out of any funds in the general fund of the state not otherwise appropriated, a sum sufficient to carry out the provisions of this Act.

Sec. 10. The provisions of this Act shall not be codified in the permanent Code but shall be printed in the session laws only.

Sec. 11. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved May 22, 1979

I hereby certify that the foregoing Act, House File 693, was published in the Marshalltown Times-Republican, Marshalltown, Iowa on May 26, 1979, and in the Muscatine Journal, Muscatine, Iowa on May 25, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 2  
STATE OFFICERS AND EMPLOYEES

S. F. 499

AN ACT relating to compensation and benefits for state officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, making coordinating amendments to the Code, and appropriating funds.

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

Section 1. The salary rates specified in this section shall be in effect for the fiscal year beginning July 1, 1979, and shall be effective for subsequent fiscal years until otherwise provided by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section pursuant to any Act of the general assembly or if such an appropriation is not sufficient, from the salary adjustment fund.

The following annual salary rates shall be paid to the person holding the position indicated:

- 1. DEPARTMENT OF AGRICULTURE  
Salary for the secretary of agriculture ..... \$ 33,000
- 2. OFFICE OF THE ATTORNEY GENERAL  
Salary of the attorney general ..... \$ 43,500
- 3. OFFICE OF THE AUDITOR OF STATE  
Salary of the auditor of state ..... \$ 33,000
- 4. OFFICE OF THE GOVERNOR  
Salary of the governor ..... \$ 60,000
- 5. OFFICE OF THE SECRETARY OF STATE  
Salary of the secretary of state ..... \$ 33,000
- 6. OFFICE OF THE TREASURER OF STATE  
Salary of the treasurer of state ..... \$ 33,000

Sec. 2. The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1979, and shall be effective for subsequent fiscal years until otherwise provided by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the department which the person represents and from funds appropriated by section three (3) of this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

1. Chief justice of the supreme court .....	\$	54,000
2. Each justice of the supreme court .....	\$	49,000
3. Chief justice of the appellate court .....	\$	47,500
4. Each justice of the appellate court .....	\$	46,500
5. Each chief judge of a judicial district .....	\$	45,500
6. Each district court judge except the chief judge of a judicial district .....	\$	43,500
7. Each district associate judge .....	\$	36,000
8. Each full-time judicial magistrate .....	\$	36,000
9. Each part-time judicial magistrate .....	\$	10,000

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used to fund increases in judicial salaries as provided in section two (2) of this Act and for the state's contribution to the judicial retirement system provided for in chapter six hundred five A (605A) of the Code required because of the increased salaries .....

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 650,000	\$ 650,000

Sec. 4. The salary rates specified in this section shall be in effect for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981. Salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section or pursuant to this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. Chairperson of the public employment relations board .....	\$ 31,850	\$ 34,086
2. Two members of the public employment relations board, each .....	\$ 29,510	\$ 31,564

Sec. 5. Persons receiving the salary rates established under section one (1) or four (4) of this Act shall not receive any additional salary adjustments provided by this Act. The salary rates specified in section four (4) of this Act shall be in effect for the fiscal years indicated and the

salary rates for the fiscal year beginning July 1, 1980, shall be effective for subsequent years until otherwise provided by the general assembly. If the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by section one (1) or four (4) of this Act because of increases in the salaries, funds may be allocated from funds appropriated by this Act to the salary adjustment fund. In addition, if federal funds are available for any position provided for in section four (4) of this Act, the federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in section four (4) of this Act.

Sec. 6. The governor may establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in section seven (7) of this Act within the range provided by considering, among other things, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, the availability of qualified candidates for the position, and subordinates' salaries.

The governor in establishing salaries as provided in section seven (7) of this Act shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

A person whose salary is established by section seven (7) of this Act and who is a full-time permanent employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law; however, this provision shall not be construed to exclude necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 7. The following annual salary ranges shall be in effect for the fiscal year beginning July 1, 1979, for the positions specified and for each fiscal year after that fiscal year the salary range shall be the same as the range specified for that fiscal year unless otherwise specified by the general assembly. The governor shall determine the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for such purposes.

1. If a person is in:

a. Range one, the person shall receive a salary of not less than five thousand (5,000) dollars or more than fifteen thousand (15,000) dollars.

b. Range two, the person shall receive a salary of not less than eighteen thousand (18,000) dollars or more than thirty thousand (30,000) dollars.

c. Range three, the person shall receive a salary of not less than twenty-five thousand (25,000) dollars or more than thirty-five thousand (35,000) dollars.

d. Range four, the person shall receive a salary of not less than thirty thousand (30,000) dollars or more than forty thousand (40,000) dollars.

e. Range five, the person shall receive a salary of not less than thirty-five thousand (35,000) dollars or more than forty-five thousand (45,000) dollars.

2. The following are range one positions: members of the board of parole, members of the state health facilities council, and members of the transportation commission of the department of transportation.

3. The following are range two positions: executive director of the commission on aging, director of the Iowa state arts council, director of the Iowa civil rights commission, executive director of the college aid commission, executive secretary of the Iowa crime commission, executive secretary of the committee on employment of the handicapped, members of the appeal board of the Iowa department of job service, director of the historical society of the state historical department, director of museum and archives of the state historical department, director of historical preservation of the state historical department, director of the Iowa law enforcement academy, state librarian, director of the Iowa natural resources council, director of disaster services of the department of public defense, director of the real estate commission, director of the department of substance abuse, and each member of the transportation regulation board of the department of transportation.

4. The following are range three positions: director of the commission for the blind, administrator of the credit union department, director of the energy policy council, executive director of the department of environmental quality, secretary of the state fair board, state geologist, commissioner of insurance, industrial commissioner, labor commissioner, director of the Iowa merit employment commission, and director of the department of soil conservation.

5. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, and commissioner of public safety.

6. The following are range five positions: state comptroller, superintendent of public instruction, executive secretary of the state board of regents, director of the department of revenue, commissioner of social services, and director of the department of transportation.

Sec. 8. The salary rates established by the governor under sections six (6) and seven (7) of this Act for the persons indicated shall be the total salary paid to the persons for whom established. Any other salary rates or adjustments to salaries provided for by this Act shall not apply to the positions specified in section seven (7) of this Act; however, funds appropriated to the salary adjustment fund by this Act may be expended to fund salaries established pursuant to sections six (6) and seven (7) of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in section seven (7) of this Act are insufficient to pay salaries provided for in section seven (7) of this Act. The governor shall report to the legislative fiscal committee the salary rates established pursuant to section seven (7) of this Act.



Sec. 9. Section twenty point five (20.5), subsection three (3), Code 1979, is amended to read as follows:

3. In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations. ~~The chairman--shall--receive--an--annual--salary--of--twenty--four--thousand--dollars--~~The chairperson and the remaining two members shall each receive an annual salary equal to ninety percent of the salary received by the chairman as set by the general assembly.

Sec. 10. Section four hundred seventy-four point one (474.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

On the second Tuesday of July of each year, the Iowa state commerce commission shall organize by electing one of its members as ~~chairman~~chairperson, and appointing a an executive secretary, who shall take the same oath as the commissioners. The commission shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in subsection two (2) of section nineteen A point nine (19A.9) of the Code unless otherwise provided by the general assembly. The commission may employ ~~such~~ additional personnel as it may find necessary.

Sec. 11. Section six hundred five point eight (605.8), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The base starting salary of a full-time certified shorthand reporter shall be fourteen thousand seven hundred dollars. The base salary may be increased by an amount not to exceed ~~six-hundred-thirty-dollars~~ seven percent for each year of experience as a shorthand reporter. The maximum salary shall not exceed ~~nineteen~~ twenty-one thousand ~~seven one~~ hundred ~~forty~~ twenty-one dollars except as provided in this section.

Sec. 12.

1. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts to be allocated to the counties for the purpose of providing average pay increases of not more than seven percent to the full-time shorthand reporters of the district court:

- a. For the fiscal year beginning July 1, 1979, \$150,849.
- b. For the fiscal year beginning July 1, 1980, \$161,409.

2. The state comptroller shall allocate and distribute the amount to each county in the same proportion that the county's annual payroll for full-time shorthand reporters for the fiscal year ending June 30, 1979 was to the annual payroll for full-time shorthand reporters for all counties for that fiscal year. Moneys received by a county under this section shall be deposited in the fund for ordinary county revenue under section four hundred forty-four point nine (444.9), subsection two (2) of the Code or in the court expense fund under section four hundred forty-four point ten (444.10) of the Code, as applicable.

Sec. 13. Section six hundred two point thirty-one (602.31), Code 1979, is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum ~~of nineteen-thousand-five-hundred-dollars~~ set by the general assembly.

District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties away from the city of their residence, in accordance with section 605.2. District associate judges who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Sec. 14. Section six hundred two point fifty-four (602.54), Code 1979, is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties while away from the city of his or her residence, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum ~~of four thousand eight hundred dollars annually~~ set by the general assembly. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary ~~of nineteen thousand five hundred dollars~~ in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department.

Sec. 15. Section six hundred eighty-four point twenty-three (684.23), Code 1979, is amended to read as follows:

684.23 CLERKS FOR SUPREME COURT JUSTICES. The supreme court shall have authority to appoint not more than nine attorneys or graduates of a reputable law school as defined in section 610.2, to act as legal assistants to the judges of the supreme court, such assistants to serve at a salary ~~not to exceed seven thousand dollars per year~~ of not less than fifteen thousand or more than twenty-five thousand dollars annually as set by the court administrator and approved by the supreme court and shall render these services in such manner as may be prescribed by the court.

Sec. 16. Section six hundred eighty-five point one (685.1), Code 1979, is amended to read as follows:

685.1 APPOINTMENT. ~~Within ninety days prior to the first secular day in January, 1927, and every four years thereafter, the~~ The judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four years and until ~~his~~ a successor ~~has been~~ is appointed and ~~qualified~~ qualifies. The judges of the supreme court shall set the salary of the clerk of the supreme court which salary shall not be less than twenty thousand or more than thirty thousand dollars annually. In case a vacancy occurs, the ~~same~~ vacancy shall be filled by appointment for the unexpired portion of the term only.

Sec. 17. Section six hundred eighty-five point six (685.6), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The court shall fix the compensation of the administrator, deputy administrator, and research director and the employees of the office. The salary of the administrator, deputy administrator, and research director shall be set at a rate of not less than twenty-five thousand or more than thirty-five thousand dollars annually. The supreme court is authorized to accept federal funds to supplement the funds appropriated to the court.

Sec. 18. Section six hundred eighty-five point seven (685.7), Code 1979, is amended to read as follows:

685.7 ASSISTANTS. The court administrator, with the approval of the supreme court, shall appoint ~~such~~ and set the salaries of assistants as are necessary ~~to enable him~~ to perform the powers and duties vested in ~~him~~ the court administrator. The salaries of the assistants, except the court fiscal director, shall be set at a rate of not less than fifteen thousand or more than twenty-five thousand dollars annually. The court fiscal director shall receive a salary at a rate of not less than twenty thousand dollars or more than thirty thousand dollars. While holding ~~such~~ the position, neither the court administrator nor ~~his~~ assistants shall practice law in any of the courts of this state.

Sec. 19. Section two point ten (2.10), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of twelve thousand eight hundred dollars for ~~each~~ the year 1981 and thirteen thousand seven hundred dollars for the year 1982 while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive an annual salary of ~~fourteen~~ fifteen thousand dollars for ~~each~~ the year 1981 and sixteen thousand dollars for the year 1982 while serving in such capacity. In addition, each such member shall receive the sum of thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated, by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive fifteen dollars per day. Travel expenses shall be paid at the rate established by section ~~79-9~~ eighteen point one hundred seventeen (18.117) of the Code for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section ~~79-9~~ eighteen point one hundred seventeen (18.117) of the Code shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of eighteen nineteen thousand two hundred dollars for the year 1981 and twenty thousand five hundred dollars for the year 1982. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house shall receive an annual salary of eighteen nineteen thousand two hundred dollars for each the year 1981 and twenty thousand five hundred dollars for the year 1982 while serving as the speaker of the house. Expense and travel allowances shall be the same for the speaker of the house as provided for other members of the general assembly.

Sec. 20. Section nineteen (19) of this Act is effective January 12, 1981. The salary rates established in section nineteen (19) for the year 1982 shall remain in effect until otherwise provided by the general assembly.

Sec. 21. All federal grants to and the federal receipts of the agencies affected by the provisions of this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in such federal grants or receipts.

Sec. 22.

1. There is appropriated from the general fund of the state to the salary adjustment fund provided for in section eight point forty-three (8.43) of the Code, for the fiscal years beginning July 1, 1979, and July 1, 1980, the following amounts or so much as may be necessary, to be distributed to the various departments to supplement other funds appropriated by the general assembly:

- a. For the fiscal year beginning July 1, 1979, \$25,700,000.
- b. For the fiscal year beginning July 1, 1980, \$51,300,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional social services bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the public safety bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

e. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

f. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

g. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the university of northern Iowa faculty bargaining unit.

h. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 23.

1. There is appropriated from the road use tax fund of the state to the state department of transportation, for the fiscal years beginning July 1, 1979, and July 1, 1980, the following amounts or so much as may be necessary, to be distributed to supplement other funds appropriated by the general assembly:

a. For the fiscal year beginning July 1, 1979, \$315,700.

b. For the fiscal year beginning July 1, 1980, \$652,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits for employees of the state department of transportation not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 24.

1. There is appropriated from the primary road fund to the state department of transportation the following amounts for the fiscal years beginning July 1, 1979, and July 1, 1980, or so much as may be necessary, to supplement other funds appropriated by the general assembly:

a. For the fiscal year beginning July 1, 1979, \$3,555,000.

b. For the fiscal year beginning July 1, 1980, \$7,326,000.

2. The amounts appropriated in subsection one (1) of this section shall be used to fund the following annual pay adjustments, expense reimbursement and benefits for employees of the state department of transportation not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, expense reimbursement and benefits referred to in sections twenty-seven (27), twenty-eight (28), thirty-one (31) and forty-two (42) of this Act and health care benefits for employees not covered by a collective bargaining agreement.

Sec. 25. Funds appropriated from the general fund of the state in this Act shall relate to salaries supported from general fund appropriations and shall not be construed to replace revolving, federal, trust or special funds where applicable.

Sec. 26. To departmental revolving, trust or special funds, except for primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is hereby provided for those funds, unless otherwise provided, in an amount necessary to fund salary adjustments provided in this Act.

Sec. 27.

1. The merit system pay plan and the executive council exempt pay plan provided for in section nineteen A point nine (19A.9), subsection two (2) of the Code as the pay plans exist for the fiscal years ending June 30, 1979, and June 30, 1980, shall be increased for all employees who are not included in a collective bargaining agreement made final under chapter twenty (20) of the Code by an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The merit employment commission shall revise the merit system pay plan and the governor shall revise the executive council pay plan as provided under section nineteen A point nine (19A.9), subsection two (2) of the Code by the percentage increases specified in this subsection and may increase the salary levels for the various grades and steps within the respective plans by different percentages, but the total percentage increase of all salaries included in each plan shall not exceed five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for the pay plans in this subsection does not preclude an individual state officer or employee subject to either pay plan from receiving an additional salary increase authorized under merit employment commission rules or policy of the governor as applicable.

2. The salaries of state employees who are exempt from chapter nineteen A (19A) of the Code and who are included in the state comptroller's centralized payroll system and the department of transportation payroll system and the office employees of the state board of regents as the salaries exist for the fiscal years ending June 30, 1979, and June 30, 1980, shall be increased by an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year

beginning July 1, 1980. The appointing authority shall determine the percentage increase of each employee's salary provided for under this subsection and may increase the salaries of employees by different percentages, but the total percentage increase of all salaries of employees under the appointing authority's jurisdiction shall not exceed five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for salaries under this subsection does not preclude a state officer or employee from receiving an additional salary increase authorized under department policy or policy determined by the appointing authority consistent with this Act or the merit system pay plan and appropriations made by the general assembly.

3. This section does not apply to members of the general assembly, board members and commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor and employees designated under section nineteen A point three (19A.3), subsection six (6) of the Code and employees under the state board of regents' merit system, but subsection two (2) of this section does apply to office employees of the state board of regents.

Sec. 28. The funds allocated to the state board of regents for the purpose of providing increases for employees not covered by a collective bargaining agreement shall be used as follows:

1. The amount necessary to fund in each fiscal year an average base salary increase of seven percent of base salaries of faculty members paid during the preceding fiscal year, to be allocated to faculty members at the discretion of the state board of regents.

2. The amount necessary to fund in each fiscal year a salary increase of four percent of the base salary of each professional and scientific staff member, except board office employees, paid during the preceding fiscal year. The percentage increase authorized for salaries under this subsection does not preclude a professional and scientific staff member from receiving an additional salary increase authorized by the state board of regents consistent with this Act and appropriations made by the general assembly.

3. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter twenty (20) of the Code, except board office employees, the amount necessary to increase the state board of regents' merit pay plan as it exists for the fiscal years ending June 30, 1979, and June 30, 1980, an average amount equal to five and two-tenths percent for the fiscal year beginning July 1, 1979, and five and four-tenths percent for the fiscal year beginning July 1, 1980. The percentage increase authorized for the pay plan in this subsection does not preclude an employee under the state board of regents' merit system who is not under a collective bargaining agreement and not board office employee, from receiving any additional salary increase authorized under the state board of regents' merit rules. The merit pay plan adjustment shall be rounded to the nearest whole dollar for the fiscal year beginning July 1, 1979.

Sec. 29. All funds appropriated by this Act to the salary adjustment fund for the department of transportation, and for the state agencies paid through the state comptroller's centralized payroll system, shall be used to fund salary and fringe benefit expenditures for the following periods of time:

1. For fiscal year July 1, 1979, and ending June 30, 1980, beginning with the bi-weekly paydate of July 13, 1979, and ending with the bi-weekly paydate of July 11, 1980.

2. For fiscal year July 1, 1980, and ending June 30, 1981, beginning with the bi-weekly paydate of July 25, 1980, and ending with the bi-weekly paydate of July 10, 1981.

Sec. 30. Chapter eight (8), Code 1979, is amended by adding the following new section:

NEW SECTION. PAYROLL ACCRUAL ACCOUNT. The state comptroller shall establish a payroll accrual account in the office of the state treasurer. In preparation of budgets for state departments, the state comptroller shall compute an amount for each fiscal year sufficient to provide funds to meet the twenty-seventh biweekly payroll when it occurs and shall deposit the necessary amount each year in the payroll accrual account.

Sec. 31. Section eighteen point one hundred seventeen (18.117), Code 1979, is amended to read as follows:

18.117 PRIVATE USE--RATE FOR STATE BUSINESS. ~~No~~ A state officer or employee shall not use any state-owned motor vehicle for ~~his--own~~ personal private use, nor shall ~~he~~ the officer or employee be compensated for driving his or her own motor vehicle ~~except-if--such~~ unless it is done on state business with the approval of the state vehicle dispatcher, and in such case ~~he or she~~ shall receive ~~fifteen~~ eighteen cents per mile effective July 1, 1979, and twenty cents per mile effective July 1, 1980. A statutory provision stipulating necessary, mileage, travel, or actual expenses reimbursement to a state officer shall be construed to fall under ~~this~~ fifteen-cents the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section ~~740-3~~ eight hundred one point four (801.4) of the Code who is required to use ~~his~~ a private vehicle in the performance of his official duties shall receive reimbursement for mileage expense at the rate ~~of-fifteen-cents-per-mile~~ specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services and approved by the executive council. When a state motor vehicle has been assigned to a state officer or employee ~~he~~ or she shall not collect mileage for the use of ~~his~~ a personal vehicle unless the state vehicle assigned ~~to~~ him is not usable.

This section shall not apply to ~~elected-officers-of-the-state,-judges-of-the-district-court,-judges-of-the-supreme-court,-or~~ officials and employees of the state whose mileage is paid by other than state agencies and, except for the provisions relating to mileage reimbursement, this section shall not apply to elected officers of the state, judges of the district court, judges of the court of appeals or judges of the supreme court.



Sec. 32. Section nineteen A point nine (19A.9), subsections eleven (11), fourteen (14), seventeen (17), and eighteen (18), Code 1979, are amended to read as follows:

11. For transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges. Whenever an employee transfers or is transferred from one state department or agency to another state department or agency, his or her seniority rights, any accumulated sick leave, and accumulated vacation time, as provided in the law, shall be transferred to the new place of employment and credited to him or her. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include transfer provisions shall be governed by the contract provisions.

14. For layoffs by reason of lack of funds or work, or organization, and for re-employment of employees so laid off, giving primary consideration in both layoffs and re-employment to performance record and secondary consideration to seniority in service. Any employee who has been laid off may keep his or her name on a preferred employment list for one year, which list shall be exhausted by the agency enforcing the layoff before selection of an employee may be made from the register in his or her classification. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include layoff provisions shall be governed by the contract provisions.

17. For establishment of a uniform plan for resolving employee grievances and complaints. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include grievance and complaint provisions shall be governed by the contract provisions.

18. For attendance regulations, and special leaves of absence, with or without pay, or reduced pay in the various classes of positions in the classified service. Employees who are subject to contracts negotiated under chapter twenty (20) of the Code which include leave of absence provisions shall be governed by the contract provisions. Annual sick leave and vacation time shall be granted in accordance with section 79.1.

Sec. 33. Section nineteen A point twenty-three (19A.23), Code 1979, is amended to read as follows:

19A.23 LONGEVITY PAY PROHIBITED--EXCEPTION. No state employee subject to the provisions of this chapter shall be entitled to longevity pay except those employees granted longevity pay pursuant to section ~~313-47-subsection-3~~ three hundred seven A point eight (307A.8) of the Code.

Sec. 34. Section twenty point twenty-eight (20.28), Code 1979, is amended to read as follows:

20.28 INCONSISTENT STATUTES--EFFECT. A provision of the Code which is inconsistent with any term or condition of a collective bargaining agreement which is made final under this chapter shall supersede the term or condition of the collective bargaining agreement unless otherwise provided by the general assembly. A provision of a proposed collective bargaining agreement negotiated according to this chapter which conflicts with the Code shall not become a provision of the final collective bargaining agreement until the general assembly has amended the Code to remove the conflict.

Sec. 35. Section thirty-three point two (33.2), Code 1979, is amended to read as follows:

33.2 PAID HOLIDAYS. State employees are granted, except as provided in the ~~third~~ fourth paragraph of this section, the following holidays off from employment with pay:

1. New Year's Day, January 1 first.
2. Memorial Day, the last Monday in May.
3. Independence Day, July 4 fourth.
4. Labor Day, the first Monday in September.
5. Thanksgiving Day, the fourth Thursday in November.
6. Friday after Thanksgiving, the Friday following Thanksgiving Day.
7. Christmas Day, December 25 twenty-fifth.
8. Two other holidays, each to be designated annually by the executive council.

9. Two days of paid leave each year to be added to the vacation allowance and accrued under the provisions of section seventy-nine point one (79.1) of the Code.

The appointing authority shall grant not more than four additional days of paid leave each year as required to implement contract provisions negotiated pursuant to chapter twenty (20) of the Code.

The executive council may designate days off from employment with pay in addition to those enumerated in this section for state employees at its discretion.

If a holiday enumerated in this section falls on Saturday, the preceding Friday shall be granted and if a holiday enumerated in this section falls on Sunday, the following Monday shall be granted. In those cases, where by nature of the employment a state employee must be required to work on a holiday the provisions of the first paragraph of this section shall not apply, however, compensation shall be made on the basis of the employee's straight time hourly rate for a forty-hour work week and shall be made in either compensatory time off or cash payment, at the discretion of the appointing authority unless otherwise provided for in a collective bargaining agreement.

~~No~~ A holiday or paid leave granted to a state employee by under this section can-be-considered-as shall be in addition to vacation time and--shall not--be--included--in--the--amount--of--vacation-to-which-a-state-employee-is entitled to which a state employee is entitled under section seventy-nine point one (79.1) of the Code.

~~In--addition--to--the--holidays--enumerated--in--this--section,--state--employees are--granted--two--days--of--paid--leave--each--year.--The--days--of--leave--shall--be added--to--the--vacation--allowance--accrued--under--the--provisions--of--section--79.1.~~

Sec. 36. Section forty-nine point twenty (49.20), Code 1979, is amended to read as follows:

49.20 COMPENSATION OF MEMBERS. The members of election boards shall ~~receive--two--dollars--per--hour~~ be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than two dollars and fifty cents nor more than three dollars and fifty cents

per hour, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense, except that persons whom the commissioner has been advised prior to their appointment to the election board are willing to serve without pay at elections conducted for any school district or a city of three thousand five hundred or less population shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of such canvass that the election record certificate has been properly executed by the election board.

Sec. 37. Section forty-nine point one hundred twenty-five (49.125), Code 1979, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section 79.9 if the distance involved is more than five miles. The wages shall be ~~two-dollars per-hour~~ computed at the hourly rate established pursuant to section forty-nine point twenty (49.20) of the Code and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 38. Section seventy-nine point one (79.1), unnumbered paragraphs one (1), three (3), four (4), and six (6), Code 1979, are amended to read as follows:

Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in ~~any-such~~ the Act, and all salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of calendar days in the fiscal year, and multiplying the result by the number of calendar days in the pay period. Salaries for state employees other than annual salaries shall be established on an hourly basis.

PARAGRAPH DIVIDED. All employees of the state ~~including---highway maintenance---employees---of---the---state---department---of---transportation~~ shall earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of chapter 91A as provided by the rules of the Iowa merit

employment department. ~~Said~~ The vacations shall be granted at the discretion and convenience of the head of the department, agency or commission, except that ~~in--no--ease--may~~ an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. In the event that the employment of an employee of the state is terminated the provisions of chapter 91A relating to ~~such~~ the termination shall apply.

Payments authorized by this section shall be approved by the department and paid from the appropriation or fund of original certification of the claim.

Commencing July 1, ~~1977~~ 1979, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, excluding employees covered under a collective bargaining agreement which provides otherwise, shall accrue sick leave at the rate of one and one-half days for each ~~full~~ complete month of full-time employment. The accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically-related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,
2. Which render the employee unable to perform assigned duties, or
3. When performance of assigned duties would jeopardize the employee's health or recovery.

~~The-governor-is-directed-to-issue-an-executive-order-implementing-a-policy which--would--grant--additional-vacation-time,-not-to-exceed-one-half-day,-to state~~ State employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are not covered under--a--collective--bargaining--agreement--negotiated--pursuant--to chapter--20, eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment may elect to accrue up to one-half day of additional vacation. ~~The-executive-order-shall-remain-in-effect until---the-general--assembly--provides--a--program--based--upon--the--state comptroller's-study-for-providing-credit-for-the-accrual-of-sick--leave.~~ The accrual of additional vacation time by an employee for not using sick leave during a month shall be in lieu of the accrual of up to one and one-half days of sick leave for that month. The state comptroller may promulgate the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may promulgate necessary rules for the implementation of this program for its employees.

Sec. 39. Section seventy-nine point one (79.1), unnumbered paragraph eight (8), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

Beginning with the pay period which includes July 1, 1981, if a pay period includes days in two fiscal years, the state comptroller shall charge the payroll for that pay period to the latter fiscal year if that year includes half or more of the days in the pay period, and to the former fiscal year if that year includes more than half of the days in the pay period, and a specific annual salary rate or annual salary adjustment commencing with the latter fiscal year shall commence with the first day of the first pay period which is charged to the latter fiscal year.

Sec. 40. If a state employee has accrued vacation leave on June 30, 1979, in excess of the limitations on accrual and accumulation provided in section thirty-eight (38) of this Act, then the limitation on accrual and accumulation shall not apply to that employee until June 30, 1980, and on that date the employee shall lose any accrued vacation leave in excess of the limitations on accrual and accumulation provided in section thirty-eight (38) of this Act.

Sec. 41. Section seventy-nine point nine (79.9), Code 1979, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE. When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile of ~~fifteen~~ eighteen cents per mile for actual and necessary travel effective July 1, 1979, and twenty cents per mile effective July 1, 1980. A statutory provision stipulating necessary, mileage, travel, or actual reimbursement to a local public officer or employee shall be construed to fall within ~~this--fifteen--cents~~ the mileage reimbursement limitation specified in this section unless specifically provided otherwise. Any peace officer, other than a state officer or employee, as defined in section ~~740-3~~ eight hundred one point four (801.4) of the Code who is required to use ~~his~~ a private vehicle in the performance of ~~his~~ official duties shall receive reimbursement for mileage expense at the rate ~~of fifteen cents-per-mile~~ specified in this section.

Sec. 42. Section seventy-nine point twenty-three (79.23), Code 1979, is amended to read as follows:

79.23 CREDIT FOR ACCRUED SICK LEAVE. Commencing July 1, 1977, ~~when an a~~ state employee ~~who--is--not--covered--under--the-provisions-of-a-collective bargaining-agreement-negotiated-under-the-provisions-of-chapter-20,~~ excluding an employee covered under a collective bargaining agreement which provides otherwise, retires under the provisions of a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. ~~Until-the-general-assembly-provides--a--program of-credit--for-accrued-sick-leave--the-number-of-accrued-days-credited-to-an employee-upon-retirement-shall-be-the-same-as-at-the-time-of--the--employee's retirement.~~ When an employee retires, is eligible and has applied for benefits under a retirement system authorized under chapter ninety-seven A (97A) or ninety-seven B (97B) of the Code, including the teachers insurance annuity association (TIAA) and the college retirement equity fund (CREF), the employee shall receive a cash payment for the employee's accumulated, unused

sick leave in both the active and banked sick leave accounts except when, in lieu of cash payment, payment is made for monthly premiums for health or life insurance or both as provided in a collective bargaining agreement negotiated under chapter twenty (20) of the Code. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement. However, the total cash payment for accumulated, unused sick leave shall not exceed two thousand dollars and is payable upon retirement. Banked sick leave is defined as accrued sick leave in excess of ninety days. A state employee who retired on or after July 1, 1977, but before July 1, 1979, may file claims for the employee's accrued sick leave credit authorized in this section. The claim of a state employee paid through the state comptroller's centralized payroll system and the department of transportation payroll system shall be filed with the state comptroller on forms provided by the state comptroller. The claim for an employee of the state board of regents shall be filed with the state board of regents on forms provided by the board.

Sec. 43. The provisions of section seventy-nine point twenty-three (79.23) of the Code relating to the cash payment to state employees upon retirement for accumulated, unused sick leave shall not apply to persons who were covered under a collective bargaining agreement and who retired on or after July 1, 1977, and before July 1, 1979, unless the collective bargaining agreement provides for the cash payment.

Sec. 44. Section eighty point eight (80.8), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

A collective bargaining agreement entered into between the state and a state employee organization under chapter 20 made final after July 1, 1977, shall not include any pay adjustment ~~or increase~~ to longevity pay authorized under this section.

Sec. 45. Section eighty point fifteen (80.15), Code 1979, is amended to read as follows:

80.15 EXAMINATION--OATH--PROBATION--DISMISSAL. No applicant for membership in the department of public safety, except clerical workers and special agents appointed under section 80.7, shall be appointed as a member until he\*has passed a satisfactory physical and mental examination. In addition, such applicant must be a citizen of the United States, of good moral character, and be not less than twenty-two years of age. The mental examination shall be conducted under the direction or supervision of the commissioner of public safety and may be oral or written or both. Each applicant shall take an oath on becoming a member of the force, to uphold the laws and Constitution of the United States and of the state of Iowa. During the period of twelve months after appointment, any member of the department of public safety, except members of the present Iowa highway safety patrol who have served more than six months, shall be subject to dismissal at the will of the commissioner. After the twelve months' service, no member of the department, who shall have been appointed after having passed the before-mentioned examinations, shall be subject to dismissal unless charges have been filed with the secretary of the executive council and a hearing held before the executive council, if requested by said member of the department,

\*According to enrolled Act

at, which ~~he~~ the member shall have an opportunity to present ~~his~~ a defense to such charges. The decision of the executive council by majority vote shall be final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act. All rules, except employment provisions negotiated pursuant to chapter twenty (20) of the Code, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner with the approval of the governor.

Sec. 46. Section two hundred seventy-nine point thirteen (279.13), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If the provisions of a contract executed or automatically renewed under this section conflict with a collective bargaining agreement negotiated under chapter twenty (20) of the Code and effective when the contract is executed or renewed, the provisions of the collective bargaining agreement shall prevail.

Sec. 47. Section three hundred seven A point two (307A.2), subsection three (3), Code 1979, is amended to read as follows:

3. When in the interest of the state, the commission may allow a subsistence expense to an employee of the highway division of the department for continuous stay in one location while on duty away from established headquarters and place of domicile or either for a period not to exceed forty-five days; allow automobile expenses in accordance with section 79-9 eighteen point one hundred seventeen (18.117) of the Code, for moving an employee and his or her family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. Such household goods shall not include pets or animals.

Sec. 48. NEW SECTION. A supervisory member of any department or agency employed by the state of Iowa shall not be granted a voluntary reduction to a nonsupervisory rank or grade during the six months preceding retirement of the member. A member of any department or agency employed by the state of Iowa who retires in less than six months after voluntarily requesting and receiving a reduction in rank or grade from a supervisory to a nonsupervisory position shall be ineligible for a benefit to which the member is entitled as a nonsupervisory member but is not entitled as a supervisory member.

The provisions of this section shall be effective during the collective bargaining agreement in effect from July 1, 1979 through June 30, 1981.

Sec. 49. Sections nineteen A point twelve (19A.12), nineteen A point twenty-two (19A.22), two hundred eighteen point seventy-one (218.71), two hundred nineteen point eleven (219.11) and two hundred forty-six point thirty-three (246.33), Code 1979, are repealed.

Sec. 50. The method used by the state comptroller from May, 1975 through June, 1981 in computing the amount paid for each pay period to state employees on an annual salary is legalized.

Sec. 51. The amendments to sections forty-nine point twenty (49.20) and forty-nine point one hundred twenty-five (49.125), Code 1979, enacted by this Act are effective July 1, 1980.

CHAPTER 3  
EXECUTIVE, LEGISLATIVE AND JUDICIAL

H. F. 742

AN ACT relating to and making appropriations to various executive, legislative and judicial departments and agencies.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following named agency, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
GOVERNOR		
1. For salaries, support, maintenance and miscellaneous purposes of the general office of the governor .....	\$ 543,020	\$ 538,980
2. For the governor's expenses connected with office .....	\$ 6,000	\$ 6,000
3. For salaries and support of not more than eight point five full-time equivalent positions and maintenance of the Terrace Hill governor's mansion which shall be open for the public without prior appointment a minimum of twenty hours per week and a minimum of five days per week, in addition to arranged special group tours, and closed during the months of January and February except for special tours which may be conducted at the discretion of the Terrace Hill site coordinator .....	\$ 174,570	\$ 171,580

Sec. 2. There is appropriated from the general fund of the state to the office of the governor for each fiscal year of the fiscal biennium commencing July 1, 1979 and ending June 30, 1981, the following amount or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. AD HOC COMMITTEES, COUNCILS, AND TASK FORCES		

For the payment of expenses of ad hoc committees, councils and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, includ-



ing the employment of professional, technical and administrative staff and the payment of per diem, not exceeding forty dollars, and actual expenses of committee, council or task force members. It is the intent of the general assembly and a condition of this appropriation that personnel hired for the staffing of any ad hoc committee, council, or task force be terminated upon the completion of the committee, council or task force's final report ..... \$ 50,000 \$ 50,000

2. OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

For salaries and support of not more than two full-time equivalent positions and miscellaneous purposes ..... \$ 55,762 \$ 55,134

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, except as otherwise provided, to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. OFFICE FOR PLANNING AND PROGRAMMING

a. For salaries and support of not more than sixty-six point twenty full-time equivalent positions, maintenance and miscellaneous purposes ... \$ 804,420 \$ 810,963

b. For funds to match federal supplemental EDA discretionary funds ..... \$ 50,000 \$ 50,000

Unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund until June 30, 1983, notwithstanding other provisions of this section or section eight point thirty-three (8.33) of the Code.

It is a condition of this appropriation that each economic development administration grant and approval of the grant be coordinated with the Iowa development commission before final grant approval is made.

c. For rural community development, including not more than ten thousand (10,000) dollars to be expended for administration expenses, pursuant to chapter three hundred eighty-seven (387) of the Code ..... \$ 250,000

Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code funds appropriated in this paragraph shall not revert until June 30, 1981.

d. For funds for salaries, support, maintenance, and miscellaneous purposes required to match federal funds for planning and administration of the federal Highway Safety Act ..... \$ 75,000 \$ 75,000

2. IOWA MERIT EMPLOYMENT DEPARTMENT

For the general office for salaries and support of not more than fifty-seven point fifty full-time equivalent positions, maintenance and miscellaneous purposes .....

\$ 1,184,759 \$ 1,195,247

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds not to exceed one hundred fifty thousand (150,000) dollars appropriated for the implementation of a data processing system appropriated by chapter four (4), section one (1), subsection seven (7) of the Acts of the Sixty-seventh General Assembly, 1977 Session and by chapter one thousand seventeen (1017), section one (1), subsection eight (8) of the Acts of the Sixty-seventh General Assembly, 1978 Session, for use by the Iowa merit employment department, remaining on June 30, 1979 shall not revert to the general fund of the state, but shall carry forward for use during fiscal year 1979-80 and shall revert in the same manner as if appropriated for such fiscal year.

3. BUREAU OF LABOR

For salaries and support of not more than ninety-two point twelve full-time equivalent positions, maintenance and miscellaneous purposes .

\$ 1,181,330 \$ 1,177,511

4. LIEUTENANT GOVERNOR

For the lieutenant governor's compensation and expenses as provided in subsection two (2) of section two point ten (2.10) of the Code including service as a member of the legislative council and for per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session, including travel, postage and not more than three point fifty full-time equivalent positions .....

\$ 87,560 \$ 86,050

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the office for planning and programming the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the demographic center .....	\$ 45,139	\$ 45,139
2. For administration purposes by the office for planning and programming for the census data center .....	\$ 20,000	\$ 20,000
3. For allocation to the state board of regents for distribution in the board's discretion to the census data centers of the three state universities .....	\$ 76,500	\$ 76,500

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state.

Sec. 5. There is appropriated from the general fund of of\* the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following named department, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
DEPARTMENT OF JUSTICE		
1. For the general office of attorney general for salaries and support of not more than one hundred thirty point fifty full-time equivalent positions, maintenance and miscellaneous purposes .....	\$ 2,135,620	\$ 2,120,793
2. Prosecuting attorney training program For salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding .....	\$ 53,040	\$ 51,670
3. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection .....	\$ 52,500	\$ 52,500

Sec. 6. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA ACADEMY OF SCIENCE For support and maintenance .....	\$ 4,500	\$ 4,500
2. IOWA STATE ARTS COUNCIL For salaries and support of not more than twelve point seventy-five full-time equivalent positions and maintenance and miscellaneous purposes including funds to match federal grants ...	\$ 297,845	\$ 292,749
3. CAPITOL PLANNING COMMISSION For per diem of forty dollars per day and expenses of the members in carrying out their duties under chapter eighteen A (18A) of the Code .	\$ 5,000	\$ 5,000
4. IOWA STATE HISTORICAL DEPARTMENT a. For the division of the state historical society for salaries and support of not more than seventeen full-time equivalent positions and maintenance and miscellaneous purposes. The division of the state historical society may publish and print the <u>Iowa Journal</u> and the <u>Iowa Goldfinch</u> and shall sell the publications and use the proceeds to pay the costs of publication and printing .....	\$ 441,359	\$ 441,390

\*According to enrolled Act

b. For the division of historic preservation for salaries and support of not more than sixteen point seventy-two full-time equivalent positions, maintenance, and miscellaneous purposes .....	\$ 155,299	\$ 161,742
c. For the division of historic museum and archives for salaries and support of not more than twenty-nine point fifty full-time equivalent positions, maintenance, and miscellaneous purposes .....	\$ 465,335	\$ 462,724
d. For the state historical board for per diem and expenses .....	\$ 15,000	\$ 15,000
e. For the division of the state historical society for repair of an elevator in the centennial building .....	\$ 11,000	
5. IOWA LIBRARY DEPARTMENT		
a. For the state library for salaries and support of not more than forty-nine point thirty-three full-time equivalent positions, maintenance, and miscellaneous purposes. It is the intent of the general assembly that library materials maintained by individual state agencies be incorporated into the cataloging system of the state library .....	\$ 700,177	\$ 710,577
b. For the regional library system for state aid including a cost-of-living increase of seven percent each year of the biennium of salaries as they exist on June 21, 1979 and June 19, 1980 to be given to regional library employees .....	\$ 994,788	\$ 1,030,808
6. EXECUTIVE COUNCIL		
For salaries and support of not more than two full-time equivalent positions, maintenance, and miscellaneous purposes .....	\$ 52,321	\$ 52,174
7. COUNCIL OF STATE GOVERNMENTS		
For the support of the membership assessment. It is a condition of this appropriation that any state employee or official attending meetings, conferences, or seminars sponsored by the council of state governments shall file with the presiding officer of each house who may provide a copy to the house and senate committee whose jurisdiction corresponds with the subject matter of the meeting, conference, or seminar attended a written report relating to the subject matter considered .....	\$ 37,900	\$ 37,900
8. NATIONAL CONFERENCE OF STATE LEGISLATURES		
For support of membership assessment. It is a condition of this appropriation that any legis-		

lative employee or official attending meetings, conferences, or seminars, sponsored by the national conference of state legislatures, shall file with the presiding officer of each house who may provide a copy to the house and senate committee whose jurisdiction corresponds with the subject matter of the meetings, conferences, or seminars attended, a written report relating to the subject matter considered ..... \$ 34,140 \$ 34,140

9. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of members ..... \$ 8,200 \$ 8,800

10. LEGISLATIVE FISCAL BUREAU

For salaries and support of not more than twelve full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$ 357,017 \$ 355,167

11. LEGISLATIVE SERVICE BUREAU

a. For salaries, support, maintenance and miscellaneous purposes. It is the intent of the general assembly and a condition of the appropriation for the fiscal year 1980-1981 that new positions required for reapportionment purposes be filled on a temporary basis during that fiscal year ..... \$ 711,029 \$ 753,133

b. For drafting, research, and Code data processing programs and services ..... \$ 15,000 \$ 15,000

12. PIONEER LAWMAKERS ..... \$ 250 \$ 750

13. OFFICE OF CITIZENS' AIDE

For salaries and support of not more than eight point thirty full-time equivalent positions, maintenance, and miscellaneous purposes .. \$ 195,000 \$ 200,000

Sec. 7. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following named judicial department agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. COURTS

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates, and staff, maintenance, equipment and miscellaneous purposes ..... \$ 8,908,014 \$ 8,707,393

2. BOARDS AND COMMISSION--JUDICIAL DEPARTMENT

For salaries and support of not more than point fifty full-time equivalent positions, and

maintenance, and miscellaneous purposes of the board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission ..... \$ 51,801 \$ 53,404

3. ADMINISTRATION

For salaries and support of not more than twenty point fifty full-time equivalent positions, maintenance, equipment, and miscellaneous purposes of the court administrator, and clerk of the supreme court ..... \$ 498,916 \$ 528,818

4. JUDICIAL RETIREMENT

For the state contribution to the judicial retirement system provided for in chapter six hundred five A (605A) of the Code the following amounts which are in addition to the amount of three percent of such salaries ..... \$ 308,613 \$ 308,613

Sec. 8. Section six hundred five point two (605.2), Code 1979, is amended to read as follows:

605.2 EXPENSES. Where a magistrate or judge of the district court, court of appeals or supreme court is required, in the discharge of official duties, to leave the county of the magistrate's or judge's residence ~~or--leave--the city-of-the-judge's-residence-to-perform-such-duties,~~ the magistrate or judge shall be paid such actual and necessary expenses ~~for--living-quarters-and living-expenses-not-to-exceed-the-sum--of--twenty-two--dollars--per--day--and transportation-expenses-as-shall-be~~ incurred in the performance of his or her duties not to exceed a maximum amount set by the supreme court by rule prescribing the maximum amount, terms and conditions for reimbursement. ~~Expenses--for--judges--of--the--court--of--appeals-are-limited-as-provided-in section-684-45.~~

Sec. 9. There is appropriated to the office of the governor for the citizens privacy task force created by the Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety-one (1191), section one (1), for the fiscal period beginning July 1, 1979 and ending December 31, 1979, the sum of twenty-four thousand fifty-five (24,055) dollars, or so much thereof as is necessary, for salaries and support of not more than one full-time equivalent position, maintenance and miscellaneous purposes.

Sec. 10. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following named agency, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

- 1. DEPARTMENT OF GENERAL SERVICES
  - a. OFFICE OF THE DIRECTOR

For salaries and support of not more than seven full-time equivalent positions, maintenance, and miscellaneous services, however, the

funds appropriated in this paragraph shall not be used if the director enters into any contract, or initiates negotiations or proceedings, for construction of any building or other capitol project which would be in violation of section seven hundred twenty-one point two (721.2), subsection one (1), Code 1979 ..... \$ 158,104 \$ 157,291

b. GENERAL ADMINISTRATION

For salaries and support of not more than twenty-five point fifteen full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$ 366,456 \$ 366,203

c. UTILITY COSTS

For payment of utility costs ..... \$ 1,215,011 \$ 1,303,335

d. BUILDINGS AND GROUNDS

For salaries and support of not more than two hundred twelve full-time equivalent positions, maintenance and miscellaneous purposes ..... \$ 2,770,024 \$ 2,775,665

e. PRINTING DIVISION

For salaries and support of not more than six full-time equivalent positions, and maintenance, and miscellaneous purposes. It is the intent of the general assembly and a condition of this appropriation that a complete listing of state boards, commissions, and agencies, in addition to those required by subsection four (4) of section fourteen point ten (14.10) of the Code, be inserted in the sessions laws ..... \$ 122,038 \$ 184,001

f. COMMUNICATIONS DIVISION

For salaries and support of not more than seventeen point seventy full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$ 336,670 \$ 336,051

g. RECORDS MANAGEMENT

For salaries and support of not more than seventeen full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$ 331,932 \$ 327,217

h. RISK MANAGEMENT

For salaries and support of not more than two full-time equivalent positions, maintenance, and miscellaneous purposes ..... \$ 48,834 \$ 50,812

2. DEPARTMENT OF GENERAL SERVICES--REVOLVING FUNDS

a. From the centralized printing permanent revolving fund established by section eighteen point fifty-seven (18.57) of the Code for salaries and support of not more than thirty-three

full-time equivalent positions and maintenance and miscellaneous purposes ..... \$ 553,478 \$ 542,398

b. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, off-set printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal years beginning July 1, 1979 and July 1, 1980 which are legally payable from this fund.

c. From the general service revolving fund established by section eighteen point nine (18.9) of the Code for salaries and support of not more than nineteen point fifty full-time equivalent positions and maintenance and miscellaneous purposes ..... \$ 356,790 \$ 357,564

d. The remainder of the general service revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal years beginning July 1, 1979 and July 1, 1980 which are legally payable from this fund.

e. From the vehicle dispatcher revolving fund established by section eighteen point one hundred nineteen (18.119) of the Code for salaries and support of not more than twenty-two point fifty full-time equivalent positions, maintenance and miscellaneous purposes including ten thousand (10,000) dollars to purchase a ten thousand gallon tank for gasohol ..... \$ 390,388 \$ 375,515

f. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, oil, tires, repairs and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal years beginning July 1, 1979 and July 1, 1980 which are legally payable from this fund.

Sec. 11. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand twenty-three (1023), section one (1), is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state to the legislative fiscal bureau for the fiscal period beginning with the effective date of this Act and ending June 30, ~~1979~~ 1981 the sum of five hundred eighty-five thousand (585,000) dollars, or so much thereof as is necessary, for the purpose of developing, maintaining, and using a data processing interactive decision evaluation action system created by section



three (3) of this Act. Funds appropriated by this section shall be expended for the purposes specified in this section, section two (2) and subsection two (2) of section three (3) of this Act.

Sec. 12. Chapter two (2), Code 1979, is amended by adding the following new section:

NEW SECTION. PROGRAM EVALUATIONS.

1. The general assembly may by concurrent resolution or the legislative council may direct the legislative fiscal bureau to conduct a program evaluation of any agency of the state government. Upon the passage of the concurrent resolution or receiving the direction of the legislative council, the legislative fiscal director shall inform the chairpersons of the committees responsible for appropriations of the anticipated cost of the program evaluation and the number and nature of additional personnel needed to conduct the program evaluation and shall notify the official responsible for the program to be evaluated.

2. In conducting the program evaluation, the legislative fiscal bureau shall make certain determinations including but not limited to the following:

a. Whether the state agency is conducting programs and activities and expending funds appropriated to it in compliance with the Acts of the general assembly, the Code, and any federal, state or local rules which are applicable.

b. Whether the state agency is conducting authorized activities and programs pursuant to objectives intended by the general assembly.

c. Whether the state agency is conducting programs and activities and expending funds appropriated to it in an efficient and effective manner.

d. Whether there are areas in which significant inconsistency, duplication, or overlapping of activities or programs occur either within the agency or with respect to other agencies or programs.

e. The productivity of the agency's operations measured in terms of cost-benefit relationships or other accepted measures of effectiveness.

3. Upon the completion of the program evaluation, the legislative fiscal director shall provide a copy of the report to the governing official or board of the agency and afford the agency a reasonable opportunity to respond to the findings and recommendations of the report. The response shall be included in the report and the report released to the legislative council. Until its release the report shall be regarded as confidential by all persons properly having custody of it.

4. The legislative fiscal director shall establish a division in the legislative fiscal bureau to conduct program evaluations. Members of the legislative fiscal bureau assigned to the program evaluation division may assist and be assisted by other members of the bureau in their respective duties.

Sec. 13. There is appropriated from the general fund of the state to the legislative fiscal bureau for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, for the purpose of carrying out program evaluations:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries and support of not more than three full-time equivalent positions, and maintenance and miscellaneous purposes .....	\$ 70,000	\$ 80,000

Sec. 14. Section twenty-eight B point one (28B.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Appointments shall be made ~~during--April~~ prior to the fourth Monday in January of the first regular session of the general assembly. Members shall take office on ~~May-1~~ February first following their appointment and serve for two-year terms or until their successors are appointed and take office.

Sec. 15. Section twenty-nine C point twenty (29C.20), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION.** A governmental subdivision which loses fifty percent or more of its income required to sustain its annual operating budget because of the destruction of the taxable or revenue producing property due to a natural disaster, may receive at the discretion of the executive council a grant not to exceed fifty percent of the governmental subdivision's operating budget for the fiscal year in which the natural disaster occurs. The amount of the financial grant shall not exceed twenty-five thousand dollars for a fiscal year. The executive council may require such information as is necessary prior to making the financial grant.

Sec. 16. Section fifteen (15) of this Act shall apply to a governmental subdivision which loses income due to a natural disaster occurring after March 1, 1979. The Code editor shall codify the subsection created in section fifteen (15) of this Act as subsection three (3) of section twenty-nine C point twenty (29C.20) of the Code and renumber the remaining sections in accordance with this Act.

Sec. 17. Section three hundred eighty-seven point two (387.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The Iowa rural community development committee is established within the ~~community-betterment-division-of-the-iowa-development-commission~~ office for planning and programming and is composed of the following:

Sec. 18. All federal grants to and the federal receipts of the agency appropriated funds under this division are appropriated for the purposes set forth in such federal grants and receipts.

Approved June 10, 1979

**CHAPTER 4**  
**REGULATORY AND FINANCE, MONEYS AND CREDITS FUND,**  
**COUNTY AND MUNICIPAL ASSISTANCE, REVENUE DEPARTMENT**  
**AND JOB SERVICE**

S. F. 471

AN ACT making appropriations to various state regulatory and finance departments, boards and commissions and specifying the full-time equivalent positions for each, and making appropriations to the moneys and credits replacement fund, to the county government assistance fund, to the municipal assistance fund, to the department of revenue from the motor vehicle fuel tax fund and to the department of job service from the Iowa public employees' retirement system fund.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following boards the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<b>1. BOARD OF ARCHITECTURAL EXAMINERS</b>		
For salaries and wages for not more than one full-time equivalent position and for support, maintenance, and other operational purposes ....	\$ 32,800	\$ 33,200
It is the intent of the general assembly that the per diem and travel expenses of the members of the board of architectural examiners be reduced to an amount not more than seven thousand five hundred (7,500) dollars for each year of the biennium.		
<b>2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS</b>		
For salary and wages for not more than zero point fifty full-time equivalent positions and for support, maintenance, and other operational purposes .....	\$ 12,628	\$ 12,705
<b>3. BOARD OF WATCHMAKING EXAMINERS</b>		
For salary and wages for not more than zero point thirty full-time equivalent positions and for support, maintenance, and other operational purposes .....	\$ 10,109	\$ 9,968
<b>4. BOARD OF ACCOUNTANCY</b>		
For salaries and wages for not more than four full-time equivalent positions and for support, maintenance, and other operational purposes .....	\$ 173,975	\$ 178,422

5. STATE BOARD OF ENGINEERING EXAMINERS

For salaries and wages for not more than two full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 88,044 \$ 92,771

It is the intent of the general assembly that the per diem and travel expenses of the members of the state board of engineering examiners be reduced to an amount not more than eighteen thousand eight hundred sixty-six (18,866) dollars for the fiscal year 1979-1980 and to not more than twenty thousand seven hundred fifty-three (20,753) dollars for the fiscal year 1980-1981.

Sec. 2. There is appropriated from the general fund of the state to the following departments and commissions for each fiscal year of the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. AUDITOR OF STATE

For salaries and wages for not more than one hundred one full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 1,417,778 \$ 1,414,021

The cost of all licensed substance abuse programs subject to regular audit by the auditor of state or to special audits requested by the director of substance abuse shall be reimbursed to the auditor of state from such programs.

It is the intent of the general assembly that a position of administrator four be filled.

2. DEPARTMENT OF BANKING

For salaries and wages for not more than ninety-two full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 2,326,757 \$ 2,338,256

It is the intent of the general assembly that an examiner be employed to audit bank holding companies.

3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries and wages for not more than nine hundred five point fourteen full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$14,746,842 \$14,860,474

It is the intent of the general assembly that an inventory specialist be employed.

4. CAMPAIGN FINANCE DISCLOSURE COMMISSION

For salaries and wages for not more than four full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 97,187 \$ 97,823

5. IOWA STATE COMMERCE COMMISSION

a. General Administration

For salaries and wages for not more than sixteen full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 364,058 \$ 360,055

b. Warehouse Division

For salaries and wages for not more than twenty-five full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 509,260 \$ 511,032

c. Utilities Division

For salaries and wages for not more than eighty-one full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 2,092,492 \$ 2,099,228

It is the intent of the general assembly that the general public have an opportunity to be heard on rate increase proposals and that the commission shall provide for the taking of testimony for the record from affected customers at major population centers within the affected areas.

6. STATE COMPTROLLER

a. General Office

For salaries and wages for not more than fifty-four full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 1,180,305 \$ 1,186,680

It is the intent of the general assembly that a deputy comptroller be employed and that a secretary two and a public service executive five be employed for the purpose of a management review team function.

b. Division of Data Processing

For salaries and wages for not more than one hundred sixty point thirty-nine, for fiscal year 1979-1980, and one hundred sixty point forty-seven, for fiscal year 1980-1981, full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 4,813,467 \$ 5,220,737

c. City Finance Committee ..... \$ 10,800 \$ 10,800

7. CREDIT UNION DEPARTMENT

For salaries and wages for not more than sixteen full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 393,375 \$ 388,695

It is the intent of the general assembly that an examination analyst be employed who is to also serve as deputy administrator.

8. INDUSTRIAL COMMISSIONER

For salaries and wages for not more than thirty-five point fifty-five full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 810,702 \$ 829,370

9. INSURANCE DEPARTMENT OF IOWA

For salaries and wages for not more than seventy-nine point ninety full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 1,825,690      \$ 1,830,875

10. IOWA DEPARTMENT OF JOB SERVICE

For salaries and wages for not more than six point fifty full-time equivalent positions and for support, maintenance, and other operational purposes for the administration of chapter ninety-seven (97) and chapter ninety-seven C (97C) and section two hundred ninety-four point fifteen (294.15) of the Code ..... \$ 121,646      \$ 124,394

11. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

For salaries and wages for not more than three point sixty-nine full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 43,597      \$ 43,870

12. PUBLIC EMPLOYMENT RELATIONS BOARD

For salaries and wages for not more than sixteen point fifty full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 561,226      \$ 562,960

13. IOWA REAL ESTATE COMMISSION

For salaries and wages for not more than nine point fifty full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 277,084      \$ 266,959

14. DEPARTMENT OF REVENUE

For salaries and wages for not more than six hundred seventy-eight point sixty-four full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$12,228,072      \$12,145,839

15. SECRETARY OF STATE

For salaries and wages for not more than forty-one point thirty-three full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 698,444      \$ 679,248

It is the intent of the general assembly that the secretary of state shall not lease space or facilities in the capitol complex to any private person without charging a fair and reasonable market price for such space or facilities as determined by the director of the general services department.

16. TREASURER OF STATE

For salaries and wages for not more than twenty-two point twenty-five full-time equivalent positions and for support, maintenance, and other operational purposes ..... \$ 384,185      \$ 374,502

Sec. 3. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section four hundred twenty-two point one hundred (422.100) of the Code for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for payments to counties as provided in section four hundred twenty-two point one hundred (422.100) of the Code.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 2,500,000	\$ 2,500,000

Sec. 4. There is appropriated from the general fund of the state to the county government assistance fund, established in section three hundred thirty-four A point one (334A.1) of the Code, for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section three hundred thirty-four A point two (334A.2) of the Code.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 5,000,000	\$ 5,000,000

Sec. 5. There is appropriated from the general fund of the state to the municipal assistance fund, established in section four hundred five point one (405.1) of the Code, for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for state assistance to municipalities, with distribution in accordance with section four hundred five point one (405.1) of the Code.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$13,000,000	\$13,000,000

Sec. 6. There is appropriated from the motor vehicle fuel tax fund to the department of revenue for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, for salaries, support, maintenance, and other operational purposes for administration and enforcement of the provisions of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 816,493	\$ 903,873

Sec. 7. There is appropriated from the Iowa public employees' retirement system fund for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the Iowa department of job service, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>

For salaries and wages for not more than thirty-eight point fifty full-time equivalent positions and for support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system ..... \$ 1,535,755      \$ 1,622,074

\*\*\* Sec. 8. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balances of any appropriation made under this Act which exists on June thirtieth of a fiscal year shall revert to the fund from which it was appropriated.\*\*\*

Sec. 9. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Approved June 7, 1979, except the item designated as Section 8 herein which I hereby disapprove for the reasons in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray  
Governor

Dear Mr. Secretary:

I hereby transmit Senate File 471, an act making appropriations to various state regulatory and finance departments, boards and commissions and specifying the full-time equivalent positions for each, and making appropriations to the moneys and credits replacement fund, to the county government assistance fund, to the municipal assistance fund, to the Department of Revenue from the motor vehicle fuel tax fund and to the Department of Job Service from the Iowa public employees' retirement system fund.

Senate File 471 is approved June 7, 1979, with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 8 which reads as follows:

Sec. 8. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balances of any appropriation made under this Act which exists on June thirtieth of a fiscal year shall revert to the fund from which it was appropriated.

Section 8.39 of the Code of Iowa authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. Rarely has the transfer authority been utilized.

However, the legislative authors of 8.39 realized that no budgeting is foolproof. With the flexibility 8.39 provides, we can make necessary adjustments when unforeseen or changing circumstances arise or miscalculations are discovered.

\*\*\*Item veto



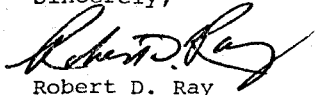
Occasionally the legislature has made appropriations knowing and expecting that a transfer would be made if the original appropriation proved to be insufficient for the intended purpose.

A new safeguard to the transfer authority was added in 1978. Legislation was adopted last year which we accepted requiring notification of various legislators two weeks prior to the transfer of funds for the purpose of review and comment by the legislators. We would be happy to accept and would respect such comments, although to date none have been forthcoming.

We do not anticipate making transfers from or to the appropriations contained in Senate File 471. Yet the restriction in Section 8 sets a bad precedent. Fortunately, none of the other major operating appropriation bills passed by the legislature this year contain similar restrictions.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 471 are hereby approved this date.

Sincerely,



Robert D. Ray  
Governor

## CHAPTER 5 SOCIAL SERVICES

S. F. 497

AN ACT to make a supplemental appropriation to the department of social services for the medical assistance, foster care and homemaker services programs.

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

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning with the effective date of this Act and ending June 30, 1979, the sum of two million three hundred seventy-eight thousand (2,378,000) dollars, or so much thereof as is necessary, which shall be used only to supplement existing appropriations made by chapter one thousand eighteen (1018), section sixteen (16), Acts of the Sixty-seventh General Assembly, 1978 Session, for the medical assistance, foster care and homemaker services programs.

\*\*\* Sec. 2. Any unencumbered or unexpended funds not used for the purposes specified in section one (1) of this Act and remaining on June 30, 1979, shall revert to the general fund of the state. Notwithstanding section eight point thirty-nine (8.39) of the Code, funds appropriated by this Act shall not be subject to transfer or expenditure for any purpose other than the purposes specified in section one (1) of this Act.\*\*\*

\*\*\*Item veto

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the LeMars Daily Sentinel, a newspaper published in LeMars, Iowa, and in The Villisca Review and Stanton Viking, a newspaper published in Villisca, Iowa.

Approved June 9, 1979, except the item designated as Section 2 herein which I hereby disapprove for the reasons in my item veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray  
Governor

Dear Mr. Secretary:

I hereby transmit Senate File 497, an act to make a supplemental appropriation to the Department of Social Services for the medical assistance, foster care and homemaker services programs.

Senate File 497 is approved June 9, 1979, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 2 which reads as follows:

Sec. 2. Any unencumbered or unexpended funds not used for the purposes specified in section one (1) of this Act and remaining on June 30, 1979, shall revert to the general fund of the state. Notwithstanding section eight point thirty-nine (8.39) of the Code, funds appropriated by this Act shall not be subject to transfer or expenditure for any purpose other than the purposes specified in section one (1) of this Act.

Section 8.39 of the Code of Iowa authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The transfer authority has only been used infrequently.

However, the legislative authors of 8.39 realized that no budgeting is foolproof. With the flexibility 8.39 provides, we can make necessary adjustments when unforeseen or changing circumstances arise or miscalculations are discovered.

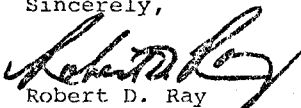
Occasionally the legislature has made appropriations knowing and expecting that a transfer would be made if the original appropriation proved to be insufficient for the intended purpose.

A new safeguard to the transfer authority was added in 1978. Legislation was adopted last year which we accepted requiring notification of various legislators two weeks prior to the transfer of funds for the purpose of review and comment by the legislators. We would be happy to accept and would respect such comments, although to date none have been forthcoming.

It is most unlikely that funds contained in this supplemental appropriation bill would need to be transferred. Certainly there are no intentions of doing so during the short period that remains in the current fiscal year. But, perhaps this item veto will serve as another reminder that government must have some flexibility.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 497 are hereby approved this date.

Sincerely,



Robert D. Ray  
Governor

I hereby certify that the foregoing Act, Senate File 497, and Governor Robert D. Ray's item veto message were published in entirety in the LeMars Daily Sentinel, LeMars, Iowa on June 14, 1979, and in the Villisca Review and Stanton Viking, Villisca, Iowa on June 21, 1979.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 6

### AID TO DEPENDENT CHILDREN

H. F. 657

AN ACT making a supplemental appropriation to the department of social services for aid to dependent children.

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

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning with the effective date of this Act and ending June 30, 1979 the sum of two million six hundred fifty thousand (2,650,000) dollars, or so much thereof as is necessary, which shall be used only to supplement existing appropriations for the aid to dependent children program maintained under chapter two hundred thirty-nine (239) of the Code.

Sec. 2. Any unencumbered or unexpended funds not used for the purpose specified in section one (1) of this Act and remaining on June 30, 1979, shall revert to the general fund of the state. Notwithstanding section eight point thirty-nine (8.39) of the Code, funds appropriated by this Act shall not be subject to transfer or expenditure for any purpose other than the purpose specified in section one (1) of this Act.

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in *The Independent*, a newspaper published in Hawarden, Iowa, and in *The Council Bluffs Nonpareil*, a newspaper published in Council Bluffs, Iowa.

Approved April 12, 1979

I hereby certify that the foregoing Act, House File 657, was published in *The Independent*, Hawarden, Iowa on April 26, 1979, and in *The Council Bluffs Nonpareil*, Council Bluffs, Iowa on April 20, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 7  
DEPENDENT CHILDREN

H. F. 766

AN ACT to make an additional appropriation to the department of social services for the aid to dependent children program during the first quarter of the fiscal year beginning July 1, 1979, and relating to aid to dependent children benefits to expectant mothers and to an increase in the level of aid to dependent children payments.

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

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning July 1, 1979 and ending September 30, 1979, the sum of seven hundred sixty thousand (760,000) dollars, or so much thereof as is necessary, to be used for the aid to dependent children program in addition to the funds appropriated for the fiscal period beginning July 1, 1979 by Acts of the Sixty-eighth General Assembly, House File seven hundred fifty-five (755).

1. It is the intent of the general assembly that the schedule of living costs and the payment for persons on the aid to dependent children program shall be increased for all family sizes by six percent for the fiscal period beginning July 1, 1979 and ending September 30, 1979. The six percent increase in the schedule of living costs and the payment for persons on the aid to dependent children program referred to in Acts of the Sixty-eighth General Assembly, House File seven hundred fifty-five (755), which is intended to take effect on October 1, 1979, is intended to be a continuation of, and not a further increase in addition to, the increase provided by this subsection.

2. It is the intent of the general assembly that assistance shall be granted under chapter two hundred thirty-nine (239) of the Code to an expectant mother in the last trimester of pregnancy if she meets all other eligibility requirements of the aid to dependent children program. The mother and fetus together shall be treated as a one-person family with assistance payable to the expectant mother as an eligible group of one, and a payment of ten (10) dollars per month shall also be made for the fetus. The department of social services shall promulgate rules and regulations pursuant to chapter seventeen A (17A) of the Code to implement this section on October 1, 1979. In promulgating the rules, the department shall draft standards covering benefits for the fetus which are in compliance with applicable federal regulations.

Approved June 10, 1979

CHAPTER 8  
SOCIAL SERVICES

H. F. 755

AN ACT relating to the administration and financing of current programs under the jurisdiction of the department of social services.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For general administration, including salaries and support, maintenance and miscellaneous purposes .....	\$ 6,140,000	\$ 6,220,000

2. It is the intent of the general assembly that the budget for the bureau of communications not exceed fifty thousand (50,000) dollars in each of the fiscal years beginning July 1, 1979 and July 1, 1980, none of which shall be used for political purposes.

3. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section one (1), subsection three (3), as amended by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section two (2), subsection three (3), is further amended to read as follows:

3. Medicaid Management Information System (MMIS)

For development and implementation of medicaid management information system ..... \$ 140,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this subsection shall not revert to the general fund until June 30, ~~1979~~ 1980. The department of social services shall submit to the joint budget appropriations subcommittee on social services, during the 1979 1980 Session of the general assembly, a written report on the status of the medicaid management information system.

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the division of field operations, including salaries and support, maintenance and miscellaneous purposes .....	\$15,000,000	\$15,000,000

2. It is the intent of the general assembly that those employees occupying the thirty-eight intermittent income maintenance positions authorized by the Sixty-seventh General Assembly shall be made permanent, full-time merit employees effective July 1, 1979, in accordance with the Iowa merit employment department's policies relative to changes from exempt to classified status and each such intermittent employee shall be given credit for all benefits which that employee has accrued as an intermittent employee of the department of social services.

It is the further intent of the general assembly that the department shall delete from its table of organization the thirty-eight intermittent positions established for income maintenance services which had been authorized by the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand one hundred thirty-two (1132).

3. It is the intent of the general assembly to authorize the department of social services to act, within the appropriation provided by this section and the provisions of section thirty (30) of this Act, to meet critical needs in the child abuse, food stamp and income maintenance programs within the division of field operations by creating eighty new positions and reallocating fifty-seven positions from the Comprehensive Employment Training Act (CETA) program and thirty-eight positions from the nursing review program.

4. It is the intent of the general assembly that counties shall continue to furnish and pay for the office space presently in use by personnel administering the food stamp program.

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<b>FAMILY AND CHILDREN SERVICES:</b>		

1. For the operation of the Eldora training school, Mitchellville training school and state juvenile home, including salaries and support, maintenance and miscellaneous purposes .....	\$ 7,000,000	\$ 6,900,000
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2. Juveniles adjudicated delinquent shall not be placed at the state juvenile home at Toledo.

3. It is the intent of the general assembly that the department of social services develop a three-year plan for juvenile deinstitutionalization through the use of community-based, family-oriented services. The department shall coordinate these efforts with the joint appropriations subcommittee on social services, county officials, employees of the courts and other organizations or individuals who might have a significant interest in, and

contribution to make to, this effort. It is the intent of the general assembly that this plan will be presented to the joint appropriations subcommittee on social services, and to the other members of the general assembly, by January 15, 1980 and that a preliminary report be made to the joint appropriations subcommittee on social services by December 1, 1979.

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
4. For operation of the Iowa veterans home, including salaries and support, maintenance and miscellaneous purposes .....	\$10,400,000	\$10,600,000

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services for juvenile community-based corrections the following amounts, or so much thereof as may be necessary:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. The department of social services shall continue the program of project grants to communities which are developing community-based juvenile residential correctional programs. It shall work with local communities and the Iowa crime commission to provide incentives to make maximum use of available federal funds. Insofar as practical, the department shall provide technical assistance to local groups which intend to establish or improve community-based juvenile residential correctional programs.	\$ 320,000	\$ 320,000

Sec. 5. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For operation of adult correctional institutions (Fort Madison, Anamosa, Rockwell City, Oakdale, Mount Pleasant, John Bennett Center, Riverview Release Center) including salaries and support, maintenance and miscellaneous purposes .....	\$26,234,000	\$26,885,000

2. During the fiscal year beginning July 1, 1979, the department is authorized to expand staffing, in order to provide additional correctional personnel required by unitization, by twenty-five new positions at Fort Madison and thirty-three new positions at Anamosa. Within the limitations of the funds appropriated by this section and the provisions of section thirty (30) of this Act, the department may expand staffing at the John Bennett Center by adding seven new correctional personnel.

3. It is the intent of the general assembly that a concentrated training program for correctional officers at Fort Madison be established as soon as possible, and that a continuing in-service training program be established for correctional officers at all correctional institutions. There may be

used for this purpose up to two hundred ten thousand (210,000) dollars of the appropriation made by subsection one (1) of this section for the fiscal year beginning July 1, 1979, and up to one hundred forty thousand (140,000) dollars of the appropriation made by subsection one (1) of this section for the fiscal year beginning July 1, 1980. The general assembly also recommends that in addition to using existing staff for training, the department utilize other community and state resources in the development and implementation of a comprehensive training program.

4. It is the intent of the general assembly that the department of social services utilize to the extent possible crime commission funds for development and implementation of a specialized training program for all personnel who will be involved in the unitization program.

5. The general assembly recognizes that serious problems have been created by the low base salary and pay structure for staff positions at adult correctional institutions. Accordingly:

a. The department of social services and the merit employment department shall by July 1, 1979 submit to the governor and the joint appropriations subcommittee on social services recommendations formulated by the two departments on the basis of a review of the base salary and pay structure for all security and support personnel, and of the compression problem relating to salary levels assigned certain merit employment positions at the adult correctional institutions.

b. It is the intent of the general assembly that not more than two hundred fifty thousand (250,000) dollars of the funds appropriated for each year of the biennium by subsection one (1) of this section be used to implement base pay increases and salary structure adjustments recommended pursuant to paragraph a of this subsection, when the increases and adjustments are approved in the same manner as is provided for other pay increase and salary adjustment recommendations under the merit employment system. If the merit employment commission does not approve base pay increases and salary structure adjustments recommended pursuant to paragraph a of this subsection, or the increases and adjustments so approved do not require the full two hundred fifty thousand (250,000) dollars in either or both fiscal years of the biennium, those amounts or the portion thereof not used as prescribed by this paragraph shall revert to the general fund of the state on the 30th of June of the fiscal year in which the funds have been appropriated.

6. It is the intent of the general assembly that the division of adult corrections in cooperation with the Iowa merit employment commission study the cost of raising the salaries of all corrections personnel, the cost of making a greater distinction in salary between corrections officers and supervisory personnel, the costs of bringing the salaries of corrections officers at Rockwell City into uniformity with the salaries at the other adult corrections institutions, and the cost of early retirement for correctional officers, and that after study and consultation with the Iowa merit employment system, the division report its recommendations to the joint appropriations subcommittee on social services not later than December 1, 1979, and that the division of adult corrections, with a representative of



the merit employment commission, send a progress report to the chairpersons of the joint appropriations subcommittee on social services at least twice prior to December 1, 1979.

7. It is the intent of the general assembly that fifty thousand (50,000) dollars of the appropriation made by subsection one (1) of this section be used to increase the pay for inmates of the adult correctional institutions who are employed within the correctional system as permitted by law.

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8. Community-based corrections .....	\$ 8,747,250	\$ 9,359,557

Each judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies which provide to ex-offenders education, job placement or counseling services intended to facilitate the transition of the ex-offenders from incarceration to free society.

9. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section six (6), subsection one (1), paragraph c, is amended to read as follows:

c. Community-based corrections ..... \$ 8,175,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this paragraph shall not revert to the general fund until June 30, 1980.

10. For parole services, including salaries and support, maintenance and miscellaneous purposes .....	\$ 1,030,000	\$ 1,030,000
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11. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy and dissolution of marriage .....	\$ 25,000	\$ 25,000
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12. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections two hundred forty-seven A point ten (247A.10), nine hundred one point seven (901.7), and nine hundred six point seventeen (906.17) of the Code .....	\$ 45,000	\$ 47,500
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13. For substance abuse screening ..... \$ 200,000 \$ 200,000

14. For a central classification system, including salaries and support, maintenance and miscellaneous purposes .....	\$ 100,000	\$ 100,000
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It is the intent of the general assembly to authorize the department of social services to establish ten new positions within the appropriation provided by this subsection and the provisions of section thirty (30) of this Act.

The department of social services may use not more than one hundred thousand (100,000) dollars of the appropriation provided by subsection one (1) of this section, in addition to funds appropriated by this subsection, for the purpose of developing a central classification system.

Sec. 6. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, for the mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant the following amounts, or so much thereof as may be necessary:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance and miscellaneous purposes .....	\$28,150,000	\$28,365,000

2. It is the intent of the general assembly that all funds received from client participation shall be deposited in the general fund of the state.

3. The state mental health institutes' daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for each fiscal year. [In addition, each county which pays, from county funds, the costs of care and treatment of mentally ill persons transferred from a state mental health institute to a public or private inpatient treatment facility, other than a state mental health institute, is entitled to reimbursement from the state for a portion of the cost incurred by the county for each day an individual is so treated or cared for at county expense. However, such reimbursement shall only apply to patients admitted to the facility after February 1, 1980. The reimbursement shall be equal to twenty percent of the average of the four state mental health institutes' individual average daily patient costs for the most recent quarter.

Each county may claim the reimbursement by filing a claim for such reimbursement on a quarterly basis. The comptroller, upon verifying the claim, shall issue warrants to the respective counties drawn upon money in the general fund not otherwise appropriated. ] e.s.r.

4. It is the intent of the general assembly that a mental health institute shall not accept physical custody of children alleged to be children in need of assistance on guest status or otherwise, for more than thirty days. It is also the intent of the general assembly that children found to be children in need of assistance shall not be placed in a mental health institute on the basis of that adjudication. The juvenile court may, however, order a commitment to a mental health institute or other appropriate secure facility for the purposes of treatment of a mental or emotional condition, but only after making findings pursuant to the standards set out for involuntary commitment in chapter two hundred twenty-nine (229) of the Code.

5. It is the intent of the general assembly that the superintendents of the mental health institutes at Cherokee and Independence, in discharging the duties imposed on them by section two hundred thirty point twenty (230.20) of the Code, shall consider the costs of the psychiatric residency and chaplain intern programs maintained at those institutes as costs not to be included in the expenditures of those institutes for the purpose of establishing the institutes' respective daily charges to patients, the same as the costs enumerated in section two hundred thirty point twenty (230.20), subsection one (1), paragraphs a, b and c of the Code. It is the objective of the

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general assembly, in expressing this intent, that the commissioner of social services seek to maintain reasonably uniform daily charges at the four mental health institutes.

6. It is the intent of the general assembly that not more than one hundred thousand (100,000) dollars of the appropriation provided under subsection one (1) of this section for each of the fiscal years beginning July 1, 1979 and July 1, 1980 shall be used by the division of mental health resources to contract for mental health and mental retardation screening services for inmates of the state's adult correctional system and juvenile offenders at the state's juvenile institutions.

\*\*\* 7. It is the intent of the general assembly that the proposed upgrading and expansion of staffing at the four mental health institutes be phased-in over the biennium, with up to one-half of the proposed staff upgrading and expansion occurring in the fiscal year beginning July 1, 1979 and with the remaining proposed staff upgrading and expansion occurring in the fiscal year beginning July 1, 1980.\*\*\*

Sec. 7. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, for the state hospital-schools at Glenwood and at Woodward the following amounts, or so much thereof as may be necessary:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance and miscellaneous purposes .....	\$24,000,000	\$23,800,000

2. It is the intent of the general assembly that all funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection four (4) of this section.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

5. It is the intent of the general assembly that the department of social services shall identify and evaluate problems in the development and funding of community-based services for the mentally retarded. The department shall report its findings and recommendations to the general assembly by December 1, 1979.

Sec. 8. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

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	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
SPECIAL PROGRAMS DIVISION:		
1. For aid to the blind .....	\$ 20,000	\$ 20,000
2. For aid to dependent children .....	\$47,130,000	\$47,100,000
3. For aid to Indians residing on a settle- ment .....	\$ 36,000	\$ 36,000
4. For medical assistance, including reim- bursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically nec- essary. Medically necessary abortions are those performed when:		
a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman; or		
b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness; or		
c. The pregnancy is the result of a rape which is reported to a law enforcement agency or public or private health agency within sixty days of the incident, or the result of incest which is reported in the first two trimesters of pregnancy to a law enforcement agency or the department of social services;		
d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled .....	\$88,260,000	\$95,350,000
5. For contractual services-medical carrier .	\$ 1,084,000	\$ 1,232,000
6. For children's services .....	\$20,455,000	\$21,250,000
7. For work and training programs .....	\$ 438,000	\$ 438,000
8. For adult and family services .....	\$ 758,000	\$ 758,000
9. For state supplementary assistance, in- cluding state supplementary assistance for the blind .....	\$ 6,090,000	\$ 6,520,000

It is the intent of the general assembly that the department of social services shall increase the maximum cost-related reimbursement for residential care facility services to thirteen dollars and fifty cents per day and the flat rate to eight dollars and twenty cents per day.

10. For the governor's youth opportunity pro- gram .....	\$ 750,000	\$ 750,000
11. For child support recoveries, including salary and support, maintenance and miscellaneous purposes .....	\$ 428,219	\$ 435,160
12. For assistance to child care centers ....	\$ 400,000	\$ 400,000

Real property shall not be purchased with funds appropriated by this subsection.

It is the intent of the general assembly that as more centers improve their facilities in order to meet minimum requirements for the health, safety, and welfare of the children, the emphasis of the program should be shifted to providing aid in staff development and training in order to upgrade programs and the delivery of services. To the extent possible, the department shall develop a means of selecting private child care facilities for receiving funds, and shall promulgate rules governing these procedures in accordance with chapter seventeen A (17A) of the Code. At the same time, the department shall gather statistics on the number of such child care centers, and report to the joint appropriations subcommittee on social services by December 1, 1979.

13. State supplementation to Title XX ..... \$ 1,000,000 \$ 1,000,000

It is the intent of the general assembly that funds appropriated under this subsection be used for local purchase of service contracts, and primarily to help avoid the institutionalization of individuals and to provide child care.

14. Homemaker services ..... \$ 1,580,000 \$ 1,580,000

Funds provided in this subsection for homemaker services may be used either for direct service or state purchase match for federal Title XX funds. Any decision to change homemaker services from direct service to state purchase shall be made on a district by district basis, at the district level and shall not be influenced by a consideration of departmental staff size. If direct homemaker services are transferred from direct service to state purchase, the vacant positions that result shall be deleted from the department's table of organization.

Sec. 9. Section two hundred thirty-four point thirty-eight (234.38), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 10.

1. It is the intent of the general assembly that the schedule of living costs and the payment for persons on the aid to dependent children program shall be increased for all family sizes by six percent commencing October 1, 1979 and by an additional six percent commencing October 1, 1980.

\*\*\* 2. It is the intent of the general assembly that assistance shall be granted under chapter two hundred thirty-nine (239) of the Code to an expectant mother experiencing her first pregnancy and in the last trimester of pregnancy if she meets other income and resource standards for the aid to dependent children program. The mother and fetus together shall be treated as a one-person family with assistance payable to the mother as an eligible group of one. The department of social services shall promulgate rules and regulations, pursuant to chapter seventeen A (17A) of the Code to implement this subsection on October 1, 1979. \*\*\*

3. It is the intent of the general assembly in appropriating funds in section eight (8), subsection two (2) of this Act that, notwithstanding the provisions of section two hundred thirty-nine point eighteen (239.18) of the Code, the department of social services shall not reduce the standards of payment referred to in subsection one (1) of this section, nor establish eligibility criteria for recipients under the aid to dependent children

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program which are more restrictive than the criteria required by applicable federal regulations. The special needs program of the aid to dependent children program shall be continued.

4. It is the intent of the general assembly that the department shall maintain a system of current needs budgeting in computing monthly assistance grants for ADC recipients until the department has presented to the governor and the joint social services appropriations subcommittee of the Sixty-eighth General Assembly a study and report including a cost-benefit comparison and client impact comparison between prior-month budgeting and current needs budgeting. The report shall be submitted on December 3, 1979.

\*\*\*Sec. 11. If the United States department of health, education and welfare regulations allow such a policy, the department of social services shall adopt administrative rules pursuant to chapter seventeen A (17A) of the Code which provide that in determination of eligibility for assistance under the aid to dependent children program established by chapter two hundred thirty-nine (239) of the Code, there shall be recognition of a stepparent's responsibility for the reasonable and necessary expenses of the family and the education of the children as long as the stepparent remains married to the stepchild's parent. In adopting such rules, the department shall give consideration to any financial obligations the stepparent may have as a result of court orders, or of commitments made prior to the marriage.\*\*\*

Sec. 12. It is the intent of the general assembly that for the first six months of the fiscal year beginning July 1, 1979 the department of social services shall increase the maximum reimbursement for intermediate care facilities under medical assistance to a level fixed at the seventy-fourth percentile on the basis of cost data on file as of December 31, 1978, indexed forward by an inflation factor of one percent. The department shall organize a committee composed of representatives of the department, the nursing home associations, the medical assistance advisory board, and three members of the joint appropriations subcommittee on social services appointed by the chairpersons of the appropriations committees to study alternative cost-related methods for intermediate care facility reimbursements and for accounting procedures to reduce reporting time lags. Prior to September 1, 1979, the committee shall make recommendations for changes in the reimbursement system to become effective January 1, 1980. No recommendations shall be made which would result in a cost to the state for the last six months of the fiscal year ending June 30, 1980 greater than the cost of maintaining for that six-month period a maximum reimbursement level equal to that used in the first six months of the fiscal year beginning July 1, 1979, indexed forward by an inflation factor of four percent.

Sec. 13. It is the intent of the general assembly that payment for reserve bed days under the medical assistance program shall be made at eighty percent of the allowable audited costs for those beds, not to exceed the maximum reimbursement rate.

Sec. 14. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed six hundred dollars per month.

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Sec. 15. It is the intent of the general assembly that the department of social services shall increase the fee paid to pharmacists under the medical assistance program from two dollars and fifty-five cents to three dollars per prescription for the 1979-1981 biennium.

Sec. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent.

Sec. 17.

1. It is the intent of the general assembly that of the total amount appropriated for children's services by section eight (8), subsection six (6) of this Act, not more than twenty-four thousand (24,000) dollars shall be used to establish a pilot program providing additional payments to foster families with children with very special needs. The department of social services shall report to the joint appropriations subcommittee on social services on the effectiveness of this program by March 1, 1980.

2. Six hundred sixty thousand (660,000) dollars of the funds appropriated by section eight (8), subsection six (6) of this Act may be used for reimbursement of county juvenile court expenses pursuant to section two hundred thirty-two point one hundred forty-one (232.141), subsection four (4) of the Code. If it appears at any given time that six hundred sixty thousand (660,000) dollars will be insufficient for reimbursement of county juvenile court costs, the department shall report to the comptroller and the joint appropriations subcommittee on social services relative to the need for additional funds for such costs. The department of social services shall also report to the joint appropriations subcommittee on social services and to the legislative council no later than December 1, 1979 on the projected costs to the state for county juvenile court expenses, based upon reports received from the counties for the first quarter of the fiscal year beginning July 1, 1979.

3. Funds appropriated under section eight (8), subsection six (6) of this Act shall be used to pay at least one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes as aid from the state, pursuant to section two hundred thirty-two point one hundred forty-two (232.142), subsection four (4) of the Code. The department is authorized to provide additional aid, subject to the funding limitations of this subsection.

\*\*\*4. It is the intent of the general assembly that of the appropriation made by section eight (8), subsection six (6) of this Act, one million (1,000,000) dollars shall be used to provide in-home treatment and seven hundred fifty thousand (750,000) dollars shall be used to provide alternatives to foster care. It is the intent of the general assembly that in-home treatment programs which were funded through state and federal Title XX funds in the fiscal year beginning July 1, 1978 shall be maintained at their current program operating level through funds provided pursuant to this subsection. Federal Title XX funds may be used to match, but not to replace, funds provided pursuant to this subsection. The department shall submit to the appropriations subcommittee on social services by December 1, 1979 a report of the actual expenditures during the first quarter of the fiscal year

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beginning July 1, 1979 for all programs within the children's services appropriation.\*\*\*

Sec. 18. It is the intent of the general assembly that at least two hundred thirty-five thousand (235,000) dollars of the appropriation made by section eight (8), subsection eight (8) of this Act for each fiscal year shall be used to provide chore services. These funds shall be used as state matching funds for Title XX federal funds.

Sec. 19. It is the intent of the general assembly that at least one hundred thousand (100,000) dollars of the appropriation made by section eight (8), subsection eight (8) of this Act for each fiscal year shall be used to fund special programs for displaced homemakers. The funds referred to in this subsection shall not be used for tuition.

Sec. 20. It is the intent of the general assembly that at least one hundred thousand (100,000) dollars of the appropriation made by section eight (8), subsection eight (8) of this Act for each fiscal year shall be used to fund special programs to provide emergency shelter services and support services to victims of domestic abuse.

Sec. 21. It is the intent of the general assembly that funds appropriated under section eight (8), subsection eight (8) of this Act for special programs shall be used to provide start-up moneys for programs which will develop community support and establish means of support independent of long-term state funding. Where possible, special programs receiving state funds under this section for more than one year should be established to receive declining amounts of state funding after the first twelve months of full operation and to be supported locally after thirty-six months of operation. Special programs deviating from these guidelines shall be reported to the joint appropriations social services subcommittee. It is the intent of the general assembly that the department shall consult persons knowledgeable in the respective subjects of domestic abuse and displaced homemakers with respect to establishment and selection of special programs.

Sec. 22. It is the intent of the general assembly that no otherwise eligible client be denied participation in sheltered work or work activity services solely due to length of time that person has been in receipt of services.

Sec. 23. It is the intent of the general assembly that continuing emphasis be placed on local purchase of services and that local purchase of services be expanded, where possible, within the state Title XX plan and the funds appropriated by this Act.

Sec. 24. Each hospital-school and mental health institute shall, upon receipt of any payment made under chapter two hundred forty-nine A (249A) of the Code for the care of any patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services. It is the intent of the general assembly that charges assessed to the county will be credited with one hundred percent of client participation for eligible Title XIX medical assistance patients at the hospital-schools, in the calculation of per diem rates.

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Sec. 25. Notwithstanding the maximum amounts to which sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code limit payment by the department of social services toward the cost of funerals for persons receiving public assistance under chapters two hundred thirty-nine (239) and two hundred forty-nine (249) of the Code, the department is authorized to pay not more than four hundred dollars toward the cost of a funeral for any such public assistance recipient provided that:

1. The total cost of the person's funeral does not exceed one thousand dollars;

2. The decedent does not leave an estate which may be probated, with sufficient proceeds to allow a funeral claim of at least one thousand dollars; and

3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance or death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent shall be deducted from the department's liability under this section.

The provisions of sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code shall be of no force or effect during the biennium beginning July 1, 1979 and ending June 30, 1981.

Sec. 26. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in such federal grants or receipts except the veterans per diem payable for veterans at the veterans home and Title XIX medicaid assistance funds received by the mental health institutes shall be deposited in the general fund.

Sec. 27. No funds appropriated by any provision of this Act shall be used for capital improvements.

Sec. 28. Notwithstanding section eight point thirty-three (8.33) of the Code, the unencumbered or unobligated funds remaining in the farm accounts of the department of social services on June 30, 1979 shall not revert to the general fund until June 30, 1980.

Sec. 29. It is the intent of the general assembly that the department not enter into any farm land lease agreements that would extend beyond March 1, 1981.

Sec. 30. The number of full-time equivalent positions funded under this Act shall not exceed nine thousand two hundred sixty-eight (9268) for the biennium beginning July 1, 1979 and ending June 30, 1981. However, positions funded primarily from federal grants, and positions funded from institutional canteen and farm operation funds and as otherwise provided by section eight (8), subsection fourteen (14) of this Act, shall be exempt from the limits on the number of full-time equivalent positions provided in this section, but are approved only for the period of time for which funds are available for the positions.

Approved June 10, 1979, except the five items which I hereby disapprove and which are designated as the portion of Section 6, Subsection 3 which is here-in bracketed in ink and initialed by me; Section 6, Subsection 7; Section 10, Subsection 2; Section 11; and Section 17, Subsection 4. These are all delineated with my reasons for vetoing in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

Robert D. Ray  
Governor

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 755, an act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services.

House File 755 is approved June 10, 1979, with the following exceptions which I hereby disapprove.

I am unable to approve that portion of Section 6, Subsection 3 which reads as follows:

In addition, each county which pays, from county funds, the costs of care and treatment of mentally ill persons transferred from a state mental health institute to a public or private inpatient treatment facility, other than a state mental health institute, is entitled to reimbursement from the state for a portion of the cost incurred by the county for each day an individual is so treated or cared for at county expense. However, such reimbursement shall only apply to patients admitted to the facility after February 1, 1980. The reimbursement shall be equal to twenty percent of the average of the four state mental health institutes' individual average daily patient costs for the most recent quarter.

Each county may claim the reimbursement by filing a claim for such reimbursement on a quarterly basis. The comptroller, upon verifying the claim, shall issue warrants to the respective counties drawn upon money in the general fund not otherwise appropriated.

I am unable to approve the item designated in the Act as Section 6, Subsection 7 which reads as follows:

7. It is the intent of the general assembly that the proposed upgrading and expansion of staffing at the four mental health institutes be phased-in over the biennium, with up to one-half of the proposed staff upgrading and expansion occurring in the fiscal year beginning July 1, 1979 and with the remaining proposed staff upgrading and expansion occurring in the fiscal year beginning July 1, 1980.

I am unable to approve the item designated in the Act as Section 10, Subsection 2 which reads as follows:

2. It is the intent of the general assembly that assistance shall be granted under chapter two hundred thirty-nine (239) of the Code to an expectant mother experiencing her first pregnancy and in the last trimester of pregnancy if she meets other income and resource standards for the aid to dependent children program. The mother and fetus together shall be treated as a one-person family with assistance payable to the mother as an eligible group of one. The department of social services shall promulgate rules and regulations, pursuant to chapter seventeen A (17A) of the Code to implement this subsection on October 1, 1979.

I am unable to approve the item designated in the Act as Section 11 which reads as follows:

Sec. 11. If the United States department of health, education and welfare regulations allow such a policy, the department of social services shall adopt administrative rules pursuant to chapter seventeen A (17A) of the Code which provide that in determination of eligibility for assistance under the aid to dependent children program established by chapter two hundred thirty-nine (239) of the Code, there shall be recognition of a stepparent's responsibility for the reasonable and necessary expenses of the family and the education of the children as long as the stepparent remains married to the stepchild's parent. In adopting such rules, the department shall give consideration to any financial obligations the stepparent may have as a result of court orders, or of commitments made prior to the marriage.

I am unable to approve the item designated in the Act as Section 17, Subsection 4 which reads as follows:

4. It is the intent of the general assembly that of the appropriation made by section eight (8), subsection six (6) of this Act, one million (1,000,000) dollars shall be used to provide in-home treatment and seven hundred fifty thousand (750,000) dollars shall be used to provide alternatives to foster care. It is the intent of the general assembly that in-home treatment programs which were funded through state and federal Title XX funds in the fiscal year beginning July 1, 1978 shall be maintained at their current program operating level through funds provided pursuant to this subsection. Federal Title XX funds may be used to match, but not to replace, funds provided pursuant to this subsection. The department shall submit to the appropriations subcommittee on social services by December 1, 1979 a report of the actual expenditures during the first quarter of the fiscal year beginning July 1, 1979 for all programs within the children's services appropriation.

A portion of Section 6, Subsection 3 requires the state to pay a percentage of the cost of care of individuals transferred from mental health institutes to other facilities if their care is still county-supported. The state is planning a mental health reorganization within the next year with possible changes in funding mechanisms. The language of a portion of this subsection might pre-empt wise and orderly revision and would cost an estimated \$1.3 million beyond which has been planned.

We believe funding should be addressed as a part of the complete reorganization. At present, for example, no planning has been done to incorporate the new Sidney Sands Center into a statewide system. Originally Polk County did not wish their services to be part of a state system. Their center was intended to be a lower-cost alternative to the mental health institutes. Estimates now indicate that the cost will be close to double that of the state institutes. Thus, Polk County now wishes state assistance and because of that wants to be included.

While the state in recent years has been obligated to pay 20 percent of the care of patients in our mental health institutes, actual figures show the state's participation has been approximately 33 percent. In addition, the state is planning to increase its participation by approximately 7 percent in FY 80 by crediting to the counties \$2 million in Title XIX medicaid reimbursement received for care of patients at the institutes.

Since county budgets were finalized by local officials before this bill was passed, there could have been no reliance on these funds for FY 80.

The language of this section is also imprecise and does not adequately clarify the following:

-- Does "inpatient treatment facility" refer only to hospital psychiatric units, or should it include residential or intermediate care facilities, county care facilities, residential care for children, physical medicine hospital units, halfway houses, or others?

-- Does the state's obligation apply only to the immediate transfer from a mental health institute, or also to subsequent transfers to other facilities at a later date?

-- It appears that payment mandated under this subsection could exceed 100 percent of the total cost of care of a transferred patient in cases of transfer to residential care or a halfway house.

-- There is no clarification regarding the extent nor type of the counties' participation in the care of any patient under this subsection.

Section 6, Subsection 7 requires mental health institutes to delay half their proposed upgrading of staff positions until fiscal 1981. The staff upgrading proposed for Cherokee and Independence results from JCAH accreditation reviews. Both of these mental health institutes will receive their next scheduled accreditation reviews prior to the end of the 1980 fiscal year. Failure to respond to the recommendations of the previous review could endanger continued accreditation.

Section 10, Subsection 2 provides Aid to Families with Dependent Children and medical benefits to a woman in the last trimester of her first pregnancy as a one-person unit. Subsequent to the passage of House File 755, it was discovered that the General Assembly had overlooked a federal requirement that some part of the grant be set aside for the fetus, identifying it as a child. Also, the language of this subsection limited coverage to first pregnancies, although the intent was to cover any woman without children, even though the pregnancy might not be her first. House File 766 was drafted and passed to correct these errors. To remove any ambiguities regarding which language should prevail, we are removing the incorrect language from House File 755.

Section 11 requires the Department of Social Services to establish rules as allowed by the Department of Health, Education and Welfare defining the financial responsibility of stepparents. This section presents unnecessary legal complications for the department as follows:

-- The requirement for the establishment of such rules may result in financial sanctions against the state by HEW consisting of the withdrawal of federal matching funds for Aid to Families with Dependent Children.

-- Current federal law sets out in definitive terms State options in establishing stepparent responsibility. The State of Iowa has solicited an opinion from HEW as to whether or not Iowa's law permits this state to assess stepparents for support in cases where Aid to Families with Dependent Children has been requested. This section is premature in that this opinion has not yet been received.

-- This section could be interpreted to require a greater obligation on the part of a stepparent than that set by the court or by Section 252A of the Code of Iowa, 1979.

-- No definition of stepparent is offered nor distinction established between a stepparent married to a custodial natural parent or to a non-custodial natural parent.

We agree with the intent indicated in Section 17, Subsection 4 and have the assurance of the Department of Social Services that it will be carried out. However, the language presents unnecessary complications.

-- The second sentence of the subsection requires that in-home treatment programs funded in FY 79 be maintained at their "current program operating level." There were three changes in allocation for in-home treatment during FY 79, and there is no indication as to which of these levels should be used in defining "current." Several differing opinions have already been offered.

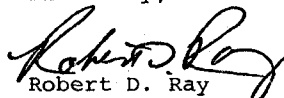
-- It is unclear whether "operating level" refers to the number of dollars spent on those programs (which won't be known precisely until the end of September 1979) or the quality of those programs (which is a clearly subjective determination).

-- The language as drafted was not comprehensive since it makes no mention of services not funded under Title XX. If these budget constraints are applied, the department would be forced to discriminate arbitrarily against other in-home treatment programs which may be viewed as worthy of funding.

In addition to those items which I am disapproving, I would like to clarify my approval of one subsection. Section 1, Subsection 2 substantially reduces the budget of the Bureau of Communications. The bureau fills many valuable roles, some federally mandated, such as food stamp outreach programs. Cutting the budget as drastically as this section does may damage the programs as well as endanger federal compliance. I am leaving this section intact with the understanding that the \$50,000 limitation applies only to state-appropriated dollars and that the department may supplement the activities of this bureau with help from other department resources, if necessary to meet its mandated responsibilities.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 755 are hereby approved this date.

Sincerely,

  
Robert D. Ray  
Governor

## CHAPTER 9

HEALTH PROGRAMS, CIVIL RIGHTS, PAROLE, MINORITY,  
ELDERLY AND DISADVANTAGED PERSONS

S. F. 487

AN ACT appropriating funds to state agencies for designated service programs including health programs, civil rights, parole services and programs for minority, elderly and disadvantaged persons.

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

Section 1. There is appropriated from the general fund of the state to the commission on aging for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980 <u>Fiscal Year</u>	1980-1981 <u>Fiscal Year</u>
1. For salaries and support of not more than twenty-six point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 171,051	\$ 167,900
2. For the administration of area agencies on aging .....	\$ 110,420	\$ 117,600
3. For the senior citizen employment program .....	\$ 108,000	\$ 108,000
4. For grants to assist the development of senior centers in the state .....	\$ 158,000	\$ 158,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	1979-1980 <u>Fiscal Year</u>	1980-1981 <u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION For salaries and support of not more than thirty-five full-time equivalent positions annually, maintenance and miscellaneous purposes ..	\$ 540,463	\$ 540,943
2. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 106,839	\$ 105,079
3. BOARD OF PAROLE For salaries and support of not more than fifteen full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 270,736	\$ 267,243

4. COMMISSION ON THE STATUS OF WOMEN

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 76,100 \$ 76,570

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

1979-1980 1980-1981
Fiscal Year Fiscal Year

1. BOARD OF MEDICAL EXAMINERS

For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 198,411 \$ 193,442

2. BOARD OF NURSE EXAMINERS

For salaries and support of not more than thirteen point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 371,421 \$ 370,991

3. BOARD OF PHARMACY EXAMINERS

For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 247,000 \$ 247,000

The funds appropriated by this subsection are contingent upon the board of pharmacy examiners giving notice pursuant to section seventeen A point four (17A.4), subsection one (1), paragraph a of the Code, of its intent to adopt administrative rules establishing a research program for the medicinal use of marijuana. The program shall be established within ninety days of the effective date of this Act. The board shall organize an advisory group of physicians, which shall include a psychiatrist, to advise the board on the type of program to be established, the qualifications of those who will be eligible to dispense the marijuana, and the federal regulations governing the program. The board shall be responsible for complying with all federal regulations necessary for the establishment and continuation of the program and the monitoring of all program participants. The board shall not authorize the growing of marijuana within the state.

4. IOWA MENTAL HEALTH AUTHORITY.

For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 136,081 \$ 148,084

5. MENTAL HEALTH ADVISORY COUNCIL

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 64,269 \$

Sec. 4. There is appropriated from the general fund of the state to the state department of health for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. CENTRAL ADMINISTRATION		
a. Central administration.		
For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 73,503	\$ 72,128
b. Management and budget division.		
For salaries and support of not more than twenty-eight point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 262,185	\$ 256,562
c. External affairs division.		
For salaries and support of not more than nine full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 89,809	\$ 89,815
2. HEALTH FACILITIES DIVISION		
a. Health facilities service.		
For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 554,102	\$ 548,903
b. Health planning agency.		
For salaries and support of not more than eleven full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 66,940	\$ 66,407
c. Certificate of need.		
For salaries and support of not more than six full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 192,108	\$ 190,244
3. DISEASE PREVENTION DIVISION		
For salaries and support of not more than thirty-seven point six full-time equivalent positions in the fiscal year beginning July 1, 1979 and ending June 30, 1980 and not more than thirty-one point six full-time equivalent positions in the fiscal year beginning July 1, 1980 and ending June 30, 1981, maintenance and miscellaneous purposes .....	\$ 538,673	\$ 536,095
4. RECORDS AND STATISTICAL DIVISION		
For salaries and support of not more than twenty-nine full-time equivalent positions annually, maintenance and miscellaneous purposes ..	\$ 402,698	\$ 400,444



5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than seventeen full-time equivalent positions annually, maintenance and miscellaneous purposes .. \$ 544,584 \$ 549,561

It is the intent of the general assembly that the licensing and certification division prepare estimates of projected revenues to be generated by the licensing, certification and examination fees of each board as well as a projection of the fairly apportioned administrative costs attributable to each board. It is the further intent of the general assembly that each board annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and further that an imbalance in revenues and costs in one year shall be offset in a subsequent fiscal year.

6. PERSONAL AND FAMILY HEALTH SERVICES

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes ..... \$ 879,931 \$ 861,373

The position of physical fitness coordinator is not approved by the general assembly. The department may employ a dietary consultant for the women's, infant's and children's program with federal funds. The department shall allocate from funds appropriated by this subsection not less than thirty-five thousand dollars for each fiscal year for the perinatal program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than forty-two full-time equivalent positions annually, maintenance and miscellaneous purposes .. \$ 982,111 \$ 1,015,376

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code ..... \$ 45,000 \$ 45,000

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section three hundred thirty-nine point seven (339.7) of the Code ..... \$ 28,000 \$ 28,000

d. In-home health care grants.

For grants to local boards of health for programs to maintain or expand the availability of in-home health care to elderly persons in the state in accordance with section five (5) of this Act ..... \$ 2,765,960 \$ 3,015,960

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state ..... \$ 212,000 \$ 212,000

Sec. 5.

1. Funds appropriated by section four (4), subsection seven (7), paragraph d of this Act shall be used to maintain and expand existing in-home health care services for elderly persons with the objective of preventing or reducing the inappropriate institutionalization of elderly persons.

2. As used in this section and section four (4), subsection seven (7), paragraph d of this Act, "elderly person" means a person who is sixty years of age or older.

3. The state department of health may retain not more than one percent of the amount appropriated by paragraph d of subsection seven (7) of section four (4) of this Act, to be used to pay the costs of administering the in-home health care program. The remainder of the amount appropriated shall be allocated for use in the several counties of the state as follows:

a. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state.

b. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly persons living in that county in relation to the total number of elderly persons living in the state.

4. The state department of health shall make the money allocated for use in each county under subsection three (3) of this section available to be expended in that county as provided in this subsection. The local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction that will provide the maximum benefits of expanded home health care to elderly persons in the jurisdiction, and that shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services or a suitable local governmental or nongovernmental body to use the funds to expand or maintain in-home health services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

5. If by July thirtieth of each year of the biennium the department is unable to conclude contracts for use of the funds allocated under this section in a county, the department shall consider the unused funds an unallocated pool. The department shall prior to December thirty-first of each fiscal year of the biennium reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this section. The reallocation shall be made in substantially the manner prescribed by subsection three (3) of this section, and the funds are available for use in the counties to which they are reallocated during the period beginning January first and ending June thirtieth of each fiscal year of the biennium.

6. The state department of health shall promulgate rules not contrary to this section defining eligibility for in-home health care services paid for from funds appropriated by this section. The rules shall impose a sliding fee scale for those persons deemed able to pay all or a portion of the cost of the services.

7. The state department of health shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the following program effects:

- a. The extent to which the program reduced or prevented the inappropriate institutionalization of elderly persons.
- b. The extent to which the program increased the availability of in-home health care to elderly persons.
- c. The extent of in-home health care provided to elderly persons.

The department shall submit a report on each annual evaluation to the governor and the general assembly.

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of veteran's affairs for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes .....	\$ 105,182	\$ 105,279
2. For the war orphans educational aid fund .	\$ 35,000	\$ 35,000

Sec. 7. There is appropriated from the general fund of the state to the Spanish-speaking people's commission for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of forty-five thousand seven hundred fifteen (45,715) dollars or so much thereof as may be necessary for salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes.

Sec. 8. Notwithstanding section seven (7) of chapter one thousand five (1005), Acts of the Sixty-seventh General Assembly, 1978 Session, funds appropriated by subsection eight (8) of that section to the Spanish-American war veterans may be expended after June 30, 1979 and until October 31, 1979 and unobligated or unencumbered balances remaining on October 31, 1979 shall revert to the general fund on January 31, 1980 notwithstanding section eight point thirty-three (8.33) of the Code.

Sec. 9. Section sixteen point eight (16.8), Code 1979, is amended to read as follows:

16.8 COMMISSION TERMINATION. Without affirmative action by the general assembly before June 30, 1980, the Spanish-speaking people's commission shall expire on June 30, ~~1979~~ 1981.

Sec. 10. Section one hundred fifty-seven point seven (157.7), Code 1979, is amended to read as follows:

157.7 INSPECTORS. ~~inspectors~~ The department shall employ inspectors and clerical assistants ~~shall be employed by the department under the provisions~~

~~of chapter 19A to administer and enforce the provisions of this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-eight (158) of the Code. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.~~

Sec. 11. Section one hundred fifty-eight point six (158.6), Code 1979, is amended to read as follows:

158.6 INSPECTORS. ~~inspectors~~ The department shall employ inspectors and clerical assistants ~~shall be employed by the department under the provisions of chapter 19A to administer and enforce the provisions of this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-seven (157) of the Code. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.~~

Sec. 12. Section two hundred four point two hundred four (204.204), subsection four (4), paragraphs j and q, Code 1979, are amended to read as follows:

j. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

q. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

Sec. 13. Section two hundred four point two hundred four (204.204), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. This section does not apply to marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol when utilized for medicinal purposes pursuant to rules of the state board of pharmacy examiners.

Sec. 14. Section two hundred four point two hundred six (204.206), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule two (II) substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.

Sec. 15. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand five (1005), section three (3), subsection one (1), is amended to read as follows:

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of health the sum of two million two hundred twenty-eight thousand (2,228,000) dollars or so much thereof as may be necessary to be used to extend availability of public health nursing services or visiting nurse services and home health aide services to elderly persons in this state. Notwithstanding section eight point thirty-three (8.33) of the Code unencumbered or unobligated funds remaining on June 30, 1979 from the amount appropriated by this subsection shall not revert to the general fund of the state, but shall be transferred by the department of health to the unallocated pool created for the 1979-1980 fiscal year under subsection five (5) of section five (5) of this Act and used as provided in that subsection.

Sec. 16. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position.

Approved June 1, 1979

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CHAPTER 10  
HIGHWAY SAFETY FUNDS

H. F. 735

AN ACT appropriating funds to the office for planning and programming to match economic development and highway safety federal funds.

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

Section 1. There is appropriated to the office for planning and programming for the fiscal period beginning with the effective date of this Act and ending June 30, 1981 the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to be used to match supplemental economic development three hundred four funds allocated to the state during the fiscal year ending June 30, 1979.

It is a condition of this appropriation that each economic development administration grant and approval of the grant be coordinated with the Iowa development commission before final grant approval is made.

Sec. 2. There is appropriated to the office for planning and programming for the fiscal period beginning with the effective date of this Act and ending June 30, 1979 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and miscellaneous purposes required for planning and administration of the federal Highway Safety Act. Funds appropriated by this section shall be used to match federal funds available for the same purpose.

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Graettinger Times, a newspaper published in Graettinger, Iowa, and in The Waverly Democrat, a newspaper published in Waverly, Iowa.

Approved June 4, 1979

I hereby certify that the foregoing Act, House File 735, was published in The Graettinger Times, Graettinger, Iowa on June 14, 1979, and in The Waverly Democrat, Waverly, Iowa on June 14, 1979.

MELVIN D. SYNHORST, *Secretary of State*

**CHAPTER 11**  
**TRANSPORTATION, PUBLIC SAFETY AND PUBLIC DEFENSE**

H. F. 738

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

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

Section 1. There is appropriated from the general fund of the state to the Iowa crime commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<b>IOWA CRIME COMMISSION</b>		
1. For the purpose of matching federal funds available to the Iowa crime commission for state and court planning programs, for salaries and support of not more than twenty-two full-time equivalent positions, and for maintenance and miscellaneous purposes .....	\$ 110,000	\$ 70,200
2. For the purpose of providing funds for area planning purposes to the Iowa crime commission, and for salaries, support, maintenance and miscellaneous purposes .....	\$ 100,000	\$ 40,000
3. For the purpose of matching federal funds available to the Iowa crime commission through the law enforcement administration program .....	\$ 105,110	\$
4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries and support of not more than one full-time equivalent position, and for maintenance and miscellaneous purposes .....	\$ 6,600	\$ 14,000

It is the intent of the general assembly that the Iowa crime commission shall appear before the appropriations subcommittee on transportation and law enforcement in January, 1980 so that the subcommittee may review its budget and make necessary changes in the event of a change in federal legislation.

5. The funds appropriated by subsection three (3) of this section constitute a portion of the federal statutory requirement to provide in the aggregate not less than one-half of the minimum required nonfederal funding for projects conducted by units of local government or combinations of such

units for the development and implementation of programs and projects for the improvement of law enforcement.

The allocation of funds appropriated by subsection three (3) of this section is subject to approval by the governor.

All unencumbered or unobligated balances remaining as of June 30, 1982, of funds appropriated by subsection three (3) of this section shall on September 30, 1982 revert to the general fund of the state.

Sec. 2. There is appropriated from the general fund of the state to the following named agencies for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as is necessary, for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY		
a. For salaries and support of not more than twenty-four full-time equivalent positions and for maintenance and miscellaneous purposes .....	\$ 600,300	\$ 614,200
b. It is the intent of the general assembly that the Iowa law enforcement academy shall appear before the appropriations subcommittee on transportation and law enforcement in January, 1980 to present and verify its budget so that it may be reviewed by the subcommittee.		
2. DEPARTMENT OF PUBLIC DEFENSE		
a. Military division		
For salaries except salaries provided for in paragraph b of this subsection and support of not more than ninety-eight full-time equivalent positions, and for maintenance and miscellaneous purposes .....	\$ 1,960,000	\$ 1,980,000
b. For salaries, support, and maintenance of the adjutant general and the adjutant general's staff of not more than seven full-time equivalent positions who are on full-time active state service .....	\$ 227,450	\$ 231,100
3. OFFICE OF DISASTER SERVICES		
a. For the purpose of matching federal funds available and for salaries and support of not more than eleven full-time equivalent positions, and for maintenance and miscellaneous purposes ..	\$ 121,700	\$ 127,700

Sec. 3. There is appropriated from the general fund of the state to the department of public safety for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
DEPARTMENT OF PUBLIC SAFETY		
1. ADMINISTRATIVE FUNCTION		
a. For salaries and support of not more than one hundred fifty-three full-time equivalent positions, and for maintenance and miscellaneous purposes of the department, criminal justice information system, and radio communications .....	\$ 4,199,650	\$ 4,208,950
b. It is the intent of the general assembly that the three full-time equivalent positions added to the department are to assist in records and information until backlogged dispositions are up to date, and are then to be used to implement the offender based transaction system.		
c. It is the intent of the general assembly that the department of public safety proceed with plans to consolidate the number of base radio stations throughout the state.		
2. INSPECTION AND SECURITY FUNCTION		
a. For salaries and support of not more than seventy-nine full-time equivalent positions for the fiscal year beginning July 1, 1979 and for not more than eighty full-time equivalent positions for the fiscal year beginning July 1, 1980, and for maintenance and miscellaneous purposes of fire marshal's inspections, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated, and capitol security divisions .....	\$ 1,206,750	\$ 1,237,750
b. It is the intent of the general assembly that the fire marshal shall employ one additional permanent full-time arson investigator for the fiscal year beginning July 1, 1979 and one additional permanent full-time arson investigator for the fiscal year beginning July 1, 1980 to bring the number of permanent full-time arson investigators in the fire marshal's office to ten by July 1, 1980, with salaries and other benefits to be paid from funds appropriated pursuant to paragraph a of this subsection.		
c. It is the intent of the general assembly that ten thousand dollars during each fiscal year of the fiscal biennium be expended by the fire marshal's office for education of the public		



in fire safety as provided in section one hundred point thirty-two (100.32) of the Code.

3. INVESTIGATION FUNCTION

a. For salaries and support of not more than one hundred forty-four point sixty full-time equivalent positions, and for maintenance and miscellaneous purposes of the division of criminal investigation containing the bureaus of identification, drug law enforcement, welfare fraud, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated ..... \$ 3,470,000      \$ 3,468,000

b. It is the intent of the general assembly that the department of public safety reduce its fleet to smaller more efficient vehicles and submit a report on vehicle changes to the appropriations subcommittee on transportation and law enforcement in January, 1980.

c. For purposes of matching federal funds available to the Iowa crime prevention coalition, inc. .... \$ 27,500      \$ 27,500

It is the intent of the general assembly that rural crime be included as an area of activity by the Iowa crime prevention coalition, inc.

d. The department shall not enter into any contract for the expenditure of moneys appropriated in paragraph c of this subsection which will obligate the state to carry on any portion of the program in paragraph c of this subsection when the federal funds are available at less than a ninety-ten basis.

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries and support of not more than four hundred fifty-seven full-time equivalent positions, and for maintenance and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated ..... \$13,077,900      \$13,045,250

5. It is the intent of the general assembly that a position of post clerk cannot be filled by a member of the Iowa highway safety patrol, except in extreme cases of disability or health problems and then on a temporary basis only.

6. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1981. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

\*\*\*7. Of the funds appropriated each year to the department of public safety under this section, the amounts of one hundred twenty thousand (120,000) dollars from the inspection and security function appropriated under subsection two (2) of this section and sixty thousand (60,000) dollars from the division of highway safety and uniformed force appropriated under subsection four (4) of this section is for providing security for the governor's mansion and the personal protection of the governor.\*\*\*

Sec. 4. There is appropriated from the general fund of the state to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance and miscellaneous purposes .....	\$ 5,229,300	\$ 5,290,000
2. For the mass transit project for state employees .....	\$ 75,000	\$
a. The project shall subsidize twenty-five percent of the cost of mass transportation for state employees if the state employees agree to abstain from parking their motor vehicles on state property at their job site. In allocating funds appropriated by this subsection to continue the state assistance program, the department shall review each allocation to determine whether the allocation should be revised where a public transit has received funds for the continuation and further development of a mass transit project for state employees.		
b. The state department of transportation shall report to the subcommittee on transportation and law enforcement not later than February 1, 1980 on future needs of the state employee transportation subsidy program.		
3. For public transit purposes to implement a state assistance plan .....	\$ 2,000,000	\$ 2,000,000
a. Notwithstanding chapter eight (8) of the Code, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public		

\*\*\*Item veto

transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited.

4. For deposit in the railroad assistance fund for branch line improvement ..... \$ 1,500,000 \$ 1,800,000

Unencumbered or unobligated funds remaining on June 30, 1983 from funds appropriated by subsection three (3) of this section shall revert to the general fund on September 30, 1983.

5. For the purchase of one high performance turbo-prop airplane ..... \$ 670,000

Sec. 5. There is appropriated from the road use tax fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1979-1980 1980-1981
Fiscal Year Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance and miscellaneous purposes ..... \$ 8,648,400 \$ 8,910,400

ADMINISTRATION OF MERIT SYSTEM

2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code ..... \$ 14,000 \$ 15,600

UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation ..... \$ 8,000 \$ 9,300

Sec. 6. There is appropriated from the road use tax fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the sum of fourteen thousand (14,000) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of employees of the state department of transportation.

Sec. 7. There is appropriated from the primary road fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u> <u>Fiscal Year</u>	<u>1980-1981</u> <u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance and miscellaneous purposes .....	\$99,284,500	\$99,123,700
EQUIPMENT		
2. Additional equipment to be purchased to supplement present inventory. All acquisitions, when acquired, will become a part of the state department of transportation materials and equipment revolving fund .....	\$ 150,000	\$ 350,000
VEHICLE REPLACEMENT		
3. To be deposited in the state department of transportation materials and equipment revolving fund established by section three hundred seven A point seven (307A.7) of the Code for funding the increased replacement cost of vehicles .....	\$ 3,500,000	\$ 3,500,000

It is the intent of the general assembly that the state department of transportation reduce its fleet to smaller, more efficient vehicles and submit a report on vehicle changes to the appropriations subcommittee on transportation and law enforcement in January, 1980. The report shall include the number of vehicles purchased by the state department of transportation equipped with eight-cylinder engines and the reasons why the task for such vehicles requires a larger engine.

#### MERIT EXPENSES

4. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code .....

	\$ 256,000	\$ 284,400
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#### UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation .....

	\$ 142,000	\$ 165,700
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Sec. 8. All unencumbered or unobligated balances of funds remaining on June 30, 1983, from funds appropriated by subsection two (2) of section seven (7) of this Act shall revert to the primary road fund on September 30, 1983.

Sec. 9. There is appropriated from the primary road fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the sum of two hundred sixty-one thousand (261,000) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of the employees of the state department of transportation.

Sec. 10. There is appropriated from the state aviation fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance and miscellaneous purposes .....	\$ 442,243	\$ 450,300

Sec. 11. It is the intent of the general assembly that funds appropriated to the state department of transportation under sections four (4), five (5), seven (7) and ten (10) of this Act for salaries, support, maintenance and miscellaneous purposes shall be for not to exceed four thousand six hundred eighty full-time equivalent positions for the fiscal year ending June 30, 1980 and for not to exceed four thousand six hundred fifty full-time equivalent positions for the fiscal year ending June 30, 1981.

Sec. 12. It is the intent of the general assembly that agencies to which funds are appropriated by this Act shall make every effort to use gasohol in vehicles operated by the agencies when gasohol is reasonably available and competitively priced for use in the vehicles.

Sec. 13. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts. All personnel authorized and funded under federal grants or receipts are approved for the duration of the grant or the availability of the receipts.

Approved June 10, 1979, except the item designated as Section 3, Subsection 7 herein which I hereby disapprove for the reasons in my item veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray  
Governor

Dear Mr. Secretary:

I hereby transmit House File 738, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 738 is approved June 10, 1979, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 3, Subsection 7 which reads as follows:

7. Of the funds appropriated each year to the department of public safety under this section, the amounts of one hundred twenty thousand (120,000) dollars from the inspection and security function appropriated under subsection two (2) of this section and sixty thousand (60,000) dollars from the division of highway safety and uniformed force appropriated under subsection four (4) of this section is for providing security for the governor's mansion and the personal protection of the governor.

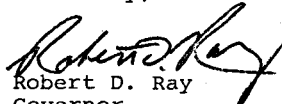
This item earmarks \$180,000 to be used for security at Terrace Hill and for the Governor during each year of the next biennium. That amount is exactly what the legislature appropriated for the same purpose for fiscal year 1978-79.

The legislature this year consistently appropriated funds to meet the costs of the 27th pay period and merit salary increases. A careful study of the appropriations for the Department of Public Safety shows the inspection and security function and the division of highway safety and uniformed

force appropriations include funds to meet these obligatory increased costs for security of Terrace Hill and the Governor. Section 3, Subsection 7, however, since it does not reflect the increased costs, is inconsistent with that appropriation and, therefore, should be removed.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 738 are hereby approved this date.

Sincerely,

  
Robert D. Ray  
Governor

CHAPTER 12

AGRICULTURE, ECONOMIC DEVELOPMENT, ENERGY,  
COAL RESEARCH AND NATURAL RESOURCES

H. F. 734

AN ACT relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research and providing for a penalty.

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

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL ADMINISTRATION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes including a market news study .....	\$ 1,098,652	\$ 1,087,460
b. From the fertilizer fund to be transferred to the administration division .....	\$ 25,000	\$ 25,000

- c. From the dairy trade practice fund to be transferred to the administration division ..... \$ 58,825 \$ 57,133
- d. From the commercial feed fund to be transferred to the administration division ..... \$ 25,000 \$ 25,000

2. REGULATORY DIVISION

From the general fund for salaries, support, maintenance, and miscellaneous purposes ..... \$ 3,011,735 \$ 2,977,256

It is a condition of the appropriations made by this subsection that for every dollar of federal funds received for indirect costs in excess of the amount appropriated for the meat and poultry section of the regulatory division, one dollar of the amount appropriated shall be returned to the general fund of the state.

3. LABORATORY DIVISION

- a. From the general fund for salaries, support, maintenance, and miscellaneous purposes ... \$ 507,348 \$ 492,145
- b. From the commercial feed fund to be transferred to the laboratory division ..... \$ 552,460 \$ 542,540
- c. From the pesticide fund to be transferred to the laboratory division ..... \$ 330,455 \$ 325,707
- d. From the fertilizer fund to be transferred to the laboratory division ..... \$ 503,934 \$ 490,007

4. Funds appropriated by this section to the department of agriculture shall be used to pay salaries and support for not more than three hundred forty-one full-time equivalent positions.

Sec. 2. BRUCELLOSIS INDEMNITY. There is appropriated from the general fund of the state to the department of agriculture for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to make grants to counties to pay the indemnity and the expenses of the inspection and testing of animals as provided in chapters one hundred sixty-three A (163A) and one hundred sixty-four (164) of the Code. The secretary of agriculture shall not approve a grant under this section to a county unless the board of supervisors has levied the maximum levy for the county brucellosis eradication fund under section one hundred sixty-four point twenty-three (164.23) of the Code for each of the fiscal years in the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 and all funds in the county brucellosis eradication fund including all unobligated funds transferred from the county tuberculosis eradication fund, have been expended. However, no individual claimant, in a single county, shall receive more than five thousand (5,000) dollars in a single fiscal year.

Sec. 3. Chapter one hundred fifty-nine (159), Code 1979, is amended by adding the following new section:

**NEW SECTION.** The secretary shall not approve the use of end intake airprobes, which use a vacuum to collect a sample from a load of grain, pursuant to section one hundred fifty-nine point five (159.5), subsection ten (10) of the Code. A person who uses a method of probing for foreign material content of grain which is not approved by the secretary is guilty of a simple misdemeanor.

Sec. 4. STATE CONSERVATION COMMISSION. There is appropriated from the general fund of the state and the funds indicated to the state conservation commission and its divisions for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. DIVISION OF LANDS AND WATERS		
For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment and miscellaneous purposes for not more than two hundred eighty-eight full-time equivalent positions of the division, and for maintenance of state parks, waters, and forests, and including not more than one million two hundred seventy-five thousand one hundred two (1,275,102) dollars during the fiscal year beginning July 1, 1979 and one million two hundred seventy-seven thousand one hundred eighty-seven (1,277,187) dollars during the fiscal year beginning July 1, 1980 which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code .....	\$ 5,077,176	\$ 4,922,838
2. DIVISION OF FISH AND GAME		
a. From the state fish and game protection fund for salaries, support, maintenance, equipment and miscellaneous purposes for not more than two hundred seventy-seven full-time equivalent positions, including not more than one million two hundred seventy-five thousand one hundred two (1,275,102) dollars during the fiscal year beginning on July 1, 1979 and one million two hundred seventy-seven thousand one hundred eighty-seven (1,277,187) dollars during the fiscal year beginning on July 1, 1980 which shall be available each fiscal year from the state fish and game protection fund for the administration fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code .....	\$ 8,113,184	\$ 7,994,489
b. From the general fund of the state to a contingency fund to be used to replace federal funds under the "Pittman-Robertson Act", 16 U.S.C. s. 669 et seq., if those federal funds become unavailable .....	\$ 700,000	\$



If the state conservation commission is reimbursed by the federal government for expenditures made from this contingency fund, the state conservation commission shall deposit the reimbursement in the general fund of the state.

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, and maintenance of not more than one full-time equivalent position and for equipment and miscellaneous purposes for carrying out the duties of the board ..... \$ 40,347 \$ 39,921

4. LAND SURVEYS

From the general fund of the state for land surveys to establish and identify the boundaries of state-owned land ..... \$ 45,000 \$ 45,000

5. MISSOURI AND MISSISSIPPI RIVER BASIN COMMISSIONS

From the general fund of the state for the state's contribution for support of the Missouri and Mississippi River Basin Commissions ..... \$ 48,000 \$ 48,000

6. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the employment of persons under the green thumb program established pursuant to chapter six hundred one H (601H) of the Code .... \$ 141,750 \$ 148,830

7. PROTECTED WATER AREAS STUDY

From the general fund of the state for not more than one full-time equivalent position for the continuation of the protected water areas study established by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nine (1009), section one (1), subsection two (2), paragraph c ..... \$ 50,000 \$

8. GREAT RIVER ROAD STUDY

From the general fund of the state for the great river road study ..... \$ 25,000 \$ 37,500

Sec. 5. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the state conservation commission, division of lands and waters, the amounts computed as provided in section three hundred twenty-four point eighty-four (324.84) of the Code, which amounts shall be deposited in the state conservation fund for use in the state conservation commission recreational boating program as provided in subsections one (1) through five (5) of section three hundred twenty-four point seventy-nine (324.79) of the Code. The unencumbered or unobligated balances of funds specifically allocated for capital projects for fiscal years 1979-1980 and 1980-1981 shall not revert to the fund from which appropriated until June 30, 1983 and June 30, 1984, respectively.

Sec. 6. ADMINISTRATION FUND.

1. The transfer of funds from the state conservation fund and the state fish and game protection fund to the administration funds shall not exceed the amounts specified in subsections one (1) and two (2) of section four (4) of this Act. Such funds shall be used for salaries and support of not more than one hundred ten full-time equivalent positions.

2. a. Funds remaining in the fish and game protection fund during fiscal years 1979-1980 and 1980-1981 which are not specifically appropriated by section four (4) of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal years beginning July 1, 1979 and July 1, 1980.

b. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency.

Before any of the funds authorized to be expended by this subsection shall be allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state.

If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

3. Notwithstanding section four hundred fifty-three point seven (453.7), subsection two (2) of the Code, interest or earnings on investments or time deposits of the funds in the state fish and game protection fund shall be credited to the state fish and game protection fund.

4. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

5. The state conservation commission shall establish a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection five (5) of section nineteen (19) of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

Sec. 7. OPEN SPACES SCHOOL TAX PAYMENT. There is appropriated from the general fund of the state to the state conservation commission the amount of thirty-five thousand (35,000) dollars to pay school taxes for the fiscal year beginning July 1, 1980 on the lands acquired under the open spaces acquisition program, commenced in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter seventy-four (74), which would otherwise be subject to the levy of school taxes. The assessed value of the open spaces land shall be that determined pursuant to section four hundred twenty-seven point one (427.1), subsection thirty-one (31), of the Code and the commission may protest the assessed value in the manner provided by law for any property

owner to protest an assessment. For the purposes of chapter four hundred forty-two (442) of the Code, the assessed value of the open spaces land shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the taxes due to the commission. If the total amount of taxes due certified to the commission exceeds thirty-five thousand (35,000) dollars, the taxes due shall be reduced proportionately so that the total amount equals thirty-five thousand (35,000) dollars.

Sec. 8. Section one hundred ten point three (110.3), Code 1979, is amended to read as follows:

110.3 WILDLIFE HABITAT STAMP. A resident or nonresident person required to have a hunting or trapping license shall not hunt or trap unless he or she has on his or her person a valid wildlife habitat stamp signed in ink with his or her signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and trapping licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development, ~~management~~ and enhancement of wildlife lands and habitat areas. Not ~~more~~ less than fifty percent of all revenue from the sale of wildlife habitat stamps ~~may~~ shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed ~~fifty~~ seventy-five percent.

Sec. 9. Section one hundred ten B point four (110B.4), Code 1979, is amended to read as follows:

110B.4 USE OF REVENUE. All revenue shall be used for projects approved by the commission for the purpose of protecting and propagating migratory waterfowl and for the acquisition, development, restoration, maintenance or preservation of wetlands, except for that part which is specified by the commission for use in paying administrative expenses as provided in section 107.17.

The commission may enter into contracts with nonprofit organizations for the use of ~~one-half~~ fifteen percent of such funds outside the United States if the commission finds that such contracts are necessary for carrying out the purposes of this chapter.

Sec. 10. IOWA DEVELOPMENT COMMISSION. There is appropriated from the general fund of the state to the Iowa development commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. a. For salaries and support of not more than fifty-eight full-time equivalent positions, and maintenance and miscellaneous purposes .....	\$ 1,968,880	\$ 2,074,628
b. From funds appropriated by paragraph a of this subsection the Iowa development commission shall allocate not to exceed thirty-one thousand five hundred (31,500) dollars for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 for the seven regional tourism districts, not to exceed five thousand (5,000) dollars per district, for each district which provides on a dollar-to-dollar matching basis funds equal to the amount allocated by the Iowa development commission.		
2. For salaries, support of no more than two full-time equivalent positions, maintenance and miscellaneous purposes of the European office ..	\$ 178,000	\$
3. For promotion of gasohol and associated by-products .....	\$ 50,000	\$

Sec. 11. COAL RESEARCH PROJECT. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the sum of three hundred thousand (300,000) dollars or so much thereof as may be necessary to be used by the energy and mineral resources research institute to conclude the coal research project authorized by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand four (1004), section six (6). The funds appropriated by this section shall be used solely for the authorized research and shall not be used for related academic activities or studies. The energy and mineral resources research institute shall submit a final report on the coal research project to the appropriation subcommittees on natural resources of both houses of the general assembly.

Sec. 12. ETHANOL RESEARCH. The funds appropriated by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nine (1009), section one (1), subsection five (5), to Iowa state university of science and technology for ethanol research shall not revert to the general fund, notwithstanding section three (3) of that Act, until the end of the fiscal year ending July 30, 1980.

Sec. 13. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, to the energy policy council the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u> <u>Fiscal Year</u>	<u>1980-1981</u> <u>Fiscal Year</u>
ENERGY POLICY COUNCIL		
1. OPERATIONS		
For salaries and support of not more than eleven full-time equivalent positions, and for maintenance and miscellaneous purposes .....	\$ 230,192	\$ 233,683

2. PUBLIC BUILDINGS ENERGY CONSERVATION ADMINISTRATION

For salaries and support of not more than six full-time equivalent positions, and for maintenance and miscellaneous purposes .....	\$ 77,625	\$ 77,912
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Sec. 14. DEPARTMENT OF ENVIRONMENTAL QUALITY. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981, to the department of environmental quality, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u> <u>Fiscal Year</u>	<u>1980-1981</u> <u>Fiscal Year</u>
1. For salaries, support and maintenance of not more than one hundred eighty-six full-time equivalent positions and for miscellaneous purposes .....	\$ 2,206,852	\$ 2,213,998

During the fiscal year for which funds are appropriated by this section the department of environmental quality shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient\* air quality attainment areas for suspended particulates.

2. For payments to the governing bodies responsible for publicly-owned sewage treatment facilities which are eligible for grants under section two hundred two (202) of the federal Water Pollution Control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the Iowa water quality commission .....	\$ 4,000,000	\$ 5,000,000
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The provisions of section eight point thirty-three (8.33) of the Code shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1983 from funds appropriated for the fiscal year beginning July 1, 1979, shall revert to the general fund on September 30, 1983. Unencumbered or unobligated funds remaining on June 30, 1984 from funds appropriated for the fiscal year beginning July 1, 1980 shall revert to the general fund on September 30, 1984.

\*According to enrolled Act

Sec. 15. GROUND WATER MONITORING. The funds appropriated by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand four (1004), section seventeen (17), subsection one (1), paragraph b, to the department of environmental quality for ground water monitoring shall not revert to the general fund, notwithstanding the first unnumbered paragraph of section seventeen (17) of that Act, until the end of the fiscal year ending June 30, 1980.

Sec. 16. Section four hundred fifty-five B point thirty-two (455B.32), subsection three (3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A publicly-owned treatment works whose discharge meets the final effluent limitations which were contained in its discharge permit on the date that construction of the publicly-owned treatment works was approved by the department shall not be required to meet more stringent effluent limitations for a period of ten years from the date the construction was completed and accepted but not longer than twelve years from the date that construction was approved by the department.

Sec. 17. STATE FAIR BOARD. There is appropriated from the general fund of the state to the Iowa state fair board for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following sums, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For maintenance of state fair buildings and grounds .....	\$ 85,000	\$ 85,000
2. For premiums .....	\$ 10,000	\$ 10,000
3. For state aid to agricultural societies (local fairs) .....	\$ 210,000	\$ 210,000

4. The appropriation contained in subsection three (3) of this section for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe the conditions under which such aid is available. Such moneys shall not be used for other than the payment of cash premiums, and a county shall not receive more than two thousand one hundred (2,100) dollars except that in a county where there are two definitely separate county extension offices, each such society shall receive state aid in the amount it would be entitled to if it were the only society in the county. In counties having more than one fair entitled to state aid, the state aid available shall be prorated to the fairs based on cash premiums paid by the fairs.

Sec. 18. GEOLOGICAL SURVEY--NATURAL RESOURCES COUNCIL--MISSISSIPPI PARKWAY--HOOVER BIRTHPLACE. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the following departments the amounts specified, or so much thereof as is necessary, to be used for the following purposes:

	<u>1979-1980</u> <u>Fiscal Year</u>	<u>1980-1981</u> <u>Fiscal Year</u>
1. GEOLOGICAL SURVEY		
For salaries, support and maintenance of not more than forty-three and thirty-six full-time equivalent positions during the fiscal years beginning July 1, 1979 and July 1, 1980, respectively, and for miscellaneous purposes for the general office .....	\$ 1,345,575	\$ 1,172,720

2. IOWA NATURAL RESOURCES COUNCIL--GENERAL OFFICE		
For salaries, support and maintenance of not more than thirty-one full-time equivalent positions and for miscellaneous purposes .....	\$ 662,942	\$ 652,478

Notwithstanding the provisions of section four hundred fifty-five A point seventeen (455A.17) of the Code, the Iowa natural resources council may perform its statutory duties relating to uses and developments of water sources of the state without meeting the provisions of a comprehensive statewide plan for the control, utilization, and protection of the water resources of the state until such time as the plan is prepared and completed.

3. MISSISSIPPI RIVER PARKWAY COMMISSION		
For support, maintenance and miscellaneous purposes .....	\$ 20,000	\$ 20,000

4. HERBERT HOOVER MEMORIAL BIRTHPLACE FOUNDATION		
For the purpose of assisting with capital improvements .....	\$ 2,750	\$ 2,750

Sec. 19. DEPARTMENT OF SOIL CONSERVATION. There is appropriated from the general fund of the state to the department of soil conservation for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u> <u>Fiscal Year</u>	<u>1980-1981</u> <u>Fiscal Year</u>
1. For salaries and support of not more than one hundred seventy-three full-time equivalent positions and maintenance, assistance to soil conservation districts and for miscellaneous purposes .....	\$ 2,544,670	\$ 2,528,876

It is the intent of the general assembly that twenty clerk-typist II positions be upgraded to that of secretary and that a position of director of conservancy districts be created.

2. For participation in and conjunction with the federal government or any of its agencies in joint operations of watershed planning and development within this state .....	\$ 25,000	\$ 25,000
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3. For use and expenditures in participation and conjunction with the soil conservation ser-

vice, United States department of agriculture, and state agencies in joint operations in conducting soil surveys on lands within this state . \$ 325,000 \$ 347,000

4. For settlement of a judgment against the Cass county soil conservation district ..... \$ 9,925

5. For cost sharing to provide state funding of not more than fifty percent of the approved cost of permanent soil conservation practices instituted under chapter four hundred sixty-seven A (467A) of the Code with priority given to projects on owner-operated and family-operated farms except that not more than five percent of the amount appropriated in this subsection may be used for cost sharing to abate complaints filed under sections four hundred sixty-seven A point forty-seven (467A.47) and four hundred sixty-seven A point forty-eight (467A.48) of the Code and five percent or more of the amount appropriated by this subsection may be used for cost sharing not to exceed seventy-five percent of the approved cost of permanent soil conservation practices under chapter four hundred sixty-seven A (467A) of the Code on watersheds above publicly-owned lakes to be allocated in accordance with the priority list established by the state conservation commission as required in subsection five (5) of section six (6) of this Act and to provide not more than ten percent of the funds appropriated by this subsection for incentive payments for minimum or mulch tillage on a per acre basis, as determined by rule by the state soil conservation committee, to encourage erosion control on land that is row cropped ..... \$ 5,000,000 \$ 5,000,000

The provisions of section eight point thirty-three (8.33) of the Code shall not apply to the funds appropriated by this subsection.

Unencumbered or unobligated funds remaining on June 30, 1983 from funds appropriated for the fiscal year beginning July 1, 1979 shall revert to the general fund on September 30, 1983. Unencumbered or unobligated funds remaining on June 30, 1984 from funds appropriated for the fiscal year beginning July 1, 1980 shall revert to the general fund on September 30, 1984.

6. There is appropriated from the general fund of the state for fiscal year beginning July 1, 1979 and ending June 30, 1980 to the department of soil conservation the sum of five thousand (5,000) dollars for reimbursement for actual and necessary expenses and a per diem of forty dollars a day for members of the temporary state land preservation policy commission or other persons who are requested and who appear before a legislative study committee or subcommittee of a standing committee of the Iowa general assembly studying



land preservation policy. Unencumbered or unobligated funds remaining on June 30, 1980 shall revert to the general fund as provided for in section eight point thirty-three (8.33) of the Code.

Sec. 20. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Positions within state agencies funded with federal funds are approved for the duration of those funds only.

Approved June 10, 1979

CHAPTER 13  
EDUCATIONAL PROGRAMS APPROPRIATIONS

S. F. 485

AN ACT relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
IOWA COMMISSION FOR THE BLIND.		
For salaries, support, maintenance and miscellaneous purposes .....	\$ 949,000	\$ 942,000

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA COLLEGE AID COMMISSION		
a. For salaries, support, maintenance and miscellaneous purposes .....	\$ 290,000	\$ 294,000
b. For administration of Iowa guaranteed student loan program .....	\$ 204,000	\$ 284,000

2. TUITION GRANT PROGRAM

To supplement the appropriation provided in subsection one (1) of section two hundred sixty-one point twenty-five (261.25) of the Code for

tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections two hundred sixty-one point nine (261.9) to two hundred sixty-one point sixteen (261.16) of the Code .... \$ 1,750,000      \$ 2,750,000

3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM

To supplement the appropriation provided in subsection three (3) of section two hundred sixty-one point twenty-five (261.25) of the Code for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section two hundred sixty-one point seventeen (261.17) of the Code ..... \$ 50,000      \$ 100,000

Sec. 3.

1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the Iowa college aid commission the sum of one hundred twenty thousand (120,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code. From the funds appropriated by this section not more than thirty thousand (30,000) dollars shall be allocated to each class which commences its academic year during the fiscal year for which funds are appropriated by this section.

2. In addition to the requirements of sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the participating colleges of optometry.

b. One-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the sum of one million two hundred thousand (1,200,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code. The subvention shall be used for the admission and education of not more than thirty percent of each of the three classes of students in the college of osteopathic medicine and surgery for the fiscal years beginning July 1, 1979

and July 1, 1980. Funds shall only be expended for resident students and funds expended on behalf of each class each year shall not exceed four hundred thousand (400,000) dollars.

2. In addition to the requirements of sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

b. One-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as an undergraduate in an Iowa postsecondary educational institution. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty (250) dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five (125) dollars per year.

Sec. 6. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the state educational radio and television facility the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance and miscellaneous purposes .....	\$ 4,492,000	\$ 4,697,000

Sec. 7. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the department of public instruction the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION		
a. For salaries, support, maintenance and miscellaneous purposes .....	\$ 3,047,000	\$ 3,024,000
b. For fire service education .....	\$ 200,000	\$ 200,000
2. VOCATIONAL EDUCATION ADMINISTRATION		
For salaries, support, maintenance and miscellaneous purposes .....	\$ 772,000	\$ 755,700

3. VOCATIONAL EDUCATION

a. For vocational education aid to secondary schools ..... \$ 3,285,000      \$ 3,597,000

Funds appropriated by this paragraph are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

b. For existing jointly administered secondary vocational education programs ..... \$ 150,000      \$ 150,000

Funds appropriated by this paragraph are to be used to support existing jointly administered secondary vocational programs in accordance with provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code.

c. For Iowa industrial start-up training program ..... \$ 200,000      \$ 200,000

Funds appropriated by this paragraph are to be used to establish an industrial start-up training program to assist the state in attracting and retaining industries.

4. VOCATIONAL REHABILITATION

a. For salaries, support, maintenance and miscellaneous purposes ..... \$ 2,497,000      \$ 2,445,000

b. To match federal funds and provide assistance in independent living to severely disabled ..... \$ 222,000      \$ 222,000

5. COMPACT FOR EDUCATION

For membership fees for Iowa as a member of the education commission of the states as provided in chapter two hundred seventy-two B (272B) of the Code ..... \$ 23,625      \$ 23,625

6. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out the provisions of chapter two hundred seventy-two A (272A) of the Code ..... \$ 49,600      \$ 50,000

7. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out the provisions of section two hundred fifty-eight point fourteen (258.14) of the Code ..... \$ 10,000      \$ 10,000

8. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for

federal programs and which shall be disbursed according to federal regulations ..... \$ 3,488,000      \$ 3,662,000

9. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section three hundred one point one (301.1) of the Code. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils ..... \$ 400,000      \$ 400,000

10. SCHOOL BUDGET REVIEW COMMITTEE ..... \$ 300,000      \$ 1,300,000

a. From the funds appropriated to the school budget review committee for fiscal year 1980-1981 nine hundred thousand (900,000) dollars shall be used exclusively for transportation costs unusually increased above the normal rate of inflation, including costs arising because of the need for replacement vehicles and the repair of vehicles and two hundred thousand (200,000) dollars or as much thereof as necessary shall be used exclusively for grants to public schools and for nonpublic school pupils for programs for instruction in the English language, a transitional bilingual program, or other special instruction program within the requirements of sections eighteen (18) and nineteen (19) of this Act. From the two hundred thousand (200,000) dollars for a transitional bilingual, instruction in the English language or other special instruction program, the school budget review committee may allocate an amount not to exceed ten thousand (10,000) dollars to the department of public instruction to cover the actual, and necessary costs of administering the program as required in section nineteen (19) of this Act.

b. From the funds appropriated to the school budget review committee for the fiscal year 1979-1980 one hundred thousand (100,000) dollars shall be used exclusively for supplemental aid to public school districts for transportation equipment needs which would become necessary because of the furnishing of transportation to nonpublic school pupils under chapter two hundred eighty-five (285) of the Code and any unused funds appropriated by this lettered subparagraph shall not revert until June 30, 1981.

11. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section two hundred eighty A point two (280A.2) of the Code the amount of forty-two million one hundred sixty-eight thousand five hundred (42,168,500) dollars for fiscal year 1979-1980 and forty-eight million one hundred forty-one thousand five hundred (48,141,500) dollars for fiscal year 1980-1981 to be allocated as follows:

(1) Merged Area I .....	\$ 1,929,040	\$ 2,221,421
(2) Merged Area II .....	\$ 2,733,833	\$ 3,095,669
(3) Merged Area III .....	\$ 2,464,600	\$ 2,798,513
(4) Merged Area IV .....	\$ 868,613	\$ 1,023,727

(5)	Merged Area V .....	\$ 3,111,971	\$ 3,512,316
(6)	Merged Area VI .....	\$ 2,707,690	\$ 3,015,591
(7)	Merged Area VII .....	\$ 2,997,490	\$ 3,480,487
(8)	Merged Area IX .....	\$ 3,460,903	\$ 3,919,949
(9)	Merged Area X .....	\$ 5,120,162	\$ 5,851,448
(10)	Merged Area XI .....	\$ 6,313,960	\$ 7,248,257
(11)	Merged Area XII .....	\$ 1,916,996	\$ 2,264,101
(12)	Merged Area XIII .....	\$ 2,973,597	\$ 3,375,211
(13)	Merged Area XIV .....	\$ 1,075,177	\$ 1,213,137
(14)	Merged Area XV .....	\$ 2,498,359	\$ 2,831,299
(15)	Merged Area XVI .....	\$ 1,996,109	\$ 2,290,374

It is the intent of the general assembly in appropriating funds in this lettered paragraph that no merged area school in the state shall change its official name during this fiscal biennium.

b. To provide for equipment replacement and upgrading in all merged area schools on a prorated basis consistent with past allocations made from equipment inventory listings ..... \$ 1,600,000 \$ 1,850,000

c. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, and to purchase instructional equipment for vocational and technical courses of instruction in such schools ..... \$ 8,700,000 \$ 8,700,000

d. For added enrollment in merged area schools to be allocated on the basis of the following priorities:

(1) To add additional sections of preparatory vocational programs in merged area schools where the number of students seeking enrollment exceed the number of spaces available;

(2) To add new sections of preparatory vocational programs in merged area schools to accommodate students seeking enrollment that could not be accommodated in similar programs in other merged area schools;

(3) To add sections of preparatory career programs in merged area schools that are not currently available in the state if student interest and a survey of employers indicate a definite need for such new programs ..... \$ 200,000 \$ 200,000

e. For Merged Area XII  
For operation of the radio station ..... \$ 130,500 \$ 130,500

f. For Merged Area XIII  
For operation of the radio station ..... \$ 120,000 \$ 130,500

12. PROGRAMS FOR GIFTED AND TALENTED CHILDREN

For programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code .....

\$ 100,000

Sec. 8. There is appropriated from the general fund of the state to the state board of regents for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter twenty (20) of the Code, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of regents members receiving a per diem not to exceed forty dollars per day .....

\$ 352,000      \$ 356,000

b. For western Iowa continuing education ....

\$ 100,000      \$ 100,000

c. For enrollment increase costs .....

\$ 500,000      \$ 600,000

Funds appropriated to the state board of regents to be allocated to the institutions to be used for instructional purposes and direct instructional support.

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus .....

\$80,979,000      \$83,812,000

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter two hundred fifty-five (255) of the Code .....

\$19,437,000      \$20,394,000

c. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients .....

\$ 4,095,000      \$ 4,225,000

d. State hygienic laboratory		
For salaries, support, maintenance, equipment, and miscellaneous purposes .....	\$ 1,618,500	\$ 1,612,000
e. Hospital school		
For salaries, support, maintenance, equipment, and miscellaneous purposes .....	\$ 2,903,000	\$ 3,012,000
f. Oakdale campus		
For salaries, support, maintenance, equipment, and miscellaneous purposes beyond that amount underwritten from charges to counties, agencies, and individual patients at no less than twenty- five percent of per diem cost .....	\$ 1,642,000	\$ 1,717,600
3. IOWA STATE UNIVERSITY OF SCIENCE AND TECH- NOLOGY		
a. General university		
For salaries, support, maintenance, equipment, and miscellaneous purposes .....	\$65,639,000	\$68,493,000
b. Agricultural experiment station		
For salaries, support, maintenance, equipment, and miscellaneous purposes .....	\$ 7,534,000	\$ 7,723,000
c. Cooperative extension service in agricul- ture and home economics		
For salaries, support, maintenance, and mis- cellaneous purposes .....	\$ 6,960,000	\$ 7,278,000
4. UNIVERSITY OF NORTHERN IOWA		
For salaries, support, maintenance, equipment, and miscellaneous purposes .....	\$26,876,000	\$27,939,000
5. STATE SCHOOL FOR THE DEAF		
For salaries, support, maintenance, and mis- cellaneous purposes .....	\$ 3,360,000	\$ 3,463,000
6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL		
For salaries, support, maintenance, and mis- cellaneous purposes .....	\$ 1,838,600	\$ 1,913,800
7. FAMILY PRACTICE PROGRAM		
For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out the provi- sions of chapter one hundred forty-eight C (148C) of the Code .....	\$ 1,085,000	\$ 1,195,000

Sec. 9. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979 and ending June 30, 1980, to the state board of regents, subject to the conditions provided in this section, the sum of four hundred thousand (400,000) dollars, or so much thereof as may be necessary, to replace actual losses of federal funds for capitation grants by the colleges of dentistry, medicine, veterinary medicine, pharmacy, and nursing. The funds or any portion of the funds shall not be allocated unless there is actually a loss of federal funds for capitation grants and the state comptroller has reviewed the amount of the loss and approved the allocation of the funds appropriated by this section to replace the loss.



\*\*\*Sec. 10. Section twenty point three (20.3), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of implementing and administering the provisions of this chapter, the governor shall act as the exclusive representative of the state of Iowa with respect to all state employees, except for faculty, scientific, and other professional staff who are employed at institutions under the authority of the state board of regents; the state board of regents shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.\*\*\*

Sec. 11. Section two hundred fifty-nine point one (259.1), Code 1979, is amended to read as follows:

259.1 ACCEPTANCE OF FEDERAL ACT. The state of Iowa does hereby, through its legislative authority, accept the provisions and benefits of the Act of Congress, entitled ~~"The Federal Vocational Rehabilitation Act--(68--Stat.--Lr-652)--29--U.S.C.--ch-4)-approved-August-37-1954--(P--Lr-565--83d-Congress)-as amended"~~, and will observe and comply with all the requirements of ~~such--Act~~ "The Rehabilitation Act of 1973 (P. L. 93-112) and (P. L. 95-602) entitled the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978".

~~In--the--same--manner--the--Act--of--Congress--known--as--"The--Rehabilitation--Act--of--1973--(P--Lr--93--112)"--is--accepted.~~

Sec. 12. Section two hundred sixty-one point twelve (261.12), subsection one (1), paragraph b, Code 1979, is amended to read as follows:

b. One For the fiscal year beginning July 1, 1979 one thousand five six hundred dollars and for each following fiscal year one thousand seven hundred dollars.

Sec. 13. Section two hundred sixty-one point twenty-five (261.25), subsection one (1), Code 1979, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~ten~~ twelve million dollars for tuition grants.

Sec. 14. Section two hundred sixty-one point twenty-five (261.25), subsection three (3), Code 1979, is amended to read as follows:

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~one~~ three hundred fifty thousand dollars for vocational-technical tuition grants.

Sec. 15. Section two hundred sixty-one point twenty-six (261.26), Code 1979, is amended to read as follows:

261.26 OPTOMETRY SCHOOLS. The commission shall contract with the proper officials of states which have accredited schools and colleges of optometry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of optometry. In making a final determination of who is a domiciliary of Iowa, the commission shall adopt rules for ~~the--academic--year commencing--in--1976--and--for~~ each academic year thereafter consistent with those followed for determining Iowa resident students in section 261.15 and subject to the provisions of chapter 17A.

Sec. 16. Section two hundred sixty-one point twenty-seven (261.27), Code 1979, is amended to read as follows:

261.27 CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying out its duties under the provisions of section 261.26 the commission shall contract for the right of not less than ten qualified persons for each academic class to enter accredited schools and colleges of optometry during the each academic school year ~~commencing in the year 1976~~. The commission shall initiate an affirmative action program to insure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section 261.26. Funds expended on behalf of each person shall not exceed three thousand dollars during any one fiscal year. The commission shall make a report regarding its duties under section 261.26 to the legislative fiscal committee at such time as the legislative fiscal committee shall request.

Sec. 17. Section two hundred sixty-seven point eight (267.8), Code 1979, is amended to read as follows:

267.8 LIVESTOCK DISEASE RESEARCH FUND. There is created a fund in the office of the treasurer of state to be known as the livestock disease fund, and for the purpose of establishing and maintaining said fund for each fiscal year, there is appropriated from funds in the general fund, not otherwise appropriated, the sum of ~~two~~ three hundred thousand dollars. Any balance in said fund on June 30 of each fiscal year shall revert to the general fund.

Sec. 18. Section two hundred eighty point four (280.4), Code 1979, is amended to read as follows:

280.4 MEDIUM OF INSTRUCTION. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign language is deemed appropriate in the teaching of any subject or when the student is non-English-speaking. When the student is non-English-speaking, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in the English language or a transitional bilingual program, until the student demonstrates a functional ability to speak, write, read and understand the English language. As used in this section, "non-English-speaking student" means a student whose native language is not English and whose inability or limited ability to speak, write or read English significantly impedes educational progress.

Sec. 19.

1. The board of directors of a school district may submit an application to the school budget review committee for funds provided by section seven (7), subsection ten (10) of this Act for instruction in the English language, a transitional bilingual, or other special instruction program when support for the program from other federal, state or local sources is not available or is inadequate. The department of public instruction shall review all applications for funding and provide recommendations to the school budget review committee regarding their disposition. The school budget review committee shall not grant funds to a public school for instruction in the English language, a transitional bilingual or other special instruction program unless the program offered by the public school is available to nonpublic school students in the district.

2. The department of public instruction shall promulgate rules relating to the identification of non-English-speaking students who require special instruction under section eighteen (18) of this Act and to application procedures for funds available under this Act.

3. Grants made to a school pursuant to this section shall not exceed four hundred dollars for each student in the program. A public school may receive funds for nonpublic school students attending the program offered by the public school. However, the amount granted for each nonpublic school student in a program shall not exceed the amount granted for each public school student in the program.

Sec. 20. Section four hundred forty-two point thirty-one (442.31), Code 1979, is amended to read as follows:

442.31 GIFTED AND TALENTED CHILDREN. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction ~~for approval of a program of instruction~~ for gifted and talented children to be funded for the school year beginning July 1, 1979 by an increase in allowable growth, as defined in section 442.7 and funded for the school year beginning July 1, 1980, by moneys appropriated in section seven (7), subsection twelve (12), of this Act. The department shall not approve programs for which the total budgets are in excess of funds appropriated in section seven (7), subsection twelve (12), of this Act. The department shall transmit moneys allocated to each school district for a program approved under section four hundred forty-two point thirty-four (442.34) to that school district and the moneys shall be considered miscellaneous income and shall not be included in district cost. The department shall promulgate rules under the provisions of chapter 17A relating to administration of sections 442.31 to 442.36. The rules shall require that approved gifted and talented children programs provide each child with an individually guided educational program which considers the individual abilities and needs of each child.

Sec. 21. Section four hundred forty-two point thirty-four (442.34), Code 1979, is amended to read as follows:

442.34 ~~LIMITED-TO-TEN-DISTRICTS~~ PROGRAMS APPROVED. The department of public instruction may approve gifted and talented children programs for the school ~~years~~ year beginning July 1, 1979 ~~and July 1, 1980 only~~, for not more than ten school districts in this state, and for the school year beginning July 1, 1980 may renew approval for the programs established for the school year beginning July 1, 1979 and may approve additional programs for gifted and talented children in school districts in this state, including districts of various enrollments and geographic locations. The department shall approve at least one program in each area education agency to the extent that districts in an area education agency make application for approval of a program of instruction which meets the qualifications for approval prescribed in the rules of the department. A single program may be provided by two or more districts acting jointly.

Sec. 22. Section four hundred forty-two point thirty-five (442.35), Code 1979, is amended to read as follows:

442.35 COMMITTEE INFORMED. The For the school year beginning July 1, 1979, the department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program. The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section 442.13, to provide funds equal to the budget approved by the department of public instruction for the school year beginning July 1, 1979.

Sec. 23.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the sum of twenty thousand (20,000) dollars and for the fiscal year beginning July 1, 1980, and ending June 30, 1981, the sum of forty thousand (40,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections twenty-four (24) and twenty-five (25) of this Act.

2. In addition to the requirements of sections twenty-four (24) and twenty-five (25) of this Act, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1978, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

b. The remaining one-half of the funds appropriated for fiscal year 1979-1980 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1979, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

c. The second one-half of the funds appropriated for fiscal year 1980-1981 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1980, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

Sec. 24. NEW SECTION. PODIATRY SCHOOLS. The commission shall contract with the proper officials of states which have accredited schools and colleges of podiatry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of podiatry. In making a final determination of who is a domiciliary of Iowa, the commission shall adopt rules for each academic year consistent with those followed for determining Iowa resident students in section two hundred sixty-one point fifteen (261.15) of the Code and subject to the provisions of chapter seventeen A (17A) of the Code.

Sec. 25. NEW SECTION. CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying out its duties under the provisions of section twenty-four (24) of this Act the commission shall contract for the right of not less than five qualified persons for each academic class to enter accredited schools and colleges of podiatry during each academic school year. The commission shall initiate an affirmative action program to insure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section twenty-four (24) of this Act. Funds expended on behalf of each

person shall not exceed four thousand dollars during any fiscal year. The commission shall make a report regarding its duties under section twenty-four (24) of this Act to the legislative fiscal committee at such time as the legislative fiscal committee shall request.

Sec. 26. The intent of the general assembly in appropriating funds pursuant to section eight (8) of this Act is to provide additional funds, if needed, during the 1980 or 1981 session of the general assembly for the purchase of fuel and electricity if the costs for fuel and electricity will exceed sixteen million seven hundred fifty-one thousand (16,751,000) dollars for 1979-1980 or will exceed eighteen million five hundred ninety-four thousand (18,594,000) dollars for 1980-1981. If the amount actually expended for fuel and electricity costs is less than sixteen million seven hundred fifty-one thousand (16,751,000) dollars in 1979-1980 or less than eighteen million five hundred ninety-four thousand (18,594,000) dollars in 1980-1981, the difference may be used for other purposes such as maintenance, equipment, and miscellaneous purposes.

Sec. 27. It is the intent of the general assembly that the state board of regents increase the energy efficiency of their motor vehicle fleets. The state board of regents shall attempt to purchase motor vehicles that will increase the overall energy efficiency of existing fleets. The state board of regents shall submit a report on their progress toward increasing the energy efficiency of their fleets to the general assembly by February 1, 1980. The report shall include a list of all new vehicles purchased during the prior fiscal year.

Sec. 28. The intent of the general assembly in appropriating funds pursuant to section two (2), subsection one (1), paragraph b is to advance funds to the Iowa guaranteed student loan program for operating costs. It is the intent that all state funds advanced to this program shall be repaid. On June 30, 1981 the sum of five hundred thousand (500,000) dollars shall revert from the Iowa guaranteed student loan reserve fund to the state general fund.

Sec. 29. Section two hundred eighty-five point two (285.2), Code 1979, is amended by striking unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the following:

Boards of directors of school districts shall be required to provide transportation services to nonpublic school pupils as provided in section two hundred eighty-five point one (285.1) of the Code when the general assembly appropriates funds to the department of public instruction for the payment of claims for transportation costs submitted by the school district.

There is appropriated from the general fund of the state to the department of public instruction funds sufficient to pay the approved claims of public school districts for transportation services to nonpublic school pupils as provided in this section.

Sec. 30. Sections eighteen (18) and nineteen (19) of this Act are effective July 1, 1980.

Sec. 31. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 32. Moneys appropriated by this Act shall not be used for capital improvements.

Sec. 33. When any laws of this state are in conflict with this Act, the provisions of this Act shall govern for the fiscal biennium 1979-1981.

Approved June 7, 1979, except the item designated as Section 10 herein which I hereby disapprove for the reasons in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray  
Governor

Dear Mr. Secretary:

I hereby transmit Senate File 485, an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Senate File 485 is approved June 7, 1979, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 10 which reads as follows:

Sec. 10. Section twenty point three (20.3), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of implementing and administering the provisions of this chapter, the governor shall act as the exclusive representative of the state of Iowa with respect to all state employees, except for faculty, scientific, and other professional staff who are employed at institutions under the authority of the state board of regents, the state board of regents shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

Simply put, Section 10 provides that the Board of Regents shall have the responsibility for bargaining with respect to faculty, scientific and other professional staff employed at Regents' institutions. The Governor would be responsible for bargaining for the remainder of state employees.

The issue as to who is the employer for purposes of implementing collective bargaining pursuant to Chapter 20 has been addressed by the Iowa Public Employment Relations Board (PERB) which ruled "that the State of Iowa is the public employer of all state employees for the purpose of collective bargaining under the act . . ." PERB concluded that an individual department, including the Board of Regents, did not constitute a separate employer for purposes of implementing Chapter 20. That decision was appealed and subsequently sustained by the Supreme Court of Iowa. Therefore, the contention that the State Board of Regents is the employer and not the Governor was reviewed and rejected by the Iowa Supreme Court.

Subsequent to the PERB decision in 1976, riders have been attached to the Board of Regents appropriation bills designating the Regents as the employer for their faculty, professional and scientific employees. Written as conditions to the Regents appropriations and, therefore not severable through an item veto, the riders have, nonetheless, been held by PERB not to overrule their earlier decision which was based on permanent, statutory language. Senate File 485 also contains such a rider.

All boards, departments, and agencies carry out the policies of the executive branch of state government through their employees. The Iowa Constitution establishes the Governor as the chief executive and provides our agencies, boards, and commissions to be accountable to the people through the Governor. The Governor has constitutional and statutory responsibilities for supervising the executive branch of state government including preparation of the state budget that is submitted to the legislature.

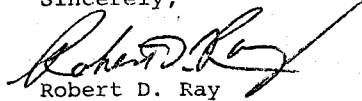
The concept of collective bargaining grants to employees the ability to negotiate certain terms and conditions of their employment with their employer, and by its very nature places additional restrictions and constraints upon the operation of state government. Inherent in the concept of bargaining is the potential for government to be whipsawed by the various employee bargaining units with the result being inconsistent treatment of employees and lack of uniformity in employee benefits.

Obviously it would be almost impossible to conduct collective bargaining if every agency was considered a different bargaining employer. To single out one particular agency for that purpose alone is not wise.

Proponents of Section 10 have argued that it would prevent interference in academic freedom at our state universities. Academic freedom has been and remains an important concept to us. Academic freedom can be protected by the Governor as well as, if not better than, the legislature. As a matter of fact, I have heretofore delegated the responsibility of bargaining under Chapter 20 to the Board of Regents for its faculty and academically-related professionals. We think this method is proper, and it has and continues to work effectively.

Since Senate File 485 makes appropriations to our educational agencies for the next biennium, this bill is subject to the item veto. For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 485 are hereby approved this date.

Sincerely,

  
Robert D. Ray  
Governor

CHAPTER 14  
CAPITAL PROJECTS

H. F. 764

AN ACT making appropriations for capital projects.

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

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, except as otherwise provided, to the state board of regents, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
<b>STATE BOARD OF REGENTS</b>		
1. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to reimburse such institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at such institutions .....	\$ 4,250,000	\$ 4,550,000
Unobligated or unencumbered funds remaining on June 30, 1980, from funds appropriated by this subsection for the fiscal year beginning July 1, 1979, shall revert to the general fund on September 30, 1980. Unobligated or unencumbered funds remaining on June 30, 1981, from funds appropriated by this subsection for the fiscal year beginning July 1, 1980, shall revert to the general fund on September 30, 1981.		
2. For allocation to the Iowa state university of science and technology for construction of a library addition .....	\$ 8,100,000	\$
3. For allocation by the state board of regents for the purpose of completing the capital improvement program to make state facilities under the jurisdiction of the board accessible to the physically handicapped .....	\$ 3,500,000	\$
4. For allocation to the state university of Iowa for planning space needs for law, communications, and performing arts .....	\$ 600,000	\$



- 5. For allocation to the Iowa school for the deaf for construction of an addition to the vocational building ..... \$ 660,000 \$
- 6. For allocation to the Iowa state university of science and technology for new building movable equipment ..... \$ 1,800,000 \$
- 7. For allocation to the university of northern Iowa to replace funds used for the noninsured portion of a 1977 storm loss to the university of northern Iowa ..... \$ 25,000 \$
- 8. For allocation to the Iowa state university of science and technology for renovation of old veterinary quadrangle ..... \$ 4,400,000 \$
- 9. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to complete the following utility projects:
  - a. Iowa state university of science and technology: pollution control plant share, utility maintenance and improvements, and storm sewer addition;
  - b. State university of Iowa: sludge handling facilities, campus electrical supply renovation, and power plant replacements; and
  - c. University of northern Iowa: turbine generator and general utility system update ..... \$12,300,000 \$
- 10. For allocation by the state board of regents to the universities under the board's jurisdiction for initiating planning and implementation of an energy conservation program ..... \$ 4,675,000 \$
- 11. For allocation to the university of northern Iowa to replace or repair roofs on three buildings ..... \$ 136,000 \$
- 12. For allocation to the Iowa braille and sight saving school for an addition to the service building ..... \$ 140,000 \$
- 13. For allocation by the state board of regents to the universities under the board's jurisdiction for the purchase of equipment for the colleges of engineering ..... \$ 300,000 \$

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 except as otherwise provided, to the department of public instruction, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the Iowa vocational rehabilitation service center addition moving expenses .....	\$ 100,000	\$
2. For disbursement to the Iowa central community college for matching a federal grant and renovation of educational broadcasting facilities .....	\$ 114,800	\$

Sec. 3.

1. There is appropriated from the general fund of the state for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, to the state educational radio and television facility the sum of two hundred twenty-five thousand (225,000) dollars, or so much thereof as is necessary, for payment of replacement of essential technical equipment.

2. Funds appropriated by this section shall be used only to replace technical equipment used by the department when:

- a. Equipment is no longer serviceable and cannot be repaired; or
- b. The use of the equipment is vital to the operation of the department;

or

- c. Technological change requires replacement; or
- d. Replacement is necessary because of incompatibility with attendant equipment or components; and

e. It can be demonstrated that if the equipment is not replaced, it would substantially diminish the services required by law to be performed by the department for the citizens of Iowa.

Sec. 4. Except as provided in this Act unobligated or unencumbered funds remaining on June 30, 1983 from funds appropriated by sections one (1) through three (3) of this Act for the fiscal year beginning July 1, 1979, shall revert to the general fund of the state on September 30, 1983. Unobligated or unencumbered funds remaining on June 30, 1984 from funds appropriated by sections one (1) through three (3) of this Act for the fiscal year beginning July 1, 1980 shall revert to the general fund of the state on September 30, 1984.

Sec. 5.

1. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, for the purpose of making improvements for fire protection purposes to the facilities of the Iowa department of veteran's affairs, Iowa national guard, Iowa beer and liquor control department, and Iowa law enforcement academy. The improvements to the facilities of the Iowa department of veteran's affairs, Iowa national guard, and Iowa beer and liquor control department shall include the addition of charged gas chemical systems and a fire alarm system to the Johnston, Iowa, fire department. The improvement to the Iowa law enforcement academy shall include a fire alarm system to the Johnston, Iowa, fire department.

2. The fire protection project provided for in subsection one (1) of this section shall, if possible, be planned and contracted for as a single

project. If the projected costs of providing adequate fire protection for the agencies and their facilities listed in subsection one (1) of this section exceed the amount of funds appropriated by this section, priority shall be given to the departments in the order in which they are listed in subsection one (1) of this section.\* [Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated by this section shall not be transferred or used for any purpose other than the purposes stated in this Act. *J.R.P.*

Sec. 6. There is appropriated from the general fund of the state to the following named agencies the amounts of money indicated, or so much thereof as is necessary, for the purposes designated.

1. STATE FAIR BOARD

- a. For major repairs and improvements to the state fairground ..... \$ 750,000
- b. For comprehensive master planning services including design program, site evaluation, facility analysis, design options, site development consultant fees, travel and printing ..... \$ 90,000

2. STATE CONSERVATION COMMISSION

- a. For construction, replacement, development and alterations to state parks and preserves, state forest facilities and state waters including artificial lake development; shoreline erosion and siltation control; river, stream and lake access; drillings at Little Lake of the Woods and engineering and planning services or to supplement any prior appropriation for such purposes ..... \$ 2,000,000
- b. For the acquisition of land pursuant to the open spaces land acquisition program only from willing sellers ..... \$ 1,000,000
- c. For cost-sharing of the acquisition of land and easements, relocation assistance and incidental costs at a watershed project on the Little River watershed in Decatur county under Pub. L. 83-566 ..... \$ 270,000

3. STATE GEOLOGICAL SURVEY

- For the purchase of landsat processing equipment ..... \$ 125,000

4. ENERGY POLICY COUNCIL

- a. For a determination of energy use and for energy conservation projects at state buildings ..... \$ 3,000,000
- b. For a load management experiment to determine the effectiveness of this technique for reducing the peak loads of an electric distribution system ..... \$ 30,000

\*Item veto

## 5. DEPARTMENT OF SOIL CONSERVATION

For a conservation tillage research project .. \$ 100,000

Sec. 7. The funds appropriated by section six (6), subsection two (2) of this Act, or any other funds available to the state conservation commission shall not be used to acquire land to expand the state park at Lake Macbride or to acquire a trail between the cities of Waterloo and Cedar Rapids. The state conservation commission shall cease any construction or engineering activity at the Brushy Creek dam project until the completed environmental impact statement has been approved by the proper federal authorities and returned to the state conservation commission.

Sec. 8. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section seven (7), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section eleven (11), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred five (1205), section seven (7), and Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-three (33), section three (3), is amended to read as follows:

SEC. 7. Funds appropriated by this Act shall not be used for the purchase, construction, or leasing of resort lodges. Unencumbered funds remaining as of June 30, 1977 shall revert to the general fund of the state on September 30, 1977 except those funds ~~unencumbered on June 30, 1979 and~~ appropriated for the Brushy Creek project shall revert September 30, ~~1979~~ 1981 if unencumbered on June 30, 1981 and funds set aside for dredging under section three (3) of this Act shall revert September 30, 1980 if unencumbered on June 30, 1980 and funds appropriated by this Act to the Volga River dam construction project shall revert to the general fund on September 30, ~~1979~~ 1981, if unencumbered as of June 30, ~~1979~~ 1981.

Sec. 9. The funds appropriated by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nine (1009), section one (1), subsection two (2), paragraph a for the Brushy Creek dam project shall not revert to the general fund as provided in section three (3) of that Act but shall revert to the general fund on September 30, 1981 if unencumbered on June 30, 1981.

Sec. 10. Departments and agencies appropriated funds by section six (6) of this Act shall report to the general assembly on the progress and accomplishments of the projects for which funds are appropriated. Each department or agency shall submit written project plans to the legislative fiscal director prior to obligation of funds appropriated by this Act. Project plans will state the goals, objectives, costs, funding and timetables of these projects. Each department or agency shall submit quarterly reports beginning September 30, 1979 until completion of the project on the accomplishment of project goals and objectives in relation to the intended timetable for project progress. The legislative fiscal director shall report periodically to the general assembly, and at its request, on these matters.

Sec. 11. All funds appropriated by section six (6) of this Act are appropriated for the fiscal period beginning July 1, 1979 and ending June 30, 1981. All funds appropriated by section six (6) of this Act which are unobligated or unencumbered on June 30, 1981 shall revert to the general fund of the state on September 30, 1981.

Sec. 12. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979, and ending June 30, 1981, to the following state departments the following amounts, or so much as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. OFFICE OF STATE COMPTROLLER		
For preparation of site and purchase of uninterruptible power source for electronic data processing equipment; including providing uninterruptible power for the department of public safety's electronic data processing .....	\$ 480,000	\$

2. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

a. For remodeling or relocating existing retail stores and to provide self-service facilities .....	\$ 250,000	\$
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b. For a new warehouse addition at Camp Dodge, upgrading existing warehouse, outside railroad unloading dock and to relocate central administration offices to the warehouse site; or to purchase an existing warehouse in Des Moines, Iowa, or the immediate surrounding area which would adequately provide warehouse space and office space for the department; or to purchase an adequate building site with railroad docking potential and to erect a warehouse including office space for the department in Des Moines, Iowa, or the immediate surrounding area .....

	\$	\$ 3,500,000
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c. Funds appropriated in subsection two (2), paragraph b of this section shall not be expended unless a specific legislative directive is given the beer and liquor control department during the 1980 Session of the Sixty-eighth General Assembly. It is the intent of the Sixty-eighth General Assembly that an interim search committee, consisting of eight members of the joint regulatory and finance subcommittee of the committee on appropriations, five from the house and three from the senate, be appointed by the respective chairpersons of the house and senate standing committees on appropriations to investigate all viable alternatives concerning a liquor warehouse facility during the 1979 interim of the Sixty-eighth General Assembly and report its findings and recommendations to the Sixty-eighth General Assembly in January of 1980.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979, and ending June 30, 1980, to the legislative council the amount necessary to be allocated as provided in section two point ten (2.10), subsection six (6) of the Code to pay the necessary travel and actual expenses incurred by members of the interim search committee and a forty dollar per diem for each day the interim search committee members participate in a meeting.

3. Unobligated or unencumbered funds remaining as of June 30, 1980, from funds appropriated by subsection one (1) and subsection two (2), paragraph a of this section shall revert to the general fund on September 30, 1980. Unobligated or unencumbered funds remaining as of June 30, 1981, from funds appropriated by subsection two (2), paragraph b of this section shall revert to the general fund on September 30, 1981.

Sec. 13. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979, except as otherwise provided, the sum of three million five hundred thousand (3,500,000) dollars, or so much thereof as is necessary, to be used for capital improvements projects deemed necessary by the department for institutions under its jurisdiction or for maintenance of those institutions. The department shall include in the capital improvements carried out under this section the renovation of buildings 65 and 66 at the Fort Des Moines facility, construction of recreational facilities at the women's reformatory and the Mount Pleasant medium security facility, and land acquisition at the men's reformatory.

Sec. 14.

1. Upon approval of the executive council, the department of social services is authorized to accept from the federal government on behalf of the state title to buildings 65 and 66 at the Fort Des Moines facility. The department shall continue the use of these buildings as a community-based correctional facility.

2. Unobligated or unencumbered funds remaining on June 30, 1983, from funds appropriated by section thirteen (13) of this Act shall revert to the general fund of the state on September 30, 1983.

Sec. 15. There is appropriated from the general fund of the state for the fiscal biennium, except as otherwise provided, beginning July 1, 1979 and ending June 30, 1981, to the following agencies, commissions, boards, councils, state departments, and their divisions, the following amounts, or so much as may be necessary, to be used in the manner designated:

1979-1981  
Fiscal Biennium

1. DEPARTMENT OF GENERAL SERVICES	
a. Office of the director	
(1) For the renovation, and remodeling of the Robert Lucas building .....	\$ 3,000,000
(2) For the purchase and renovation of the Waldinger building which currently houses the Iowa public broadcasting network .....	\$ 280,000
(3) For the completion of constructing a new maintenance building .....	\$ 145,000
(4) For the purchase of land north of Grand avenue, south of I-235 freeway, east of Pennsylvania avenue and west of east fourteenth street .....	\$ 102,650
(5) For completion of the construction of the vocational rehabilitation building .....	\$ 750,000

b. Division of buildings and grounds	
For capital improvements and repairs to certain buildings and facilities .....	\$ 967,350
c. Division of records management	
For shelving in the records storage center .....	\$ 20,000
d. Communications division	
For communications testing equipment .....	\$ 50,000
e. General administration	
For the purchase of a truck for surplus property. Funds, not exceeding the amount appropriated in this paragraph, will be repaid to the general fund from receipts of the federal surplus property program at the rate of six hundred twenty-five dollars per month .....	\$ 45,000
2. JUDICIAL DEPARTMENT	
Courts	
For the renovation and remodeling of judicial space in the capitol building .....	\$ 250,000
Not more than fifty thousand (50,000) dollars of the funds appropriated by this subsection shall be used for architectural plans and services. The architectural plans shall anticipate a future total expenditure, excluding the funds designated for the architectural expenses, of not more than five hundred thousand (500,000) dollars for the renovation and remodeling. The architectural plans must maintain architectural and decorative integrity of the space remodeled and all heating, air conditioning and other electrical and mechanical systems must be compatible with the central system of the capitol building.	
3. EXECUTIVE COUNCIL	
a. For the improvement and replacement, remodeling and extension of existing sanitary and storm sewer system servicing the capitol complex .....	\$ 370,000
b. For the state's share of the city of Ames twenty-fourth street and Stange road widening project covered under section three hundred seven A point five (307A.5) of the Code .....	\$ 125,000
4. HISTORICAL DEPARTMENT	
a. Historical society	
For further development of Toolsboro Mounds and museum area .....	\$ 12,500
b. Division of historic preservation	
For capital improvements and repairs for Montauk Governor's Mansion .....	\$ 13,700
5. OFFICE OF THE GOVERNOR	
For matching funds for the restoration of Terrace Hill Mansion on the basis of one dollar provided by the state for each two dollars provided by nonstate sources and for the payment of architects' fees at a rate of not more than six percent of the cost of restoration .....	\$ 330,000

6. CAPITOL PLANNING COMMISSION

For architectural plans of a historical building. When making a recommendation for the site of the historical building, the capitol planning commission shall consider location on state property which is presently owned by the state or which may be acquired in the future from the city of Des Moines ..... \$ 100,000

It is the intent of the general assembly that the architectural plans provided for in this subsection shall provide for construction of a building costing not more than eight million five hundred thousand (8,500,000) dollars and shall include optional plans, one providing for an auditorium of not more than four hundred seats and the other shall exclude the auditorium.

Sec. 16. Unencumbered or unobligated funds remaining on June 30, 1983 and appropriated by subparagraphs one (1) and four (4) of paragraph a of subsection one (1), subsection two (2), paragraphs a and b of subsection three (3), and subsection five (5) of section fifteen (15) of this Act shall revert to the fund from which appropriated on September 30, 1983. All other unencumbered or unobligated funds appropriated by section fifteen (15) of this Act remaining on June thirtieth of the last year for which appropriated, shall revert to the fund from which appropriated on the following September thirtieth.

Sec. 17. There is appropriated from the general fund of the state to the department of general services for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the sum of ninety thousand (90,000) dollars, or so much thereof as is necessary, for the purpose of remodeling the capitol cafeteria. Funds appropriated by this section are not to be used to close the rotunda opening and are contingent upon not closing such opening.

Sec. 18. There is appropriated from the general fund of the state for the fiscal year, except as otherwise provided, beginning July 1, 1979 and ending June 30, 1980, to the following agencies, commissions, boards, councils, state departments, and their divisions, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. DEPARTMENT OF PUBLIC DEFENSE

a. For repair, replacement, alteration, equipment and rehabilitation of national guard armory facilities throughout the state, including the maintenance and repair of equipment required for the use of such facilities ..... \$ 255,000 \$

b. For repair, replacement, alteration, equipment and rehabilitation of buildings, grounds, roads and facilities located within the Camp Dodge military reservation ..... \$ 50,000 \$

It is the intent of the general assembly that appropriations made for repairs and maintenance of armories are not to be used to repair armories which are expected to be closed, except those maintenance expenditures which are necessary to preserve the armories.



2. DEPARTMENT OF PUBLIC SAFETY

- a. For the acquisition of land and construction of a departmental office building in the area of post eleven..... \$ 250,000 \$
- b. For the construction, replacement, and purchase of radio transmission tower and repeater sites in the Des Moines area ..... \$ 168,000 \$

3. STATE DEPARTMENT OF TRANSPORTATION

- a. For the purchase of partitions and work stations in the Lucas building ..... \$ 73,900 \$

4. Any unencumbered balance remaining as of June 30, 1983 of the funds appropriated by this section shall revert to the general fund on September 30, 1983.

Sec. 19. There is appropriated from the primary road fund of the state to the state department of transportation for the fiscal year, except as otherwise provided, beginning July 1, 1979 and ending June 30, 1980, the following amounts, or so much as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

STATE DEPARTMENT OF TRANSPORTATION

- 1. For the acquisition of land and construction of improvements for field operation facilities ..... \$ 1,722,000 \$
- 2. For the remodeling and renovation of buildings for the conservation of energy ..... \$ 1,020,000 \$
- 3. For the purchase of partitions and work stations in the Lucas building ..... \$ 69,200 \$

4. Any unencumbered balance remaining as of June 30, 1983 of the funds appropriated by this section shall revert to the primary road fund on September 30, 1983.

5. When the state department of transportation has approved a project to be financed with funds authorized in this section, a description of the project and estimated cost shall be reported to the governor and state comptroller before allocation of funds.

Sec. 20. There is appropriated from the road use tax fund of the state to the state department of transportation for the fiscal year, except as otherwise provided, beginning July 1, 1979 and ending June 30, 1980, the following amounts, or so much as may be necessary, to be used in the manner designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

STATE DEPARTMENT OF TRANSPORTATION

- 1. For the construction of traffic weight scales ..... \$ 400,000 \$
- 2. For the purchase of partitions and work stations in the Lucas building ..... \$ 133,900 \$

3. Any unencumbered balance remaining as of June 30, 1983 of the funds appropriated by this section shall revert to the road use tax fund on September 30, 1983.

4. When the state department of transportation has approved a project to be financed with funds authorized in this section, a description of the project and estimated cost shall be reported to the governor and state comptroller before allocation of funds.

Sec. 21. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety-two (1192), section one (1), is amended to read as follows:

SECTION 1. The executive council shall sell or exchange the valley bank building pursuant to the provisions of this Act and under such terms as shall otherwise be determined by the executive council. ~~The~~ If the valley bank building is to be sold the executive council shall accept sealed bids after advertising the sale of the valley bank building in a manner determined by the executive council. The executive council may accept a bid which represents a fair price based upon the appraisal of the valley bank building and considering the sale prices of other buildings sold within the geographic area where the valley bank building is located. The effective date of the sale or exchange shall be determined by the executive council. In lieu of selling the valley bank building, the executive council may exchange it with the city of Des Moines, Iowa, for property within close proximity to the state capitol and made up of at least two city blocks. The office of the attorney general shall provide such legal assistance as may be required by the executive council in carrying out the provisions of this Act. Funds received because of the sale of the valley bank building shall be deposited in the general fund of the state.

Sec. 22. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Approved June 9, 1979, except the item which is that portion of Section 5, Subsection 2 bracketed in ink and initialed by me which I hereby disapprove for the reasons in my item veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray  
Governor

Dear Mr. Secretary:

I hereby transmit House File 764, an act making appropriations for capital projects.

House File 764 is approved June 9, 1979, with the following exception which I hereby disapprove.

I am unable to approve that portion designated in the Act as the final sentence of Section 5, Subsection 2 which reads as follows:

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated by this section shall not be transferred or used for any purpose other than the purposes stated in this Act.

Section 8.39 of the Code of Iowa authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be

insufficient to meet the legitimate expenses of the receiving agency. The transfer authority has only been used infrequently.

However, the legislative authors of 8.39 realized that no budgeting is foolproof. With the flexibility 8.39 provides, we can make necessary adjustments when unforeseen or changing circumstances arise or miscalculations are discovered.

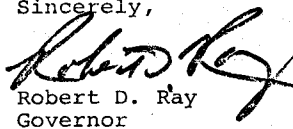
Occasionally the legislature has made appropriations knowing and expecting that a transfer would be made if the original appropriation proved to be insufficient for the intended purpose.

A new safeguard to the transfer authority was added in 1978. Legislation was adopted last year which we accepted requiring notification of various legislators two weeks prior to the transfer of funds for the purpose of review and comment by the legislators. We would be happy to accept and would respect such comments, although to date none have been forthcoming.

The amount of money (\$50,000) to which the transfer limitation applies is a very small part of this capitals appropriation bill which appropriates more than \$60 million. While this particular transfer limit would not affect much nor is the need anticipated to transfer any of this money, it would be an unwise precedent to accept.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 764 are hereby approved this date.

Sincerely,



Robert D. Ray  
Governor

## CHAPTER 15

### STATE BOARD OF REGENTS

S. F. 498

AN ACT making a supplemental appropriation to the state board of regents for the purpose of supplementing existing appropriations for fuel and purchased electricity during the fiscal year beginning July 1, 1978.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978, and ending June 30, 1979, to the state board of regents, the sum of five hundred fifty thousand (550,000) dollars, or so much thereof as is necessary, to replace funds used by the institutions under the control of the state board of regents, to pay actual costs for the purchase of fuel and electricity which exceeds fourteen million two hundred eighty-two thousand (14,282,000) dollars. The funds or any portion of the funds shall not be allocated unless the state comptroller determines actual costs for the purchase of fuel and electricity exceeds fourteen million two hundred eighty-two thousand (14,282,000) dollars for the

fiscal year beginning July 1, 1978, and the state comptroller approves allocation of the funds appropriated by this Act.

Sec. 2. This Act, being deemed of immediate importance, shall be in force from and after its publication in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa, and in the Ames Daily Tribune, a newspaper published in Ames, Iowa.

Approved June 1, 1979

I hereby certify that the foregoing Act, Senate File 498, was published in the Ames Daily Tribune, Ames, Iowa on June 6, 1979, and in the Daily Freeman-Journal, Webster City, Iowa on June 8, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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## CHAPTER 16 ELDERLY CARE

H. F. 758

AN ACT establishing and making an appropriation for an elderly care program.

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

Section 1. There is appropriated from the general fund to the commission on the aging eight hundred thousand (800,000) dollars, or so much thereof as may be necessary, for the 1979-1980 fiscal year for the elderly care program to be used for chore, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section one hundred four A point four (104A.4) of the Code and make residences accessible to the physically handicapped, for citizens of Iowa over sixty-five years of age. All funds appropriated under this section shall be received and disbursed by the commission and shall not be used for administrative purposes.

Sec. 2. PURPOSES. It is the purpose of sections three (3) through eleven (11) of this Act to establish an elderly care program to reduce the need and incidence of institutionalization of elderly Iowans by encouraging community involvement in the provision of services which help elderly Iowans remain in their own homes. The elderly care program is established to increase the availability of chore, adult day care and home repair services to elderly citizens and to fund those local innovative projects, with a minimum of state regulation, which demonstrate local input in their planning, funding and general operations. The program shall give preference to projects and services provided for the benefit of the low income elderly. The program is established under the authority of the commission on the aging pursuant to the responsibilities vested in the commission by section two hundred forty-nine B point four (249B.4), subsections two (2), four (4), five (5), six (6), and seven (7) of the Code.

Sec. 3. Chapter two hundred forty-nine B (249B), Code 1979, is amended by adding sections four (4) through ten (10) of this Act.

Sec. 4. NEW SECTION. DEFINITIONS. As used in sections five (5) through ten (10) of this Act:

1. "Commission" means the commission on the aging of the state of Iowa.
2. "Equivalent support" means in kind contributions of services, goods, volunteer support time, administrative support, or other support reasonably determined by the commission as equivalent to a dollar amount.

Sec. 5. NEW SECTION. ELDERLY CARE PROGRAM. The executive director of the commission shall, with the advice and assistance of the interagency coordinating committee, establish an elderly care program to implement and effectuate the provisions of sections three (3) through ten (10) of this Act. After formulation of rules by the executive director of the commission, in consultation with the interagency coordinating committee, the commission shall promulgate rules, pursuant to chapter seventeen A (17A) of the Code, necessary to implement the provisions of sections three (3) through ten (10) of this Act.

Sec. 6. NEW SECTION. INTERAGENCY COORDINATING COMMITTEE CREATED. An interagency coordinating committee is created to advise and assist the commission in the establishment of the elderly care program and in the implementation of sections three (3) through eleven (11) of this Act. The interagency coordinating committee shall consist of a representative of the commission selected by the executive director of the commission, a representative of the department of social services selected by the commissioner of social services, a representative of the state department of health selected by the commissioner of public health, and two consumer representatives, appointed by the governor and not subject to senate confirmation. The consumer representatives, while engaged in their official duties, shall be reimbursed for their actual and necessary expenses out of funds appropriated to the commission.

Sec. 7. NEW SECTION. DUTIES OF THE INTERAGENCY COORDINATING COMMITTEE. The interagency coordinating committee shall assist and advise the commission in establishing the elderly care program by:

1. Recommending rules, eligibility guidelines and procedures necessary to approve grants and disburse funds appropriated to the commission from the general fund for the elderly care program and other funds available to the program.
2. Recommending uniform financial reporting procedures for all funds appropriated to the commission from the general fund for the elderly care program.
3. Reviewing applications for grants to local area agencies on aging and approving any waivers or modifications of the local match requirement contained in the grants. However, rejection of any waiver or modification request shall only affect that portion of the grant for which the waiver or modification was requested.
4. Advising on the reallocation and redistribution of funds, the handling of appeals, grievances and waiver requests and other matters relevant to the program when requested by the commission.

5. Evaluating local projects and the overall state program periodically.
6. Assisting with liaison efforts to the general assembly, governmental agencies, private organizations and individuals, and with the dissemination of information relating to the program as requested by the commission.

Sec. 8. NEW SECTION. ALLOCATION OF FUNDS. All funds appropriated to the commission from the general fund for the elderly care program shall be allocated initially to the area agencies on aging on the basis of population over sixty-five years of age, double-weighted for the low income population over sixty-five years of age. Area agencies on aging may apply for grants of funds not to exceed the amount allocated to the area by this method. Area agency on aging applications shall consist of grant requests from local, public and private organizations recommended and prioritized by the area agency to the commission based upon area wide needs assessment for elderly low income Iowans and compatability with the comprehensive aging plan for the area. The interagency coordinating committee shall review the grant applications of area agencies on aging and make recommendations to the commission regarding the awarding of grants to area agencies on aging. The commission shall have final responsibility for awarding grants to the area agencies on aging. The funds allocated to area agencies on the basis of population and income and not granted by the commission to the area agencies by December first and the funds granted by the commission to the area agencies by December first which the commission determines will not be expended during the fiscal year shall be considered excess funds and shall be transferred to a reallocation pool. The reallocation pool shall be reallocated to area agencies on aging by a method recommended by the interagency coordinating committee and approved by the commission. Area agencies on aging may apply for grants of funds from the reallocation pool. The interagency coordinating committee shall review these applications and make recommendations to the commission regarding the awarding of reallocation grants. The commission shall have final authority for awarding reallocation grants. Excess funds not reallocated or granted by January thirty-first may be transferred to the office for planning and programming to be used to assist the low income elderly in the payment of winter utility bills.

Sec. 9. NEW SECTION. LOCAL MATCH. Funds appropriated to the commission from the general fund for the elderly care program shall only be awarded and distributed to local projects which match each state dollar with two dollars of local funds in cash or in equivalent support. Funds appropriated to the commission from the general fund for the elderly care program shall only be used to establish new projects or to expand existing programs and shall not be used to replace funds in existing programs or to free funds for other state supported services. The interagency coordinating committee may waive or modify the local match requirements of this section in accordance with rules promulgated by the commission.

Sec. 10. NEW SECTION. RECORDS. The commission shall maintain uniform records on all local projects receiving funds appropriated to the commission from the general fund for the elderly care program. The commission shall require such uniform reporting and financial accounting by area agencies on aging and local projects as may be necessary to fulfill the purposes of this

section. The records maintained by the commission shall include, but need not be limited to, the following information:

1. A description of the project.
2. The nature and size of the local match provided as a condition for the receipt of state funds.
3. The number of elderly citizens including low income elderly citizens served by the project.
4. The method by which elderly citizens with particular attention to low income elderly citizens are located and served by the project.
5. The items for which state funds are expended by the project.
6. Evaluation by the executive director of the commission of the effectiveness of the project.
7. Financial records indicating all state and federal funds and local matching funds allocated to and expended by the project.
8. Documentation of participant and other community involvement in program direction.

Sec. 11. REPORT TO THE GENERAL ASSEMBLY. The interagency coordinating committee shall evaluate the impact and effectiveness of the overall elderly care program as established by sections three (3) through ten (10) of this Act and shall make a recommendation to the general assembly by February 1, 1980, regarding the continuation of the appropriation under section one (1) of this Act for future fiscal years.

Approved June 10, 1979

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## CHAPTER 17 SUBSTANCE ABUSE

H. F. 765

AN ACT relating to the funding of substance abuse programs by appropriating funds to the Iowa department of substance abuse for administration and program grants and by providing for the transfer of certain funds.

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

Section 1. There is appropriated from the general fund of the state to the Iowa department of substance abuse for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

<u>1979-1980</u>	<u>1980-1981</u>
<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For salaries and support of not more than twenty-seven point six full-time equivalent positions in the fiscal year beginning July 1,

1979 and not more than twenty-six point eight full-time equivalent positions in the fiscal year beginning July 1, 1980, maintenance and miscellaneous purposes ..... \$ 142,680 \$ 128,713

2. For substance abuse program grants ..... \$ 2,265,000 \$ 2,265,000

Sec. 2. The state comptroller shall on July 1, 1979 transfer to and deposit in the general fund of the state four million five hundred thousand (4,500,000) dollars from the military service tax credit fund created in section four hundred twenty-six A point one (426A.1) of the Code. The state comptroller shall on July 1, 1980 transfer to and deposit in the general fund of the state two million (2,000,000) dollars from the military service tax credit fund created in section four hundred twenty-six A point one (426A.1) of the Code. It is the intent of the general assembly that funds transferred under this section be used to fund substance abuse programs under section one (1) of this Act.

Sec. 3. Federal grants to and federal receipts of the Iowa department of substance abuse are appropriated for the purposes set forth in the federal grants or receipts.

Approved June 10, 1979

CHAPTER 18

TRANSPORTATION DEPARTMENT APPROPRIATION

H. F. 694

AN ACT making supplemental appropriations to the state department of transportation from the road use tax fund and the primary road fund for salaries, support, maintenance and miscellaneous purposes, administering the merit system, and unemployment compensation.

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

Section 1. There is appropriated from the road use tax fund to the state department of transportation for the fiscal period beginning with the effective date of this Act and ending June 30, 1979 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1. To supplement existing appropriations for the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code ..... \$ 1,500

2. To supplement existing appropriations for unemployment compensation ..... \$ 4,000

Sec. 2. There is appropriated from the primary road fund to the state department of transportation for the fiscal period beginning with the



effective date of this Act and ending June 30, 1979 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

- 1. To supplement existing appropriations for salaries, support maintenance and miscellaneous purposes ..... \$1,000,000
- 2. To supplement existing appropriations for the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code ..... \$ 28,500
- 3. To supplement existing appropriations for unemployment compensation ..... \$ 76,000

Sec. 3. Notwithstanding section eight point thirty-nine (8.39) of the Code, funds appropriated by this Act shall not be subject to transfer or expenditure for any purposes other than the purposes specified in sections one (1) and two (2) of this Act.

Sec. 4. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Hampton Chronicle, a newspaper published in Hampton, Iowa, and in the Eagle Grove Eagle, a newspaper published in Eagle Grove, Iowa.

Approved April 30, 1979

I hereby certify that the foregoing Act, House File 694, was published in the Hampton Chronicle, Hampton, Iowa on May 10, 1979, and in the Eagle Grove Eagle, Eagle Grove, Iowa on May 9, 1979.

J. HERMAN SCHWEIKER, Deputy Secretary of State

CHAPTER 19  
JUVENILE VICTIM RESTITUTION

H. F. 749

AN ACT making an appropriation to establish a juvenile victim restitution program.

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

Section 1.

1. For the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, there is appropriated from the general fund of the state to the office for planning and programming for use by youth services in the division of manpower, the amount of one hundred fifty thousand (150,000) dollars for the fiscal year 1979-1980 and the amount of two hundred fifty thousand (250,000) dollars for the fiscal year 1980-1981, or so much thereof as is necessary, for the purpose of carrying out the juvenile victim restitution program created by this Act.

2. The office for planning and programming shall contract to provide administrative services in carrying out the juvenile victim restitution program. Not more than twenty thousand (20,000) dollars may be paid for the fiscal year beginning July 1, 1979, and not more than twenty-five thousand (25,000) dollars may be paid for the fiscal year beginning July 1, 1980, for the purpose of providing administrative services. The office for planning and programming shall not expend any additional funds appropriated by this Act for administration of the juvenile victim restitution program.

3. After deducting funds provided in subsection two (2) of this section for administrative services, the remaining funds shall be available for the salaries of juveniles in each judicial district based upon a percentage determined by dividing the per capita population of the judicial district by the total per capita population of the state. Within each judicial district the funds shall be available to each juvenile probationary district on a per capita basis. Notwithstanding section eight point thirty-three (8.33) of the Code, unobligated or unencumbered funds appropriated by this Act remaining on June 30, 1979 may be carried forward and be available for expenditure in the fiscal year beginning July 1, 1980.

4. The office for planning and programming shall report to the state government subcommittee on appropriations on March 15, 1980 and March 15, 1981 on the operation of the juvenile victim restitution program.

Sec. 2.

1. There is created a juvenile victim restitution program which shall be funded through funds appropriated by the general assembly to the office for planning and programming. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

2. If a judge of a juvenile court finds that a juvenile has committed a delinquent act and requires the juvenile to compensate the victim of that act for losses due to the delinquent act of the juvenile, the juvenile shall make such restitution according to a schedule established by the judge from funds earned by the juvenile pursuant to employment engaged in by the juvenile at the time of disposition. If a juvenile enters into an informal adjustment agreement pursuant to section two hundred thirty-two point twenty-nine (232.29) of the Code to make such restitution, the juvenile shall make such restitution according to a schedule which shall be a part of the informal adjustment agreement. The restitution shall be made under the direction of a probation officer working under the direction of the juvenile court. In those counties where the county maintains an office to provide juvenile victim restitution services, the probation officer may use that office's services. If the juvenile is not employed, the juvenile's probation officer shall make a reasonable effort to find private or other public employment for the juvenile. However, if the juvenile offender does not have employment at the time of disposition and private or other public employment is not obtained despite the efforts of the juvenile's probation officer, the judge may direct the juvenile offender to perform work pursuant to section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph a of the Code, and arrange for compensation of the juvenile in the manner provided in subsection three (3) of this section.

3. The contract for administrative services shall provide payroll services in carrying out the payment of juvenile offenders who are required to provide restitution to victims of their acts as provided in subsection two (2) of this section and who are ordered to perform public service work pursuant to section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph a of the Code. The probation officer responsible for a juvenile offender, or a juvenile restitution office established by the county, shall maintain time sheets and other documents necessary to determine and process the payment of juvenile offenders. Remuneration for the services provided by the juvenile offender in a public service job shall be made as a wage payment by check, with the juvenile offender listed as the payee. However, the check shall be mailed to the juvenile's probation officer or a juvenile restitution office established by the county. The juvenile offender shall pay the victim of his or her delinquent acts seventy-five percent of each payment and twenty-five percent of the payment shall be retained by the juvenile. This same percentage shall apply to the juvenile offender who is employed at the time of disposition. The payment of the percentages provided in this subsection is required in order to engage in the juvenile victim restitution program.

Approved June 7, 1979

## CHAPTER 20

### CLAIMS

S. F.491

AN ACT to make appropriations from the general fund and road use tax fund of the state to certain persons in settlement of claims made against the state of Iowa.

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

Section 1. There is appropriated from the general fund and road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Matura Action Corporation Creston, Iowa	4581-68-25	Title XX reimbursement	\$ 61.75
2. Cassens Transport Company Edwardsville, Illinois	4999-68-25	Prorate refund	4,176.94

3.	Atlantic Bottling Company Atlantic, Iowa	5001-68-25	Fine refund	26.00
4.	Edward Bell Palo, Iowa	4452-68-25	Damaged shirt	8.00
5.	American Emergency Medical Services, Inc. Des Moines, Iowa	4934-68-25	Ambulance service	125.00
6.	New Hope Village, Inc. Carroll, Iowa	4489-68-25	Outdated billing	1,854.16
7.	Larry Maurice Aldridge Kellogg, Iowa	5045-68-25	Reimbursement of rental fee	300.00
8.	Clinic of General Medicine, P.C. Des Moines, Iowa	4699-68-25	Title XIX reim- bursement	462.00
9.	Grange Heating, Inc. Waterloo, Iowa	4312-67-25	Payment for ser- vices	5,422.93
10.	Borgy's Waterloo, Iowa	4313-67-25	Payment for ser- vices	1,615.34
11.	Plywood Minnesota, Inc. Waterloo, Iowa	4314-67-25	Payment for ser- vices	1,207.15
12.	Union Plumbing and Sheet Metal Company Waterloo, Iowa	4315-67-25	Payment for ser- vices	2,614.00
13.	Cue's Janitorial Service & Supply, Inc. Waterloo, Iowa	4316-67-25	Payment for ser- vices	400.00
14.	Wheeler-Braun Lumber Co. Waterloo, Iowa	4317-67-25	Payment for ser- vices	2,485.16
15.	Merwin E. Pitt Pitt Plumbing Co. Waterloo, Iowa	4318-67-25	Payment for ser- vices	1,269.00

Sec. 2. The amount of the claim against the state in subsection two (2) of section one (1) of this Act shall be paid from the road use tax fund of the state. The remainder of the claims in section one (1) of this Act shall be paid from the general fund of the state.

Sec. 3. The amounts provided in subsections nine (9) through fifteen (15) of section one (1) of this Act shall not be paid until the claimant provides the first judicial district department of correctional services with a lien

waiver. The funds held in escrow by the first judicial district department of correctional services for the payment of these claims shall revert to the general fund of the state.

Sec. 4. The general assembly disapproves of all other claims submitted and considered by the committee on claims as of March 13, 1979.

Approved June 1, 1979

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CHAPTER 21  
GENERAL ASSEMBLY SALARY AND EXPENSES

H. F. 23

AN ACT regarding the frequency of salary and expenses payments to members, officers, and employees of the general assembly.

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

Section 1. Section two point ten (2.10), subsection five (5), Code 1979, is amended to read as follows:

5. The state comptroller shall pay the travel and expenses of the members of the general assembly and the lieutenant governor semimonthly commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly and lieutenant governor shall be paid pursuant to any of the following alternative methods:

a. During each month of the year at the same time state employees are paid.

b. During each pay period during the first six months of each calendar year.

c. During the first six months of each calendar year by allocating two-thirds of the annual salary to ~~each the pay period periods~~ during ~~such--time period~~ those six months and one-third of the annual salary to ~~each the pay period periods~~ during the second six months of a calendar year. Each member of the general assembly and the lieutenant governor shall file with the state comptroller a statement as to the method the member selects for receiving payment of salary. The presiding officers of the two houses of the general assembly shall jointly certify to the state comptroller the names of the members, officers, and employees of their respective houses and the salaries and mileage to which each is entitled. Travel and expense allowances shall be paid upon the submission of vouchers to the state comptroller indicating a claim for the same. ~~Such-vouchers-shall-be-submitted-no-more-frequently than-once-each-menth-~~

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Red Oak Express, a

newspaper published in Red Oak, Iowa, and in the Urbandale News, a newspaper published in Urbandale, Iowa.

Approved February 1, 1979

I hereby certify that the foregoing Act, House File 23, was published in The Red Oak Express, Red Oak, Iowa on February 8, 1979, and in the Urbandale News, Urbandale, Iowa on February 8, 1979 and republished March 8, 1979.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 22

### ACCOUNTING SYSTEM AUDIT REQUIREMENT

S. F. 456

AN ACT requiring private agencies receiving grants or contracts from the state to submit to an audit prior to the receipt of funds.

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

Section 1. Chapter seven A (7A), Code 1979, is amended by adding the following new section:

**NEW SECTION. ACCOUNTING SYSTEM.** The governor or a state agency, prior to awarding a grant or purchase of service contract to a private agency, shall obtain from the auditor of state or the auditor's designee a certification stating that the grantee or contractor has an accounting system adequate to effect compliance with the terms and conditions of the grant or contract. The certification shall include an evaluation of internal controls in the accounting system to determine whether the system provides reliable information and promotes efficient operation of the agency. A private agency awarded a grant or purchase of service contract by or through the governor or a state agency shall submit to the audit required by this section prior to the actual transfer of funds and shall pay for the audit under chapter eleven (11) of the Code. The auditor of state may accept an audit report by an independent certified public accountant as evidence of adequacy. To the extent possible, the auditor of state shall use existing records on file in the auditor's office to make a determination of adequacy. This section shall apply only when the grant or contract exceeds one hundred fifty thousand dollars or when the grant or contract together with other grants or contracts awarded by the governor or a state agency during the fiscal year exceeds one hundred fifty thousand dollars in the aggregate.

Sec. 2. This Act is effective January first following enactment.

Approved May 3, 1979

CHAPTER 23  
RISK MANAGEMENT INSURANCE

H. F. 108

AN ACT making a corrective amendment to section seven (7) of House File five hundred forty-five (545)\* enacted during the 1978 session of the General Assembly, relating to the purchase by the risk management division of insurance for the board of regents.

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

Section 1. Section eighteen point one hundred sixty-six (18.166), subsection one (1), Code 1979, is amended to read as follows:

1. The department shall be the exclusive contracting agency for the purchase of insurance coverage for state loss and risk exposure except for revenue producing facilities under the state board of regents which have to comply with bond covenants and, ~~---further---provided---that---any---contract---for---insurance---coverage---for---loss---and---risk---exposure---affecting---any---institution---under---the---jurisdiction---of---the---state---board---of---regents.~~

Approved March 9, 1979

\*67GA, ch 1030

CHAPTER 24  
TAX ANTICIPATORY WARRANTS

H. F. 131

AN ACT to increase the maximum interest rate applicable to certain tax anticipatory warrants to six percent.

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

Section 1. Section nineteen point eight (19.8), Code 1979, is amended to read as follows:

19.8 ANTICIPATION OF REVENUES. The executive council may anticipate the revenues for any year, when the current revenues for ~~such~~ that year are insufficient to pay all warrants issued in ~~said~~ that year, by causing state warrants, in an amount not exceeding the estimated state revenues for ~~said~~ that year, and drawing not to exceed ~~five~~ six percent per annum, to be issued, advertised, and sold on sealed bids to the highest bidder. All bids and all records pertaining thereto, and the names of all purchasers shall be kept on file.

Sec. 2. Section thirty-seven point twenty-eight (37.28), Code 1979, is amended to read as follows:

37.28 ANTICIPATORY WARRANTS. If the funds raised under the provisions of this chapter are insufficient for any fiscal year to pay the principal and interest due in that year on any bonds issued for hospital purposes under section 37.6 and to pay the expenses of the operation and maintenance of the hospital and any other hospital expenses authorized by this chapter for the fiscal year, the commission may issue tax anticipatory warrants drawn on the funds to be raised by the taxes levied under sections 37.7 and 37.8. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not to exceed ~~three-and one-half~~ six percent per annum. These warrants shall not be a general obligation of any political subdivision which owns the hospital.

Sec. 3. Section seventy-four point two (74.2), Code 1979, is amended to read as follows:

74.2 ENDORSEMENT AND INTEREST. Except as provided in section 74.8, when any such warrant is presented for payment, and not paid for want of funds, or only partially paid, the treasurer shall endorse the fact thereon, with the date of presentation, and sign ~~said~~ the endorsement, and thereafter ~~said~~ the warrant or the balance due thereon, shall draw interest at ~~five~~ six percent per annum on state and county warrants, and ~~five~~ six percent per annum on city and school warrants, unless the treasurer arranges for the sale of said warrant at par at a lower rate of interest.

Sec. 4. Section two hundred two point six (202.6), Code 1979, is amended to read as follows:

202.6 ANTICIPATORY WARRANTS. The board shall have the authority for the purpose of financing and carrying out the provisions of this chapter to issue anticipatory warrants drawn on the county, in denominations of one hundred dollars, five hundred dollars and one thousand dollars, which anticipatory warrants shall draw interest at not more than ~~three-and-one-half~~ six percent per annum; and shall not be a general obligation on the county and be secured only by the special assessment tax levy as herein provided.

Sec. 5. Section four hundred fifty-four point twenty (454.20), Code 1979, is amended to read as follows:

454.20 INTEREST. ~~Said~~ The warrants shall bear interest from date at a rate not to exceed ~~four~~ six percent, which interest shall be payable at the end of each year, or for such shorter period as ~~said~~ the warrants may remain unpaid.

Sec. 6. This Act is effective January first following its enactment.

Approved May 4, 1979



CHAPTER 25  
VALUATION AND ASSESSMENT OF PROPERTY

H. F. 757

AN ACT relating to equalization and assessment procedures by providing for the valuation of agricultural land on the basis of its productivity and net earning capacity, providing for the valuation of agricultural and residential property at a percentage of its actual value for tax purposes, providing for the biennial assessment and equalization of property, providing that equalized values be included in the assessment for the current assessment year commencing in 1979, adjusting the dates related to assessment and equalization completion, delivery of abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests and the sessions of local boards of review and providing for an interim study of the property tax structure.

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

Section 1. Section twenty-four point forty-eight (24.48), Code 1979, is amended to read as follows:

24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS. If the property tax valuations effective ~~January 1, 1979~~ or January 1, 1979 and January first of any subsequent year, are reduced or there is an unusually low growth rate in the property tax base of a political subdivision, the political subdivision may appeal to the state appeal board to request suspension of the statutory property tax levy limitations to continue to fund the present services provided. A political subdivision may also appeal to the state appeal board where the property tax base of the political subdivision has been reduced or there is an unusually low growth rate for any of the following reasons:

1. Any unusual increase in population as determined by the preceding certified federal census.
2. Natural disasters or other emergencies.
3. Unusual problems relating to major new functions required by state law.
4. Unusual staffing problems.
5. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.
6. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of the necessary increased cost.

The state appeal board may approve or modify the request of the political subdivision for suspension of the statutory property tax levy limitations.

Upon decision of the state appeal board, the state comptroller shall make the necessary changes in the total budget of the political subdivision and

certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

For purposes of this section only, "political subdivision" means a city, county, school district, or any other special purpose district which certifies its budget to the county auditor and derives funds from a property tax levied against taxable property situated within the political subdivision.

For the purpose of this section, the city finance committee shall be the state appeal board when the political subdivision is a city.

Sec. 2. Section four hundred twenty-eight point four (428.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Property shall be assessed for taxation each year. Personal property shall be listed and assessed each year in the name of the owner of the personal property on the first day of January and the assessment made shall be the value of the personal property as of January ± first of the year of the assessment. Real estate shall be listed and assessed in ~~1978~~ 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January ± first of the year of the assessment. The year ~~1978~~ 1981 and each ~~even-numbered~~ odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate in any assessing jurisdiction, it shall be the duty of the assessor to value and assess or revalue and reassess, as the case may require, any real estate that the assessor finds was incorrectly valued or assessed, or was not listed, valued and assessed, in the real estate assessment year immediately preceding, also any real estate the assessor finds has changed in value subsequent to January ± first of the preceding real estate assessment year. However, a percentage increase on a class of property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue. The assessor shall determine the actual value and compute the taxable value thereof as of January ± first of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 3. Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraphs two (2), six (6) and eight (8), Code 1979, are amended to read as follows:

The actual value of all property subject to assessment and taxation shall be the fair and reasonable market value of such property except as otherwise provided in this section. "Market value" is defined as the fair and reasonable exchange in the year in which the property is listed and valued between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property. Sale prices of the property or comparable property in normal transactions reflecting market value, and the probable availability or unavailability of persons interested in purchasing the

property, shall be taken into consideration in arriving at its market value. In arriving at market value, sale prices of property in abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the effect of factors which distort market value, including but not limited to sales to immediate family of the seller, foreclosure or other forced sales, contract sales, discounted purchase transactions or purchase of adjoining land or other land to be operated as a unit.

~~Notwithstanding the provisions of this section, in assessing and determining the actual value of agricultural property as of January 1, 1978, and January 1, 1979, the~~ The actual value of agricultural property shall be determined on the basis of productivity and net earning capacity of the property determined on the basis of its use for agricultural purposes capitalized at a rate of seven percent and applied uniformly among counties and among classes of property.

Notwithstanding any other provision of this section, the actual value of any property shall not exceed its fair and reasonable market value, except agricultural property which shall be valued exclusively as provided in unnumbered paragraph six (6) of this subsection. ~~For agricultural property, the assessed value as determined under this section shall not exceed the actual value of such property and the assessed value of residential property as determined under this section shall not exceed the fair and reasonable market value of such property.~~

Sec. 4. Section four hundred forty-one point twenty-one (441.21), subsection one (1), Code 1979, is amended by striking paragraphs a and b and unnumbered paragraph five (5).

Sec. 5. Section four hundred forty-one point twenty-one (441.21), subsections five (5), eight (8), and twelve (12), Code 1979, are amended to read as follows:

5. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined. However, if the difference between the dividend so determined for either class of property and the dividend for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is less than six percent, the 1979 dividend for the other class of property shall be the dividend as determined for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the

percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus a percentage of the amount so determined which is equal to the percentage by which the dividend as determined for the other class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is increased in arriving at the 1979 dividend for the other class of property. The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section four hundred forty-one point forty-nine (441.49) of the Code. The director shall utilize information reported on abstracts of assessment submitted pursuant to section 441.45 in determining such percentage. For valuations established as of January 1, 1980, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section four hundred forty-one point forty-nine (441.49) of the Code at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent.

8. For valuations established as of January 1, 1979, against which taxes will be levied for the fiscal year beginning in the 1979 calendar year by any special charter city that levies and collects its own taxes, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the valuation for each class of property for valuations established as of January 1, 1978, and upon which any special charter city levied its taxes in 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessor on the abstract of assessment for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in the city in the preceding year, as reported by the assessor on the abstract of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979. However, if the estimated statewide growth in assessed valuation is less than six percent for either class of property for 1979, the director shall estimate the percentages by which the statewide

valuation of residential and agricultural property will increase in 1979. The lower percentage shall be used in lieu of six percent for both classes of property in calculating the percentages at which agricultural and residential property shall be assessed. The percentage at which agricultural and residential property shall be assessed will be certified by the director on or before May 31, 1979 to the appropriate city official in special charter cities that levy and collect their own taxes. The percentage so certified shall be applicable only to those valuations against which the special charter city levies its own tax. For valuations established as of January 1, 1980, and each year thereafter for any special charter city that levies and collects its own taxes, the percentage of actual value as equalized by the director of revenue as provided in section four hundred forty-one point forty-nine (441.49) of the Code at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent. The assessor shall provide valuation information to the director of revenue sufficient for the computation of the assessment percentage by May fifteenth of each year on forms prescribed by the director of revenue.

12. Not later than ~~November 1, 1978~~ and November 1, 1979, and November first of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential and agricultural property in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural and residential property by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

Sec. 6. Section four hundred forty-one point twenty-one (441.21), subsection six (6), Code 1979, is amended to read as follows:

6. Beginning with valuations established as of January 1, 1978, the assessors shall report the aggregate taxable values and the number of dwellings located on agricultural land and the aggregate taxable value of all other structures on agricultural land. Beginning with valuations established as of January 1, ~~1980~~ 1981, such agricultural structures and agricultural dwellings located on agricultural land shall be valued at their market value as defined in this section and agricultural structures and agricultural dwellings shall each constitute a separate class of property.

Sec. 7. Section four hundred forty-one point twenty-three (441.23), Code 1979, is amended to read as follows:

441.23 NOTICE OF VALUATION. If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer's property, and notify the person, if he or she feels aggrieved, to appear before the board of review and show why the assessment should be changed. ~~In odd-numbered years,~~ The owners of real property shall be notified not

later than April ~~15~~ fifteenth of any adjustment of the real property assessment. ~~In even-numbered years, the notice of an increase or decrease in the valuation of the property shall be provided to the owners of real property not later than June 30 as provided in section 441.49.~~

Sec. 8. Section four hundred forty-one point twenty-four (441.24), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, all or part of the penalty imposed under this section may be waived by the board of review upon application to the board by the assessor or the property owner. The waiver or reduction in the penalty shall be allowed only on the valuation of real property against which the penalty has been imposed.

Sec. 9. Section four hundred forty-one point twenty-six (441.26), Code 1979, is amended to read as follows:

441.26 ASSESSMENT ROLLS AND BOOKS. The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing real and personal property, including moneys and credits, in this state, also the form of pages of the assessor's assessment book. Such assessment rolls shall be in such form as will permit entering thereon, separately, the names of all persons, partnerships, corporations, or associations assessed; shall contain a form of oath or affirmation to be administered to each person assessed, and shall also contain a notice in substantially the following form:

"If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April ~~16~~ sixteenth, to and including May 5 fifth, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37. Dated ..... day of ....., 19....., ..... County/City Assessor."

~~The dates specified in the notice sent to the owner of property in even-numbered years shall contain the dates for filing of protests as provided in section 441.49.~~

The notice in 1981 and each odd-numbered year thereafter shall contain a statement that the assessments are subject to equalization pursuant to an order issued by the director of revenue, that the county auditor shall give notice on or before October fifteenth by publication in an official newspaper of general circulation to any class of property affected by the equalization order, and that the board of review shall be in session from October fifteenth to November fifteenth to hear protests of affected property owners or taxpayers whose valuations have been adjusted by the equalization order.

Such assessment rolls shall be used in listing the property and showing the values affixed to such property of all persons, partnerships, corporations, or associations assessed, which rolls shall be made in duplicate. Said duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed. It shall be lawful to combine the affidavit or form of oath or affirmation with reference to real and personal property, and the affidavit or form of oath or affirmation as to moneys and credits,

into one affidavit or form of oath or affirmation, and only the one such affidavit or form of oath or affirmation shall be sufficient on the assessment roll. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue may deem essential in the equalization work of the director. The assessor shall return all assessment rolls and any schedules therewith to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall carefully keep and preserve all such rolls, schedules and book for a period of five years from the time of filing of the same in ~~his~~ the county auditor's office.

Beginning with valuations for January 1, 1977 and each succeeding year, for each parcel of property entered in the assessment book, the assessor shall list the classification of the property.

Sec. 10. Section four hundred forty-one point twenty-eight (441.28), Code 1979, is amended to read as follows:

441.28 ASSESSMENT ROLLS--CHANGE--NOTICE TO TAXPAYER. The assessment shall be completed not later than April ~~15-in-odd-numbered-years-and-not later-than-May-15--in--even-numbered--years~~ fifteenth each year. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, ~~he~~ the assessor shall note on said roll, together with the original assessment, the new assessment and the reason for the change, together with ~~his~~ the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment ~~he~~ the assessor shall give notice in writing thereof to the taxpayer by mail prior to the meeting of the board of review. No changes shall be made on the assessment rolls after April ~~15-in-odd-numbered-years-and--after--May--15--in even-numbered--years~~ fifteenth except by order of the board of review or by decree of court.

Sec. 11. Section four hundred forty-one point thirty (441.30), Code 1979, is amended to read as follows:

441.30 COMPLETION OF ASSESSMENT--OATH. The assessment shall be completed by ~~the-first-day-of-May-in-odd-numbered-years--or--June--1--in--even-numbered years,~~ April fifteenth and the assessor shall attach to the assessment rolls his or her oath in the following form:

"I, (A ..... B .....), assessor of city/county of ..... state of Iowa, do solemnly swear (or affirm) that the taxable values of all property, money, and credits, of which a statement has been made and verified by the oath of the person required to list the same, is herein set forth in such statement; that in every case, where I have been required to ascertain the amount or value of any property, I have diligently, and by the best means in my power, endeavored to ascertain the true amount and value, and as I verily believe the taxable values thereof are set forth in the annexed return; in no case have I knowingly omitted to demand of any person, of whom I was required to do so, a statement of the items of ~~his~~ the person's property which ~~he~~ the person was required by law to list, nor to administer the oath to ~~him~~ the person, unless ~~he~~ the person refused to take it, nor in

any way connive at any violation or evasion of any of the requirements of the law in relation to the assessment of property for taxation.

.....  
Assessor

Subscribed and sworn to (or affirmed) this ..... day of .....  
A.D....., before me.

.....  
Notary Public/Clerk of Court"

Sec. 12. Section four hundred forty-one point thirty-three (441.33), Code 1979, is amended to read as follows:

441.33 SESSIONS OF BOARD OF REVIEW. The board of review shall be in session from May ± first to May 31-in thirty-first each odd-numbered year and for such additional period as may be required under section 441.37 and shall hold as many meetings as are necessary to discharge its duties. On June ± first in any--odd-numbered-year those years in which a session has not been extended as required under section 441.37, said board shall return all books, records and papers to the assessor except undisposed of protests and records pertaining thereto. If it has not completed its work prior to June ± first, in those years in which the session has not been extended under section 441.37 the director of revenue may authorize the board of review to continue in session for such period as is necessary to complete its work, but in no event shall the director of revenue approve a continuance extending beyond July ±5 fifteenth. On June ± first or on the final day of any extended session required under section 441.37 or authorized by the director of revenue as herein provided the board of review shall be adjourned until May ± first of the following year. It shall adopt its own rules of procedure, elect its own chairman from its membership, and keep minutes of its meetings. The board shall appoint a clerk who may be a member of such board or any other qualified person, except the assessor or any member of his the assessor's staff. It may be reconvened by the director of revenue. All undisposed protests in its hands on July ±5 fifteenth shall be automatically overruled and returned to the assessor together with its other records.

~~In--even-numbered--years,--the--board-of-review-shall-be-in-session-at-the times-designated-in-section-441-49.~~

Within fifteen days following the adjournment of any regular or special session, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of any actions taken during that session.

Sec. 13. Section four hundred forty-one point thirty-seven (441.37), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Any property owner or aggrieved taxpayer who is dissatisfied with his or her assessment may file a protest against such assessment with the board of review on or after April ±6 sixteenth, to and including May 5 fifth, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March ± first and prior to May ±20 twentieth of said year of assessment, the board of review shall be authorized to remain in session until June fifteenth and the time for filing a protest shall be extended to and include the period from May 25 twenty-



fifth to June 5 fifth of such year. Said protest shall be in writing and signed by the one protesting or by his or her duly authorized agent. ~~The dates specified in this section shall apply only in odd-numbered years. The time for filing of protests in even-numbered years shall be as provided in section 441.49.~~ ~~Taxpayer~~ The taxpayer may have an oral hearing thereon if request therefor in writing is made at the time of filing the protest. Said protest must be confined to one or more of the following grounds:

Sec. 14. Section four hundred forty-one point forty-five (441.45), Code 1979, is amended to read as follows:

441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE. The county assessor of each county and each city assessor shall, on or before July ~~1 in odd-numbered years and on or before September 15 in even-numbered years~~ first of each year, make out and transmit to the department of revenue an abstract of the real and personal property in his or her county or city, as the case may be, and file a copy thereof with the county auditor, in which ~~he~~ the assessor shall set forth:

1. The number of acres of land and the aggregate taxable values of the same, exclusive of city lots, returned by the assessors, as corrected by the board of review.

2. The aggregate taxable values of real estate by class in each school district, township and city in the county, returned as corrected by the board of review.

3. The aggregate taxable values of personal property.

4. Other facts as may be required by the director of revenue.

In any case where a board of review continues in session beyond June ~~17 in any odd-numbered year, or beyond August 15 in even-numbered years~~ first, under provisions of sections 441.33 and 441.37 the abstract of the real and personal property shall be made out and transmitted to the department of revenue within fifteen days after the date of final adjournment by said board.

Sec. 15. Section four hundred forty-one point forty-eight (441.48), Code 1979, is amended to read as follows:

441.48 NOTICE OF ADJUSTMENT. Before the director of revenue shall adjust the valuation of any class of property any such percentage, the director shall serve ten days' notice by mail, on the ~~assessor~~ county auditor of the county whose valuation is proposed to be adjusted and the director shall hold an adjourned meeting after such ten days' notice, at which time ~~such~~ the county or assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, and other assessing jurisdiction, city or county officials, and make written or oral protest against such proposed adjustment, which protest shall consist simply of a statement of the error, or errors, complained of with such facts as may lead to their correction, and at such adjourned meeting final action may be taken in reference thereto.

Sec. 16. Section four hundred forty-one point forty-nine (441.49), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

441.49 ADJUSTMENT BY AUDITOR. The director shall keep a record of the review and adjustment proceedings and finish the proceedings on or before

October first unless for good cause the proceedings cannot be completed by that date. The director shall notify each county auditor by mail of the final action taken at the proceedings and specify any adjustments in the valuations of any class of property to be made effective for the jurisdiction.

However, an assessing jurisdiction may request the director to permit the use of an alternative method of applying the equalization order to the property values in the assessing jurisdiction, provided that the final valuation shall be equivalent to the director's equalization order. The assessing jurisdiction shall notify the county auditor of the request for the use of an alternative method of applying the equalization order and the director's disposition of the request. The request to use an alternative method of applying the equalization order, including procedures for notifying affected property owners and appealing valuation adjustments, shall be made within ten days from the date the county auditor receives the equalization order and the valuation adjustments, and appeal procedures shall be completed by November thirtieth of the year of the equalization order. Compliance with the provisions of section four hundred forty-one point twenty-one (441.21) of the Code is sufficient grounds for the director to permit the use of an alternative method of applying the equalization order.

On or before October fifteenth the county auditor shall cause to be published in official newspapers of general circulation the final equalization order. Failure to publish the equalization order has no effect upon the validity of the orders.

The county auditor shall add to or deduct from the valuation of each class of property in the county the required percentage, rejecting all fractions of fifty cents or less in the result, and counting all fractions over fifty cents as one dollar. For any special charter city that levies and collects its own tax based on current year assessed values, the equalization percentage shall be applied to the following year's values, and shall be considered the equalized values for that year for purposes of this chapter.

The local board of review shall reconvene in special session from October fifteenth to November fifteenth for the purpose of hearing the protests of affected property owners or taxpayers within the jurisdiction of the board whose valuation of property if adjusted pursuant to the equalization order issued by the director of revenue will result in a greater value than permitted under section four hundred forty-one point twenty-one (441.21) of the Code. The board of review shall accept protests only during the first ten days following the date the local board of review reconvenes. The board of review shall limit its review to only the timely filed protests. The board of review may adjust all or a part of the percentage increase ordered by the director of revenue by adjusting the actual value of the property under protest to one hundred percent of actual value. Any adjustment so determined by the board of review shall not exceed the percentage increase provided for in the director's equalization order. The determination of the board of review on filed protests is final, subject to review by the director of revenue for the purpose of determining whether the board's actions substantially altered the equalization order. In making the review, the

director has all the powers provided in chapter four hundred twenty-one (421) of the Code, and in exercising the powers the director is not subject to chapter seventeen A (17A) of the Code. Not later than ten days following the adjournment of the board, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of all actions taken by the board of review during this session.

Not later than ten days after the date the final equalization order is issued, the city or county officials of the affected county or assessing jurisdiction may appeal the final equalization order to the state board of tax review. The appeal shall not delay the implementation of the equalization orders.

Tentative and final equalization orders issued by the director of revenue are not rules as defined in section seventeen A point two (17A.2), subsection seven (7) of the Code.

Sec. 17. NEW SECTION. DEFINITION. As used in this Act, "committee" means the county finance committee.

Sec. 18. NEW SECTION. COUNTY FINANCE COMMITTEE.

1. There is created a county finance committee consisting of nine members. The members of the committee shall be:

a. The auditor of state or a designee of the auditor of state.

b. The state comptroller or a designee of the state comptroller.

c. Five elected county officials who are regularly involved in budget preparation. One county official shall be from a county with a population of less than eleven thousand five hundred, one from a county with a population of more than eleven thousand five hundred but not more than sixteen thousand, one from a county with a population of more than sixteen thousand but not more than twenty-two thousand five hundred, one from a county with a population of more than twenty-two thousand five hundred but not more than eighty thousand and one from a county with a population of more than eighty thousand. The governor shall select and appoint the county officials, subject to the approval of two-thirds of the members of the senate.

d. A certified public accountant experienced in governmental accounting selected and appointed by the governor with the approval of two-thirds of the members of the senate.

e. An operations research analyst experienced in cost effectiveness analysis of county services appointed by, and to serve at the pleasure of, the legislative council.

2. The members of the committee appointed by the governor are appointed for four-year terms except that of the initial appointments, two county official members shall be appointed to two-year terms. When a county official member no longer holds the office which qualified him or her for appointment, he or she shall no longer be a member of the committee. Any person appointed to fill a vacancy shall be appointed to serve the unexpired term. Any member is eligible for reappointment, but a member shall not be appointed to serve more than two four-year terms.

Sec. 19. NEW SECTION. OFFICE--STAFF--COMPENSATION.

1. The committee is located for administrative purposes within the office of state comptroller. The state comptroller shall provide office space,

staff assistance, and necessary supplies and equipment for the committee. The state comptroller shall budget funds to pay the compensation and expenses of the committee.

2. Each member is entitled to reimbursement for actual and necessary expenses incurred in the performance of committee duties. Each member, except officers and employees of the state and full-time elected county officials, is entitled to receive a per diem of forty dollars for each day spent in the performance of committee duties.

3. The committee shall select its own officers except that the state comptroller or a designee of the state comptroller shall serve as chairperson.

Sec. 20. NEW SECTION. POWERS AND DUTIES OF THE COMMITTEE. The committee shall:

1. Design budget forms for all county funds.

2. Establish guidelines for program budgeting and accounting and the preparation of five-year capital improvement plans. It shall, where practicable, use recommendations of the national council on governmental accounting.

3. Review and comment on county budgets to county officials and provide assistance to enable counties to improve upon and use sound financial procedures.

4. Conduct studies of county revenues and expenditures.

5. Advise and make recommendations annually to the governor and the general assembly concerning county budgets and finance.

6. Promulgate its rules in compliance with chapter seventeen A (17A) of the Code.

Sec. 21. NEW SECTION. ADDITIONAL DUTIES. In addition to the powers and duties specified in the preceding section of this Act, the committee shall prepare legislation for submission to the general assembly in January, 1981, which would have as its principal purpose the consolidation of current county funds into not more than seven functional funds. The committee shall also make recommendations for appropriate budget or levy limitations for the proposed consolidated funds.

Sec. 22. NEW SECTION. The county finance committee established by this Act is abolished on July 1, 1981.

Sec. 23. The legislative council is directed to create a ten-member study committee composed of five members each from the standing committees on ways and means of the senate and house of representatives representing both political parties, which committee shall conduct during the 1979 legislative interim a comprehensive study of the present property tax structure. The study shall include, but not be limited to, the following:

1. How different types and classes of property should be valued for property tax assessment purposes.

2. The impact of property taxes upon multifamily and multipurpose residential property, determining the amount of such property in this state.

3. The impact of the current property tax system on commercial property.

Expenses of the study committee, including the cost for employing persons or business firms to assist the committee in its study shall be paid from funds available under section two point twelve (2.12) of the Code.

The study committee shall transmit copies of its final report to the governor and the members of the Sixty-eighth General Assembly, 1980 Session, not later than December 1, 1979. The final report shall include findings of fact and its recommendations.

Sec. 24. When the board of review meets in special session from October 15, 1979 to November 15, 1979 to hear protests on property valuation which have been adjusted in 1979 by the equalization order, the board shall also review any application for waiver of reduction allowed to be filed with the board under section eight (8) of this Act.

Approved June 4, 1979

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**CHAPTER 26**  
**NATIONAL GUARD LIABILITY**

H. F. 706

AN ACT relating to the liability of the state of Iowa for actions occurring while the national guard is not in state service.

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

Section 1. Section twenty-five A point fourteen (25A.14), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A claim based upon damage to or loss or destruction of private property, both real and personal, or personal injury or death, when the damage, loss, destruction, injury or death occurred as an incident to the training, operation, or maintenance of the national guard while not in "active state service" as defined in section twenty-nine A point one (29A.1), subsection five (5) of the Code.

Sec. 2. This Act shall take effect from and after its publication in The Thompson Courier, Inc., a newspaper published in Thompson, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

Approved June 4, 1979

I hereby certify that the foregoing Act, House File 706, was published in The Thompson Courier, Inc., Thompson, Iowa on June 14, 1979, and in the Marshalltown Times-Republican, Marshalltown, Iowa on June 11, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 27  
LOCAL DEVELOPMENT CORPORATIONS

S. F. 362

AN ACT to authorize the Iowa development commission to make loans to local development corporations for certain projects and making an appropriation.

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

Section 1. Chapter twenty-eight (28), Code 1979, is amended by adding sections two (2) through six (6) of this Act.

Sec. 2. NEW SECTION. INTENT. The intent of this Act is to provide assistance to local development corporations formed by public-spirited citizens interested in the economic growth of their community in financing the construction of buildings to attract business or industry to their community.

Sec. 3. NEW SECTION. BUILDING LOAN FUND. A building loan fund is established under the control of the commission. The commission may make loans from the building loan fund to local development corporations for the payment of interest on loans made to the local development corporation for the construction of a building as provided in sections two (2) through six (6) of this Act and the rules of the commission.

Sec. 4. NEW SECTION. LOANS.

1. The commission may make a loan to a local development corporation only for the payment of all or part of the amount of interest of a loan made to a local development corporation which is attributable to the cost of construction of a building. The cost of construction does not include the costs of land acquisition, site preparation, railroad extensions, parking, roads, utility extensions or other work which is not the construction of the building.

2. The commission may make the loan only for the interest due in the first, second and third years after the completion of the building as determined by the commission. The commission shall not loan more than twenty thousand dollars in a year for payment of the interest of a loan for the construction of any one building. The commission may agree to loan only those funds which are in the building loan fund or those funds which are scheduled to be paid into the fund under section five (5) of this Act before they are to be loaned under the agreement.

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the second year after completion before commencing construction of the building.

4. Interest shall not be charged on the loans made by the commission.

5. The commission may attach conditions to the granting of the loan as it deems desirable. The attorney general shall assist the commission in drafting loan agreements and in collecting on the loan agreement.

Sec. 5. NEW SECTION. REPAYMENT.

1. The amounts loaned to a local development corporation by the commission shall be repaid in full to the commission when any of the following occurs:

a. The local development corporation sells the building.

b. The local development corporation leases the building for a period exceeding thirty days.

c. The end of the sixth year after completion of the building's construction.

2. The local development corporation shall report to the commission the amount of all moneys received from leasing the building for periods of less than thirty days and that amount shall either be deducted from the amounts to be loaned or remitted to the commission as the commission determines.

3. All funds received by the commission under this section shall be credited to the building loan fund.

Sec. 6. NEW SECTION. LOCAL DEVELOPMENT CORPORATION. To be eligible to receive a loan under the provisions of sections two (2) through six (6) of this Act a local development corporation must be a nonprofit corporation organized under chapter five hundred four A (504A) of the Code which has a minimum of twenty-five members and in which at least seventy-five percent of the ownership or control of the corporation is held by persons residing or doing business in the community.

Sec. 7. Section twenty-eight point seven (28.7), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Adopt rules for the implementation of sections two (2) through five (5) of this Act.

Sec. 8. There is appropriated from the general fund of the state to the Iowa development commission for deposit in the building loan fund the amount of one hundred thousand (100,000) dollars. Section eight point thirty-three (8.33) of the Code shall not apply to this appropriation.

Sec. 9. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Urbandale News, a newspaper published in Urbandale, Iowa and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

Approved June 8, 1979

I hereby certify that the foregoing Act, Senate File 362, was published in The Waterloo Courier, Waterloo, Iowa on June 13, 1979, and in the Urbandale News, Urbandale, Iowa on June 14, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 28  
LAW ENFORCEMENT ACADEMY COUNCIL

S. F. 149

AN ACT to change the membership of the Iowa law enforcement academy council.

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

Section 1. Section eighty B point six (80B.6), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

80B.6 COUNCIL CREATED--MEMBERSHIP. There is created the Iowa law enforcement academy council which shall consist of the following seven members appointed by the governor with the consent of the senate to terms of four years commencing on January first:

1. Three residents of the state.
2. A sheriff of a county.
3. A police officer who is a member of a police department of a city with a population larger than fifty thousand persons.
4. A police officer who is a member of a police department of a city with a population of less than fifty thousand persons.
5. A member of the department of public safety.

One senator appointed by the lieutenant governor and one representative appointed by the speaker of the house shall also be ex officio, nonvoting members of the council.

In the event a member appointed pursuant to this section is unable to complete his or her term, the vacancy shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 2. Section eighty B point nine (80B.9), Code 1979, is amended to read as follows:

80B.9 MEETINGS. The council shall meet at least four times each year and shall hold special meetings when called by the ~~chairman~~ chairperson or, in the absence of the ~~chairman~~ chairperson, by the vice ~~chairman~~ chairperson, or by the ~~chairman~~ chairperson upon written request of ~~six~~ five members of the council. The council shall establish procedures and requirements with respect to quorum, place, and conduct of meetings.

Sec. 3. This Act is effective January first following its enactment. The terms of all of the members of the Iowa law enforcement academy council prior to the effective date of this Act shall expire on the effective date of this Act. In making the initial appointments to the council under this Act the governor shall appoint two members to terms of one year, two members to terms of two years, two members to terms of three years, and one member to a term of four years.

Approved June 5, 1979



## CHAPTER 29

## COAL MINING

H. F. 670

AN ACT relating to mining and providing penalties.

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

Section 1. NEW SECTION. POLICY.

1. It is the policy of this state to provide for the rehabilitation and conservation of land affected by coal mining and preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health, safety and general welfare of the people of this state.

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this Act in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act, unless context otherwise requires:

1. "Committee" means the state soil conservation committee.
2. "Department" means the department of soil conservation.
3. "Director" means the administrative officer of the department of soil conservation or a designee.
4. "Fund" means the abandoned mine reclamation fund established pursuant to this Act.
5. "Imminent danger to the health and safety of the public" means the existence of a condition or practice, or a violation of a permit or other requirement of this Act in a coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before it can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement.
6. "Mine" means an underground mine operation or surface mine operation developed and operated for the purpose of extracting coal.
7. "Operator" means a person engaged in coal mining who removes or intends to remove more than fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in one location.

8. "Permit" means a permit to conduct surface coal mining and reclamation operations issued by the department.

9. "Permit area" means the area of land indicated on the approved map submitted with the operator's application.

10. "Prime farmland" has the same meaning as prescribed by the United States secretary of agriculture and published in the federal register on January 31, 1978.

11. "Secretary" means the United States secretary of the interior or a designee.

12. "State program" means the procedures for regulating coal mining and reclamation operations established by this Act.

13. "Surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations after the effective date of this Act.

14. "Surface coal mining operations" means both:

a. Activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground coal mine subject to the requirements of this Act. However, these activities do not include the extraction of coal incidental to the extraction of other minerals if coal does not exceed sixteen and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale or include coal explorations subject to this Act.

b. The areas upon which such activities occur or where such activities disturb the natural land surface.

15. "Unwarranted failure to comply" means the failure of an operator to prevent the occurrence of or abate a violation of a permit or a requirement of this Act due to indifference, lack of diligence, or lack of reasonable care.

Sec. 3. NEW SECTION. MINING LICENSE.

1. A person shall not engage in a surface coal mining operation without first obtaining a license from the department. Licenses shall be issued upon application submitted on a form provided by the department and accompanied by a fee of fifty dollars. An applicant shall furnish on the form information necessary to identify the applicant. Licenses expire on December thirty-first following the date of issuance and shall be renewed by the department upon application submitted within thirty days prior to the expiration date and accompanied by a fee of ten dollars.

2. The department may, after notification to the committee, commence proceedings to suspend, revoke, or refuse to renew a license of a licensee for repeated or willful violation of any of the provisions of this Act or of the federal Coal Mine Health and Safety Act of 1969.

3. The hearing shall be held pursuant to chapter seventeen A (17A) of the Code not less than fifteen nor more than thirty days after the mailing or service of the notice. If the licensee is found to have willfully or repeatedly violated any of the provisions of this Act or of the federal Coal Mine Health and Safety Act of 1969, the committee may affirm or modify the proposed suspension, revocation, or refusal to renew the license.

4. Suspension or revocation of a license shall become effective thirty days after the mailing or service of the decision to the licensee. If the committee finds the license should not be renewed, the renewal fee shall be refunded and the license shall expire on the expiration date or thirty days after mailing or service of the decision to the licensee, whichever is later.

Sec. 4. NEW SECTION. MINE SITE PERMIT.

1. Prior to beginning mining or removal of overburden at mining site, an operator shall obtain a permit from the department for the site. Application for a permit shall be made upon a form provided by the department. The permit fee shall be established by the department in an amount not to exceed the cost of administering the permit provisions of this Act.

The application shall include, but not be limited to:

a. A legal description of the land where the site is located and the estimated number of acres affected.

b. A statement explaining the authority of the applicant's legal right to operate a mine on the land.

c. A reclamation plan meeting the requirements of this Act.

d. A determination by an appropriate state or federal agency of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity, and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the department of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability. If the department finds that the probable total annual production at all locations of a coal mining operator will not exceed one hundred thousand tons, the determination of probable hydrologic consequences and a statement of the result of test borings on core samplings which the department may require shall upon the written request of the operator be performed by a qualified public or private laboratory designated by the department and the cost of the preparation of the determination and statement shall be assumed by the department.

2. All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years. If the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for the longer term, the department may grant a permit for the longer term. A successor in interest to a permittee who applies for a new permit within thirty days of succeeding to the interest and is able to continue the bond coverage may continue coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until the successor's application is granted or denied.

3. A permit terminates if the permittee has not commenced the coal mining operations covered by the permit within three years of its issuance. However, the department may grant reasonable extensions of time upon a showing that the extensions are necessary because of litigation precluding

the commencement or threatening substantial economic loss to the permittee or because of conditions beyond the control and without the fault or negligence of the permittee. If a coal lease is issued under the federal Mineral Leasing Act, as amended, extensions of time may not extend beyond the period allowed for diligent development in accordance with section 7 of that Act. If coal is to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee is deemed to have commenced mining operations when the construction of the synthetic fuel or generating facility is initiated.

4. A valid permit carries the right of successive renewal upon expiration within the boundaries of the existing permit. On application for renewal the burden shall be on the opponents of approval. Upon application the renewal shall be issued unless the department establishes any of the following:

a. The terms and conditions of the existing permit are not being satisfactorily met.

b. The present coal mining and reclamation operation is not in compliance with the environmental protection standards of this Act.

c. The renewal requested substantially jeopardizes the operator's continuing responsibility on existing permit areas.

d. The operator has not shown that the performance bond for the operation and any additional bond the department may require will continue in full force and effect for the renewal requested.

e. Additional revised or updated information required by the department has not been provided.

5. A permit renewal shall be for a term not to exceed the period of the original permit.

Application for renewal shall be made at least one hundred twenty days prior to the expiration of the permit. Prior to the approval of a renewal of permit the department shall provide notice to the appropriate public authorities.

Sec. 5. NEW SECTION. PUBLIC NOTICE AND HEARING.

1. An applicant for a coal mining and reclamation permit or its renewal shall file a copy of the application for public inspection with the county recorder of each county where the mining is proposed to occur.

2. An applicant for a coal mining and reclamation permit or its renewal shall submit to the department a copy of his or her advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission the advertisement shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed mine weekly for four consecutive weeks. The department shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies where the proposed mining will take place, informing them of the operator's intention to mine a particularly described tract of land, indicating the application number and where a copy of the proposed mining and reclamation plan may be inspected. They may submit written comments within a reasonable period established by the department on the effect of the proposed operation on the environment within their area of responsibility. The comments shall immediately be transmitted to the

applicant and shall be made available to the public at the same locations as the mining permit application.

3. A person having an interest which is or may be adversely affected or a federal, state, or local governmental agency may file written objections to the proposed initial or revised application for a permit for coal mining and reclamation operation with the department within sixty days after the last publication of the advertisement. The objections shall immediately be transmitted to the applicant and shall be made available to the public. If objections are filed and an informal conference requested within a reasonable time, the department shall hold an informal conference in the locality of the proposed mining operations and shall publish the date, time and location in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. Upon request by an interested party, the department may arrange with the applicant access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding, unless waived by all parties. The record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. If all parties requesting the informal conference stipulate agreement prior to the conference and withdraw their request, the conference need not be held.

4. An application for a permit shall show a certificate issued by an insurance company authorized to do business in this state certifying that the applicant has a public liability insurance policy in force for that mining and reclamation operation or evidence satisfactory to the department that the applicant has an adequate self-insurance plan. The policy or self-insurance plan shall provide for personal injury and property damage protection adequate to compensate persons entitled to compensation because of damage as a result of coal mining and reclamation operations including use of explosives. The policy or self-insurance plan shall be maintained in full force and effect during the terms of the permit, any renewal and all reclamation operations.

Sec. 6. NEW SECTION. BLASTING PLAN REQUIRED.

1. An application for a permit shall contain a blasting plan which outlines the procedures and standards by which the operator will meet the requirements of the department.

2. The department may promulgate rules requiring the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in coal mining operations.

Sec. 7. NEW SECTION. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS. The department shall promulgate rules consistent with but not more restrictive than all of the environmental performance standards of Pub. L. 95-87 and the permanent regulations issued pursuant to that Act on or before March 13, 1979. All coal mining operations and coal exploration operations in the state shall comply with applicable performance standards of Pub. L. 95-87, the permanent regulations issued by the federal office of surface mining on or before March 13, 1979, this Act, and all rules issued pursuant to this Act.

Sec. 8. NEW SECTION. DETERMINING IF LAND IS UNSUITABLE FOR MINING.

1. The department by rule shall designate a site unsuitable for coal mining if the department determines on the basis of an application or petition that reclamation as required by this Act is not technologically and economically feasible and may designate a site unsuitable for coal mining if such operations will:

a. Be incompatible with existing state or local land use plans or programs.

b. Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems.

c. Affect renewable resource lands in which such operations could result in a substantial loss or reduction of long range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas.

d. Affect natural hazards lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

2. The requirements of this section do not apply to lands on which coal mining operations are being conducted as of August 3, 1977, or under a permit issued pursuant to this Act or pursuant to section eighty-three A point twelve (83A.12) of the 1979 Code or where substantial legal and financial commitments in an operation were in existence prior to January 4, 1977.

3. Prior to designating a land area as unsuitable for coal mining operations, the department shall prepare a detailed statement on the potential coal resources of the area, the demand for coal resources, and the impact of the designation on the environment, the economy, and the supply of coal.

4. A person having an interest which is or may be adversely affected may petition the department to have an area designated or to have the designation terminated. The petition shall contain allegations of facts with supporting evidence tending to establish the allegations. Within ten months after receipt of the petition the department shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of the hearing. After a person has filed a petition and before the hearing, any person may intervene by filing allegations. Within sixty days after the hearing, the department shall issue and furnish to the petitioner and any other party to the hearing a written decision regarding the petition and the reasons. If all the petitioners stipulate agreement prior to the hearing and withdraw their request, the hearing need not be held.

5. Subject to valid existing rights, coal mining operations, except those which exist on the effective date of this Act, shall not be permitted on any of the following:

a. Lands within the boundaries of units of the national park systems, the national system of trails, the national wilderness preservation system, the national wildlife refuge systems, the wild and scenic rivers system, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and national recreation areas designated by act of congress.

b. Lands which will adversely affect any publicly-owned park or places included in the national register of historic sites unless approved jointly by the department and the federal, state, or local agency with jurisdiction over the park or the historic site.

c. Within one hundred feet of the outside right-of-way line of a public road, except where mine access roads or haulage roads join the right-of-way line and except that the department may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected.

d. Within three hundred feet of an occupied dwelling or a privately-owned building, unless waived by the owner, or within three hundred feet of a public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

Sec. 9. NEW SECTION. PERMIT APPROVAL OR DENIAL.

1. Upon the basis of a complete mining application and reclamation plan or a revision or renewal, the department shall grant, require modification of, or deny the application for a permit in a reasonable time set by the department and notify the applicant in writing. The applicant shall have the burden of establishing that the application is in compliance with all the requirements of this Act. Within ten days after granting of a permit, the department shall notify the political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

2. A permit or revision application shall not be approved unless the application affirmatively demonstrates and the department finds in writing on the basis of the application or other information documented in the approval, and made available to the applicant, the following:

a. The permit application is accurate, complete and in compliance with all the requirements of this Act.

b. The applicant has demonstrated that reclamation as required by this Act and the state program can be accomplished under the reclamation plan contained in the permit application.

c. The department has assessed the probable cumulative impact of all anticipated mining in the area on the hydrologic balance and the proposed operation has been designed to prevent material damage to hydrologic balance outside permit area.

d. The area proposed to be mined is not included within an area designated unsuitable for coal mining or is not within an area proposed for such designation.

e. If the private mineral estate has been severed from the private surface estate, the applicant has submitted any of the following:

(1) The written consent of the surface owner to the extraction of coal.

(2) A conveyance that expressly grants or reserves the right to extract the coal by surface mining.

(3) If the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship as

determined in accordance with state law. This Act does not authorize the department to adjudicate property rights disputes.

3. The applicant shall file with the permit application a schedule listing any and all notices of violations of this Act and any law or rule of the federal or a state government pertaining to air or water environmental protection incurred by the applicant in connection with a coal mining operation during the three previous years. The schedule shall also indicate the final resolution of the notice of violation. If any information available to the department indicates that a coal mining operation owned or controlled by the applicant is currently in violation of this Act or the other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority which has jurisdiction over the violation and the permit shall not be issued to an applicant after a finding by the department after an opportunity for a hearing that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Act.

4. If the area proposed to be mined contains prime farmland, the department shall, after consultation with the United States secretary of agriculture, and pursuant to regulations issued by the secretary with the concurrence of the secretary of agriculture, grant a permit to mine on prime farmland if the department finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards established by section seven (7) of this Act. Any operator who mines coal on agricultural land shall restore such mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined agricultural land of similar quality in the surrounding area under equivalent levels of management.

5. Within sixty days a person having an interest which is or may be adversely affected may appeal to the committee the decision of the department granting or denying a permit as a contested case under chapter seventeen A (17A) of the Code.

Sec. 10. NEW SECTION. PERFORMANCE BOND REQUIREMENT.

1. After a permit application has been approved but before issuance, the applicant shall file with the department, on a form furnished by the department, a bond for performance payable to the state and conditioned upon faithful performance by the operator of all requirements of this Act and all rules adopted by the department pursuant to this Act.

2. The bond shall be signed by the operator as principal and by a corporate surety licensed to do business in Iowa as surety. In lieu of a bond, the operator may deposit cash, or government securities, or certificates of deposit or letters of credit with the department on the same conditions as for filing of bonds.

3. The amount of the bond or other security required to be filed with the department shall be equal to the estimated cost of reclamation of the site if



performed by the department. The estimated cost of reclamation of each individual site shall be determined by the department on the basis of relevant factors. The department may require each applicant to furnish information necessary to estimate the cost of reclamation. The amount of the bond or other security may be increased or reduced as the permitted operation changes, or when the cost of future reclamation changes. However, the bond amount shall not be less than ten thousand dollars.

4. Liability under the bond shall be for the duration of the coal mining and reclamation operation and for a period coincident with operator's responsibility for revegetation requirements in the rules promulgated under section seven (7) of this Act.

5. If the license to do business in Iowa of a surety of a bond filed with the department is suspended or revoked, the operator, within thirty days after receiving notice from the department, shall substitute another surety. If the operator fails to make substitution, the department may suspend the operator's authorization to conduct mining on the site covered by the bond until substitution has been made. The commissioner of insurance shall notify the department whenever the license of any surety providing bond for an operator is suspended or revoked.

Sec. 11. NEW SECTION. POLITICAL SUBDIVISION ENGAGED IN MINING. An agency or political subdivision of the state or a publicly-owned utility or corporation of a political subdivision which engages or intends to engage in coal mining shall meet all requirements of this Act.

Sec. 12. NEW SECTION. REVISION OF PERMITS.

1. An operator may apply for a revision or cancellation of a permit. The application shall be submitted by the operator on a form provided by the department, and shall contain information as required by the department.

The department shall establish rules for determining the scale or extent of a revision request to which all permit application information requirements and procedures including notice and hearings, shall apply. Revisions which propose significant alterations in the reclamation plan shall be subject to notice and hearing requirements.

2. An application for a revision of a permit shall not be approved unless the department finds that reclamation as required by this Act can be accomplished under the revised reclamation plan.

3. Extensions to the area covered by the permit except incidental boundary revisions must be made subject to the requirements for an application for new permit.

4. If the application is to cancel the permit as it pertains to any or all of the unmined part of a site, the department shall, after ascertaining that overburden has not been disturbed or deposited on the land, order release of the bond or the security posted on that portion of the land being removed from the permit and cancel or amend the operator's permit to conduct mining on the site. Land where overburden has been disturbed or deposited shall not be removed from a permit or released from bond or security under this section.

5. A transfer, assignment, or sale of the rights granted under a permit shall not be made without the written approval of the department.

6. Fees for revision or cancellation shall be determined by the department but shall not exceed the cost of administering revisions or cancellations of permits as authorized under this section.

7. The department shall review outstanding permits within a time limit prescribed by rule and may require reasonable revision or modification of the permit provisions during the term of the permit. However, the revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by the department.

Sec. 13. NEW SECTION. INSPECTIONS AND MONITORING.

1. The department shall make inspections of any mining and reclamation operations as are necessary to evaluate the administration of this Act and authorized representatives of the department shall have a right to entry at any mining and reclamation operation. If the operator refuses to consent to the inspection, the department shall request the attorney general to immediately obtain a warrant for the inspection.

The department shall determine what records and other information shall be maintained and furnished to the department by the operators for the effective administration of this Act.

2. The inspections by the department shall:

a. One complete inspection per calendar quarter and at least one partial inspection on an irregular basis in those months where a complete inspection is not performed.

b. Occur without prior notice to the permittee, agents or employees except for necessary on-site meetings with the permittee.

c. Include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act.

3. If the department has reason to believe that an operator is in violation of a requirement of this Act or a permit condition, the department shall immediately order an inspection of the coal mining operation within ten days of receiving notice of the alleged violation.

4. An operator shall conspicuously maintain a clearly visible sign at the entrances to the mining and reclamation operation which sets forth the name, business address, permit number and phone number of the operator.

5. Each inspector shall immediately inform the operator in writing of each violation, and shall report in writing any violation to the department.

6. Copies of any record, reports, inspection materials, or information obtained under this section by the department shall be made immediately available to the public at central and sufficient locations in the area of mining so that they are conveniently available to residents in the areas of mining.

7. An employee of the department performing any function or duty under this Act shall not have a direct or indirect financial interest in any mining operation.

Sec. 14. NEW SECTION. ENFORCEMENT.

1. When on the basis of an inspection, the director determines that a condition or practice exists which creates an imminent danger to the health or safety of the public or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the director

shall immediately order a cessation of coal mining and reclamation operations to the extent necessary until the director determines that the condition, practice, or violation has been abated, or until the order is modified, vacated, or terminated by the department pursuant to procedures set out in this section.

If the director finds that the ordered cessation will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm, the director shall require the operator to take whatever steps the director deems necessary to abate the imminent danger or the significant environmental harm.

2. When on the basis of an inspection, the director determines that any operator is in violation of any requirement of this Act or permit condition, but the violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant, imminent environmental harm, the director shall issue a notice to the operator fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

If upon expiration of the time as fixed the director finds in writing that the violation has not been abated, the director shall immediately order a cessation of coal mining and reclamation operations relating to the violation until the order is modified, vacated, or terminated by the director pursuant to procedures outlined in this section. In the order of cessation issued by the director under this subsection, the director shall include the steps necessary to abate the violation in the most expeditious manner possible.

3. When on the basis of an inspection the director determines that a pattern of violations of the requirements of this Act or any permit conditions exists or has existed, and if the director also finds that the violations are willful or caused by the unwarranted failure of the operator to comply with any requirements of this Act or any permit conditions, the director shall immediately issue an order to the operator to show cause as to why the permit should not be suspended or revoked and the bond or security forfeited, and shall provide opportunity for a hearing as a contested case pursuant to chapter seventeen A (17A) of the Code. Upon the operator's failure to show cause, the director shall immediately suspend or revoke the permit.

4. Upon notice of intent to appeal, the committee shall schedule a hearing conducted as a contested case and not as an appeal on the violation by the operator within thirty days after the date of receipt of the notice. If the committee revokes the permit, the committee shall give the operator a specific period to complete reclamation or request the attorney general to institute bond forfeiture proceedings.

5. In any administrative proceeding under this Act or judicial review, the amount of all reasonable costs and expenses, including reasonable attorney fees incurred by a person in connection with his or her participation in the proceedings or judicial review, may be assessed against either party as the court in judicial review or the committee in administrative proceedings deems proper.

6. Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the operator or an agent and all notices and orders shall be in writing and signed. A notice or order issued pursuant to this section may be modified, vacated, or terminated by the director. Any notice or order issued pursuant to this section which requires cessation of mining by the operator expires within thirty days of actual notice to the operator unless a public hearing is held at or near the site so that any viewings of the site can be conducted during the course of the hearing.

7. A permittee issued a notice or order under this section or any person having an interest which is or may be adversely affected by the notice or order or by its modification, vacation or termination may apply to the committee for review within thirty days of receipt of the notice or order or within thirty days of its modification, vacation or termination. The review shall be treated as a contested case under chapter seventeen A (17A) of the Code. Pending completion of any investigation or hearings required by this section, the applicant may file with the department a written request that the director grant temporary relief from any notice or order issued under this section together with a detailed statement giving reasons for granting such relief. The director shall issue an order or decision granting or denying the request for relief within five days of its receipt. The director may grant such relief under such conditions as the director may prescribe if all of the following occur:

a. A hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard.

b. The applicant shows that there is substantial likelihood that the findings of the committee will be favorable to him or her.

c. Such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air or water resources.

8. At the request of the department, the attorney general shall institute any legal proceedings, including an action for an injunction or a temporary injunction necessary to enforce the penalty provisions of this Act or to obtain compliance with this Act.

Sec. 15. NEW SECTION. PENALTIES.

1. If any person violates a permit condition or violates a provision of this Act, or a rule, or order issued under this Act, the attorney general shall, at the request of the committee, institute a civil action in the district court for injunctive relief to prevent a further violation of the condition, rule, or order, or for the assessment of a civil penalty as determined by the court not to exceed five thousand dollars per day for each day of the violation or both injunctive relief and fine. If any violations result in the issuance of a cessation order under section fourteen (14) of

this Act, the committee shall request the attorney general to institute a civil action in the district court for the assessment of a civil penalty as determined by the court not to exceed five thousand dollars per day for each day of the violation.

In determining the amount of the penalty, the court shall give consideration to the operator's history of previous violations at the particular mining operation, the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public, whether the operator was negligent, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of the violation.

In the action, any previous findings of fact by the director or the committee after notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

2. A person who willfully and knowingly violates a condition of a permit or any other provision of this Act, or makes a false statement, representation, or certification, or knowingly fails to make a statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this Act or any order or decision of this Act, shall be guilty of a serious misdemeanor and notwithstanding section nine hundred three point one (903.1) of the Code the maximum fine shall be ten thousand dollars.

3. Whenever a corporate operator violates a condition of a permit or any other provision of this Act or fails or refuses to comply with any provision of this Act, a director, officer, or agent of that corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties or criminal fines and imprisonment that may be imposed upon a person under this section.

4. If any operator fails to correct a violation for which a notice or order has been issued within the period permitted for its correction, the attorney general shall, at the request of the committee, institute a civil action in any district court for the assessment of a civil penalty as determined by the court of not less than seven hundred fifty dollars for each day during which the failure or violations continue.

5. An employee of the department performing any function or duty under this Act who knowingly and willfully has a direct or indirect financial interest in any coal mining operation shall be guilty of a serious misdemeanor and notwithstanding section nine hundred three point one (903.1) of the Code the maximum fine shall be two thousand five hundred dollars.

Sec. 16. NEW SECTION. RELEASE OF PERFORMANCE BONDS OR DEPOSITS.

1. Each operator upon completion of any reclamation work required by this Act shall apply to the department in writing for approval of the work. The department shall promulgate rules consistent with Pub. L. 95-87, section 519, regarding procedures and requirements to release performance bonds or deposits.

2. The department may release in whole or part the bonds or deposits if the department is satisfied the reclamation covered by the bonds or deposits or portions thereof has been accomplished as required by this Act according

to stages determined by the department by rule. When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond shall be released upon the expiration of the period specified for operator responsibility in the rules promulgated pursuant to section seven (7) of this Act. A bond shall not be fully released until all reclamation requirements of this Act are fully met.

3. A person with a valid legal interest which might be adversely affected by release of the bond or a federal, state, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation, or which is authorized to develop and enforce environmental standards with respect to such operations may file written objections to the proposed release from bond to the department within sixty days after the last publication as required by rule of a notice of a request for bond release by the operator. If written objections are filed and a hearing is requested, the department shall inform all the interested parties of the time and place of the hearing, and hold a public hearing as a contested case in the locality of the coal mining operation or at the state capital, at the request of the objectors, within thirty days of the request. The date, time, and location shall be advertised by the department in a newspaper of general circulation in the locality for two consecutive weeks.

Sec. 17. NEW SECTION. CITIZEN SUITS.

1. A person having an interest which is or may be adversely affected may commence a civil action on his or her own behalf to compel compliance with this Act as follows:

a. Against the department or any other governmental agency or subdivision which is alleged to be in violation of the provisions of this Act or of any rule, order or permit issued or against any other person who is alleged to be in violation of any rule, order or permit issued pursuant to this Act.

b. Against the department where there is alleged a failure of the department to perform any act or duty required under this Act. The suit shall be filed in the county where the mining operation is or, if against the department, in the district court for Polk county or the county of the petitioner's residence.

2. An action shall not be commenced:

a. Under subsection one (1), paragraph a of this section until sixty days after the plaintiff has given notice in writing of the violation to the department and to any alleged violator, or if the state has commenced and is diligently prosecuting a civil action against that operator for compliance with the provisions of this Act; however, the person may intervene in the action as a matter of right.

b. Under subsection one (1), paragraph b of this section until sixty days after the plaintiff has given notice in writing to the department in the manner provided by rule; however, if the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff, the action may be brought immediately after giving notice.

3. The department may intervene in any action under this section.

4. The court, in issuing a final order in an action brought pursuant to subsection one (1) of this section, may award costs of litigation including attorney and expert witness fees to any party.

5. This section does not restrict a right which any person or class may have under a statute or common law to seek enforcement of any of the provisions of this Act or to seek any other relief. The availability of judicial review of the actions of the department shall not restrict any rights established by this section.

6. A person whose person or property is injured through the violation by any operator of a rule, order, or permit issued pursuant to this Act may bring an action for damages including reasonable attorney and expert witness fees only in the county in which the coal mining operation complained of is located. This subsection shall not affect the rights or limits under workers' compensation as provided in chapter eighty-five (85) of the Code.

Sec. 18. NEW SECTION. COAL EXPLORATION PERMITS.

1. A coal exploration operation in this state which substantially disturbs the natural land surface shall be conducted in accordance with exploration rules issued by the department. The rules shall include at a minimum the following:

a. The requirement that prior to conducting an exploration the person must file with the department a notice of intention to explore describing the exploration area and the period of exploration.

b. Provisions for reclamation of the lands disturbed by the exploration in accordance with the environmental performance standards mandated by section seven (7) of this Act.

2. Information submitted to the department pursuant to this section and determined by the department, following consultation with the person submitting the information, to be confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person intending to explore the described area shall not be available for public examination.

3. A person who conducts coal exploration activities which substantially disturb the natural land surface in violation of this section shall be subject to the provisions of section fifteen (15) of this Act.

4. An operator shall not remove more than fifty tons of coal pursuant to an exploration permit without the specific written approval of the department.

Sec. 19. NEW SECTION. SURFACE EFFECTS OF UNDERGROUND COAL MINING OPERATIONS. The provisions of this Act shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The department shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this Act and be consistent with the requirements in section 516 of Pub. L. 95-87 and the permanent regulations issued pursuant to that Act.

In order to protect the stability of the land, the department shall suspend underground coal mining under urbanized areas, cities, towns,\* and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the director finds imminent danger to inhabitants of the urbanized areas, cities, towns,\* and communities.

Sec. 20. NEW SECTION. AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS. The department may enter into a cooperative agreement with the secretary to provide for the department to regulate mining and reclamation operations on federal lands within the state. If the department enters into a cooperative agreement with the secretary under this section, such agreement shall be conducted according to the provisions of chapter twenty-eight E (28E) of the Code.

Sec. 21. NEW SECTION. ABANDONED MINE RECLAMATION PROGRAM.

1. The department shall participate in the abandoned mine reclamation program under title IV, Pub. L. 95-87. There is established an abandoned mine reclamation fund under the control of the department.

2. Lands and water eligible for reclamation or drainage abatement expenditures under this section are those which were mined for coal or affected by such mining, waste banks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws.

3. Expenditure of moneys from the abandoned mine reclamation fund on eligible lands and water for the purpose of this program shall reflect the following priorities in the order stated:

a. The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices.

b. The protection of public health, safety, and general welfare from adverse effects of coal mining practices.

c. The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water, excluding channelization, woodland, fish and wildlife, recreation resources, and agricultural productivity.

d. Research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques.

e. The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices.

f. The development of publicly-owned land adversely affected by coal mining practices including land acquired as provided in this section for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

4. The department shall submit to the secretary a state reclamation plan and annual projects to carry out the purposes of this program. The plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed

\*Repealed by home rule Act



and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of title IV of Pub. L. 95-87.

The department may annually submit to the secretary an application with such information as determined by the secretary for the support of the state program and implementation of specific reclamation projects.

The costs for each proposed project under this program shall include actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction and inspection costs, and other necessary administrative expenses.

The department shall prepare and submit annual and other reports as required by the secretary.

5. The department in participating in the abandoned mine reclamation program under title IV of Pub. L. 95-87 shall have the following additional powers:

a. To engage in any work and to do all things necessary or expedient, including promulgation of rules, to implement and administer the provisions of this program.

b. To engage in cooperative projects with any other governmental unit provided that such cooperative projects shall be under a cooperative agreement conducted according to the provisions of chapter twenty-eight E (28E) of the Code.

c. To request the attorney general to seek injunctive relief to restrain any interference with the exercise of the right to enter or to conduct work under this program.

d. To construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

Sec. 22. NEW SECTION. ACQUISITION AND RECLAMATION OF LAND.

1. a. The department, pursuant to a state program approved by the secretary, may take action as provided in paragraph b of this subsection if it finds all of the following:

(1) Land or water resources have been adversely affected by past coal mining practices.

(2) The adverse effects are at a stage where in the public interest action to restore, reclaim, abate, control, or prevent should be taken.

(3) The owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known or readily available, or will not give permission for the United States, this state, political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

b. Upon giving notice by mail to the owners if known or by posting notice upon the premises and advertising once in a local newspaper of general

circulation if not known, the department may enter upon the property adversely affected by past coal mining practices and any other property to have access to the property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. The entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and not as an act of condemnation of property or trespass. The moneys expended for the work and the benefits accruing to the property shall be chargeable against such property and shall mitigate or offset any claim on or any action brought by an owner of any interest in the property for any alleged damages because of the entry. This provision does not create new rights of action or eliminate existing immunities.

2. The department may enter upon a property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. The entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and not as an act of condemnation of property or trespass.

3. The department pursuant to an approved state program may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if the secretary determines that acquisition of the land is necessary to successful reclamation and that:

a. The acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open spaces benefits and that permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of title IV or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

4. Title to all lands acquired pursuant to this section shall be in the name of this state. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

5. If land acquired pursuant to this section is deemed to be suitable for industrial, commercial, agricultural, residential, or recreational development, the department with authorization from the secretary may sell the land by public sale under a system of competitive bidding, at not less than fair market value and under rules promulgated to insure that the lands are put to proper use consistent with local land use plans.

6. The department if requested after appropriate public notice shall hold a public hearing with the appropriate notice, in the county of the lands acquired pursuant to this section. The hearings shall be held at a time that affords local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands.

7. The department may cooperate with the secretary in acquiring land by purchase, donation, or condemnation to assist the housing of people disabled as the result of employment in the mines or incidental work, persons displaced by acquisition of land pursuant to this section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as determined by the secretary. The fund provided under this section shall not be used to pay the actual construction costs of housing.

Sec. 23. NEW SECTION. LIENS.

1. Before initiating a reclamation project, the department shall obtain a notarized appraisal by an independent appraiser of the value of the land before the project. Within six months after the completion of a project, the department shall itemize the money expended on the project, obtain another appraisal and shall file a lien statement in the manner provided in section five hundred seventy-two point eight (572.8) of the Code, together with the notarized appraisals, in the office of the district court clerk of each county in which a portion of the property affected by the project is located. A copy of the lien statement and the appraisal shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land. A lien shall not be filed in accordance with this subsection against the property of a person, who owned the surface prior to May 2, 1977, and who neither consented to, participated in nor exercised control over the mining operation which necessitated the reclamation performed.

2. The owner of property to which the lien attaches may petition the court within sixty days after receipt of service of the lien statement, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount found to be the increase in value of the property shall constitute the amount of the lien and shall be recorded in the office of the district court in each county in which the owner's property is located. A party aggrieved by the decision may appeal as provided by law.

3. The lien provided in this section has priority over all other liens or security interests which have attached to the property, whenever those liens may have arisen, except liens of real estate taxes imposed upon the property.

4. The department shall report to the general assembly annually on operations under this program should the department participate in this program.

5. The department shall have the power and authority to engage in any work and to do all things necessary or expedient, including promulgation of rules, to implement and administer the provisions of an abandoned mine reclamation program.

Sec. 24. NEW SECTION. WATER RIGHTS AND REPLACEMENT. This Act shall not be construed as affecting the right of any person's interest in water resources affected by a mining operation.

The operator of a mine shall replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for any legitimate use from an underground or surface source if the supply has been affected by contamination, diminution, or interruption proximately resulting from the mine operation.

Sec. 25. NEW SECTION. ADDITIONAL DUTIES AND POWERS OF THE DEPARTMENT. In addition to the duties and powers conferred upon the department, it shall have the power to prescribe by rule the necessary procedures and requirements of operators to carry out the purpose and provisions of this Act.

Sec. 26. NEW SECTION. MINING OPERATIONS NOT SUBJECT TO THIS ACT. The provisions of this Act shall not apply to any of the following activities:

1. The extraction of coal by a landowner for his or her own noncommercial use from land owned or leased by him or her.
2. The extraction of coal for commercial purposes where the mining operation affects one-half acre or less.
3. The extraction of coal as an incidental part of federal, state or local government-financed highway or other construction under rules promulgated by the department.

Sec. 27. NEW SECTION. EXPERIMENTAL PRACTICES. In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, agricultural, residential, or public use including recreational facilities, the department with approval by the secretary may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections seven (7) and twenty (20) of this Act if the experimental practices are potentially as environmentally protective, during and after mining operations, as those required by promulgated standards, the mining operations approved for particular land use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices, and the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

Sec. 28. NEW SECTION. EMPLOYEE PROTECTION.

1. A person shall not discharge, or in any other way discriminate against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

2. Any employee or a representative of employees who believes that he or she has been fired or discriminated against by a person in violation of subsection one (1) of this section may, within thirty days after the alleged violation occurs, apply to the director for a review as provided by rule of the firing or alleged discrimination.

Sec. 29. Section eighty-three A point two (83A.2), subsections one (1), two (2), and fifteen (15), Code 1979, are amended to read as follows:

1. "Overburden" means all of the earth and other materials which lie above natural deposits of ~~coal~~, gypsum, clay, stone, sand, gravel or other

minerals, and includes all earth and other materials disturbed from their natural state in the process of surface mining.

2. "Surface mining" means the mining of ~~coal~~, gypsum, clay, stone, sand, gravel or other ores or mineral solids for sale or for processing or consumption in the regular operation of a business by removing the overburden lying above the natural deposits and mining directly from the natural deposits exposed, or by mining directly from deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids ~~other than coal~~ shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of the natural deposit, if the ores or mineral solids removed during exploratory excavation or mining are not sold, processed for sale, or consumed in the regular operation of a business.

15. "Mine" means any underground or surface mine developed and operated for the purpose of extracting any ores or mineral solids except coal.

Sec. 30. Section eighty-three A point seven (83A.7), Code 1979, is amended to read as follows:

83A.7 MINING LICENSE. No person, firm, partnership, or corporation shall engage in surface mining or operation of an underground mine or mines, as defined by section 83A.2, without first obtaining a license from the department. Licenses shall be issued upon application submitted on a form provided by the department and shall be accompanied by a fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. Licenses shall ~~expire one-year--from date--of--issuance~~ on December thirty-first of each year and shall be renewed by the department upon application submitted within thirty days prior to the expiration date and accompanied by a fee of ten dollars.

Sec. 31. Section eighty-three A point eight (83A.8), Code 1979, is amended to read as follows:

83A.8 SUSPENSION OR REVOCATION OF LICENSE. The department may, with approval of the committee, commence proceedings to suspend, revoke, or refuse to renew a license of any licensee for repeated or willful violation of any of the provisions of this chapter ~~or of the--federal--Coal--Mine--Health--and Safety--Act--of--1969~~ or the federal Metal and Nonmetallic Mine Safety Act. The department shall by certified mail or personal service serve on the licensee notice in writing of the charges and grounds upon which the license is to be suspended, revoked, or will not be renewed. The notice shall include the time and the place at which a hearing shall be held before the committee to determine whether to suspend, revoke, or refuse to renew the license. The hearing shall be not less than fifteen nor more than thirty days after the mailing or service of the notice.

Sec. 32. Section eighty-three A point nine (83A.9), Code 1979, is amended to read as follows:

83A.9 HEARING--COUNSEL. Any licensee whose license the department proposes to suspend, revoke, or refuse to renew shall have the right to counsel and may produce witnesses and present statements, documents, and other information in his behalf at the hearing. If after full investigation and hearing the licensee is found to have willfully or repeatedly violated

any of the provisions of this chapter ~~ex-of-the-federal-Coal-Mine-Health--and-Safety--Act-of-1969~~ or the federal Metal and Nonmetallic Mine Safety Act, the committee may affirm or modify the proposed suspension, revocation, or refusal to renew the license. When the committee finds that a license should be suspended or revoked or should not be renewed, the department shall so notify the licensee in writing by certified mail or by personal service.

Sec. 33. Section eighty-three A point thirteen (83A.13), subsection one (1), Code 1979, is amended to read as follows:

1. Within fifteen days ~~prior--to~~ after beginning mining or removal of overburden at any surface mining site not previously registered, an operator engaging in mining in this state shall register the site with the department. Application for registration shall be made upon a form provided by the department. The registration fee shall be established by the department in an amount ~~equal--to~~ not exceeding the cost of administering the registration provisions of this chapter, as estimated by the department. The application shall include a description of the tract or tracts of land where the site is located and the estimated number of acres at the site to be affected by the mine. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient certainty to determine the location and to distinguish the land to be registered from other lands. The application shall include a statement explaining the authority of the applicant's legal right to operate a mine on the land.

Sec. 34. Section eighty-three A point thirteen (83A.13), subsection three (3), Code 1979, is amended by striking the subsection.

Sec. 35. Section eighty-three A point fourteen (83A.14), Code 1979, is amended to read as follows:

83A.14 BOND. The application for registration shall be accompanied by a bond or security as required under sections 83A.23 or 83A.24 if overburden is removed. After ascertaining that the applicant is licensed under section 83A.7 and is not in violation of this chapter with respect to any site previously registered with the department, the department shall register the site and shall issue the applicant written authorization to conduct surface mining on the site. ~~Nothing-in-this-section-shall--require--land--which--has-been--mined--or--from--which--overburden--has--been--removed--before--July-1-,1976--to-meet--the--standards--in--section--83A-31--Authorization-shall-not-be--issued--to-conduct--surface--coal--mining--in--areas--designated--unsuitable--pursuant--to-section-83A-13-~~

Sec. 36. Section eighty-three A point fifteen (83A.15), Code 1979, is amended to read as follows:

83A.15 AMENDMENT OR CANCELLATION. An operator may at any time apply for amendment or cancellation of registration of any site. The application for amendment or cancellation of registration shall be submitted by the operator on a form provided by the department and shall identify as required under section 83A.13 the tract or tracts of land to be added to or removed from registration. If the application is for an increase in the area of a registered site, the application shall be processed in the same manner as an application for original registration. If the application is to cancel

registration of any or all of the unmined part of a site, the department shall after ascertaining that no overburden has been disturbed or deposited on the land order release of the bond or the security posted on the land being removed from registration and cancel or amend the operator's written authorization to conduct surface mining on the site. Fees for amendment or cancellation of registration shall be determined as provided in section ~~83A-14~~ eighty-three A point thirteen (83A.13) of the Code. No land where overburden has been disturbed or deposited shall be removed from registration or released from bond or security under this section.

Sec. 37. Section eighty-three A point sixteen (83A.16), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may establish procedures for transferring the responsibility for reclamation of a mine site to a state agency or political subdivision which intends to use the site for other purposes. The department, with agreement from the receiving agency or subdivision to complete adequate reclamation, may approve the transfer of responsibility, release the bond or security, and terminate or amend the operator's authorization to conduct surface mining on the site.

Sec. 38. Section eighty-three A point seventeen (83A.17), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

A bond or security posted under this chapter to assure rehabilitation of land affected by surface mining shall not be released until all rehabilitation work required by this section ~~and--section--83A-31~~ has been performed to the department's satisfaction, except when a replacement bond or security is posted by a new operator or responsibility for reclamation is transferred under section 83A.16.

Sec. 39. Section eighty-three A point nineteen (83A.19), Code 1979, is amended to read as follows:

83A.19 REHABILITATION OF LAND. An operator of a surface mine shall rehabilitate land affected by surface mining within twelve months after the filing of a report required under section 83A.18 indicating the mining of any part of a site has been completed. Each operator, upon completion of any rehabilitation work required by section 83A.17 ~~and--section--83A-31~~, shall apply to the department in writing for approval of the work. The department shall within a reasonable time determined by departmental rule inspect the completed rehabilitation work. Upon determination by the department that the operator has satisfactorily completed all required rehabilitation work on the land included in the application, the department shall release the bond or security on the rehabilitated land, shall remove the land from registration, and shall terminate or amend as necessary the operator's authorization to conduct surface mining on the site.

Sec. 40. Section eighty-three A point twenty-one (83A.21), Code 1979, is amended to read as follows:

83A.21 POLITICAL SUBDIVISION ENGAGED IN MINING. Any political subdivision of the state of Iowa which engages or intends to engage in surface mining shall meet all requirements of sections 83A.13 to 83A.20 ~~and section-83A-31~~ except the subdivision shall not be required to post bond or security on registered land. When a political subdivision engaging in

surface mining violates any provision of this chapter or any rule adopted by the department pursuant to this chapter, the department shall notify the chief administrative officer or governing body of the subdivision. If after a reasonable time determined by the department, the subdivision has not commenced corrective measures approved by the department, the violation shall be referred to the committee. The chief administrative officer or governing body of the subdivision shall be notified in writing of the referral.

Sec. 41. Section eighty-three A point twenty-three (83A.23), Code 1979, is amended to read as follows:

83A.23 FORM OF BOND. Each bond filed with the department by an operator pursuant to this chapter shall be in a form prescribed by the department, payable to the state of Iowa, and conditioned upon faithful performance by the operator of all requirements of this chapter and all rules adopted by the department pursuant to this chapter. The bond shall be signed by the operator as principal and by a corporate surety licensed to do business in Iowa as surety. In lieu of a bond, the operator may deposit cash, certificates of deposit or government securities with the department on the same conditions as prescribed by this section for filing of bonds. The amount of the bond or other security required to be filed with an application for registration of a surface mining site, or to increase the area of a site previously registered, shall be equal to the estimated cost of rehabilitating the site as required under section 83A.17 ~~and section 83A-31~~. The estimated cost of rehabilitation of each individual site shall be determined by the department on the basis of relevant factors including, but not limited to, topography of the site, mining methods being employed, depth and composition of overburden, and depth of the mineral deposit being mined. The department may require an applicant for registration or amendment of registration of a site to furnish information necessary to estimate the cost of rehabilitating the site. The penalty of the bond or the amount of cash or securities on deposit may be increased or reduced from time to time in accordance with section 83A.15.

Sec. 42. Section eighty-three A point twenty-eight (83A.28), Code 1979, is amended to read as follows:

83A.28 FORFEITURE OF BOND. The attorney general, upon request of the committee, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee rehabilitation of a site where the operator is in violation of any of the provisions of this chapter or any rule adopted by the department pursuant to this chapter. Forfeiture of the operator's bond shall fully satisfy all obligations of the operator to rehabilitate affected land covered by the bond. The department shall have the power to rehabilitate as required by section 83A.17 ~~and section 83A-31~~ any surface mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary rehabilitation work.

Sec. 43. Section eighty-three A point thirty-one (83A.31), Code 1979, is repealed.

Sec. 44. An operator who has a permit for mining under section eighty-three A point twelve (83A.12), Code 1979, may continue to operate under the terms of that permit until the department takes final action on the



operator's application for a permit under this Act if the operator applies for a permit under this Act within two months of the approval of this state's program by the United States secretary of the interior.

Approved June 6, 1979

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**CHAPTER 30**  
**WORKERS COMPENSATION FOR FIRE FIGHTERS AND POLICE**

H. F. 198

AN ACT relating to eligibility of municipal fire and police personnel for workers' compensation.

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

Section 1. Section eighty-five point one (85.1), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. Persons entitled to benefits pursuant to chapters four hundred ten (410) and four hundred eleven (411) of the Code.

Sec. 2. Section eighty-five point one (85.1), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 3. This Act is effective January first following its enactment.

Approved April 23, 1979

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**CHAPTER 31**  
**PROSTHETIC DEVICES FOR INJURED WORKERS**

H. F. 10

AN ACT relating to furnishing prosthetic devices for injured workers.

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

Section 1. Section eighty-five point twenty-seven (85.27), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The employer, for all injuries compensable under this chapter or chapter 85A, shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatry, physical rehabilitation, nursing, ambulance and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members and appliances

but shall not be required to furnish more than one set of permanent prosthetic ~~device~~ devices.

Sec. 2. Section eighty-five point twenty-seven (85.27), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When an artificial member or orthopedic appliance, whether or not previously furnished by the employer, is damaged or made unusable by circumstances arising out of and in the course of employment other than through ordinary wear and tear, the employer shall repair or replace it. When any crutch, artificial member or appliance, whether or not previously furnished by the employer, either is damaged or made unusable in conjunction with a personal injury entitling the employee to disability benefits, or services as provided by this section or is damaged in connection with employee actions taken which avoid such personal injury, the employer shall repair or replace it.

Sec. 3. This Act is effective January first following its enactment.

Approved June 5, 1979

## CHAPTER 32

### FOSTER PARENT AND CHILD RELATIONSHIP

H. F. 470

AN ACT to provide that foster children and foster parents stand in the same relationship as children and their natural parents for certain purposes.

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

Section 1. Section ninety-two point seventeen (92.17), subsection four (4), Code 1979, is amended to read as follows:

4. A child from working in any occupation or business operated by ~~his~~ the child's parents. For the purposes of this subsection, "child" and "parents" include a foster child and the child's foster parents who are licensed by the department of social services.

Sec. 2. Section two hundred thirty-four point forty-one (234.41), Code 1979, is amended by striking the section.

Sec. 3. NEW SECTION. TORT ACTIONS. A foster parent licensed by the department of social services stands in the same relationship to his or her minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a natural parent to his or her minor child who resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department of social services.

Approved May 4, 1979

CHAPTER 33  
UNEMPLOYMENT COMPENSATION

S. F. 373

AN ACT relating to unemployment compensation by limiting benefits through requiring a one-week waiting period for eligibility for benefits, by recomputing partial benefits, by recomputing individual weekly benefit amounts and maximum benefits as a percentage of the statewide average weekly wage to vary with the number of dependents, by reducing certain benefits from thirty-nine to twenty-six weeks, by reducing the percentage of wages credited to an individual's account, by providing thirty-nine weeks of benefits and a greater percentage of wage credits to individuals laid off due to an employer going out of business, by mandating contribution rate table three for fiscal years 1980 and 1981, by exempting severance pay from employer taxation, by providing for the recovery of overpayments, back pay, certain benefits, and funds due from government entities, by denying benefits during paid sabbatical leave, by offsetting benefits with severance pay, governmental retirement pay and back pay, by modifying the attachment and reattachment to-the-work-force requirements and certain disqualification and requalification requirements for voluntary quits, misconduct, and failure to accept suitable work, by establishing procedures for employer liability determinations, by establishing rates of contribution for government contributing employers, by allowing government employers to elect reimbursable or contributing status for a one-year period, by recomputing certain charges against employer accounts and rates of contribution when employer reports are delinquent, by extending the appeal period for protesting employers and the period for transmission of the job service record to a reviewing court, by clarifying the confidentiality of job service information and the job service subpoena and garnishment powers, by allowing certain vacation pay to offset benefits, by making technical corrections to chapter ninety-six (96) of the Code, and by making certain penalties consistent with the criminal code.

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

Section 1. Section ninety-six point three (96.3), subsection three (3), Code 1979, is amended to read as follows:

3. PARTIAL UNEMPLOYMENT. Each An individual who is partially unemployed in any week as defined in section 96.19, subsection 9, paragraph "b", and who meets the conditions of eligibility for benefits shall be paid with respect to ~~such that~~ that week an amount equal to ~~that~~ the individual's weekly benefit amount less ~~fifty-percent--of~~ that part of wages payable to ~~him-or-her~~ the individual with respect to ~~such that~~ that week in excess of ~~fifteen--dollars~~ one-fourth of the individual's weekly benefit amount. Such benefits shall be rounded to the higher multiple of one dollar.

Sec. 2. Section ninety-six point three (96.3), subsection, four (4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

With respect to benefit years beginning on or after July 1, ~~1975~~ 1979, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to ~~one-twentieth-of-his-or-her~~ the following fractions of the individual's total wages in insured work paid during that quarter of his-or-her the individual's base period in which such total wages were highest, subject to the following limitation: ~~The~~; the director shall determine annually a maximum weekly benefit amount ~~by computing sixty-six and two-thirds percent~~ equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

<u>If the number of dependents is:</u>	<u>The weekly benefit amount shall equal the following fraction of high quarter wages:</u>	<u>Subject to the following maximum percentage of the statewide average weekly wage:</u>
0	1/23	58%
1	1/22	60%
2	1/21	62%
3	1/20	65%
4 or more	1/19	70%

~~Such~~ The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the higher multiple of one dollar. However, until such time as fifty-eight percent of the statewide average weekly wage exceeds one hundred thirty-three dollars, an individual with zero or one dependent who would be entitled to the maximum weekly benefit amount if the individual's weekly benefit amount were computed by using one-twenty-first of the individual's high quarter wages, subject to a maximum percentage of sixty-two percent of the statewide average weekly wage, the individual shall receive the maximum weekly benefit amount of sixty-two percent of the statewide average weekly wage. As used in this section "dependent" means dependent as defined in section four hundred twenty-two point twelve (422.12), subsection one (1), paragraph c of the Code, as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 3. Section ninety-six point three (96.3), subsection five (5), Code 1979, is amended to read as follows:

5. DURATION OF BENEFITS. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed the total of the wage credits accrued to ~~his-or-her~~ the individual's account during ~~his-or-her~~ the individual's base period, or twenty-six times ~~his--or-her~~ the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by

crediting ~~his-or-her~~ the individual's account with ~~one-half~~ one-third of the wages for insured work paid ~~him-or-her~~ to the individual during ~~his-or-her~~ the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in ~~his-or-her~~ the individual's account which have not been previously charged hereunder, in the inverse chronological order as the wages on which such wage credits are based were paid. However if the state and national "off indicators" are in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times ~~his--or--her~~ the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to ~~his-or-her~~ the individual's account.

Sec. 4. Section ninety-six point three (96.3), subsection seven (7), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department cannot recover an overpayment after two years from the last date of the overpayment the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund.

Sec. 5. Section ninety-six point three (96.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. BACK PAY. If an individual receives benefits for a period of unemployment and subsequently receives a payment for the same period from the individual's employer in the form of or in lieu of back pay, the benefits shall be recovered. The department, in its discretion, may reach an agreement with the individual and the employer to allow the employer to deduct the amount of the benefits from the back pay and remit a sum equal to that amount to the unemployment compensation fund and the balance to the individual, or may recover the amount of the benefits either by having a sum equal to that amount deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to that amount. If an agreement is reached to allow the employer to deduct the amount of benefits from the back pay and remit that amount to the fund, the

department shall not charge that amount to the employer's account under section ninety-six point seven (96.7) of the Code.

Sec. 6. Section ninety-six point four (96.4), subsection four (4), Code 1979, is amended to read as follows:

4. ~~He-or-she~~ The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work of not less than four hundred dollars in that calendar quarter in ~~his-or-her~~ the individual's base period in which ~~his-or-her~~ the individual's wages were ~~the~~ highest, and ~~also--he--or--she~~ the individual has been paid wages for insured work of not less than two hundred dollars in a calendar quarter in ~~his-or--her~~ the individual's base period other than the calendar quarter in which ~~his-or-her~~ the individual's wages were ~~the~~ highest, ~~and-provided-further-if-he-or-she.~~

If the individual has drawn benefits in any benefit year, ~~he--or--she~~ the individual must during or subsequent to that year, work in and be paid wages in for insured work totaling ~~two-hundred--dollars~~ at least ten times the weekly benefit amount, as a condition to receive benefits in the next benefit year.

Sec. 7. Section ninety-six point four (96.4), subsection five (5), paragraph b, Code 1979, is amended to read as follows:

b. Benefits based on service in employment, defined in section 96.19, subsection 6, and based on service after December 31, 1977 in an instructional, research, or principal administrative capacity for an educational institution operated by a government entity or a nonprofit organization, shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or terms, (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution the second of such academic years or terms, or during a period of paid sabbatical leave, provided for in the individual's contract, and

Sec. 8. Section ninety-six point five (96.5), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. ~~He-or-she~~ The individual left ~~his--or--her~~ employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for ~~such~~ absence immediately notified ~~his--or--her~~ the employer, or ~~his-or-her~~ the employer consented to ~~such~~ the absence, and after recovering from ~~such~~ the illness, injury or pregnancy, when recovery ~~is~~ was certified by a licensed and practicing physician, ~~he-or-she~~ the individual returned to ~~his-or-her~~ the employer and offered ~~his--or--her--service~~ to perform services and ~~his--or--her~~ the individual's regular work or comparable suitable work was not available, if so found by the ~~commission~~ department, provided ~~he-or-she~~ the individual is otherwise eligible.

Sec. 9. Section ninety-six point five (96.5), subsection one (1), paragraph g, Code 1979, is amended to read as follows:

g. ~~in--the--case--where--he--or--she~~ The individual left his-or-her work voluntarily without good cause attributable to his-or-her the employer under circumstances which did or would disqualify him-or-her the individual for benefits, except as provided in subsection-1, paragraph "a"7--under of this subsection he--or--she, but subsequent to such the leaving, the individual worked in and was paid wages for insured work for--not--less--than--six consecutive--weeks equal to ten times the individual's weekly benefit amount, provided he--or--she the individual is otherwise eligible.

Sec. 10. Section ninety-six point five (96.5), subsection two (2), Code 1979, is amended to read as follows:

2. DISCHARGE FOR MISCONDUCT. If the department finds that ~~he--or--she the individual~~ has been discharged for misconduct in connection with his--or--her the individual's employment:

a. ~~He--or--she--shall--forfeit--one--to--nine--weeks--benefits~~ The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

b. Provided further, if gross misconduct is established, ~~he--or--she--shall forfeit--from--ten--weeks--benefits--to--the--maximum--amount--payable--in--his--or--her current--benefit--period~~ the department shall cancel the individual's wage credits earned, prior to the date of discharge, from all employers.

c. Gross misconduct is deemed to have occurred after a claimant loses employment as a result of an act constituting an indictable offense in connection with his or her employment, provided the claimant is duly convicted thereof or has signed a statement admitting that he or she has committed such an act. Determinations regarding a benefit claim may be redetermined within five years from the effective date of the claim. Any benefits paid to a claimant prior to a determination that the claimant has lost employment as a result of such act shall not be considered to have been accepted by the claimant in good faith.

Sec. 11. Section ninety-six point five (96.5), subsection three (3), Code 1979, is amended to read as follows:

3. FAILURE TO ACCEPT WORK. If the department finds that ~~he--or--she an individual~~ has failed, without good cause, either to apply for available, suitable work when ~~se~~ directed by the employment office or the ~~commission~~ department or to accept suitable work when offered him--or--her that individual, or to return to his--or--her customary self-employment, if any. The department in cooperation with the employment office shall, if possible, furnish the individual with the names of employers which are seeking employees. The individual shall apply to and obtain the signatures of the employers designated by the department on forms provided by the department, unless the employers refuse to sign the forms. The individual's failure to obtain the signatures of designated employers, which have not refused to sign the forms, shall disqualify the individual from further benefits until regualified. To regualify for benefits after disqualification under this subsection, the individual shall work in and be paid wages for insured work

equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

a. In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to ~~his-or-her~~ the individual's health, safety, and morals, ~~his-or-her~~ the individual's physical fitness ~~and,~~ prior training, ~~his-or-her-experience-and-prior-earnings,~~ ~~his-or-her~~ length of unemployment, and prospects for securing local work in ~~his--or-her~~ the individual's customary occupation, ~~and~~ the distance of the available work from ~~his-or-her~~ the individual's residence, and any other factor which ~~is~~ the department finds bears a reasonable relation to the purposes of this ~~subsection~~ paragraph. Work is suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

(1) One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

b. Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Sec. 12. Section ninety-six point five (96.5), subsection five (5), Code 1979, is amended to read as follows:

5. OTHER COMPENSATION. For any week with respect to which ~~he-or-she~~ the individual is receiving or has received payment in the form of:

a. Wages in lieu of notice, separation allowance, severance pay or dismissal pay;

b. Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States;

c. Old-age benefits under title II of the Social Security Act (42 USC, chapter 7), as amended, or similar retirement payments under any Act of Congress; ~~however-only-fifty-percent-of-the-old-age-benefits-under--title--II-of-the-Social-Security-Act-shall-be-deducted-from-his-or-her-weekly-benefits;~~



d. ~~Benefits--paid-as-retirement-pay-or-as-private-pension~~ A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of the individual.

Provided, that if such remuneration is less than the benefits which would otherwise be due under this chapter, ~~he--or--she~~ the individual shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraphs "a", "b", "c", or "d", of this subsection were paid on a retroactive basis for the same period, or any part thereof, the department shall recover any such excess amount of benefits paid by the department for such period, and no employer's account shall be charged with benefits so paid, provided further, however, that ~~retirement--pay---or~~ compensation for service-connected disabilities or ~~pensions-and~~ compensation for accrued leave based on military service, by the beneficiary, with the armed forces of the United States, irrespective of the amount of the benefit, shall in no way disqualify any individual, otherwise qualified, from any of the benefits contemplated herein.

Sec. 13. Section ninety-six point six (96.6), subsection two (2), Code 1979, is amended to read as follows:

2. INITIAL DETERMINATION. A representative designated by the director shall promptly notify all interested parties to the claim of the filing thereof, and said parties shall have ~~seven~~ ten days from the date of mailing the notice of the filing of said claim by ordinary mail to the last known address to protest payment of benefits to said claimant. The representative shall promptly examine the claim and any protest thereto and, on the basis of the facts found by the representative, shall determine whether or not such claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, and whether any disqualification shall be imposed. Unless the claimant or other interested party, after notification or within ten calendar days after such notification was mailed to the claimant's last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If a hearing officer affirms a decision of the representative, or the appeal board affirms a decision of the hearing officer, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

Sec. 14. Section ninety-six point six (96.6), subsection eight (8), Code 1979, is amended to read as follows:

8. JUDICIAL REVIEW. ~~A decision of the appeal board shall become final ten days after the date of notification or mailing thereof. Judicial review of any decision of the appeal board may be sought in accordance with the terms of the Iowa administrative procedure Act.~~ An application for rehearing shall be filed pursuant to section seventeen A point sixteen (17A.16) of the Code. A petition for judicial review of a decision of the department or of the appeal board shall be filed pursuant to section seventeen A point nineteen (17A.19) of the Code. The department may be represented in any such

judicial review proceeding by any qualified attorney who is a regular salaried employee of the department or who has been designated by the department for that purpose, or at the department's request, by the attorney general. Notwithstanding the terms of the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the claimant was last employed or resides, provided that if the claimant does not reside in the state of Iowa the action shall be brought in the district court of Polk county, Iowa, and any other party to the proceeding before the appeal board shall be named in the petition. Notwithstanding the thirty-day requirement in section seventeen A point nineteen (17A.19), subsection six (6) of the Code, the department shall, within sixty days after filing of the petition for judicial review or within a longer period of time allowed by the court, transmit to the reviewing court the original or a certified copy of the entire record of a contested claim. The department may also certify to such courts, questions of law involved in any decision by it. Petitions for judicial review and the questions so certified shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state. No bond shall be required for entering an appeal from any final order, judgment or decree of the district court to the supreme court.

Sec. 15. Section ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph two (2), Code 1979, is amended to read as follows:

(2) The amount of regular benefits plus fifty percent of the amount of extended benefits, as determined under section 96.29, paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of ~~such the~~ individual occurred. Provided, that in any case in which ~~a--claimant the~~ individual to whom ~~such the~~ benefits are paid is in the employ of a base period employer at the time ~~he--or--she the individual~~ is receiving ~~such the~~ benefits, and ~~he--or--she the individual~~ is receiving the same employment from ~~such the~~ employer that ~~he--or--she the individual~~ received during ~~his--or--her the individual's~~ base period, then ~~he--charge--of~~ benefits paid to ~~such claimant the individual~~ shall not be made charged against the account of ~~such the~~ employer. No An employer's account shall not be charged with benefit payments made to any individual who ~~quit--such--employment~~ has left the work of the employer voluntarily without good cause attributable to the employer, but shall be charged to the account of the next succeeding employer with whom the individual requalified for benefits as determined under section 96.5, subsection 1, paragraph "g". However, the succeeding employer's account shall first be charged with benefit payments to the individual due to wage credits earned by the individual while employed by the succeeding employer. After exhausting those wage credits, the succeeding employer's account shall not be charged with ten weeks of benefit payments to the individual due to wage credits earned by the individual from a previous employer, but rather the unemployment compensation trust fund shall be charged. After exhausting the ten weeks of noncharging, the succeeding employer's account shall again be charged with benefit payments. Provided further, that an employer's account shall not be charged with benefit payments made to an individual who

has been discharged for misconduct in connection with the individual's employment, and shall not be charged with benefit payments made to an individual after the individual has failed without good cause, either to apply for available, suitable work or to accept suitable work or to return to customary self-employment, but shall be charged to the account of the next succeeding employer with whom the individual requalifies for benefits as determined respectively under section ninety-six point five (96.5), subsections two (2) and three (3) of the Code.

However, with respect to a succeeding employer who employs an individual who has been discharged for misconduct by a previous employer, the succeeding employer's account shall first be charged with benefit payments to the individual due to wage credits earned by the individual while employed by the succeeding employer. After exhausting those wage credits, the succeeding employer's account shall not be charged with ten weeks of benefit payments to the individual due to wage credits earned by the individual from a previous employer, but rather the unemployment compensation trust fund shall be charged. After exhausting the ten weeks of noncharging, the succeeding employer's account shall again be charged with benefit payments.

Sec. 16. Section ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph three (3), Code 1979, is amended to read as follows:

(3) The amount of regular benefits so charged in any calendar quarter against the account of any employer shall not exceed the amount of such individual's wage credits based on employment with such employer during such quarter. The amount of extended benefits so charged in any calendar quarter against the account of any employer shall not exceed an additional fifty percent of the amount of such individual's wage credits based on employment with such employer during such quarter except that all extended benefits shall be so charged if a government reimbursable employer pays all extended benefits under subsection eight (8), paragraph c of this section.

Sec. 17. Section ninety-six point seven (96.7), subsection three (3), paragraph d, unnumbered paragraph six (6), Code 1979, is amended to read as follows:

Provided, however, that notwithstanding any other provisions of this chapter, the applicable contribution rate table for the calendar years 1978 and 1979 will be table two if the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date is less than 0.75. However, notwithstanding any other provision of this chapter, the applicable contribution rate table for the calendar years 1980 and 1981 shall be table three unless the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date is 1.0 or higher. Provided further that during any rate year in which a rate table in rate tables four through nine is effective an employer assigned a contribution rate under the provisions of this paragraph shall not be required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five percent or greater for the rate year and the employer has not been charged with benefit payments for any time within the forty calendar quarters immediately preceding the rate computation date for the rate year.

Sec. 18. Section ninety-six point seven (96.7), subsection three (3), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. If an employer has not filed a contribution or payroll quarterly report, as required under section ninety-six point eleven (96.11), subsection seven (7) of the Code, for a calendar quarter which precedes the computation date and upon which the employer's rate of contribution is computed, the employer's average annual taxable payroll shall be computed by adding the taxable wages in the appropriate quarterly reports on file and dividing that sum by the number of years and quarters of years for which quarterly reports are on file.

If a delinquent quarterly report is received by November fifteenth immediately following the computation date the rate of contribution shall be recomputed by using the taxable wages in all the appropriate quarterly reports on file to determine the average annual taxable payroll.

If a delinquent quarterly report is received after November fifteenth following the computation date the rate of contribution shall not be recomputed, unless the rate is appealed in writing to the department under paragraph e of this subsection and the delinquent quarterly report received after November fifteenth is also submitted not later than thirty days after the department notifies the employer of the rate under paragraph e of this subsection.

Sec. 19. Section ninety-six point seven (96.7), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. EMPLOYER LIABILITY DETERMINATION. The department shall initially determine all questions relating to the liability of an employing unit or employer, including the amount of contribution, the rate of contribution, and successorship. A copy of the initial determination shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

The affected employing unit or employer may appeal in writing to the department from the initial determination. An appeal shall not be entertained for any reason by the department unless the appeal is filed with the department within thirty days from the date on which the initial determination is mailed. If an appeal is not so filed, the initial determination shall with the expiration of the appeal period become final and conclusive in all respects and for all purposes.

A hearing on an appeal shall be conducted according to the regulations and rules promulgated by the department. A copy of the decision of the hearing officer shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

The department's decision on the appeal shall be final and conclusive as to the liability of the employing unit or employer unless the employing unit or employer files an appeal for judicial review within thirty days after the date of mailing of the decision as provided in subsection six (6) of this section.

Sec. 20. Section ninety-six point seven (96.7), subsection eight (8), paragraph a, Code 1979, is amended to read as follows:

a. A government entity which is an employer under the provisions of this chapter shall make benefit payments in a manner provided for a government reimbursable employer unless the employer elects to pay unemployment compensation benefits as a contributing employer. Government entities may establish a group account as provided in this section. Any election under this subsection to be a government contributing employer shall be effective for a minimum of ~~two~~ one calendar ~~years~~ year and may be changed if an election is made to be a government reimbursable employer prior to December ~~1~~ first for a minimum of the ~~two~~ following calendar ~~years~~ year.

Sec. 21. Section ninety-six point seven (96.7), subsection eight (8), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

For the purposes of this subsection "government contributing employer" means a government entity electing to contribute for a minimum period of ~~two~~ one calendar ~~years~~ year at a contribution rate determined by the department in the following manner:

Sec. 22. Section ninety-six point seven (96.7), subsection eight (8), paragraph b, Code 1979, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. For the calendar year beginning January 1, 1980 the contribution rate shall be computed by the department immediately preceding the rate computation date by using the potential benefit charges of all government contributing employers for calendar year 1978 divided by the total of all taxable wages of government contributing employers for calendar year 1978.

NEW SUBPARAGRAPH. For the calendar year beginning January 1, 1981 and each subsequent year, each government contributing employer with at least eight consecutive calendar quarters immediately preceding the rate computation date throughout which the employer's account has been chargeable with benefit payments, shall be assigned a contribution rate under the provisions of this subparagraph. Contribution rates shall be assigned by listing all such government contributing employers by decreasing percentages of excess from the highest positive percentage of excess to the highest negative percentage of excess. The employers so listed shall be grouped into seven separate percentage of excess ranks each containing as nearly as possible one-seventh of the total taxable wages of government entities eligible to be assigned a rate under this subparagraph. The department shall annually calculate a base rate for each calendar year. The base rate is equal to the sum of the benefit payments charged to government contributing employers in the preceding calendar year at the time of the rate computation plus the difference between the total benefits less contributions made by government contributing employers since January 1, 1980 which sum is divided by the total taxable wages of government contributing employers for the preceding year rounded to the next highest one-tenth of a percentage point. If total contributions since January 1, 1980 exceed total benefit payments for government contributing employers, the difference shall be subtracted from the benefit payments of the preceding year. If benefits since January 1, 1980 exceed total contributions for government contributing employers the difference shall be added to the benefit payment of the preceding year.

Excess contributions for the years 1978 and 1979 will be used to offset benefit payments in any year where total benefit payments exceed total contributions of government contributing employers. The contribution rate as a percentage of taxable wages of the employer shall be assigned as follows:

If the percentage of excess rank is:	The contribution rate shall be:	Approximate cumulative taxable payroll:
1	Base Rate - 0.9	14.3
2	Base Rate - 0.6	28.6
3	Base Rate - 0.3	42.9
4	Base Rate	57.2
5	Base Rate + 0.3	71.5
6	Base Rate + 0.6	85.8
7	Base Rate + 0.9	100.0

If a government contributing employer is grouped into two separate percentage of excess ranks, the employer shall be assigned the lower contribution rate of the two percentage of excess ranks. Notwithstanding the provisions of this subparagraph, a government contributing employer shall not be assigned a contribution rate less than one-tenth of one percent of taxable wages unless the employer has a positive percentage of excess greater than five percent. For the purposes of this subsection percentage of excess has the meaning provided in subsection three (3), paragraph d of this section.

For the calendar year beginning January 1, 1981, government entities electing to be government contributing employers which are not otherwise eligible to be assigned a contribution rate under this subparagraph shall be assigned the base rate for the calendar year as a contribution rate for the calendar year.

Sec. 23. Section ninety-six point eleven (96.11), subsection seven (7), Code 1979, is amended to read as follows:

7. RECORDS AND REPORTS.

a. Each employing unit shall keep true and accurate work records, containing such information as the department may prescribe. Such records shall be open to inspection and be subject to being copied by the department or its authorized representatives at any reasonable time and as often as may be necessary. The director or a duly authorized representative of the department may require from any employing unit any sworn or unsworn reports, with respect to persons employed by the department, employing unit which the director deems necessary for the effective administration of this chapter. ~~Information--thus--obtained--shall--not--be--published--or--be--open--to--public--inspection,--other--than--to--public--employees--in--the--performance--of--their--public--duties--or--to--an--agent--of--the--department--designated--as--such--in--writing--for--the--purpose--of--accomplishing--certain--functions--of--the--department,--in--any--manner--revealing--the--employing--unit's--identity,--but--any--claimant--at--a--hearing--before--a--hearing--officer--or--the--appeal--board--shall--be--supplied--with--information--from--such--records--to--the--extent--necessary--for--the--proper--presentation--of--the--claim.~~

b. (1) The department shall hold confidential the information obtained from an employing unit or individual in the course of administering this

chapter and the initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to the benefit rights of an individual. The department shall not disclose or open this information for public inspection in a manner that reveals the identity of the individual or employing unit, except as provided in subparagraph three (3) of this paragraph and paragraph c of this subsection.

(2) A report or statement, whether written or verbal, made by a person to the department or to a person administering this law is a privileged communication. A person is not liable for slander or libel on account of such a report or statement.

(3) Information obtained from an employing unit or individual in the course of administering this chapter and initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to benefit rights of an individual shall not be used in any action or proceeding except in a contested case proceeding or judicial review under the provisions of chapter seventeen A (17A) of the Code. Information in the department's possession that may affect a claim for benefits or a change in an employer's rating account shall be made available to the affected parties or their legal representatives. Such information may be used by the affected parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

c. Subject to conditions as the department by rule prescribes, information obtained from an employing unit or individual in the course of administering this chapter and initial determinations made by the department's representative under section ninety-six point six (96.6), subsection two (2) of the Code as to benefit rights of an individual may be made available to any of the following:

(1) An agency of this or any other state, or a federal agency responsible for the administration of an unemployment compensation law or the maintenance of a system of public employment offices.

(2) The bureau of internal revenue of the United States department of the treasury.

(3) The Iowa department of revenue.

(4) The social security administration of the United States department of health, education and welfare.

(5) An agency of this or any other state or a federal agency responsible for the administration of public works or the administration of public assistance to unemployed workers.

(6) Colleges, universities and public agencies of this state for use in connection with research of a public nature, provided the department does not reveal the identity of any individual or employing unit.

Information released by the department shall only be used for purposes consistent with the purposes of this chapter.

d. Upon request of an agency of this or another state or of the federal government which administers or operates a program of public assistance under either federal law or the law of this or another state, or which is charged with a duty or responsibility under any such program, and if that agency is

required by law to impose safeguards for the confidentiality of information at least as effective as required under this section, then the department shall provide to the requesting agency, with respect to any named individual specified, any of the following information:

(1) Whether the individual is receiving, has received, or has made application for unemployment compensation under this chapter.

(2) The period, if any, for which unemployment compensation was payable and the weekly rate of compensation paid.

(3) The individual's most recent address.

(4) Whether the individual has refused an offer of employment, and, if so, the date of the refusal and a description of the employment refused, including duties, conditions of employment, and the rate of pay.

e. The department may require an agency that is provided information under this section to reimburse the department for the costs of furnishing the information.

f. Any employee of the department or member of the appeal board who violates any provision of this section shall be ~~fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not longer than ninety days, or both~~ guilty of a serious misdemeanor.

g. Information subject to the confidentiality of this section shall not be made available to any authorized agency prior to notification in writing to the individual involved, except in criminal investigations.

Sec. 24. Section ninety-six point eleven (96.11), subsection nine (9), Code 1979, is amended to read as follows:

9. SUBPOENAS. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the ~~appeal-board~~ department, or any member or duly authorized representative thereof, shall have jurisdiction to issue to such person an order requiring such person to appear before the ~~appeal---board,---there~~ department or any member or duly authorized representative thereof to produce evidence if so ordered or ~~there~~ to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 25. Section ninety-six point fourteen (96.14), subsection three (3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an amount due from a governmental entity of this state remains due and unpaid for a period of one hundred twenty days after the due date, the director shall take action as necessary to collect the amount and shall levy against any funds due the governmental entity from the state treasurer, director of the department of revenue, or any other official or agency of this state or against an account established by the entity in any bank. The official, agency or bank shall deduct the amount certified by the director from any accounts or deposits or any funds due the delinquent governmental entity without regard to any prior claim and shall promptly forward the amount to the director for the fund. However, the



director shall notify the delinquent entity of the director's intent to file a levy by certified mail at least ten days prior to filing the levy on any funds due the entity from any state official or agency.

Sec. 26. Section ninety-six point sixteen (96.16), subsection one (1), Code 1979, is amended to read as follows:

1. PENALTIES. ~~Whoever~~ An individual who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter, either for ~~himself-or-herself~~ the individual or for any other ~~person~~ individual, ~~shall-be~~ is guilty of a fraudulent practice as defined in section seven hundred fourteen point eight (714.8) through seven hundred fourteen point fourteen (714.14) of the Code. ~~Each--such--false--statement--or representation--or--failure--to--disclose--a--material--fact--shall--constitute--a separate--offense.~~ The total amount of benefits or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section seven hundred fourteen point fourteen (714.14) of the Code.

Sec. 27. Section ninety-six point sixteen (96.16), subsection two (2), Code 1979, is amended to read as follows:

2. FALSE STATEMENT. Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or reduce any contribution or other payment required from an employing unit under this chapter, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, ~~shall--be~~ is guilty of a fraudulent practice, ~~and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal, shall constitute a separate offense~~ as defined in sections seven hundred fourteen point eight (714.8) through seven hundred fourteen point fourteen (714.14) of the Code. The total amount of benefits, contributions or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section seven hundred fourteen point fourteen (714.14) of the Code.

Sec. 28. Section ninety-six point sixteen (96.16), subsection four (4), Code 1979, is amended to read as follows:

4. MISREPRESENTATION. ~~Any person~~ An individual who, by reason of the nondisclosure or misrepresentation by ~~him--or--her~~ the individual or by another, of a material fact, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in ~~his-or-her~~ the individual's case, or while ~~he or she~~ the individual was disqualified from receiving benefits, shall, in the discretion of the department, either be liable to have ~~such~~ the sum deducted from any future benefits payable to ~~him-or--her~~ the individual under this chapter or shall be liable to repay to the department for the unemployment

~~compensation fund, a sum equal to the amount so received by him or her, and such sum shall be collectible in the manner provided in section 96.14, subsection 3, for the collection of past due contributions~~ the individual. If the department seeks to recover the amount of the benefits by having the individual pay to the department a sum equal to that amount, the department may file a lien with the county recorder in favor of the state on the individual's property and rights to property, whether real or personal. The amount of the lien shall be collected in a manner similar to the provisions for the collection of past due contributions in section ninety-six point fourteen (96.14), subsection three (3) of the Code.

Sec. 29. Section ninety-six point nineteen (96.19), subsection six (6), paragraph a, subparagraph seven (7)(a), Code 1979, is amended to read as follows:

(7)(a) A person in agricultural labor when such labor is performed for an employing unit which during any calendar quarter in the calendar year or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; or on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed in agricultural labor for some portion of the day ten or more individuals, excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; and such labor is not agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(~~++~~)(H) of the Immigration and Nationality Act, 8 U.S.C. s. 1184(c), 1101(a)(15)(H) (1976).

Sec. 30. Section ninety-six point nineteen (96.19), subsection twelve (12), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A separation allowance, severance pay or dismissal pay.

Sec. 31. Section ninety-six point nineteen (96.19), subsection twenty-eight (28), Code 1979, is amended to read as follows:

28. There is a state "on" indicator for a week if the rate of insured unemployment under the state law for the period consisting of such week and the immediately preceding twelve weeks+

~~a. --Equalled or exceeded five percent, or~~

~~b. ---Equalled~~ equalled or exceeded four percent and equalled or exceeded one hundred twenty percent of the average of ~~these~~ the rates for the corresponding thirteen-week period ending in each of the two preceding ~~two~~ calendar years.

Sec. 32. Section ninety-six point nineteen (96.19), subsection twenty-nine (29), Code 1979, is amended to read as follows:

29. There is a state "off" indicator for a week if, for the period consisting of ~~such~~ the week and the immediately preceding twelve weeks, the rate of insured unemployment under the state law was+

~~a. --Less~~ less than four percent, or

~~b.---Less~~ less than ~~five-percent-and-less-than~~ one hundred twenty percent of the average of ~~these~~ the rates for thirteen weeks ending in each of the two preceding calendar years, except that, notwithstanding any ~~such~~ provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

Sec. 33. Section six hundred twenty-six point twenty-nine (626.29), Code 1979, is amended to read as follows:

626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE OR DIRECTOR OF JOB SERVICE. In the service of a distress warrant issued by the director of revenue for the collection of income tax, sales tax, freight line and equipment car tax or use tax or in the service of a distress warrant issued by the director of job service for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due ~~him~~ the taxpayer or the employer, may be reached by garnishment.

Sec. 34. Section ninety-six point five (96.5), subsection seven (7), paragraph d, Code 1979, is repealed.

Sec. 35. This Act is effective July 1, 1979.

Approved June 8, 1979

## CHAPTER 34

### PUBLIC RETIREMENT SYSTEMS BENEFITS

S. F. 489

AN ACT relating to administration and benefits of certain public retirement systems and to make an appropriation.

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

Section 1. Section ninety-seven A point one (97A.1), subsection nineteen (19), Code 1979, is amended by striking the subsection.

Sec. 2. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraph a, unnumbered paragraph one (1), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

As of the first of July of each year for members who retire on or after July 1, 1979, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation received by an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the

preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members eligible for a service retirement allowance or their beneficiaries.

(2) Twenty percent for members with five or more years of membership service who are eligible for an ordinary disability retirement allowance or their beneficiaries.

(3) Twelve and one-half percent for members with less than five years of membership service who are eligible for an ordinary disability retirement allowance or their beneficiaries.

(4) Thirty-three and one-third percent for members eligible for an accidental disability allowance or their beneficiaries.

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

Sec. 3. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraphs b and d, Code 1979, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on July ~~±~~ first of the year in which the adjustment is made and shall continue in effect until the next following July ~~±~~ first at which time the monthly pensions shall again be ~~recomputed-and-all-monthly--pensions~~ adjusted in accordance with ~~the--recomputations~~ paragraph a of this subsection.

d. A retired member ~~who-became~~ eligible for benefits under the provisions of subsection 1 ~~but-who--did--not--serve~~ is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and ~~did--not--attain~~ attained the age of fifty-five years prior to the member's termination of employment ~~shall-not-be-eligible-for-the~~ annual-readjustment-of-pensions-provided-for-by-this-subsection.

Sec. 4. Section ninety-seven A point fourteen (97A.14), Code 1979, is amended to read as follows:

97A.14 HOSPITALIZATION AND MEDICAL ATTENTION. The board of trustees shall provide hospital, nursing, and medical attention for the members in service when injured while in the performance of their duties and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for the members receiving a retirement allowance under section ninety-seven A point six (97A.6), subsection six (6) of the Code. The cost of hospital, nursing, and medical attention shall be paid out of the expense fund. However, any amounts received by the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by the board of trustees provisions of this section.

Sec. 5. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph ten (10), Code 1979, is amended to read as follows:

(10) Persons employed as city managers, or as city administrators performing the duties of city managers, under a form of city government listed in chapter 372 or chapter four hundred twenty (420) of the Code unless such employees shall make an application to the department to be covered under the provisions of this chapter.

Sec. 6. Section ninety-seven B point forty-three (97B.43), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

Each individual who as of July 1, 1978, was an active, vested, or retired member and who (1) made application for and received a refund of contributions made under the abolished system or (2) has on deposit with the retirement fund his or her contributions made under the abolished system shall be entitled to credit for years of prior service in the determination of retirement allowance payments by filing a written election with the department on or after July 1, 1978, and by redepositing any withdrawn contributions under the abolished system together with interest as stated in this paragraph. Any individual who as of July 1, 1978, is a retired member and who made application for and received a refund of contributions made under the abolished system, may, by filing a written election with the department on or after July 1, 1978, have the department retain fifty percent of the monthly increase in retiree benefits that will accrue to the individual because of prior service. If the monthly increase in retirement benefits is less than ten dollars, the department shall retain five dollars of the scheduled increase, and if the monthly increase is less than five dollars, the provisions of this paragraph shall not apply. The department shall continue to retain such funds until the withdrawn contributions, together with interest accrued to the month in which the written election is filed, have been repaid. Due notice of this provision shall be sent to all retired members as of July 1, 1978. However, this paragraph shall not apply to any person who received a refund of any membership service contributions unless the person repaid the membership service contributions pursuant to the first new section in section twelve (12) of this Act; provided, however, that a refund of contributions remitted for the calendar quarter ending September 30, 1953 which was based entirely upon employment which terminated prior to July 4, 1953 shall not be considered as a refund of membership service contributions. The interest to be paid into the fund shall be compounded at the rates credited to member accounts from the date of payment of the refund of contributions under the abolished system to the date the member redeposits the refunded amount. The provisions of the first paragraph of this section relating to the consideration given to credited amounts shall apply to the redeposited amounts or to amounts left on deposit. Effective July 1, 1978, the provisions of this paragraph shall apply to each individual who as of July 1, 1978, was an active, vested, or retired member, but who was not in service on July 4, 1953. The period for filing the written election with the department and redepositing any withdrawn contributions together with interest accrued shall commence July 1, 1978. A member who is a retired member as of July 1, 1978 may file written election with the department on or after July 1, 1978 to have the department retain fifty percent of the monthly increase as provided in this paragraph.

Sec. 7. Section ninety-seven B point forty-nine (97B.49), subsections five (5) and seven (7), Code 1979, are amended to read as follows:

5. For each active member retiring between ~~January 1, 1976~~ and ~~June 30~~ July 1, 1978 and June 30, 1979, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to ~~forty~~ forty-four percent of the five-year average covered wage multiplied by a fraction of years of service. For each active member retiring on or after ~~July 1, 1978~~ July 1, 1979 the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to ~~forty-four~~ forty-six percent of the five-year average covered wage multiplied by a fraction of years of service. For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

If benefits under this subsection commence on an early retirement date, the amount of benefit shall be reduced in accordance with section 97B.50.

7. Notwithstanding the provisions of this chapter, a member who is or has been employed as a conservation peace officer under the provisions of section 107.13 and who retires between ~~January 1, 1976~~ and ~~June 30~~ July 1, 1978 and June 30, 1979 and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty~~ forty-four percent of the member's five-year average covered wage as a conservation peace officer, with benefits payable during the member's lifetime. For each such member retiring on or after ~~July 1, 1978~~ July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to ~~forty-four~~ forty-six percent of the five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service. There is appropriated from the general fund of the state to the department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 8. Section ninety-seven B point forty-nine (97B.49), subsection eight (8), paragraph a, Code 1979, is amended to read as follows:

a. Notwithstanding the provisions of this chapter, effective July 1, 1979 to be included in county budgets for the fiscal year beginning July 1, 1979, a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to chapter 341, and who retires ~~on or after~~ between January 1, 1978 and June 30, 1979, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-four percent of the member's five-year average covered wage

as a sheriff or deputy sheriff, with benefits payable during the member's lifetime.

For each member eligible for a monthly retirement allowance under this subsection who retires on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of forty-six percent of the member's five-year average covered wage.

Sec. 9. Section ninety-seven B point forty-nine (97B.49), subsection nine (9), Code 1979, is amended by adding the following new unnumbered paragraph:

Effective July 1, 1979, the increases granted to members under this subsection shall be paid to contingent annuitants and to beneficiaries.

Sec. 10. Section ninety-seven B point fifty (97B.50), subsection one (1), Code 1979, is amended to read as follows:

1. A Except as otherwise provided in this section, a member, shall upon retirement ~~on--his-early~~ prior to the normal retirement date ~~be, is~~ entitled to receive a monthly retirement allowance determined in the same manner as provided for normal retirement in subsections 1, 4 and 5 of section 97B.49 reduced by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

Sec. 11. Section ninety-seven B point seventy-three (97B.73), Code 1979, is amended to read as follows:

97B.73 MEMBERS FROM OTHER STATES PUBLIC SYSTEMS. A vested or retired member who was not a vested member of a public retirement system established under sections two hundred ninety-four point eight (294.8), two hundred ninety-four point nine (294.9), and two hundred ninety-four point ten (294.10) of the Code or a public retirement system in another state may, upon submitting verification of membership and service in the other public retirement system ~~in-another-state~~ to the department not later than July 1, 1979 for members vested on July 1, 1978 or within one year after the member becomes vested, make employer and employee contributions to the system for the period of service in the other public retirement system ~~in-another--state~~ and receive credit for membership service in this system. The contributions paid by the vested or retired member for service in the other public retirement system ~~in--another--state~~ shall be equal to the accumulated contributions as defined in section 97B.41, subsection 13, by the member for that period of membership service and the contributions of the employer which would have been contributed for that period of membership service plus interest on the contributions for the period from the date of service of the member in the other public retirement system ~~in-another-state~~ to the date of payment of the contributions by the member equal to two percent plus the interest dividend rate applicable for each year.

Sec. 12. Chapter ninety-seven B (97B), Code 1979, is amended by adding the following new sections:

NEW SECTION. An active, vested, or retired member who at any time between July 4, 1953 and July 1, 1973 was a member of the system, but who did not meet the requirements to be a vested member for that period of membership service, and who received a refund of contributions for that period of membership service, may elect in writing to the department to make contributions to the system for that period of membership service for which a

refund of contributions was made. The contributions repaid by the member for such service shall be equal to the accumulated contributions, as defined in section ninety-seven B point forty-one (97B.41), subsection thirteen (13), of the Code, received by the member for that period of membership service plus interest on the accumulated contributions for the period from the date of receipt by the member to the date of repayment equal to two percent plus the interest dividend rate applicable for each year compounded annually.

The provisions of this section are only available to a member if that member's total years of membership and prior service, with the addition of service for that period of membership service for which contributions are repaid, equals or exceeds fifteen years.

NEW SECTION. PRIOR EMPLOYMENT. An active, vested, or retired member who was employed prior to January 1, 1946 by the state or a political subdivision, except for a member employed by a school district which had established a pension and annuity retirement system under sections two hundred ninety-four point eight (294.8), two hundred ninety-four point nine (294.9), and two hundred ninety-four point ten (294.10) of the Code, and was not employed by the state or a political subdivision between January 1, 1946 and July 4, 1953, may file written verification of the member's dates of employment with the department of job service and receive credit for years of prior service for the period of employment.

Sec. 13. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Senate File two hundred eighty-two (282), section one (1), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under the provisions of section 97B.11. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 14. Section four hundred ten point eighteen (410.18), Code 1979, as amended by House File four hundred ninety-nine (499), section one (1), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

410.18 HOSPITAL EXPENSE. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of ~~such~~ the cities, when injured while in the performance of their duties as members of such department, and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members being paid a pension by the city under section 410.8 ~~for--a--disability--contracted--while--the--member--was--engaged--in--the--performance--of--duties~~, and the cost of such hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which ~~such~~ the injured person belongs or belonged; provided that any amounts received by ~~such~~ the injured person under the workers' compensation law of



the state, or from any other source for such specific purposes, shall be deducted from the amount paid by ~~such~~ the city under the provisions of this section.

Sec. 15. Section four hundred eleven point one (411.1), subsection twenty-one (21), Code 1979, is amended by striking the subsection.

Sec. 16. Section four hundred eleven point six (411.6), subsection twelve (12), paragraph a, unnumbered paragraph one (1), Code 1979, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

As of the first of July of each year for members who retire on or after July 1, 1979, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation received by an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members eligible for a service retirement allowance or their beneficiaries.

(2) Twenty percent for members with five or more years of membership service who are eligible for an ordinary disability retirement allowance or their beneficiaries.

(3) Twelve and one-half percent for members with less than five years of membership service who are eligible for an ordinary disability retirement allowance or their beneficiaries.

(4) Thirty-three and one-third percent for members eligible for an accidental disability allowance or their beneficiaries.

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

Sec. 17. Section four hundred eleven point six (411.6), subsection twelve (12), paragraphs b and d, Code 1979, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on July ~~±~~ first of the year in which the adjustment is made and shall continue in effect until the next following July ~~±~~ first at which time the monthly pensions shall again be ~~recomputed-and-all-monthly--pensions shall--be~~ adjusted in accordance with ~~the-recomputations~~ paragraph a of this subsection.

d. A retired member ~~who-became~~ eligible for benefits under the provisions of subsection 1 of this section ~~but-who-did-not-serve~~ is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and did-not-attain attained the age of fifty-five years prior to his termination of employment ~~shall-net-be-eligible-for-the annual-readjustment-of-pensions-provided-for-by-this-subsection~~.

Sec. 18. Section four hundred eleven point fifteen (411.15), Code 1979, as amended by House File four hundred ninety-nine (499), section two (2), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

411.15 HOSPITALIZATION AND MEDICAL ATTENTION. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of such the cities, when injured while in the performance of their duties as members of such department, and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members receiving a retirement allowance under section 411.6, subsection 6, ~~for--an--injury--or--disease incurred--in--or--aggravated--by--the--actual--performance--of--duty~~, and the cost of such the hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which such the injured person belongs or belonged; provided that any amounts received by such the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by such the city under the provisions of this section.

Sec. 19. Section four hundred eleven point twenty-one (411.21), subsection seven (7), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board may return accumulated contributions from the annuity savings fund to an active or vested member prior to the dates listed in the schedule established in this subsection, except that the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members at an earlier date.

Sec. 20. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand sixty (1060), section five (5), is amended to read as follows:

SEC. 5. Section ninety-seven A point five (97A.5), subsection one (1), Code 1977, is amended to read as follows:

1. BOARD OF TRUSTEES. The general administration and the responsibility for the proper operation of the system and for making effective the provisions of this chapter are hereby vested in a board of trustees to administer the system. Such board of trustees shall be constituted as follows: The commissioner of public safety, who shall be chairperson of said board, the state treasurer, and an actively engaged member of the system, to be chosen by secret ballot by the members thereof for a term of two years.

This section is effective July 1, 1981.

Sec. 21. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand sixty (1060), section sixty-eight (68), is amended to read as follows:

SEC. 68. The sections of this Act amending sections of chapters ninety-seven A (97A) and four hundred eleven (411) of the Code are effective July 1, 1979, except as otherwise provided in this Act.

Sec. 22. There is appropriated from the general fund of the state for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, to the legislative fiscal bureau, the sum of ten thousand (10,000) dollars, or as

much thereof as is necessary, to be used for compensating an actuary. Notwithstanding section two point fifty-three (2.53) of the Code, the director of the legislative fiscal bureau shall employ, on an hourly basis, an actuary to perform actuarial studies relating to proposed and pending legislation on public retirement systems. The hourly rate of compensation is subject to the approval of the legislative council.

Sec. 23. Section seven (7) of this Act is effective for members of the general assembly commencing January 12, 1981.

Approved June 5, 1979

## CHAPTER 35

### AGE AND SEX DISCRIMINATION PROHIBITED

H. F. 680

AN ACT relating to discrimination on the basis of sex and age in conditions of employment and retirement.

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

Section 1. Chapter eighty (80), Code 1979, is amended by adding the following new section:

**NEW SECTION. MAXIMUM AGE.** The maximum age for a person to be employed as a peace officer in the divisions of highway safety and uniformed force, criminal investigation and bureau of identification, drug law enforcement, and beer and liquor law enforcement is sixty-five years of age.

Sec. 2. Section ninety-seven A point six (97A.6), subsection one (1), Code 1979, is amended by striking paragraph b.

Sec. 3. Section ninety-seven B point forty-five (97B.45), unnumbered paragraphs two (2) and three (3), Code 1979, are amended by striking the paragraphs.

Sec. 4. Section ninety-seven B point forty-six (97B.46), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

97B.46 SERVICE AFTER AGE SIXTY-FIVE.

1. A member who is an employee of the state may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service.

2. A member who is not an employee of the state may remain in service beyond the date the member attains the age of sixty-five until attaining the age of seventy. After attaining the age of seventy, the member may remain in service for the periods as the employer approves and the member shall retire on the first day of the month following the last approved period. An employer who is not the state may adopt policies which prescribe retirement at age seventy or older.

3. A member shall not be employed as a peace officer or as a fire fighter after attaining the age of sixty-five.

4. Credit for service shall cease when contributions cease as provided by section ninety-seven B point eleven (97B.11) of the Code. A member remaining in service after attaining the age of seventy years is entitled to receive a retirement allowance under section ninety-seven B point forty-nine (97B.49) of the Code as applicable commencing with payment for the calendar month within which the written notice is submitted to the department, except that if the member fails to submit the notice on a timely basis, retroactive payments shall be made for no more than six months immediately preceding the month in which the written notice is submitted.

Sec. 5. Chapter three hundred sixty-two (362), Code 1979, is amended by adding the following new section:

NEW SECTION. POLICE OFFICERS AND FIRE FIGHTERS. The maximum age for a police officer or fire fighter employed for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 6. Section four hundred point seventeen (400.17), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

A person shall not be appointed, promoted, discharged, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age. However, the maximum age for a police officer or fire fighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 7. Section one hundred seven point thirteen (107.13), Code 1979, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES. The director shall, with the consent of the commission, employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of officers and supervisory personnel that are necessary to enforce the laws and rules and regulations, the enforcement of which are imposed on the commission. The officers and supervisory personnel shall have the same powers that are conferred by law on peace officers in the enforcement of the laws of the state of Iowa and the apprehension of violators. Any person appointed as a full-time officer shall be at least ~~twenty-two~~ twenty-one years of age, but not more than ~~thirty-one~~ sixty-five years of age, on the date of ~~his~~ appointment. Officer means any person appointed by the state conservation commission to enforce the laws of this state under the jurisdiction of the commission.

Sec. 8. Section four hundred ten point six (410.6), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 9. Section four hundred eleven point six (411.6), subsection one (1), paragraph b, Code 1979, is amended by striking the paragraph.

Sec. 10. Section six hundred one A point thirteen (601A.13), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of

seventy because of that person's age. This paragraph does not prohibit the following:

a. The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Public Law ninety-five dash two hundred fifty-six (95-256), section three (3).

b. The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

NEW UNNUMBERED PARAGRAPH. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

NEW UNNUMBERED PARAGRAPH. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

Approved June 10, 1979

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## CHAPTER 36

### ARSON INVESTIGATION

S. F. 339

AN ACT relating to investigation of arson and providing immunity and penalties.

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

Section 1. NEW SECTION. DEFINITIONS.

1. "Authorized agencies" means:
  - a. The state fire marshal.
  - b. The commissioner of public safety.
  - c. The county attorney responsible for prosecutions in the county where a fire occurs.
  - d. The attorney general.
  - e. The federal bureau of investigation or other federal agency requesting information on a fire loss.

f. The United States attorney's office when authorized or charged with investigation of a fire or prosecution for arson.

2. "Relevant information" means information having any tendency to make the existence of a fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the information.

3. "Insurance company" includes, but is not limited to, the Iowa fair plan and its member insurance companies.

Sec. 2. NEW SECTION. DISCLOSURE OF INFORMATION.

1. An authorized agency may, in writing, require an insurance company to release to the agency relevant information or evidence requested by the agency which the company has in its possession relating to a fire loss. Relevant information includes but is not limited to:

a. Insurance policy information relating to a fire loss under investigation including information on the policy application.

b. Policy premium payment records.

c. History of previous claims made by the insured.

d. Material relating to the investigation of the loss, including statements of any person, proof of loss, and other evidence relevant to the investigation.

2. When an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, the company shall, in writing, notify any authorized agency and provide it with all material possessed by the company relevant to an investigation of the fire loss or a prosecution for arson.

3. An authorized agency provided with information pursuant to this section may provide the information to any other authorized agency for purposes of an investigation of a fire loss or a prosecution for arson.

4. An insurance company providing information to an authorized agency pursuant to subsections one (1) and two (2) of this section may request information relevant to the fire loss investigation from an authorized agency and shall be given the information within a reasonable time not exceeding thirty days.

5. No civil action nor criminal prosecution may arise from any action taken pursuant to this section by an insurance company, a person acting in an insurance company's behalf, or an authorized agency, provided no malice is shown against the insured.

Sec. 3. NEW SECTION. CONFIDENTIALITY--SUBPOENA.

1. An authorized agency or insurance company which receives information furnished pursuant to section two (2) of this Act, shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

2. An authorized agency or its personnel, may be subpoenaed to testify in litigation concerning a fire loss in which an insurance company is named as a party.

Sec. 4. NEW SECTION. PENALTY.

1. A person or agency who intentionally or knowingly refuses to release information requested pursuant to this Act is guilty of a simple misdemeanor.

2. A person who fails to hold in confidence information required to be held in confidence by section three (3) of this Act is guilty of a simple misdemeanor.

Sec. 5. NEW SECTION. CONCURRENT POWERS. The provisions of this Act do not affect or repeal an ordinance of a municipality relating to fire prevention or the control of arson, but the jurisdiction of the state fire marshal and the commissioner of public safety in the municipality is concurrent with that of the municipal and county authorities.

Sec. 6. If any provision of this Act is declared invalid the whole Act is void, and to this end the provisions of this Act are not severable.

Sec. 7. This Act is effective January first following its enactment.

Approved April 12, 1979

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CHAPTER 37  
LIQUEFIED NATURAL GAS

H. F. 257

AN ACT relating to the regulation of liquefied natural gas.

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

Section 1. Section one hundred one point one (101.1), Code 1979, is amended to read as follows:

101.1 RULES BY FIRE MARSHAL.

1. The state fire marshal is hereby empowered and directed to formulate and adopt and from time to time amend or revise and to promulgate, in conformity with and subject to the conditions set forth in this chapter, reasonable rules for the safe transportation, storage, handling and use of flammable liquids and, liquefied petroleum gases and liquefied natural gases.

PARAGRAPH DIVIDED.

2. For ~~purpose~~ purposes of this chapter:

PARAGRAPH DIVIDED.

a. "Flammable liquid" means a liquid having a flash point below 200 F. and a Reid vapor pressure not exceeding forty p.s.i. absolute.

PARAGRAPH DIVIDED.

b. "Liquefied petroleum gas" means material composed predominantly of any of the following hydrocarbons, or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes.

c. "Liquefied natural gas" means a fuel in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

Approved April 20, 1979

CHAPTER 38  
ROUGH FISH REMOVAL

S. F. 376

AN ACT to allow the director of the state conservation commission to contract for the removal of rough fish.

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

Section 1. Section one hundred nine point seventeen (109.17), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may enter into written contracts for the removal of undesirable and injurious fish from inland waters. The provisions of section one hundred nine point one hundred fifteen (109.115) and chapter one hundred ten (110) of the Code shall not apply to the removal of the rough fish under the contract. The contracts shall not exceed one year and shall specify the following:

1. The waters from which the fish are to be taken.
2. The amount and terms of payment to the state.
3. Provisions for forfeiture and cancellation if there is a breach of the contract.
4. The method to be used in taking the fish.
5. Provisions to remove rough fish with minimum injury to the inland waters and to other fish.
6. Other provisions required by the director to protect the state's interest.

Sec. 2. This Act being of immediate importance, shall take effect from and after its publication in The Daily Reporter, a newspaper published in Spencer, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Approved May 7, 1979

I hereby certify that the foregoing Act, Senate File 376, was published in The Daily Reporter, Spencer, Iowa on May 11, 1979, and republished May 21, 1979; and in The Sioux City Journal, Sioux City, Iowa on May 14, 1979.

MELVIN D. SYNHORST, *Secretary of State*



CHAPTER 39  
NONPROFIT HISTORICAL SOCIETIES

S. F. 1

AN ACT allowing county boards of supervisors to levy a tax and distribute moneys to nonprofit historical societies and prohibiting county conservation boards from appropriating funds for nonprofit historical societies.

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

Section 1. Section one hundred eleven A point four (111A.4), subsection eleven (11), Code 1979, is amended by striking the subsection.

Sec. 2. Section three hundred thirty-two point three (332.3), subsection twenty-four (24), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

24. To levy a tax, subject to the provisions of this subsection and not to exceed three cents per thousand dollars of assessed value, with the amount of tax collected not to exceed five thousand dollars in a county with a population of less than thirty-five thousand, fifteen thousand dollars in a county with a population of thirty-five thousand or more but less than one hundred thousand, or twenty-five thousand dollars in a county with a population of one hundred thousand or more, for the use of local, nonprofit historical societies, organized pursuant to chapter five hundred four (504) or chapter five hundred four A (504A) of the Code, for the purpose of collecting and preserving historical materials, artifacts, places, and structures of the area, maintaining a historical library and collections, conducting historical studies and researches, issuing publications, providing public lectures of historical interest, and otherwise disseminating a knowledge of the history of the area to the general public. If there are two or more nonprofit historical societies in the county, the board shall apportion the funds available under this subsection as it determines. The county board of supervisors shall require the historical society to submit to the board as a prerequisite to receiving funds under this subsection a proposed budget including the amount of available funds and estimated expenditures. A local historical society receiving funds under this subsection shall present to the county board of supervisors an annual report describing in detail its use of the funds received.

Sec. 3. This Act is effective January first following its enactment.

Approved June 1, 1979

CHAPTER 40  
REAL ESTATE APPRENTICE SALESPERSONS

H. F. 93

AN ACT relating to the time allowed for renewal of a real estate apprentice salesperson's license.

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

Section 1. Section one hundred seventeen point fifteen (117.15), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

A qualified applicant for a license as a real estate apprentice salesperson who successfully passes the required written examination shall be issued a real estate apprentice salesperson's license which shall expire on the last day of the twelfth calendar month following the month in which the license is issued. ~~Each~~ A real estate apprentice salesperson who has ~~completed-or-shall-have~~ successfully completed a commission approved short course in real estate education of not less than thirty hours at a facility approved by the commission shall be issued a real estate salesperson's license for the remainder of the year on payment of the appropriate fee and return of ~~his~~ the unexpired real estate apprentice salesperson's license. If a qualified applicant successfully completes a commission approved short course in real estate education of not less than thirty hours at a facility approved by the commission and subsequently successfully passes the required examination, the completion of the short course shall be credited toward completion of requirements of a real estate apprentice salesperson to become a real estate salesperson. ~~in-the-event-that~~ If a real estate apprentice salesperson ~~should~~ does not successfully complete the thirty-hour course within the twelve-month period of licensure as a real estate apprentice salesperson, ~~he-shall~~ that person is not be eligible to reapply for a real estate apprentice salesperson's license until six months have elapsed, except that the commission may waive the time requirement for reapplication if the real estate apprentice salesperson shows just cause to the commission why the thirty-hour course was not completed. A real estate apprentice salesperson who has passed the required examination and completed the commission approved short course of at least thirty hours during the twelve-month period of licensure may apply for the real estate salesperson's license during the thirty days after the expiration of the real estate apprentice salesperson's license.

Sec. 2. This Act is effective January first after its enactment.

Approved April 26, 1979

CHAPTER 41  
OCCUPATION REGULATION

H. F. 679

AN ACT establishing a commission to review the regulation of occupations.

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

Section 1. NEW SECTION. INTENT. The general assembly finds that the right of every person to engage in a lawful occupation or profession is a right which should not be abridged except as a reasonable exercise of the state's police power when it is clearly found to be necessary for the preservation of the health, safety, and welfare of the public.

It is declared to be the policy of the state of Iowa that no regulation shall be imposed on a profession or occupation except for the exclusive purpose of protecting the public interest when:

1. Its unregulated practice can harm or endanger the health, safety, and welfare of the public.
2. Its practice requires specialized skill or training and the public needs and will benefit by assurances of initial and continuing professional and occupational ability.
3. Its practice has inherent within it qualities peculiar to it that distinguishes it from ordinary work and labor.
4. The public is not effectively protected by other means.

Sec. 2. NEW SECTION. COMMISSION ESTABLISHED.

1. There is created a commission on professional and occupational regulation. The commission shall be bipartisan and shall be composed of the following members:

- a. Two senators, not more than one from the same political party, appointed by the president of the senate.
- b. Two representatives, not more than one from the same political party, appointed by the speaker of the house.
- c. Five persons, not more than three from the same political party, appointed by the governor and confirmed by two-thirds of the members of the senate.

2. A commission member shall be appointed for a term of four years. A member shall serve until a successor is appointed. A vacancy on the commission shall be filled by the original appointing authority for the remainder of the term. A vacancy shall exist whenever a commission member ceases to be a member of the house from which the member was appointed. A member of the commission shall not be a member of a licensed profession or occupation.

3. The persons appointed by the governor, and the legislative members when the general assembly is not in session, shall be paid forty dollars per diem and actual and necessary expenses from funds appropriated by section two point twelve (2.12) of the Code.

4. The commission shall organize annually and elect a chairperson.

Sec. 3. NEW SECTION. DUTIES.

1. The commission on professional and occupational regulation shall evaluate those professions and occupations seeking to become regulated and may evaluate those professions and occupations which are regulated according to the criteria listed in section one (1) of this Act. The general assembly may, by concurrent resolution, direct that the commission undertake or not undertake an evaluation of a profession or occupation. Upon completion of an evaluation, the commission shall make a recommendation to the general assembly whether the profession or occupation should become or continue to be regulated by the state and the degree of regulation that should be imposed. If the commission recommends a continuation or imposition of regulation, the commission shall recommend whether continuing education should be required. The commission shall file an annual report of its evaluations and recommendations with the chief clerk of the house of representatives and the secretary of the senate upon the convening of each session of the general assembly.

2. If the commission determines that existing remedies do not adequately protect the public health, safety or welfare, it shall consider the following degrees of regulation of the practice of that occupation or profession in the order they appear below:

a. Statutory change to provide stricter causes for civil action and criminal prosecution.

b. Inspection of the practitioner's premises and activities and authorization of an appropriate state agency to enjoin an activity which is detrimental to the public health, safety or welfare.

c. Registration of a practitioner's location, nature and operation of practice.

d. Certification by an appropriate state agency that a practitioner has the minimum skills to properly engage in the occupation or profession.

e. Licensure by an appropriate state agency of the profession or occupation.

3. In determining the proper degree of regulation, if any, the commission shall determine the following:

a. Whether the practitioner performs a service for individuals which, if unregulated, involves a hazard to the public health, safety or welfare.

b. The number of states which have regulatory provisions similar to those proposed.

c. Whether the profession or occupation requires high standards of public responsibility, character and performance of each individual engaged in the profession or occupation, as evidenced by established and published codes of ethics.

d. Whether the profession or occupation requires such skill that the public generally is not qualified to select a competent practitioner without some assurance that the practitioner has met minimum qualifications.

e. Whether the professional or occupational associations do not adequately protect the public from incompetent, unscrupulous or irresponsible members of the profession or occupation.

f. Whether current laws which protect the public health, safety and welfare generally are ineffective or inadequate.

g. Whether the characteristics of the profession or occupation make it impractical or impossible to prohibit those practices of the profession or occupation which are detrimental to the public health, safety and welfare.

h. Whether the practitioner performs a service for others which may have a detrimental effect on third parties relying on the expert knowledge of the practitioner.

i. Whether the profession or occupation is required to be regulated by the federal government or an agency thereof.

j. Whether the practitioner performs a service for others which would qualify for payment of part or all of those services by a third party if the practitioner were to be regulated as provided in this Act.

k. Whether there is sufficient demand for the service for which there is no substitute which is not similarly regulated and this service is required by a substantial portion of the population.

l. The view of a substantial portion of the people who do not practice the particular profession or occupation.

Sec. 4. This Act is repealed four years after the effective date of this Act.

Sec. 5. In making the initial appointments under section two (2) of this Act, the governor shall appoint two of the five citizen members to terms of two years.

Approved June 4, 1979

## CHAPTER 42

### CERTIFICATE OF NEED FOR HEALTH SERVICES

H. F. 725

AN ACT to amend the certificate of need law enacted in 1977, by permitting partial refund of the fee for application for a certificate of need upon withdrawal of the application, by revising the summary review procedure, by providing for review of the council's final decision by the commissioner of health, and by delaying until January 1, 1980 the time when hospitals and health care facilities are required to comply with uniform financial reporting provisions.

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

Section 1. Section one hundred thirty-five point sixty-three (135.63), subsection one (1), Code 1979, is amended to read as follows:

1. A new institutional health service or changed institutional health service shall not be offered or developed in this state without prior application to the department for and receipt of a certificate of need,

pursuant to this division. The application shall be made upon forms furnished or prescribed by the department and shall contain such information as the department may require under this division after consultation with all health systems agencies serving the state of Iowa. The application shall be accompanied by a fee equivalent to two-tenths of one percent of the anticipated cost of the project, as determined under rules promulgated by the department. The fee shall be remitted by the department to the treasurer of state, who shall place it in the general fund of the state. If an application is voluntarily withdrawn within thirty calendar days after submission, seventy-five percent of the application fee shall be refunded; if the application is voluntarily withdrawn more than thirty but within sixty days after submission, fifty percent of the application fee shall be refunded; if the application is withdrawn voluntarily more than sixty days after submission, twenty-five percent of the application fee shall be refunded.

Sec. 2. Section one hundred thirty-five point sixty-seven (135.67), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department may, with approval of the council, waive the procedures prescribed by ~~section~~ sections one hundred thirty-five point sixty-five (135.65) of the Code and 135.66 and substitute a summary review procedure, which shall be established by rules of the department, when it accepts an application for a certificate of need for a project which meets any of the following criteria:

Sec. 3. Section one hundred thirty-five point seventy (135.70), Code 1979, is amended to read as follows:

135.70 APPEAL OF CERTIFICATE OF NEED DECISIONS. The council's final decision on an application for a certificate of need, when announced pursuant to section 135.69, may be appealed by any dissatisfied party who is an affected person with respect to that application, and who participated or sought unsuccessfully to participate in the formal review procedure prescribed by section 135.66. The appeal shall first be made to the commissioner, who shall review the decision. If the commissioner concludes that the council's decision was inappropriate on the basis of applicable law, federal regulations or administrative rules, the commissioner shall return the matter to the council with a request for a review of its decision. If the appellant remains dissatisfied after the review, an appeal may be taken in the manner provided by chapter 17A.

Sec. 4. Section one hundred thirty-five point seventy-four (135.74), subsection one (1), Code 1979, is amended to read as follows:

1. The department, after study and in consultation with any advisory committees which may be established pursuant to law, shall promulgate by rule pursuant to chapter 17A uniform methods of financial reporting, including such allocation methods as may be prescribed, by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service, according to functional activity center. These uniform methods of financial reporting shall not preclude a hospital or health care facility from using any accounting methods for its own purposes provided these accounting methods

can be reconciled to the uniform methods of financial reporting prescribed by the department and can be audited for validity and completeness. Each hospital and each health care facility shall adopt the appropriate system for its fiscal year, effective upon such date as the department shall direct. In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform reporting of information to effectuate the purposes of this division and the administrative and economic difficulties which hospitals and health care facilities may encounter in complying with the uniform financial reporting requirement, but the effective date shall not be later than ~~one--year--after--July--17--1978~~ January 1, 1980.

Approved June 10, 1979

### CHAPTER 43

#### PROPERTY TAX RELIEF FOR AGED AND DISABLED

S. F. 495

AN ACT relating to additional property tax relief for persons sixty-five years of age or older, surviving spouses fifty-five years of age or older and persons totally disabled by reducing the semiannual mobile home tax rate and by providing for the filing of claims for a credit on the property taxes due in the coming fiscal year, altering the reimbursement and credit schedule for property taxes due or rent constituting property taxes paid, extending the deadline for filing and making clarifying provisions.

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

Section 1. Section one hundred thirty-five D point twenty-two (135D.22), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. If the owner of the mobile home was totally disabled, as defined in section four hundred twenty-five point seventeen (425.17), subsection six (6) of the Code on or before December thirty-first of the base year, is a surviving spouse having attained the age of fifty-five years on or before December thirty-first of the base year or has attained the age of sixty-five years on or before December thirty-first of the base year and has an income when included with that of a spouse which is less than four thousand dollars per year, no semiannual tax shall be imposed on the mobile home. If the income is four thousand dollars or more but less than ten thousand dollars, the semiannual tax shall be computed as follows:

If the Household Income is:	Semiannual Tax Per Square Foot
\$4,000 - 4,999.99	1.5 cents
5,000 - 5,999.99	4.0
6,000 - 6,999.99	6.0
7,000 - 7,999.99	7.0
8,000 - 8,999.99	7.5
9,000 - 9,999.99	8.0

For purposes of this subsection "income" means income as defined in section four hundred twenty-five point seventeen (425.17), subsection one (1), of the Code and "base year" means the calendar year preceding the year in which the claim for a reduced rate of tax is filed. The mobile home reduced rate of tax shall only be allowed on the mobile home in which the claimant is residing at the time in which the claim for a reduced rate of tax is filed.

Sec. 2. Section four hundred twenty-five point sixteen (425.16), Code 1979, is amended to read as follows:

425.16 ADDITIONAL TAX CREDIT. In addition to the homestead tax credit allowed under section 425.1, subsections 1 to 4, persons who own or rent their homesteads and who meet the qualifications provided in this division are eligible for an extraordinary property tax credit or reimbursement payable in September of any year.

Sec. 3. Section four hundred twenty-five point seventeen (425.17), subsections five (5), nine (9), ten (10) and eleven (11), Code 1979, are amended to read as follows:

5. "Claimant" means a person filing a claim for credit or reimbursement under this division who has attained the age of sixty-five years on or before December ~~31~~ thirty-first of the base year or who is a surviving spouse having attained the age of fifty-five years on or before December ~~31~~ thirty-first of the base year, or who is totally disabled and was totally disabled on or before December ~~31~~ thirty-first of the base year, and was domiciled in this state during the entire base year and is domiciled in this state at the time the claim is filed. "Claimant" includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. ~~When two persons of a household are able to meet the qualifications for a claimant, they may determine between them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than July 31 of each year and his decision shall be final.~~ If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, ~~and some or all of the qualified persons are not related,~~ the persons may determine among them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than ~~July 31~~ October thirty-first of each year and ~~his~~ the director's decision shall be final.

9. "Property taxes paid due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services,



~~paid due~~ on a claimant's homestead in this state, but includes only property taxes for which the claimant ~~was is~~ liable and which ~~were will~~ actually be paid by the claimant. ~~If the property taxes have actually been paid, they shall be deemed to have been paid when due, regardless of the date of actual payment.~~ "Property taxes paid due" shall be computed with no deduction for any credit under this division or for any homestead credit allowed under section 425.1. Each claim shall be based upon the taxes paid due during the fiscal year next following the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, "property taxes paid due" is that part of property taxes paid due on the homestead which equals the ownership percentage of the claimant and his or her household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled, or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligible for the credit allowed under this division. ~~If a claimant changes his or her homestead, this shall not prevent him or her from filing a claim based on property taxes for which the claimant was liable and which were actually paid by the claimant, but duplication of claims shall not be allowed.~~ If a homestead is an integral part of a farm, the claimant may use the total property taxes paid due for the larger unit, but not exceeding forty acres of land. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes paid due for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

10. "Special assessment" means special assessments made pursuant to sections 384.37 to 384.79. The amount of a special assessment which may be included in the amount of property taxes paid due for one year shall be an amount equal to one-tenth of the total amount of the special assessment levied against the homestead of the claimant, if the claimant ~~elected~~ elects to pay the total amount of the special assessment in one payment. If the claimant elects to pay the special assessment in ten annual installments as provided by law, the claimant may include as a portion of the property taxes paid due during the fiscal year next following the base year an amount equal to the special assessment, including interest, paid due during that same base fiscal year.

11. "Base year" means:

- a. For a claimant filing a claim for rent constituting property taxes paid, the calendar year last ending before the claim is filed.
- b. For a claimant filing a claim for property taxes paid due, the state fiscal year ending in the calendar year in which the claim is filed.

Sec. 4. Section four hundred twenty-five point eighteen (425.18), Code 1979, is amended to read as follows:

425.18 CLAIM IS PERSONAL. The right to file a claim under this division shall be personal to the claimant and shall not survive the claimant's death,

but the right may be exercised on behalf of a claimant by his or her legal guardian, spouse or attorney. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the director. If the claimant was the only member of the household, the reimbursement may be paid to the claimant's executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 5. Section four hundred twenty-five point nineteen (425.19), Code 1979, is amended to read as follows:

425.19 CLAIM AND CREDIT OR REIMBURSEMENT. Subject to the limitations provided in this division, a claimant may annually claim a reimbursement credit for property taxes paid due during the fiscal year next following the base year or claim a reimbursement for rent constituting property taxes paid in the base year. The amount of the reimbursement credit for property taxes paid due for a homestead, after audit or certification by the director, shall be paid within one hundred eighty days after receipt of the claim by the director to the county treasurer who shall credit the money received against the amount of the property taxes due and payable on the homestead of the claimant and the amount of the reimbursement for rent constituting property taxes paid shall be paid to the claimant from the state general fund on ~~or before--September--25~~ December thirty-first of each year ~~commencing in 1974.~~ ~~However, the claimant for reimbursement for property taxes paid may designate on the claim at the time it is filed that the check for reimbursement for property taxes paid be made payable to the claimant and the county treasurer of the county in which the homestead is located.~~

Sec. 6. Section four hundred twenty-five point twenty (425.20), Code 1979, is amended to read as follows:

425.20 FILING DATE. A claim for reimbursement for ~~property taxes paid or~~ rent constituting property taxes paid shall not be paid or allowed, unless the claim is actually filed with and in the possession of the department of revenue on or before ~~July 31~~ October thirty-first of the year following the base year, ~~beginning July 31, 1974.~~

A claim for credit for property taxes due shall not be paid or allowed unless the claim is actually filed with the county treasurer on or before September thirtieth of the fiscal year during which the property taxes are due and contains an affidavit of the claimant's intent to occupy the homestead for six months or more during the fiscal year for which the claim is filed. The county treasurer shall submit the claim to the director of revenue on or before October fifteenth of each year.

In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension prior to ~~August 1~~ November first, the director may extend the time for filing a claim for reimbursement or credit for a period not to exceed ~~three~~ two months. ~~The director may also extend the time~~

~~for--filing--for--all--claimants--or--for--any--reasonable--group--or--class--of  
claimants--for--a--period--not--to--exceed--three--months--if--in--his--judgment--good  
cause--exists-~~

Sec. 7. Section four hundred twenty-five point twenty-one (425.21), Code 1979, is amended to read as follows:

425.21 SATISFACTION OF OUTSTANDING TAX LIABILITIES. The amount of any claim for credit or reimbursement payable under this division may be applied by the department of revenue against any tax liability outstanding on the books of the department against the claimant, or against a spouse who was a member of the claimant's household in the base year.

Sec. 8. Section four hundred twenty-five point twenty-two (425.22), Code 1979, is amended to read as follows:

425.22 ONE CLAIMANT PER HOUSEHOLD. Only one claimant per household per year shall be entitled to reimbursement under this division and only one claimant per household per fiscal year shall be entitled to a credit under this division.

Sec. 9. Section four hundred twenty-five point twenty-three (425.23), Code 1979, is amended to read as follows:

425.23 SCHEDULE FOR CLAIMS FOR CREDIT OR REIMBURSEMENT. The amount of any claim for credit or reimbursement filed under this division shall be determined as provided in this section.

1. The tentative credit or reimbursement shall be the higher of the two amounts determined as follows:

a. The amount shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes <u>paid due</u> or rent consti- tuting property taxes paid allowed as a <u>credit</u> <u>or</u> reimbursement:
\$ 0 -- 999.99	100%
1,000 --- 1,999.99	100
2,000 --- 2,999.99	95
3,000 -- 3,999.99	85 100%
4,000 -- 4,999.99	70 85
5,000 -- 5,999.99	55 60
6,000 -- 6,999.99	40
7,000 -- 7,999.99	30
8,000 -- 8,999.99	25
9,000 -- 9,999.99	20

b. If the claim is for property taxes paid due and the household income of the claimant is less than four thousand dollars, the alternative tentative reimbursement credit shall be one hundred twenty-five dollars, but not to exceed the amount of property taxes paid due during the fiscal year next following the base year.

2. The actual reimbursement credit for property taxes paid due shall be determined by subtracting from the tentative reimbursement credit the amount of the homestead credit under section 425.1 which was is allowed as a credit

against property taxes paid due in the fiscal year next following the base year by the claimant or any person of his the claimant's household, ~~except that the credit shall not exceed two-thirds of the amount of the credit received on the homestead in the extended fiscal year beginning January 1, 1974, and ending June 30, 1975.~~ If the subtraction produces a negative amount, there shall be no reimbursement credit but no refund shall be required. The actual reimbursement for rent constituting property taxes paid shall be equal to the tentative reimbursement.

3. Any person who is eligible to file a claim for reimbursement credit for property taxes paid due and who has a household income of five thousand dollars or less and who has a special assessment levied against the homestead may file a claim with the county treasurer that the claimant had a household income of five thousand dollars or less ~~during the base year~~ and that a special assessment is presently levied against the homestead. The department shall provide to the respective county treasurers such forms as are necessary for the administration of this subsection. The claim shall be filed not later than September ~~30~~ thirtieth of each year. Upon the filing of the claim, no penalty or interest for late payment shall accrue against the amount of the special assessment due and payable. The claim filed by the claimant shall constitute a claim for reimbursement credit of an amount equal to the actual amount due and payable upon the special assessment payable during the fiscal year against the homestead of the claimant or an amount equal to the annual payment of the special assessment levied against the homestead of the claimant and payable in annual installments through the period of years provided by the governing body of the city, whichever is less. The department of revenue shall, upon the filing of the claim with the department by the county treasurer, pay that amount of the special assessment during the current fiscal year to the county treasurer. The county treasurer shall submit the claims to the director of revenue not later than October ~~15~~ fifteenth of each year. The director of revenue shall certify to the state comptroller the amount of reimbursement due each county for special assessment credits allowed under this subsection. The amount of reimbursement due each county shall be paid by the state comptroller on November ~~15~~ fifteenth of each year, drawn upon warrants payable to the respective county treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The county treasurer shall credit any moneys received from the department against the amount of the special assessment due and payable on the homestead of the claimant.

Sec. 10. Section four hundred twenty-five point twenty-four (425.24), Code 1979, is amended to read as follows:

425.24 MAXIMUM PROPERTY TAX. In any case in which property taxes paid due or rent constituting property taxes paid ~~in any base year~~ for any household exceeds one thousand dollars, the amount of property taxes paid due or rent constituting property taxes paid shall be deemed to have been one thousand dollars for purposes of this division.

Sec. 11. Section four hundred twenty-five point twenty-five (425.25), Code 1979, is amended to read as follows:

425.25 ADMINISTRATION. The director of revenue shall make available suitable forms with instructions for claimants. Each assessor and county treasurer shall make available the forms and instructions. The claim shall be in such form as the director may prescribe. The director may also devise a tax credit or reimbursement table, with amounts rounded to the nearest whole dollar. Reimbursements or credits in the amount of less than one dollar shall not be paid.

Sec. 12. Section four hundred twenty-five point twenty-six (425.26), subsections two (2), three (3), eight (8), and nine (9), Code 1979, are amended to read as follows:

2. Property taxes paid due or rent constituting property taxes paid, including the portion of gross rent paid for providing utilities, services, furniture, furnishings, and personal property appliances, and the name and address of the owner or manager of the property rented and a statement whether the claimant is related by blood, marriage or adoption to the owner or manager of the property rented;

3. Homestead credit allowed against property taxes paid due;

8. A statement that the property taxes paid due and used for purposes of this division have been or will be paid by ~~him~~ the claimant, and that there are no delinquent property taxes on the homestead.

9. Any information needed to determine whether the claimant is eligible for the alternative reimbursement credit under section 425.23, subsection 1, paragraph "b".

Sec. 13. Section four hundred twenty-five point twenty-seven (425.27), Code 1979, is amended to read as follows:

425.27 AUDIT OF CLAIM. If on the audit of any claim for credit or reimbursement under this division, the director determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, ~~he~~ the director shall recalculate the claim and notify the claimant of the recalculation or denial and ~~his~~ the reasons for it. The director shall not adjust any claim after three years from ~~July-31~~ October thirty-first of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. If the claim for credit has been paid, the county treasurer shall repay the amount to the director and after notification to the claimant of the recalculation or denial of the claim, the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected. The recalculation of the claim shall be final unless appealed as provided in section 425.31. The provisions of section 422.70 shall be applicable with respect to this division.

Sec. 14. Section four hundred twenty-five point twenty-nine (425.29), Code 1979, is amended to read as follows:

425.29 FALSE CLAIM--PENALTY. Any person making a false affidavit for the purpose of obtaining credit or reimbursement provided for in this division or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state shall be guilty of a simple misdemeanor. An action

under this section shall be brought in the county in which the affidavit was filed. The claim for credit or reimbursement shall be disallowed in full and if the claim has been paid the amount ~~may be recovered by assessment in the manner that income taxes are assessed pursuant to sections 422.26 and 422.30~~ shall be recovered in the manner provided in section four hundred twenty-five point twenty-seven (425.27) of the Code. The director of revenue shall send a notice of disallowance of the claim.

Sec. 15. Section four hundred twenty-five point thirty-two (425.32), Code 1979, is amended to read as follows:

425.32 DISALLOWANCE OF CERTAIN CLAIMS. A claim for ~~reimbursement~~ credit shall be disallowed if the department finds that the claimant or a person of ~~his~~ the claimant's household received title to ~~his~~ the homestead primarily for the purpose of receiving benefits under this division.

Sec. 16. Section four hundred twenty-five point thirty-nine (425.39), Code 1979, is amended to read as follows:

425.39 FUND CREATED--APPROPRIATION. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the extraordinary property tax credit and reimbursement fund, which fund is hereby created, from funds not otherwise appropriated, an amount sufficient to carry out the provisions of this division.

Sec. 17. Chapter four hundred twenty-five (425), Code 1979, is amended by adding the following new section to the division on property tax relief for the elderly and disabled:

NEW SECTION. In the case of a special charter city which levies and collects its own taxes, the appropriate city official shall be responsible for carrying out the duties and responsibilities imposed under this division upon the county treasurer.

Sec. 18. Section four hundred twenty-five point thirty-eight (425.38), Code 1979, is repealed.

Sec. 19. Notwithstanding any provision of this Act, the right to file a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year under sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code is not abridged and the procedures for filing the claim for reimbursement, the verification of the claim, the determination of the amount of the claim and the payment of the claim shall be as specified under sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code before the effective date of this Act. A person filing a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year is not precluded from filing a claim for credit for property taxes due under the provisions of this Act.

Sec. 20. This Act is effective July 31, 1979.

Approved June 4, 1979

CHAPTER 44  
OPTOMETRISTS DIAGNOSIS

S. F. 93

AN ACT relating to the use of diagnostic pharmaceutical agents by optometrists.

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

Section 1. Section one hundred fifty-four point one (154.1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Certified licensed optometrists may employ cycloplegics, mydriatics and topical anesthetics as diagnostic agents topically applied to determine the condition of the human eye for proper optometric practice or referral for treatment to a person licensed under chapter one hundred forty-eight (148) or one hundred fifty A (150A) of the Code. A certified licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board of optometry examiners to use diagnostic agents. A certified licensed optometrist shall be provided with a distinctive certificate by the board which shall be displayed for viewing by the patients of the optometrist.

Sec. 2. Section one hundred fifty-four point three (154.3), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. A person applying to be licensed as an optometrist after January 1, 1980, shall also apply to be a certified licensed optometrist and shall, in addition to satisfactorily completing all requirements for a license to practice optometry, satisfactorily complete a course consisting of at least one hundred contact hours in pharmacology and receive clinical training as it applies to optometry with particular emphasis on the topical application of diagnostic agents to the human eye for the purpose of examination of the human eye, and the diagnosis of conditions of the human eye, at an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or the United States office of education.

NEW SUBSECTION. A person licensed as an optometrist prior to the effective date of this Act who applies to be a certified licensed optometrist shall first satisfactorily complete a course consisting of at least one hundred contact hours in pharmacology as it applies to optometry including clinical training as it applies to optometry with particular emphasis on the topical application of diagnostic agents to the human eye and possible adverse reactions thereto, for the purpose of examination of the human eye and the diagnosis of conditions of the human eye, provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or the United States office of education, and approved by the board of optometry examiners.

NEW SUBSECTION. In addition to the examination required by section one hundred fifty-four point three (154.3), subsection three (3) of the Code, a person applying to be a certified licensed optometrist shall also pass an examination prescribed by the optometry examiners in the subjects of physiology and pathology appropriate to the use of diagnostic pharmaceutical agents and diagnosis of conditions of the human eye, and pharmacology including systemic effects of ophthalmic diagnostic pharmaceutical agents and the possible adverse reactions thereto, authorized for use by optometrists by section one hundred fifty-four point one (154.1) of the Code.

Sec. 3. Chapter one hundred fifty-four (154), Code 1979, is amended by adding the following new section:

NEW SECTION. A certified licensed optometrist employing diagnostic pharmaceutical agents as authorized by this Act shall be held to the same standard of care in the use of such agents and in diagnosis as is common to persons licensed under chapter one hundred forty-eight (148) or one hundred fifty A (150A) of the Code in this state.

Sec. 4. Section one hundred fifty-five point twenty-two (155.22), Code 1979, is amended to read as follows:

155.22 EXCEPTIONS. Sections 155.20 and 155.21 do not apply to sales by wholesalers of drugs and medicines to licensed physicians, dentists, podiatrists or veterinarians or to sales by wholesalers to certified licensed optometrists of those diagnostic pharmaceutical agents which are authorized for use by certified licensed optometrists pursuant to this Act.

Sec. 5. Section one hundred fifty-five point twenty-six (155.26), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section shall not apply to the possession by a certified licensed optometrist of those diagnostic agents which are authorized for use by certified licensed optometrists pursuant to this Act. The dispensing by pharmacists to certified licensed optometrists of those diagnostic agents which are authorized for use by certified licensed optometrists pursuant to this Act shall be permitted.

Sec. 6. This Act is effective January 1, 1980.

Approved June 8, 1979



CHAPTER 45  
FUNERAL DIRECTOR'S LICENSE

S. F. 88

AN ACT making a technical amendment to section one hundred fifty-six point nine (156.9), subsection three (3) of the Code, for the purpose of continuing the law as it existed prior to amendment in 1978.

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

Section 1. Section one hundred fifty-six point nine (156.9), subsection three (3), Code 1979, is amended to read as follows:

3. If the funeral director generally engages in the business of selling or issuing burial contracts or burial certificates in anticipation of the death of a person, or enters into any contract with another person to furnish funeral supplies or funeral service to persons who have been solicited by or who have agreed with that person to purchase the supplies or services. This subsection shall not apply to contracts with the United States or any department of the federal government or to any contract made in conjunction with the sale of any life insurance policy issued by a life insurance company licensed to transact business in Iowa.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved June 1, 1979

I hereby certify that the foregoing Act, Senate File 88, was published in the Muscatine Journal, Muscatine, Iowa on June 7, 1979, and in the Daily Gate City, Keokuk, Iowa on June 8, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 46  
SWINE DISEASES

H. F. 182

AN ACT relating to infectious and contagious diseases in swine.

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

Section 1. Section one hundred sixty-three point two (163.2), Code 1979, is amended to read as follows:

163.2 INFECTIOUS AND CONTAGIOUS DISEASES. For the purpose of this chapter, infectious and contagious diseases shall be deemed to embrace glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, ~~infectious--enteritis~~ swine dysentery, tuberculosis, ~~Bang's--disease,--swine-erysipelas~~ brucellosis, vesicular exanthema, scrapie, rinderpest, ovine foot rot, or any other communicable disease so designated by the department.

Sec. 2. Section one hundred sixty-three A point one (163A.1), subsection ten (10), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

10. "Validated brucellosis-free herd" means:

a. A herd which has had at least one test made on all boars, sows and gilts over six months of age with no positive reactions; or

b. A herd which has been tested pursuant to a test approved by rule of the Iowa department of agriculture pursuant to chapter seventeen A (17A) of the Code, which test is in compliance with the recommended uniform methods and rules of the animal and plant inspection service of the United States department of agriculture.

The validation made pursuant to paragraph a of this subsection shall be in force and effect for one year from the date of the last test and shall be renewable on an annual basis by the completion of a single test on boars, sows and gilts over six months of age with no positive reactions. A validation made pursuant to paragraph b of this subsection shall be in force and effect and shall be renewable in the manner specified in the rule adopted by the Iowa department of agriculture.

If the Iowa department of agriculture adopts a rule under paragraph b of this subsection and the recommended uniform methods and rules of the animal and plant inspection service of the United States department of agriculture are subsequently changed, the Iowa department of agriculture shall not change its rule if the effect would be to make less restrictive the standards or procedures for validating a brucellosis-free herd.

Approved April 2, 1979

CHAPTER 47  
CORPORATE OR PARTNERSHIP FARMING

H. F. 451

AN ACT to prohibit certain corporations and certain trusts from acquiring or leasing agricultural land in Iowa, providing an enforcement mechanism therefor and providing a penalty.

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

Section 1. Section one hundred seventy-two C point four (172C.4), Code 1979, is amended to read as follows:

172C.4 ~~TEMPORARY~~ RESTRICTION ON INCREASE OF HOLDINGS. ~~For a period of five years from August 15, 1975, no~~ No corporation or trust, other than a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust shall, either directly or indirectly, acquire or otherwise obtain or lease any agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:

1. A bona fide encumbrance taken for purposes of security.
2. Agricultural land acquired by a corporation for research or experimental purposes, if the commercial sales from such agricultural land are incidental to the research or experimental objectives of the corporation, and agricultural land acquired for the purpose of testing, developing or producing seeds, animals, or plants for sale or resale to farmers or for purposes incidental to those purposes.  
Commercial sales are incidental to the research or experimental objectives of the corporation when they are less than twenty-five percent of the gross sales of the primary product of the research. The limitation provided in this subsection shall not apply to corporations referred to in subsection 3.
3. Agricultural land, including leasehold interests, acquired by a nonprofit corporation organized under the provisions of chapters 504 and 504A including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.
4. Agricultural land acquired by a corporation for immediate or potential use in nonfarming purposes.
5. Agricultural land acquired by a corporation by process of law in the collection of debts, or pursuant to a contract for deed executed prior to August 15, 1975, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.

6. A municipal corporation.

7. Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as trustee for a family trust, authorized trust or testamentary trust or for nonprofit corporations.

8. A corporation or its subsidiary organized under chapter 491 and to which section 312.8 is applicable.

9. Agricultural land held or leased by a corporation on July 1, 1975, as long as the corporation holding or leasing the land on this date continues to hold or lease such agricultural land.

10. Agricultural land held or leased by a trust on July 1, 1977, as long as the trust holding or leasing such land on this date continues to hold or lease such agricultural land.

11. Agricultural land acquired by a trust for immediate use in nonfarming purposes.

12. Any corporation or trust, other than a family farm corporation ~~or an~~, authorized farm corporation, family trust, authorized trust or testamentary trust, violating the provisions of this section shall upon conviction, be punished by a fine of not more than fifty thousand dollars and shall divest itself of any land acquired in violation of this section within one year after conviction. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

Sec. 2. Section one hundred seventy-two C point seven (172C.7), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Every person acting in a fiduciary capacity or as a trustee on behalf of any corporation, limited partnership or nonresident alien ~~individual~~, who holds agricultural land in this state outside the corporate limits of any city, shall file with the secretary of state on or before January ~~31~~ thirty-first of each year a report as follows:

Sec. 3. Section one hundred seventy-two C point eleven (172C.11), Code 1979, is amended to read as follows:

172C.11 PENALTIES--REPORTS. Failure to timely file a report or the filing of false information is punishable by a civil ~~fine~~ penalty not to exceed one thousand dollars.

For purposes of this section a report is timely filed if the report is filed prior to May ~~1~~ first of the year in which it is required to be filed.

The secretary of state shall notify a person ~~whom~~ who the secretary has reason to believe is required to file a report as provided by this chapter and who has not filed a timely report, that the person may be in violation of this section. After thirty days from receipt of the notice, any person required to report under this chapter who has not filed, shall be assessed a civil ~~fine~~ penalty of one hundred dollars for each day in which the report is not filed. The secretary of state shall include in the notice, a statement of the penalty which will be assessed if the report is required and is not filed within thirty days. This penalty shall be in addition to any other penalty under this chapter. The secretary of state shall notify the state

attorney general, when the secretary of state has reason to believe a violation of this chapter has occurred.

Sec. 4. This Act is effective January first following its enactment.

Approved April 20, 1979

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CHAPTER 48  
TURKEYS CHECKOFF FEE

H. F. 168

AN ACT relating to the rate of the fee upon turkeys delivered for processing.

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

Section 1. Section one hundred eighty-four A point two (184A.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

If approved by a majority of the voters at a referendum as provided in section 184A.10, there is hereby imposed a fee upon each turkey delivered for processing in the state of Iowa. The rate of the fee imposed shall not be ~~one-half~~ more than one cent for each turkey weighing less than ten pounds live weight and ~~one-cent~~ not more than two cents for each turkey weighing ten or more pounds live weight, as established at the discretion of the council.

Sec. 2. Section one hundred eighty-four A point eleven (184A.11), Code 1979, is amended to read as follows:

184A.11 NOTICE. Notice of a referendum on the question of whether to impose the fee shall be given by the secretary by publishing the notice for a period of not less than five days in a newspaper of general circulation in the state, and for a similar period in ~~such~~ other newspapers as the secretary prescribes. ~~No~~ A referendum shall not be commenced prior to five days after the last day of the period of publication. The notice of referendum shall set forth the period and voting places for the referendum, and the maximum amount of the fee. Each producer, upon signing a statement certifying that he is a bona fide producer, as defined in this chapter, ~~shall-be~~ is entitled to one vote.

Sec. 3. This Act is effective January first following its enactment.

Approved February 28, 1979

## CHAPTER 49

## IOWA CORN PROMOTION BOARD

H. F. 683

AN ACT increasing the maximum assessment established by the Iowa corn promotion board and relating to the use for political purposes of funds derived from the assessment.

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

Section 1. Section one hundred eighty-five C point twenty-one (185C.21), Code 1979, is amended to read as follows:

185C.21 ASSESSMENT. The board shall set the assessment rate. Assessments pursuant to the promotional order shall be paid into the corn promotion fund established in section 185C.26. An assessment shall not exceed ~~one-tenth~~ one-quarter of one cent per bushel upon corn produced in this state and sold to a first purchaser. The rate of assessment shall be determined by the board but shall not be changed, once established, during a marketing year.

Sec. 2. Section one hundred eighty-five C point twenty-nine (185C.29), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The Iowa corn promotion board shall not engage in any political activity, and it shall be a condition of any allocation of funds that any organization receiving funds shall not ~~engage-in~~ expend the funds on political activity or on any attempt to influence legislation ~~except--legislation--or--rules--which would-restrict-corn-markets.~~

Approved April 26, 1979

## CHAPTER 50

## NOTICE OF OLEOMARGARINE SERVED

S. F. 135

AN ACT relating to the notice of oleomargarine in public eating places.

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

Section 1. Section one hundred ninety-one point three (191.3), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

No person shall ~~possess-in-a-form-ready-for-serving~~ serve colored oleo, oleomargarine or margarine at a public eating place unless a notice that oleo, oleomargarine or margarine is served is displayed prominently and

conspicuously in such place and in such a manner as to render it likely to be read and understood by the ordinary individual being served in such the eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items, ~~---No--person--shall--serve--oleo,--oleomargarine--or--margarine--at--a--public--eating--place,--whether--or--not--any--charge--is--made--therefor,--~~ or unless each separate serving bears or is accompanied by labeling identifying it as oleo, oleomargarine or margarine, or each separate serving thereof is triangular in shape.

Sec. 2. This Act is effective January first following its enactment.

Approved May 3, 1979

CHAPTER 51  
CONTROLLED SUBSTANCES

H. F. 53

AN ACT to revise the list of substances designated as controlled substances under the uniform controlled substances Act.

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

Section 1. Section two hundred four point two hundred four (204.204), subsection two (2), paragraph m, Code 1979, is amended to read as follows:

m. ~~Dextrophan~~ Difenoxin.

Sec. 2. Section two hundred four point two hundred four (204.204), subsection two (2), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Propiram.

Sec. 3. Section two hundred four point two hundred four (204.204), subsection three (3), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Drotebanol.

Sec. 4. Section two hundred four point two hundred four (204.204), subsection four (4), Code 1979, is amended by adding the following new paragraphs:

NEW PARAGRAPH. Ethylamine analog\* of phencyclidine.

NEW PARAGRAPH. Pyrrolidine analog\* of phencyclidine.

NEW PARAGRAPH. Thiophene analog\* of phencyclidine.

Sec. 5. Section two hundred four point two hundred four (204.204), Code 1979, is amended by inserting after subsection four (4) the following new subsection, and renumbering the succeeding subsection accordingly:

NEW SUBSECTION. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the

\*According to enrolled Act

central nervous system, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Mecloqualone.

Sec. 6. Section two hundred four point two hundred six (204.206), subsection seven (7), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Phencyclidine, and the following immediate precursors\* of phencyclidine:

(1) 1 - Phenylcyclohexylamine.

(2) 1 - Piperidinocyclohexanecarbonitrile (PCC).

Sec. 7. Section two hundred four point two hundred eight (204.208), subsection two (2), Code 1979, is amended by striking paragraph g and redesignating the succeeding paragraphs accordingly.

Sec. 8. Section two hundred four point two hundred ten (204.210), subsection three (3), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

Sec. 9. Section two hundred four point two hundred ten (204.210), subsection five (5), Code 1979, is amended by adding the following new paragraphs:

NEW PARAGRAPH. Mebutamate.

NEW PARAGRAPH. Lorazepam.

Sec. 10. Section two hundred four point two hundred ten (204.210), subsection seven (7), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Pemoline (including organometallic complexes and chelates thereof).

Sec. 11. Section two hundred four point two hundred ten (204.210), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their salts:

a. Dextropropoxyphene (Alpha - (+) - 4 - dimethylamine - 1, 2 - diphenyl - 3 - methyl - 2 - propionoxybutane).

b. Pentazocine.

Sec. 12. Section two hundred four point two hundred twelve (204.212), subsection two (2), Code 1979, is amended to read as follows:

2. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine, or any of its salts, per one hundred milliliters or per one hundred grams.

\*According to enrolled Act



b. Not more than one-half milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

c. Loperamide.

Approved March 9, 1979

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## CHAPTER 52

### LATCH-OPEN DEVICES ON FUEL HOSES

H. F. 304

AN ACT permitting latch-open devices on fuel hose nozzle valves.

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

Section 1. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. Self-service gasoline pumps and self-service special fuel pumps at service stations may be equipped with automatic latch-open devices on the fuel dispensing hose nozzle only if the nozzle valve is the automatic closing type.

Approved April 23, 1979

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## CHAPTER 53

### ADULT CORRECTIONS

H. F. 754

AN ACT relating to the responsibilities of the department of social services' division of adult corrections for administration of the interstate corrections compact, for determinations regarding admission and discharge of patients of the security medical facility, and for supervision of jails.

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

Section 1. Section two hundred seventeen point twenty-two (217.22), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The board shall bar the transfer of the inmate to a receiving state or the federal bureau of prisons when a majority of its members are of the opinion that the transfer does not serve to promote the treatment, rehabilitation, or best interests of the offender or the orderly functioning of the institution. The burden of proof shall lie with the department of social services and all decisions of the hearing board shall be final.

Sec. 2. Section two hundred twenty-three point five (223.5), Code 1979, is amended to read as follows:

223.5 ADMISSIONS IN WRITING ONLY. All admissions to the facility shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting same to the superintendent of the facility. An application ~~shall not be accepted~~ may be denied by the superintendent, with the approval of the director of the division of corrections, if ~~by so doing~~ the admission will result in an overcrowded condition or if adequate staff or facilities are not available.

Sec. 3. Section two hundred twenty-three point six (223.6), Code 1979, is amended to read as follows:

223.6 FINAL DECISION. The ~~final~~ decision regarding admission and discharge of patients shall ~~rest with~~ be made by the superintendent of the facility, subject to approval of the director of the division of corrections.

Sec. 4. Chapter three hundred fifty-six (356), Code 1979, is amended by adding the following new section:

NEW SECTION. ESTABLISHMENT OF JAIL STANDARDS. The department of social services, in consultation with the Iowa state sheriff's association and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails and alternative jails. When completed by the department, the standards shall be promulgated as rules pursuant to chapter seventeen A (17A) of the Code.

Sec. 5. Section three hundred fifty-six point forty-three (356.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~The state department of social services shall have general charge and supervision of the provisions of sections 356.37 to 356.44.~~ The state department of social services and its inspectors and agents shall have the power and duty to make periodic inspections of each such jail and all such facilities established pursuant to chapter 356A, and officially to notify the county board of supervisors in writing to comply fully with the provisions of ~~sections 356.37 to 356.44~~ section four (4) of this Act.

Sec. 6. Sections three hundred fifty-six point thirty-seven (356.37), three hundred fifty-six point thirty-eight (356.38), three hundred fifty-six point thirty-nine (356.39), three hundred fifty-six point forty (356.40), three hundred fifty-six point forty-one (356.41), and three hundred fifty-six point forty-two (356.42), Code 1979, are repealed.

Sec. 7. It is the intent of the general assembly that the department of social services shall use so much as necessary of the amount appropriated for the general administration of the department, during the fiscal year beginning July 1, 1979, to discharge the responsibilities imposed on the department by section four (4) of this Act.

Approved June 10, 1979

CHAPTER 54  
UNIFIED STATE MENTAL HEALTH AGENCY

S. F. 451

AN ACT relating to the establishment and the delay in implementation of the establishment of a unified state mental health agency.

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

Section 1. Section two hundred twenty-five B point two (225B.2), Code 1979, is amended to read as follows:

225B.2 IMPLEMENTATION.

1. A unified state mental health agency having broad responsibility both to plan, co-ordinate and review the delivery of mental health services in this state, and to directly deliver certain mental health services, shall be established effective July 1, ~~1979~~ 1980. The title, administrative structure, and specific powers and duties of the unified state mental health agency shall be as prescribed by the ~~1979~~ 1980 Session of the Sixty-eighth General Assembly.

2. If the governor determines that it would not be in the best interest of the state for subsection 1 of this section to be implemented on July 1, ~~1979~~ 1980, or if legislation prescribing the title, administrative structure, and specific powers and duties of the unified state mental health agency has not been approved prior to that date, the governor may by executive order delay the implementation of that subsection to a date not later than July 1, ~~1980~~ 1981.

Sec. 2. Section two hundred twenty-five B point eight (225B.8), Code 1979, is amended to read as follows:

225B.8 REPEALS. Chapter 225B and sections 217.10, 217.11 and 217.12, Code 1977, are repealed effective July 1, ~~1979~~ 1980. However, if the implementation of subsection 1 of section 225B.2 is delayed pursuant to subsection 2 of that section, the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed by the provisions of the statutes repealed by this section as if they were in full force and effect, until subsection 1 of section 225B.2 is implemented. On that date, in the absence of any prior legislative action to the contrary, the powers and duties assigned the Iowa mental health authority by chapter 225B, Code 1977, and by any other statutes referring to the Iowa mental health authority, and the powers and duties assigned the division of mental health of the department of social services by sections 217.10, 217.11 and 217.12, Code 1977, and by any other statutes referring to that division of the department of social services, shall all be transferred to and imposed upon the unified state mental health agency established by subsection 1 of section 225B.2.

Sec. 3. It is the intent of this Act that the Sixty-eighth General Assembly postpone its establishment of a unified state mental health agency to July 1, 1980 and that the governor be authorized to delay, after the 1980 session of the Sixty-eighth General Assembly convenes and before July 1, 1980, the implementation of the establishment of the unified agency to a date not later than July 1, 1981. It is also the intent of this Act that chapter two hundred twenty-five B (225B), Code 1977, and section two hundred seventeen point ten (217.10), section two hundred seventeen point eleven (217.11), and section two hundred seventeen point twelve (217.12), Code 1979, remain effective until their repeal effective July 1, 1980, unless the governor delays the implementation of the establishment of the unified agency under section one (1) of this Act.

The codification of sections two hundred seventeen point ten (217.10), two hundred seventeen point eleven (217.11), and two hundred seventeen point twelve (217.12) in the 1979 Code of Iowa shall not affect the repeal of those sections in section two (2) of this Act.

Sec. 4. This Act, being deemed of immediate importance, shall take effect from and after its publication in the West Des Moines Express, a newspaper published in West Des Moines, Iowa, and in the Globe-Gazette, a newspaper published in Mason City, Iowa.

Approved May 3, 1979

I hereby certify that the foregoing Act, Senate File 451, was published in the Globe-Gazette, Mason City, Iowa on May 11, 1979, and in the West Des Moines Express, West Des Moines, Iowa on May 17, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

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## CHAPTER 55

### MEDICAL ASSISTANCE FOR MENTALLY ILL PERSONS

H. F. 677

An Act to amend the statutes governing support of the mentally ill and the medical assistance programs, to enable certain patients hospitalized for mental illness to receive medical assistance.

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

Section 1. Section two hundred thirty point twenty (230.20), subsection six (6), Code 1979, is amended to read as follows:

6. All or any reasonable portion of the charges incurred for services rendered to any patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient's behalf. Any payment so made, and any federal financial assistance received pursuant to title XVIII or XIX of the United States Social Security Act for services rendered to a patient, shall be credited

against the patient's account and, if the charges so paid have previously been billed to a county, reflected in the hospital's next general statement to that county.

Sec. 2. Section two hundred forty-nine A point three (249A.3), subsection two (2), Code 1979, is amended by inserting after paragraph b the following new paragraph, and redesignating the succeeding paragraphs accordingly:

NEW PARAGRAPH. Individuals who are receiving care in an institution for mental diseases, and who are under twenty-one years of age and whose income and resources are such that they are eligible for aid to dependent children under chapter two hundred thirty-nine (239) of the Code, or who are sixty-five years of age or older and who meet the conditions for eligibility in paragraph a of this subsection.

Approved April 30, 1979

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## CHAPTER 56 JUVENILE JUSTICE

S. F. 462

AN ACT relating to juvenile justice provisions of the Code.

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

Section 1. Section two hundred thirty-two point two (232.2), subsection five (5), paragraph g, Code 1979, is amended to read as follows:

g. Whose parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing or shelter ~~or~~ and refuses other means made available to provide such essentials.

Sec. 2. Section two hundred thirty-two point eight (232.8), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Violations by a child of provisions of chapters 106, 106A, 109, one hundred nine A (109A) of the Code, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of ~~chapter 123~~ section one hundred twenty-three point forty-seven (123.47) of the Code to the juvenile court when there is reason to believe that the child regularly abuses alcohol and may be in need of treatment.

Sec. 3. Section two hundred thirty-two point eleven (232.11), subsection three (3), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. The court may appoint counsel to represent the child and reserve the determination of payment until the parent, guardian or custodian has an opportunity to be heard.

Sec. 4. Section two hundred thirty-two point twenty-two (232.22), subsection one (1), paragraph c, Code 1979, is amended to read as follows:

c. There is probable cause to believe that the child has violated conditions of release imposed under section 232.54 and two hundred thirty-two point forty-four (232.44), subsection five (5), paragraph b of the Code and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; or

Sec. 5. Section two hundred thirty-two point twenty-eight (232.28), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. Any person having knowledge of the facts may file a complaint with the court or its designee alleging that a child has committed a delinquent act.

2. The court or its designee shall refer the complaint to an intake officer who shall conduct a preliminary inquiry to determine what action should be taken.

Sec. 6. Section two hundred thirty-two point forty-one (232.41), Code 1979, is amended to read as follows:

232.41 REPORTER REQUIRED. Stenographic notes or mechanical or electronic recordings shall be taken of all court hearings held pursuant to this division unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be ~~the same as these~~ reported in the same manner as required in section 624.9.

Sec. 7. Section two hundred thirty-two point forty-two (232.42), Code 1979, is amended to read as follows:

232.42 CONTINUANCES.

1. Continuances in juvenile delinquency proceedings may be granted by the court only for good cause shown on the record if the child is being held in detention.

2. Where the child requests a continuance of proceedings, the court, in an order granting the continuance, may suspend the time limitations imposed on the state by this division for a period of time not to exceed the length of the continuance.

Sec. 8. Section two hundred thirty-two point forty-seven (232.47), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If the court enters an order adjudicating the child to have committed a delinquent act, the court may issue an order authorizing either shelter care or detention until the dispositional hearing is held.

Sec. 9. Section two hundred thirty-two point fifty-two (232.52), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The dispositional orders which the court may enter subject to its continuing jurisdiction are as follows:

Sec. 10. Section two hundred thirty-two point fifty-four (232.54), subsection one (1), Code 1979, is amended to read as follows:

1. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph "a", ~~or~~ "b" or "c" and upon the motion of a child, a child's parent or guardian, a child's guardian ad litem, a person supervising

the child under a dispositional order, a county attorney, or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order and substitute another order pursuant to the provisions of section 232.52. Notice shall be afforded all parties, and a hearing shall be held at the request of any party.

Sec. 11. Section two hundred thirty-two point fifty-four (232.54), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

2. With respect to a dispositional order made pursuant to section 232.52, subsection 2, ~~paragraph paragraphs~~ "d" and "e", the court ~~may~~ shall grant a motion of the person to whom custody has been transferred for termination of the order and discharge of the child, for modification of the order by imposition of less restrictive conditions, or for vacation of the order and substitution of a less restrictive order unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

Sec. 12. Section two hundred thirty-two point fifty-four (232.54), subsection two (2), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph.\*

Sec. 13. Section two hundred thirty-two point fifty-four (232.54), subsections three (3) and four (4), Code 1979, are amended to read as follows:

3. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", ~~or~~ "e" or "f", the court shall, ~~in the absence of objection by the child,~~ grant a motion of a person or agency to whom custody has been transferred for modification of the order by transfer to an equally restrictive placement, unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. ~~if the child objects to the transfer the court may, after notice and hearing, either grant or deny the motion for transfer.~~ Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

4. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", and "e" or "f", the court may, after notice and hearing, either grant or deny a motion of the child, the child's parent or guardian, or the child's guardian ad litem, to terminate the order and discharge the child, to modify the order either by imposing less restrictive conditions or by transfer to an equally or less restrictive placement, or to vacate the order and substitute a less restrictive order. A motion may be made pursuant to this paragraph no more than once every six months.

Sec. 14. Section two hundred thirty-two point sixty-eight (232.68), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. The commission of any sexual abuse offense with or to a child as defined by pursuant to chapter 709 or section seven hundred twenty-six point two (726.2) of the Code, as a result of the acts or omissions of the person responsible for the care of the child.

Sec. 15. Section two hundred thirty-two point seventy-nine (232.79), subsection five (5), Code 1979, is amended to read as follows:

5. When there has been an emergency removal or keeping of a child without a court order, a physical examination of the child by a licensed medical practitioner shall be performed within twenty-four hours of such removal, unless the child is returned to his or her home within twenty-four hours of the removal.

Sec. 16. Section two hundred thirty-two point eighty-one (232.81), subsection four (4), Code 1979, is amended to read as follows:

4. A person or agency shall not maintain any records with regard to a complaint filed under ~~this~~ division III of this chapter which is dismissed without the filing of a petition. This subsection does not apply to records maintained pursuant to chapter two hundred thirty-five A (235A) of the Code.

Sec. 17. Section two hundred thirty-two point eighty-nine (232.89), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. Counsel shall be appointed as follows:

a. If the child is represented by counsel and the court determines there is a conflict of interest between the child and his or her parent, guardian or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child, who shall be compensated pursuant to the provisions of section eighteen (18) of this Act.

b. If the child is not represented by counsel, the court shall either order the parent, guardian or custodian to retain counsel for the child or shall appoint counsel for the child, who shall be compensated pursuant to the provisions of section eighteen (18) of this Act.

Sec. 18. Section two hundred thirty-two point eighty-nine (232.89), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The court shall determine, after giving the parent, guardian or custodian an opportunity to be heard, whether such person has the ability to pay in whole or in part for counsel appointed for the child. If the court determines that such person possesses sufficient financial ability, the court shall then consult with the department of social services, the juvenile probation office or other authorized agency or individual regarding the likelihood of impairment of the relationship between the child and his or her parent, guardian or custodian as a result of ordering the parent, guardian or custodian to pay for the child's counsel. If impairment is deemed unlikely, the court shall order that person to pay such sums as the court finds appropriate in the manner and to whom the court directs. If the person so ordered fails to comply with the order without good reason, the court shall enter judgment against him or her. If impairment is deemed likely or if the court determines that the parent, guardian or custodian cannot pay any part of the expenses of counsel appointed to represent the child, counsel shall be reimbursed pursuant to section two hundred thirty-two point one hundred forty-one (232.141), subsection one (1), paragraph d of the Code.



Sec. 19. Section two hundred thirty-two point eighty-nine (232.89), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The same person may serve both as the child's counsel and as guardian ad litem.

Sec. 20. Section two hundred thirty-two point ninety-four (232.94), Code 1979, is amended to read as follows:

232.94 REPORTER REQUIRED. Stenographic notes or electronic or mechanical recordings shall be taken of all court hearings held pursuant to this division unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be ~~the same as these~~ reported in the same manner as required in section 624.9.

Sec. 21. Section two hundred thirty-two point ninety-six (232.96), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If the court enters an order adjudicating the child to be a child in need of assistance, the court, if it has not previously done so, may issue an order authorizing temporary removal of the child from his or her home as set forth in section two hundred thirty-two point ninety-five (232.95), subsection two (2), paragraph a of the Code, pending a final order of disposition.

Sec. 22. Section two hundred thirty-two point one hundred two (232.102), subsection five (5), Code 1979, is amended to read as follows:

5. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court ~~may prescribe--the--type--of placement~~ shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of social services or other agency for placement, the department or agency shall submit to the court a specific plan for placement of the child and shall make every effort to return the child to his or her home as quickly as possible. If the court orders the transfer of custody to a relative or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian or custodian in order to enable them to resume custody of the child.

Sec. 23. Section two hundred thirty-two point one hundred eleven (232.111), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. A child's guardian or custodian, the department of social services, a juvenile probation officer or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child ~~as provided in section 232-87.~~

2. The department, probation officer, county attorney or judge may authorize any competent person having knowledge of the circumstances to file a termination petition with the clerk of the court without the payment of a filing fee ~~as provided in section 232-87.~~

Sec. 24. Section two hundred thirty-two point one hundred twelve (232.112), subsection two (2), Code 1979, is amended to read as follows:

2. Prior to the service of notice on the necessary parties, the juvenile court shall appoint a guardian ad litem for a ~~minor~~ child if the child does not have a guardian or guardian ad litem or if the interests of the guardian or guardian ad litem conflict with the interests of the child. Such guardian ad litem shall be a necessary party under subsection 1.

Sec. 25. Chapter two hundred thirty-two (232), Code 1979, is amended by adding the following new sections after section two hundred thirty-two point one hundred thirteen (232.113) and renumbering as necessary remaining sections of division four (IV):

NEW SECTION. DUTIES OF COUNTY ATTORNEY. Upon the filing of a petition the county attorney shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition.

NEW SECTION. REPORTER REQUIRED. Stenographic notes or electronic or mechanical recordings shall be taken of all court hearings held pursuant to this division unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be reported in the same manner as required in section six hundred twenty-four point nine (624.9) of the Code.

Sec. 26. Section two hundred thirty-two point one hundred forty-one (232.141), subsection four (4), paragraph a, Code 1979, is amended to read as follows:

a. The costs incurred under the provisions of section 232.52 of prior Codes by each county for the fiscal years beginning July 1, ~~1974~~, 1975, and 1976 and 1977 shall be averaged. The average cost for each county shall be that county's base cost for the first fiscal year after July 1, 1979.

Sec. 27. Section two hundred thirty-two point one hundred forty-one (232.141), subsection four (4), paragraph d, Code 1979, is amended to read as follows:

d. Costs incurred under provisions of this section which are not paid by the county under the provisions of paragraphs "a," "b" and "c" shall be paid by the state. The counties shall apply for reimbursement to the department, which shall promulgate rules and forms to carry out the provisions of this paragraph.

Sec. 28. Section two hundred thirty-two point one hundred forty-seven (232.147), subsection two (2), Code 1979, is amended to read as follows:

2. Official juvenile court records in cases alleging delinquency shall be public records, subject to sealing under section 232.150. If the court has excluded the public from a hearing under division two (II) of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter.

Sec. 29. Section two hundred thirty-two point one hundred forty-seven (232.147), subsection three (3), paragraph g, Code 1979, is amended by striking the paragraph.

Sec. 30. Section two hundred thirty-two point one hundred forty-seven (232.147), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. All juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and his or her counsel and to any trial or appellate court in connection with an appeal pursuant to division six (VI) of this chapter.

Sec. 31. Chapter two hundred thirty-two (232), Code 1979, is amended by adding the following new section:

NEW SECTION. APPLICABILITY OF THIS CHAPTER PRIOR TO ITS EFFECTIVE DATE.

1. Except as provided in subsections two (2) and three (3) of this section, this chapter does not apply to juvenile court cases brought prior to July 1, 1979 or to acts committed prior to July 1, 1979 which would otherwise bring a child or his or her parent, guardian or custodian within the jurisdiction of the juvenile court pursuant to this chapter.

2. In a case pending on or commenced after July 1, 1979, involving acts committed prior to July 1, 1979:

a. Upon the request of any party and the approval of the court:

(1) Procedural provisions of this chapter shall apply insofar as they are justly applicable.

(2) The court may order a disposition of the case pursuant to the provisions of this chapter.

3. Provisions of this chapter governing the termination, modification or vacation of a dispositional order shall apply to persons to whom a dispositional order has been issued for acts committed prior to July 1, 1979, except that the maximum length of the order and the severity of the disposition shall not be increased. The provisions of this chapter shall not affect the substantive or procedural validity of a judgment entered before July 1, 1979, regardless of the fact that appeal time has not run or that an appeal is pending.

Sec. 32. Section two hundred thirty-three point five (233.5), Code 1979, is amended to read as follows:

233.5 INTERPRETATIVE CLAUSE. For the purposes of this Act ~~chapter~~ the word "dependency" shall mean all the conditions as enumerated in section 232.2, subsection ~~4~~ five (5) of the Code.

Sec. 33. Section two hundred thirty-two point thirteen (232.13), Code 1979, is repealed.

Approved June 5, 1979

CHAPTER 57  
GENERAL RELIEF DIRECTOR

S. F. 98

AN ACT to change the title of the overseer of the poor to general relief director, and to transfer to that officer or to the county board of supervisors certain duties now imposed by law upon township trustees.

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

Section 1. Section two hundred fifty-two point two (252.2), Code 1979, is amended to read as follows:

252.2 PARENTS AND CHILDREN LIABLE. The father, mother, and children of any poor person, who is unable to maintain himself or herself by labor, shall jointly or severally relieve or maintain such person in such manner as, upon application to the ~~township-trustees~~ board of supervisors of the ~~township county~~ where such person has a residence or may be, they may direct.

Sec. 2. Section two hundred fifty-two point six (252.6), Code 1979, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY. Upon the failure of such relatives so to relieve or maintain a poor person who has made application for relief, the ~~township--trustees~~ county board of supervisors, county social welfare board, or state division of child and family services of the department of social services may apply to the district court of the county where such poor person resides or may be, for an order to compel the same.

Sec. 3. Section two hundred fifty-two point twenty-five (252.25), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

252.25 COUNTY GENERAL RELIEF. The board of supervisors of each county shall provide for the relief of poor persons in its county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under such programs. The county board shall establish general rules as its members deem necessary to properly discharge their responsibility under this section.

Sec. 4. Section two hundred fifty-two point twenty-six (252.26), Code 1979, is amended to read as follows:

252.26 ~~OVERSEER---OF--POOR~~ GENERAL RELIEF DIRECTOR. The board of supervisors in any each county in the state may shall, no later than July 1, 1980, appoint or designate an overseer-of-the-poor a general relief director for any-part,-ex-all-of the county, who shall have within-said-county,-or-any part-thereof,-all the powers and duties conferred by this chapter ~~on--the township--trustees,---said--overseer~~. In counties of one hundred thousand or less population, the county board may designate as general relief director an employee of the state department of social services who is assigned to work

in that county and is directed by the commissioner of social services, pursuant to an agreement with the county board, to exercise the functions and duties of general relief director in that county. The director shall receive as compensation an amount to be determined by the county board and, which may be paid either from the general or poor fund of the county.

Sec. 5. Section two hundred fifty-two point twenty-eight (252.28), Code 1979, is amended to read as follows:

252.28 MEDICAL SERVICES. When medical services are rendered by order of the ~~trustees or overseers of the poor~~ general relief director, no more shall be charged or paid therefor than is usually charged for like services ~~in the neighborhood where such services are rendered.~~

Sec. 6. Section two hundred fifty-two point thirty-three (252.33), Code 1979, is amended to read as follows:

252.33 APPLICATION FOR RELIEF. The poor may make application for relief to a member of the board of supervisors, or to the ~~overseer of the poor, or to the trustees of the township~~ general relief director of the county where they may be. If application be made to the ~~township trustees~~ general relief director and ~~they are~~ that officer is satisfied that the applicant is in such a state of want as requires relief at the public expense, ~~they~~ the director may afford such temporary relief, subject to the approval of the board of supervisors, as the necessities of the person require and shall report the case forthwith to the board of supervisors, who may continue or deny relief, as they find cause.

Sec. 7. Section two hundred fifty-two point thirty-four (252.34), Code 1979, is amended to read as follows:

252.34 ALLOWANCE BY BOARD. The board of supervisors may examine into all claims, including claims for medical attendance, allowed by the ~~township trustees~~ general relief director for the support of the poor, and if they find the amount allowed ~~by said trustees~~ to be unreasonable, exorbitant, or for any goods or services other than for the necessities of life, they may reject or diminish the claim as in their judgment would be right and just. This section shall apply to all counties in the state, ~~whether there are county care facilities established in the same or not. This and section 252.33 shall apply to acts of overseers of poor in cities as well as to township trustees.~~

Sec. 8. Section two hundred fifty-two point thirty-five (252.35), Code 1979, is amended to read as follows:

252.35 PAYMENT OF CLAIMS. All claims and bills for the care and support of the poor shall be certified to be correct by the ~~proper trustees~~ general relief director and presented to the board of supervisors, and, if they are satisfied that ~~they~~ the claims and bills are reasonable and proper, they shall be paid out of the county treasury.

Sec. 9. Section two hundred fifty-two point thirty-seven (252.37), Code 1979, is amended to read as follows:

252.37 APPEAL TO SUPERVISORS. If any poor person, on application to the ~~trustees~~ general relief director, be refused the required relief, ~~he~~ the applicant may ~~apply~~ appeal to the board of supervisors, who, upon examination into the matter, may ~~direct the trustees~~ order the director to afford relief, or it may direct specific relief.

Sec. 10. Section two hundred fifty-two point forty-one (252.41), Code 1979, is amended to read as follows:

252.41 EMPLOYMENT. Any such contractor may employ a poor person in any work for which he or she is physically able, paid no less than under the state merit system at grade 7, step 1, subject to the control of the board of supervisors, who may place said contractor under the supervision of the ~~township-trustees~~ general relief director.

Sec. 11. Section two hundred thirty-eight point thirty-seven (238.37), Code 1979, is amended to read as follows:

238.37 AUTHORITY TO ENTER AGREEMENTS. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph "b" of article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the director of family and children's services in the case of the state and the ~~everseer-of-the-poor~~ county general relief director in the case of a subdivision of the state.

Sec. 12. Section two hundred fifty-five point two (255.2), Code 1979, is amended to read as follows:

255.2 DUTY OF PUBLIC OFFICERS AND OTHERS. It shall be the duty of physicians, public health nurses, members of boards of supervisors ~~and township-trustees, everseers-of-the-poor,~~ general relief directors, sheriffs, policemen, and public school teachers, having knowledge of persons suffering from any such malady or deformity, to file or cause such complaint to be filed.

Sec. 13. Section two hundred fifty-five point six (255.6), Code 1979, is amended to read as follows:

255.6 INVESTIGATION AND REPORT. When such complaint is filed, the clerk of juvenile court shall furnish the county attorney and board of supervisors with a copy thereof and said board shall, by the ~~everseer-of-the-poor~~ general relief director or such other agent as it may select, make a thorough investigation of facts as to the legal residence of the patient, and the ability of the patient or others chargeable with his or her support to pay the expense of such treatment and care; and shall file a report of such investigation in the office of the clerk, at or before the time of hearing.

Sec. 14. Section two hundred fifty-five point eight (255.8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The county attorney and the ~~everseer-of-the-poor~~ general relief director, or other agent of the board of supervisors of the county where the hearing is held, shall appear thereat. The complainant, the county attorney, the ~~everseer-of-the-poor~~ general relief director or other agent of the board of supervisors, and the patient, or any person representing him, or her, may introduce evidence and be heard. If the court finds that said patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the

patient nor any person legally chargeable with his or her support is able to pay the expenses thereof, then the clerk of court, except in obstetrical cases and cases of crippled children, shall immediately ascertain from the admitting physician at the university hospital whether such person can be received as a patient within a period of thirty days, and if the patient can be so received, the court, or in the event of no actual contest, the clerk of the court, shall then enter an order directing that said patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the court ascertain, excepting in obstetrical cases and orthopedic cases, that a person of the age or sex of the patient, or afflicted by the complaint, disease or deformity with which such person is affected cannot be received as a patient at the said university hospital within the period of thirty days, then he the court or the clerk shall enter an order directing the board of supervisors of the county to provide adequate treatment at county expense for said the patient at home or in a hospital. Obstetrical cases and orthopedic cases may be committed to the university hospital without regard to the limiting period of thirty days ~~hereinbefore stated.~~

Sec. 15. Section three hundred thirty-two point seventeen (332.17), subsection seven (7), Code 1979, is amended to read as follows:

7. ~~Overseer-of-the-peer~~ General relief director

Sec. 16. Section three hundred forty-seven point sixteen (347.16), subsection two (2), Code 1979, is amended to read as follows:

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who ~~has legal settlement under section 252-16~~ fulfills the residency requirements under section forty-seven point four (47.4), subsection four (4), of the Code, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the ~~overseer--of--the--peer~~ general relief director or the office of the department of social services in that county, subject to such guidelines as the board may adopt in conformity with applicable statutes.

Sec. 17. Section three hundred fifty-nine point seventeen (359.17), Code 1979, is amended to read as follows:

359.17 TRUSTEES--DUTIES--MEETINGS. The board of township trustees in each township shall consist of three qualified electors of the township. The trustees shall act as ~~overseers-of-the-peer-and-as~~ fence viewers and shall perform other duties assigned them by law. The board of trustees shall meet ~~on-the-first-Monday-in-February,-April,-and-November-in-each-year~~ not less than once a year.

Sec. 18. Section two hundred fifty-two point thirty-two (252.32), Code 1979, is repealed.

Approved May 8, 1979

CHAPTER 58  
TEACHERS CERTIFICATES

H. F. 374

AN ACT relating to the issuance and renewal of teacher certificates.

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

Section 1. Section two hundred fifty-seven point ten (257.10), subsection eleven (11), Code 1979, is amended to read as follows:

11. Constitute the board of educational examiners for the certification of administrative, supervisory and instructional personnel for the public school systems of the state; prescribe types and classes of certificates to be issued, the subjects and fields and positions which ~~such~~ certificates shall cover and determine the requirements for certificates; establish standards for the acceptance of degrees, credits, courses, and other evidences of training and preparation from institutions of higher learning, junior colleges, ~~normal schools,~~ or other training institutions, both public and private, within or without the state, ~~for the certification of their students.~~ The state board shall ~~have and exercise all the powers and perform all the~~ duties imposed upon the board of educational examiners under the ~~provisions of~~ chapter 260. ~~The minimum requirements for awarding a permanent professional certificate shall be:~~

- ~~1. A professional certificate,~~
- ~~2. Four years of successful teaching experience, and~~
- ~~3. A master's degree or a professional degree beyond the baccalaureate degree.~~

Sec. 2. Section two hundred sixty point six (260.6), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.6 CERTIFICATES REQUIRED. The board of educational examiners shall issue certificates pursuant to section two hundred fifty-seven point ten (257.10), subsection eleven (11), of the Code. A person employed as an administrator, supervisor, school service person, or teacher in the public schools shall hold a certificate valid for the type of position in which the person is employed.

Sec. 3. Section two hundred sixty point seven (260.7), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.7 CERTIFICATE VALIDITY. A certificate is valid for the subject matter fields or administrative, supervisory, or school service activities for which an express statement of approval or an endorsement is given by the issuing authority.

Sec. 4. Section two hundred sixty point nine (260.9), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended by striking the unnumbered paragraph.



Sec. 5. Section two hundred sixty point nine (260.9), subsections two (2) and three (3), Code 1979, are amended by striking the subsections.

Sec. 6. Section two hundred sixty point ten (260.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Courses, classes, or programs offered in this state by out-of-state institutions must be approved by the board of educational examiners in order to fulfill requirements for certification or renewal of certification of an applicant.

Sec. 7. Section two hundred sixty point eleven (260.11), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.11 EXPIRATION OF CERTIFICATES. The board shall prescribe the terms of years for which the various types and classes of certificates are valid and shall prescribe requirements for certificate renewal. An original or renewed certificate shall expire on June thirtieth of the year in which it expires, and the expiration date shall be determined by counting each fraction of a year during the term of a certificate following the date of issuance as one full year.

Sec. 8. Section two hundred sixty point twelve (260.12), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.12 PERMANENT PROFESSIONAL CERTIFICATE. The minimum requirements for the board to award a permanent professional certificate to an applicant are:

1. Possession of a valid certificate to teach.
2. Completion of four years of successful experience.
3. Possession of a master's degree or a professional degree beyond the baccalaureate degree.

Sec. 9. Section two hundred sixty point fifteen (260.15), Code 1979, is amended to read as follows:

260.15 APPLICATIONS--DISBURSEMENT OF FEES. Applications for the issuance or renewal of all teachers' certificates shall be made to the superintendent of public instruction. ~~All--fees~~ Fees for the issuance or renewal of ~~such~~ certificates shall be paid to the superintendent of public instruction who shall deposit each fee received from these sources with the treasurer of state ~~to-be-credited~~ and credit the fee to the general revenue fund of the state. ~~In-the-event-that~~ If an application for the issuance or renewal of a certificate is not approved, the state superintendent of public instruction shall remit ~~such~~ the fee ~~or-fees~~ to the applicant by a state comptroller's warrant issued ~~by-him~~ on the general revenue fund ~~not-otherwise--appropriated of the state~~ upon certification of the state superintendent of public instruction that ~~such~~ the fee ~~or--fees--have~~ has not been earned. The superintendent shall keep an accurate and detailed account of money received.

Sec. 10. Section two hundred sixty point nineteen (260.19), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.19 SUBSTITUTE TEACHER'S CERTIFICATES. The board shall prescribe requirements for the issuance of a substitute teacher's certificate.

Sec. 11. Section two hundred sixty point twenty-one (260.21), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

260.21 VALIDITY OF CERTIFICATES. A certificate is valid throughout the state after issuance by the board. A certificate issued by the board prior to the effective date of this Act is valid until June thirtieth of the year in which the certificate expires. Certificates issued prior to the effective date of this Act may be renewed in a manner prescribed by the board.

Sec. 12. Sections two hundred sixty point eight (260.8), two hundred sixty point thirteen (260.13), two hundred sixty point sixteen (260.16), two hundred sixty point seventeen (260.17), two hundred sixty point twenty (260.20), and two hundred sixty point twenty-nine (260.29), Code 1979, are repealed.

Sec. 13. This Act is effective January first following its enactment.

Approved April 26, 1979

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## CHAPTER 59

### PROFESSIONAL TEACHERS MEETINGS, DEMONSTRATION TEACHING, AND FIELD WORK

H. F. 60

AN ACT relating to the responsibility of area education agencies to provide for improvement of instruction in public schools.

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

Section 1. Section two hundred fifty-seven point eighteen (257.18), Code 1979, is amended by striking subsection nineteen (19) and inserting in lieu thereof the following:

19. Direct area education agency administrators to arrange for professional teachers' meetings, demonstration teaching or other field work for the improvement of instruction as best fits the needs of the public schools in each merged area and formulate rules for the administration of this subsection.

Sec. 2. Chapter two hundred seventy-two (272), Code 1979, is repealed.

Approved March 6, 1979

CHAPTER 60  
AREA EDUCATION AGENCY ADMINISTRATOR

H. F. 659

AN ACT relating to the salary of the administrator of an area education agency.

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

Section 1. Section two hundred seventy-three point three (273.3), subsection twelve (12), Code 1979, is amended to read as follows:

12. Employ ~~such~~ personnel ~~as may be required~~, to carry out the functions of the area education agency which shall include the employment of an administrator who shall possess a certificate issued under ~~the provisions of~~ section 260.9. The administrator shall be employed pursuant to ~~the provisions of~~ section 279.20 and ~~the provisions of~~ sections 279.23, 279.24 and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator, except that the salary established by the board for an administrator for a school year shall not exceed the salary established by the board for that administrator for the preceding school year by more than seven percent. ~~subject to the salary limitations provided in this subsection. For the school year beginning July 1, 1978, the annual salary of an administrator shall not exceed twenty-nine thousand dollars if the area education agency has an approved budget for that year of less than seven million dollars and shall not exceed thirty thousand dollars if the area education agency has an approved budget for that year of seven million dollars or more. For each school year thereafter, the annual salary established for an administrator shall not exceed one hundred percent, plus a percent equal to one-half of the state percent of growth established in section 442.7 for the budget year, times the salary granted by the board for the preceding year for the administrator of that area education agency.~~ The salary shall include the costs of additional benefits, over and above the additional benefits given all full-time employees. The provisions of section 279.13 shall apply to the area education agency board and to all teachers employed by the area education agency. The provisions of sections 279.23, 279.24 and 279.25 shall apply to the area education board and to all administrators employed by the area education agency. Salary rates ~~The salary rate for the administrator~~ established by the board ~~shall be~~ is subject to the approval of the state board.

Approved June 4, 1979

CHAPTER 61  
SCHOOL BOARDS

H. F. 418

AN ACT relating to the method for electing members of local school district boards of directors, and to the procedure for changing from one optional method to another.

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

Section 1. Section two hundred seventy-five point twelve (275.12), subsection two (2), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. In districts having seven directors, election of three directors at large by the electors of the entire district, one at each annual school election, and election of the remaining directors as residents of and by the electors of individual geographic subdistricts established on the basis of population and identified as director districts. Boundaries of the subdistricts shall follow precinct boundaries, insofar as practicable, and shall not be changed less than sixty days prior to the annual school election.

Sec. 2. Section two hundred seventy-five point thirty-six (275.36), Code 1979, is amended to read as follows:

275.36 SUBMISSION OF CHANGE TO ELECTORS. If a petition for a change in the number of directors or in the method of election of school directors, describing the boundaries of the proposed director districts, if any, signed by at least one-third of the voters residing within the eligible electors of the school district equal in number to at least thirty percent of those who voted in the last previous annual school election in the school district, but not less than twenty-five persons, and accompanied by affidavit as required by section 275.13 be filed with the school board of a school district, not earlier than six months and not later than two months before a regular or special school election, the school board shall submit such proposition to the voters at such election. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this section within the next six years.

Sec. 3. Section two hundred seventy-five point thirty-eight (275.38), Code 1979, is amended to read as follows:

275.38 IMPLEMENTING CHANGED METHOD OF ELECTION. If change in the method of election of school directors is approved at a regular or special school election, the directors who were serving unexpired terms or were elected concurrently with approval of the change of method shall serve out the terms

for which they were elected. If the plan adopted is that described in section 275.12, subsection 2, paragraph "b," "c" ~~or~~, "d," or section one (1) of this Act the board shall at the earliest practicable time designate the districts from which residents are to be elected as school directors at each of the next three succeeding annual school elections, arranging so far as possible for elections of directors as residents of the respective districts to coincide with the expiration of terms of incumbent members residing in those districts. If an increase in the size of the board from five to seven members is approved concurrently with the change in method of election of directors, the board shall make the necessary adjustment in the manner prescribed in section 275.37, as well as providing for implementation of the districting plan under this section.

Sec. 4. Section two hundred seventy-eight point one (278.1), subsection nine (9), Code 1979, is amended to read as follows:

9. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection or subsection eight (8) of this section is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection or subsection eight (8) of this section within the next six years.

Sec. 5. Section two hundred seventy-eight point two (278.2), Code 1979, is amended to read as follows:

278.2 SUBMISSION OF PROPOSITION. The board may, and upon the written request of twenty-five eligible electors of any district having a population of five thousand or less, or of fifty eligible electors of any other district, shall direct the county commissioner of elections to provide in the notice of the regular election for submitting any proposition authorized by law to the voters. However, when in the case of a proposition authorized by section two hundred seventy-eight point one (278.1), subsections eight (8) or nine (9) of the Code, the requirements of section two hundred seventy-five point thirty-six (275.36) of the Code shall govern with respect to the number of signatures required on a petition for submission of the proposition. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsections eight (8) or 9 ~~or 10~~, it shall not thereafter direct him or her to submit at the same election any other proposition under either of these subsections.

Approved June 7, 1979

**CHAPTER 62**  
**TRANSPORTATION OF PUPILS IN NONPUBLIC SCHOOLS**

H. F. 729

AN ACT relating to the payment of claims for nonpublic school pupil transportation.

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

Section 1. Section two hundred eighty-five point two (285.2), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

Claims for reimbursement shall be made to the department of public instruction by the public school district providing transportation or transportation reimbursement during a school year on a form prescribed by the department, and the claim shall state the services provided and the actual costs incurred. A claim shall not exceed the average transportation costs of the district per pupil transported. Claims shall be accompanied by an affidavit of an officer of the public school district affirming the accuracy of the claim. By February ~~± first~~ and by ~~June-15~~ July fifteenth of each year the department shall certify to the state comptroller the amounts of approved claims to be paid, and the state comptroller shall draw warrants payable to school districts which have established claims. Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under the provisions of section 285.9, subsection 3, the public school district of the pupil's residence may transport any pupil to a school located in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under the provisions of section 285.5 to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under the provisions of section 285.5 to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section 285.1, subsection 3.

Approved April 26, 1979

CHAPTER 63  
TEACHING AUTHORIZATION

H. F. 307

An Act relating to authorization for teaching.

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

Section 1. Section two hundred ninety-four point two (294.2), Code 1979, is amended to read as follows:

294.2 ~~EXPERIENCE-IN~~ AUTHORIZATION FOR TEACHING RECOGNIZED. No ~~regulations or orders~~ rules by the state ~~superintendent board~~ board of public instruction ~~or the board of educational examiners~~ with reference to the qualifications of teachers, ~~in regard to having taken~~ requiring the completion of certain ~~high school or collegiate~~ college courses or teachers training courses, ~~shall be~~ are retroactive ~~so as to apply to any a~~ teacher who has ~~had at least three years of successful experience in teaching, and no teacher once approved for teaching in any kind of school shall be prevented by such regulations or orders from continuing to teach in the same kind of school for which he has previously been approved, provided, however, that~~ received endorsement and approval to teach a specific subject or subjects if the certificate of the teacher is valid. However, this section shall not be construed as limiting does not limit the duties or powers of any a school board in the selection or discharge of teachers, or in the dismissal of teachers for inefficiency or for any legal cause termination of teachers' contracts.

Approved April 30, 1979

CHAPTER 64  
SCHOOL BUILDING PORTION LEASED

H. F. 468

AN ACT to provide a procedure for leasing a portion of a school building.

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

Section 1. Section two hundred ninety-seven point twenty-two (297.22), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of directors of a school corporation may lease a portion of an existing school building in which the remaining portion of the building will be used for school purposes for a period of not to exceed five years. The lease may be renewed at the option of the board.

Sections two hundred ninety-seven point fifteen (297.15) through two hundred ninety-seven point twenty (297.20) of the Code, sections two hundred ninety-seven point twenty-three (297.23) and two hundred ninety-seven point twenty-four (297.24) of the Code, and the property value limitations and appraisal requirements of this section do not apply to the lease of a portion of an existing school building.

Approved May 4, 1979

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CHAPTER 65  
TEMPORARY SIGNS FOR COMMUNITY EVENTS

S. F. 81

AN ACT to permit the use of temporary signs to notify the public of community events.

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

Section 1. Section three hundred six C point ten (306C.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Special Event Sign" means a temporary advertising device, not larger than thirty-two square feet in area, erected for the purpose of notifying the public of noncommercial community events including but not limited to fairs, centennials, festivals, and celebrations open to the general public and sponsored or approved by a city, county, or school district.

Sec. 2. Section three hundred six C point eighteen (306C.18), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The owner of every advertising device regulated by the provisions of this chapter, except signs and advertising devices excepted by section 306C.11, subsections 1, 2, 3, 4 and 5, shall be required to make application to the department for a permit.

Sec. 3. Chapter three hundred six C (306C), Code 1979, is amended by adding the following new section:

NEW SECTION. SPECIAL EVENT SIGNS. It is lawful to place a special event sign on private property with permission of the owner or person in charge of the property at any time during the period beginning thirty days prior to the date of the special event to which the sign pertains and ending on the day of the special event. Special event signs shall be removed not later than twenty-four hours following the end of the special event. This section does not authorize placement of a special event sign at a location where it may, because of its size, location, content, coloring or lighting, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of



drivers, by detracting from the visibility of a traffic control device or by being confused with an authorized traffic control device.

Sec. 4. This Act is effective on January first following its enactment.

Approved May 7, 1979

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CHAPTER 66  
TRANSPORTATION GRANTS OF FEDERAL FUNDS

S. F. 203

AN ACT relating to the duties of the state department of transportation by designating the department as the agent to receive and disburse federal funds allocated to the state and its political subdivisions for transportation purposes by providing for use of funds deposited in the state aviation fund, and by providing for notice where the department refuses to issue a certificate of registration or special certificate for aircraft.

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

Section 1. Section three hundred seven point ten (307.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes.

Sec. 2. Section three hundred twenty-eight point fourteen (328.14), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The department is the authorized agency of the state to receive and disburse federal funds for general aviation airports owned by political subdivisions of the state.

Sec. 3. Section three hundred twenty-eight point thirty-six (328.36), Code 1979, is amended to read as follows:

328.36 STATE AVIATION FUND. There is ~~hereby~~ created a fund to be known as the state aviation fund, which shall consist of all moneys received by the department, together with all moneys appropriated to ~~said~~ the fund by the state.

Unless otherwise provided, the ~~aeronautics~~ fund is ~~hereby~~ appropriated for airport engineering studies, construction or improvements.

Sec. 4. Section three hundred twenty-eight point thirty-nine (328.39), Code 1979, is amended to read as follows:

328.39 ORDER OF DEPARTMENT--REVIEW. In any case where the department refuses to issue a certificate of registration or special certificate, or in any case where it shall issue any order requiring certain things to be done, or revoking or suspending any certificate, it shall set forth its reasons ~~therefor~~ and shall state the requirements to be met before such certificate

will be issued or such order will be modified or changed. Any order made by the department pursuant to the provisions of this chapter shall be served upon the interested persons by registered certified mail or in person.

Any order of the department or any refusal to issue, revocation or suspension of any certificate shall be subject to judicial review in accordance with ~~the-terms-of-the-iowa-administrative--procedure--Act~~ chapter seventeen A (17A) of the Code.

Approved May 8, 1979

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CHAPTER 67  
FARM-TO-MARKET ROADS

S. F. 280

AN ACT to provide a uniform definition of a farm-to-market road system.

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

Section 1. Section three hundred ten point ten (310.10), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED. The farm-to-market road system shall embrace those roads as defined in section three hundred six point three (306.3), subsection five (5), of the Code.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa.

Approved June 1, 1979

I hereby certify that the foregoing Act, Senate File 280, was published in the Muscatine Journal, Muscatine, Iowa on June 7, 1979, and in the Fort Dodge Messenger, Fort Dodge, Iowa on June 7, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 68  
COUNTY TREASURERS' TAX DUTIES

S. F. 159

AN ACT making statutory changes which affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds.

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

Section 1. Section three hundred eleven point sixteen (311.16), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

On the final determination the board shall levy ~~such~~ the assessments and all installments thereof upon the real estate within ~~said~~ the district as finally established. The entire amount of ~~said~~ the assessment shall be then due and payable, and bear interest at six percent per annum commencing twenty days from the date of ~~said~~ the levy, and shall be collected at the ~~next~~ succeeding ~~March~~ September semiannual payment of ordinary taxes.

Sec. 2. Section three hundred eleven point seventeen (311.17), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

If ~~any~~ an owner other than the state or a county or city, of any tracts of land on which the assessment is more than ten dollars, shall, within twenty days from the date of ~~said~~ the assessment, agree in writing filed in the office of the county auditor, that in consideration of ~~his~~ the owner having the right to pay ~~his~~ the assessment in installments, ~~he~~ the owner will not make any objection of illegality or irregularity as to ~~said~~ the assessment upon ~~his-said~~ the real estate, and will pay the ~~same-with~~ assessment plus six percent annual interest ~~thereon, then-and-in-that-case--said~~ the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of ~~such~~ the agreement. The other installments with interest on the whole amount unpaid shall be paid annually ~~thereafter~~ at the same time and in the same manner as the ~~March~~ September semiannual payment of ordinary taxes.

Sec. 3. Section three hundred eleven point eighteen (311.18), Code 1979, is amended to read as follows:

311.18 ASSESSMENT DELINQUENT--PENALTIES. ~~All--such~~ The assessed taxes shall become delinquent on the first day of ~~March-next~~ September after their maturity, shall bear the same interest, the same penalties, and be attended with the same rights and remedies for collection, as ordinary taxes.

Sec. 4. Section three hundred thirty-two point fifteen (332.15), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

332.15 DESTRUCTION OF RECORDS. The board of supervisors may authorize a county official to destroy records in the official's possession that have

been on file for more than ten years and are not required to be kept as permanent records.

Sec. 5. Section three hundred thirty-four point twelve (334.12), Code 1979, is amended to read as follows:

334.12 UNCLAIMED MONEY.

1. In any a county of this state where any a special levy has been made to pay any a claim, bond, or other indebtedness, and the ~~same shall have~~ money has remained in the treasury of the county, uncalled for, for a period of three years, the board of supervisors of ~~such the~~ such the county may authorize ~~such the~~ such the unclaimed fund to be transferred to the general county fund.

2. The amount of a check or warrant outstanding for more than two years shall be paid to the county treasurer and credited to the county general fund as unclaimed fees and trust. The county treasurer shall provide a list of the checks and warrants to the county auditor who shall maintain a record of the unclaimed fees and trusts. A person may claim an unclaimed fee or trust within five years after the money is credited to the general fund upon proper proof of ownership. Claims for unclaimed fees and trusts shall be paid from the general fund of the county. An unclaimed trust held by the clerk of the district court shall be disposed of as provided in section five hundred fifty-six point eight (556.8) of the Code.

Sec. 6. Chapter four hundred twenty-seven (427), Code 1979, is amended by adding the following new sections:

NEW SECTION. Taxable property on the tax rolls on July first of each year is subject to all property taxes levied and payable during the fiscal year. If property which may be exempt from taxation is acquired after July first by a person or the state or any of its political subdivisions and the person or the state or any of its political subdivisions files for a tax exemption for the property, the exemption shall be denied for that fiscal year and the person or the state or any of its political subdivisions shall pay the property taxes levied against the property for that fiscal year. However, the seller and the purchaser may designate, by written agreement, the party responsible for payment of the property taxes due.

NEW SECTION. All credits for and exemptions from property taxes for which an application is required shall be granted on the basis of eligibility in the fiscal year in which the application is filed, unless otherwise provided by law. If the property which has received a credit or exemption becomes ineligible for the credit or exemption during the fiscal year for which it was granted, the property shall be subject to the taxes in a prorated amount for that part of the fiscal year for which the property was ineligible for the credit or exemption, unless otherwise provided by law.

Sec. 7. Section four hundred forty-five point fourteen (445.14), Code 1979, is amended to read as follows:

445.14 ENTRIES ON GENERAL TAX LIST. The county treasurer shall each year, upon receiving the tax list referred to in section 445.10 ~~enter in red ink~~ indicate upon the same tax list, in a separate ~~columns~~ column opposite each parcel of real estate upon which the special assessment remains unpaid for any previous year, ~~the book, page and line number of the special assessment tax list where such special assessment levy and the amount so levied may be found~~ that a special assessment is due.

Sec. 8. Section four hundred forty-five point twenty (445.20), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

445.20 PENALTY ON UNPAID TAXES. Penalties at the rate prescribed by law shall accrue on unpaid taxes but the penalty on unpaid taxes shall not exceed forty-eight percent. Penalties on unpaid taxes which became delinquent before January 1, 1979 shall accrue pursuant to this section to the maximum of forty-eight percent.

Sec. 9. Section four hundred forty-five point twenty-two (445.22), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

445.22 SUBSEQUENT COLLECTION. Any delinquent taxes subsequently collected shall be apportioned according to the tax apportionment for the current year.

Sec. 10. Section four hundred forty-five point twenty-three (445.23), Code 1979, is amended to read as follows:

445.23 ~~CERTIFICATE~~ STATEMENT OF TAXES DUE. The county treasurer, when requested to do so by anyone having an interest ~~therein in taxes and assessment due on a parcel of real estate~~, shall ~~certify state~~ in writing the entire amount of taxes and assessments due upon any a parcel of real estate, ~~together--with~~ all sales of the same real estate for unpaid taxes or assessments shown by the books or records in his the county treasurer's office, with and the amount required for redemption from the same purchaser, if still redeemable, ~~--if he is paid or tendered his fees for such certificate.~~ The person requesting the statement shall pay a fee at the rate of one dollar for the first parcel in each township or city, and twenty cents for each subsequent any other parcel in the same township or city--and in. In computing ~~such the~~ fees each description in the tax list shall be ~~reckoned considered~~ a parcel.

Sec. 11. Section four hundred forty-five point twenty-eight (445.28), Code 1979, is amended to read as follows:

445.28 LIEN OF TAXES ON REAL ESTATE. Taxes upon real estate shall be a lien thereon on the real estate against all persons except the state. However, taxes upon real estate shall be a lien on the real estate against the state and any political subdivision of the state which is liable for payment of property taxes as a purchaser under the provisions of section six (6) of this Act.

Sec. 12. Section four hundred forty-five point twenty-nine (445.29), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

445.29 LIEN OF PERSONAL TAXES. All personal property tax due from a person shall be a lien against any real estate owned by the person for ten years from the date of assessment.

Sec. 13. Section four hundred forty-five point thirty-nine (445.39), Code 1979, is amended to read as follows:

445.39 INTEREST AS PENALTY. If the first installment of taxes ~~shall is~~ not be paid by the delinquent date specified in section 445.37, ~~said the~~ installment shall become due and draw interest, as a penalty, of one percent

per month until paid, from ~~such~~ the delinquent date following the levy; and if the last half ~~shall~~ is not be paid by April first following ~~such~~ the levy, ~~then-a-like~~ the same interest shall be charged from the date ~~such~~ the last half became delinquent. However, after April first in a fiscal year when late certification of the tax list results in a penalty date later than October first for the first installment, penalties on delinquent first installments shall accrue as if certification were made on the previous June thirtieth.

Sec. 14. Section four hundred forty-six point seven (446.7), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Property of municipal and political subdivisions of the state of Iowa and property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, shall not be offered or sold at tax sale and ~~any-purported a tax sale thereof of that property~~ shall be void from its inception. ~~Whenever~~ When delinquent taxes are owing against property owned or claimed by any municipal or political subdivision of the state of Iowa, or property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, the treasurer shall give notice to the governing body ~~thereof of the agency, subdivision or authority~~ which shall then pay the amount of the due and delinquent taxes from its general fund. ~~in-the-event-such-governing-body fails-to-make-payment-upon-such-notice,-the-collection-and-enforcement-of-the taxes,-penalty,-interest,-and-costs-shall-be-suspended-for--so--long--as--the property-shall-remain-in-public-ownership,-and-for-so-long-as-the-property-is the--subject--of-a-conditional-conveyance-under-an-Iowa-homesteading-project, but-the-same-may-be-collected-and-enforced-against-the-property-in-the--event of--its-subsequent-sale-by-such-municipal-or-political-subdivision,-agency-or authority,-to-a-private-purchaser.--However,-such--taxes,-penalty,-interest and--costs--shall--be--canceled-if-the-property-is-the-subject-of-an-absolute conveyance-of-the-fee-to-a-holder-of-the-conditional-conveyance-granted-under an-Iowa-homesteading-project.--No-penalty,-interest-or-costs-shall--be--added during--such--period-of-public-ownership-or-while-the-property-is-the-subject of-a-conditional-conveyance-under--an--Iowa--homesteading--project.~~ If the governing body fails to pay the taxes, the board of supervisors shall abate the taxes as provided in chapters three hundred thirty-two (332), four hundred twenty-seven (427) and four hundred forty-five (445) and section five hundred sixty-nine point eight (569.8) of the Code.

Sec. 15. Section four hundred forty-six point nine (446.9), Code 1979, is amended to read as follows:

446.9 NOTICE OF SALE--SERVICE. Notice of the time and place of ~~such~~ the sale shall be given by the treasurer, ~~and by publication in a newspaper in the county once each week for two consecutive weeks, the last of which is not more than two weeks before the day of sale.~~ The notice shall contain a description of each separate tract to be sold as taken from the tax list, the amount of delinquent taxes for which it is liable ~~delinquent~~ for each year, and the amount of penalty, interest, and costs ~~thereon~~ accrued, and the name of the owner, if known, or the person, if any, to whom it is taxed, ~~--by publication--in--some--newspaper--in--the--county,--once--each--week,--for--two~~

~~seven consecutive weeks, the last of which shall be not more than two weeks--before the day of sale, and by immediately posting a copy of the first publication thereof at the door of the courthouse, if there be one, if not, at the door of the place where the last term of district court was held.~~ A description of each separate tract to be sold, ~~as herein provided,~~ shall be construed to permit but only one description of each separate tract of real estate ~~to~~ be sold, ~~whether~~ and all of the delinquent tax, both regular and special, ~~then~~ existing against the same property for the year in which the tax sale is held, ~~and all~~ shall be listed as a single sum. All property which has theretofore previously been advertised and remains unsold and against which there remains delinquent taxes, shall be indicated by an asterisk ~~preceeding the same.~~

Sec. 16. Section four hundred forty-six point nineteen (446.19), Code 1979, is amended to read as follows:

446.19 COUNTY AS PURCHASER. When property is offered at a tax sale under the provisions of section 446.18, and no bid is received, or if the bid received is less than the total amount of the delinquent general and special taxes, interest, penalties and costs, the county in which ~~said~~ the real estate is located, through its board of supervisors, shall bid for the ~~said~~ real estate a sum equal to the total amount of all delinquent general taxes, special assessments, interest, penalties and costs charged against ~~said~~ real estate. No money shall be paid by the county or other tax-levying and tax-certifying body for ~~said~~ the purchase, but each of the tax-levying and tax-certifying bodies having any interest in ~~said~~ the general and special taxes for which ~~said~~ the real estate is sold shall be charged with the full amount of all the ~~said~~ delinquent general and special taxes due ~~said~~ the levying and tax-certifying bodies, as its just share of the purchase price. This section does not prohibit a governmental agency or political subdivision from bidding at the sale for property to protect its interests.

Sec. 17. Section four hundred forty-six point thirty-two (446.32), Code 1979, is amended to read as follows:

446.32 PAYMENT OF SUBSEQUENT TAXES BY PURCHASER. The treasurer shall also prepare, sign, and deliver to the purchaser of any real estate sold for taxes duplicate receipts for taxes, interest, and costs paid by ~~him~~ the purchaser after the date of ~~his~~ purchase for any subsequent year ~~or years,~~ one of which receipts shall be filed in the office of the auditor and noted on the register of sales ~~therein.~~ Taxes for a subsequent year may be paid by the purchaser any time after certification.

Sec. 18. Section five hundred sixty-nine point eight (569.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

569.8 TITLE UNDER TAX DEED--SALE APPORTIONMENT OF PROCEEDS.

1. Property acquired by a county by tax deed that the county does not want to retain shall be offered for sale by the board of supervisors through the county auditor at public auction. All property acquired by tax deed that the county does not want to retain but still holds as of the date of sale shall be sold to the highest bidder. The property to be sold shall be advertised on two different dates in a newspaper of general circulation in

the county. The advertisement must describe the property and give the date and time of sale. The last advertisement must appear within fifteen days of the sale date.

2. When any property is sold and paid for the auditor shall immediately record the deed and the assessor shall enter the property to be assessed following the assessment date.

3. Property the county holds by tax deed shall not be assessed or taxed until sold by auction as provided in this section.

4. The sale of property under this section shall give the purchaser free title as to past general taxes and special taxes which are past due on any special assessment already certified to the county.

5. After deducting any expense the county incurred in the sale, the proceeds of the sale including penalty, interest and costs shall be divided and prorated to the several taxing districts for general taxes and special assessments owed to the taxing districts on the basis of the amounts of general taxes and special assessments owed to each taxing district is to the total amount of general taxes and special assessments owed to all taxing districts.

6. The board of supervisors may transfer title to real estate acquired by virtue of a tax deed to a city, a city agency, or to the Iowa housing finance authority for use in an Iowa homesteading project under section two hundred twenty point fourteen (220.14) of the Code. The provisions of this section do not apply to transfers made under this subsection.

Sec. 19. Sections three hundred fifty-one point eighteen (351.18), four hundred forty-four point twenty (444.20), four hundred forty-five point two (445.2), four hundred forty-five point twenty-one (445.21), four hundred forty-five point twenty-five (445.25), four hundred forty-five point twenty-six (445.26), four hundred forty-five point twenty-seven (445.27), four hundred forty-five point thirty-three (445.33), four hundred forty-five point thirty-four (445.34), four hundred forty-five point thirty-five (445.35), and four hundred forty-six point twenty-two (446.22), Code 1979, are repealed.

Approved June 1, 1979



CHAPTER 69  
GAS AND WATER MAINS ON HIGHWAYS

S. F. 422

AN ACT relating to the laying of gas mains and water mains along highways.

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

Section 1. Section three hundred twenty point four (320.4), Code 1979, is amended to read as follows:

320.4 WATER AND GAS MAINS, SIDEWALKS, AND CATTLEWAYS. The state department of transportation in case of primary roads, and the board of supervisors in case of secondary roads, on written application designating the particular highway and part ~~thereof~~ of the highway, the use of which is desired, may grant permission:

1. To lay gas ~~and--water~~ mains in highways outside cities to local municipal distributing plants or companies, but not to ~~pipe-line~~ pipeline companies. This section shall not apply to or include ~~pipe-line~~ pipeline companies required to obtain a license from the Iowa state commerce commission.

2. To construct and maintain cattleways over or under such highways.

3. To construct sidewalks on and along such highways.

4. To lay water mains in, under, or along highways.

Approved May 3, 1979

CHAPTER 70  
REGISTRATION OF VEHICLES AND LICENSING  
OF CERTAIN PERSONS

S. F. 101

AN ACT relating to the registration and licensing of certain vehicles and manufacturers of vehicles by providing a registration fee schedule for ambulances, motor homes, and multipurpose vehicles, by defining a manufacturer of motor vehicles, by licensing certain persons manufacturing, distributing, and wholesaling motor vehicles, subject to penalties provided by law.

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

Section 1. Section three hundred twenty-one point one (321.1), subsection forty (40), Code 1979, is amended to read as follows:

40. "Manufacturer" means every person engaged in the business of ~~constructing~~ fabricating or assembling vehicles of a type required to be registered ~~hereunder--at-an-established-place-of-business-in-this-state~~. It does not include a person who converts, modifies or alters a completed motor vehicle manufactured by another person. It includes a person who uses a completed motor vehicle manufactured by another person to construct a class B motor home as defined in section six (6) of this Act.

Sec. 2. Section three hundred twenty-one point one (321.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in paragraph a, d, or e of this subsection, of the following permanently installed systems which meet American national standards institute and national fire protection association standards in effect on the date of manufacture:

- a. Cooking facilities.
- b. Ice box or mechanical refrigerator.
- c. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
- d. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
- e. Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.
- f. A one hundred ten-one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

NEW SUBSECTION. "Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its

intended function except the addition of readily attachable equipment, components or minor finishing operations.

NEW SUBSECTION. "Ambulance" means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.

Sec. 3. Section three hundred twenty-one point forty-five (321.45), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Completed motor vehicles, other than class B motor homes, which are converted, modified or altered shall retain the identity and model year of the original manufacturer of the vehicle. Motor homes and all other motor vehicles manufactured from chassis or incomplete motor vehicles manufactured by another may have the identity and model year assigned by the final manufacturer.

Sec. 4. Section three hundred twenty-one point one hundred nine (321.109), subsection one (1), Code 1979, is amended to read as follows:

1. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, except motor trucks, motor homes, multipurpose vehicles, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to ~~his~~ the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of five dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to ~~his~~ the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of two dollars, issue a certificate of title in the name and address of such nonresident purchaser delivering the same to the person entitled thereto as provided in this chapter.

Sec. 5. Section three hundred twenty-one point one hundred seventeen (321.117), Code 1979, is amended to read as follows:

321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. For all motorized bicycles the annual fee

shall be five dollars. When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

Sec. 6. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION.

1. Motor homes are classified as follows:

a. Class A motor home means a truck chassis or special chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters.

b. Class B motor home means a completed van-type vehicle which has been converted, modified, constructed, or altered to provide temporary living quarters.

c. Class C motor home means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters.

2. Class A motor homes and class C motor homes are exempt from the provisions of section three hundred twenty-two point five (322.5), unnumbered paragraph two (2) of the Code except that a motor vehicle dealer showing class A motor homes and class C motor homes shall apply for a temporary permit upon forms and for such time as provided in section three hundred twenty-two point five (322.5), unnumbered paragraph two (2) of the Code and the department may issue the temporary permit upon payment of the fee provided therein.

3. The annual registration fee for motor homes and multipurpose vehicles is as follows:

a. For class A motor homes with a list price of thirty-five thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for the first ten registrations and three hundred dollars for each succeeding registration.

b. For class A motor homes with a list price of less than thirty-five thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first ten registrations and one hundred five dollars for each succeeding registration.

c. For class B motor homes, ninety dollars for the first ten registrations and sixty-five dollars for each succeeding registration.

d. For class C motor homes, one hundred ten dollars for the first ten registrations and eighty dollars for each succeeding registration.

e. For multipurpose vehicles, seventy-five dollars for the first ten registrations and fifty-five dollars for each succeeding registration.

Sec. 7. Section three hundred twenty-two point two (322.2), subsection fifteen (15), Code 1979, is amended to read as follows:

15. "Manufacturer" means any person, ~~resident or nonresident,~~ who manufactures or assembles engaged in the business of fabricating or assembling motor vehicles. It does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person. It includes a person who uses a completed motor vehicle manufactured by another person to construct a class B motor home as defined in section six (6) of this Act.

Sec. 8. Section three hundred twenty-two point two (322.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components or minor finishing operations.

Sec. 9. Section three hundred twenty-two point twenty-seven (322.27), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

322.27 MANUFACTURER'S OR DISTRIBUTOR'S LICENSE. A manufacturer, except an alien manufacturer represented by an importer, distributor branch, factory representative or distributor representative shall not engage in business as a manufacturer in this state or employ, appoint or maintain distributors or wholesalers, factory representatives or branches, distributor representatives or branches, or dealers, without a license as provided in this chapter. However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license.

Sec. 10. Section three hundred twenty-two point twenty-eight (322.28), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

322.28 FACTORY OR DISTRIBUTOR REPRESENTATIVE'S LICENSE. A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle.

Sec. 11. Section three hundred twenty-two point twenty-nine (322.29), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

322.29 ISSUANCE OF LICENSE--FEES. Application for license shall be made to the department by a manufacturer, distributor, wholesaler, factory branch, distributor branch, factory representative or distributor representative in a form and containing information as the department requires and shall be accompanied by the required license fee. Licenses shall be granted or refused within thirty days after application, and shall expire, unless sooner revoked or suspended, on December thirty-first of the calendar year for which they are granted.

License fees for each calendar year, or part thereof, shall be as follows effective January 1, 1980:

1. For a motor vehicle manufacturer, thirty-five dollars.
2. For a new motor vehicle distributor or wholesaler, twenty dollars.
3. For a used motor vehicle distributor or wholesaler, ten dollars.
4. For each factory branch of a motor vehicle manufacturer in this state, ten dollars.
5. For a factory representative or distributor branch or representative, five dollars.

A license shall not be issued to a person as a distributor or wholesaler for a new motor vehicle model unless the distributor or wholesaler has written authorization from the manufacturer as a distributor or wholesaler of the motor vehicle model. A license shall not be issued to a factory representative unless the person is employed by a licensed manufacturer. A license shall not be issued to a distributor representative unless the person is employed by a licensed distributor or wholesaler. A license shall not be issued to a factory branch unless the motor vehicle manufacturer maintaining the branch is a licensed manufacturer nor shall a license be issued to a distributor branch unless the distributor maintaining the branch is a licensed distributor or wholesaler.

Every factory representative or distributor representative shall carry a license when engaged in business, and display the license upon request. The license shall name the employer, and in case of a change of employer, the representative shall immediately mail the license to the department which shall endorse the change on the license without charge.

Sec. 12. The provisions of sections four (4) and five (5), and section six (6), subsection three (3), of this Act are effective December first following enactment of this Act for registration fees payable on or after December first following enactment of this Act for vehicle registrations issued for the succeeding calendar year.

Sec. 13. Except the provisions of section two (2) and section six (6), subsections one (1) and two (2), of this Act which become effective upon publication, the remaining provisions of this Act shall become effective January first following enactment.

Sec. 14. This Act, being deemed of immediate importance, shall take effect from and after its publication in *The Forest City Summit*, a newspaper published in Forest City, Iowa, and in the *Muscatine Journal*, a newspaper published in Muscatine, Iowa.

Approved February 9, 1979

I hereby certify that the foregoing Act, Senate File 101, was published in *The Forest City Summit*, Forest City, Iowa, on February 15, 1979, and in the *Muscatine Journal*, Muscatine, Iowa on February 13, 1979, and republished February 22, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 71  
NONRESIDENT AND SPECIALLY CONSTRUCTED VEHICLES

S. F. 204

AN ACT relating to the registration and titling of nonresident vehicles and specially constructed or reconstructed vehicles.

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

Section 1. Section three hundred twenty-one point twenty-three (321.23), subsection four (4), Code 1979, is amended to read as follows:

4. Any vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered ~~and-titled~~ by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition and will not endanger any person. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of two dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that that vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection shall not apply to snowmobiles as defined in section 321G.1.

Sec. 2. Section three hundred twenty-one point twenty (321.20), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Except as otherwise provided in this chapter, every owner of a vehicle subject to registration hereunder shall make application to the county treasurer, of the county of ~~his~~ the owner's residence, or ~~to the department,~~ if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, for the registration and issuance of a certificate of title thereof upon the appropriate form ~~or-forms~~ furnished by the department, accompanied by a fee of two dollars, and every such application shall bear the signature of the owner written with pen and ink ~~and--said.~~ However, a nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The application shall contain:

Sec. 3. Section three hundred twenty-one point thirty-four (321.34), subsection one (1), Code 1979, is amended to read as follows:

1. PLATES ISSUED. The county treasurer upon receiving application, accompanied by proper fee for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, truck

tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. Whenever the owner of a registered vehicle transfers or assigns ownership of such vehicle to another person the owner shall remove the registration plates from the vehicle. The owner shall ~~either~~ forward the plates to the county treasurer where the vehicle is registered ~~or to the department if the vehicle is owned by a nonresident,~~ or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by such person, providing the owner complies with section 321.46.

Sec. 4. Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The transferee shall within seven calendar days after purchase or transfer apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. The transferee shall be required to list a motor vehicle license number as part of the application for a registration transfer and a new title. The motor vehicle license number shall not be the social security number of the transferee unless requested by the transferee.

Sec. 5. Section three hundred twenty-one point one hundred sixty (321.160), Code 1979, is amended to read as follows:

321.160 DEPARTMENT TO PREPARE STATEMENT. The department shall prepare, annually, a statement showing all the different makes and models of motor vehicles previously registered in the department, and all the different makes and models of motor vehicles, statements of which have been filed in the office by the manufacturers as heretofore provided, together with the retail list price and weight of the same.

~~The statement prepared by the department shall also include the load capacities of the various makes and models of motor trucks and trailers and the proper fee to be paid for the registration.~~

Copies of ~~such~~ the statement shall be furnished each county treasurer and additional copies may be sold by the department to other persons, at a price to be set by the department, covering the approximate cost of same and service involved. All funds received shall be forwarded by the department to the treasurer of state.

Sec. 6. This Act is effective on December first following its enactment.



CHAPTER 72  
PROOF OF MOTOR VEHICLE RESPONSIBILITY

- H. F. 97

AN ACT relating to the time period for maintaining proof of motor vehicle financial responsibility.

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

Section 1. Section three hundred twenty-one A point twenty-nine (321A.29), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. At any time after ~~three~~ two years from the date such proof was required when, during the ~~three-year~~ two-year period preceding the request, the director has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished; or

Sec. 2. Section three hundred twenty-one A point twenty-nine (321A.29), subsection three (3), Code 1979, is amended to read as follows:

3. Whenever any person whose proof has been canceled or returned under paragraph "c" of subsection 1 of this section applies for a license or registration within a period of ~~three~~ two years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of ~~such-three-year~~ the two-year period.

Sec. 3. This Act is effective on January first following its enactment.

Approved April 2, 1979

CHAPTER 73  
VEHICLES OF EXCESS SIZE

S. F. 164

AN ACT relating to the movement of vehicles of excessive size by permit subject to penalties provided by law.

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

Section 1. Section three hundred twenty-one E point seven (321E.7), Code 1979, is amended to read as follows:

321E.7 LOAD LIMITS PER AXLE. The gross weight on any axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with the provisions of this chapter shall not exceed the maximum axle load prescribed in section 321.463; except that, construction machinery being temporarily moved on streets, roads, or highways may have a gross weight of thirty-six thousand pounds on any single axle equipped with a minimum size twenty-six point five-inch by twenty-five-inch flotation pneumatic tires and a maximum gross weight of twenty thousand pounds on any single axle equipped with minimum size eighteen-inch by twenty-five-inch flotation pneumatic tires, with the department authorized to adopt rules to permit the use of tire sizes and weights within the minimum and maximum specifications provided in this section, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of one hundred twenty-six thousand pounds; and except that a manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant.

Sec. 2. Section three hundred twenty-one E point eight (321E.8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~Except-as-provided--under--section--321E.3--and--subject~~ Subject to the discretion and judgment provided for in section 321E.1, annual permits shall be issued in accordance with the following provisions:

Sec. 3. Section three hundred twenty-one E point eight (321E.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. All movements of mobile homes and other vehicles the width of which, including any load, exceeds the roadway lane width of the street or highway being traversed, shall be under escort.

Sec. 4. Section three hundred twenty-one E point nine (321E.9), unnumbered paragraph one (1) and subsection four (4), Code 1979, are amended to read as follows:

~~Except-as-provided-in-section-321E.3-and-subject~~ Subject to the discretion and judgment provided for in section 321E.1, single-trip permits shall be issued in accordance with the following provisions:

4. Vehicles with indivisible loads of widths exceeding twelve feet, zero inches, lengths not to exceed one hundred twenty feet, zero inches, and total gross weights including both vehicle and load not to exceed ninety thousand pounds shall be ~~moved-according-to-the-schedule-established-in-section-321E.3~~ when accompanied by an official escort approved by the issuing authority. The height of such vehicle and load shall be limited only to the height limitations of underpasses, bridges, power lines, or other established height restrictions on the specified route.

Sec. 5. Section three hundred twenty-one E point twenty-eight (321E.28), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 6. Sections three hundred twenty-one E point three (321E.3), three hundred twenty-one E point four (321E.4), three hundred twenty-one E point five (321E.5), and three hundred twenty-one E point six (321E.6), Code 1979, are repealed.

Approved June 5, 1979

## CHAPTER 74

### MOBILE HOME AND TRAVEL TRAILER DEALERS, MANUFACTURERS AND DISTRIBUTORS

S. F. 450

AN ACT establishing licensing for mobile home dealers, manufacturers, distributors, manufacturer's representatives, distributor's representatives, and travel trailer dealers, manufacturers, distributors, manufacturer's representatives, distributor's representatives, and providing a penalty.

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

Section 1. Sections two (2) through nine (9) of this Act are enacted as a new chapter of the Code.

Sec. 2. NEW SECTION. SHORT TITLE. Sections two (2) through nine (9) of this Act may be cited as the Mobile Home Dealers Licensing Act.

Sec. 3. NEW SECTION. DEFINITIONS. As used in sections two (2) through nine (9) of this Act unless the context otherwise requires:

1. "Mobile home" means a structure, transportable in one or more sections, which exceeds eight feet in width and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to one or more utilities.

2. "Mobile home dealer" means a person who, for a commission or other thing of value, sells, exchanges or offers or attempts to negotiate a sale or exchange of an interest in a mobile home or who is engaged wholly or in part in the business of selling mobile homes, whether or not the mobile homes are owned by the dealer. "Mobile home dealer" does not include any of the following:

a. A receiver, trustee, administrator, executor, guardian, attorney or other person appointed by or acting under the judgment or order of a court to transfer an interest in a mobile home.

b. A person transferring a mobile home registered in the person's name and used for personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

c. A person who transfers an interest in a mobile home only as an incident to engaging in the business of financing new or used mobile homes.

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

4. "Mobile home shed" means a shed may be adjacent to a mobile home or attached to the mobile home of the owner provided that the shed is at least ten feet from any other mobile home.

5. "Mobile home manufacturer" means a person engaged in the business of fabricating or assembling mobile homes.

6. "Mobile home distributor" means a person who sells or distributes mobile homes to mobile home dealers either directly or through a distributor's representative.

7. "Manufacturer's representative" means a representative employed by a mobile home manufacturer.

8. "Distributor's representative" means a representative employed by a mobile home distributor.

9. To sell "at retail" means to sell a mobile home to a person who will devote it to a consumer use.

10. "New mobile home" means a mobile home that has not been sold at retail.

11. "Used mobile home" means a mobile home that has been sold at retail and previously registered in this or any other state.

Sec. 4. NEW SECTION. MOBILE HOME DEALER LICENSE--PROCEDURE.

1. LICENSE APPLICATION. A mobile home dealer shall file in the office of the department an application for license as a mobile home dealer in the same manner as a motor vehicle dealer applicant under section three hundred twenty-two point four (322.4) of the Code or as the department may prescribe. A mobile home dealer license may be issued in the same manner as a motor vehicle dealer license pursuant to section three hundred twenty-two point seven (322.7) of the Code.

2. LICENSE FEES. The license fee for a mobile home dealer for each calendar year is thirty-five dollars. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of sections two (2) through nine (9) of this Act shall be accounted for and paid by the department to the treasurer of state monthly for deposit in the road use tax fund of the state.

3. SURETY BOND. Before the issuance of a mobile home dealer's license, an applicant for a license shall file with the department a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating the business of the dealer and indemnifying any person dealing or transacting business with the dealer in connection with a mobile home from a loss or damage occasioned by the failure of the dealer to comply with any of the provisions of sections two (2) through nine (9) of this Act, including, but not limited to, the furnishing of a proper and valid document of title to the mobile home involved in the transaction.

4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home dealers, in addition to selling mobile homes at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new mobile homes for sale and negotiate sales of new mobile homes at fairs, shows and exhibitions which are approved by the department. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted.

2. Upon application and payment of a five dollar fee, a person may be licensed as a manufacturer's representative or distributor's representative of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was issued.

Sec. 6. NEW SECTION. NOTIFICATION.

1. The department shall notify the state building code commissioner of each license issued to a mobile home dealer.

Sec. 7. NEW SECTION. REVOCATION, SUSPENSION AND DENIAL OF LICENSE. The department may revoke, suspend or deny the license of a mobile home dealer, mobile home manufacturer, mobile home distributor, manufacturer's representative or distributor's representative, as applicable, in accordance with the provisions of chapter seventeen A (17A) of the Code if the department finds that the mobile home dealer, manufacturer, distributor or representative is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.

2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a mobile home dealer, manufacturer, distributor, manufacturer's representative or distributor's representative or engaging in unethical conduct or practice harmful or detrimental to the public.

3. Conviction of a felony related to the business of a mobile home dealer, manufacturer, distributor, manufacturer's representative or distributor's representative. A copy of the record of conviction or plea of guilty shall be sufficient evidence for the purposes of this section.

4. Failing upon the sale or transfer of a mobile home to deliver to the purchaser or transferee of the mobile home sold or transferred, a manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in chapter three hundred twenty-one (321) of the Code.

5. Failing upon the purchasing or otherwise acquiring of a mobile home to obtain a manufacturer's or importer's certificate, a new certificate of title or a certificate of title duly assigned as provided in chapter three hundred twenty-one (321) of the Code.

6. Failing to mail or deliver to the treasurer of the county of the licensee's residence two copies of the signed purchase receipt within forty-eight hours after purchase or acquisition of a mobile home registered in this state.

Sec. 8. NEW SECTION. RULES.

1. The state department of transportation shall prescribe reasonable rules under chapter seventeen A (17A) of the Code for the administration and enforcement of sections two (2) through nine (9) of this Act.

2. The department shall prescribe forms to be used in connection with the licensing of persons under sections two (2) through nine (9) of this Act.

Sec. 9. NEW SECTION. UNLAWFUL PRACTICE. It is unlawful for a person to engage in business as a mobile home dealer, mobile home manufacturer, mobile home distributor, manufacturer's representative or distributor's representative in this state without first acquiring and maintaining a license in accordance with sections two (2) through eight (8) of this Act. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

Sec. 10. Sections eleven (11) through twenty-one (21) of this Act are enacted as a new chapter of the Code.

Sec. 11. NEW SECTION. ADMINISTRATION. Sections eleven (11) through twenty-one (21) of this Act shall be administered by the director of transportation. The state department of transportation may employ persons necessary for the administration of sections eleven (11) through twenty-one (21) of this Act.

Sec. 12. NEW SECTION. DEFINITIONS. As used in sections eleven (11) through twenty-one (21) of this Act unless the context otherwise requires:

1. To sell "at retail" means to sell a travel trailer to a person who will devote it to a consumer use.

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

3. "Distributor" means a person who sells or distributes travel trailers to travel trailer dealers either directly or through a representative employed by a distributor.

4. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a motor vehicle by a connecting device known as a fifth wheel. When used in sections eleven (11) through twenty-one (21) of this Act, "travel trailer" includes a fifth-wheel travel trailer.

5. "Manufacturer" means a person engaged in the business of fabricating or assembling travel trailers of a type required to be registered.

6. "New travel trailer" means a travel trailer that has not been sold at retail.

7. "Person" includes any individual, partnership, corporation, association, fiduciary or other legal entity engaged in business, other than a unit or agency of government or governmental subdivision.

8. "Place of business" means a designated location where facilities are maintained for displaying, reconditioning and repairing either new or used travel trailers.

9. "Sell" includes barter, exchange and other methods of dealing.

10. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet in width and its overall length shall not exceed forty feet.

11. "Used travel trailer" means a travel trailer which has been sold at retail and previously registered in this or any other state.

12. "Distributor's representative" means a representative employed by a person who is a distributor.

13. "Manufacturer's representative" means a representative employed by a manufacturer.

Sec. 13. NEW SECTION. PROHIBITED ACTS.

1. A person shall not engage in this state in the business of selling at retail new travel trailers of any make, or represent or advertise that the person is engaged or intends to engage in such business in this state, unless the person is authorized by a contract in writing between that person and the manufacturer or distributor of that make of new travel trailers to sell the trailers in this state, and unless the department has issued to the person a license as a travel trailer dealer for the same make of travel trailer.

2. A person, other than a licensed travel trailer dealer in new travel trailers, shall not engage in the business of selling at retail used travel trailers or represent or advertise that the person is engaged or intends to engage in such business in this state unless the department has issued to the person a license as a used travel trailer dealer.

3. A person is not required to obtain a license as a travel trailer dealer if the person is disposing of a travel trailer acquired or repossessed, so long as the person is exercising a power or right granted by a lien, title-retention instrument, or security agreement given as security for a loan or a purchase money obligation.

4. A travel trailer dealer shall not enter into a contract, agreement, or understanding, expressed or implied, with a manufacturer or distributor that the dealer will sell, assign, or transfer an agreement or contract arising from the retail installment sale of a travel trailer only to a designated

person or class of persons. Any such condition, agreement or understanding between a manufacturer or distributor and a travel trailer dealer is against the public policy of this state and is unlawful and void.

5. A manufacturer or distributor of travel trailers or an agent or representative of the manufacturer or distributor, shall not refuse to renew a contract for a term of less than five years, and shall not terminate or threaten to terminate a contract, agreement or understanding for the sale of new travel trailers to a travel trailer dealer in this state without just, reasonable and lawful cause or because the travel trailer dealer failed to sell, assign or transfer a contract or agreement arising from the retail sale of a travel trailer to only a person or a class of persons designated by the manufacturer or distributor.

6. A travel trailer dealer shall not make and enter into a security agreement or other contract unless the agreement or contract meets the following requirements:

a. The security agreement or contract is in writing, is signed by both the buyer and the seller and is complete as to all essential provisions prior to the signing of the agreement or contract by the buyer except that, if delivery of the travel trailer is not made at the time of the execution of the agreement or contract, the identifying numbers of the travel trailer or similar information and the due date of the first installment may be inserted in the agreement or contract after its execution.

b. The agreement or contract complies with the Iowa consumer credit code, where applicable.

7. A manufacturer or distributor of travel trailers or an agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce a travel trailer dealer to accept delivery of a travel trailer or travel trailer parts or accessories, or any other commodity which has not been ordered by the dealer.

8. Except under subsection nine (9) of this section, a person licensed under section fourteen (14) of this Act shall not, either directly or through an agent, salesperson or employee, engage or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling new or used travel trailers on Sunday.

9. A travel trailer dealer may display new travel trailers at fairs, shows and exhibits on any day of the week as provided in this subsection. Travel trailer dealers, in addition to selling travel trailers at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new travel trailers for sale and negotiate sales of new travel trailers at fairs, shows and exhibitions which are approved by the department. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 14. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a travel trailer dealer. The person shall pay an additional ten dollar fee for each travel trailer lot in addition to the principal place



of business unless the lot is adjacent to the principal place of business. The applicant shall file in the office of the department a verified application for license as a travel trailer dealer in the form the department prescribes, which shall include the following:

a. The name of the applicant and the applicant's principal place of business.

b. The name of the applicant's business and whether the applicant is an individual, partnership, corporation or other legal entity.

(1) If the applicant is a partnership the name under which the partnership intends to engage in business and the name and post office address of each partner.

(2) If the applicant is a corporation, the state of incorporation and the name and post office address of each officer and director.

c. The make or makes of new travel trailers, if any, which the applicant will offer for sale at retail in this state.

d. The location of each place of business within this state to be used by the applicant for the conduct of the business.

e. If the applicant is a party to a contract, agreement or understanding with a manufacturer or distributor of travel trailers or is about to become a party to a contract, agreement, or understanding, the applicant shall state the name of each manufacturer and distributor and the make or makes of new motor vehicles, if any, which are the subject matter of the contract, agreement or understanding.

f. Other information concerning the business of the applicant the department reasonably requires for administration of sections eleven (11) through twenty-one (21) of this Act.

2. The license shall be granted or refused within thirty days after application. Each license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license is granted. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

3. A licensee shall file with the department a supplemental statement when there is a change in an item of information required under paragraphs a through e of subsection one (1) of this section, within fifteen days after the change. Upon filing a supplemental statement, the licensee shall surrender its license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the changes on the supplemental statement.

4. Before the issuance of a travel trailer dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of twenty-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a travel trailer dealer, and shall indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter three hundred twenty-one (321) of the Code and sections

eleven (11) through twenty-one (21) of this Act, including the furnishing of a proper and valid certificate of title to a travel trailer, and that the bond shall be filed with the department prior to the issuance of the license. A person licensed under chapter three hundred twenty-two (322) of the Code, with the same name and location or locations, is not subject to the provisions of this subsection.

Sec. 15. NEW SECTION. DISPLAY OF LICENSE. A license issued under section fourteen (14) of this Act shall specify the location of the principal place of business and the location of each additional place of business, if any, for which the license is issued, and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modification.

Sec. 16. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The license of a person issued under section fourteen (14) or nineteen (19) of this Act may be denied, revoked or suspended if the department finds that the licensee has done any of the following:

1. Violated a provision of sections eleven (11) through twenty-one (21) of this Act.

2. Made a material misrepresentation to the department in connection with an application for a license, certificate of title or registration of a travel trailer or other vehicle.

3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.

4. Failed to maintain an established principal place of business in the county.

5. Had a license issued under sections eleven (11) through twenty-one (21) of this Act, chapter three hundred twenty-one H (321H) or three hundred twenty-two (322) of the Code suspended or revoked within the previous three years.

6. Been convicted of a violation of any provision of section three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point seventy-eight (321.78), three hundred twenty-one point ninety-two (321.92), three hundred twenty-one point ninety-seven (321.97), three hundred twenty-one point ninety-eight (321.98), three hundred twenty-one point ninety-nine (321.99), three hundred twenty-one point one hundred (321.100), or seven hundred fourteen point sixteen (714.16) of the Code.

7. Knowingly made misleading, deceptive, untrue or fraudulent representations in the business as a distributor of travel trailers or engaged in unethical conduct or practice harmful or detrimental to the public.

Sec. 17. NEW SECTION. MANUFACTURER'S OR DISTRIBUTOR'S LICENSE. A manufacturer or distributor of travel trailers shall not engage in business in this state without a license pursuant to sections eleven (11) through twenty-one (21) of this Act.

Sec. 18. NEW SECTION. MANUFACTURER'S OR DISTRIBUTOR'S REPRESENTATIVE. A manufacturer's or distributor's representative shall not engage in business in this state without a license pursuant to sections eleven (11) through twenty-one (21) of this Act.

Sec. 19. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of travel trailers. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted.

2. Upon application and payment of a five dollar fee, a person may be licensed as a manufacturer's representative or distributor's representative of travel trailers. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was issued.

Sec. 20. NEW SECTION. FEES. Fees accruing from the administration of sections eleven (11) through twenty-one (21) of this Act shall be accounted for and paid by the department into the state treasury monthly and credited to the road use tax fund.

Sec. 21. NEW SECTION. PENALTIES. A person violating a provision of section thirteen (13), seventeen (17) or eighteen (18) of this Act is guilty of a serious misdemeanor.

Sec. 22. Section three hundred twenty-one point one (321.1), subsection sixty-eight (68), paragraph b, Code 1979, is amended to read as follows:

b. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and its over-all length shall not exceed ~~thirty-two~~ forty feet. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If any such vehicle is used in this state as a place of human habitation for more than ninety consecutive days in one location it shall be classed as a mobile home regardless of the size limitations herein provided.

Sec. 23. This Act is effective January first following its enactment.

Approved June 1, 1979

CHAPTER 75  
MOTOR FUEL AND SPECIAL FUEL

H. F. 745

AN ACT relating to the administration of the motor fuel and special fuel laws.

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

Section 1. Section three hundred twenty-four point two (324.2), subsection two (2), Code 1979, is amended to read as follows:

2. "Distributor" shall mean and include any person who first receives motor fuel within this state (within the meaning of the word "received" as hereinafter defined), and any person now or hereafter engaged in the business of selling motor fuel to a dealer in this state for resale, ~~and shall include any person who sells special fuel as defined in section 324.33, subsection 1, in bulk for highway use~~ provided that a person may bring into this state not to exceed ~~twenty~~ thirty gallons of motor fuel in the fuel supply tank, or any other container, directly connected to the motor of a motor vehicle without becoming a distributor.

Sec. 2. Section three hundred twenty-four point four (324.4), unnumbered paragraphs one (1), two (2), and five (5), Code 1979, are amended to read as follows:

It shall be unlawful for any person to receive motor fuel within this state or to otherwise act as a distributor ~~or to sell special fuel in bulk for highway use~~ unless he or she holds an uncanceled distributor's license issued by the department of revenue. To procure a license a distributor shall file with the department of revenue an application signed under penalty for false certificate and in such form as the department of revenue may prescribe, setting forth:

~~Concurrently with the filing of an application for a license, every distributor shall file with the department of revenue a bond of the character and in the amount provided for in this division. No~~ A license shall not be issued ~~unless application is accompanied by the bond, nor~~, if the applicant is a foreign corporation, unless it is at the time properly qualified under the laws of this state to do business therein.

The application in proper form having been accepted for filing, the filing fee paid, ~~the bond having been accepted and approved~~ and the other conditions and requirements of this section and division four (IV) of this chapter having been complied with, the department of revenue shall issue to the applicant a license to transact business as a distributor in this state. The license shall remain in full force and effect until canceled as provided in this chapter.

Sec. 3. Section three hundred twenty-four point ten (324.10), Code 1979, is amended to read as follows:

324.10 REQUIRED DISTRIBUTOR ~~AND--SPECIAL--FUEL--DISTRIBUTOR~~ AND DEALER RECORDS. Each motor fuel distributor ~~and--special--fuel--distributor~~ shall maintain and keep for a period of three years, ~~such~~ records of all transactions by which ~~he~~ the distributor receives, uses, sells, delivers or otherwise disposes of motor fuel within this state, together with invoices, bills of lading and other pertinent records and papers as may reasonably be required by the department of revenue for the administration of this division.

If in the normal conduct of a distributor's business ~~his~~ the distributor's records are maintained and kept at an office outside the state of Iowa, it shall be a sufficient compliance with this section if the records are made available for audit and examination by the department of revenue at the office outside Iowa, but such audit and examination outside Iowa shall be without expense to the state.

Each dealer handling motor fuel in this state shall maintain and keep for a period of two years records of all motor fuel purchased or otherwise acquired by ~~him~~ the dealer, together with delivery tickets, invoices, and bills of lading, and such other pertinent records as the department of revenue shall require.

The department of revenue, after an audit and examination of the records of a distributor or dealer may authorize their disposal, the authorization to be in writing after request by the distributor or dealer.

Sec. 4. Section three hundred twenty-four point sixteen (324.16), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

324.16 CREDIT TO LICENSEE--NONMOTOR VEHICLE OR WATERCRAFT USE--CASUALTY LOSSES--NONTAXABLE PRODUCTS--REFUNDS. A distributor, dealer or user licensed under this chapter who has received motor fuel or has paid the tax on motor fuel or special fuel shall be entitled to a memorandum of credit or refund, when the fuel is used for any purpose other than as fuel for propelling motor vehicles or in watercraft, or, while owned by the licensee, is lost or destroyed through accountable leakage or to fire, accident, lightning, flood, storm, act of war, or public enemy or other like cause. A memorandum of credit shall be allowed against subsequent liability under this chapter upon application to the department of revenue supported by such proof as the director of revenue prescribes by rule. If the licensee is no longer engaged in activity for which the license was issued, the department of revenue shall refund the appropriate amount upon receipt of an application for refund as provided by the department. Credits and refunds shall be subject to the following conditions:

1. A credit or refund shall not be allowed with respect to any motor fuel or special fuel purchased more than three calendar months prior to the date the claim was filed with the department of revenue or three calendar months from the time the tax accrues, whichever time is longer.

2. A credit shall not be allowed which is in an amount less than ten dollars.

3. With respect to fuel which is lost or destroyed through accountable leakage or through fire, accident, lightning, flood, storm, act of war, or

public enemy or other like cause, the licensee shall provide the department of revenue in writing within thirty days of the loss or destruction, the following information:

- a. The amount of gallonage lost or destroyed.
- b. A notarized affidavit sworn to by the person having immediate custody of the fuel at the time of the loss or destruction setting forth in full the circumstances and amount of the loss or destruction and other such information with respect thereto as the department of revenue may require.

Sec. 5. Section three hundred twenty-four point seventeen (324.17), Code 1979, is amended to read as follows:

324.17 REFUND TO NONLICENSEE--FUEL USED OTHER THAN IN WATERCRAFT OR MOTOR VEHICLES. Any person other than a ~~licensee~~ distributor, dealer or user licensed under this chapter who shall use motor fuel or special fuel for the purpose of operating or propelling farm tractors, corn shellers, roller mills, truck-mounted feed grinders, stationary gas engines, aircraft, for cleaning or dyeing or for any purpose other than in watercraft or ~~in~~ for propelling motor vehicles operated or intended to be operated upon the public highways and having paid the motor fuel or special fuel tax on the fuel either directly to the department of revenue or by having the tax added to the price of the fuel, and who has a refund permit shall, upon presentation to and approval by the department of revenue of a claim for refund be reimbursed and repaid the amount of the tax which the claimant has paid on the gallonage so used. Every claim ~~filed subsequent to July 4, 1957,~~ shall be subject to the following conditions:

1. The claim shall be on a form prescribed by the department of revenue and be certified by the claimant under penalty for false certificate.
2. The claim shall have attached thereto the original invoice ~~or invoices~~ or other proof as prescribed by the department showing the purchase of the motor fuel or special fuel on which a refund is claimed.
3. ~~No~~ An invoice shall not be acceptable in support of a claim for refund unless it is a separate serially numbered invoice covering no more than one purchase of motor fuel or special fuel, prepared by the seller on a form approved by the department of revenue with double faced carbon paper under the original; nor unless it is legibly written with no corrections or erasures and shows the date of sale, the name and address of the seller and of the purchaser, the kind of ~~motor~~ fuel, the gallonage in words and figures, the per gallon price of the motor fuel or special fuel, ~~the per-gallon rate of any tax added to the product price,~~ the total purchase price including the Iowa motor fuel or special fuel tax and that the total purchase price including tax has been paid; provided, that as to refund invoices made on a billing machine the department of revenue may waive any of the requirements of this subsection.
4. The claim shall state the gallonage of motor fuel or special fuel that was used or will be used by the claimant other than in watercraft or to propel motor vehicles, the manner in which the motor fuel or special fuel was used or will be used and the equipment in which it was used or will be used.
5. The claim shall also state whether or not the claimant used fuel for watercraft or to propel motor vehicles from the same tanks or receptacles in which the claimant kept the motor fuel on which the refund is claimed.

6. ~~No~~ A refund will not be paid with respect to any motor fuel or special fuel taken out of this state in fuel supply tanks of motor vehicles.

7. ~~No~~ A refund shall not be paid with respect to motor fuel or special fuel purchased more than three calendar months prior to the date the claim was filed with the department of revenue.

8. ~~No~~ A refund shall not be paid with respect to motor fuel or special fuel used in the performance of a contract which is paid out of state funds unless the contract for the work contains a certificate made under penalty for false certificate that the estimate, bid or price to be paid for the work includes no amount representing motor fuel or special fuel tax subject to refund.

9. If an original invoice is lost or destroyed the department of revenue may in its discretion ~~approve-a-refund-supported-by~~ accept a copy identified and certified by the seller as being a true copy of the original.

10. The right of a person to a refund under this section shall not be assignable. Claim shall be made by and the amount of the refund when determined by the department of revenue shall be paid to the person who purchased the motor fuel or special fuel as shown in the supporting invoice.

11. In order to verify the validity of a claim for refund the department of revenue shall have the right to require the claimant to furnish such additional proof of validity as the department of revenue may determine and to examine the books and records of the claimant. Failure of a claimant to furnish his or her books and records for examination shall constitute a waiver of all rights to refund related to the transaction in question.

~~12. Refund-may-also-be-made-on-special-fuel-taxes-paid-on--fuel--consumed in--the-operation-of-corn-shellors--roller-mills-and-feed-grinders-mounted-on trucks-under-the-same-conditions-as-provided-by--law--for--refunds--on--motor vehicle-fuel.~~

~~13.~~ Refunds shall be made of motor vehicle fuel taxes paid on motor fuel or special fuel placed in motor vehicles and used, other than on public highways, in the extraction and processing of natural deposits, without regard to whether such motor vehicles are registered under section 321.18. An applicant for a refund under this subsection must maintain adequate records for a period of three years beyond the filing of the claim. The department of revenue will pay the claim upon the presentation of proof which ~~he~~ may reasonably ~~require~~ be required.

~~14~~ 13. A bona fide commercial fisherman, licensed and operating under an owner's certificate for commercial fishing gear issued pursuant to section 110.1 shall be entitled to receive a motor fuel or special fuel tax refund under this section.

~~15~~ 14. In lieu of the refund provided in this section, a person may receive an income tax credit as provided in chapter 422, division IX, but only as to motor fuel or special fuel not used in motor vehicles or watercraft.

A claim for refund shall not be allowed which is in an amount of less than ten dollars.

Sec. 6. Section three hundred twenty-four point thirty-two (324.32), Code 1979, is amended to read as follows:

324.32 PURPOSE. The purpose of this division is to supplement division I of this chapter, by imposing an excise tax upon the receipt, delivery or placing into the fuel supply tanks of motor vehicles which are within this state and into motor vehicle special fuel holding tanks which are within this state, of all fuels not taxed under division I.

Sec. 7. Section three hundred twenty-four point thirty-three (324.33), subsections six (6) and seven (7), Code 1979, are amended to read as follows:

6. "Licensee" shall mean and include any person who holds an uncanceled special fuel distributor license, special fuel dealer license or special fuel user license, issued pursuant to this division.

7. "Motor vehicle special fuel holding tank" means a tank with a capacity of not more than ~~five-hundred~~ one thousand fifty gallons owned by or in the possession of a special fuel user in which special fuel is contained for use by the special fuel user only in a motor vehicle for highway use.

Sec. 8. Section three hundred twenty-four point thirty-three (324.33), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Special fuel distributor" means any person who sells special fuel in this state in bulk for highway use. Delivery of special fuel into a motor vehicle special fuel holding tank shall not be considered a bulk sale of special fuel.

Sec. 9. Section three hundred twenty-four point thirty-five (324.35), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A tax shall not be imposed under this division and the provisions of sections three hundred twenty-four point thirty-four (324.34), three hundred twenty-four point thirty-six (324.36), and three hundred twenty-four point thirty-eight (324.38) of the Code shall not be applicable if special fuel is sold to the state, any of its agencies, or any political subdivision of the state when the special fuel is delivered into storage tanks, regardless of size, and all of the special fuel is used for public purposes.

Sec. 10. Section three hundred twenty-four point thirty-six (324.36), Code 1979, is amended to read as follows:

324.36 SPECIAL FUEL DISTRIBUTORS', SPECIAL FUEL DEALERS' AND SPECIAL FUEL USERS' LICENSES.

1. REQUIRED. It shall be unlawful for any person to act as a special fuel dealer in this state unless he the person holds ~~an-uncanceled~~ a special fuel dealer's license issued to ~~him~~ the person by the department of revenue. A person who holds a special fuel distributor's license may dispense special fuel into a motor vehicle special fuel holding tank without obtaining a special fuel dealer's license. Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle or into a motor vehicle special fuel holding tank in this state or delivered by a special fuel distributor into a motor vehicle special fuel holding tank, the use (as herein defined) of special fuel in this state by any person shall be unlawful unless he the person holds ~~an-uncanceled~~ a special fuel user's license issued to ~~him~~ the person by the department of revenue. It shall be unlawful for any person to sell special fuel in this state in bulk for highway use without first obtaining a special fuel distributor license. The



license shall be issued under the same procedure and subject to the same requirements and limitations as provided in section three hundred twenty-four point four (324.4) of the Code.

2. APPLICATION. Application for a special fuel dealer's license or a special fuel user's license shall be made to the department of revenue. A special fuel dealer's license or a special fuel user's license, whichever is applicable, shall be required for each separate place of business or location where special fuels are regularly delivered or placed into the fuel supply tank of a motor vehicle. Provided, that, if a special fuel dealer also operates one or more bulk plants from which the distribution of a special fuel is primarily by tank vehicle, ~~he~~ the special fuel dealer need not obtain a separate license for any of these plants not provided with fixed equipment designed for fueling vehicles.

3. FORM OF APPLICATION. The application shall be filed upon a form prepared and furnished by the department of revenue and shall contain such information as the department of revenue deems necessary.

4. ISSUANCE. Upon receipt of the application, the department of revenue shall issue to the applicant a license to act as a special fuel dealer or a special fuel user; provided, however, the department of revenue may refuse to issue a special fuel dealer's license or a special fuel user's license to any person: (a) who formerly held either type of license and which has been revoked for cause; or (b) who is a subterfuge for the real party in interest whose license has been revoked for cause; or (c) upon other sufficient cause being shown. Before refusal, the department of revenue shall grant the applicant a hearing and give ~~him~~ the applicant at least fifteen days' written notice of the time and place thereof.

5. EXPIRATION OF LICENSE. Each special fuel dealer's license and special fuel user's license shall be valid until suspended or revoked for cause or otherwise canceled.

6. ASSIGNMENT FORBIDDEN. ~~No~~ A special fuel dealer's license or special fuel user's license shall not be transferable.

Sec. 11. Section three hundred twenty-four point thirty-seven (324.37), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

324.37 SPECIAL FUEL DISTRIBUTORS', SPECIAL FUEL DEALERS' AND SPECIAL FUEL USERS' RECORDS.

1. Special fuel distributors shall prepare and maintain with respect to the special fuel the same records as provided in section three hundred twenty-four point ten (324.10) of the Code for motor fuel distributors, subject to the same requirements.

2. For each location where special fuel is delivered or placed into the fuel supply tank of a motor vehicle, the special fuel dealer or user making the delivery shall prepare and maintain for a period of three years such records as the department of revenue may reasonably require with respect to all these deliveries, and with respect to inventories, receipts, purchases, and sales or other dispositions of special fuel.

Sec. 12. Section three hundred twenty-four point thirty-eight (324.38), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

## 324.38 RETURNS AND TAX PAYMENTS.

1. RETURNS FOR LICENSED DEALERS AND USERS. For the purpose of determining the amount of liability for special fuel tax each special fuel dealer and each special fuel user shall file with the department of revenue not later than the last day of the month next following the month in which this division becomes effective and not later than the last day of each calendar month thereafter a monthly tax return certified under penalties for false certificate. The return shall show, with reference to each location at which special fuel is delivered or placed by the dealer or user into a fuel supply tank of any motor vehicle during the next preceding calendar month, such information as the department of revenue may reasonably require for the proper administration and enforcement of this division. However, if a special fuel dealer or user is also a wholesale distributor of special fuel at a location where special fuel is delivered into the supply tank of a motor vehicle, the monthly return to the department of revenue covering the location need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made.

2. COMPUTATION. The amount of tax due shall be computed by multiplying the appropriate tax rate per gallon by the number of gallons of special fuel delivered or placed by the special fuel dealer or user into supply tanks of motor vehicles.

3. PAYMENTS. The return shall be accompanied by remittance in the amount of the tax due for the month in which the special fuel was placed in the fuel tanks of motor vehicles.

4. QUARTERLY RETURNS AND TAX PAYMENT BY SPECIAL FUEL DISTRIBUTORS. For the purpose of determining the amount of the tax liability for special fuel tax, each special fuel distributor licensed under this chapter shall file with the department of revenue, not later than the last day of the month next following each calendar quarter, a quarterly tax return certified under penalties for false certificate. The return shall show the total amount of special fuel sold during the quarter, the amount of special fuel sold for nonhighway use, the amount of fuel sold to licensed special fuel dealers and users, the amount of special fuel delivered into motor vehicle special fuel holding tanks, the amount of tax due, and such other pertinent information required by the department of revenue. The amount of tax due shall be computed by multiplying the appropriate tax rate per gallon by the number of gallons of special fuel delivered or placed by the special fuel distributor into the motor vehicle special fuel holding tanks. The return shall be accompanied by a remittance in the amount of the tax due for the quarter.

5. EXEMPTION FOR FUELING BY LICENSED DEALERS OR DISTRIBUTORS. If the purchase of special fuel within this state by a person not required to be licensed under this division is purchased solely in one or more of the following manners, the person need not file a return:

a. Special fuels purchased tax paid and delivered into the fuel supply tank of the user's motor vehicles by licensed special fuel dealers.

b. Special fuels purchased tax paid and delivered into the user's motor vehicle special fuel holding tanks by licensed special fuel dealers.

c. Special fuels purchased tax paid and delivered into the user's motor vehicle special fuel holding tanks by licensed special fuel distributors.

6. PRESUMPTION. For purposes of this section there shall be a prima facie presumption that all special fuel received by a special dealer or special fuel user into storage and dispensing equipment designed to fuel motor vehicles is to be delivered by the special fuel dealer or special fuel user into the fuel supply tanks of motor vehicles.

Sec. 13. Section three hundred twenty-four point fifty-three (324.53), Code 1979, is amended to read as follows:

324.53 PERMIT--BOND. The advance arrangements referred to in the preceding section shall include the procuring of a permanent interstate fuel permit or single trip interstate permit ~~and may at the discretion of the state department of transportation include the posting of a suitable indemnity bond in a sum to be fixed by the state department of transportation to assure the required reporting, tax payments and the keeping of required records.~~

Persons choosing not to make advance arrangements with the state department of transportation by procuring a permit are not relieved of their responsibility to purchase motor fuel and special fuel commensurate with their use of the state's highway system. The When there is reasonable cause to believe that there is evasion of the fuel tax on commercial motor vehicles, the state department of transportation may audit persons not holding a permit ~~who are suspected of evading the fuel tax on commercial motor vehicles.~~ Audits shall be conducted pursuant to section 324.55.

A permanent permit may be obtained upon application to the state department of transportation. A fee of five dollars shall be charged for each permit issued. The holder of a permanent permit shall have the privilege of bringing into this state in the fuel supply tanks of commercial motor vehicles any amount of motor fuel or special fuel to be used in the operation of the vehicles and for that privilege shall pay Iowa motor fuel or special fuel taxes as provided in section 324.54. A single trip interstate permit as provided for in this section may be obtained from the state department of transportation. A fee of twelve dollars shall be charged for each individual single trip interstate permit issued. A single trip interstate permit shall be subject to the following provisions and limitations:

1. The permit shall be issued and be valid for seventy-two consecutive hours, except in emergencies, or until the time of leaving the state, whichever first occurs.

2. The permit shall cover only one commercial motor vehicle and is not transferable.

3. Single trip interstate fuel permits may be made available from sources other than indicated in this section at the discretion of the state department of transportation.

Each vehicle operated into or through Iowa in interstate operations using motor fuel or special fuel acquired in any other state shall carry in or on the vehicle a duplicate or evidence of the permit required in this section. A fee not to exceed fifty cents shall be charged for each duplicate or other evidence of permit issued.

Sec. 14. Section three hundred twenty-four point sixty-four (324.64), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

324.64 FAILURE TO FILE RETURN--INCORRECT RETURN. If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient and the filer fails to file a corrected or sufficient return within twenty days after the same is required by notice from the appropriate state agency, the appropriate state agency shall determine the amount of tax due. The determination shall be made from all information that the appropriate state agency may be able to obtain and, if necessary, the agency may estimate the tax on the basis of external indices. The appropriate state agency shall give notice of the determination to the person liable for the tax. The determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply to the director of the appropriate state agency for a hearing or unless the director reduces the assessment. At the hearing, evidence may be offered to support the determination or to prove that it is incorrect. After the hearing, the director shall give notice of the decision to the person liable for the tax. The findings of the appropriate state agency as to the amount of fuel taxes, penalties and interest due from any person shall be presumed to be the correct amount and in any litigation which may follow, the certificate of the agency shall be admitted in evidence, shall constitute a prima facie case and shall impose upon the other party the burden of showing any error in the findings and the extent thereof or that the finding was contrary to law.

Sec. 15. Section three hundred twenty-four point sixty-six (324.66), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

324.66 STATUTES APPLICABLE TO MOTOR VEHICLE FUEL TAX. The appropriate state agency shall administer the taxes imposed by this chapter in the same manner and subject to all the provisions of section four hundred twenty-two point twenty-five (422.25), subsection four (4) of the Code and section four hundred twenty-two point fifty-two (422.52), subsection three (3) of the Code.

All the provisions of section four hundred twenty-two point twenty-six (422.26) of the Code shall apply in respect to the taxes, penalties, interest, and costs imposed by this chapter excepting that as applied to any tax imposed by this chapter, the lien therein provided shall be prior and paramount over all subsequent liens upon any personal property within this state, or right to such personal property, belonging to the taxpayer without the necessity of recording as therein provided. The requirements for recording shall, as applied to the tax imposed by this chapter, apply only to the liens upon real property. When requested to do so by any person from whom a taxpayer is seeking credit, or with whom the taxpayer is negotiating the sale of any personal property, or by any other person having a legitimate interest in such information, the director shall, upon being satisfied that such a situation exists, inform such person as to the amount of unpaid taxes due by such taxpayer under the provisions of this chapter. The giving of

such information under such circumstances shall not be deemed a violation of section three hundred twenty-four point sixty-three (324.63) of the Code as applied to this chapter.

Sec. 16. Section three hundred twenty-four point sixty-seven (324.67), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

324.67 LIMITATION ON COLLECTION PROCEEDINGS. An action or other proceeding shall not be maintained to enforce collection of any amount of fuel tax, penalty, or interest over and above the amount shown to be due by reports filed by a licensee except upon an assessment by the department of revenue as authorized in this chapter. No assessment shall be made covering any period beyond three years prior to the date of assessment.

Sec. 17. Section three hundred twenty-four point seventy-one (324.71), Code 1979, is amended to read as follows:

324.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND SPECIAL FUEL DEALERS AND USERS. Except as provided in section 324.54, any person other than a licensed distributor, licensed special fuel dealer or licensed special fuel user who has paid or has had charged to the person's account with a distributor, dealer or special fuel dealer fuel taxes imposed under this chapter with respect to motor fuel or special fuel in excess of one hundred gallons, which is subsequently lost or destroyed, while the person is the owner, through leakage, fire, explosion, lightning, flood, storm, or other casualty, except evaporation, shrinkage, or unknown causes, the person shall be entitled to a refund of the tax so paid or charged. To qualify for the refund, the person shall notify the department of revenue in writing of the loss or destruction and the gallonage lost or destroyed within ten days from the date of discovery of the loss or destruction. Within sixty days after filing the notice, the person shall file with the department of revenue an affidavit sworn to by the person having immediate custody of the motor fuel or special fuel at the time of the loss or destruction setting forth in full the circumstances and amount of the loss or destruction and such other information as the department of revenue may require.

Sec. 18. Section three hundred twenty-four point seventy-four (324.74), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. For special fuel dealers or special fuel distributors to deliver special fuel on a tax paid basis into a tank with a capacity greater than one thousand fifty gallons.

Sec. 19. Section three hundred twenty-four point fifty-six (324.56), Code 1979, is repealed.

Approved June 4, 1979

## CHAPTER 76

## MOTOR FUEL AND FRANCHISE TAX REFUNDS

H. F. 420

AN ACT to authorize the department of revenue to credit gas and franchise tax refunds against the tax liability of a taxpayer.

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

Section 1. Section three hundred twenty-four point seventeen (324.17), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Any person other than a licensee who shall use motor fuel for the purpose of operating or propelling farm tractors, corn shellers, roller mills, truck-mounted feed grinders, stationary gas engines, aircraft, for cleaning or dyeing or for any purpose other than in watercraft or in motor vehicles operated or intended to be operated upon the public highways and having paid the motor fuel tax on the fuel either directly to the department of revenue or by having the tax added to the price of the fuel, and who has a refund permit shall, upon presentation to and approval by the department of revenue of a claim for refund be reimbursed and repaid the amount of the tax which the claimant has paid on the gallonage so used, except that the amount of any refund payable under this division may be applied by the department of revenue against any tax liability outstanding on the books of the department against the claimant. Every claim filed subsequent to July 4, 1957, shall be subject to the following conditions:

Sec. 2. Section three hundred twenty-four point seventy-one (324.71), Code 1979, is amended to read as follows:

324.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS. Except as provided in section 324.54, any person other than a distributor who has paid or has had charged to the person's account with a distributor, dealer or special fuel dealer fuel taxes imposed under this chapter with respect to motor fuel or special fuel in excess of one hundred gallons, which is subsequently lost or destroyed, while the person is the owner, through leakage, fire, explosion, lightning, flood, storm, or other casualty, except evaporation, shrinkage, or unknown causes, the person shall be entitled to a refund of the tax so paid or charged. To qualify for the refund, the person shall notify the department of revenue in writing of the loss or destruction and the gallonage lost or destroyed within ten days from the date of discovery of the loss or destruction. Within sixty days after filing the notice, the person shall file with the department of revenue an affidavit sworn to by the person having immediate custody of the motor fuel or special fuel at the time of the loss or destruction setting forth in full the circumstances and amount of the loss or destruction and such other information as the department of revenue may require. Any refund payable under this section may be applied by the department against any tax liability outstanding on the books of the department against the claimant.

Sec. 3. Section three hundred twenty-four point seventy-two (324.72), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~In-the-event-that~~ If any fuel taxes, penalties, or interest have been erroneously or illegally collected from a licensee, the department of revenue may permit the licensee to take credit against a subsequent tax return for the amount of the erroneous or illegal overpayment ~~or~~, may apply the overpayment against any tax liability outstanding on the books of the department against the claimant, or shall certify the amount thereof to the comptroller of this state, who shall thereupon draw his or her warrant for the certified amount on the treasurer of state payable to the licensee. The refund shall be paid to the licensee forthwith.

Sec. 4. Section four hundred twenty-two point seventy-three (422.73), subsection one (1), Code 1979, is amended to read as follows:

1. If it shall appear that, as a result of mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of division IV of this chapter or chapter 423, then such amount shall be credited against any tax due, or to become due, ~~under-this-chapter on the books of the department~~ from the person who made the erroneous payment, or such amount shall be refunded to such person by the department. A claim for refund or credit that has not been filed with the department within five years after the tax payment upon which a refund or credit is claimed became due, or one year after such tax payment was made, whichever time is later, shall not be allowed by the director.

Sec. 5. This Act is effective January first following its enactment.

Approved April 20, 1979

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CHAPTER 77  
MOTOR FUEL TAX REFUNDS

H. F. 645

AN ACT relating to the form of invoices for the purchase of motor fuel to support a claim for refund of motor fuel tax.

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

Section 1. Section three hundred twenty-four point seventeen (324.17), subsection three (3), Code 1979, is amended to read as follows:

3. No invoice shall be acceptable in support of a claim for refund unless it is a separate serially numbered invoice covering no more than one purchase of motor fuel, prepared by the seller on a form approved by the department of revenue ~~with-double-faced-carbon-paper-under-the-original which will prevent erasure or alteration~~; nor unless it is legibly written with no corrections or erasures and shows the date of sale, the name and address of the seller and of the purchaser, the kind of motor fuel, the gallonage in ~~words--and~~

figures, the per gallon price of the motor fuel, the per gallon rate of any tax added to the product price, the total purchase price including the Iowa motor fuel tax and that the total purchase price including tax has been paid; provided, that as to refund invoices made on a billing machine the department of revenue may waive any of the requirements of this subsection.

Approved April 20, 1979

## CHAPTER 78

### CARRIERS

S. F. 163

AN ACT relating to regulated carriers by providing temporary operating authority for regulated carriers, by establishing uniform regulatory controls for certain commercial carriers, and by requiring interstate carriers exempt from interstate commerce commission regulations to register in this state and instituting an insurance requirement for exempt carriers.

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

Section 1. Section three hundred twenty-five point six (325.6), subsection two (2), Code 1979, is amended to read as follows:

2. The board may allow the provision of temporary service for which there is an immediate and urgent need to a point or points requested by the application for a permanent certificate of public convenience and necessity upon investigation and a finding that ~~no carrier has operating authority to serve these the point or points or no carrier is currently serving these points and upon meeting the requirements of this chapter~~ do not have carrier service capable of meeting the need. The grant of temporary authority shall not become effective until the applicant has complied with the provisions of sections three hundred twenty-five point twenty-six (325.26), three hundred twenty-five point twenty-eight (325.28) and three hundred twenty-five point thirty-five (325.35) of the Code and the rules and regulations of the board. ~~Such temporary authority, and~~ unless suspended or revoked for good cause, shall be valid for such time as the board shall specify but not more than an aggregate of one hundred eighty days, ~~and~~. The grant of temporary authority shall create no presumption that the corresponding application will be granted thereafter.

Sec. 2. Section three hundred twenty-five point twenty-five (325.25), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

325.25 TRANSFER OF CERTIFICATE. A certificate of convenience and necessity shall not be sold, transferred, leased, or assigned, nor shall any contract or agreement with reference to or affecting any certificate be made



without the written approval of the board. The board may hold a hearing at its discretion and shall approve the sale, transfer, lease, or assignment upon a finding that there has been continuous service under the certificate for at least ninety days prior to the transfer and that the transferee is fit, willing, and able to perform the operations authorized by the certificate and that the transfer is consistent with the public interest. Pending determination of an application filed with the board for approval of a sale, transfer, lease, or assignment, the board may grant temporary approval of the proposed operation upon a finding of good cause.

Sec. 3. Section three hundred twenty-five point thirty-five (325.35), Code 1979, is amended to read as follows:

325.35 CERTIFICATE CONDITIONED ON FEE. ~~No~~ A motor vehicle engaged in the transportation of property under a certificate of convenience and necessity issued under the provisions of this chapter shall not be operated on the highways of this state unless there ~~shall have~~ has been paid to the board department for the administration of this chapter an annual fee ~~in the amount of five dollars, provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor, provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars for each motor truck and ten dollars for each truck tractor or road tractor.~~

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

It shall be a simple misdemeanor for any motor carrier to operate any motor vehicle for which the annual fee has not been paid and the board department may revoke the certificate of convenience and necessity of any such violator.

Sec. 4. Section three hundred twenty-six point forty-five (326.45), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

326.45 ISSUANCE--TITLE OBLIGATION. Upon receiving application for and payment of the registration fee and notification of title from the county treasurer, the department shall issue registration identification to the applicant carrier and send the certificate of title to the vehicle owner or lienholder. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code to process registration of vehicles titled in other states.

Sec. 5. Chapter three hundred twenty-six (326), Code 1979, is amended by adding the following new section:

NEW SECTION. TEMPORARY REGISTRATION. The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

Sec. 6. Section three hundred twenty-seven point nine (327.9), Code 1979, is amended to read as follows:

327.9 FEE. No A motor truck engaged in the transportation of property under a truck operator or contract carrier permit issued under the provisions of this chapter shall not be operated on the highways of this state unless there ~~shall have~~ has been paid to the board department for the administration of this chapter an annual fee ~~in--the-amount~~ of five dollars; ~~provided, however, that the fee herein provided shall not be imposed on any tractor or truck tractor; provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars~~ for each motor truck and ten dollars for each truck tractor or road tractor.

~~For the purposes of this section the terms "tractor or truck tractor" shall mean every self-propelled vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~

It ~~shall be~~ is a simple misdemeanor for any a truck operator or contract carrier to operate any a motor truck for which the annual fee has not been paid and the board department may revoke either the truck operator or contract carrier permit of any such violator or both.

Sec. 7. Section three hundred twenty-seven B point one (327B.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327B.1 AUTHORITY SECURED AND REGISTERED. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the interstate commerce commission or evidence that such authority is not required with the state department of transportation.

Registration shall be granted without hearing upon application and payment of a twenty-five dollar filing fee. Each amendment of supplemental authority shall require a ten dollar filing fee.

Upon registration, the state department of transportation shall identify the registration by number and issue annually a decal or sticker bearing the registration number of the carrier for each motor truck, truck tractor or road tractor operating in this state for a one dollar fee per vehicle.

The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter seventeen A (17A) of the Code for the identification of vehicles operated under reciprocity agreements.

Fees may be subject to reduction or proration pursuant to sections three hundred twenty-six point five (326.5) and three hundred twenty-six point thirty-two (326.32) of the Code.

Sec. 8. Chapter three hundred twenty-seven B (327B), Code 1979, is amended by adding the following new section:

NEW SECTION. INSURANCE OR BOND. Registration under section three hundred twenty-seven B point one (327B.1) of the Code shall not be granted until the carrier has filed with the state department of transportation evidence of insurance or surety bond issued by an insurance carrier or bonding company authorized to do business in this state and in the form prescribed by the

rules adopted under 49 U.S.C. 302(b) (2) (1965). The minimum limits of liability for each motor truck are as follows:

1. To cover the carrier's liability as an interstate carrier for personal injury or death as a result of any one incident, twenty-five thousand dollars for recovery by one person, and subject to the limit for one person, fifty thousand dollars for more than one person. This coverage need not include injury to carrier's employees while engaged in the course of their employment.

2. To cover the carrier's liability as an interstate carrier for damages to property other than that of or in charge of the carrier, as a result of any one incident, ten thousand dollars.

The insurance policy or surety bond shall bind the insurance company or bonding company to make compensation to claimants for the carrier's liability. The insurance policy or surety bond shall also provide that a person having a cause of action against the carrier may bring action directly upon the policy or bond when service cannot be obtained on the interstate carrier within this state.

Failure to keep insurance or bond in effect at all times shall cause the registration of the interstate carrier to be revoked.

Sec. 9. The provisions of sections four (4) and five (5) of this Act shall become effective July first following enactment. The remaining provisions of this Act shall become effective January first following its enactment.

Approved June 1, 1979

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## CHAPTER 79

### ABANDONED RAILROAD LINE

H. F. 450

AN ACT relating to the responsibilities of a person who acquires a railroad right-of-way outside of a city or contiguous to agricultural land in a city.

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

Section 1. Chapter three hundred twenty-seven G (327G), Code 1979, is amended by adding the following new section:

NEW SECTION. MAINTENANCE OF IMPROVEMENTS ALONG RIGHTS-OF-WAY. A person, including a state agency or political subdivision of the state, who acquires a railroad right-of-way after the effective date of this Act for a purpose other than farming has all of the following responsibilities concerning that right-of-way:

1. Construction, maintenance, and repair of the fence on each side of the property, however, this requirement may be waived by a written agreement with the adjoining landowner.

2. Private crossings as provided for in section three hundred twenty-seven G point eleven (327G.11) of the Code.
3. Drainage as delineated in chapter four hundred sixty-five (465) of the Code.
4. Overhead, underground or multiple crossings in accord with section three hundred twenty-seven G point twelve (327G.12) of the Code.
5. Weed control in accord with chapter three hundred seventeen (317) of the Code.

This section does not absolve the property owners of other duties and responsibilities that they may be assigned as property owners by law. Subsection one (1) of this section does not apply to rights-of-way located on land within the corporate limits of a city except where the acquired right-of-way is contiguous to land assessed as agricultural land.

Approved June 5, 1979

## CHAPTER 80

### IOWA STATE ASSOCIATION OF COUNTIES

S. F. 493

AN ACT relating to membership in the Iowa state association of counties.

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

Section 1. Section three hundred thirty-two point three (332.3), subsection twenty-seven (27), Code 1979, is amended to read as follows:

27. To provide for membership in the Iowa state association of counties, a nonprofit corporation organized under chapter 504A, for the purpose of maintaining a permanent organization to secure ~~co-operation~~ cooperation among counties and county officers in their effort to procure better and more efficient methods of government. ~~The board of supervisors may authorize attendance at schools of instruction by county officers, appointees, and employees as the schools are called by the association and may authorize attendance at the annual meeting of the association by duly certified representatives of each county which is affiliated with the association. The board of supervisors may appropriate from the county general fund necessary funds to provide membership in the Iowa state association of counties, provided that the method of assessment shall be established on a basis whereby each county shall pay not to exceed one cent per capita and three tenths of one cent per thousand dollars of each county's assessed value of taxable property. The total assessment collected from all of the member counties shall not exceed seventy-five thousand dollars per annum. In the event that more than seventy-five thousand dollars is collected, the excess shall be refunded proportionately to the counties from which payment is received.~~ The association shall keep and make such accounts as are required

by the auditor of state. The accounts shall be audited annually and published in the auditor of state's biennial report. The association shall annually publish an accounting of all moneys expended in connection with expenses incurred by and any salaries paid to legislative representatives or lobbyists of the association. No county funds may be expended for membership fees or for attendance expenses for any county officers association other than the Iowa state association of counties.

Approved June 5, 1979

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CHAPTER 81  
OFFICE FOR SHERIFF

S. F. 269

AN ACT providing that a board of supervisors may furnish the sheriff with an office anywhere within the county.

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

Section 1. Section three hundred thirty-two point nine (332.9), Code 1979, is amended to read as follows:

332.9 OFFICES FURNISHED. The board of supervisors shall furnish the clerk of the district court, ~~sheriff~~, recorder, treasurer, auditor, county attorney, county surveyor or engineer, and county assessor, with offices at the county seat, ~~but in~~. The board of supervisors shall also furnish the sheriff with offices within the county. In no case shall any such officer, except the county attorney, be permitted to occupy an office also occupied by a practicing attorney.

Sec. 2. This Act is effective January first following its enactment.

Approved June 5, 1979

## CHAPTER 82

## TOWNSHIP AMBULANCE SERVICE AND FIRE PROTECTION

H. F. 672

AN ACT authorizing ambulance service by townships and authorizing township trustees to divide a township into taxing districts to provide fire protection service.

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

Section 1. Section three hundred fifty-nine point forty-two (359.42), Code 1979, is amended to read as follows:

359.42 TOWNSHIP FIRE PROTECTION SERVICE AND AMBULANCE SERVICE. The trustees of each township in this state shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and, in counties not providing ambulance services under section three hundred thirty-two point three (332.3), subsection twenty-three (23) of the Code, may provide ambulance service. The trustees may purchase, own, rent or maintain fire protection service or ambulance service apparatus or equipment or both kinds of apparatus or equipment and provide housing for such the equipment. The trustees may contract with any public or private agency under chapter 28E for the purpose of providing fire protection service or ambulance service or both services under this section.

Sec. 2. Section three hundred fifty-nine point forty-three (359.43), Code 1979, is amended to read as follows:

359.43 TAX LEVY.

1. The township trustees may levy an annual tax not exceeding forty and one-half cents per thousand dollars of assessed value of the taxable property in the township, excluding any property within a benefited fire district or within the corporate limits of a city, for the purpose of exercising the powers granted in section 359.42. However, in any township having a fire protection service or ambulance service agreement or both service agreements with a special charter city having a paid fire department, the township trustees may levy an annual tax not exceeding fifty-four cents per thousand dollars of the assessed value of the taxable property for such purpose those purposes and in any township which has a common boundary with a city having a population of two hundred thousand or more, the township trustees may levy an annual tax not exceeding sixty-seven and one-half cents per thousand dollars of assessed value of taxable property for fire protection service or ambulance service purposes or for both purposes.

2. If the levy authorized under subsection one (1) of this section is insufficient to provide fire protection service and ambulance service, the township trustees may levy an additional annual tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value of the taxable property in the township, excluding any property within the corporate limits

of a city, to provide the ambulance service. The township trustees may divide the township into districts for the purpose of providing the ambulance service and fire service and may levy a different tax rate in each district, but the tax levy to provide ambulance service shall not exceed twenty and one-fourth cents per thousand dollars of taxable assessed value in a district.

Sec. 3. Section three hundred fifty-nine point forty-three (359.43), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The township trustees may divide the township into tax districts for the purpose of providing fire protection service and may levy a different tax rate in each district, but the tax levied in a tax district for fire protection shall not exceed the tax levy limitation for that township as provided in this section.

Approved June 4, 1979

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## CHAPTER 83 TOWNSHIP OFFICERS COMPENSATION

H. F. 647

AN ACT relating to service and compensation for service in county and township government.

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

Section 1. Section three hundred fifty-nine point forty-six (359.46), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

359.46 COMPENSATION OF TOWNSHIP TRUSTEES.

1. A township trustee while engaged in official business shall be compensated at an hourly rate established by the county board of supervisors. However, the county board of supervisors may establish a minimum daily pay rate for the time spent by a township trustee attending a scheduled meeting of township trustees. The compensation shall be paid from the general fund of the county except:

a. When the trustee is assessing damages done by trespassing animals, payment of the compensation shall be made in the same manner as other costs in such cases.

b. When the trustee is acting as a fence viewer or in a case where provision is made for payment from a source other than the general fund of the county.

2. In cases where their fees or compensation are not paid from the general fund of the county, the trustees shall be paid by the party requiring their services. The trustees shall attach to the report of their proceedings a statement specifying their services, directing who shall pay the fees or

compensation, and specifying the amount to be paid by each party. A party who makes advance payment for the services of the trustees may take legal action to recover the amount of the payment from the party who is directed to pay by the trustees unless the party entitled to recovery under this subsection is paid within ten days after a demand for reimbursement is made.

Sec. 2. Section three hundred fifty-nine point forty-seven (359.47), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

359.47 COMPENSATION OF TOWNSHIP CLERK. A township clerk while engaged in official business shall be compensated at the same rate as the pay rate of a township trustee of the same township.

Sec. 3. A county supervisor who before May 1, 1979, accepted an appointment to any appointive board, commission or committee of this state or a political subdivision of this state may continue to hold the office of county supervisor and membership on the board, commission or committee until the expiration of his or her term as county supervisor or July 1, 1981, whichever occurs first.

Approved June 4, 1979

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## CHAPTER 84

### URBAN REVITALIZATION AREAS TAX EXEMPTIONS

H. F. 81

AN ACT relating to property tax exemptions for property on which improvements have been made in a revitalization area of a city and authorizing cities to issue revenue bonds for revitalization and urban renewal areas.

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

Section 1. NEW SECTION. The governing body of a city may, by ordinance, designate an area of the city as a revitalization area, if that area is any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health, safety, or welfare.

2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary



or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Sec. 2. NEW SECTION. A city may only exercise the authority conferred upon it in this Act after the following conditions have been met:

1. The governing body has adopted a resolution finding that the rehabilitation, conservation, redevelopment, or a combination thereof of the area is necessary in the interest of the public health, safety, or welfare of the residents of the city and the area meets the criteria of section one (1) of this Act.

2. The city has prepared a proposed plan for the designated revitalization area. The proposed plan shall include all of the following:

a. A legal description of the real estate forming the boundaries of the proposed area along with a map depicting the existing parcels of real estate.

b. The existing assessed valuation of the real estate in the proposed area, listing the land and building values separately.

c. A list of names and addresses of the owners of record of real estate within the area.

d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.

e. Any proposals for improving or expanding city services within the area including but not limited to transportation facilities, sewage, garbage collection, street maintenance, park facilities and police and fire protection.

f. A statement specifying whether the revitalization is applicable to residential, agricultural, commercial or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area.

g. The provisions that have been made for the relocation of persons, including families, business concerns and others, whom the city anticipates will be displaced as a result of improvements to be made in the designated area.

h. Any tax exemption schedule that shall be used in lieu of the schedule set out in subsection one (1), two (2), three (3) or four (4) of section three (3) of this Act. This schedule shall not allow a greater exemption, but may allow a smaller exemption, than allowed in the schedule specified in

the corresponding subsection of section three (3) of this Act and shall be the same schedule used for all property of the same classification located in an existing revitalization area.

i. The percent increase in actual value requirements that shall be used in lieu of the fifteen and ten percent requirements specified in subsection seven (7) of section three (3) and in section five (5) of this Act. This percent increase in actual value requirements shall not be greater than that provided in this Act and shall be the same requirements applicable to all existing revitalization areas.

j. A description of any federal, state or private grant or loan program likely to be a source of funding for that area for residential improvements and a description of any grant or loan program which the city has or will have as a source of funding for that area for residential improvements.

3. The city has filed a copy of the proposed plan for the designated revitalization area with the city development board by the fourteenth day before the scheduled public hearing.

4. The city has scheduled a public hearing and notified all owners of record of real property located within the proposed area, the tenants living within the proposed area and the city development board in accordance with section three hundred sixty-two point three (362.3) of the Code. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city shall also send notice by ordinary mail addressed to the "occupants" of city addresses located within the proposed area, unless the city council, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived such notice. Notwithstanding the provisions of section three hundred sixty-two point three (362.3), Code 1979, such notice shall be given by the thirtieth day prior to the public hearing.

5. The public hearing has been held.

6. A second public hearing has been held(if:

a. The city development board requests, by certified mail, a second public hearing within thirty days after receipt of the minutes of the first public hearing or;

b. The city has received within thirty days after the holding of the first public hearing a valid petition requesting a second public hearing containing the signatures and current addresses of property owners that represent at least ten percent of the privately-owned property within the designated revitalization area or;

c. The city has received within thirty days after the holding of the first public hearing a valid petition requesting a second public hearing containing the signatures and current addresses of tenants that represent at least ten percent of the residential units within the designated revitalization area.

At any such second public hearing the city may specifically request those in attendance to indicate the precise nature of desired changes in the proposed plan.

7. The city has adopted the proposed or amended plan, as the case may be, for the revitalization area after the requisite number of hearings. The city may subsequently amend this plan by following the procedures in this section.

Sec. 3. NEW SECTION.

1. All qualified real estate assessed as residential property is eligible to receive an exemption from taxation based on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows: one hundred fifteen percent of the value added by the improvements. However, the amount of the actual value added by the improvements which shall be used to compute the exemption shall not exceed twenty thousand dollars and the granting of the exemption shall not result in the actual value of the qualified real estate being reduced below the actual value on which the homestead credit is computed under section four hundred twenty-five point one (425.1) of the Code.

2. All qualified real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.
- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

3. All qualified real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. All qualified real estate assessed as commercial property, consisting of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes, is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years.

5. The owners of qualified real estate eligible for the exemption provided in this section shall elect to take the applicable exemption provided in subsection one (1), two (2), three (3) or four (4) of this section or provided in the different schedule adopted in the city plan if a different schedule has been adopted. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.

6. The tax exemption schedule specified in subsection one (1), two (2), three (3) or four (4) of this section shall apply to every revitalization area within a city unless a different schedule is adopted in the city plan as provided in section two (2) of this Act. However, a city shall not adopt a different schedule unless every revitalization area within the city has the same schedule applied to it and the schedule adopted does not provide for a

larger tax exemption in a particular year than is provided for that year in the schedule specified in the corresponding subsection of this section.

7. "Qualified real estate" as used in this Act means real property, other than land, which is located in a designated revitalization area and to which improvements have been added, during the time the area was so designated, which have increased the actual value by at least the percent specified in the plan adopted by the city pursuant to section two (2) of this Act or if no percent is specified then by at least fifteen percent, or at least ten percent in the case of real property assessed as residential property or which have, in the case of land upon which is located more than one building and not assessed as residential property, increased the actual value of the buildings to which the improvements have been made by at least fifteen percent. "Qualified real estate" also means land upon which no structure existed at the start of the new construction, which is located in a designated revitalization area and upon which new construction has been added during the time the area was so designated. "Improvements" as used in this Act includes rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. However, new construction on land assessed as agricultural property shall not qualify as "improvements" for purposes of this Act unless the governing body of the city has presented justification at a public hearing held pursuant to section two (2) of this Act for the revitalization of land assessed as agricultural property by means of new construction. Such justification shall demonstrate, in addition to the other requirements of this Act, that the improvements on land assessed as agricultural land will utilize the minimum amount of agricultural land necessary to accomplish the revitalization of the other classes of property within the urban revitalization area. However, if such construction, rehabilitation or additions were begun prior to January 29, 1979, or one year prior to the adoption by the city of a plan of urban revitalization pursuant to section two (2) of this Act, whichever occurs later, the value added by such construction, rehabilitation or additions shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section. "Actual value added by the improvements" as used in this Act means the actual value added as of the first year for which the exemption was received.

8. The fifteen and ten percent increase in actual value requirements specified in subsection seven (7) of this section shall apply to every revitalization area within a city unless different percent increases in actual value requirements are adopted in the city plan as provided in section two (2) of this Act. However, a city shall not adopt different requirements unless every revitalization area within the city has the same requirements and the requirements do not provide for a greater percent increase than specified in subsection seven (7) of this section.

Sec. 4. NEW SECTION. A person may submit a proposal for an improvement project to the governing body of the city to receive prior approval for eligibility for a tax exemption on the project. The governing body shall, by resolution, give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the city.

Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the governing body to approve or reject.

An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the governing body of the city in which the property is located by February first of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation. The application shall contain, but not be limited to, the following information: the nature of the improvement, its cost, the estimated or actual date of completion, the tenants that occupied the owner's building on the date the city adopted the resolution referred to in subsection one (1) of section two (2) of this Act, and which exemption in section three (3) of this Act or in the different schedule, if one has been adopted, will be elected.

The governing body of the city shall approve the application, subject to review by the local assessor pursuant to section five (5) of this Act, if the project is in conformance with the plan for revitalization developed by the city, is located within a designated revitalization area and if the improvements were made during the time the area was so designated. The governing body of the city shall forward for review all approved applications to the appropriate local assessor by March first of each year with a statement indicating whether subsection one (1), two (2), three (3) or four (4) of section three (3) of this Act applies or if a different schedule has been adopted, which exemption from that schedule applies. Applications for exemption for succeeding years on approved projects shall not be required.

Sec. 5. NEW SECTION. The local assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made increased the actual value of the qualified real estate by at least fifteen percent or at least ten percent in the case of real property assessed as residential property or the applicable percent increase requirement adopted by the city under section two (2) of this Act. If the assessor determines that the actual value of that real estate has increased by at least the requisite percent, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section three (3) of this Act to the county auditor at the time of transmitting the assessment rolls. However, if a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section three (3) of this Act to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section four hundred forty-one point thirty-seven (441.37) of the Code. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in section three (3) of this Act, the owner may file a first annual application in a

subsequent year when additional improvements are made to satisfy requirements of section three (3) of this Act, and the provisions of section four (4) of this Act shall apply. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified in subsection one (1), two (2), three (3) or four (4) of section three (3) of this Act, or specified in the different schedule if one has been adopted, under which the exemption was granted. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

Sec. 6. NEW SECTION. Upon application to it and after verification by it, the city shall require compensation of at least one month's rent and may require compensation of actual relocation expenses be paid to a qualified tenant whose displacement is due to action on the part of a property owner to qualify for the benefits under this Act. However, the city may require the persons causing the qualified tenant to be displaced to pay all or a part of the relocation payments as a condition for receiving a tax exemption under section three (3) of this Act. "Qualified tenant" as used in this Act shall mean the legal occupant of a residential dwelling unit which is located within a designated revitalization area and who has occupied the same dwelling unit continuously since one year prior to the city's adoption of the plan pursuant to section two (2) of this Act.

Sec. 7. NEW SECTION. When in the opinion of the governing body of a city the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted by this Act would cease to be of benefit to the city, the governing body may repeal the ordinance establishing a revitalization area. In that event, all existing exemptions shall continue until their expiration.

Sec. 8. NEW SECTION. Residential real estate located within an area designated as a revitalization area pursuant to section one (1) of this Act, is not subject to the additional tax imposed by section four hundred forty-five point sixty-three (445.63) of the Code.

Agricultural real estate located within an area designated as a revitalization area pursuant to section one (1) of this Act may be exempt from the additional tax imposed by section four hundred forty-five point sixty-three (445.63) of the Code at the discretion of the governing body of the city. However, before the governing body may exempt agricultural real estate from the imposition of the additional tax, it must have present at the public hearing required to be held under section two (2) of this Act evidence of the waiver of the imposition of the tax and the potential amount of the additional taxes that will not be collected.

Sec. 9. Section three hundred sixty-eight point ten (368.10), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The board shall conduct studies of city development, and shall submit an annual report to the governor and to such members of the general assembly as request it. This report shall include an analysis of all plans for designated revitalization areas filed with the board pursuant to sections one (1) through seven (7) of this Act since the last annual report.

Sec. 10. Chapter four hundred nineteen (419), Code 1979, is amended by adding the following new section:

NEW SECTION. Cities may also issue revenue bonds for projects located within a qualified urban renewal area or an area designated a revitalization area pursuant to sections one (1) through seven (7) of this Act. The revenue bonds shall be issued pursuant to the provisions of this chapter and all provisions of this chapter shall apply, except that:

1. The term "project" as defined in section four hundred nineteen point one (419.1) of the Code includes land, buildings, or improvements which are suitable for use as residential property or for the use of a commercial enterprise or nonprofit organization which the governing body finds is consistent with the urban renewal plan for a qualified urban renewal area or the revitalization plan, as the case may be.

2. To the extent that a city is authorized to pay out or contribute to the cost of a project under chapter four hundred three (403) of the Code in the case of a qualified urban renewal area or under sections one (1) through seven (7) of this Act in the case of a revitalization area, the provisions of section four hundred nineteen point eight (419.8) of the Code shall not apply.

3. The provisions of section four hundred nineteen point fourteen (419.14) of the Code shall not apply to projects within a qualified urban renewal area.

The power to issue revenue bonds pursuant to this section is in addition to other powers granted cities to aid qualified urban renewal areas and revitalization areas.

The term "qualified urban renewal area" means an urban renewal area designated as such pursuant to chapter four hundred three (403) of the Code before the effective date of this Act.

Sec. 11. It is the intent of the general assembly that Iowa Housing Finance Authority shall make an allocation of funds subject to availability of single-family mortgage bond proceeds to be made available to or on behalf of owners of single-family residential property for mortgage loans on single-family housing that is rehabilitated with private funds and is located in urban revitalization areas designated pursuant to this Act.

Sec. 12. This Act applies to all cities including special charter cities.

Approved May 10, 1979

## CHAPTER 85

## CITY FINANCE

S. F. 282

AN ACT to amend city finance laws relating to the establishment of trust and agency funds, the establishment of a capital improvements reserve fund, the date for final disposition of city budget appeals, the sale of pledge orders, and the publication of notices for public improvement bids.

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

Section 1. Section three hundred eighty-four point six (384.6), unnumbered paragraph one (1) and subsection one (1), Code 1979, are amended to read as follows:

A city may establish trust and agency ~~fund~~ funds for the following purposes:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager or city administrator in an annual amount not to exceed the amount that would have been contributed by the employer under the provisions of section 97B.11. A city may certify taxes to be levied for ~~the~~ a trust and agency fund in the amount necessary to meet ~~such~~ its obligations.

Sec. 2. Section three hundred eighty-four point seven (384.7), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The question of the establishment of a capital improvements reserve fund, the time period during which a levy will be made for the fund, and the ~~amount~~ tax rate to be levied ~~therefor~~ for the fund is subject to approval by the voters, and may be submitted at any city election upon the council's motion, or shall be submitted at the next regular city election upon receipt of a valid petition as provided in section 362.4.

Sec. 3. Section three hundred eighty-four point nineteen (384.19), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

The state appeal board shall proceed to consider the protest in accordance with the same provisions that protests to budgets of municipalities are considered under chapter 24, ~~except that final disposition of appeals of city budgets shall be made on or before April 24 of each year.~~ The state appeal board shall certify its decision with respect to the protest to the county auditor, and such decision shall be final.

Sec. 4. Section three hundred eighty-four point eighty-two (384.82), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A city may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, such revenue bonds and pledge orders to be payable solely and only out of the net revenues of



the city utility, combined utility system, city enterprise, or combined city enterprise involved in the project. The cost of a project includes the construction contracts, interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, such reserve funds as the governing body may deem advisable in connection with the project and the issuance of revenue bonds and pledge orders, and the costs of engineering, architectural, technical, and legal services, preliminary reports, surveys, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights of way, supervision, inspection, testing, publications, printing and sale of bonds and provisions for contingencies. A city may sell revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the project in payment therefor.

Sec. 5. Section three hundred eighty-four point ninety-six (384.96), Code 1979, is amended to read as follows:

384.96 SEALED BIDS. When the estimated total cost of a public improvement exceeds the sum of ten thousand dollars, the governing body shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as provided in section 362.3, except that the notice to bidders may be published more than twenty days but not more than forty-five days before the date for filing bids.

Sec. 6. This Act is effective January first following its enactment.

Approved May 3, 1979

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## CHAPTER 86

### MUNICIPAL IMPROVEMENT DISTRICTS

S. F. 252

AN ACT relating to municipal improvement districts.

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

Section 1. Section three hundred eighty-six point three (386.3), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. Be comprised of contiguous property wholly within the boundaries of the city. A self-supported municipal improvement district shall ~~not~~ be comprised only of any property in districts which are zoned for ~~any-use-other than~~ commercial or industrial uses.

Sec. 2. Section three hundred eighty-six point three (386.3), subsection nine (9), Code 1979, is amended to read as follows:

9. At any time prior to adoption of an ordinance establishing a district, the entire matter of establishing such district shall be withdrawn from council consideration if a petition objecting to establishing such district is filed with its clerk containing the signatures of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district.

Sec. 3. Section three hundred eighty-six point four (386.4), subsection four (4), Code 1979, is amended to read as follows:

4. At any time prior to council amendment of the ordinance creating the district, the entire matter of amending such ordinance shall be withdrawn from council consideration if a petition objecting to amending such ordinance is filed with its clerk containing either the signatures of at least forty percent of all owners of property within the district and all property proposed to be included or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district and all property proposed to be included.

Sec. 4. Section three hundred eighty-six point ten (386.10), Code 1979, is amended to read as follows:

386.10 DEBT SERVICE FUND. A city shall establish a self-supported municipal improvement district debt service fund whenever any self-supported municipal improvement district bonds are issued and outstanding, other than revenue bonds, and shall certify taxes to be levied against all of the property in the district for the debt service fund in the amount necessary to pay interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all self-supported municipal improvement district bonds as authorized in section 386.11, issued by the city. However, parcels of property which are assessed as residential property for property tax purposes at the time of the issuance of the bonds are exempt from the tax levied under this section until such time as the parcels are no longer assessed as residential property.

Sec. 5. This Act is effective January first following its enactment.

Approved May 7, 1979

**CHAPTER 87**  
**HOSPITALIZATION AND MEDICATION FOR**  
**FIRE FIGHTERS AND POLICE**

H. F. 499

AN ACT relating to the payment of hospitalization and medical benefits for certain retired employees of police and fire departments.

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

Section 1. Section four hundred ten point eighteen (410.18), Code 1979, is amended to read as follows:

410.18 HOSPITAL EXPENSE. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of such cities, when injured while in the performance of their duties as members of such department, and for members being paid a pension by the city under section four hundred ten point eight (410.8) of the Code for a disability contracted while the member was engaged in the performance of duties, and the cost of such hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which such injured person belongs; provided that any amounts received by such injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by such city under the provisions of this section.

Sec. 2. Section four hundred eleven point fifteen (411.15), Code 1979, is amended to read as follows:

411.15 HOSPITALIZATION AND MEDICAL ATTENTION. Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of such cities, when injured while in the performance of their duties as members of such department, and for members receiving a retirement allowance under section four hundred eleven point six (411.6), subsection six (6) of the Code for an injury or disease incurred in or aggravated by the actual performance of duty, and the cost of such hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which such injured person belongs; provided that any amounts received by such injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by such city under the provisions of this section.

Sec. 3. This Act is effective January first following its enactment.

Approved April 23, 1979

CHAPTER 88  
BOARDS OF ADJUSTMENT IN CITIES

H. F. 174

AN ACT relating to the membership of the boards of adjustment of cities.

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

Section 1. Section four hundred fourteen point eight (414.8), Code 1979, is amended to read as follows:

414.8 MEMBERSHIP. The board of adjustment shall consist of five or seven members ~~each~~ as determined by the council. Members of a five-member board shall be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members of a seven-member board shall be appointed for a term of five years, except when the board shall first be created two members shall be appointed for a term of five years, two members for a term of four years, one for a term of three years, one for a term of two years, and one for a one-year term. A five-member board shall not carry out its business without having three members present and a seven-member board shall not carry out its business without having four members present. A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 2. Section four hundred fourteen point fourteen (414.14), Code 1979, is amended to read as follows:

414.14 VOTE REQUIRED. The concurring vote of three members of the board in the case of a five-member board, and four members in the case of a seven-member board, shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Sec. 3. NEW SECTION. TRANSITIONAL PROVISIONS. Of the two additional members which may be appointed to increase a five-member board of adjustment to a seven-member board after the effective date of this Act, one member shall be appointed to an initial term of five years and one member shall be appointed to an initial term of four years. The terms of office of members

of a board of adjustment serving unexpired terms of office on the effective date of this Act, shall expire according to their original appointments.

Sec. 4. This Act is effective January first following its enactment.

Approved June 6, 1979

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**CHAPTER 89**  
**REVENUE BONDS FOR REGENTS INSTITUTIONS**

S. F. 448

AN ACT authorizing cities and counties to issue revenue bonds under chapter four hundred nineteen (419) of the Code for the purpose of financing projects for the use of a state of Iowa institution under the board of regents.

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

Section 1. Section four hundred nineteen point one (419.1), subsection two (2), Code 1979, is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter two hundred sixty-two (262) of the Code, whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, rights of way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs,

utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 2. Section four hundred nineteen point two (419.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. To issue revenue bonds for the purpose of retiring existing indebtedness of any private or state of Iowa college or university or of any person who incurred the indebtedness to finance a project for any private or state of Iowa college or university, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness of a private or state of Iowa college or university or of any person who incurred the indebtedness to finance a project for a private or state of Iowa college or university shall be deemed a "project" for the purposes of this chapter.

Sec. 3. Section four hundred nineteen point eleven (419.11), Code 1979, is amended to read as follows:

419.11 TAX EQUIVALENT TO BE PAID--ASSESSMENT PROCEDURE--APPEAL. Any municipality acquiring, purchasing, constructing, reconstructing, improving or extending any industrial buildings or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings or pollution control facilities to the state of Iowa and to the city, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph "b".

PARAGRAPH DIVIDED. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to co-operate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such

lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by the first sentence of this section to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or other political subdivision, any other statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose.

PARAGRAPH DIVIDED. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private or state of Iowa college or university, nor to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent shall be subject to the provisions of chapters 445, 446 and 447.

Sec. 4. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Record, a newspaper published in Cedar Falls, Iowa, and in the Lee Town News, a newspaper published in Des Moines, Iowa.

Approved April 30, 1979

I hereby certify that the foregoing Act, Senate File 448, was published in The Record, Cedar Falls, Iowa on May 8, 1979, and in the Lee Town News, Des Moines, Iowa on May 10, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

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## CHAPTER 90

### MUNICIPAL MULTISTATE BUSINESS HEADQUARTERS

S. F. 299

AN ACT to authorize municipal support for the establishment of national, regional or divisional headquarters facilities of multistate businesses in Iowa by permitting municipal acquisition, lease, sale and loan of property, issuance of revenue bonds, and granting of easements.

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

Section 1. Section four hundred nineteen point one (419.1), subsection two (2), Code 1979, is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of

issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, ~~rights-of-way~~ rights-of-way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipe lines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 2. Section four hundred nineteen point eleven (419.11), Code 1979, is amended to read as follows:

419.11 TAX EQUIVALENT TO BE PAID--ASSESSMENT PROCEDURE--APPEAL. Any municipality acquiring, purchasing, constructing, reconstructing, improving or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all



purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph "b". If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by the first sentence of this section to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or other political subdivision, any other statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private college or university, nor to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent shall be subject to the provisions of chapters 445, 446 and 447.

Approved May 3, 1979

CHAPTER 91  
HEALTH CARE FACILITY BONDS

S. F. 284

AN ACT authorizing cities and counties to issue revenue bonds under chapter four hundred nineteen (419) of the Code for the purpose of retiring the existing indebtedness of a health care facility, clinic or a voluntary nonprofit hospital.

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

Section 1. Section four hundred nineteen point two (419.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. To issue revenue bonds for the purpose of retiring any existing indebtedness of a health care facility, clinic or voluntary nonprofit hospital, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness of a health care facility, clinic or voluntary nonprofit hospital shall be deemed a "project" for the purposes of this chapter.

Sec. 2. Section four hundred nineteen point seven (419.7), Code 1979, is amended to read as follows:

419.7 APPLICATION OF PROCEEDS LIMITED. The proceeds from the sale of any bonds, issued under authority of this chapter, shall be applied only for the purpose for which the bonds were issued and if, for any reason, any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, such unneeded portion of said proceeds shall be applied to the payment of the principal or the interest on said bonds. The cost of any project shall be deemed to include the actual cost of acquiring a site or the cost of the construction of any part of a project which may be constructed including architects' and engineers' fees, the purchase price of any part of a project that may be acquired by purchase, all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition, an amount to be held as a bond reserve fund, and the interest on such bonds for a reasonable time prior to construction, during construction and for not exceeding six months after completion of construction, ~~and with respect to any health care facility or voluntary nonprofit hospital the cost of retiring any existing indebtedness of such health care facility or voluntary nonprofit hospital which the governing body of the municipality determines to be reasonably necessary in connection with the issuance of the bonds.~~

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Dayton Review, a newspaper published in

Dayton, Iowa, and in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa.

Approved March 22, 1979

I hereby certify that the foregoing Act, Senate File 284, was published in The Dayton Review, Dayton, Iowa on March 28, 1979, and in the Fort Dodge Messenger, Fort Dodge, Iowa on March 27, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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CHAPTER 92  
INTERNAL REVENUE CODE UPDATED

H. F. 139

AN ACT relating to the computation of individual and corporate income tax and the franchise tax by updating references to the internal revenue code and making the Act retroactive.

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

Section 1. Section four hundred twenty-two point four (422.4), subsection seventeen (17), Code 1979, is amended to read as follows:

17. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1978~~ 1979.

Sec. 2. Section four hundred twenty-two point thirty-two (422.32), subsection four (4), Code 1979, is amended to read as follows:

4. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1978~~ 1979.

Sec. 3. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, is amended to read as follows:

4. "Net income" means the net income of the financial institution computed in accordance with section 422.35, with the exception that interest and dividends from federal securities shall not be subtracted and interest and dividends from evidences of indebtedness and securities of this state and its political subdivisions, exempt from federal income tax under the Internal Revenue Code of 1954 as amended to and including January 1, ~~1978~~ 1979, shall not be added.

Sec. 4. The provisions of this Act are retroactive to January 1, 1978 for tax years beginning on or after January 1, 1978 and to this extent the provisions of this Act are retroactive.

Sec. 5. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Record, a newspaper published in Cedar

Falls, Iowa, and in the Telegraph Herald, a newspaper published in Dubuque, Iowa.

Approved February 28, 1979

I hereby certify that the foregoing Act, House File 139, was published in The Record, Cedar Falls, Iowa on March 13, 1979, and in the Telegraph Herald, Dubuque, Iowa on March 7, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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CHAPTER 93  
STATE INCOME TAXES

S. F. 494

AN ACT relating to the state individual income tax by increasing the minimum filing requirements, increasing the standard deduction and the personal exemption credits, indexing the tax brackets and increasing and indexing certain exclusions from income, providing for an interim study of income tax indexation, and making certain provisions of the Act retroactive.

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

Section 1. Section four hundred twenty-two point four (422.4), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION.

a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department each year to reflect the purchasing power of the dollar as a result of inflation or deflation during the preceding calendar year. In determining the annual inflation factor, the department shall use the annual percent change in the consumer price index produced by the bureau of labor statistics of the United States department of labor and shall add one-fourth for the 1979 calendar year and two-fourths for the 1980 calendar year of that percent change to one hundred percent, except that the amount of the percent change added to the one hundred percent shall not exceed the greater of zero or the difference between the percent change and three percent. The annual inflation factor and the cumulative inflation factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent.

b. "Cumulative inflation factor" means the product of the annual inflation factor for the 1978 calendar year and all annual inflation factors for subsequent calendar years as determined pursuant to this subsection. The cumulative inflation factor shall apply to all tax years beginning on or after January first of the calendar year in which the latest annual inflation factor has been determined.

c. The annual inflation factor for the 1978 calendar year is one hundred percent.

d. The annual inflation factor and the cumulative inflation factor shall only be computed for the 1979 and 1980 calendar years.

e. Notwithstanding the computation of the annual inflation factor under paragraph a of this subsection, the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June thirtieth as certified by the state comptroller by September tenth of the fiscal year beginning in that calendar year is less than sixty million dollars.

Sec. 2. Section four hundred twenty-two point five (422.5), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

However, no tax shall be imposed on any resident or nonresident whose net income, as defined in section 422.7, is ~~four~~ five thousand dollars or less; but in the event that the payment of tax under this division would reduce the net income to less than ~~four~~ five thousand dollars, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of ~~four~~ five thousand dollars. The preceding sentence does not apply to estates or trusts. For the purpose of this paragraph, the entire net income, including any part thereof not allocated to Iowa, shall be taken into account. If the combined net income of a husband and wife exceeds ~~four~~ five thousand dollars, neither of them shall receive the benefit of this paragraph, and it is immaterial whether they file a joint return or separate returns. ~~An unmarried child under twenty-one years of age who is a dependent of his parent or parents as defined in section 422.12, shall not receive the benefit of this paragraph if such parent's net income exceeds four thousand dollars or if the combined net income of such parents exceeds four thousand dollars.~~ A person who is claimed as a dependent by another person as defined in section four hundred twenty-two point twelve (422.12) of the Code shall not receive the benefit of this paragraph if the person claiming the dependent has net income exceeding five thousand dollars or the person claiming the dependent and the person's spouse have combined net income exceeding five thousand dollars.

Sec. 3. Section four hundred twenty-two point five (422.5), unnumbered paragraph six (6), Code 1979, is amended to read as follows:

A person who is disabled or is sixty-two years of age or older and receives an annuity or annuities from the United States civil service retirement and disability trust fund, and whose net income, as defined in section 422.7, is sufficient to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund, which are not already excluded in determining net income, as defined in section 422.7, up to a maximum each tax year of ~~four~~ five thousand ~~two hundred fifty~~ five hundred dollars for a person who files a separate state income tax return and ~~six~~ eight thousand ~~five hundred~~ dollars total for a husband and wife who file a joint state income tax return. The amount of the exemption shall be reduced by the amount of any social security benefits received. For the purpose of this section, the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund

taxable under the Internal Revenue Code of 1954 shall be included in net income for purposes of determining eligibility under the four thousand dollar or less exclusion.

Sec. 4. Section four hundred twenty-two point five (422.5), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon determination of the latest cumulative inflation factor, the director of revenue shall multiply each dollar amount set forth in subsections one (1) through thirteen (13) of this section and each dollar amount specified in unnumbered paragraph six (6) of this section as the maximum amount of annuities received which may be excluded in determining final taxable income by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar and incorporate the result into the income tax forms and instructions for each tax year. The director shall not alter the dollar amounts specified in subsections one (1) through thirteen (13) of this section for any tax year beginning on or after January 1, 1981. However, the resulting product shall not reduce the dollar amounts set forth in subsections one (1) through thirteen (13) and unnumbered paragraph six (6) of section four hundred twenty-two point five (422.5) of the Code below those specified on January 1, 1979.

Sec. 5. Section four hundred twenty-two point nine (422.9), subsection one (1), Code 1979, is amended to read as follows:

1. An optional standard deduction of ~~ten~~ fifteen percent of the net income after deduction of federal income tax, not to exceed five one thousand two hundred dollars for a married person who files separately, or one thousand two hundred dollars for a single person or a three thousand dollars for a husband and wife who file a joint return, a surviving spouse as defined in section two (2) of the Internal Revenue Code of 1954, or an unmarried head of household as defined in the Internal Revenue Code of 1954.

Sec. 6. Section four hundred twenty-two point twelve (422.12), subsection one (1), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For tax years beginning on or after January 1, 1979 and for each of the next four succeeding tax years, the amount of the personal exemption credits provided in this subsection shall be increased in the amount of one dollar for each tax year, except that the personal exemption credit allowed under paragraph b of this subsection shall be increased in the amount of two dollars for each tax year. The personal exemption credits determined pursuant to this paragraph for tax years beginning on or after January 1, 1983 shall continue for succeeding tax years.

Sec. 7. Section four hundred twenty-two point thirteen (422.13), subsections one (1) and two (2), Code 1979, are amended by striking the subsections and inserting in lieu thereof the following:

1. Every resident of this state shall make and sign a return if any of the following are applicable:

a. The resident is required to file a federal income tax return under the Internal Revenue Code of 1954.

b. The resident has net income of four thousand dollars or more for the tax year from sources taxable under this division.

c. The resident is claimed as a dependent on another person's return and has net income of three thousand dollars or more for the tax year from sources taxable under this division.

2. Every nonresident shall make and sign a return if either of the following are applicable:

a. The nonresident is required to file a federal income tax return under the Internal Revenue Code of 1954 and has net income of four thousand dollars or more for the tax year from sources taxable under this division.

b. The nonresident is claimed as a dependent on another person's return and is required to file a federal income tax return under the Internal Revenue Code of 1954 and has net income of three thousand dollars or more for the tax year from sources taxable under this division.

3. For purposes of determining the requirement for filing a return under subsections one (1) and two (2) of this section, the combined net income of a husband and wife from sources taxable under this division shall be considered.

Sec. 8. Section four hundred twenty-two point twenty-one (422.21), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall determine for the 1979 and 1980 calendar years the annual and cumulative inflation factors for those calendar years to be applied to tax years beginning on or after January first of that calendar year. The director shall compute the new dollar amounts as specified therein to be adjusted in section four hundred twenty-two point five (422.5) of the Code by the latest cumulative inflation factor and round off the result to the nearest one dollar. The director shall not compute new dollar amounts specified in subsections one (1) through thirteen (13) of section four hundred twenty-two point five (422.5) of the Code for any tax year beginning on or after January 1, 1981. The annual and cumulative inflation factors determined by the director are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code.

Sec. 9. Section fifty-six point eighteen (56.18), Code 1979, is amended to read as follows:

56.18 CHECKOFF--INCOME TAX. Any person whose state income tax liability for any taxable year is one dollar or more may designate direct that one dollar of such liability to be paid over to the Iowa election campaign fund ~~for the account of any specified political party, as defined by section 43.2~~ when submitting his or her state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of two dollars or more, each spouse may designate direct that one dollar be paid to any such account in the fund. The director of revenue shall revise the income tax form to ~~allow the designation of political contributions to a political party~~ provide a space on the face of the tax return and immediately above the signature lines which the taxpayer may use to designate that contributions made under this section be credited to a specified political party as defined by section forty-three point two (43.2) of the Code, or to the Iowa election campaign fund as a contribution

to be shared by all such political parties in the manner prescribed by section fifty-six point nineteen (56.19) of the Code. The form shall inform the taxpayer that when an individual chooses the latter alternative his or her one dollar contribution is shared by all eligible political parties, but this information may be contained in a footnote or other suitable form if the director of revenue finds it is not feasible to place the information immediately above the signature line.

Sec. 10. Section fifty-six point nineteen (56.19), Code 1979, is amended to read as follows:

56.19 FUND CREATED. The "Iowa election campaign fund" is created within the office of the treasurer of state. The fund shall consist of funds paid by persons having an Iowa income tax liability as provided in section 56.18. The treasurer of state shall maintain within the fund a separate account for each political party as defined in section forty-three point two (43.2) of the Code. The director of revenue shall remit funds collected as provided in section 56.18 to the treasurer of state who shall deposit such funds in the appropriate account within the Iowa election campaign fund. All contributions directed to the Iowa election campaign fund by taxpayers who do not designate any one political party to receive their contributions shall be divided by the director of revenue equally among each account currently maintained in the fund. However, at any time when more than two accounts are being maintained within the fund contributions to the fund by taxpayers who do not designate any one political party to receive their contributions shall be divided among the accounts in the same proportion as the number of qualified electors declaring affiliation with each political party for which an account is maintained bears to the total number of qualified electors who have declared an affiliation with a political party. Any interest income received by the treasurer of state from investment of moneys deposited in the fund shall be deposited in the Iowa election campaign fund. Such funds shall be subject to payment to the chairperson of the specified political party by the state comptroller in the manner provided by section 56.22.

Sec. 11. Section fifty-six point twenty-five (56.25), Code 1979, is amended to read as follows:

56.25 INCOME TAX FORM--CHECKOFF SPACE. The director of revenue shall provide space for this campaign finance income tax checkoff on the most frequently used Iowa income tax form. An explanation shall be included which clearly states that this checkoff does not constitute an additional tax liability. The form shall provide for the taxpayer to designate that the checkoff shall go either to the political party of his or her choice or be divided among all political parties as prescribed by section fifty-six point nineteen (56.19) of the Code.

Sec. 12. The legislative council is directed to create a ten-member study committee made up of five members each from the standing committees on ways and means of the senate and house of representatives representing both political parties, which committee shall conduct during the 1979 legislative interim a study on the state income tax structure. The study shall include, but not be limited to, indexing, the effects which indexing will have on state revenues and the continuation of existing state programs and other



aspects of the state income tax structure. Expenses of the study committee shall be paid from funds available under section two point twelve (2.12) of the Code.

The study committee shall transmit copies of its final report to the governor and the members of the Sixty-eighth General Assembly, 1980 Session, not later than December 1, 1979. The final report shall include the study committee's findings and recommendations.

Sec. 13. The provisions of sections one (1) through seven (7) of this Act are retroactive to January 1, 1979 for tax years beginning on or after January 1, 1979.

Approved June 9, 1979

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## CHAPTER 94

### TAXPAYERS INFORMATION REVEALED

H. F. 421

AN ACT to allow the director of revenue to provide information lawfully in his possession to tax officers of other states and the federal government and to receive information regarding taxpayers in this state from the other states and the federal government and to revise the confidentiality protections of the law.

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

Section 1. Section four hundred twenty-two point twenty (422.20), subsection one (1), Code 1979, is amended to read as follows:

1. It shall be unlawful for any present or former officer or employee of the state to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any person committing an offense against the foregoing provision shall be guilty of a serious misdemeanor. If the offender is an officer or employee of the state, such person shall also be dismissed from office or discharged from employment. Nothing herein shall prohibit turning over to duly authorized officers of the United States or tax officials of other states state information and income returns pursuant to agreement between the director and the secretary of the treasury of the United States or the secretary's delegate or pursuant to a reciprocal agreement with another state.

Sec. 2. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1979, is amended to read as follows:

1. It shall be unlawful for the director, or any person having an administrative duty under this chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law, ~~provided, however, that~~. However, the director may authorize examination of such state returns and other state information which is confidential under this section, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. The director may, by rules adopted pursuant to chapter seventeen A (17A) of the Code, authorize examination of state information and returns by other officers or employees of this state to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state shall be limited to those disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of such returns and information. The director shall place upon the state tax form a notice to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. Nothing in this subsection shall prevent the department from authorizing the examination of state returns and state information when provided under the provisions of section two hundred fifty-two B point nine (252B.9) of the Code. This subsection shall prevail over the provisions of any general law of this state relating to public records.

Sec. 3. This Act is effective January first following its enactment.

Approved June 6, 1979

CHAPTER 95  
TAXATION OF FREE NEWSPAPERS AND SHOPPER GUIDES

S. F. 39

AN ACT relating to the treatment of free newspapers and shoppers guides under the state sales tax.

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

Section 1. Section four hundred twenty-two point forty-two (422.42), subsection three (3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

"Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose, other than for processing or for resale of tangible personal property or taxable services, or for resale of tangible personal property in connection with taxable services, and the sale of gas, electricity, water, and communication service to retail consumers or users, but does not include commercial fertilizer or agricultural limestone or materials, but not tools or equipment, which are to be used in disease control, weed control, insect control or health promotion of plants or livestock produced as part of agricultural production for market, or electricity or steam or any taxable service when purchased and used in the processing of tangible personal property intended to be sold ultimately at retail. Tangible personal property is sold for processing within the meaning of this subsection only when it is intended that such property shall by means of fabrication, compounding, manufacturing, or germination become an integral part of other tangible personal property intended to be sold ultimately at retail, or shall be consumed as fuel in creating heat, power, or steam for processing including grain drying or for generating electric current, or consumed in implements of husbandry engaged in agricultural production, or such property is a chemical, solvent, sorbent, or reagent, which is directly used and is consumed, dissipated, or depleted, in processing personal property which is intended to be sold ultimately at retail, and which may not become a component or integral part of the finished product. The distribution to the public of free newspapers or shoppers guides shall be deemed a retail sale for purposes of the processing exemption.

Sec. 2. Section four hundred twenty-three point one (423.1), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

"Use" means and includes the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of that property in the regular course of business. Property used in "processing" within the meaning of this subsection shall mean and include (a) any tangible personal property including containers which it is intended shall, by means of

fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property intended to be sold ultimately at retail, (b) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current, or (c) chemicals, solvents, sorbents, or reagents, which are directly used and are consumed, dissipated, or depleted in processing personal property, which is intended to be sold ultimately at retail, and which may not become a component or integral part of the finished product. The distribution to the public of free newspapers or shoppers guides shall be deemed a retail sale for purposes of the processing exemption.

Sec. 3. This Act is effective January first following its enactment.

Approved June 7, 1979

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## CHAPTER 96 SALES AND USE TAXES

H. F. 676

AN ACT relating to the sales, service, and use tax by imposing the service tax on all parking facilities, exempting from the tax the gross receipts from laboratory tests on human beings, envelopes for advertising, property purchased for packaging tangible personal property sold at retail, sales and services rendered, furnished, or performed by counties and cities, and transfers of vehicles subject to registration from a sole proprietorship or partnership to a corporation formed by the sole proprietorship or partnership for the purpose of continuing the business of the sole proprietorship or partnership as a corporation, providing that delinquent taxes, penalties, and interest on sales and services provided by cities and counties shall not be collected, and providing for the refund of any sales, service, and use taxes collected after January 1, 1973, from a municipal solid waste facility which have no earnings going to the benefit of an equity investor or stockholder.

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

Section 1. Section four hundred twenty-two point forty-three (422.43), unnumbered paragraph nine (9), Code 1979, is amended to read as follows:

The following enumerated services shall be subject to the tax herein imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling (excluding investment services of trust departments); bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical repair and installation; engraving, photography, and retouching; equipment rental; excavating and grading; farm

implement repair of all kinds; flying service, except agricultural aerial application services and aerial commercial and charter transportation services; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking ~~lets~~ facilities; pipe fitting and plumbing; wood preparation; private employment agencies; printing and binding; sewing and stitching; shoe repair and shoeshine; storage warehousing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; vulcanizing, recapping, and retreading; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing.

Sec. 2. Section four hundred twenty-two point forty-five (422.45), subsection nine (9), Code 1979, is amended to read as follows:

9. Gross receipts from the sales of newspapers, free newspapers or shoppers guides and the printing and publishing thereof, and envelopes for advertising.

Sec. 3. Section four hundred twenty-two point forty-five (422.45), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The gross receipts from the sale of property which is a container, label, carton, pallet, packing case, wrapping paper, twine, bag, bottle, shipping case or other similar article or receptacle sold to retailers or manufacturers for the purpose of packaging or facilitating the transportation of tangible personal property sold at retail.

Sec. 4. Section four hundred twenty-two point forty-five (422.45), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The gross receipts from sales or services rendered, furnished or performed by a county or city. This exemption does not apply to the tax specifically imposed under section four hundred twenty-two point forty-three (422.43) of the Code on the gross receipts from the sales, furnishing or service of gas, electricity, water, heat and communication service to the public by a municipal corporation in its proprietary capacity.

Sec. 5. Section four hundred twenty-three point four (423.4), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Vehicles subject to registration which are transferred from a business or individual conducting a business within this state as a sole proprietorship or partnership to a corporation formed by the sole proprietorship or partnership for the purpose of continuing the business when all of the stock of the corporation so formed is owned by the sole proprietor and the sole proprietor's spouse or by all the partners in the case of a partnership. This exemption is equally available where the vehicles subject to registration are transferred from a corporation to a sole proprietorship or partnership formed by that corporation for the purpose of continuing the

business when all of the incidents of ownership are owned by the same person or persons who were stockholders of the corporation.

Sec. 6. The director of revenue shall not collect any tax due or delinquent, including interest and penalties, from sales or services rendered, furnished or performed, before the effective date of this Act if such sales or services would be exempt under section four (4) of this Act if made after the effective date of this Act. Any tax that has been collected before the effective date of this Act is not refundable.

Sec. 7. Notwithstanding the provisions of division four (IV) of chapters four hundred twenty-two (422) and four hundred twenty-three (423) of the Code, any municipally-owned solid waste facility which sells all or part of its processed waste as fuel to a municipally-owned public utility and which have no earnings going to the benefit of an equity investor or stockholder may make application to the department for the refund of any sales, service or use taxes paid by them or the contractor on the gross receipts of all sales of goods, wares or merchandise or from services rendered, furnished, or performed between January 1, 1973 and July 1, 1978. Upon receipt of application for a refund, the director shall verify that under the facts specified by the applicant the applicant would now be exempt from the payment of the sales or use tax under subsection five (5) of section four hundred twenty-two point forty-five (422.45) of the Code or would be entitled to a refund under subsection seven (7) of section four hundred twenty-two point forty-five (422.45) of the Code.

The application for a refund authorized under this subsection shall be filed with the director within one year after the effective date of this Act. If the director determines that the applicant would now be exempt or entitled to a refund under subsection five (5) or seven (7) of section four hundred twenty-two point forty-five (422.45) of the Code, the director shall remit the amount of the refund to the applicant.

Approved June 4, 1979

CHAPTER 97  
SALES AND USE TAX

S. F. 488

AN ACT relating to the state sales and use tax by providing penalties for violations, allowing annual filing and establishing a waiting period before a revoked permit may be restored.

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

Section 1. Section four hundred twenty-two point fifty-one (422.51), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If it is reasonably expected, as determined by rules prescribed by the director, that a retailer's annual tax liability will not exceed one hundred twenty dollars for a calendar year, the retailer may request and the director may grant permission, in lieu of the quarterly filing requirement of subsection one (1) of this section and the remitting requirements of section four hundred twenty-two point fifty-two (422.52) of the Code, to file the return required under this section and remit the sales tax due on a calendar year basis. The return and tax are due and payable no later than January thirty-first following each calendar year in which the retailer carried on business.

Sec. 2. Section four hundred twenty-two point fifty-three (422.53), subsection five (5), Code 1979, is amended to read as follows:

5. Whenever the holder of a permit fails to comply with any of the provisions of this division or any orders or rules of the department prescribed and adopted under this division, the director upon hearing after giving ten days' notice of the time and place of the hearing to show cause why ~~his~~ the permit should not be revoked, may revoke the permit. The director shall also have the power to restore ~~licenses~~ permits after such revocation. The director shall promulgate rules setting forth the period of time a retailer must wait before a permit may be restored or a new permit may be issued. The waiting period shall not exceed ninety days from the date of the revocation of the permit.

Sec. 3. Section four hundred twenty-two point fifty-eight (422.58), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. If any person fails to file a permit holders monthly tax deposit or a return with the department of revenue on or before the due date, unless it is shown that such failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the monthly tax deposit or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which such failure continues, not exceeding twenty-five percent in the aggregate. If any person or permit holder fails to remit at

least ninety percent of the tax due with the filing of the monthly tax deposit or return on or before the due date, or ~~fails-to-pay-any-amount~~ pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent on the tax due, unless it is shown that such failure was due to reasonable cause. In case of willful failure to file a return, willful filing of a false return or willful filing of a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a monthly tax deposit or return and failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the monthly tax deposit or return was required to be filed. Such penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this division. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this division.

2. Any person who shall knowingly sell tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, and communication service at retail, or engage in the rendering, furnishing, or performing services enumerated in section 422.43, in this state ~~after the person's license shall have been revoked, or~~ without procuring a ~~license within sixty days after the effective date of this division~~ permit, as provided in section 422.53, or who shall violate the provisions of section 422.49, and the officers of any corporation who shall so act, shall be guilty of a simple misdemeanor.

Any person who shall knowingly sell tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, and communication service at retail, or engage in the rendering, furnishing, or performing services enumerated in section four hundred twenty-two point forty-three (422.43), of the Code, in this state after the person's license shall have been revoked and before it has been restored as provided in section two (2) of this Act and the officers of any corporation who shall so act shall be guilty of a serious misdemeanor.

3. Any person ~~required to make, render, sign, or certify any return or supplementary return, who makes~~ who willfully attempts to evade a tax imposed by this division or the payment thereof or any person who makes or causes to be made any false or fraudulent return with intent to defeat or evade the assessment required by law to be made, tax imposed by this division or the payment thereof shall be guilty of a ~~class-B felony~~ fraudulent practice.



Sec. 4. Section four hundred twenty-two point fifty-eight (422.58), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. A person required to pay a tax, or to make, sign, or file a return or supplemental return, who willfully makes a false or fraudulent return, or willfully fails to pay at least ninety percent of the tax or make, sign, or file the return, at the time required by law, is guilty of a fraudulent practice.

NEW SUBSECTION. For purposes of determining the place of trial, the situs of an offense specified in this section is in the county of the residence of the person charged with the offense, unless the person is a nonresident of this state or the residence of the person cannot be established, in which event the situs of the offense is in Polk county.

NEW SUBSECTION. A prosecution for an offense specified in this section shall be commenced within six years after its commission.

Sec. 5. Section four hundred twenty-three point eighteen (423.18), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

423.18 OFFENSES--PENALTIES--LIMITATIONS.

1. If a person fails to file a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the monthly tax deposit or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the monthly tax deposit or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the tax due, unless it is shown that the failure was due to reasonable cause. In case of willful failure to file a return, willfully filing a false return, or willfully filing a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a monthly tax deposit or return and failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the monthly tax deposit or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

2. A person who willfully attempts in any manner to evade a tax imposed by this chapter or the payment of ninety percent thereof, or a person who makes or causes to be made any false or fraudulent return with intent to evade the tax imposed by this chapter or the payment of ninety percent thereof is guilty of a fraudulent practice.

3. A person required to pay tax, or to make, sign or file a return, or supplemental return, who willfully makes a false or fraudulent return, or make, sign or file the return, at the time required by law, is guilty of a fraudulent practice.

4. For purposes of determining the place of trial, the situs of an offense specified in this section is in the county of the residence of the person charged with the offense, unless that person is a nonresident of this state or the residence of that person can\*not be established, in which event the situs of the offense is in Polk county.

5. A prosecution for an offense specified in this section shall be commenced within six years after its commission.

Sec. 6. Sections four hundred twenty-three point nineteen (423.19) and four hundred twenty-three point twenty (423.20), Code 1979, are repealed.

Sec. 7. This Act is effective January first following its enactment.

Approved June 1, 1979

\*According to enrolled Act

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CHAPTER 98  
MOTOR FUEL TAX CREDITS

S. F. 9

AN ACT relating to motor fuel tax credits.

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

Section 1. Section four hundred twenty-two point one hundred ten (422.110), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

In lieu of the fuel tax refund provided in sections 324.17 to 324.19, each person or corporation subject to taxation under divisions II or III of this chapter, except those persons or corporations licensed under sections 324.4 or 324.36, may elect to receive an income tax credit for tax years beginning on or after January 1, 1975. The person or corporation which elects to receive an income tax credit shall cancel its refund permit obtained under section 324.18 within thirty days after the first day of its tax year. For the purposes of this section the term "person" includes a person claiming a tax credit based upon the person's pro rata share of the earnings from a partnership or corporation which corporation or partnership as a business entity is not subject to a tax under divisions two (II) or three (III) of this chapter as a partnership or corporation. When the election to receive

an income tax credit has been made, it remains effective for at least one tax year, and for subsequent tax years unless a change is requested and a new refund permit applied for within thirty days after the first day of the person's or corporation's tax year. The income tax credit shall be the amount of the Iowa fuel tax paid on fuel purchased by the person or corporation and used as follows:

Sec. 2. This Act is effective January first following its enactment for income tax credits claimed in tax returns filed subsequent to January first following its enactment.

Approved June 1, 1979

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CHAPTER 99  
SLEEPING ROOM TAXES

H. F. 662

AN ACT limiting the hotel and motel tax to a tax on sleeping accommodations and making corrective changes in the hotel and motel tax.

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

Section 1. Section four hundred twenty-two A point one (422A.1), unnumbered paragraphs one (1), two (2) and three (3), Code 1979, are amended to read as follows:

A city or county may impose by ordinance of the city council or by resolution of the board of supervisors a hotel and motel tax, at a rate not to exceed seven percent, which shall be imposed in increments of one or more full percentage points upon the gross receipts from the renting of any and all sleeping rooms, apartments, or sleeping quarters in any hotel, motel, inn, public lodging house, rooming house, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals except the gross receipts from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the state of Iowa ~~universities-and-colleges~~. The tax when imposed by a city shall apply only within the corporate boundaries of that city and when imposed by a county shall apply only outside incorporated areas within that county. "Renting" and "rent" include any kind of direct or indirect charge for such sleeping rooms, apartments, sleeping quarters, or the use thereof. However, such tax shall not apply to the gross receipts from the renting of a sleeping room, apartment, or sleeping quarters while rented by the same person for a period of more than thirty-one consecutive days.

A local hotel and motel tax shall be imposed on January ± first, April ± first, July ± first, or ~~September-1~~ October first, following the notification of the director of revenue. Once imposed, the tax shall remain in effect at

the rate imposed for a minimum of one year. A local hotel and motel tax shall terminate only on March ~~31~~ thirty-first, June ~~30~~ thirtieth, September ~~30~~ thirtieth, or December ~~31~~ thirty-first. At least sixty days prior to the tax being effective or prior to a revision in the tax rate, or prior to the repeal of the tax, a city or county shall provide notice by certified mail of such action to the director of revenue.

A city or county shall impose a hotel and motel tax or increase the tax rate, only after an election at which a majority of those voting on the question favors imposition or increase. The election shall be held at the time of that city's or county's general election.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa, and in The Manchester Press, a newspaper published in Manchester, Iowa.

Approved June 6, 1979

I hereby certify that the foregoing Act, House File 662, was published in The Marion Sentinel, Marion, Iowa on June 14, 1979, and in The Manchester Press, Manchester, Iowa on June 13, 1979.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 100

### BONDS PAYABLE FROM SLEEPING ROOM TAX

H. F. 632

AN ACT relating to the issuance of bonds to be paid from the revenues received from a local hotel and motel tax, the payment of the principal and interest of the bonds and the limitation on the levying of a tax to aid in the payment of the bonds.

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

Section 1. Section four hundred twenty-two A point one (422A.1), unnumbered paragraphs two (2) and three (3), Code 1979, are amended to read as follows:

A local hotel and motel tax shall be imposed on January 1 first, April 1 first, July 1 first, or ~~September-1~~ October first, following the notification of the director of revenue. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. A local hotel and motel tax shall terminate only on March ~~31~~ thirty-first, June ~~30~~ thirtieth, September ~~30~~ thirtieth, or December ~~31~~ thirty-first. At least sixty days prior to the tax being effective or prior to a revision in the tax rate, or prior to the repeal of the tax, a city or county shall provide notice by certified mail of such action to the director of revenue.

A city or county shall impose a hotel and motel tax or increase the tax rate, only after an election at which a majority of those voting on the question favors imposition or increase. However, a hotel and motel tax shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section four hundred twenty-two A point two (422A.2) of the Code, unless funds sufficient to pay the principal, interest and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for such purpose. The election shall be held at the time of that city's or county's general election.

Sec. 2. Section four hundred twenty-two A point two (422A.2), subsection four (4), paragraph c, Code 1979, is amended to read as follows:

c. Any city or county which levies and collects the hotel and motel tax authorized by this chapter may pledge irrevocably an amount ~~not--to--exceed thirty--percent~~ of the revenues derived therefrom for each of the years the bonds remain outstanding to the payment of bonds which the city or county may issue for one or more of the purposes set forth in paragraph "a" of this subsection. Any revenue pledged to the payment of such bonds may be credited to the spending requirement of paragraph "a" of this subsection.

Sec. 3. Section four hundred twenty-two A point two (422A.2), subsection four (4), Code 1979, is amended by adding the following new paragraphs:

NEW PARAGRAPH. The provisions of division three (III) of chapter three hundred eighty-four (384) of the Code relating to the issuance of essential corporate purpose bonds apply to the issuance by a city of bonds payable as provided in this section and the provisions of chapter twenty-three (23) of the Code relating to the issuance of county bonds apply to the issuance by a county of bonds payable as provided in this section. The provisions of chapter seventy-six (76) of the Code apply to the bonds payable as provided in this section except that the mandatory levy to be assessed pursuant to section seventy-six point two (76.2) of the Code shall be at a rate to generate an amount which together with the receipts from the pledged portion of the hotel and motel tax is sufficient to pay the interest and principal on the bonds. All amounts collected as a result of the levy assessed pursuant to section seventy-six point two (76.2) of the Code and paid out in the first instance for bond principal and interest shall be repaid to the city or county which levied the tax from the first available hotel and motel tax collections received in excess of the requirement for the payment of the principal and interest of the bonds and when repaid shall be applied in reduction of property taxes.

The amount of bonds which may be issued under section seventy-six point three (76.3) of the Code shall be the amount which could be retired from the actual collections of the hotel and motel tax for the last four calendar quarters, as certified by the director of revenue. The amount of tax revenues pledged jointly by other cities or counties may be considered for the purpose of determining the amount of bonds which may be issued. If the hotel and motel tax has been in effect for less than four calendar quarters, the tax collected within the shorter period may be adjusted to project the collections for the full year for the purpose of determining the amount of the bonds which may be issued.

NEW PARAGRAPH. A city or county, jointly with one or more other cities or counties as provided in chapter twenty-eight E (28E) of the Code, may pledge irrevocably any amount derived from the revenues of the hotel and motel tax to the support or payment of bonds issued for a project within the purposes set forth in paragraph a of this subsection and located within one or more of the participatory cities or counties or may apply the proceeds of its bonds to the support of any such project. Revenue so pledged or applied shall be credited to the spending requirement of paragraph a of this subsection.

NEW PARAGRAPH. Bonds shall not be issued payable as provided in this section unless the issuance of the bonds has been authorized by an election, or the bonds are issued prior to November 1, 1982 payable from a hotel and motel tax which was authorized at an election held prior to July 1, 1979.

Approved June 7, 1979

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CHAPTER 101  
CHAIN STORE TAX

S. F. 51

AN ACT to repeal the chain store tax.

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

Section 1. Chapter four hundred twenty-four (424), Code 1979, is repealed.

Sec. 2. This Act is effective on June thirtieth following its enactment.

Approved June 1, 1979

CHAPTER 102  
HOMESTEAD CREDIT TO LIFE ESTATE

H. F. 756

AN ACT allowing a homestead credit to individuals who own a life estate in the homestead with the reversion interest held by a nonprofit corporation or to individuals who hold an interest in a horizontal property regime under chapter four hundred ninety-nine B (499B) of the Code.

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

Section 1. Section four hundred twenty-five point eleven (425.11), subsection two (2), Code 1979, is amended to read as follows:

2. The word, "owner", shall mean the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located, or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption, or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter five hundred four A (504A) of the Code, provided that the holder of the life estate is liable for and pays property tax on the homestead or where the person occupying the homestead holds an interest in a horizontal property regime under chapter four hundred ninety-nine B (499B) of the Code, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead. For the purpose of this chapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing himself or herself of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by him or her as provided in section 425.2.

Sec. 2. This Act is effective January first following its enactment.

Approved June 4, 1979

**CHAPTER 103**  
**PARTIAL TAX EXEMPTION FOR IMPROVEMENTS**

H. F. 650

AN ACT relating to partial property tax exemptions for industrial property on which improvements have been made.

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

Section 1. NEW SECTION. A city council, by ordinance, or a county board of supervisors as authorized by section two (2) of this Act, by resolution, may provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section four hundred twenty-seven A point one (427A.1), subsection one (1), paragraph e, of the Code. New construction means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council of the city or the board of supervisors of a county upon the recommendation of the Iowa development commission. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section four hundred twenty-seven A point one (427A.1), subsection one (1), paragraph e, of the Code unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

The ordinance or resolution may be enacted not less than thirty days after holding a public hearing in accordance with section three hundred fifty-eight A point six (358A.6) of the Code in the case of a county, or section three hundred sixty-two point three (362.3) of the Code in the case of a city. The ordinance or resolution shall designate the length of time the partial exemption shall be available and may provide for an exemption schedule in lieu of that provided in section three (3) of this Act. However, an alternative exemption schedule adopted shall not provide for a larger tax exemption in a particular year than is provided for that year in the schedule contained in section three (3) of this Act.



Sec. 2. NEW SECTION.

1. The board of supervisors of a county which has appointed a county zoning commission and provided for county zoning under the provisions of chapter three hundred fifty-eight A (358A) of the Code may, by resolution, provide for a partial exemption from property taxation of the actual value added to industrial real estate as provided under section one (1) of this Act.

2. The board of supervisors of a county which has not appointed a zoning commission may, by resolution, provide for a partial exemption from property taxation of the actual value added to industrial real estate as provided under section one (1) of this Act in the following areas:

a. Outside the incorporated limits of a city to which a city has extended its zoning ordinance pursuant to section four hundred fourteen point twenty-three (414.23) of the Code which complies with the city's zoning ordinance.

b. Outside the incorporated limits of a city which has adopted a zoning ordinance but which has not extended the ordinance to the area permitted under section four hundred fourteen point twenty-three (414.23) of the Code if the property would be within the area to which a city may extend a zoning ordinance pursuant to section four hundred fourteen point twenty-three (414.23) of the Code.

c. Outside the incorporated limits of a city which has not adopted a zoning ordinance but which would be within the area to which a city may extend a zoning ordinance pursuant to section four hundred fourteen point twenty-three (414.23) of the Code.

3. The board of supervisors of a county which has not appointed a zoning commission may, by resolution, provide for a partial exemption from property taxation of the actual value added to industrial real estate as provided under section one (1) of this Act in an area where the partial exemption could not otherwise be granted under this Act where the actual value added is to industrial real estate existing on the effective date of this Act.

To grant an exemption under the provisions of this section, the county board of supervisors shall comply with all of the requirements imposed by this Act upon the city council of a city.

Sec. 3. NEW SECTION. The actual value added to industrial real estate for the reasons specified in section one (1) of this Act is eligible to receive a partial exemption from taxation for a period of five years. "Actual value added" as used in this Act means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January first of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- a. For the first year, seventy-five percent.
- b. For the second year, sixty percent.
- c. For the third year, forty-five percent.
- d. For the fourth year, thirty percent.
- e. For the fifth year, fifteen percent.

This schedule shall be followed unless an alternative schedule is adopted by the city council of a city or the board of supervisors of a county in accordance with section one (1) of this Act.

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

Sec. 4. NEW SECTION. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the director of revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the director of revenue.

A person may submit a proposal to the city council of the city or the board of supervisors of a county to receive prior approval for eligibility for a tax exemption on new construction. The city council, by ordinance, or the board of supervisors, by resolution, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the city or county. The prior approval shall also be subject to the hearing requirements of section one (1) of this Act. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the city council or board of supervisors to approve or reject.

Sec. 5. NEW SECTION. When in the opinion of the city council or the county board of supervisors continuation of the exemption granted by this Act ceases to be of benefit to the city or county, the city council or the county board of supervisors may repeal the ordinance authorized by section one (1) of this Act, but all existing exemptions shall continue until their expiration.

Sec. 6. NEW SECTION. A property tax exemption under this Act shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

Approved June 8, 1979

CHAPTER 104  
ASSESSMENT OF REAL PROPERTY ATTACHED STRUCTURES

H. F. 737

AN ACT relating to the definition of property which is assessed and taxed as real property by excluding certain buildings and structures placed upon the land, by including transmission towers and antennae not a part of a household, and by providing that certain property is not attached when it ordinarily is removed when the property owner moves to another location and making the Act retroactive.

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

Section 1. Section four hundred twenty-seven A point one (427A.1), subsection one (1), paragraph c, Code 1979, is amended to read as follows:

c. Buildings, structures or improvements, any of which are constructed on or in the land, attached to the land, ~~placed-for-use-upon-the-land,~~ or placed upon a foundation whether or not attached to the foundation. However, property taxed under chapter 135D shall not be assessed and taxed as real property.

Sec. 2. Section four hundred twenty-seven A point one (427A.1), subsection one (1), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Transmission towers and antennae not a part of a household.

Sec. 3. Section four hundred twenty-seven A point one (427A.1), subsection three (3), Code 1979, is amended to read as follows:

3. Notwithstanding the definition of "attached" in subsection 2, property ~~of-a-household~~ is not "attached" if it is a kind of property which would ordinarily be removed when the owner of the property moves to another location. In making this determination the assessing authority shall not take into account the intent of the particular owner.

Sec. 4. This Act is retroactive to January 1, 1979.

Sec. 5. This Act, being deemed of immediate importance, shall take effect from and after its publication in the State Center Enterprise, a newspaper published in State Center, Iowa, and in the Globe-Gazette, a newspaper published in Mason City, Iowa.

Approved June 4, 1979

I hereby certify that the foregoing Act, House File 737, was published in the State Center Enterprise, State Center, Iowa on June 13, 1979, and in the Globe-Gazette, Mason City, Iowa on June 12, 1979.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 105

## LAND VALUATION REPORT BY ASSESSOR

S. F. 405

AN ACT to repeal the requirement that assessors file an annual agricultural land valuation report with the department of revenue.

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

Section 1. Section four hundred forty-one point fifty-seven (441.57), Code 1979, is repealed.

Sec. 2. This Act is effective on January first following its enactment.

Approved May 8, 1979

## CHAPTER 106

## SCHOOL FINANCING

H. F. 660

AN ACT relating to the financing of elementary and secondary schools, including computation of budget enrollment, providing guaranteed budget growth, establishing the state cost per pupil, additional allowable growth, and state percent of growth, eliminating restrictions on use of additional enrichment moneys, providing a supplementary weighting plan, correcting dates, and striking obsolete sections.

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

Section 1. Section four hundred forty-two point four (442.4), subsection one (1), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

A school district shall certify its basic enrollment to the state department of public instruction by September 25 twenty-fifth of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment, ~~and for record-keeping purposes,~~ a determination of actual enrollment shall be made on the second Friday of September in the budget year ~~and the second Friday of January in the base year, in the same manner as the September basic enrollment is determined by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment,~~ but substituting the count in the budget year for the count in the base year.

Sec. 2. Section four hundred forty-two point four (442.4), subsection two (2), paragraph a, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

a. For the school year beginning July 1, 1980, and each subsequent school year, the adjusted enrollment for a school district is equal to the larger of the following:

- (1) The basic enrollment for the base year.
- (2) The basic enrollment for the budget year.

If a school district uses subparagraph two (2) of this paragraph for its adjusted enrollment and the district's actual enrollment for the budget year is larger than the adjusted enrollment computed under subparagraph two (2) of this paragraph, the district may be eligible to receive an advance for increasing enrollment under section four hundred forty-two point twenty-eight (442.28) of the Code.

Sec. 3. Section four hundred forty-two point four (442.4), Code 1979, is amended by adding the following new subsections after subsection two (2):

NEW SUBSECTION. 3. For the school year beginning July 1, 1980, and each subsequent school year, budget enrollment means the sum of the following:

a. Twenty-five percent of the basic enrollment for the school year beginning July 1, 1979.

b. Seventy-five percent of the adjusted enrollment computed under subsection two (2), paragraph a, of this section.

c. Adjustments made by the state comptroller under subsection four (4) of this section.

NEW SUBSECTION. 4. For the school years beginning July 1, 1980 and July 1, 1981 only, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, and one hundred three percent for the budget school year beginning July 1, 1981, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980, the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, and that one hundred three percent amount for the budget school year beginning July 1, 1981.

Sec. 4. Section four hundred forty-two point four (442.4), subsection three (3), Code 1979, is amended to read as follows:

3 5. Weighted For the school year beginning July 1, 1980, and each subsequent school year, weighted enrollment is the adjusted budget enrollment as modified by application of the special education weighting plan in section 281.9 and the supplementary weighting plan in chapter four hundred forty-two (442) of the Code.

Sec. 5. Section four hundred forty-two point five (442.5), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. "Miscellaneous income" means all receipts deposited to the general fund of a school district which are not obtained from state aid provided under section 442.1 ~~or 442.11~~, or from property tax authorized under section 442.2 or 442.9. Miscellaneous income includes property tax levied under the provisions of section 613A.7, to fund the costs of tort liability insurance for the school district.

Sec. 6. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph a, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

a. The difference in the receipts of state general fund revenues computed or estimated as follows:

(1) The percentage of change between the revenues received during the year preceding the base year and the revenues received during the base year.

(2) The percentage of change between the revenues received during the base year and the revenues received during the budget year.

Sec. 7. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph b, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The difference in the consumer price index published by the bureau of labor statistics, United States department of labor, computed or estimated as a percentage of change for the following:

(1) From the index for January eighteen months prior to the beginning of the base year to the index for January six months prior to the beginning of the base year.

(2) From the index for January six months prior to the beginning of the base year to the index for January six months prior to the beginning of the budget year.

Sec. 8. Section four hundred forty-two point seven (442.7), Code 1979, is amended by adding the following new subsection after subsection one (1):

NEW SUBSECTION. Notwithstanding subsection one (1) of this section, for the school years beginning July 1, 1980, July 1, 1981, and July 1, 1982 only, the state percent of growth is the average of the two percentages of growth computed under subsection one (1), paragraph b, of this section.

Sec. 9. Section four hundred forty-two point seven (442.7), subsection three (3), Code 1979, is amended to read as follows:

3. Each year prior to September ~~15~~ fifteenth the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available. The difference between the recomputed state percent of growth for the base year and the original computation shall be added to or subtracted from the state percent of growth for the budget year, as applicable. However, for the budget school years beginning July 1, 1980, July 1, 1981, and July 1, 1982 the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available based only upon the consumer price index.

Sec. 10. Section four hundred forty-two point seven (442.7), subsection five (5), paragraph a, Code 1979, is amended to read as follows:

a. If the state cost per pupil in the base year minus the amount included in the state cost per pupil in the base year to compensate for the cost of special education support services exceeds the district cost per pupil in the base year minus the amount included in the district cost per pupil in the base year to compensate for the cost of special education support services, the basic allowable growth per pupil for the budget year is modified to equal the lesser of one hundred ~~twenty-five~~ ten percent of the product obtained by multiplying the state percent of growth for the budget year times an amount equal to the state cost per pupil for the base year less the average amount for special education support service costs per pupil for the base year or an amount sufficient to equalize the district cost per pupil in the budget year, excluding the district's amount per pupil for special education support service costs, with the state cost per pupil in the budget year, excluding the average amount per pupil for special education support service costs.

Sec. 11. Section four hundred forty-two point eight (442.8), Code 1979, is amended to read as follows:

442.8 STATE COST PER PUPIL. As used in this chapter, "state cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning on July 1, 1973, and for each succeeding school year is the base year's state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the state cost per pupil shall be the same as the base year's state cost per pupil.

However, for the budget years beginning July 1, 1980, July 1, 1981, July 1, 1982, and July 1, 1983, the state cost per pupil shall equal the base year's state cost per pupil plus the allowable growth for the budget year plus an adjustment to the state cost per pupil. For the budget years beginning July 1, 1980, July 1, 1981, July 1, 1982, and July 1, 1983, the adjustment to the state cost per pupil is twenty dollars per pupil, six dollars per pupil, seven dollars per pupil, and eight dollars per pupil, respectively.

For each school year subsequent to the school year beginning July 1, 1975, the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 5, paragraph "d". The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year.

Sec. 12. Section four hundred forty-two point fourteen (442.14), subsection one (1), Code 1979, is amended to read as follows:

1. For the budget year beginning July 1, ~~1979~~ 1980, and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections 442.1 to 442.13, and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year, the school board may raise an additional enrichment amount not to exceed ten percent of the state cost per pupil multiplied by the adjusted budget enrollment in the district, as provided in this section. ~~However,--the additional--enrichment--amount--may--be--used--only--for--educational--research, curriculum--maintenance--or--development,--or--innovative--programs.~~

Sec. 13. Section four hundred forty-two point fifteen (442.15), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

If a majority of those voting in an election approves raising the additional enrichment amount under section 442.14 and this section, the board shall certify to the state comptroller that the required procedures have been carried out, and the state comptroller shall establish the amount of additional enrichment property tax to be levied and the amount of school district income surtax to be imposed for each school year for which the additional enrichment amount is authorized. The state comptroller shall determine these amounts based upon the most recent figures available for the district's valuation of taxable property, individual state income tax paid, and adjusted budget enrollment in the district, and shall certify to the district's county auditor the amount of enrichment property tax, and to the director of revenue the amount of school district income surtax to be imposed.

Sec. 14. Section four hundred forty-two point twenty-seven (442.27), subsection nine (9), Code 1979, is amended to read as follows:

9. "Enrollment served" means the basic enrollment plus the number of nonpublic school pupils served with media services or educational services, as applicable, except that if a nonpublic school pupil receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of ~~his~~ the pupil's residence, which shall by contractual arrangement reimburse the area through which the pupil actually receives services. For the budget year beginning July 1, 1975, the total number of nonpublic pupils served by each area education agency and the number of nonpublic school pupils residing within each school district in the area to be served by the area education agency for media and educational services shall be submitted by the department of public instruction as approved by the state board to the state comptroller within one week after this Act is duly published. For school years subsequent to the school year beginning July 1, ~~1975~~ 1979, each school district shall include in the second Friday in ~~January~~ September enrollment report the number of nonpublic school pupils within each school district for media and educational services served by the area.

Sec. 15. Section four hundred forty-two point twenty-six (442.26), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

All state aids paid under this chapter unless otherwise stated, shall be paid in installments due on or about September ~~15~~ fifteenth, December ~~15~~ fifteenth, March ~~15~~ fifteenth, and May ~~15~~ fifteenth of each year, and the installments shall be as nearly equal as possible as determined by the state



comptroller, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section four hundred forty-two point twenty-eight (442.28) of the Code shall be paid in installments due on or about December fifteenth, March fifteenth, and May fifteenth of each year.

Sec. 16. Section four hundred forty-two point twenty-eight (442.28), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

If a district's weighted actual enrollment on--the--second-Friday-of-September-in for the budget year, determined--in--the--same--manner--as--the-September--weighted--enrollment--is determined under section 442.4, is higher than its weighted budget enrollment on-the-second-Friday-of-September-in--the-base--year for the budget year, the district is entitled to an advance from the state of an amount equal to its district cost per pupil less the amount per pupil for special education support services, media-services-and-other services computed as a part of district cost under the provisions of section 442.7 and--section--442.7 for the budget year multiplied by its-increase-in-weighted-enrollment the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. The advance shall be miscellaneous income.

If a district receives an advance under this section for a budget year, the state comptroller shall determine the amount of the advance which would have been met by local property tax revenues if the September-weighted actual enrollment for the budget year had been used in determining district cost for that budget year, less-the-amount-of-the-adjustment-to-the-district-cost-for-increases-in-the-weighted-enrollment-made-in--the--first--paragraph--in--this-section, shall reduce the district's total state school aids available under this chapter for the next following budget year by the amount so determined, and shall increase the district's tax levy computed under section 442.9, for the next following budget year by the amount necessary to compensate for the reduction in state aid, so that the local property tax for the next following year will be increased only by the amount which it would have been increased in the budget year if the September-weighted actual enrollment could have been used to establish the levy less-the-amount-of-the-adjustment-to-the-district-cost-for-increases-in-the-weighted--enrollment--made--in--the--first-paragraph-in-this-section.

Sec. 17. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section:

NEW SECTION. ADVANCE FOR SPECIAL EDUCATION. If a school district's additional enrollment because of special education determined by the district on the second Friday of September in the budget year is greater than its additional enrollment because of special education determined by the district on the second Friday of September in the base year, the school district is entitled to an advance from the state of an amount equal to its district cost per pupil for the budget year less the amount per pupil for special education support services, computed as a part of district cost under section four hundred forty-two point seven (442.7) of the Code for the budget year multiplied by the district's increase in additional enrollment because of special education. The advance shall be miscellaneous income.

For the purpose of this section, a school district's additional enrollment because of special education is determined by multiplying the weighting for each category of child under section two hundred eighty-one point nine (281.9) of the Code times the number of children in each category totaled for all categories minus the actual enrollment.

If a district receives an advance under this section for a budget year, the state comptroller shall determine the amount of the advance which would have been met by local property tax revenues if the additional enrollment because of special education in the budget year had been used for that budget year in determining district cost, shall reduce the district's total state school aids available under this chapter for the next following budget year by the amount so determined, and shall increase the district's tax levy computed under section four hundred forty-two point nine (442.9) of the Code, for the next following budget year by the amount necessary to compensate for the reduction in state aid, so that the local property tax for the next following year will be increased only by the amount which it would have been increased in the budget year if the additional enrollment because of special education in the budget year could have been used to establish the levy.

There is appropriated each year from the general fund of the state the amount required to pay advances authorized under this section, which shall be paid to school districts in the same manner as other state aids are paid under section four hundred forty-two point twenty-six (442.26) of the Code.

Sec. 18. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section:

NEW SECTION. SUPPLEMENTARY WEIGHTING PLAN. In order to provide additional funds for school districts which send their resident pupils to another school district for classes, which jointly employ and share the services of teachers under section two hundred eighty point fifteen (280.15) of the Code, or which use the services of a teacher employed by another school district, a supplementary weighting plan for determining enrollment is adopted as follows:

1. Pupils in a regular curriculum attending all their classes in the district in which they reside and taught by teachers employed by that district, are assigned a weighting of one.

2. Pupils attending classes in another school district, attending classes taught by a teacher who is employed jointly under section two hundred eighty point fifteen (280.15) of the Code, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus one-tenth times the percent of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher who is jointly employed under section two hundred eighty point fifteen (280.15) of the Code, or attends classes taught by a teacher who is employed by another school district.

3. A pupil eligible for the weighting plan provided in section two hundred eighty-one point nine (281.9) of the Code is not eligible for the weighting plan provided in this section.

Sec. 19. Section four hundred forty-two point twenty-five (442.25), Code 1979, is repealed.

Sec. 20. It is the intent of the general assembly that the department of public instruction obtain information on the secretary's annual reports filed by each school corporation listing the costs for each school year of heat, fuel, and light.

Sec. 21. This Act is effective July 1, 1979 for the school year beginning July 1, 1980. This Act shall not affect the computation and payment of state aid and levying of property taxes under the state school foundation program for the school year beginning July 1, 1979.

Approved June 4, 1979

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CHAPTER 107  
TAXES ON BUILDINGS ON LEASED LAND

S. F. 160

AN ACT relating to the collection of delinquent taxes on buildings located on leased land.

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

Section 1. Section four hundred forty-five point thirty-two (445.32), Code 1979, is amended to read as follows:

445.32 LIENS ON BUILDINGS. ~~In--all--cases--where--buildings--are~~ If a building is erected by ~~any~~ a person other than the owner of the land on which the building is located, as provided for in section 428.4, the taxes on the building shall be and remain a lien on the building from the date of levy until paid. If the property taxes on ~~such-a~~ the building become delinquent for a tax year the county treasurer shall ~~offer-the-building-at-public-sale~~ in-accordance-with-section-446.7 collect the tax in the same manner as delinquent personal property taxes are collected under section four hundred forty-five point eight (445.8) of the Code.

Approved April 26, 1979

CHAPTER 108  
OFFICIAL NOTICES RATES

S. F. 183

AN ACT relating to the maximum rates that may be paid for publication of notices, orders or other materials as required by law or ordinance.

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

Section 1. Section four hundred forty-six point ten (446.10), Code 1979, is amended to read as follows:

446.10 COSTS. The compensation for such publication shall not exceed ~~seventy-five--cents~~ one dollar for each description, and shall be paid by the county. Headings and other matter shall be compensated for as provided in section 618.11. The amount paid therefor shall be collected as a part of the costs of sale and paid into the county treasury.

Sec. 2. Section six hundred eighteen point eleven (618.11), Code 1979, is amended to read as follows:

618.11 FEES FOR PUBLICATION. The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law, shall not exceed ~~twenty-four~~ twenty-six cents for one insertion, and ~~sixteen~~ seventeen cents for each subsequent insertion, for each line of eight-point type two inches in length, or the equivalent thereof. In case of controversy or doubt regarding measurements, style, manner or form, ~~said the~~ controversy shall--be is referred to the executive council, and its decision ~~shall--be~~ is final.

Sec. 3. This Act is effective July 1, 1980.

Approved May 7, 1979

CHAPTER 109  
TAX SALE PROPERTY — INTEREST RATE

S. F. 321

AN ACT to increase the interest rate payable to redeem real estate sold for delinquent taxes.

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

Section 1. Section four hundred forty-seven point one (447.1), Code 1979, is amended to read as follows:

447.1 REDEMPTION--TERMS. Real estate sold under the provisions of this chapter and chapter 446 may be redeemed at any time before the right of redemption is cut off, by the payment to the auditor, to be held by ~~him~~ the auditor subject to the order of the purchaser, of the amount for which the same was sold and four percent of ~~such~~ the amount added as a penalty, with ~~six~~ three-quarters percent interest per ~~annum~~ month on the ~~whole-amount--thus~~ made sale price plus the penalty from the ~~day~~ date of sale, and the amount of all taxes, interest, and costs paid by the purchaser or ~~his~~ the purchaser's assignee for any subsequent year ~~or-years~~, with a similar penalty added as before on the amount of the payment for each subsequent year, and ~~six~~ three-quarters percent per ~~annum~~ month on the whole of such amount ~~or-amounts~~ from the ~~day-or-days~~ date of payment.

Approved June 5, 1979

CHAPTER 110  
PROPERTY APPRAISEMENT OBJECTIONS

S. F. 424

AN ACT relating to the filing of objections to estate or property appraisement.

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

Section 1. Section four hundred fifty point twenty-eight (450.28), Code 1979, is amended to read as follows:

450.28 NOTICE OF APPRAISEMENT. It shall be the duty of all appraisers appointed under the provisions of this chapter, upon receiving a commission as herein provided, to ~~forthwith~~ give notice to the director of revenue, the attorney of record of the estate, if any, and other persons known to be interested in the property to be appraised, of the time and place at which

they will appraise such property, which time shall not be less than ten days from the date of such notice. The notice shall further state that the director of revenue or any person interested in the estate or property appraised may, within sixty days after filing of the appraisal with the clerk of court, file objections to the appraisal. The notice shall be served in the same manner as is prescribed for the commencement of civil actions, or in such other manner as the court in its discretion, may prescribe upon application of any appraiser or any interested party.

Sec. 2. Section four hundred fifty point twenty-nine (450.29), Code 1979, is amended to read as follows:

450.29 ~~RETURNS--REQUIRED~~ NOTICE OF FILING. Upon service of such notice and the making of such appraisal, the ~~said~~ notice, return thereon and appraisal shall be filed with the clerk, and a copy of ~~such~~ the appraisal shall at once be filed by the clerk with the director of revenue. The clerk shall send a notice, by ordinary mail, to the attorney of record of the estate, if any, to the personal representative of the estate, and to each person known to be interested in the estate or property appraised. The notice shall state the date the appraisal was filed with the clerk of court and shall include a copy of the appraisal.

Sec. 3. Section four hundred fifty point thirty-one (450.31), Code 1979, is amended to read as follows:

450.31 OBJECTIONS. The director of revenue or any person interested in the estate or property appraised may, within ~~forty-five~~ sixty days ~~thereafter~~ after filing of the appraisal with the clerk, file objections to said appraisal and give notice thereof as in beginning civil actions, to the director of revenue or the representative of the estate or trust, if any, otherwise to the person interested as heir, legatee, or transferee, on the hearing of which as an action in equity either party may produce evidence competent or material to the matters therein involved.

Sec. 4. This Act is effective January first following its enactment.

Approved June 5, 1979

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CHAPTER 111  
HAZARDOUS WASTE MANAGEMENT

H. F. 719

AN ACT relating to hazardous waste management and providing penalties and injunctive relief.

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

Section 1. Chapter four hundred fifty-five B (455B), Code 1979, is amended by adding sections two (2) through twelve (12) of this Act as a new part of Division four (IV).

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Commission" means the solid waste disposal commission of the department.

2. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of a hazardous waste into or on land or water so that the hazardous waste or a constituent of the hazardous waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

3. a. "Hazardous waste" means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

(1) Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Poses a substantial danger to human health or the environment. "Hazardous waste" may include but is not limited to wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

b. "Hazardous waste" does not include:

(1) Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.

(2) Sewage sludge from publicly-owned treatment works.

(3) Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

4. "Manifest" means the form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.

5. "Storage" means the containment of a hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste.

6. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste so as to neutralize the waste or to render the waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce the waste in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render the waste nonhazardous.

Sec. 3. NEW SECTION. DUTIES OF THE COMMISSION. The commission shall:

1. Develop comprehensive plans and programs for the state for the management of hazardous waste. In the development of plans and programs, the commission shall recognize the need for assuring that suitable facilities and sites for treatment and disposal are available for hazardous wastes generated in Iowa. As part of the hazardous waste management plan, the commission shall conduct a study of hazardous waste management in Iowa and shall report its findings to the general assembly not later than eighteen months after the effective date of this Act. The study shall include the following:

- a. A description of current sources of hazardous waste within the state, including the types and quantities of hazardous wastes.
- b. A description of current hazardous waste transportation, storage, treatment and disposal practices and costs within the state.
- c. A description of practices and methods that would reduce at the source the amount of hazardous waste generated and an estimate of the cost of these practices.
- d. Identification and evaluation of alternatives to land disposal of hazardous wastes.
- e. Identification of the general geologic and other criteria for a site for land disposal of hazardous wastes and the areas in Iowa that might meet the general criteria if alternatives to land disposal are not feasible.
- f. The proper role and activities of the state in addition to those established in this Act and the federal Solid Waste Disposal Act in facilitating safe and efficient disposal of hazardous waste, including but not limited to a determination of the most appropriate procedures for receiving public comments and approving permits for siting hazardous waste disposal facilities.
- g. The estimated private and public capital and annual operating costs of implementing the hazardous waste management plan recommended by the commission.

2. Adopt rules establishing criteria for identifying the characteristics of hazardous wastes and listing hazardous wastes that are subject to this Act. The commission shall consider toxicity, persistence and degradability in nature, potential for accumulation in tissue, and related factors including flammability, corrosiveness, and other hazardous characteristics.

3. Adopt rules, applicable to generators or transporters of or owners or operators of facilities for the treatment, storage, or disposal of hazardous waste listed by the commission under subsection two (2) of this section, as necessary to protect human health and the environment. The rules shall include establishment of a manifest system.

4. Adopt rules establishing standards and procedures for the certification of supervisory personnel and operators at hazardous waste treatment, storage or disposal facilities required to have a permit under section six (6) of this Act.

Sec. 4. NEW SECTION. EXECUTIVE DIRECTOR'S DUTIES. The executive director shall:

1. Issue, revoke, suspend, modify or deny permits for persons owning or operating a facility for the treatment, storage or disposal of a hazardous waste listed by the commission under section three (3), subsection two (2) of this Act. Permits shall be issued for such period as the commission may by rule prescribe.

2. Administer examinations to determine the competence of operators and supervisory personnel at facilities for the treatment, storage or disposal of hazardous waste that are required to have a permit under section six (6) of this Act. The executive director shall issue, revoke, suspend, or deny certificates of competency for persons as supervisory or operating personnel at facilities for the treatment, storage or disposal of hazardous waste.



3. Inspect and investigate hazardous waste generators and transporters and treatment, storage and disposal facilities as may be necessary to determine compliance with this Act and rules adopted and permits and orders issued pursuant to sections two (2) through twelve (12) of this Act. The executive director shall periodically survey or inspect the construction, operation and monitoring, reporting and record-keeping systems of hazardous waste generators and transporters and treatment, storage and disposal facilities.

Sec. 5. NEW SECTION. HAZARDOUS WASTE NOTIFICATION.

1. A person who on the effective date of a rule adopted under section three (3), subsection two (2) of this Act listing a hazardous waste as subject to this Act is generating or transporting the listed hazardous waste or owns or is operating a treatment, storage or disposal facility handling the listed hazardous waste shall file with the executive director a notification stating the waste handled by the person and the location and a general description of the activity involving the waste. The notice shall be given within ninety days after the effective date of the rule listing the waste.

2. Except as provided in subsection one (1) of this section, a person shall not commence to transport or generate a hazardous waste listed by rule under section three (3), subsection two (2) of this Act without first notifying the executive director of the proposed activity. The notice shall state the waste to be handled, and the location and a general description of the activity involving the listed waste.

3. After two years from the effective date of this Act, a person who produces or disposes of not more than two hundred twenty pounds of hazardous waste in any one month period or any retailer other than a retailer of waste oil shall be exempt from the notification requirements of this Act.

Sec. 6. NEW SECTION. PERMIT REQUIRED.

1. Except as provided in subsections two (2) and four (4) of this section, a person shall not operate a facility for the treatment, storage or disposal of a hazardous waste listed under section three (3), subsection two (2) of the Act unless the owner or operator has obtained a permit for the facility from the executive director.

2. The owner or operator of a facility for the treatment, storage or disposal of a hazardous waste listed under section three (3), subsection two (2) of the Act existing on the effective date of the rule listing the waste shall obtain a permit for the facility within six months of the effective date of the rule. A person owning or operating a facility for the treatment, storage or disposal of a hazardous waste that existed on the effective date of the rule listing the waste and that is required to have a permit under this Act is considered to have a permit until such time as final administrative determination is made if the person meets the following conditions:

a. The person has given notice as required by section five (5) of this Act.

b. The person has applied for a permit.

c. The executive director has determined that the failure to issue the permit is not the result of the failure of the applicant to furnish information reasonably required or requested to process the application.

3. The commission may by rule specify the information required to be submitted with the application for a permit and the conditions under which the executive director shall issue, deny, revoke, suspend or modify permits. However, a permit shall not be issued for a treatment, storage or disposal facility unless the applicant presents evidence of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage or disposal of the hazardous waste as determined by the commission.

4. A permit is not required for the storage of a hazardous waste listed under section three (3), subsection two (2) of this Act when the only purpose of the storage is to accumulate for a period of up to ninety days sufficient quantities of the waste for transportation, treatment or disposal unless a permit for the storage is required under federal law.

5. A permit issued pursuant to this section shall be in addition to other licenses, permits or variances authorized or required by law, including, but not limited to, the requirements of chapter three hundred fifty-eight A (358A) of the Code.

6. If the executive director denies a permit, the executive director shall inform the applicant in writing of the reasons for the denial. The applicant may appeal to the commission from the denial of a permit or from a condition of a permit if the applicant files a notice of appeal with the executive director within thirty days of receipt of the denial or issuance of the permit.

Sec. 7. NEW SECTION. INSPECTIONS.

1. For purposes of developing a rule, or conducting a study of hazardous waste management, or enforcing this Act, a person who generates, stores, treats, transports, disposes of or otherwise handles hazardous waste shall, upon request of the executive director, furnish or permit the executive director at reasonable times to have access to and copy records relating to the waste. For the purpose of developing a rule or enforcing this Act, the executive director may:

a. Enter at reasonable times an establishment or other place maintained by a person where hazardous waste is generated, stored, treated or disposed of, or a vehicle transporting hazardous waste.

b. Inspect and obtain samples from a person of a hazardous waste and of containers or labeling associated with the waste.

c. Install, service and take samples from monitoring equipment on the property.

The inspection shall be completed within a reasonable period of time.

2. If the officer or employee obtains a sample, prior to leaving the premises, the officer or employee shall give the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each sample equal in volume or weight to the portion retained. If the sample is analyzed, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

3. Documents or information obtained from a person under this section shall be available to the public except as provided in this subsection. Upon a showing satisfactory to the executive director by a person that documents or information, or a particular part of the documents or information to which the executive director has access under this section if made public would divulge commercial or financial information obtained from a person and privileged or confidential or a trade secret, the executive director shall consider the documents or information or the particular portion of the documents or information confidential. However the document or information may be disclosed to officers, employees or authorized representatives of the United States charged with implementing the federal Solid Waste Disposal Act, to employees of the state of Iowa or of other states when the document or information is relevant to the discharge of their official duties, and when relevant in any proceeding under the federal Solid Waste Disposal Act or this Act.

Sec. 8. NEW SECTION. PROHIBITED ACTS--PENALTIES.

1. A person shall not knowingly do any of the following acts:

a. Transport a hazardous waste listed under the commission's rules to a hazardous waste storage, treatment or disposal facility that is located in Iowa that does not have a permit under section six (6), subsection one (1) of this Act.

b. Dispose of a hazardous waste listed under this Act without having obtained a permit for the disposal under section six (6), subsection one (1) of this Act.

c. Make a false statement or representation in an application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with the provisions of this Act.

2. A person who violates the provisions of subsection one (1) of this section is subject upon conviction to a fine of not more than twenty-five thousand dollars or to imprisonment for not to exceed one year, or both. If the conviction is for a violation committed after a first conviction, punishment shall be by a fine of not more than fifty thousand dollars or by imprisonment for not more than two years, or both.

3. A person who fails to take corrective action within the time specified in an order issued pursuant to section nine (9), subsection one (1), paragraph a or b of this Act is subject to a civil penalty commensurate with the severity of the violation but of not more than twenty-five thousand dollars for each day of continued noncompliance.

4. A person shall not transport, treat, store or dispose of a hazardous waste listed by the commission under section three (3), subsection two (2) of this Act unless notification has been given in accordance with rules adopted under section three (3), subsection three (3) of this Act. A person who violates this subsection is subject to a civil penalty not to exceed five hundred dollars for each day of violation.

Sec. 9. NEW SECTION. ENFORCEMENT.

1. If the executive director has conclusive evidence that a person has violated or is violating a provision of this Act, or of a rule or standard established or permit issued pursuant to this Act and if subsection four (4) of this section does not apply:

a. The executive director may issue an order directing the person to desist in the practice that constitutes the violation or to take corrective action as necessary to ensure that the violation will cease. Before issuing the order the executive director shall notify the person of the violation and that if compliance is not achieved within thirty days following the receipt of the notice the order may be issued. The person to whom the order is issued may commence a contested case within the meaning of chapter seventeen A (17A) of the Code by filing with the executive director within thirty days of receipt of the order a notice of appeal to the commission. On appeal, the commission may affirm, modify or vacate the order of the executive director.

b. If it is determined by the executive director that an emergency exists, the executive director may issue without notice or hearing an order necessary to terminate the emergency. The order shall be binding and effective immediately and until the order is modified or vacated at a hearing before the commission or by a court. "Emergency" as used in this subsection means a situation where the handling, storage, treatment, transportation or disposal of a hazardous waste is presenting an imminent and substantial threat to human health or the environment.

c. When the executive director determines that a disposal site contains hazardous waste in an amount and under conditions that cause an imminent threat to human health and that the person responsible for the site will not properly and promptly remove the waste or eliminate the threat, the executive director may take action as necessary to remove the waste or permanently alleviate or eliminate the threat to human health. The costs of removing the waste or alleviating or eliminating the threat shall be recovered from the person responsible for the disposal site.

d. The executive director with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to subsection two (2) of this section.

2. The attorney general shall, at the request of the executive director pursuant to paragraph d of subsection one (1) of this section, institute legal proceedings, including an action for an injunction, necessary to enforce the penalty provisions of this Act or to obtain compliance with this Act or a rule promulgated or a condition of a permit or order issued under this Act.

3. In a case arising from the violation of an order issued under subsection one (1), paragraph a of this section, the burden of proof shall be on the state to show that the time specified in the order within which the individual must take corrective action is reasonable.

4. Notwithstanding any other provisions of this Act, when hazardous waste was placed in a disposal site in whole or in large measure in accordance with the law existing at the time of placement, and the presence of such waste in the site is subsequently found to be in conflict with laws or rules adopted at a later date and to constitute a serious and imminent threat to human health which must be reduced or eliminated, the executive director shall request the attorney general to institute legal proceedings to determine how the threat may best be reduced or eliminated and how the cost of reducing or eliminating the threat shall be allocated to or among the past and present

owners and operators of the site, and other parties including the state and its political subdivisions deemed by the court to bear some responsibility for the threat or to benefit from the removal or elimination of the threat. Upon a finding by a court that a serious and imminent threat to human health exists the court may act and may stay that part of the reduction or elimination of the threat allocated to the state or governmental subdivision until such time as public funds have been appropriated to cover those allocated costs.

The court shall base an allocation of costs upon the following criteria:

- a. The extent to which parties complied with the law and attempted to comply with the law.
- b. The extent to which parties profited by acting contrary to the law.
- c. The extent to which parties exercised good judgment and discharged their responsibilities to society in accordance with the perceptions of the time.
- d. The ability of parties to pay for corrective measures.
- e. The extent to which parties would benefit from the elimination of the threat to human health.
- f. The broad implications for society of an allocation of costs.
- g. The damages to other persons associated with the hazard created by the disposal site.
- h. Other criteria as the court deems pertinent.

Sec. 10. NEW SECTION. AGRICULTURAL CHEMICALS. A person using or disposing of federally approved agricultural chemicals or the empty containers thereof shall not be in violation of this Act by reason of such use or disposal provided that the person:

1. Applies or disposes of the chemicals in accordance with the manufacturer's instructions, and
2. Triple rinses each chemical container after it has been emptied and uses the rinsate\* as makeup water in a tank-mix and applies the mix to cropland at an application rate that does not exceed the manufacturer's instructions.

Sec. 11. NEW SECTION. RULES. Rules adopted by the commission under this Act shall be consistent with and shall not exceed the requirements of 42 U.S.C. 6921-6931 (1979) as amended to March 15, 1979 and rules and regulations promulgated pursuant to those sections.

Sec. 12. NEW SECTION. JUDICIAL REVIEW. Judicial review of actions of the commission or the executive director may be sought in accordance with the provision of chapter seventeen A (17A) of the Code. Notwithstanding the provisions of chapter seventeen A (17A) of the Code, petitions for judicial review may be filed in the district court of the county where the acts in issue occurred. In addition to other rights of judicial review authorized by this section, a person who has complied with an order issued by the executive director or commission may within six months of compliance with the order seek relief in the district court on the grounds that the requirements imposed by the order are excessive, that the benefits to society are not commensurate with the costs of complying with the order and that society can be protected in a less costly manner. Upon a finding that the requirements imposed by the order are excessive, the court may modify or vacate the order.

\*According to enrolled Act

Sec. 13. Section three hundred seven point ten (307.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The commission may adopt, after consultation with the department of environmental quality and the department of public safety, rules to enforce the rules regarding transportation of hazardous wastes promulgated by the solid waste disposal commission of the department of environmental quality under section three (3), subsection three (3) of this Act. The department and the division of the highway safety patrol of the department of public safety shall carry out the rules through the use of the director's powers and duties of enforcement and inspection.

Approved June 10, 1979

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## CHAPTER 112 ANAEROBIC LAGOONS

S. F. 277

AN ACT relating to separation distances of anaerobic lagoons used in animal feeding operations.

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

Section 1. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH.

(1) Notwithstanding any other provision of division two (II) of this chapter, anaerobic lagoons, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or less live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or less live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation. These separation distances shall apply to the construction of new facilities and the expansion of existing facilities.

(2) A person may build or expand an anaerobic lagoon closer to a residence not owned by the owner of the feeding operation or to a public use area than is otherwise permitted by subparagraph one (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms as the parties may negotiate. The written agreement shall become effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa, and in the Allamakee Journal, a newspaper published in Lansing, Iowa.

Approved June 10, 1979

I hereby certify that the foregoing Act, Senate File 277, was published in the Carroll Daily Times-Herald, Carroll, Iowa on June 13, 1979, and in the Allamakee Journal, Lansing, Iowa on June 20, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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## CHAPTER 113 BEVERAGE CONTAINERS

S. F. 388

AN ACT relating to the importation, sale and redemption of certain beverage containers and providing penalties.

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

Section 1. Section four hundred fifty-five C point one (455C.1), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION.** "Nonrefillable beverage container" means a beverage container not intended to be refilled for sale by a manufacturer.

Sec. 2. Section four hundred fifty-five C point three (455C.3), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION.** A distributor shall not be required to pay to a manufacturer a deposit or refund value on a nonrefillable beverage container.

Sec. 3. Section four hundred fifty-five C point five (455C.5), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. A person, except a distributor, shall not import into this state after July 1, 1979 a beverage container which does not have securely affixed to the container the refund value indication. The provisions of this subsection do not apply if:

a. For beverage containers containing alcoholic liquor as defined in section one hundred twenty-three point three (123.3), subsection eight (8) of

the Code, the total capacity of the containers is not more than one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon.

b. For beverage containers containing beer as defined in section one hundred twenty-three point three (123.3), subsection nine (9) of the Code, the total capacity of the containers is not more than two hundred eighty-eight fluid ounces.

c. For all other beverage containers, the total capacity of the containers is not more than five hundred seventy-six fluid ounces.

3. The provisions of subsections one (1) and two (2) of this section do not apply to a refillable glass beverage container which has a brand name permanently marked on it and which has a refund value of not less than five cents, to any other refillable beverage container which has a refund value of not less than five cents and which is exempted by the director under rules adopted by the commission, or to a beverage container sold aboard a commercial airliner or passenger train for consumption on the premises.

Sec. 4. Section four hundred fifty-five C point twelve (455C.12), Code 1979, is amended to read as follows:

455C.12 ~~PENALTY~~ PENALTIES.

1. Any person violating the provisions of sections 455C.2, 455C.3, 455C.5 and 455C.8, or a rule adopted under this chapter shall be guilty of a simple misdemeanor.

2. A distributor who collects or attempts to collect a refund value on an empty beverage container when the distributor has paid the refund value on the container to a dealer, redemption center, or consumer is guilty of a fraudulent practice.

3. Any person who does any of the following acts is guilty of a fraudulent practice:

a. Collects or attempts to collect the refund value on the container a second time, with the knowledge that the refund value has once been paid by the distributor to a dealer, redemption center or consumer.

b. Manufactures, sells, possesses or applies a false or counterfeit label or indication which shows or purports to show a refund value for a beverage container, with intent to use the false or counterfeit label or indication.

c. Collects or attempts to collect a refund value on a container with the use of a false or counterfeit label or indication showing a refund value, knowing the label or indication to be false or counterfeit.

4. As used in this section, a false or counterfeit label or indication means a label or indication purporting to show a valid refund value which has not been initially applied as authorized by a distributor.

5. Subsection two (2) and subsection three (3), paragraph a of this section have no application to empty beverage containers which are intended to be refillable and are in a standard of condition except for sanitization to be refillable by the manufacturer.

Sec. 5. Chapter four hundred fifty-five C (455C), Code 1979, is amended by adding the following new section:

NEW SECTION. DISTRIBUTORS' AGREEMENTS AUTHORIZED. A distributor may enter into a contract or agreement with any other distributor, manufacturer



or person for the purpose of collecting or paying the refund value on, or disposing of, beverage containers as provided in this chapter.

Sec. 6. Chapter four hundred fifty-five C (455C), Code 1979, is amended by adding the following new section:

NEW SECTION. REDEMPTION OF REFUSED NONREFILLABLE METAL BEVERAGE CONTAINERS.

1. If the refund value indication required under section four hundred fifty-five C point five (455C.5) of the Code on an empty nonrefillable metal beverage container is readable but the redemption of the container is lawfully refused by a dealer or person operating a redemption center under other sections of this chapter or rules adopted pursuant to these sections, the container shall be accepted and the refund value paid to a consumer as provided in this section. Each beer distributor selling nonrefillable metal beverage containers in this state shall provide individually or collectively by contract or agreement with a dealer, person operating a redemption center or another person, at least one facility in the county seat of each county where refused empty nonrefillable metal beverage containers having a readable refund value indication as required by this chapter are accepted and redeemed. In cities having a population of twenty-five thousand or more, the number of the facilities provided shall be one for each twenty-five thousand population or a fractional part of that population.

2. A beer distributor violating this section is guilty of a simple misdemeanor.

Sec. 7. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred sixty-two (1162), section fourteen (14), subsection two (2) is amended to read as follows:

2. This Act shall be effective July 1, 1979 for all beverage containers sold in this state except as provided in subsection one (1) of this section. However, from July 1, 1979 through July 31, 1979, this Act shall not apply to beverage containers sold in this state by dealers or distributors excluding the Iowa beer and liquor control department, if the beverage containers do not have refund value indications embossed, stamped or otherwise attached to them.

Sec. 8. Section six (6) of this Act is effective July 1, 1980.

Approved June 1, 1979

CHAPTER 114  
DRAINAGE AND LEVEE DISTRICTS DISSOLVED

H. F. 11

AN ACT to provide a procedure for dissolution of certain drainage and levee districts and transfer of jurisdiction and control over the improvements of rights-of-way of a district so dissolved to another overlying district without reclassification of the latter district.

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

Section 1. Section four hundred fifty-six point one (456.1), Code 1979, is amended to read as follows:

456.1 JURISDICTION TO ABANDON--AND DISSOLVE DISTRICTS AND ABANDON OR TRANSFER IMPROVEMENTS. Drainage or levee districts may be dissolved and abandoned or assimilated by the procedures prescribed by this chapter.

1. When any drainage or levee district is free from indebtedness and it shall appear that the necessity therefor no longer exists or that the expense of the continued maintenance of the ditch or levee is in excess of the benefits to be derived therefrom, the board of supervisors or board of trustees, as the case may be, shall have power and jurisdiction, upon petition of a majority of the landowners, who, in the aggregate, own sixty percent of all land in such district, to abandon the same and dissolve and discontinue such districts in the manner prescribed by sections four hundred fifty-six point two (456.2) through four hundred fifty-six point six (456.6) of the Code. Nothing in this section subsection shall prevent the board from eliminating land from a drainage district as permitted under section 455.201.

2. When one drainage or levee district, either intracounty or intercounty, includes within its territory all of the territory of one or more other drainage or levee districts, and it appears that one assessment and one governing body would be to the benefit of the owners and occupants of the land within the mutual jurisdiction of the overlying and the contained districts, the board of supervisors or board of trustees may effect the dissolution of a contained district and the transfer of jurisdiction and control over that contained district's improvements to the overlying district, in the manner prescribed by sections four (4) through nine (9) of this Act.

Sec. 2. Section four hundred fifty-six point six (456.6), Code 1979, is amended to read as follows:

456.6 ABANDONMENT OF RIGHTS OF WAY. If such a dissolution is effected pursuant to section four hundred fifty-six point one (456.1), subsection one (1), and sections four hundred fifty-six point two (456.2) through four hundred fifty-six point five (456.5) of the Code, the rights of way of the district for all purposes of the district shall be deemed abandoned.

Sec. 3. Chapter four hundred fifty-six (456), Code 1979, is amended by adding sections four (4) through nine (9) of this Act.

Sec. 4. NEW SECTION. INITIATING DISSOLUTION OF CONTAINED DISTRICT. To initiate the dissolution of a contained district under the circumstances described in section four hundred fifty-six point one (456.1), subsection two (2) of the Code:

1. The board of supervisors or board of trustees of the district proposed to be dissolved shall enter an order for the proposed dissolution of that district and the surrender of its improvements and rights-of-way to the overlying district.

2. The board of supervisors or board of trustees of the overlying district shall enter an order approving the proposed acceptance of those improvements and rights-of-way.

Sec. 5. NEW SECTION. PROCEDURE FOR NOTICE OF HEARING.

1. The board of the overlying district shall enter an order fixing a place and a time, not less than forty days after the date of the later of the two orders required by section four (4) of this Act, for a hearing on the proposals described in the two orders.

2. The auditor, or auditors if the overlying district includes land lying in two or more counties, shall cause notice of the proposals and of the hearing to be given immediately upon the entry of an order under subsection one (1) of this section. The notice must:

a. Include the texts of the orders entered pursuant to section four (4) of this Act, the date, time and place of the hearing, and a statement that all objections to the proposals embodied in the orders must be made in writing and filed in the office of the auditor at or before the time set for the hearing.

b. Be directed to all of the following:

(1) The owner of each tract of land or lot within the overlying district, as shown by the transfer books of the auditor's office, including railway companies having right-of-way in the district.

(2) All lienholders or encumbrancers of land within the overlying district, without naming them.

(3) All actual occupants of land in the overlying district, without naming individuals.

(4) All other persons whom it may concern.

3. Except as otherwise required by section four hundred fifty-five point twenty-two (455.22) of the Code, the notice required by this section shall be served by publication once in a newspaper of general circulation in each county in which the overlying district's land is situated. The publication shall be made not less than twenty days prior to the day set for the hearing. Proof of service shall be made by affidavit of the publisher.

Sec. 6. NEW SECTION. PROCEDURE AT HEARING. The hearing shall be convened at the time and place fixed in accordance with section five (5), subsection one (1) of this Act, and the procedure at the hearing shall be as prescribed by this section.

1. The board of the contained district shall first hear all objections filed against the dissolution of the district and the surrender of its

improvements to the overlying district. If, at the conclusion of that portion of the hearing, that board finds that the contained district is free of debt, that the economic benefits of the continued maintenance of that district would not be commensurate with its cost, and that it would be advantageous to dissolve and discontinue the contained district and surrender its improvements and rights-of-way to the overlying district, it shall enter an order dissolving the contained district and directing the surrender of its improvements and rights-of-way, conditioned on acceptance by the overlying district.

2. Immediately thereafter, the board of the overlying district shall hear all objections filed against the acceptance of the contained district's improvements and their maintenance. If it finds that the improvements are conducive to the drainage of surface waters from agricultural lands and all other lands in the overlying district or the protection of the lands from overflow, it shall enter an order accepting the improvements and rights-of-way of the contained district.

3. Orders issued pursuant to subsections one (1) and two (2) of this section shall be filed with the county auditor of the county or counties in which the affected districts are situated and noted on the drainage record.

4. If at or before the time set for the hearing there have been filed with the county auditor or auditors, if either the contained or overlying district extends into more than one county, or with the board of either district, one or more remonstrances or objections to the dissolution of the contained district, or to the acceptance of that district's improvements and rights-of-way by the overlying district, signed by owners of land and land improvements in either district aggregating sixty percent of the total assessed value of the land in that district as shown by the taxing records in the county or counties in which that district is located, the board to which the remonstrances or objections have been made shall abandon its proposed action.

Sec. 7. NEW SECTION. ELECTION IN LIEU OF HEARINGS. In lieu of the hearings provided for in section six (6) of this Act, the board of either district may call an election for the purpose of determining the dissolution of the contained district or the acceptance of that district's improvements and rights-of-way by the overlying district. The questions may be submitted at a regular election of the district or at a special election called for that purpose. It is not mandatory for the county commissioner of elections to conduct the elections, however the provisions of sections forty-nine point forty-three (49.43) through forty-nine point forty-seven (49.47), and of chapter four hundred sixty-two (462) of the Code, as they are applicable, shall govern the elections, and the question to be submitted shall be set forth in the notice of election.

1. If sixty percent or more of the votes cast are in favor of the proposed dissolution of the contained district involved, the board of that district shall enter an order dissolving the contained district and directing the surrender of its improvements and rights-of-way, conditioned on acceptance by the overlying district.

2. If sixty percent or more of the votes cast in the overlying district are in favor of the proposed acceptance by that district of the contained district's improvements and rights-of-way, the board of the overlying district shall enter an order accepting the improvements and rights-of-way of the contained district.

3. Orders issued pursuant to subsections one (1) and two (2) of this section shall be filed with the county auditor of the county or counties in which the affected districts are situated and noted on the drainage record.

Sec. 8. NEW SECTION. EFFECT OF DISSOLUTION, SURRENDER AND ACCEPTANCE. When a contained district dissolves and surrenders its improvements and rights-of-way to the jurisdiction and control of an overlying district, and the overlying district accepts those improvements and rights-of-way, in accordance with sections four (4) through seven (7) of this Act:

1. It is presumed that the classification of the lands which were included in the dissolved district, as previously determined by the commissioners in the classification of those lands as a part of the overlying district, remains equitable and no reclassification of the overlying district or any part of it is necessary.

2. The improvements surrendered and accepted are at all times under the supervision of the board of the overlying district, and it is the duty of that board to keep the improvements in repair as provided in section four hundred fifty-five point one hundred thirty-five (455.135) of the Code as fully and completely as though the improvements were a part of the original construction or improvements in the overlying district.

3. It is presumed that:

a. The improvements surrendered and accepted are an integral part of the overlying district's improvements, and are a public benefit and conducive to the public health, convenience and welfare.

b. No value is taken into consideration for the existing improvements nor is credit given to the parties owning them, and they shall not be considered an asset of the district that is dissolved.

4. The original cost and the subsequent cost of improvements in the district that has been dissolved are added to and become a part of the original cost and the subsequent cost of improvements in the overlying district.

Sec. 9. NEW SECTION. COSTS BORNE BY OVERLYING DISTRICT. The overlying district shall pay all costs of the proceedings held pursuant to sections four (4) through seven (7) of this Act.

Approved April 12, 1979

CHAPTER 115  
SOIL CONSERVATION PROJECTS

H. F. 22

AN ACT relating to cost-sharing funds for mandated soil conservation projects.

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

Section 1. Section four hundred sixty-seven A point forty-eight (467A.48), Code 1979, is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No owner or occupant of land in this state shall be required to establish any new permanent or temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for such land and actually made available to the owner or occupant in an amount equal to at least seventy-five percent of the cost of any permanent soil and water conservation practice, or an amount set by the state soil conservation committee for any temporary soil and water conservation practice. The state soil conservation committee shall review these requirements at least once each year, and may authorize soil conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the proper officer or agency shall constitute commencement of such work within the meaning of sections 467A.43 to 467A.53. Upon receiving evidence of the submission of such application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of such application. When notified of the approval of such application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 467A.43 to 467A.53 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative

order shall actually be commenced, and a time ~~not--more--than--one--year~~ thereafter when such work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section shall not be required to incur a cost therefor in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous thereto.

Sec. 2. This Act is effective on January first following its enactment.

Approved April 20, 1979

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CHAPTER 116  
GOVERNMENT CONSTRUCTION PROJECTS

H. F. 669

AN ACT requiring a life cycle cost analysis for certain government construction projects.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Public agency" means a county, city, school district, school corporation or combination thereof or an executive board, commission, bureau, division, office or department of the state.

2. "Facility" means a building having twenty thousand square feet or more of usable floor space that is heated or cooled by a mechanical or electrical system.

3. "Initial cost" means the moneys required for the capital construction or renovation of a facility.

4. "Renovation" means a project where additions or alterations exceed fifty percent of the value of a facility and will affect an energy system.

5. "Economic life" means the projected or anticipated useful life of a facility as expressed by a term of years.

6. "Life cycle cost analysis" means an analytical technique that considers certain costs of owning, using and operating a facility over its economic life including but not limited to the following:

- a. Initial costs.
- b. System repair and replacement costs.
- c. Maintenance costs.
- d. Operating costs, including energy costs.
- e. Salvage value.

7. "Energy system" includes but is not limited to the following equipment or measures:

- a. Equipment used to heat or cool the facility.
- b. Equipment used to heat water in the facility.
- c. On-site equipment used to generate electricity for the major facility.
- d. On-site equipment that uses the sun, wind, oil, natural gas, coal or electricity as a power source.
- e. Energy conservation measures in the facility design and construction that decrease the energy requirements of the facility.

Sec. 2. NEW SECTION. POLICY--ANALYSIS REQUIRED. The general assembly declares that energy management is of primary importance in the design of publicly-owned facilities. Commencing January 1, 1980, a public agency responsible for the construction or renovation of a facility shall, in a design begun after that date, include as a design criterion the requirement that a life cycle cost analysis be conducted for the facility. The objectives of the life cycle cost analysis are to optimize energy efficiency at an acceptable life cycle cost. The life cycle cost analysis shall meet the requirements of section three (3) of this Act.

Sec. 3. NEW SECTION. ELEMENTS OF ANALYSIS.

1. A life cycle cost analysis shall include but is not limited to the following elements:

a. Specification of energy management objectives and health, safety and functional constraints. The facility design shall comply with applicable state or local building code requirements.

b. Identification of the energy needs of the facility and energy system alternatives to meet those needs.

c. Cost of the energy system alternatives identified in paragraph b of this subsection.

d. Determination of amounts and timing of cash flow.

e. Calculation of life cycle cost using an economic model such as but not limited to rate of return, annual equivalent cost or present equivalent cost.

f. Evaluation of design and system alternatives using a method such as, but not limited to design matrixes, ranking tables or network analysis.

2. A public agency or a person preparing a life cycle cost analysis for a public agency shall consider the methods and analytical models in section six (6) of the manual of procedures for authorized class "A" energy auditors as amended to March 31, 1979 by the engineering research institute at Iowa state university of science and technology in preparing a life cycle cost analysis.

Sec. 4. NEW SECTION. ANALYSIS APPROVED. The life cycle cost analysis shall be approved by the public agency before contracts for the construction or renovation are let. A public agency may accept a facility design and shall meet the requirements of this Act if the design meets the operational requirements of the agency and provides the optimum life cycle cost. The public agency shall retain a copy of the life cycle cost analysis and a statement justifying a design decision both of which shall be available for public inspection at reasonable hours.

Sec. 5. NEW SECTION. EXCEPTIONS. This Act does not apply to buildings currently used by the division of adult corrections of the department of



social services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by the director of the division of historical preservation of the Iowa state historical department.

Sec. 6. NEW SECTION. RESTRICTION ON USE OF PUBLIC FUNDS. Public funds shall not be used for the construction or renovation of a facility unless the design for the work is prepared in accordance with this Act and the actual construction or renovation meets the requirements of the design.

Sec. 7. This Act shall be effective January 1, 1980, except that for a county, city, school district, school corporation, or combination thereof the Act shall be effective January 1, 1982.

Approved June 4, 1979

## CHAPTER 117

### INTEREST RATES ON PUBLIC UTILITY REFUNDS

H. F. 337

AN ACT amending section four hundred seventy-six point six (476.6), unnumbered paragraph six (6), of the Code to provide that the rate of interest payable by a public utility on amounts refunded to customers under that paragraph shall be not more than twelve percent per annum, compounded annually.

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

Section 1. Section four hundred seventy-six point six (476.6), unnumbered paragraph six (6), Code 1979, is amended to read as follows:

However, a public utility shall have the right at any time after said rates, charges, schedules or regulations have been suspended for ninety days to place in effect any or all of such suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected thereunder in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. Such rate of interest shall be not less than five percent per annum, nor more than ~~nine~~ twelve percent per annum, compounded annually.

Sec. 2. This Act is effective with respect to rates collected subject to refund after June 30, 1979.

Approved April 26, 1979

CHAPTER 118  
PIPELINE STANDARDS

S. F. 447

AN ACT relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices and allowing land surveys by pipeline companies after notice.

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

Section 1. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. CONSTRUCTION STANDARDS.

1. The commission shall, pursuant to chapter seventeen A (17A) of the Code, adopt rules establishing standards for the protection of underground improvements during the construction of pipelines, to protect soil conservation and drainage structures from being permanently damaged by pipeline construction and for the restoration of agricultural lands after pipeline construction. To ensure that all interested persons are informed of this rule-making procedure and are afforded a right to participate, the commission shall schedule an opportunity for oral presentations on the proposed rule making, and, in addition to the requirements of section seventeen A point four (17A.4) of the Code, shall distribute copies of the notice of intended action and opportunity for oral presentations to each county board of supervisors. Any county board of supervisors may, under the provisions of chapter seventeen A (17A) of the Code, and subsequent to the rule-making proceedings, petition under those provisions for additional rule making to establish standards to protect soil conservation practices, structures and drainage structures within that county. Upon the request of the petitioning county the commission shall schedule a hearing to consider the merits of the petition. These rules adopted under this section shall not apply within the boundaries of a city.

2. The county board of supervisors shall cause an on-site inspection for compliance with the standards adopted under this section to be performed at any pipeline construction project in the county. A professional engineer familiar with the standards adopted under this section and registered under chapter one hundred fourteen (114) of the Code shall be in responsible charge of the inspection. A county board of supervisors may contract for the services of a professional engineer for the purposes of the inspection. The reasonable costs of the inspection shall be borne by the pipeline company.

3. If the inspector determines that there has been a violation of the standards adopted under this section, the inspector shall give oral notice, followed by written notice, to the pipeline company and the contractor operating for the pipeline company and order corrective action to be taken in compliance with the standards. The costs of the corrective action shall be borne by the contractor operating for the pipeline company.

4. As a part of the inspection process, the inspector shall ascertain that the trench excavation has been filled in such a manner as to provide that the top soil has been replaced on top and rocks and debris have been removed from the top soil.

5. Adequate inspection of underground improvements altered during construction of pipeline shall be conducted at the time of the replacement or repair of the underground improvements.

6. If the pipeline company or its contractor does not comply with the orders of the inspector for compliance with the standards, the county board of supervisors may direct the county attorney to petition the district court for an order requiring corrective action to be taken in compliance with the standards adopted under this section.

Sec. 2. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. A pipeline company may enter upon private land for the purpose of making land surveys to determine direction or depth of pipelines, not to exceed a depth of twenty-five feet, after receipt of a permit to construct, maintain and operate its pipeline by giving ten days written notice by restricted certified mail to the landowner as defined in section four hundred seventy-nine point five (479.5) of the Code and to any person residing on or in possession of the land. The entry for land surveys authorized in this section shall not be deemed a trespass and may be aided by injunction. The pipeline company shall pay the actual damages caused by the entry and survey.

Sec. 3. Section four hundred seventy-nine point four (479.4), unnumbered paragraphs two (2), three (3) and four (4), Code 1979, are amended by striking the unnumbered paragraphs.

Sec. 4. This Act is effective January first following its enactment.

Approved May 7, 1979

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**CHAPTER 119**  
**EARNINGS OF ASSOCIATIONS DISTRIBUTED**

S. F. 442

AN ACT relating to the distribution of earnings of corporations which are cooperative associations.

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

Section 1. Section four hundred ninety-nine point twenty-four (499.24), Code 1979, is amended to read as follows:

499.24 PREFERRED STOCK. Preferred stock shall bear cumulative or noncumulative dividends as fixed by the articles, not exceeding eight percent per annum. It shall have no vote. It shall be issued and be transferable

without regard to eligibility or membership, and be is redeemable on terms specified in the articles and as provided for in this chapter. The directors shall determine the time and amount of its issue.

Sec. 2. Section four hundred ninety-nine point thirty (499.30), unnumbered paragraph six (6), Code 1979, is amended to read as follows:

Notwithstanding the articles of incorporation of any association now in effect, for each taxable year of the association beginning after December 31, 1962, all remaining net earnings shall be allocated to the account of each member, including subscribers described in section 499.16 ratably in proportion to the business he the member had done with the association during such year. The directors shall determine, or the articles of incorporation or bylaws of the association may specify, the percentage or the amount of said allocation that currently shall be paid in cash, provided that so long as there are unpaid deferred patronage dividends of deceased members for prior years the amount currently payable in cash shall not exceed twenty percent of said allocation. All said remaining allocation not so paid in cash shall be transferred to a revolving fund and credited to said members and subscribers. Such credits in the revolving fund are herein referred to as deferred patronage dividends.

Sec. 3. Section four hundred ninety-nine point thirty-three (499.33), Code 1979, is amended to read as follows:

499.33 USE OF REVOLVING FUND. The directors may use the revolving fund to pay the obligations or add to the capital of the association or retire its preferred stock. In such event the deferred patronage dividends credited to members shall constitute a charge on the revolving fund and future additions thereto, and on the corporate assets, subordinate to creditors and preferred stockholders then or thereafter existing. Deferred patronage dividends for any year shall have priority over those for any subsequent year,--except--that. However, prior to any other payments of deferred patronage dividends or redemption of preferred stock held by members, the directors may,--at--their discretion, of cooperative associations, other than those cooperative associations which are public utilities defined in section four hundred seventy-six point one (476.1) of the Code and other than those cooperative associations which are public utilities which are exempt from rate regulation as provided in that section, shall pay deferred patronage dividends and redeem preferred stock, of deceased members--or--patrons,--and natural persons who were members, and may pay deferred patronage dividends or redeem preferred stock of members who become ineligible without reference to the order of priority herein-prescribed. Directors of cooperative associations which are public utilities defined in section four hundred seventy-six point one (476.1) of the Code and directors of cooperative associations which are public utilities exempt from rate regulation as provided in that section, may pay deferred patronage dividends and redeem preferred stock, of deceased natural persons who were members, and may pay deferred patronage dividends or redeem preferred stock members who become ineligible without reference to priority. Payment of deferred patronage dividends or the redemption of

preferred stock of ineligible members shall be carried out to the extent and in the manner specified in the bylaws of the association.

Sec. 4. This Act is effective January first following its enactment.

Approved May 3, 1979

CHAPTER 120  
SECURITIES TRANSACTIONS

S. F. 463

AN ACT relating to the regulation of securities transactions.

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

Section 1. Section five hundred two point one hundred two (502.102), subsection two (2), Code 1979, is amended to read as follows:

2. "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer\* in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in:

a. Effecting transactions in a security exempted by section 502.202, subsections 1, 2, 3, 4, 6, 10, 11, or a security issued by an industrial loan company licensed under chapter 536A, Code 1977;

b. Effecting transactions exempted by section 502.203; or

c. Effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. "Agent" also does not include other individuals who are not within the intent of this subsection whom the administrator by rule or order designates. A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if such person otherwise comes within this definition.

Sec. 2. Section five hundred two point one hundred two (502.102), subsection four (4), paragraphs a, b and c, and paragraph d, subparagraph two (2), Code 1979, are amended to read as follows:

a. An agent-;\_

b. An issuer-;\_

c. An institutional investor, including an insurance company or bank, except where the insurance company or bank is engaged in the business of selling interests (other than through a subsidiary) in a separate account that are securities-;\_

(2) During any period of twelve consecutive months does not direct more than fifteen offers to sell or buy into this state in any manner to persons other than those specified in subparagraph (1) of this paragraph, whether or not the offeror or any of the offerees is then present in this state-;\_

\*According to enrolled Act

Sec. 3. Section five hundred two point one hundred two (502.102), subsection ten (10), paragraph f, subparagraph two (2), Code 1979, is amended to read as follows:

(2) Any stock split, other than a reverse stock split, or security dividend payable with respect to the securities of a corporation in the same or any other class of securities of such corporation, provided nothing of value, including the surrender of a right or an option to receive a cash or property dividend, is given by security holders for the security dividend.

Sec. 4. Section five hundred two point one hundred two (502.102), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Interest at the legal rate" means the interest rate for judgments specified in section five hundred thirty-five point three (535.3) of the Code.

Sec. 5. Section five hundred two point two hundred two (502.202), subsection twelve (12), paragraphs a and b, Code 1979, are amended to read as follows:

a. A co-operative association as defined in the Agricultural Marketing Act, or a federation of such co-operative associations that possesses no greater powers or purposes than co-operative associations so defined, if such stock or similar security:

(1) Qualifies its holder for membership in the co-operative association or federation, or in the case of patronage refund certificate, is issuable only to members; and

(2) Is transferable only to the issuer or to a successor in interest of the transferor that qualifies for membership in the co-operative association or federation;

b. A co-operative housing corporation described in paragraph 1 of subsection "b" of section 216, of the Internal Revenue Code of 1954, if its activities are limited to the ownership, leasing, management, or construction of residential properties for its members, and activities incidental thereto; or

Sec. 6. Section five hundred two point two hundred two (502.202), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Any security issued by a corporation formed under chapter four hundred ninety-six B (496B) of the Code.

Sec. 7. Section five hundred two point two hundred three (502.203), subsection two (2), paragraphs a, b and c, Code 1979, are amended to read as follows:

a. A recognized securities manual approved by the administrator contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations;

b. The security was issued by an issuer which has a class of securities currently registered under the Securities Exchange Act of 1934;

c. The security was issued by an issuer which has a class of securities registered under this chapter, or under chapter 502 of the Code as it existed prior to January 1, 1976; or

Sec. 8. Section five hundred two point two hundred three (502.203), subsection nine (9), paragraph a, unnumbered subparagraph one (1), Code 1979, is amended to read as follows:

9. a. The sale, as part of a single issue, of securities other than fractional undivided interests in oil, gas or other mineral leases, rights or royalties, and interests in a limited or general partnership organized under the laws of or having its principal place of business in a foreign jurisdiction, except as may be permitted by the administration by rule or by order, by the issuer thereof within any period of twelve consecutive months to not more than thirty-five purchasers in this state, exclusive of purchases by bona fide institutional investors for their own account for investment, provided that the issuer reasonably believes that all the buyers in this state are purchasing for investment, and that both of the following are complied with:

Sec. 9. Section five hundred two point two hundred three (502.203), subsection eleven (11), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH.

d. The sale, for cash, in connection with a stock dividend, of less than full shares of stock to avoid the issuance of fractional shares, by rounding up the stock dividend payable to any holder to the next higher full share.

Sec. 10. Section five hundred two point two hundred three (502.203), subsection thirteen (13), paragraphs a, b and c, Code 1979, are amended to read as follows:

a. A party to such transaction files proxy or informational materials pursuant to subsection "a" of section 14, or subsection "c" of section 14 of the Securities Exchange Act of 1934, or pursuant to section 20 of the Investment Company Act of 1940, provided that such materials are, at least ten days prior to the meeting of security holders called for the purpose of approving such transactions-:

(1) Filed with the administrator, and

(2) Distributed to each of the security holders of each party to such transaction-;

b. A party to such transaction is excused from registration under section 12 of the Securities Exchange Act of 1934 pursuant to subparagraph (G) of paragraph 2 of subsection "g" of section 12 of that Act, and such party is required by the laws of its domiciliary state to file proxy materials with an agency of said state provided that such proxy materials are, at least ten days prior to the meeting of security holders called for the purpose of approving such transaction-:

(1) Filed with the administrator, and

(2) Distributed to each of the security holders of each party to such transaction-;

c. One party to a merger owns not less than ninety percent of the outstanding shares of each class of stock of each other party to the merger-; or

Sec. 11. Section five hundred two point two hundred seven (502.207), subsection two (2), paragraph p, Code 1979, is amended to read as follows:

p. A balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis-of-surplus statement of changes in financial position for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years, and, if any part of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required if that business were the registrant, or such other financial statements as may be required pursuant to section 502.607, subsection 3.

Sec. 12. Section five hundred two point two hundred eight (502.208), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If a registrant sells securities in excess of the aggregate amount registered for sale in this state, the registrant may file an amendment to the registration statement to include the excess sales. Every person filing such an amendment shall pay a filing fee of three times the amount calculated in the manner specified in subsection two (2) of this section as though the additional securities sold constituted a separate issue. The administrator may order the amendment effective retroactively as of the effective date of the registration statement being amended.

Sec. 13. Section five hundred two point two hundred nine (502.209), subsection one (1), paragraphs a, b, c, d, e, f, g and h, Code 1979, are amended to read as follows:

a. The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, or any amendment filed under either subsection 9 or subsection 11 of section 502.208 as of its effective date, or any financial statement or report required under section 502.208, subsection 9 is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

b. Any provision of this chapter or any rule, order or condition lawfully imposed under this chapter has been willfully violated, in connection with the offering, by:

(1) The person filing the registration statement;

(2) The issuer;

(3) Any partner, officer or director of the issuer, or any person occupying a similar status or performing similar functions;

(4) Any affiliate of the issuer, but only if the person filing the registration statement is an affiliate of the issuer; or

(5) Any broker-dealer;

c. The securities registered or sought to be registered are the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state Act applicable to the offering; but the administrator may not institute a proceeding against an effective registration statement under this section more than one year from the date of the order or injunction relied on, and the administrator may not enter an order under this section on



the basis of an order or injunction entered under any other state Act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section-;

d. The issuer's enterprise or method of business includes or would include activities which are illegal where performed-;

e. The issuance or sale of the securities is or would be unfair or inequitable to purchasers or has worked or tended to work a fraud upon purchasers or would so operate-;

f. The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options-;

g. Advertising has been used in connection with the offering contrary to the provisions of section 502.602-;

h. The financial condition of the issuer affects or would affect the soundness of the securities-; or

Sec. 14. Section five hundred two point four hundred three (502.403), subsection one (1), paragraph b, and subsection two (2), Code 1979, are amended to read as follows:

b. To enter any order or orders for the purchase (or sale) of the security with the knowledge that an order or orders of substantially the same size, at substantially the same time, and at substantially the same price for the sale (or purchase) of the security have been or will be entered by or for the same or affiliated persons-;

2. To effect, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in the security or raising or depressing the price of the security for the purpose of inducing the purchase or sale of the security by others-; or

Sec. 15. Section five hundred two point five hundred two (502.502), Code 1979, is amended to read as follows:

502.502 FRAUDULENT PRACTICES.

1. Any person, other than an underwriter, who offers or sells a security in connection with an offering of securities (i) registered under section five hundred two point two hundred seven (502.207) of the Code or under the Securities Act of 1933, or (ii) pursuant to an exemption from registration under section 3(b) of the Securities Act of 1933, in violation of section five hundred two point four hundred one (502.401) of the Code, the purchaser not knowing of the violation, shall be liable to the purchaser, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at the legal rate from the date of payment, costs and reasonable attorneys' fees, less the amount of any income or distributions, in cash or in kind, received on the security, upon the tender of the security, or for damages if the purchaser no longer owns the security. Damages shall be the amount that would be recoverable upon a tender less:

a. The value of the security when the purchaser disposed of it; and

b. Interest on said value at the legal rate from the date of disposition.

The persons on whose behalf an offering is made shall be jointly and severally liable under this subsection. Tender requires only notice of

willingness to exchange the security for the amount specified. Any notice may be given by service as in civil actions or by certified mail addressed to the last known address of the person liable.

1 2. Any ~~person~~ underwriter and any person, other than a person on whose behalf an offering described in subsection one (1) of this section is made, who offers or sells a security in violation of ~~sections section~~ section 502.401 ~~or 502-404~~, the purchaser not knowing of the violation, and who fails to sustain the burden of proof that he, she or it did not know and in the exercise of reasonable care could not have known of the violation, shall be liable to the purchaser, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at the legal rate from the date of payment, costs and reasonable attorneys' fees, less the amount of any income or distributions, in cash or in kind, received on the security, upon the tender of the security, or for damages if the purchaser no longer owns the security. Damages shall be the amount that would be recoverable upon a tender less:

- a. The value of the security when the purchaser disposed of it; and
- b. Interest on said value at the legal rate from the date of disposition.

PARAGRAPH DIVIDED. Any person liable under this subsection on whose behalf an offering is made and any underwriter of the offering, whether on a best efforts or a firm commitment basis, shall be jointly and severally liable under this ~~section~~ subsection, but in no event shall any underwriter be liable in any suit or suits authorized under this ~~section~~ subsection for damages in excess of the total price at which the securities underwritten by it and distributed to the public were offered to the public. Tender requires only notice of willingness to exchange the security for the amount specified. Any notice may be given by service as in civil actions or by certified mail addressed to the last known address of the person liable.

2 3. Any person who offers to purchase or purchases a security in violation of ~~sections section~~ section 502.401 ~~or 502-404~~, the seller not knowing of the violation, and who fails to sustain the burden of proof that he, she or it did not know and in the exercise of reasonable care could not have known of the violation, shall be liable to the seller, who may sue either at law or in equity to recover the security, costs, and reasonable attorney's fees, plus any income or distributions, in cash or in kind, received by the purchaser thereon, upon tender of the consideration received, or for damages if the purchaser no longer owns the security. Damages shall be the excess of the value of the security when the purchaser disposed of it, plus interest at the legal rate from the date of disposition, over the consideration paid for the security. Tender requires only notice of willingness to pay the amount specified in exchange for the security. Any notice may be given by service as in civil actions or by certified mail to the last known address of the person liable.

3 4. Any person who willfully and knowingly participates in any act or transaction in violation of sections 502.403, five hundred two point four hundred four (502.404) of the Code, 502.405 or 502.407 shall be liable to any other person who purchases or sells any security (but not a mere holder thereof) at a price which was affected by the act or transaction for the

damages sustained as a result of such act or transaction. Damages shall not exceed the difference between the price at which the other person purchased or sold securities and the market value which the securities would have had at the time of such purchase or sale in the absence of the act or transaction, plus interest at the legal rate, costs and reasonable attorneys' fees.

4 5. Any person, referred to in this subsection as the "defendant", who violates section 502.402 shall be deemed to be unjustly enriched and liable to any person, referred to in this subsection as the "plaintiff", who purchased or may have purchased a security from, or sold or may have sold a security to, the defendant in connection with such violation, for damages equal to the difference between the price at which such security was purchased or sold and the market value which such security would have had at the time of the purchase or sale if the information known to the defendant had been publicly disseminated prior to that time and a reasonable time had elapsed for the market to absorb the information, plus interest at the legal rate, costs and reasonable attorneys' fees, unless the defendant proves that the plaintiff knew the information or that the plaintiff would have purchased or sold at the same price even if the information had been revealed to the plaintiff.

5 6. Any person who is aggrieved by a violation of section 502.407 may bring an action in the district court to enjoin the acts complained of and, upon proper showing, to require that correcting material be disseminated, and such person may be awarded costs and reasonable attorney's fees.

Sec. 16. Section five hundred two point five hundred three (502.503), subsection one (1), Code 1979, is amended to read as follows:

1. Affiliates of a person liable under either section 502.501 or 502.502, partners, principal executive officers or directors of such person, persons occupying a similar status or performing similar functions for such person, ~~employees--of--such--person~~ persons (whether employees of such person or otherwise) who materially aid and abet in the act or transaction constituting the violation, and broker-dealers or agents who materially aid and abet in the act or transaction constituting the violation, are also liable jointly and severally with and to the same extent as such person, unless ~~any--person liable--hereunder--proves--that--he--she--or--it--did--not--know--and--in--the--exercise--of--reasonable--care--could--not--have--known--of--the--existence--of--the--facts--by--reason--of--which--the--liability--is--alleged--to--exist--:~~

a. With respect to section five hundred two point five hundred one (502.501) of the Code and section five hundred two point five hundred two (502.502), subsections one (1) and five (5) of the Code, any person liable hereunder proves that he, she or it did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist; and

b. With respect to section five hundred two point five hundred two (502.502), subsections two (2) and three (3) of the Code, any person liable hereunder proves that he, she or it did not know, and was not grossly negligent in failing to know, of the existence of the facts by reason of which the liability is alleged to exist.

Sec. 17. Section five hundred two point six hundred four (502.604), subsection one (1), Code 1979, is amended to read as follows:

1. Issue an order directed at any such person requiring such person to cease and desist from engaging in such act or practice; or

Sec. 18. Section four hundred ninety-six B point eighteen (496B.18), Code 1979, is repealed. Chapter five hundred one (501), Code 1979, is repealed.

Approved April 20, 1979

## CHAPTER 121 MEMBERSHIP SALES

S. F. 425

AN ACT relating to chapter five hundred three (503) of the Code.

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

Section 1. Section five hundred three point two (503.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The term "association" when used in this chapter shall mean any person, firm, company, partnership, association, or corporation other than building and loan associations, state and national banks, insurance companies and associations, and corporations and co-operative associations subject to the provisions of chapters 497, 498 and 501, which sell, or offer for sale ~~or issue~~ to the public generally memberships or certificates of membership entitling the holder thereof to purchase merchandise, materials, equipment or services on a discount or cost-plus basis.

Sec. 2. Section five hundred three point two (503.2), unnumbered paragraph two (2), Code 1979, is amended by striking that paragraph.

Sec. 3. Section five hundred three point three (503.3), Code 1979, is amended to read as follows:

503.3 NONAPPLICABILITY. This chapter shall not apply to any ~~corporation or association organized upon the assessment plan, for the purpose of insuring the lives of individuals or furnishing benefits to the widows, heirs, orphans, or legatees of deceased members, or insuring the health of persons, or furnishing accident indemnity, nor to any benevolent associations or societies.~~ of the following:

1. A corporation or association organized upon the assessment plan for the purpose of insuring the lives of individuals or furnishing benefits to the widows, heirs, orphans or legatees of deceased members.

2. A benevolent association or society.

3. An association which sells or offers for sale memberships to an individual or to a family unit for consideration which is fifty dollars or less for a one-year period.

Sec. 4. Section five hundred three point four (503.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

No association contemplated by this chapter shall ~~issue~~ sell or offer for sale any membership until it shall have procured from the commissioner of insurance a certificate of authority authorizing it to engage in such business.

Sec. 5. Section five hundred three point five (503.5), Code 1979, is amended to read as follows:

503.5 CERTIFICATE OF AUTHORITY. Upon the filing of the application referred to in section 503.4, if the commissioner of insurance is satisfied that the business is not in violation of law, or against public policy, ~~and is safe, reliable, and entitled to public confidence,~~ and that the certificate or contract is in proper form, he may issue a certificate of authority authorizing it to transact business within this state for the period of one year from the date of the issuance thereof.

Sec. 6. Section five hundred three point eleven (503.11), Code 1979, is amended to read as follows:

503.11 REVOCATION OF CERTIFICATE--RECEIVER--INJUNCTION. If upon such examination, or at any other time after reasonable notice and a hearing, it shall appear that such association does not conduct its business in accordance with law, or is insolvent, or is doing an unsafe and unsound business, or is conducting its business contrary to public policy, or that the further continuance of its business is hazardous and against the public interest, or if such association upon request refuses to be examined, or fails to make the ~~deposit~~ and reports as herein required, he shall revoke its certificate of authority, and having revoked the certificate of authority of such association he shall report this fact to the attorney general, who shall at once apply to the district court or a judge thereof, for the appointment of a receiver to close up the affairs of such association, and an injunction may issue in the same proceeding enjoining and restraining the association from transacting business in this state.

Sec. 7. Sections five hundred three point seven (503.7) and five hundred three point twelve (503.12), Code 1979, are repealed.

Approved June 1, 1979

CHAPTER 122  
GIFTS OR GRANTS TO NONPROFIT CORPORATIONS

S. F. 438

AN ACT relating to the retention of the corporate existence of merged or consolidated nonprofit corporations for the purpose of receiving property by devise, bequest, gift or grant.

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

Section 1. Section five hundred four A point forty-four (504A.44), Code 1979, is amended to read as follows:

504A.44 EFFECT OF MERGER OR CONSOLIDATION. Upon the issuance of the certificate of merger or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected.

When such merger or consolidation has been effected:

1. The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of consolidation, shall be the new corporation provided for in the plan of consolidation.

2. The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease except as provided for in subsection five (5) of this section.

3. Such surviving or new corporation, if to exist under the laws of this state, shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this chapter.

4. Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

5. A devise, bequest, gift or grant contained in a will or other instrument, made before or after the merger or consolidation, to or for the benefit of any of the merging or consolidating corporations, shall inure to the benefit of the surviving or new corporation. So far as is necessary for that purpose, the existence of each merging or consolidating corporation shall be deemed to continue in and through the surviving or new corporation.

5 6. Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

6 7. In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this chapter shall be deemed to be the original articles of incorporation of the new corporation.

Approved May 8, 1979

## CHAPTER 123

### CAPITAL AND SURPLUS OF INSURANCE COMPANIES

H. F. 455

AN ACT relating to the amount of capital and surplus required for insurance companies to transact business in Iowa.

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

Section 1. Section five hundred eight point five (508.5), Code 1979, is amended to read as follows:

508.5 CAPITAL AND SURPLUS REQUIRED. ~~No~~ A stock life insurance company shall not be authorized to transact business under the provisions of this chapter with less than ~~three--hundred--fifty--thousand~~ one million dollars capital stock fully paid for in cash and ~~four-hundred-thousand~~ one million dollars of surplus paid in in cash or invested as provided by law. The stock shall be divided into shares of not less than one dollar par value each. ~~Nothing--herein--contained--shall--affect--companies--now--authorized--to--transact--business--under--the--provisions--of--this--chapter--~~

Sec. 2. Section five hundred eight point nine (508.9), Code 1979, is amended to read as follows:

508.9 MUTUAL COMPANIES--CONDITIONS. Level premium and natural premium life insurance companies organized under the laws of this state upon the mutual plan shall, before issuing any policies, have actual applications on at least two hundred and fifty lives for an average amount of one thousand dollars each, ~~a list of which,~~ A list of the applications giving the name,

age, residence, amount of insurance, and annual premium of each applicant shall be filed with the commissioner of insurance, and a deposit made with him the commissioner of an amount equal to three-fifths of the whole annual premium on said the applications, in cash or the securities required by section 508.5, ~~and in addition thereto~~. In addition a deposit of cash or securities of the character provided by law for the investment of funds for life insurance companies in the sum of ~~three--hundred--thousand~~ two million dollars shall be made with the commissioner, which shall constitute a guaranty fund for the protection of policyholders. In no event shall the contribution to said the guaranty fund give to any contributors ~~thereof~~, to the fund or to any other persons any voting or other power in the management of the affairs of the company ~~by reason of such contribution~~. Said The guaranty fund may be repaid to the contributors thereto with interest at six percent from the date of contribution, at any time, in whole or in part, provided such the repayment does not reduce the surplus of the company below the amount of ~~three--hundred--thousand~~ two million dollars and then only provided consent in writing for such the repayment is obtained from the commissioner of insurance, ~~and on~~. Upon compliance with the provisions of this section, the commissioner shall issue to such the mutual company the certificate ~~hereinafter~~ prescribed in this chapter.

Sec. 3. Section five hundred fifteen point eight (515.8), Code 1979, is amended to read as follows:

515.8 PAID-UP CAPITAL REQUIRED. ~~No~~ An insurance company other than life shall not be incorporated to transact business upon the stock plan with less than ~~two-hundred-thousand~~ one million dollars capital, the entire amount of which shall be fully paid up in cash and invested as provided by law. ~~No increase of the~~ An insurance company other than life shall not increase its capital stock ~~of--any--company--shall-be-made~~ unless the amount of such the increase is fully paid up in cash. The stock shall be divided into shares of not less than one dollar each.

Sec. 4. Section five hundred fifteen point ten (515.10), Code 1979, is amended to read as follows:

515.10 SURPLUS REQUIRED. ~~Such company shall be possessed~~ An insurance company other than a life insurance company shall have, in addition to the required paid-up capital, ~~of~~ a surplus in cash or invested in securities authorized by law of not less than ~~three--hundred--thousand~~ one million dollars. If the commissioner of insurance finds that a company offers or plans to offer only one kind of insurance ~~he~~ the commissioner may reduce the amount of surplus required, but in no event shall it be reduced to less than ~~one~~ three hundred thousand dollars.

Sec. 5. Section five hundred fifteen point twelve (515.12), subsection five (5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~It~~ The mutual company shall have in cash or in securities in which insurance companies are authorized to invest, surplus in an amount ~~of~~ not less than two ~~hundred--thousand~~ million dollars, ~~---provided---that---the~~ ~~commissioner--of--insurance,--if--in--his--judgment--it--appears--necessary,--may~~ ~~require--surplus--in--excess--of--said--amount,--but--not--more--than--three--hundred~~



~~thousand-dollars~~. The surplus so required may be advanced in accordance with the provisions of section 515.19.

Sec. 6. Section five hundred fifteen point sixty-nine (515.69), Code 1979, is amended to read as follows:

515.69 FOREIGN COMPANIES--CAPITAL REQUIRED. ~~No~~ A stock insurance company organized under or by the laws of any other state or foreign government for the purpose specified in this chapter, shall not, directly or indirectly, take risks or transact any business of insurance in this state unless ~~possessed--of--two--hundred--thousand~~ the company has one million dollars of actual paid-up capital, and a surplus in cash or invested in securities authorized by law of not less than ~~three--hundred--thousand~~ one million dollars, exclusive of any assets deposited in any a state, territory, district, or country for the special benefit or security of those insured therein.

Sec. 7. Section five hundred fifteen point seventy-six (515.76), subsection one (1), Code 1979, is amended to read as follows:

1. In case ~~any--such~~ of a mutual company issuing policies for a cash premium without an additional contingent liability equal to or greater than the cash premium, the surplus shall be at least ~~three--hundred--thousand~~ two million dollars.

Sec. 8. Section five hundred fifteen point ninety-two (515.92), Code 1979, is amended to read as follows:

515.92 STATEMENT OF CAPITAL AND SURPLUS. Every advertisement or public announcement, and every sign, circular, or card issued or published by any a foreign company transacting the business of ~~fire~~ casualty insurance in the state, or by an officer, agent, or representative thereof, ~~which--shall purport that purports to make--known--its~~ disclose the company's financial standing, shall exhibit the capital actually paid in in cash, and the amount of net surplus of assets over all its liabilities actually held and available for the payment of losses by fire and for the protection of holders of fire policies, and shall also exhibit the amount of net surplus of assets over all liabilities in the United States actually available for the payment of losses by fire and held in the United States for the protection of holders of fire policies in the United States, including in such liabilities the fund reserved for reinsurance of outstanding risks, and the same shall correspond with the latest verified statement made by the company or association to the commissioner of insurance. ~~No--such~~ The company shall not write, place, or cause to be written or placed, any a policy or contract for insurance upon property situated or located in this state except through its resident agent or agents.

Sec. 9. This Act shall not affect insurance companies authorized to transact business in Iowa on the effective date of this Act.

Sec. 10. This Act is effective January first following its enactment.

CHAPTER 124  
LIFE AND FRATERNAL INSURANCE VALUATION STANDARDS

H. F. 462

AN ACT relating to valuation standards and nonforfeiture provisions for policies of insurance subject to chapters five hundred eight (508) and five hundred twelve (512) of the Code.

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

Section 1. Section five hundred eight point thirty-six (508.36), subsections two (2) and three (3), Code 1979, are amended to read as follows:

2. This subsection shall apply to only those policies and contracts issued prior to the operative date of section 508.37 (the Standard Nonforfeiture Law for Life Insurance).

Except as otherwise provided in subsection 3, paragraphs "f" "g" and "h" for group annuity and pure endowment contracts, the minimum standard of valuation for all policies of domestic life insurance companies shall be the Commissioners Reserve Valuation Method defined in paragraph "b" of subsection 3 and the American Experience Table of Mortality and four and one-half percent interest or the Actuaries' (or Combined) Experience Table of Mortality and four percent interest, except that the minimum standard for the valuation of annuities and pure endowments purchased under group annuity and pure endowment contracts shall be that provided by this subsection but replacing the interest rates specified in this subsection by an interest rate of five percent per annum.

Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this subsection.

3. This subsection shall apply to only those policies and contracts issued on or after the operative date of section 508.37 (the Standard Nonforfeiture Law for Life Insurance), except as otherwise provided in paragraphs "f" "g" and "h" for group annuity and pure endowment contracts issued prior to such operative date.

a. Except as otherwise provided in paragraphs "f" "g" and "h", the minimum standard for the valuation of all such policies and contracts shall be the Commissioners Reserve Valuation ~~Method~~ Methods defined in ~~paragraph "b"~~ paragraphs "b", "c" and "f" of this subsection 3, five percent interest for group annuity and pure endowment contracts and three and one-half percent interest for all other such policies and contracts, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after July 1, 1974, ~~and prior to January 1, 1986,~~ four percent interest for such policies issued prior to January 1, 1980, and four and one-half percent interest for such policies issued on or after January 1, 1980, and the following tables:

(1) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,--the Commissioners 1958 Standard Ordinary Mortality Table, provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this subsection 3 may be calculated according to an age not more than ~~three~~ six years younger than the actual age of the insured.

(2) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,--the 1941 Standard Industrial Mortality Table; provided, however, that the Commissioners 1961 Standard Industrial Mortality Table shall be the table for the minimum standard when said table becomes applicable under the Standard Nonforfeiture Law in accordance with section 508.37, subsection 5.

(3) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,--the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(4) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,--the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(5) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,--the tables of "Period 2" disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit. Such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(6) For accidental death benefits in or supplementary to policies,--the 1959 Accidental Death Benefits Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(7) For group life insurance, life insurance issued on the substandard basis and other special benefits,--such tables as may be approved by the commissioner.

b. Reserves Except as otherwise provided in paragraphs "c" and "f" of this subsection, reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (x) over (y), as follows:

(x) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(y) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section four hundred eight (408) of the United States Internal Revenue Code of 1954, as now or hereafter amended, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this paragraph "b", except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

c. This section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section four hundred eight (408) of the United States Internal Revenue Code of 1954, as now or hereafter amended.

Reserves according to the commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

d. In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the method methods set forth in paragraph "b" above paragraphs "b", "c" and "f" of this subsection and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

e. Reserves for any category of policies, contracts or benefits as established by the commissioner, may be calculated at the option of the company according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided. ~~Provided, however, that reserves for participating life insurance policies may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half percent the company issuing such policies shall file with the commissioner a plan providing for such equitable increase, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.~~

f. If in any contract year the gross premium charged by any life insurance company on any policy or contract is less than the valuation net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, according to the minimum standard prescribed in this section, ~~there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law.~~ For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium paying period the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest and method actually used for such policy or contract, or the reserve calculated according to the mortality table, rate of interest and method used in calculating the reserve thereon according to the minimum standard prescribed by this section but replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

g. The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the Commissioners Reserve Valuation Method Methods defined in paragraph "b" paragraphs "b" and "c" of this subsection and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts issued prior to ~~January 1, 1986~~ January 1, 1980, excluding any disability and accidental death benefits in such contracts, ~~the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and~~

six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

(2) For ~~individual--annuity--and--pure-endowment--contracts--issued--on--or--after--January--1--1986--excluding--any--disability--and--accidental--death--benefits--in--such--contracts--the--1971--Individual--Annuity--Mortality--Table--or--any--modification--of--this--table--approved--by--the--commissioner--and--three--and--one--half--percent--interest~~ individual single premium immediate annuity contracts issued on or after January 1, 1980, excluding any disability and accidental death benefits in such contracts, ~~the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half percent interest.~~

(3) For ~~all--annuities--and--pure--endowments--purchased--prior--to--January--1--1986--under--group--annuity--and--pure--endowment--contracts--excluding--any--disability--and--accidental--death--benefits--purchased--under--such--contracts--the--1971--Group--Annuity--Mortality--Table--or--any--modification--of--this--table--approved--by--the--commissioner--and--six--percent--interest~~ individual annuity and pure endowment contracts issued on or after January 1, 1980 other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, ~~the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.~~

(4) For all annuities and pure endowments purchased ~~on--or--after--January--1--1986~~ prior to January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits in purchased under such contracts, ~~the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and three--and--one--half~~ six percent interest.

(5) For all annuities and pure endowments purchased on or after January 1, 1980 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, ~~the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner and seven and one-half percent interest.~~

§ h. After July 1, 1974, any company may file with the commissioner a written notice of its election to comply with the provisions of paragraph "f" "g" after a specified date before January 1, 1979, which shall be the operative date of paragraph "f" "g" for such company; provided, a company may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If a company makes no such election, the operative date of paragraph "f" "g" for such company shall be January 1, 1979.

Sec. 2. Section five hundred eight point thirty-seven (508.37), unnumbered paragraph one (1) and subsection five (5), unnumbered paragraph four (4), Code 1979, are amended to read as follows:

This section shall be known as the "Standard Nonforfeiture Law for Life Insurance."

All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than ~~three~~ six years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table; provided, however, that any company may file with the commissioner a written notice of its election that such adjusted premiums and present values shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table, after a specified date before January 1, 1968; provided, further, that, whether or not any election has been made, such Commissioners 1961 Standard Industrial Mortality Table shall be the basis for such calculations as to all policies of industrial insurance issued on or after January 1, 1968. All calculations shall be made on the basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that such rate of interest shall not exceed three and one-half percent per annum, except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after July 1, 1974, and prior to ~~January 1, 1986~~ January 1, 1980, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after January 1, 1980. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed in the case of policies of ordinary insurance, may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table, and, in the case of policies of industrial insurance, may be not more than one hundred thirty percent of the rates of mortality according to the 1941 Standard Industrial Mortality Table, except that when the Commissioners 1961 Standard Industrial Mortality Table becomes applicable, as hereinbefore provided, such rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table, provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

Sec. 3. Chapter five hundred eight (508), Code 1979, is amended by adding the following new section as section five hundred eight point thirty-eight (508.38) of that chapter:

NEW SECTION. 508.38 STANDARD NONFORFEITURES. This section shall be known as the "Standard Nonforfeiture Law for Individual Deferred Annuities."

1. This section does not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section four hundred eight (408) of the United States Internal Revenue Code of 1954, as now or hereafter amended, premium deposit fund, variable

annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which is delivered outside this state through an agent or other representative of the company issuing the contract.

2. In the case of contracts issued on or after the operative date of this section as defined in subsection eleven (11) of this section, no contract of annuity, except as stated in subsection one (1) of this section, shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract:

a. That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections four (4), five (5), six (6), seven (7), and nine (9) of this section.

b. If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections four (4), five (5), seven (7), and nine (9) of this section. The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six months after demand therefor with surrender of the contract.

c. A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

d. A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this subsection two (2), any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

3. The minimum values as specified in subsections four (4), five (5), six (6), seven (7), and nine (9) of this section of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.



a. With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three percent per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of (i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent per annum and (ii) the amount of any indebtedness to the company on the contract, including interest due and accrued; and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent of the net consideration for the first contract year and eighty-seven and one-half percent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent.

b. With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

- (1) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five percent of the net consideration for the first contract year plus twenty-two and one-half percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years; and
- (2) The annual contract charge shall be the lesser of (i) thirty dollars or (ii) ten percent of the gross annual consideration.

c. With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety percent and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars.

4. Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

5. For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

6. For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

7. For the purpose of determining the benefits calculated under subsections five (5) and six (6) of this section, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

8. Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

9. Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

10. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections four (4), five (5), six (6), seven (7), and nine (9) of this section, additional benefits payable (a) in the event of total and permanent disability; (b) as reversionary annuity or deferred reversionary annuity benefits, or (c) as other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

11. After January 1, 1980, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date but before January 1, 1981. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts thereafter issued by such company. The operative date of this section shall be January 1, 1981 for all companies which do not so elect an operative date which is earlier than January 1, 1981.

Sec. 4. Section five hundred twelve point forty-three (512.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

No fraternal beneficiary society not admitted to transact business in this state prior to July 4, 1907, shall be incorporated, or given a permit or certificate of authority to transact business within this state, unless it shall first show that the mortuary assessment rates provided for in whatever plan of business it has adopted, including the issuance of term, whole life, or limited payment certificates with withdrawal options, are not lower than is indicated as necessary by the following mortality table, or any more recent table which is applicable to life insurance companies:

Sec. 5. Section five hundred twelve point forty-five (512.45), Code 1979, is amended to read as follows:

512.45 VALUATION OF CERTIFICATES. ~~The certificate written by any domestic fraternal beneficiary association operating under the provisions of the foregoing mortality table shall be valued in the same manner as provided in section 509-36, except that such valuation shall be based upon the foregoing mortality table and four percent interest.~~

~~If the society makes loans on its certificates, the valuation shall be based upon a mortality table not lower than the American table of mortality and four and one-half percent interest.~~ The minimum standards of valuation for certificates issued prior to January 1, 1980, shall be those provided by

the law in effect prior to January 1, 1980, but not lower than the standards used in the calculation of rates for the certificates. The minimum standards of valuation for certificates issued on or after January 1, 1980, shall be those provided for life insurance companies.

Sec. 6. Sections five hundred twelve point fifty-seven (512.57) and five hundred twelve point fifty-eight (512.58), Code 1979, are repealed.

Sec. 7. This Act takes effect January 1, 1980.

Approved April 2, 1979

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CHAPTER 125  
LIFE INSURANCE INVESTMENTS

H. F. 460

AN ACT to authorize life insurance companies and associations under chapter five hundred eleven (511) of the Code to invest in fixed interest-bearing obligations of certain financial companies and obligations of foreign governments, subject to certain limitations.

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

Section 1. Section five hundred eleven point eight (511.8), subsection five (5), paragraph a, Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, with respect to fixed interest-bearing obligations which are issued, assumed or guaranteed by a financial company, the net earnings by the financial company available for its fixed charges for the period of five fiscal years preceding the date of acquisition of the obligations by the insurance company shall have averaged per year not less than one and one-fourth times such average annual fixed charges of the issuing, assuming or guaranteeing financial company applicable to such period, and, during at least one of the last two years of the period, its net earnings shall have been not less than one and one-fourth times its fixed charges for such year; or if, at the date of acquisition, the obligations are adequately secured and speculative elements are not predominant in their investment qualities and characteristics. As used in this paragraph, "financial company" means a corporation which on the average over its last five fiscal years preceding the date of acquisition of its obligations by the insurer, has had at least fifty percent of its net income, including income derived from subsidiaries, derived from the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, or from banking or factoring, or from similar or related lines of business.

Sec. 2. Section five hundred eleven point eight (511.8), Code 1979, is amended by adding the following new subsection:

**NEW SUBSECTION. OTHER FOREIGN GOVERNMENT OR CORPORATE OBLIGATIONS.** Bonds or other evidences of indebtedness, not to include currency, issued, assumed or guaranteed by a foreign government other than Canada, or by a corporation incorporated under the laws of a foreign government other than Canada. Any such governmental obligations must be valid, legally authorized and issued. Any such corporate obligations must meet the qualifications established in subsection five (5) of this section for bonds and other evidences of indebtedness issued, assumed, or guaranteed by a corporation incorporated under the laws of the United States or the Dominion of Canada. Foreign investments authorized by this subsection are not eligible in excess of one percent of the legal reserve of the life insurance company or association.

Eligible investments in foreign obligations under this subsection are limited to the types of obligations specifically referred to in this subsection. This subsection in no way limits or restricts investments in Canadian obligations and securities specifically authorized in other subsections of this section.

This subsection shall not authorize investment in evidences of indebtedness issued, assumed, or guaranteed by a foreign government which engages in a consistent pattern of gross violations of human rights.

Sec. 3. This Act takes effect January first following its enactment.

Approved June 6, 1979

## CHAPTER 126

### UNITED STATES FARM CREDIT SYSTEM INVESTMENTS

H. F. 395

AN ACT relating to investments in obligations of the United States farm credit system by persons whose investments are restricted by the laws of this state.

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

Section 1. Section five hundred fifteen point thirty-five (515.35), subsection one (1), Code 1979, is amended to read as follows:

1. FEDERAL AND TERRITORIAL OBLIGATIONS. Bonds or other evidences of indebtedness issued or guaranteed by the United States, ~~federal-farm-loan-bonds notes or other obligations, issued by federal land banks, federal intermediate credit banks, banks for cooperatives, or any of~~\*all of the federal farm credit banks, federal home loan bank bonds, home owners' loan corporation bonds, bonds, notes or obligations representing loans and advances of credit which are eligible for insurance by the federal housing administrator, and bonds, notes or obligations secured by real property or leasehold which the federal housing administrator has insured or has committed himself or herself to insure or debentures issued by such administrator.

\*According to enrolled Act

Sec. 2. Section five hundred thirty-three point four (533.4), subsection five (5), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Obligations issued by federal land banks, federal intermediate credit banks, banks for cooperatives, or any or\* all of the federal farm credit banks.

Sec. 3. Section six hundred eighty-two point twenty-three (682.23), subsection two (2), Code 1979, is amended to read as follows:

2. FEDERAL BANK BONDS. Bonds, notes or other obligations issued by any federal land bank ~~or by the federal Farm Mortgage Corporation or any corporation or governmental agency or instrumentality authorized to issue bonds, or debentures under the Act of Congress designated as the federal Farm Loan Act (12-USA, ss641-1012, 1021-1129) and Acts amendatory thereof,~~ federal intermediate credit bank, bank for cooperatives, or any or all of the federal farm credit banks, and in bonds issued by any federal home loan bank under the Act of Congress known and cited as the federal Home Loan Bank Act, (12 USC, ss1421-1449) and the Acts amendatory thereof.

Approved April 20, 1979

\*According to enrolled Act  
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## CHAPTER 127 SELF-INSURANCE INSPECTIONS

H. F. 730

AN ACT relating to inspections by inspectors inspecting for self-insurance or group self-insurance purposes of the place of employment.

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

Section 1. Section five hundred seventeen point five (517.5), Code 1979, is amended to read as follows:

517.5 INSPECTION NOT BASIS FOR CIVIL LIABILITY. No inspection of any place of employment made by insurance company inspectors or other inspectors inspecting for group self-insurance purposes, shall be the basis for the imposition of civil liability upon the inspector or upon the insurance company employing the inspector or upon any group organized for self-insurance purposes which employs an inspector and is regulated by the insurance department; but this provision refers only to liability arising out of the making of an inspection and shall not be construed to deny or limit the liability of any employer to his or her employees or the liability of any insurance carrier on its insurance policy.

Approved June 5, 1979

CHAPTER 128  
BANKING PROCEDURES

H. F. 649

AN ACT to amend Iowa banking Act provisions regarding state bank reports of condition, directors' qualifications, incorporation procedures, reserve requirements, property ownership, interest payments and loans.

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

Section 1. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. SEMITRAILER RETAIL INSTALLMENT CONTRACT--FINANCE CHARGES. Notwithstanding the provisions of any other law, a retail installment contract or agreement for the sale of a semitrailer may include a finance charge not in excess of the following rates:

Class 1. Any new semitrailer designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and one-fourth percent per month simple interest on the declining balance of the amount financed.

Class 2. Any new semitrailer not in Class 1 and any used semitrailer designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

Class 3. Any used semitrailer not in Class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

Amount financed shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

Sec. 2. Section five hundred twenty-four point two hundred eleven (524.211), subsections one (1) and two (2), Code 1979, is amended to read as follows:

1. No sum of money or property, as a gift or loan, or otherwise, shall be given or granted, directly or indirectly by a state bank, or by persons subject to chapters 533, 533A, 533B, 536, 536A, or any affiliate of a state bank or of such persons, or any director, officer, employee, member, owner, or partner of a state bank or of such persons, to the superintendent, deputy superintendent, an assistant or examiner, nor shall the superintendent, deputy superintendent, an assistant or examiner receive from a state bank or from persons subject to chapters 533, 533A, 533B, 536, and 536A, or any affiliate of a state bank or of such persons, or any director, officer, employee, member, owner, or partner of a state bank or of such persons, any sum of money or any property as a gift or loan, or otherwise, either directly or indirectly.

2. The deputy superintendent, any assistant or examiner, shall not perform any services for, nor be a shareholder, member, partner, owner, director, officer or employee of any bank or private bank, or of persons subject to chapters ~~533~~, 533A, 533B, 536, or 536A, or of any affiliate of any bank, private bank or of any such persons. A violation of this subsection shall constitute grounds for discharge or suspension from employment or for reduction in rank or grade.

Sec. 3. Section five hundred twenty-four point two hundred twelve (524.212), Code 1979, is amended to read as follows:

524.212 PROHIBITION AGAINST DISCLOSURE. An examiner shall not disclose to any person, other than the superintendent, deputy superintendent, and the person examined, the name of any shareholder, member, partner, owner of, or borrower from, or disclose the nature of the collateral for any loan by any state bank or persons subject to chapters ~~533~~, 533A, 533B, 536, and 536A, or any affiliate of any state bank or of any such persons, or any other information relating to the business of any state bank or of any such persons, or any affiliate of any state bank or of any such persons, except when ordered to do so by a court of competent jurisdiction and then only in those instances referred to in subsections 1, 2, and 3 of section 524.215.

Sec. 4. Section five hundred twenty-four point two hundred twenty (524.220), subsection two (2), Code 1979, is amended to read as follows:

2. The statement shall be transmitted to the superintendent within ~~ten~~ thirty days after the receipt of a request for the statement from the superintendent. A statement shall be called for by the superintendent at least three times each year.

Sec. 5. Section five hundred twenty-four point two hundred twenty (524.220), subsection three (3), Code 1979, is amended to read as follows:

3. Within ~~twenty~~ forty days after the date of the receipt of the request for a statement of condition, the state bank shall cause the statement to be published once in a newspaper of general circulation in the municipal corporation or unincorporated area in which the state bank has its principal place of business, or if there is none, in a newspaper of general circulation published in the county, or in a county adjoining the county, in which the state bank has its principal place of business. Proof of such publication by affidavit of the publisher of the newspaper in which it was made, shall be delivered to the superintendent and shall be conclusive evidence of the fact.

Sec. 6. Section five hundred twenty-four point three hundred four (524.304), Code 1979, is amended to read as follows:

524.304 PUBLICATION OF NOTICE. The incorporators of a state bank shall publish notice of their intention to deliver, or the delivery of, the articles of incorporation to the superintendent, once each week for two successive weeks in a newspaper of general circulation published in the municipal corporation which is proposed as the principal place of business of the state bank, or if there is none, a newspaper of general circulation published in the county, or in a county adjoining the county, in which the proposed state bank is to have its principal place of business. The first publication of the notice shall appear prior to, or within ~~seven~~ ten days after, the date of delivery of the articles of incorporation to the superintendent and shall set forth:



1. The name of the proposed state bank.
2. A statement that it is to be incorporated under this chapter.
3. The purpose or purposes of the state bank.
4. The names and addresses of the incorporators and of the members of the initial board of directors as they appear, or will appear, in the articles of incorporation.
5. The date of the delivery of the articles of incorporation to the superintendent.

6. If the incorporation of the state bank has been approved by the superintendent under section five hundred twenty-four point three hundred five (524.305), subsection six (6), the name and address of the bank with which the state bank will have merged or consolidated, or the assets of which the state bank will have acquired or the condition of which in some other way provided a purpose for the incorporation.

Sec. 7. Section five hundred twenty-four point three hundred five (524.305), Code 1979, is amended to read as follows:

524.305 APPROVAL BY SUPERINTENDENT.

1. Upon receipt of an application for approval of a state bank the superintendent shall conduct such investigation as he deems necessary to ascertain whether:

1 a. The articles of incorporation and supporting items satisfy the requirements of this chapter.

2 b. The convenience and needs of the public will be served by the proposed state bank.

3 c. The population density or other economic characteristics of the area primarily to be served by the proposed state bank afford reasonable promise of adequate support for the state bank.

4 d. The character and fitness of the incorporators and of the members of the initial board of directors are such as to command the confidence of the community and to warrant the belief that the business of the proposed state bank will be honestly and efficiently conducted.

5 e. The capital structure of the proposed state bank is adequate in relation to the amount of the anticipated business of the state bank and the safety of prospective depositors.

6 f. The proposed state bank will have sufficient personnel with adequate knowledge and experience to conduct the business of the state bank, and to administer fiduciary accounts, if the state bank is to be authorized to act in a fiduciary capacity.

2. Within one hundred eighty days after receipt of the application for approval together with the items referred to in section 524.303, subsections 1 and 2, the superintendent shall make a determination whether to approve or disapprove the pending application on the basis of his investigation.

3. Within ninety days after the second publication of the notice referred to in section 524.304 any person opposing the pending application shall file written objections thereto with the superintendent. Following the expiration of the period referred to in the previous sentence and prior to making a determination on the pending application the superintendent shall, upon adequate notice, afford all interested persons, including the incorporators,

an opportunity for a stenographically reported hearing during which such persons shall be allowed to present evidence in support of, or in opposition to, the pending application.

4. If the superintendent approves the pending application, he shall deliver the articles of incorporation, with his approval indicated thereon, to the secretary of state and notify the incorporators, and such other persons who requested in writing that they be notified, of such approval. If the superintendent disapproves the pending application he shall notify the incorporators of his action and the reason for his decision.

5. The actions of the superintendent shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act. The court may award damages to the incorporators if it finds that review is sought frivolously and in bad faith.

6. Subsection three (3) of this section shall not apply if the superintendent finds that one of the purposes of the proposed state bank is the merger or consolidation with, or the purchase of some or all of the assets of and assumption of some or all of the liabilities of, a bank for which a receiver has been appointed or which has been ordered, by authorities of this state or the United States, to cease to carry on its business, or if the superintendent finds for any other reason that immediate action on the pending application is advisable in order to protect the interests of depositors or the assets of any other bank.

7. Before receiving the decision of the superintendent with respect to the pending application the incorporators shall, upon notice, reimburse the superintendent to the extent of the expenses incurred by him in connection with the application.

Sec. 8. Section five hundred twenty-four point three hundred seven (524.307), Code 1979, is amended to read as follows:

524.307 ORGANIZATIONAL MEETING. After the issuance of the certificate of incorporation of a state bank, an organizational meeting of the board of directors named in the articles of incorporation shall be held at the call of a majority of the incorporators for the purpose of adopting bylaws, if any are to be adopted, electing officers and the transaction of such other business as may properly come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, except that any form of actual notice or written waiver thereof shall be sufficient in the case of a state bank approved under the provisions of section five hundred twenty-four point three hundred five (524.305), subsection six (6). ~~which~~ A notice shall state the time and place of the meeting.

Sec. 9. Section five hundred twenty-four point three hundred twelve (524.312), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A state bank approved under the provisions of section five hundred twenty-four point three hundred five (524.305), subsection six (6), shall not commence its business at any location other than within a municipal corporation or unincorporated area in which was located the principal place of business or an office of the bank whose condition was the basis for the superintendent authorizing incorporation of the new state bank.

Sec. 10. Section five hundred twenty-four point six hundred one (524.601), subsection one (1), Code 1979, is amended to read as follows:

1. The business and affairs of a state bank shall be managed by a board of five or more directors eighteen years of age or older, a majority of whom shall be citizens of this state and all of whom shall be citizens of the United States. ~~No individual shall be eligible to serve as a director of any state bank unless he is the owner, in his own right, free of any lien and encumbrance, of common shares in the state bank of which he is a director having a par value of not less than five hundred dollars.~~

Sec. 11. Section five hundred twenty-four point six hundred twelve (524.612), subsection one (1), Code 1979, is amended to read as follows:

1. The total obligations, as defined in subsection 1 of section 524.904, of a director to a state bank of which he is a director shall not exceed twenty percent of the capital and surplus of the state bank except that the total obligations of a director to a state bank of which he is a director shall not exceed forty percent of the capital and surplus of the state bank if the amount by which such obligations exceed twenty percent of the capital and surplus of the state bank shall consist of obligations described in ~~subparagraphs (1), (2), and (3)~~ of paragraph "a" of subsection 2 of section 524.904. A majority of the board of directors, voting in the absence of the applying director, shall give its prior approval to any obligation, as defined in subsection 1 of section 524.904, of a director to the state bank of which he is a director. The form of such approval shall be specified by the superintendent, and a copy recorded in the minutes of the board of directors.

Sec. 12. Section five hundred twenty-four point seven hundred six (524.706), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

1. a. An executive officer of a state bank may receive loans or extensions of credit from a state bank of which he is an executive officer, resulting in obligations as defined in section 524.904, subsection 1, not exceeding, in the aggregate:

(1) Such amount as the bank is permitted to lend pursuant to section 524.905, subsection 2, if, at the time such obligations\* is incurred, it is secured by a first lien on a dwelling which is expected, after the obligation is incurred, to be owned by the executive officer and used by him as his residence, provided that at the time the loan is made there is no other loan by the bank to the executive officer, under authority of this subparagraph, outstanding; and

(2) An amount not exceeding an aggregate of ~~ten~~ twenty thousand dollars outstanding at any one time, to finance the education of a child or children of the executive officer; and

(3) Any other loans or extensions of credit which in aggregate do not at any one time exceed ~~five~~ ten thousand dollars.

Sec. 13. Section five hundred twenty-four point eight hundred three (524.803), subsection two (2), Code 1979, is amended to read as follows:

2. The book value of all real and personal property acquired and held pursuant to this section, of all alterations to buildings on real property

\*According to enrolled Act

owned or leased by a state bank, of all shares in corporations acquired pursuant to paragraphs "c" and "d" of subsection 1 of this section, and of any and all obligations of such corporations to the state bank, shall not exceed twenty-five percent of the capital, and surplus and undivided profits of the state bank or such larger amount as may be approved by the superintendent.

Sec. 14. Section five hundred twenty-four point eight hundred five (524.805), subsection two (2), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

2. However, interest paid on a demand account shall not exceed a rate which exceeds the maximum interest rate which Iowa state banks insured by the federal deposit insurance corporation are permitted by federal law to pay on insured passbook savings accounts.

Sec. 15. Section five hundred twenty-four point eight hundred fourteen (524.814), subsection one (1), Code 1979, is amended to read as follows:

1. To secure deposits when a customer is required to obtain such security by the laws of the United States, by any agency or instrumentality of the United States, by the laws of the state of Iowa, by the state board of regents, by a resolution or ordinance relating to the issuance of bonds, by the terms of any interstate compact or by order of any court of competent jurisdiction.

Sec. 16. Section five hundred twenty-four point nine hundred one (524.901), subsection two (2), Code 1979, is amended to read as follows:

2. A state bank may invest for its own account in other readily marketable bonds or securities, with investment characteristics as defined by the superintendent by general regulation applicable to all state banks, subject to the following limitations:

a. The total amount of such bonds or securities of any one issuer or obligor, other than revenue or improvement bonds issued by a municipality pursuant to section 419.2 and subjected to separate investment limits under paragraphs "b", "c", or "d" of this subsection, shall not exceed twenty percent of the capital and surplus of the state bank.

b. The total amount of special assessment improvement or refunding bonds which have been issued by a municipality under authority of section three hundred eighty-four point sixty-eight (384.68) and which are repayable from the proceeds of any one levy shall not exceed twenty percent of the capital and surplus of the state bank.

c. The total amount of revenue bonds and pledge orders which have been issued by a municipality under authority of chapter three hundred eighty-four (384), division five (V), and which are repayable from the revenues of any one city utility, combined utility system, city enterprise or combined city enterprise shall not exceed twenty percent of the capital and surplus of the state bank.

d. The total amount of revenue bonds issued by a municipality pursuant to section 419.2 which have been issued on behalf of any one lessee, as defined in section 419.1, or which are guaranteed by any one guarantor, or which are issued on behalf of or guaranteed by a corporation, a ten percent or greater ownership interest in which is held by or in common with a ~~lessee~~ lessee or

guarantor, or any combination of the foregoing whereby the municipality could receive revenues for payment of such bonds from any one person or any group of persons under common control, shall not exceed twenty percent of the capital and surplus of the state bank.

e. A state bank shall obtain the express consent of the superintendent prior to investment by that bank of an amount in excess of twenty percent of its capital and surplus in bonds or securities issued by any one municipality, regardless of the sources of funds proposed for repayment of the various bonds or securities.

e f. No bond or security shall be eligible for investment by a state bank within this subsection if the bond or security has been in default either as to principal or interest at any time within five years prior to the date of purchase.

Sec. 17. Section five hundred twenty-four point nine hundred four (524.904), subsection four (4), Code 1979, is amended by striking paragraph g and inserting in lieu thereof the following:

g. Obligations of a customer which is a bank to the extent the obligations are repayable on demand or on the first business day following demand for repayment.

Sec. 18. Section five hundred twenty-four point nine hundred four (524.904), subsection two (2), paragraph d, Code 1979, is amended to read as follows:

d. The total obligations of any one customer, ~~who~~ which is an individual or a corporation, to a state bank at any one time shall not exceed forty percent of the capital and surplus of the state bank if all of the amount by which such obligations exceed twenty percent of the capital and surplus of the state bank consists of amounts owed by one or more corporations of which the customer owns or controls more than fifty percent of the shares entitled to vote, or, if the customer is a corporation, of amounts owed by another corporation which owns or controls more than fifty percent of the shares of the customer entitled to vote, or of amounts owed by one or more other corporations more than fifty percent of the voting shares of each of which are owned or controlled by a person which also owns or controls more than fifty percent of the shares of the customer entitled to vote, provided however, when this paragraph applies:

(1) The amounts owed by such customer shall not exceed twenty percent of the capital and surplus of the state bank.

(2) The amounts owed by any one or all of ~~such~~ the corporations other than the customer shall not exceed twenty percent of the capital and surplus of the state bank.

(3) The shares, assets and any liabilities of any such corporation other than the customer shall not be included in the financial statement of such customer or otherwise relied upon as a basis for a loan to such customer.

(4) The assets or guarantee of such customer shall not be relied upon as a basis for a loan to any such corporation.

(5) The proceeds of the amounts owed by the customer shall not be intermingled with or used for a common purpose with the proceeds of the amounts owed by the corporation or corporations other than the customer.

For the purposes of this paragraph, the term "amounts owed" means the amounts for the payment of which such customer or any one or all such corporations are obligated, whether directly or indirectly, primarily or secondarily, to a state bank as a result of the exercise by the state bank of the powers conferred by section 524.902, but determined without reference to paragraphs "e", "f" and "g" of subsection 1 of this section.

Sec. 19. Section five hundred twenty-four point nine hundred four (524.904), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. Obligations of a customer as endorser or guarantor for a corporation in which that customer owns or controls more than fifty percent of the shares entitled to vote, provided that under rules promulgated by the superintendent the customer and the corporation qualify as separate customers because the assets and the demonstrated ability to generate income of the corporation and the customer taken together are adequate to secure and fund all outstanding and contemplated debt of the corporation and the customer.

Sec. 20. Section five hundred twenty-four point nine hundred five (524.905), subsection one (1), Code 1979, is amended to read as follows:

1. A state bank may make permanent loans or combined construction and permanent loans, secured by liens on residential real property housing more than two families, and on real property consisting of farmland, industrial, manufacturing and commercial properties including a leasehold in such properties. Any such loan may be made in an amount not to exceed seventy-five percent of the appraised value of the property offered as security and for a term not longer than ~~twenty~~ twenty-five years, provided that the loan is secured by an amortized mortgage, deed of trust or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within a period of not more than ~~twenty~~ twenty-five years. In the case of a combined construction and permanent loan made pursuant to this subsection, the amount of the loan shall not exceed seventy-five percent of the value of the property upon completion of the construction.

Sec. 21. Section five hundred twenty-four point nine hundred five (524.905), subsection three (3), paragraph c, Code 1979, is amended to read as follows:

c. Financing the acquisition and development of unimproved real property if the maturity of any such loan does not exceed three years from the date thereof and the amount of any such loan does not exceed ~~one-half~~ seventy-five percent of the cost of the real property acquired for development plus ~~one-half~~ seventy-five percent of the cost of development exclusive of the cost of construction of buildings.

Sec. 22. Section five hundred twenty-four point nine hundred five (524.905), subsection five (5), paragraph f, Code 1979, is amended to read as follows:

f. The state bank shall obtain either a written opinion by an attorney admitted to practice in Iowa stating that the mortgage, deed of trust or similar instrument is a first lien on the real property, or a loan policy of title insurance written by an insurance company licensed to do business in

the state in which the real property is located insuring the title to the real property and the validity and enforceability of the mortgage, deed of trust or similar instrument as a first lien on the real property.

Sec. 23. Section five hundred twenty-four point nine hundred five (524.905), subsection six (6), paragraph e, subparagraph three (3), Code 1979, is amended to read as follows:

(3) On a financially responsible lessee of the real property provided that the lease shall be assigned to the state bank and the lease by its terms shall be sufficient to amortize the entire principal of the loan within a period of not more than ~~twenty~~ twenty-five years.

Approved June 8, 1979

## CHAPTER 129

### ELECTRONIC FUND TRANSFERS BY INDUSTRIAL LOAN COMPANIES

S. F. 211

AN ACT authorizing a corporation licensed under chapter five hundred thirty-six A (536A) of the Code to establish, own, operate, utilize, and participate in electronic fund transfer systems.

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

Section 1. Section five hundred twenty-four point eight hundred twenty-one (524.821), subsection one (1), Code 1979, is amended to read as follows:

1. A state bank may engage in any transaction incidental to the conduct of the business of banking and otherwise permitted by applicable law, by means of either the direct transmission of electronic impulses to or from customers and banks or the recording of electronic impulses or other indicia of a transaction for delayed transmission to a bank. Subject to the provisions of chapter 527, a state bank may utilize, establish or operate, alone or with one or more other banks, savings and loan associations incorporated under the provisions of chapter 534 or ~~the Home-Owners'-Loan-Act of 1933~~ ~~(12-U.S.C.-sections-1461-1463)~~ federal law, credit unions incorporated under the provisions of chapter 533 or ~~the federal-Credit-Union Act~~ ~~(12-U.S.C.-sections-1751-1790)~~ federal law, corporations licensed under chapter five hundred thirty-six A (536A) of the Code, or third parties, the satellite terminals permitted under chapter 527, by means of which customers and banks may transmit and receive electronic impulses constituting transactions pursuant to this section. However, such utilization, establishment, or operation shall be lawful only when, in compliance with chapter 527. Nothing in this section shall be construed as authority for any person to engage in transactions not otherwise permitted by applicable law, nor shall anything in this section be deemed to repeal, replace or in any other way affect any applicable law or rule regarding the maintenance of or access to financial information maintained by any bank.

Sec. 2. Section five hundred twenty-seven point two (527.2), subsections four (4), five (5) and six (6), Code 1979, are amended to read as follows:

4. "Financial institution" means and includes any bank incorporated under the provisions of chapter 524 or ~~under the national banking acts, Title 12, United States Code, sections 21 to 95~~ federal law, any savings and loan association incorporated under the provisions of chapter 534 or ~~under the Home Owners Loan Act of 1933, Title 12, United States Code, sections 1461 to 1468~~ federal law, and any credit union organized under the provisions of chapter 533 or ~~under the federal Credit Union Act, Title 12, United States Code, sections 1751 to 1790~~ federal law, and any corporation licensed as an industrial loan company under chapter five hundred thirty-six A (536A) of the Code.

5. "Premises" means and includes only those locations where by applicable law financial institutions are authorized to maintain a principal place of business and other offices for the conduct of their respective businesses; provided that with respect to an industrial loan company, "premises" means only a location where business may be conducted under a single license issued to the industrial loan company.

6. "Administrator" means and includes the superintendent of banking, the supervisor of savings and loan associations within the office of the auditor of state, and the administrator of the credit union department and the supervisor of industrial loan companies within the office of the auditor of state. However, the powers of administration and enforcement of this chapter shall be exercised only as provided in section 527.3.

Sec. 3. Section five hundred twenty-seven point three (527.3), subsection one (1), Code 1979, is amended to read as follows:

1. For purposes of this chapter the superintendent of banking only shall have the power to issue rules applicable to, to accept and approve or disapprove applications or informational statements from, to conduct hearings and revoke any approvals relating to, and to exercise all other supervisory authority created by this chapter with respect to banks; the supervisor of savings and loan associations only shall have and exercise such powers and authority with respect to savings and loan associations; and the administrator of the credit union department only shall have and exercise such powers and authority with respect to credit unions; and the auditor of state or his or her designee only shall have and exercise such powers and authority with respect to industrial loan companies.

Sec. 4. Section five hundred twenty-seven point four (527.4), Code 1979, is amended to read as follows:

527.4 ESTABLISHMENT OF SATELLITE TERMINALS--RESTRICTIONS.

1. A satellite terminal shall not be established within this state by any financial institution, except one whose principal place of business is located in this state, or one who has a business location licensed in this state under chapter five hundred thirty-six A (536A) of the Code.

2. A financial institution whose licensed or principal place of business is located in this state shall not establish a satellite terminal at any location outside of this state.



3. a. A financial institution may establish any number of satellite terminals within the boundaries of any municipal corporation, or any urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, if the principal place of business or an office of that financial institution is also located within the boundaries of that municipal corporation or urban complex. A financial institution shall not establish a satellite terminal at any other location except pursuant to an agreement with a financial institution which is authorized by the preceding sentence to establish a satellite terminal at that location and which will utilize the satellite terminal so established.

b. Paragraph a of this subsection does not apply to a corporation licensed under chapter five hundred thirty-six A (536A) of the Code. A corporation licensed under that chapter may establish within the boundaries of a municipal corporation, or an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, any number of satellite terminals which are satellite terminals of a licensed business location of the corporation which is located within the municipal corporation or urban complex. The corporation shall not establish a satellite terminal at any other location except pursuant to an agreement with another financial institution which is authorized by the preceding sentence to establish a satellite terminal at that location and which utilizes the satellite terminal so established.

Sec. 5. Section five hundred twenty-seven point five (527.5), subsection two (2), unnumbered paragraph one (1), and subsections eight (8) and nine (9), Code 1979, are amended to read as follows:

2. The satellite terminal shall be available for use on a nondiscriminatory basis by any other financial institution which has its principal place of business within this state, and by all customers who have been designated by a financial institution using the satellite terminal and who have been provided with a physical object or other method, approved by the administrator, by which to engage in electronic transactions by means of the satellite terminal. No financial institution shall be required to join, be a member or shareholder of, or otherwise participate in any corporation, association, partnership, co-operative or other enterprise as a condition of its utilizing any satellite terminal located within this state. However, for purposes of complying with this subsection, a satellite terminal which is established and controlled by a bank is not required to be available for use by any savings and loan association or credit union or industrial loan company; and one established and controlled by a savings and loan association is not required to be available for use by a bank or credit union or industrial loan company; and one established and controlled by a credit union, is not required to be available for use by a bank or savings and loan association or industrial loan company; and one established by an industrial loan company is not required to be available for use by a bank or savings and loan association or credit union.

8. a. A satellite terminal shall not be operated in a manner to permit a person to credit any demand deposit account, savings account, share account, or any other account representing a liability of a financial institution to that person, except transfers between separate accounts of that person with the same financial institution, unless the satellite terminal is located either ~~(a)~~ (1) within the county in which that financial institution maintains its principal place of business or within a county which is contiguous to or corners upon the county in which that financial institution maintains its principal place of business; or ~~(b)~~ (2) within the boundaries of any municipal corporation or any urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, if an office of that financial institution which is not its principal place of business is also located within the boundaries of that municipal corporation or urban complex.

b. Paragraph a of this subsection does not apply to a corporation licensed under chapter five hundred thirty-six A (536A) of the Code. A satellite terminal shall not be operated in a manner to permit a person to credit any demand deposit account, savings account, share account, or any other account representing a liability of a corporation licensed under chapter five hundred thirty-six A (536A) of the Code to the person, except transfers between separate accounts of the person maintained at the same licensed business location of the corporation, unless the satellite terminal is located within the same county in which the licensed business location maintaining the account of that person is located.

9. a. A satellite terminal shall not be operated in any manner to permit a person to credit any demand deposit account, savings account, share account or any other account representing a liability of a financial institution, if that financial institution is located outside of this state.

b. Paragraph a of this subsection does not apply to a corporation licensed under chapter five hundred thirty-six A (536A) of the Code. A satellite terminal shall not be operated in any manner to permit a person to credit an account representing a liability of a corporation licensed under chapter five hundred thirty-six A (536A) of the Code, if the business location of the corporation where the original records pertaining to the person's account are maintained is located outside of this state.

Sec. 6. Section five hundred thirty-three point four (533.4), subsection eighteen (18), Code 1979, is amended to read as follows:

18. Engage in any transaction otherwise permitted by this chapter and applicable law, by means of either the direct transmission of electronic impulses to or from the credit union or the recording of electronic impulses or other indicia of a transaction for delayed transmission to the credit union. Subject to the provisions of chapter 527, a credit union may utilize, establish or operate, alone or with one or more other credit unions, banks incorporated under the provisions of chapter 524 or ~~the-national-banking-acts~~ ~~(12--U.S.C.--sections--21-95)~~ federal law, savings and loan associations incorporated under the provisions of chapter 534 or ~~the-Home-Owners'-Loan-Act~~ ~~of-1933-(12-U.S.C.-sections-1461-1469)~~ federal law, corporations licensed

under chapter five hundred thirty-six A (536A) of the Code, or third parties, the satellite terminals permitted under chapter 527, by means of which the credit union may transmit to or receive from any member electronic impulses constituting transactions pursuant to this subsection. However, such utilization, establishment, or operation shall be lawful only when in compliance with chapter 527. Nothing in this subsection shall be construed as authority for any person to engage in transactions not otherwise permitted by applicable law, nor shall anything in this subsection be deemed to repeal, replace or in any other way affect any applicable law or rule regarding the maintenance of or access to financial information maintained by any credit union.

Sec. 7. Section five hundred thirty-four point nineteen (534.19), subsection twenty-one (21), Code 1979, is amended to read as follows:

21. ELECTRONIC TRANSACTIONS. Engage in any transaction otherwise permitted by this chapter and applicable law, by means of either the direct transmission of electronic impulses to or from the association or the recording of electronic impulses or other indicia of a transaction for delayed transmission to the association. Subject to the provisions of chapter 527, an association may utilize, establish or operate, alone or with one or more other associations, banks incorporated under the provisions of chapter 524 or ~~the national banking acts (12--U.S.C.--sections--21-95)~~ federal law, credit unions incorporated under the provisions of chapter 533 or ~~the federal Credit--Union--Act--(12--U.S.C.--sections--1751-1790)~~ federal law, corporations licensed under chapter five hundred thirty-six A (536A) of the Code, or third parties, the satellite terminals permitted under chapter 527, by means of which the association may transmit to or receive from any member electronic impulses constituting transactions pursuant to this subsection. However, such utilization, establishment or operation shall be lawful only when in compliance with chapter 527. Nothing in this subsection shall be construed as authority for any association or other person to engage in transactions not otherwise permitted by applicable law, nor shall anything in this subsection be deemed to repeal, replace or in any other way affect any applicable law or rule regarding the maintenance of or access to financial information maintained by any association.

Sec. 8. Chapter five hundred thirty-six A (536A), Code 1979, is amended by adding the following new section:

NEW SECTION. ELECTRONIC TRANSACTIONS. A licensee may engage in any transaction otherwise permitted by this chapter and applicable law, by means of either the direct transmission of electronic impulses or other indicia of a transaction for delayed transmission to the licensee. Subject to the provisions of chapter five hundred twenty-seven (527) of the Code, a licensee may utilize, establish or operate, alone or with one or more other licensees, banks incorporated under the provisions of chapter five hundred twenty-four (524) of the Code or federal law, credit unions incorporated under the provisions of chapter five hundred thirty-three (533) of the Code or federal law, savings and loan associations incorporated under the provisions of chapter five hundred thirty-four (534) of the Code or federal law, or third parties, the satellite terminals permitted under chapter five hundred twenty-

seven (527) of the Code, by means of which the licensee may transmit to or receive from any customer electronic impulses constituting transactions pursuant to this section. However, such utilization, establishment or operation is lawful only when in compliance with chapter five hundred twenty-seven (527) of the Code. Nothing in this section authorizes a licensee or other person to engage in transactions not otherwise permitted by applicable law, nor does anything in this section repeal, replace or in any other way affect any applicable law or rule regarding the maintenance of or access to financial information maintained by a licensee.

Approved March 26, 1979

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CHAPTER 130  
FINANCIAL TRANSACTIONS

S. F. 158

AN ACT relating to financial transactions involving loans or deposits of money or extensions of credit which were affected by the provisions of Acts of the Sixty-seventh General Assembly, 1978 session, chapter one thousand one hundred ninety (1190), sections eleven (11) through twenty-four (24), and providing for the restriction or regulation of interest rates, charges and prepayment penalties in transactions which are subject to section five hundred thirty-five point two (535.2) of the Code, and providing for the restriction or regulation of the use of share drafts drawn on credit unions, and providing penalties.

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

Section 1. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. SHARE DRAFTS.

1. As used in this section or chapter, unless the context otherwise requires:

a. "Share draft" means a negotiable draft which is payable upon demand and which is used to withdraw funds from a share-draft account. A share draft is an item for purposes of chapter five hundred fifty-four (554), article four (4), of the Code. The term does not include a draft issued by a credit union for the transfer of funds between the issuing credit union and another credit union or a bank, savings and loan association, or other depository financial institution.

b. "Payable-through bank" means the bank which is designated to make presentment of a share draft to the credit union for payment.

c. "Truncation" means the original share draft is not returned to the member.

d. "Share-draft account" means the demand account from which a credit union has agreed that funds may be withdrawn by means of a share draft. A share-draft account may bear interest or dividends as determined by the board of directors pursuant to this chapter, provided that a credit union shall not pay interest or dividends on a share-draft account at a rate which exceeds the maximum interest rate which Iowa state banks insured by the federal deposit insurance corporation are permitted by federal law to pay on insured passbook savings accounts.

2. Subject to the provisions of this chapter, a credit union may provide its members with share-draft accounts. The board of directors shall determine, prior to requesting authority to implement a share-draft program, that the members' use of share drafts is economically and operationally feasible for the credit union.

3. The share accounts and deposit accounts of a credit union operating a share-draft program must be insured by the national credit union administrator. The administrator of the credit union department shall order the termination of the share-draft program of a credit union which does not comply with this subsection. The provisions of this subsection supersede the provisions of section five hundred thirty-three point sixty-four (533.64) of the Code with respect to credit unions which have share-draft programs.

4. A credit union seeking share-draft authority shall submit to the administrator a written application. The application shall include all of the following:

a. A certified copy of the minutes of the board of directors authorizing a request to the administrator for authority to implement the share-draft program.

b. All background documentation which supports the decision of the board of directors that use of share drafts by members of the credit union is economically and operationally feasible for the credit union.

c. A statement verified by the chairperson of the board of directors that the forms and procedures which are proposed to be used by the credit union comply with any applicable rules.

d. A statement verified by the chairperson of the board of directors that the board of directors has determined appropriate surety bond coverage is in force. The board of directors shall purchase a fidelity bond to cover officers and employees having custody of or handling funds, with good and sufficient surety in an amount and character to be determined by the board, to protect the credit union against losses caused by occurrences such as fraud, dishonesty, forgery, embezzlement, misappropriation, misapplication, or unfaithful performance of duty by these officers and employees.

e. A statement of operational specifications and procedures which expressly provides for all of the following:

(1) Identification of the payable-through bank. The payable-through bank must be a bank which is located in this state or in an adjacent state.

(2) Either a statement that the credit union has adopted truncation, or, if the credit union has not adopted truncation, a statement of the procedures to be followed in returning the original share drafts to issuing members.

(3) A share-draft account agreement with each participating member which outlines the responsibilities of the credit union and the member.

(4) The recording of overdrafts and notification to an overdrawn member.

(5) The encoding of each share draft with the routing and transit number of the payable-through bank, the share-draft account number, and the serial number of the share draft in accordance with standards required for use in a clearing system utilizing magnetic ink character recognition devices.

(6) The preprinting on the share draft of the names of the payable-through bank and the credit union.

(7) A method by which each member using share drafts may maintain a record of share drafts drawn.

(8) The submission of a periodic statement of account at least quarterly to each member who has a share-draft account. This statement shall include the serial number, the date of payment and the amount of payment of each share draft processed.

(9) Establishing responsibility for detection of unauthorized or forged drafts.

(10) Procedures for processing stop payment orders.

(11) Procedures for providing members with copies of paid drafts, should copies be requested.

(12) Procedures for retaining paid drafts or copies of paid drafts on file for a period of seven years after the first day of January of the year following the year in which the draft was paid. The paid drafts or copies need not be retained in the custody of the credit union.

(13) The fees, if any, to be charged for share-draft account services. The fees shall not exceed the direct and indirect costs of providing the services.

(14) Procedures for establishing, maintaining, verifying and replenishing as necessary the share-draft liquidity reserve required by section four (4) of this Act.

5. A credit union shall not commence the operation of a share-draft program until it has received written authority from the administrator. The administrator shall not issue authority if any of the following conditions exist:

a. The requirements of subsection four (4) of this section have not been met.

b. The auditing committee of the credit union has not fulfilled its statutory duties as specified in this chapter.

c. The management of the credit union has demonstrated through prior performance its inability to handle the additional activity the share-draft program will generate.

d. The credit union is not insured by the national credit union administrator.

e. The forms and procedures which are proposed to be used by the credit union do not comply with rules promulgated by the administrator.

6. a. The credit union shall notify the administrator in writing of the proposed implementation of a modification relating to any of the following:

(1) The payable-through bank.

(2) Truncation procedures.

(3) The share-draft agreement.

(4) Procedures for establishing and maintaining the share-draft liquidity reserve.

(5) Any other material modification of the share-draft program.

b. The written notice under paragraph a of this subsection shall be submitted to the administrator at least sixty days prior to the date the credit union intends to implement the modification, provided that if good cause is shown the administrator may approve a modification on less than sixty days' notice. A modification referred to in paragraph a of this subsection shall not be made except upon written approval of the administrator.

c. The credit union shall immediately notify the administrator of any matter affecting the information provided pursuant to subsection four (4), paragraphs a through d, of this section.

7. If a share-draft program is not authorized or a request for modification is not approved the administrator shall submit to the credit union a written statement of the reasons for the action.

8. A credit union may guarantee payment of a share draft if both of the following conditions are met:

a. A specific guarantee authorization is obtained for the share draft from the credit union.

b. The guarantee authorization is immediately noted on the share-draft account to prevent the withdrawal of funds needed to pay the guaranteed share draft.

9. The administrator may promulgate rules as necessary to administer the provisions of this chapter which relate to share-draft programs. In order to simplify the application for share-draft authority and the operation of share-draft programs, the administrator may cause to be prepared copies of approved forms and procedures which may be used by credit unions for guidance.

Sec. 2. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. PAYMENT OF SHARE DRAFTS DURING DISSOLUTION. Other provisions of section five hundred thirty-three point twenty-two (533.22) of the Code notwithstanding, when a credit union is dissolved, first priority of payment shall be given to unpaid share drafts. However, a share draft shall not be paid if any of the following conditions exist:

1. The share draft was issued on or after the date of appointment of a receiver in the event of an involuntary dissolution, or on or after the date the credit union is required by section five hundred thirty-three point twenty (533.20), subsection two (2) of the Code to cease doing business in the event of a voluntary dissolution.

2. The share draft is written against an account which does not contain sufficient funds with which to pay the share draft.

3. The share draft is payable to a member of the credit union, or to a member of the family of the issuer of the share draft, or to a business in which the issuer of the share draft has an interest. However, the exception

contained in this subsection does not apply to any person referred to in this subsection if the person is a holder in due course, as provided in chapter five hundred fifty-four (554), article three (3) of the Code; and with respect to a share draft which is issued prior to the expiration of one year after the effective date of this Act, the person shall not be denied the rights of a holder in due course of the share draft solely on the grounds that the share draft fails to meet the requirements of section five hundred fifty-four point three thousand one hundred four (554.3104), subsection one (1), paragraph d of the Code.

Sec. 3. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. SHARE-DRAFT VIOLATIONS--REVOCATION OF AUTHORITY. A credit union which offers a share-draft program to its members shall promptly honor share drafts which are written on accounts containing sufficient funds at the time the share drafts are presented for payment, and shall comply with the requirements of section one (1) of this Act, including all operational specifications and procedures established or modified in accordance with that section. If after notice and opportunity for hearing the administrator finds that a credit union has violated this section the administrator shall order the credit union to correct the condition. Failure of the credit union to comply with the order within a reasonable period of time as specified in the order shall be grounds for revocation of the authority to operate the share-draft program. The administrator shall revoke the authority to operate a share-draft program of a credit union demonstrating a continuing pattern of violations of this section.

A credit union whose share-draft authority has been revoked under this section is ineligible to receive authority to operate a share-draft program for two years after the date of revocation.

Sec. 4. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. SHARE-DRAFT LIQUIDITY RESERVE--VIOLATIONS--PENALTY.

1. A credit union which operates a share-draft program shall maintain a share-draft liquidity reserve to be used to ensure that share drafts are honored promptly.

2. The share-draft liquidity reserve shall be equal to the sum of the following two amounts:

a. Seven percent of the total amount of funds held by the credit union in share-draft accounts.

b. Three percent of the total amount of funds held by the credit union in deposit accounts. As used in this paragraph the term "deposit accounts" excludes share-draft accounts and share accounts.

3. The share-draft liquidity reserve shall be held as cash, or as demand deposits in the name of the credit union in state or national banks. All cash in the credit union and all demand deposits held in banks in the name of the credit union shall be credited against the reserve requirements of this section.

4. The share-draft liquidity reserve shall be verified and shall be replenished by the credit union as necessary at the end of each business day.



The share-draft liquidity reserve of the credit union is deficient and in violation of this section if after the end of any business day, and after any deposits as required by this subsection, the average of the amounts actually held by the credit union in cash and demand deposits on that business day and each of the preceding four business days is less than the minimum amount specified in subsection two (2) of this section.

5. Whenever it shall appear necessary to do so in the interest of the members of a credit union, the administrator may require that the credit union maintain reserves exceeding the amount required by subsection two (2) of this section, consisting of such obligations of the United States as the administrator shall prescribe. Any additional amount required under this subsection to be maintained in reserve shall be verified and replenished as required by the administrator. Failure to comply with requirements imposed by the administrator under this subsection is a violation of this section.

6. If after notice and opportunity for hearing the administrator finds that a credit union has violated this section, the administrator shall order the credit union to correct the condition within two business days, and the administrator may, in his or her discretion, order payment by the credit union to the state of a monetary penalty of not more than one hundred dollars per day for each day during which a deficiency existed. Failure of the credit union to correct the condition within the prescribed time shall be grounds for revocation of the authority to operate the share-draft program. However, if after notice and opportunity for hearing the administrator finds that a credit union has violated this section more than twice during any twelve-month period or has demonstrated a continuing pattern of violations of this section, the administrator shall revoke the authority of the credit union to operate a share-draft program.

7. A credit union whose share-draft authority has been revoked under this section is ineligible to receive authority to operate a share-draft program for two years after the date of revocation.

Sec. 5. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. ACCEPTANCE OF DEPOSITS AND INVESTMENTS WHILE INSOLVENT. A credit union shall not accept any deposits or investments in its shares, or renew or extend the term of any time deposits or time investments, when the credit union is insolvent.

Sec. 6. Section five hundred thirty-three point six (533.6), subsection four (4), Code 1979, is amended to read as follows:

4. If ~~it shall appear~~ after notice and opportunity for hearing the administrator determines that any a credit union ~~is insolvent or that it~~ has violated any of the provisions of this chapter, the administrator ~~may,--after a--hearing-or-after-an-opportunity-for-a-hearing-is-given,~~ shall, except when the credit union is insolvent, order ~~that~~ the credit union to correct the condition. The administrator shall may grant the credit union not ~~less~~ more than sixty days within which to comply with the order. Failure to comply shall afford the administrator grounds to revoke the certificate of approval and shall afford the administrator the authority to apply to the district court of the ~~district~~ county in which this credit union is located for the

appointment of a receiver for the credit union. Notwithstanding any other provision of this chapter, upon a determination by the administrator that a credit union's assets, if made immediately available, would not be sufficient to discharge the credit union's liabilities, the administrator shall take control of the credit union, and if the administrator determines that the condition cannot be corrected, the administrator shall revoke the certificate of approval and shall apply to the district court in the county in which the main office of the credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the administrator of the credit union department as receiver unless the administrator of the credit union department has tendered the appointment to the administrator of the plan by which the accounts of the credit union are insured. Either administrator as receiver shall possess the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither administrator shall be required to furnish bond as receiver of a state credit union. This subsection does not apply to violations of section three (3) or four (4) of this Act, except in the event of insolvency of the credit union.

The administrator may adopt rules which define insolvency or which establish factors to be considered in determining insolvency. The administrator may adopt separate solvency standards for credit unions which are within their first year of operation.

Sec. 7. Section five hundred thirty-three point fourteen (533.14), Code 1979, is amended to read as follows:

533.14 INTEREST RATES.

1. Interest rates on loans made by a credit union, other than loans secured by a mortgage or deed of trust which is a first lien upon real property shall not exceed one percent a month on unpaid balances, except that with respect to consumer loans, a credit union may charge the finance charge permitted in sections 537.2401 and 537.2402.

2. With respect to a loan secured by a mortgage or deed of trust which is a first lien upon real property, a credit union shall not charge a rate of interest which exceeds the maximum rate permitted by section five hundred thirty-five point two (535.2) of the Code.

3. The provisions of this section do not apply to a loan which is subject to section six hundred eighty-two point forty-six (682.46) of the Code.

Sec. 8. Section five hundred thirty-three point nineteen (533.19), Code 1979, is amended to read as follows:

533.19 EXPULSION--WITHDRAWAL. A member may be expelled by a majority vote of the board of directors at a regular or special meeting of the board. The expelled member may request a hearing before the membership of the credit union. A meeting of the membership shall be held within sixty days of the member's request. The membership may, by majority vote at the membership meeting, reinstate the expelled member upon terms and conditions prescribed by it. Any member may withdraw from the credit union at any time, but notice of withdrawal may be required as provided in this section. All amounts paid on shares or as deposits of an expelled or withdrawing member, with any dividends or interest accredited thereto, to the date thereof, shall, ~~as funds-become-available-and~~ after deducting all amounts due from the member to

the credit union and an amount as necessary to honor outstanding share drafts drawn against accounts of the member, be paid to him---The the member. Upon expulsion or withdrawal of a member from a credit union, or at any other time, the credit union may require sixty days' notice of intention to withdraw shares and thirty days' notice of intention to withdraw deposits, except that a credit union shall not at any time require notice of withdrawal with respect to funds which are subject to withdrawal by share drafts. Withdrawing or expelled members shall have no further rights in the credit union but are not, by such expulsion or withdrawal, released from any remaining liability to the credit union.

Sec. 9. Section five hundred thirty-three point twenty-four (533.24), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The moneys and credits tax on credit unions is hereby imposed at a rate of five mills on each dollar of the legal and special reserves ~~of--every~~ which are required to be maintained by the credit union under section five hundred thirty-three point seventeen (533.17) of the Code, and shall be levied by the board of supervisors, and placed upon the tax list and collected by the county treasurer, except that an exemption shall be given to each credit union in the amount of ~~four~~ forty thousand dollars ~~and,--in--addition,--any amount--of--the--legal--and--special--reserves--which--are--invested--in--United--States government--securities.~~ The amount collected in each taxing district within a city shall be apportioned twenty percent to the county general fund, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county general fund and fifty percent to the general fund of the state. The moneys and credits tax shall be collected at the location of the credit union as shown in its articles of incorporation.

Sec. 10. Section seven hundred fourteen point one (714.1), subsection six (6), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented.

Sec. 11.

1. Notwithstanding other provisions of this Act, a credit union which has an operating share-draft program on the effective date of this Act may continue to offer share-draft services prior to submitting a request and receiving authority as required by this Act, but the credit union must submit a request as required by this Act not later than sixty days after the effective date of this Act. The administrator shall act upon the request within thirty days after receiving it. The temporary authority granted by this section expires ninety days after the effective date of this Act, or on the date the administrator acts upon the request for share-draft authority, whichever date is earlier.

2. Notwithstanding section one (1), subsection three (3), and section one (1), subsection five (5), paragraph d, of this Act, a credit union which has

an operating share-draft program on the effective date of this Act may continue to offer share-draft services prior to obtaining insurance for share accounts and deposit accounts from the national credit union administrator, but the credit union shall obtain the required insurance within ninety days after the effective date of this Act, and shall not open any additional share-draft accounts or offer any additional share-draft services until its accounts are so insured. The administrator shall order the termination of the share-draft program of a credit union which is subject to this subsection and which fails to comply with this subsection.

3. Notwithstanding section one (1), subsection four (4), paragraph e, subparagraph one (1), of this Act, a credit union which has an operating share-draft program on the effective date of this Act and which has a contractual arrangement with a payable-through bank that does not meet the requirements of this Act may continue to use the same bank until December 31, 1980. Effective January 1, 1981, or at any prior time the credit union terminates the arrangement with its payable-through bank, the credit union shall select a payable-through bank which meets the requirements of this Act.

Sec. 12. Share drafts which were issued by members of Iowa credit unions prior to the effective date of this Act are hereby declared to be valid and binding instruments for any lawful purposes for which issued, and customary or necessary acts in the course of business by credit unions upon which these share drafts were written and banks by which these share drafts were received, transferred, negotiated or otherwise processed are hereby declared to be legal.

Sec. 13. Notwithstanding section one (1), subsection one (1), paragraph a, of this Act, a credit union which has an operating share-draft program on the effective date of this Act may continue to supply its members with blank share-draft forms which were printed prior to the effective date of this Act, and these members may continue to use existing supplies of these share-draft forms until the supplies are exhausted or until the expiration of one year after the effective date of this Act, whichever occurs sooner. The administrator shall enforce compliance with this paragraph.

Share drafts which are nonnegotiable in printed form and which are issued by members of credit unions after the effective date of this Act under the authority of this section are hereby declared to be valid and binding instruments for any lawful purposes for which issued, and customary and necessary acts in the course of business by credit unions upon which these drafts were written and banks by which these drafts were received, transferred, negotiated or otherwise processed are hereby declared to be legal.

Sec. 14. Section five hundred twenty-four point nine hundred five (524.905), subsection five (5), paragraph d, Code 1979, is amended to read as follows:

d. The value of real property shall be determined by ~~averaging the appraisals~~ appraisal of ~~two~~ a qualified ~~persons~~ person, selected in a manner authorized by the board of directors, who ~~are~~ is familiar with real property values in the vicinity where the real property is located, and who ~~inspect~~ inspects the real property and ~~state~~ states its value to the best of ~~their~~

his or her judgment in a written report to be retained by the state bank during the term of the loan.

Sec. 15. Chapter five hundred twenty-four (524), division nine (IX), Code 1979, is amended by adding the following new section:

NEW SECTION. ADVANCE INTEREST ON PREPAYMENTS. Real estate loans on one-family to four-family dwellings may be repaid in part or in full at any time, excepting that a state bank may charge not to exceed six months advance interest on that part of the aggregate amount of all prepayments made on such loan in any twelve-month period which exceeds twenty percent of the original principal amount of the loan; and may charge any negotiated rate on other loans. Nothing contained in this section, however, authorizes a state bank to charge any advance interest or prepayment penalty where prohibited by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13).

Sec. 16. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. ADVANCE INTEREST ON PREPAYMENTS. Real estate loans on one-family to four-family dwellings may be repaid in part or in full at any time, excepting that a credit union may charge not to exceed six months advance interest on that part of the aggregate amount of all prepayments made on such loan in any twelve-month period which exceeds twenty percent of the original principal amount of the loan; and may charge any negotiated rate on other loans. Nothing contained in this section, however, authorizes a credit union to charge any advance interest or prepayment penalty where prohibited by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13).

Sec. 17. Section five hundred thirty-five point two (535.2), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section eleven (11), is reenacted and is the law of this state on and after the effective date of this Act, notwithstanding any contrary provision of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190).

Sec. 18. Section five hundred thirty-five point two (535.2), subsection two (2), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section eleven (11), is amended effective July 1, 1979, to read as follows:

2. Any domestic or foreign corporation, and any real estate investment trust as defined in section 856 of the Internal Revenue Code, and any person purchasing securities as defined in chapter 502 on credit from a broker or dealer registered or licensed under chapter 502 or under the Security Securities Exchange Act of 1934, 48 Stat. 881, 15 United States Code 78A, as amended, and any person borrowing money or obtaining credit in the principal amount of ~~two~~ one hundred thousand dollars or more, exclusive of interest, for business purposes, and any person borrowing money or obtaining credit in the principal amount of five hundred thousand dollars or more, exclusive of interest, for agricultural purposes, may agree in writing to pay any rate of interest in excess of the rate permitted by this section, and no such

corporation or real estate investment trust or person so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. 19. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section eleven (11), subsection three (3), paragraph a, is amended on the effective date of this Act to read as follows:

a. The maximum lawful rate of interest which may be provided for in any written agreement for the payment of interest entered into during any calendar ~~quarter~~ month commencing on or after ~~July-17,-1978,~~ the effective date of this Act shall be two percentage points above the monthly average ten-year constant maturity interest rate of United States government notes and bonds as published by the board of governors of the federal reserve system for the calendar month second preceding the ~~first~~ first month of the ~~calendar-quarter~~ during which the maximum rate based thereon will be effective, rounded to the nearest one-fourth of one percent per year.

On or before the twentieth day of ~~March,-June,-September-and-December-of~~ each-year each month the superintendent of banking shall determine the maximum lawful rate of interest for the following calendar ~~quarter~~ month as prescribed herein, and shall cause ~~such~~ this rate to be published, as a notice in the Iowa administrative bulletin or as a legal notice in a newspaper of general circulation published in Polk county, prior to the first day of the following calendar month. ~~Such~~ This maximum lawful rate of interest shall be effective on the first day of the calendar month following publication. ~~As-seen-as-practicable-after-the-effective-date-of--this--Act,-the--superintendent-of-banking-shall-determine-and-publish-the-maximum-lawful-rate-pursuant-to-this-paragraph-for-the-third-quarter-of-1978,-which--maximum-rate--shall--be-effective-upon-publication-thereof.~~ The determination of the maximum lawful rate of interest by the superintendent of banking shall be exempt from the provisions of chapter seventeen A (17A) of the Code.

Sec. 20. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twelve (12), is reenacted except as provided in section twenty-one (21) of this Act and is the law of this state on and after the effective date of this Act, notwithstanding any contrary provision of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190).

Sec. 21. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twelve (12), subsection six (6), is amended on the effective date of this Act by striking the subsection.

Sec. 22. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twelve (12), subsections one (1), two (2) and five (5), are amended effective July 1, 1979, to read as follows:

1. As used in this section, the term "loan" means ~~any-money-loaned--to--a-borrower--who--furnishes,-as-security-for-all-or-part-of-the-loan,-a-mortgage~~ on a loan of money which is wholly or in part to be used for the purpose of purchasing real property which is a single-family or a two-family dwelling

occupied or to be occupied by the borrower. "Loan" includes the refinancing of a contract of sale, and the refinancing of a prior loan, whether or not the borrower also was the borrower under the prior loan, and the assumption of a prior loan.

2. a. A lender may collect in connection with a loan a loan processing fee which does not exceed one percent of an amount which is equal to the loan principal less twelve thousand five hundred dollars, except that in the event of an assumption of a prior loan the lender may collect a loan processing fee which does not exceed an amount which is a reasonable estimate of the expense of processing the loan assumption but which does not exceed one percent of the amount assumed. A loan processing fee collected under the authority of this paragraph is compensation to the lender solely for the use of money, notwithstanding any provision of the agreement to the contrary. However, a loan processing fee collected under the authority of this paragraph shall be disregarded for purposes of determining the maximum charge permitted by section five hundred thirty-five point two (535.2) of the Code, or Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13), subsection two (2). The assessment--and collection in connection with a loan of a loan origination fee, closing fee, commitment fee or similar charge other than as expressly authorized by this paragraph is prohibited. ~~If any lender receives any amount as a loan origination fee, closing fee, commitment fee or similar charge, or any combination thereof, which exceeds the amount permitted by this section, the borrower shall have the right to recover that charge, plus attorney fees and court costs incurred in any action necessary to effect such recovery.~~

~~Any costs charged to a borrower, associated with a loan, shall not exceed actual costs which shall be disclosed to the borrower. Such costs may only include one or more of the following:~~

b. A lender may collect in connection with a loan any of the following costs which are incurred by the lender in connection with the loan and which are disclosed to the borrower:

~~a-~~ (1) Credit reports.

~~b-~~ (2) Appraisal fees paid to a third party, or when the appraisal is performed by the lender, a fee which is a reasonable estimate of the expense incurred by the lender in performing the appraisal.

~~c-~~ (3) Attorney's opinions.

~~d-~~ (4) Abstracting fees paid to a third party, or when the abstracting is performed by the lender, a fee which is a reasonable estimate of the expense incurred by the lender in performing the abstracting.

~~e-~~ (5) County recorder's fees.

~~f-~~ (6) Inspection fees.

~~g-~~ (7) Mortgage guarantee insurance charge.

~~h-~~ (8) Surveying of property.

~~i-~~ (9) Termite inspection.

The lender shall not charge the borrower for the cost of revenue stamps or real estate commissions which are paid by the seller. Collection of any cost other than as expressly permitted by this paragraph is prohibited.

c. If the purpose of the loan is to enable the borrower to purchase a single-family or two-family dwelling, for his or her residence, the loan agreement shall not contain any provision which prohibits the borrower from transferring his or her interest in the property to a third party for use by the third party as his or her residence, and shall not contain any provision which requires or permits the lender to make a change in the interest rate, the repayment schedule or the term of the loan as a result of a transfer by the borrower of his or her interest in the property to a third party for use by the third party as his or her residence. A provision of a loan agreement which violates this paragraph is void.

d. If a lender collects a fee or charge which is prohibited by paragraph a or b of this subsection or which exceeds the amount permitted by paragraph a or b of this subsection, the borrower has the right to recover the unlawful fee or charge or the unlawful portion of the fee or charge, plus attorney fees and costs incurred in any action necessary to effect recovery.

5. The provisions of this section shall not apply to any loan which is subject to the provisions of section six hundred eighty-two point forty-six (682.46) of the Code, nor shall it apply to origination fees, administrative fees, commitment fees or similar charges paid by one lender to another lender if these fees are not ultimately paid either directly or indirectly by the borrower who occupies or will occupy the dwelling or by the seller of the dwelling.

A lender shall not collect any fee from a real estate agent for the purpose of reserving or committing funds held or to be held by the lender for loans which are subject to this section. If a lender collects a fee which is prohibited by this paragraph the borrower has the right to recover the unlawful fee, plus attorney fees and costs incurred in an action necessary to effect recovery.

A lender shall not use an appraisal for any purpose in connection with making a loan under this section if the appraisal is performed by a person who is employed by or affiliated with any person receiving a commission or fee from the seller of the property. If a lender violates this paragraph the borrower is entitled to recover any actual damages plus the costs paid by the borrower, plus attorney fees incurred in an action necessary to effect recovery.

Sec. 23. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13), is reenacted and is the law of this state on and after the effective date of this Act, notwithstanding any contrary provision of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190).

Sec. 24. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13), subsection one (1), is amended effective July 1, 1979, to read as follows:

1. ~~As used in this section:~~

~~a. "Loan" means money loaned to a borrower who furnishes, as security for all or any part of the loan, a mortgage on real property which is a single-family or a two-family dwelling to be occupied by the borrower or money~~



~~loaned--to--a--borrower--for--the--purpose--of--purchasing--agricultural--land--where--the--borrower--furnishes--a--mortgage--on--the--real--property--to--be--purchased--as--security--for--the--loan-~~

~~b.--"Lender"--means--any--state--or--federally--chartered--bank,--savings--and--loan--association--or--credit--union,--any--industrial--loan--company,--any--insuranc--company,--or--any--other--person--or--entity--which--makes--a--loan,--as--defined--in--this--section-~~

As used in this section, "loan" means a loan of money which is wholly or in part to be used for the purpose of purchasing real property which is a single-family or a two-family dwelling occupied or to be occupied by the borrower, or for the purpose of purchasing agricultural land. "Loan" includes the refinancing of a contract of sale, and the refinancing of a prior loan, whether or not the borrower also was the borrower under the prior loan, and the assumption of a prior loan.

Sec. 25. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13), subsection two (2), is amended effective July 1, 1979, to read as follows:

2. Whenever a borrower under a loan ~~repays--the--full--amount~~ prepays part or all of the outstanding balance of the loan ~~in--connection--with--a--transfer--of--ownership--of--the--real--property--given--as--security--for--that--loan,~~ the lender shall not receive an amount in payment of interest which is greater than the amount determined by applying the rate of interest agreed upon by the lender and the borrower to the unpaid balance of the loan for a period of time during which the borrower had the use of the money loaned; and the lender shall not impose any penalty or other charge in addition to the amount of interest due as a result of the repayment of that loan at a date earlier than is required by the terms of the loan agreement. A lender may, however, require advance notice of not more than thirty days of a borrower's intent to repay the ~~full--amount--of--a--loan~~ entire outstanding balance of a loan if the payment of that balance, together with any partial prepayments made previously by the borrower, will result in the repayment of the loan at a date earlier than is required by the terms of the loan agreement.

Sec. 26. Section five hundred thirty-four point twenty-one (534.21), subsection ten (10), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred thirty-three (133), section seven (7), and as further amended by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section sixteen (16), is reenacted and shall be the law of this state on and after the effective date of this Act as amended by section twenty-seven (27) of this Act, notwithstanding any contrary provision of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190).

Sec. 27. Section five hundred thirty-four point twenty-one (534.21), subsection ten (10), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred thirty-three (133), section seven (7), and as further amended by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section sixteen (16) is amended on the effective date of this Act by striking the subsection and inserting in lieu thereof the following:

10. ADVANCE INTEREST ON PREPAYMENTS. Real estate loans on one-family to four-family dwellings may be repaid in part or in full at any time, excepting that the association may charge not to exceed six months advance interest on that part of the aggregate amount of all prepayments made on such loan in any twelve-month period which exceeds twenty percent of the original principal amount of the loan; and may charge any negotiated rate on other loans. Nothing contained in this subsection, however, authorizes an association to charge any advance interest or prepayment penalty where prohibited by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section thirteen (13).

Sec. 28. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), sections fourteen (14), fifteen (15), seventeen (17), nineteen (19), and twenty-two (22), are reenacted, and are the law of this state on and after the effective date of this Act, notwithstanding any contrary provision of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190).

Sec. 29. The maximum lawful rate of interest as established under Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twelve (12), and in effect on the effective date of this Act as provided in that section, shall, notwithstanding contrary provisions of that section or that Act, be the maximum lawful rate until the maximum lawful rate for the first full calendar month which commences on or after the effective date of this Act is determined and published and takes effect as provided in section nineteen (19) of this Act.

Sec. 30. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), sections twenty-three (23) and twenty-six (26), are repealed on the effective date of this Act. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twenty (20), is repealed on July 1, 1979.

Sec. 31. It is the intent of this Act that Acts of the Sixty-seventh General Assembly, one thousand one hundred ninety (1190), sections eleven (11) through seventeen (17), and sections nineteen (19) and twenty-two (22), which were enacted as temporary provisions to expire on July 1, 1979, shall be deemed permanent Iowa law as enacted, notwithstanding the temporary nature of those provisions when enacted, and that the laws of this state as contained in those provisions shall continue to be the laws of this state on and after the effective date of this Act, except as specifically amended by a provision of this Act, as if those provisions had been enacted as permanent Iowa law.

Sec. 32. The Code editor is directed to codify those sections of Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), which are reenacted by this Act or which are reenacted and amended by this Act, as permanent Code provisions, and to delete all references to 1977 Code law and to temporary law other than customary historical notations as appropriate.

Sec. 33. This Act, being of immediate importance, shall take effect, except as otherwise specifically provided in this Act, from and after its

publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

Approved March 27, 1979

I hereby certify that the foregoing Act, Senate File 158, was published in The Waterloo Courier, Waterloo, Iowa on March 30, 1979, and republished April 6, 1979, and in the Quad-City Times, Davenport, Iowa on March 30, 1979, and republished April 4, 1979 and republished April 12, 1979.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 131  
SMALL LOAN MAXIMUM

H. F. 2

AN ACT increasing the maximum lending limit of a small loan company to two thousand dollars.

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

Section 1. Section five hundred thirty-six point one (536.1), Code 1979, is amended to read as follows:

536.1 LICENSE AND RIGHTS THEREUNDER--FACE-TO-FACE SOLICITATION. With respect to a loan other than a consumer loan, no person, copartnership, association, or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the amount or of the value of ~~one~~ two thousand dollars or less and charge, contract for, or receive on any such loan a greater rate of interest or consideration therefor than the lender would be permitted by law to charge if he or she were not a licensee hereunder except as authorized by this chapter and without first obtaining a license from the superintendent of banking, hereinafter called the superintendent. With respect to a consumer loan, a person required by section 537.2301 to have a license shall not engage in the business of making loans of money, credit, goods or things in action in the amount or value of ~~one~~ two thousand dollars or less and charge, contract for, or receive on any such loan a greater rate of interest or consideration therefor than the lender would be permitted by law to charge if he or she were not a licensee hereunder, except as authorized by this chapter and without first obtaining a license from the superintendent. A person who enters into less than ten supervised loans per year in this state and who neither has an office physically located in this state nor engages in face-to-face solicitation in this state may contract for and receive the rate of interest permitted in this chapter for licensees hereunder. A "consumer loan" shall be as defined in section 537.1301.

Sec. 2. Section five hundred thirty-six point thirteen (536.13), subsection five (5), Code 1979, is amended to read as follows:

5. Every licensee hereunder may lend any sum of money not exceeding ~~one~~ two thousand dollars in amount and may charge, contract for, and receive thereon interest or charges at a rate not exceeding the maximum rate of interest or charges determined and fixed by the board under authority of this section or by the provisions of the preceding subsection 4.

Sec. 3. Section five hundred thirty-six point fifteen (536.15), Code 1979, is amended to read as follows:

536.15 USURY--LIMITATION ON PRINCIPAL LOAN. No licensee shall directly or indirectly charge, contract for, or receive any interest or consideration greater than the lender would be permitted by law to charge if he or she were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than ~~one~~ two thousand dollars. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as endorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently or both to the licensee at any time the sum of more than ~~one~~ two thousand dollars for principal.

Sec. 4. This Act is effective January first following its enactment.

Approved June 6, 1979

## CHAPTER 132

### ALTERNATIVE MORTGAGE INSTRUMENTS

H. F. 658

AN ACT to authorize real property loans secured by alternative mortgage instruments.

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

Section 1. Title twenty-three (XXIII), Code 1979, is amended by adding sections two (2) through fifteen (15) of this Act as a new chapter.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Lender" means a bank, savings and loan association or credit union which is organized under the laws of this state or of the United States and which is authorized to engage in business in this state.

2. "Mortgage instruments" means and includes all documents which are evidence of the existence of a loan and of the obligations of the lender and the borrower.

3. "Regulatory agency" means as follows:

a. With respect to banks, the superintendent of banking.

b. With respect to savings and loan associations, the supervisor of savings and loan associations.

c. With respect to credit unions, the administrator of the credit union department.

4. "Standard mortgage instrument" means a mortgage which contains a fixed interest rate, and which provides for equal payments and full amortization.

5. "Graduated payment mortgage" means the type of mortgage described in section four (4) of this Act.

6. "Variable rate mortgage" means the type of mortgage described in section seven (7) of this Act.

7. "Reverse annuity mortgage" means the type of mortgage described in section eleven (11) of this Act.

Sec. 3. NEW SECTION. ALTERNATIVE MORTGAGE INSTRUMENTS.

1. A lender may make permanent loans or combined construction and permanent loans secured by first liens on real property which are graduated payment mortgages, variable rate mortgages or reverse annuity mortgages, provided that these loans shall be subject to the provisions of this chapter and to rules issued by the regulatory agency. The provisions of this chapter supersede any conflicting provisions of chapters five hundred twenty-four (524), five hundred thirty-three (533) and five hundred thirty-four (534) of the Code with respect to repayment and amortization of real property loans. Loans which are made under this chapter are subject to other laws of this state which are applicable to a lender, except to the extent the provisions of this chapter conflict with those laws, in which event the provisions of this chapter shall govern.

2. Each prospective borrower who is offered an alternative mortgage instrument by a lender must also be offered a standard mortgage instrument by the lender.

3. A lender offering to make a loan secured by an alternative mortgage instrument shall obtain and retain in the loan application file a certification signed by the prospective borrower that the borrower received the disclosure materials specified in this chapter for the type of mortgage instrument used, and that the disclosure was made prior to the time the borrower made the election to accept the alternative mortgage instrument.

Sec. 4. NEW SECTION. GRADUATED PAYMENT MORTGAGE--TERMS. A graduated payment mortgage is a mortgage which secures a loan having scheduled payments to be made directly by the borrower which begin at a level lower than that necessary to fully amortize the loan within its term, and which gradually increase to a predetermined level after which the amount of each payment remains constant. The period during which the payments may increase, the rate of increase and the interest rate shall be fixed for the entire term of the loan at the time of its origination. The period during which the payments may increase shall not exceed ten years, the rate of increase shall not exceed three percent annually over a ten-year period, three and one-half percent annually over a nine-year period, four and one-half percent annually over an eight-year period, five and one-half percent annually over a seven-year period, six and one-half percent annually over a six-year period or seven and one-half percent annually over a period of five years or less, and the amount of each payment shall not be changed more often than once each year with the first change to occur not less than twelve months after the due date of the first scheduled payment on the loan.

In connection with a loan which is secured by a graduated payment mortgage, the borrower may pledge funds held in a savings account owned by the borrower as additional security for the loan. Portions of the principal and earnings of the pledged savings account shall be subject to withdrawal by and payment to the lender on a periodic basis as supplements to loan payments made directly by the borrower. In the event of default by the borrower, a portion of the balance of the pledged savings account may be used for the purpose of curing the default if so provided in the loan agreement, but in any event the balance of the pledged savings account shall be used to reduce the outstanding balance due on the loan upon foreclosure.

Sec. 5. NEW SECTION. CONVERSION OF GRADUATED PAYMENT MORTGAGE. The borrower under a graduated payment mortgage has the right to convert at any time to a standard mortgage instrument, if at the time of exercising the option to convert the borrower qualifies for the standard mortgage instrument under the lender's ordinary underwriting standards. Penalties or fees otherwise permitted by law upon prepayment of a loan shall not be assessed by the lender upon conversion of a graduated payment mortgage if the borrower chooses to convert the graduated payment mortgage at the interest rate specified in the graduated payment mortgage and for the remainder of the term of the graduated payment mortgage.

Sec. 6. NEW SECTION. DISCLOSURE FOR GRADUATED PAYMENT MORTGAGE. Prior to the closing of a loan secured by a graduated payment mortgage, the lender shall deliver to the prospective borrower written materials which explain in reasonably simple terms the graduated payment mortgage offered and a standard mortgage instrument for the same principal amount. These materials shall include all of the following:

- a. A side-by-side comparison of differing interest rates and other terms.
- b. Payment schedules for both the graduated payment mortgage and the standard mortgage, and the total payment in dollars over the full term of each type of loan.

If the loan agreement which is offered provides for a pledged savings account as additional security for the loan, then the disclosure under this paragraph also shall include a schedule of the withdrawals to be made from the savings account as supplemental mortgage payments, the interest rate applicable to the pledged savings account, and a description of the contractual rights of the lender and the borrower with respect to the pledged savings account.

- c. A description of the conversion option which is available to the borrower under section five (5) of this Act.

- d. A statement prominently displayed that the borrower has the option to elect a standard mortgage instrument rather than a graduated payment mortgage.

Sec. 7. NEW SECTION. VARIABLE RATE MORTGAGE--TERMS. A variable rate mortgage is a mortgage which secures a loan bearing an interest rate which fluctuates in direct relation to a reference index, resulting in future payments which may be of an amount not known at the time the loan is made. Interest rate adjustments may not be made more frequently than once each year, on fixed dates specified in the loan agreement and commencing not less

than twelve months after the due date of the first scheduled payment on the loan. The borrower shall receive not less than sixty days notice prior to the effective date of any rate change. The notice shall specify the new interest rate and, after giving effect to the interest rate adjustment, the new dollar amount of each periodic payment or the new term of the loan should the borrower elect to extend the loan. Upon receipt of a notice of an interest rate increase, a borrower shall be entitled, by notifying the lender not less than thirty days prior to the effective date of the increase, to require that in lieu of an increase in the amount of any scheduled periodic payment on the loan the term of the loan be extended by a period sufficient to eliminate or reduce the increase in the periodic payment amount, provided that the cumulative net effect of all such extensions shall be a maximum of one-third of the original term of the loan. A decrease in the interest rate of the loan shall be applied by the lender first to a reduction of any previously extended loan maturity and then to a reduction of periodic payment amounts. The smallest adjustment which may be made in the rate shall be one-tenth of one percent and the greatest adjustment in the rate which may be made at any one time shall be one-half of one percent. Changes in the reference index which are not reflected in the loan interest rate, either at the option of the lender in the case of increases or because the change exceeds the smallest or greatest adjustment permitted by this paragraph, may be accumulated by the lender in the case of increases and shall be accumulated by the lender in the case of decreases and may, in the case of increases, or shall, in the case of decreases, be taken at a later time or used to offset other changes. The maximum net increase in the interest rate over the life of the loan shall be two and one-half percent. The reference index to which the interest rate is tied shall be the same reference index as that which is used under section five hundred thirty-five point two (535.2), subsection three (3), of the Code for purposes of determining the usury rate for this state.

Sec. 8. NEW SECTION. PREPAYMENT OF VARIABLE RATE MORTGAGE. Within sixty days after the borrower is given notice of a change in the interest rate under a variable rate mortgage, the borrower is entitled, if the change is an increase in the interest rate, to prepay the loan, either in full or in part, without penalty. If the borrower elects to prepay under this section, the borrower waives for the year the right under section seven (7) of this Act to extend the maturity date of the loan.

Sec. 9. NEW SECTION. RATE CHANGE NOTICE FOR VARIABLE RATE MORTGAGE. The notice of interest rate change given by the lender under section seven (7) of this Act shall include all of the following information:

1. The current interest rate and new interest rate under the loan.
2. The old and new index rates.
3. The amount of accumulated but unused rate changes, if any.
4. The current monthly payment, the new monthly payment if the rate change is placed into effect, and the remaining maturity of the loan.
5. If the rate change is an increase, a description of the options which the borrower has upon receipt of the notice, including the new payment and the new maturity date of the loan if the borrower elects to extend the loan to the maximum period permitted under section seven (7) of this Act.

6. If the rate change is a decrease, a description of the manner in which the decrease is to be applied.

Sec. 10. NEW SECTION. DISCLOSURES FOR VARIABLE RATE MORTGAGE. Prior to the closing of a loan secured by a variable rate mortgage, the lender shall deliver to the prospective borrower written materials which explain in reasonably simple terms the variable rate mortgage which is offered and a comparable standard mortgage instrument. These written materials shall include all of the following:

1. A side-by-side comparison of differing interest rates and other terms.
2. Payment schedules for both types of instruments, including a "worst case" schedule for the variable rate mortgage which shows every maximum increase at the time it could first occur, the highest possible payment during the loan term, and the total payment in dollars over the full term of each loan, with a statement that the total payment for the variable rate mortgage would be greater in the event of election of the borrower to extend the loan.

3. Information regarding the index used.

4. A description of the borrower's options in the event of an increase in the interest rate.

5. A statement, prominently displayed, that the borrower has the option to elect a standard mortgage instrument.

6. A statement that if the prospective borrower has questions regarding the disclosures, the borrower may contact the regulatory agency of this state which regulates the lender. Each lender shall also disclose the name and address and telephone number of the particular individual who is designated by the regulatory agency of this state to respond to inquiries under this paragraph for the type of lender making the disclosure.

Sec. 11. NEW SECTION. REVERSE ANNUITY MORTGAGES. A reverse annuity mortgage is a mortgage on one-family or two-family residential real property which secures a loan having no periodic principal payments due the lender, and the proceeds of which are either paid to the borrower on a periodic basis or used by the lender to purchase an annuity having periodic payments to the borrower. The loan may become due either on a specific date or upon the occurrence of a specific event. Loans secured by reverse annuity mortgages may be made only upon the real property described in this section, and only upon compliance by the lender with sections twelve (12), thirteen (13) and fourteen (14) of this Act.

Sec. 12. NEW SECTION. QUALIFICATIONS FOR REVERSE ANNUITY MORTGAGE PLANS.

1. A lender may make reverse annuity mortgage loans upon the execution by borrowers of mortgage instruments that meet the requirements of this chapter. The aggregate outstanding balances of all loans evidenced by these instruments shall not exceed one-fourth of the maximum amount which the lender is permitted by law to invest in conventional home purchase-money mortgages, and, in addition, shall be considered to be conventional home mortgages for purposes of that limitation.

2. Mortgage instruments evidencing a reverse annuity mortgage loan shall not be used by a lender unless the instruments have been approved by the regulatory agency.



3. The instruments submitted for approval under this section must satisfy the requirements of section thirteen (13) of this Act. The instruments may include provisions not required by this chapter, but the regulatory agency may disapprove a provision which is inconsistent with the provisions of this chapter or with the intents and purposes of this chapter.

4. A substantive revision of an approved form shall not be made except upon the prior written approval of the regulatory agency.

5. Loan applicants shall not be bound for seven days after the loan commitment is made.

Sec. 13. NEW SECTION. TERMS AND CONDITIONS OF REVERSE ANNUITY MORTGAGES. Mortgage instruments evidencing a reverse annuity mortgage loan shall contain provisions to ensure all of the following:

1. The unpaid balance of the loan, whether inclusive or exclusive of interest, will be unamortized and repayable in full upon the borrower's death, or upon the prior sale of the property securing the loan, subject to the obligation of the lender to refinance as provided in subsection seven (7) of this section. The unpaid balance of the loan shall not exceed ninety-five percent of the value of the property given as security. If the loan is made to joint borrowers, it may be repayable upon the death of the last surviving borrower, or upon the prior sale of the property.

2. If the lender is to act as agent for the borrower in the purchase of an annuity for the borrower from a life insurance company, the lender must be expressly authorized by the borrower to act as the borrower's agent and the annuity must be purchased from a life insurance company which is authorized to issue annuities in this state.

3. Annuities paid to borrowers may be either for life or for a specified term. Annuity contracts with life insurance companies may call for immediate payment or may defer payment for a specified number of years. If deferred, the lender may make payments on an annuity to the borrower as loan advances during the deferral period, provided that the maximum loan balance reached at the end of the deferral period does not exceed ninety-five percent of the property value at the end of the deferral period.

4. If an annuity is purchased from an insurance company, the annuity contract must provide that the insurance company make interest payments on the loan directly to the lender.

5. The loan may be prepaid, and the mortgage released, at any time without penalty.

6. The interest rate payable by the borrower shall be fixed at the time of loan origination and shall not vary during the term of the loan.

7. The loan may become due either on a specific date or upon the occurrence of a specific event, provided that the lender shall refinance, at the request of the borrower and at a market interest rate which is current as of the date the loan becomes due, a loan secured by a reverse annuity mortgage which becomes due prior to a sale or gift of an interest in the real property.

Sec. 14. NEW SECTION. DISCLOSURE FOR REVERSE ANNUITY MORTGAGES. A lender shall not offer to make reverse annuity mortgage loans until the lender has complied with all of the following:

1. The lender shall cause to be prepared a pamphlet containing the following information:

- a. The nature and effect of the loan.
- b. An example, using a typical loan situation, which describes the gross and net annuity the borrower would receive, and the amount of debt to be collected on death or a prior sale of the property.
- c. The rights and obligations of the borrower, should the term of the loan expire prior to the death of the borrower.

The lender shall not make the pamphlet available to the general public until it has been approved by the regulatory agency. The regulatory agency shall not approve a pamphlet unless it provides full and accurate disclosure of the information required by this subsection.

2. The lender shall make available to a prospective borrower the pamphlet required by subsection one (1) of this section, and shall discuss the information contained in the pamphlet with the prospective borrower before giving the borrower a loan application form.

3. At the time of loan commitment, the lender shall deliver to the borrower written materials explaining in reasonably simple language the terms of the loan being offered. These materials shall include all of the following:

- a. The schedule and an explanation of payments to be received by borrower, and whether or not property taxes and insurance are to be deducted from the payments.
- b. A schedule of the outstanding debt which would exist during the term of the loan.
- c. The repayment date of the loan, if the loan is a fixed-term loan, and a description of any event which causes the loan to become due, including but not limited to a sale of the property or the death of one or more of the mortgagors.
- d. The method of repayment, and the repayment schedule, if any.
- e. All contractual contingencies, including but not limited to lack of home maintenance and other default provisions, which may result in a forced sale of the property.
- f. The interest rate and the total amount of interest payable on the loan.
- g. The effective interest rate and the amount of interest earned or expected to be earned on purchased annuities, based on standard mortality tables.
- h. The name and address of the insurance company from which the annuity is to be purchased, if any.
- i. The initial loan fees and charges.
- j. A description of the prepayment and refinancing features of the loan.
- k. A statement that the mortgage may have tax and estate-planning consequences and may effect levels of or eligibility for certain governmental benefits, grants or pensions, and that the borrower is advised to explore these matters with appropriate authorities or with an attorney.

4. The lender shall obtain a statement signed by the borrower which acknowledges receipt of the disclosure required by subsection three (3), paragraph e, of this section.

Sec. 15. NEW SECTION. ENFORCEMENT. An agency of this state which is required by the laws of this state to regulate a lender shall enforce the provisions of this chapter with respect to the lender. The regulatory agency may petition the district court for Polk county in an action in equity to obtain such relief as may be necessary to obtain compliance with this chapter.

A regulatory agency may promulgate rules as necessary to administer or enforce this chapter.

Sec. 16. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one hundred ninety (1190), section twelve (12), subsection two (2), paragraph c, as amended effective July 1, 1979, by Senate File 158, 1979 Session, section twenty-two (22), is further amended effective July 1, 1979, to read as follows:

c. If the purpose of the loan is to enable the borrower to purchase a single-family or two-family dwelling, for his or her residence, the any provision of a loan agreement shall not contain any provision which prohibits the borrower from transferring his or her interest in the property to a third party for use by the third party as his or her residence, and--shall--not contain or any provision which requires or permits the lender to make a change in the interest rate, the repayment schedule or the term of the loan as a result of a transfer by the borrower of his or her interest in the property to a third party for use by the third party as his or her residence shall not be enforceable except as provided in the following sentence. If the lender on reasonable grounds believes that its security interest or the likelihood of repayment is impaired, based solely on criteria which is not more restrictive than that used to evaluate a new mortgage loan application, the lender may accelerate the loan, or to offset any such impairment, may adjust the interest rate, the repayment schedule or the term of the loan. A provision of a loan agreement which violates this paragraph is void.

Approved June 10, 1979

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CHAPTER 133  
NONRESIDENT ALIEN LAND OWNERSHIP

H. F. 148

AN ACT relating to the ownership of land by nonresident aliens and providing penalties.

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

Section 1. Chapter five hundred sixty-seven (567), Code 1979, is amended by striking the chapter and inserting in lieu thereof sections two (2) through twelve (12) of this Act.

Sec. 2. NEW SECTION. DEFINITIONS. For the purpose of this chapter:

1. "Agricultural land" means land suitable for use in farming.
2. "Nonresident alien" means an individual who is not a citizen of the United States and who has not been classified as a permanent resident alien by the United States immigration and naturalization service.
3. "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming includes the production of timber, forest products, nursery products, or sod. Farming does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm services.
4. "Foreign business" means a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens. Legal entities, including but not limited to trusts, holding companies, multiple corporations and other business arrangements, do not affect the determination of ownership or control of a foreign business.
5. "Foreign government" means a government other than the government of the United States, its states, territories or possessions.

Sec. 3. NEW SECTION. ALIEN RIGHTS. A nonresident alien, foreign business or foreign government may acquire, by grant, purchase, devise or descent, real property, except agricultural land or any interest in agricultural land in this state, and may own, hold, devise or alienate the real property, and shall incur the same duties and liabilities in relation thereto as a citizen and resident of the United States.

Sec. 4. NEW SECTION. RESTRICTION ON AGRICULTURAL LAND HOLDINGS.

1. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, shall not purchase or otherwise acquire agricultural land in this state. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, which owns or holds agricultural land in this state on the effective date of this Act may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state.
2. A person who acquires agricultural land in violation of this Act or who fails to convert the land to the purpose other than farming within five years as provided for in this Act, remains in violation of this Act for as long as the person holds an interest in the land.
3. The restriction set forth in subsection one (1) of this section does not apply to agricultural land acquired by devise or descent nor shall it apply to an interest in agricultural land, not to exceed three hundred twenty acres, acquired by a nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof for an immediate or pending use other than farming. However, a nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, who lawfully owns over three hundred twenty acres on the effective date of this Act, may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state except by devise

or descent from a nonresident alien. Pending the development of the agricultural land for another purpose other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership or other business entity not subject to the restriction on the increase in agricultural land holdings imposed by section one hundred seventy-two C point four (172C.4) of the Code.

4. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof shall not transfer title to or interest in agricultural land to a nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof except by devise or descent.

Sec. 5. NEW SECTION. DEVELOPMENT OF LAND ACQUIRED FOR NONFARMING PURPOSES. Development of the agricultural land which is not subject to the restrictions of section four (4), subsections one (1) and two (2), of this Act because the land or interest in the land was acquired for an immediate or pending use other than farming, shall convert the land to the purpose other than farming, within five years after the acquisition of the agricultural land or the acquisition of the interest in the agricultural land.

Sec. 6. NEW SECTION. LAND ACQUIRED BY DEVISE OR DESCENT. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, which acquires agricultural land or an interest in agricultural land, by devise or descent after the effective date of this Act shall divest itself of all right, title and interest in the land within two years from the date of acquiring the land or interest. This section shall not require divestment of agricultural land or an interest in agricultural land, acquired by devise or descent from a nonresident alien, if such land or an interest in such land was acquired by any nonresident alien prior to July 1, 1979.

Sec. 7. NEW SECTION. CHANGE OF STATUS--DIVESTMENT. A person or business which purchases or otherwise acquires agricultural land in this state except by devise or descent, after the effective date of this Act, and whose status changes so that it becomes a foreign business or nonresident alien subject to this Act, shall divest itself of all right, title and interest in the land within two years from the date that its status changed.

Sec. 8. NEW SECTION. REGISTRATION. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, which owns an interest in agricultural land within this state on or after the effective date of this Act shall register the agricultural land with the secretary of state. The registration shall be made within sixty days after the effective date of this Act or within sixty days after acquiring the land or the interest in land, whichever time is the later. The registration shall be in the form and manner prescribed by the secretary and shall contain the name of the owner and the location and number of acres of the agricultural land by township and county. If the owner of the agricultural land or owner of the interest in agricultural land is an agent, trustee or fiduciary of a nonresident alien, foreign business or foreign government, the registration shall also include the name of any principal for whom that land, or interest in that land was purchased as agent.

Sec. 9. NEW SECTION. REPORTS. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, who acquires agricultural land not subject to the restrictions of section four (4) of this Act because the land was acquired for an immediate or pending use other than farming, shall file a report with the secretary of state before March thirty-first of each year. The report shall be in the form and manner prescribed by the secretary and shall contain the following:

1. The name of the owner of the agricultural land or owner of the interest in the agricultural land.

2. If the owner of the agricultural land or interest in agricultural land is an agent, trustee or fiduciary of a nonresident alien, foreign business or foreign government, the name of any principal for whom that land or interest in that land was acquired as agent.

3. The location and number of acres of the agricultural land by township and county.

4. The date the agricultural land or interest in agricultural land was acquired.

5. The immediate or pending use other than farming, for which the agricultural land or interest in agricultural land was acquired and the status of the land's development for the purpose other than farming.

6. The present use of the agricultural land.

Sec. 10. NEW SECTION. ENFORCEMENT.

1. If the secretary of state finds that a nonresident alien, foreign business, foreign government, or an agent, trustee, or other fiduciary thereof, has acquired or holds title to or interest in agricultural land in this state in violation of this Act or has failed to timely register as required under section eight (8) of this Act or has failed to timely report as required under section nine (9) of this Act, the secretary shall report the violation to the attorney general.

2. Upon receipt of the report from the secretary of state, the attorney general shall initiate an action in the district court of any county in which the land is located.

3. The attorney general shall file a notice of the pendency of the action with the recorder of deeds of each county in which any of the land is located. If the court finds that the land in question has been acquired or held in violation of this Act or the required registration has not been timely filed, it shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the land is located.

Sec. 11. NEW SECTION. ESCHEAT. If the court finds that the land in question has been acquired in violation of this Act or that the land has not been converted to the purpose other than farming within five years as provided for in this Act, the court shall declare the land escheated to the state. When escheat is decreed by the court, the clerk of court shall notify the governor that the title to the real estate is vested in the state by decree of the court. Any real estate, the title to which is acquired by the state under the provisions of this Act, shall be sold in the manner provided by law for the foreclosure of a mortgage on real estate for default of

payment, the proceeds of the sale shall be used to pay court costs, and the remaining funds, if any, shall be paid to the person divested of the property but only in an amount not exceeding the actual cost paid by the person for that property. Proceeds remaining after the payment of court costs and the payment to the person divested of the property shall become a part of the general fund of the county or counties in which the land is located, in proportion to the part of the land in each county.

Sec. 12. NEW SECTION. PENALTY--FAILURE TO TIMELY FILE. A nonresident alien, foreign business or foreign government, or an agent, trustee or other fiduciary thereof, who fails to timely file the registration as required by section eight (8) of this Act, or who fails to timely file a report required by section nine (9) of this Act shall, for each offense, be punished by a fine of not more than two thousand dollars.

Sec. 13. Sections four hundred ninety-one point sixty-seven (491.67) and five hundred eighty-nine point seven (589.7), Code 1979, are repealed.

Sec. 14. This Act is effective January first following its enactment.

Approved June 10, 1979

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CHAPTER 134  
COUNTY SALES OF PUBLIC PROPERTY

S. F. 475

AN ACT to legalize the proceeding of any county in the state which sold certain county property without offering the property for sale at a public auction.

Whereas, the boards of supervisors of counties in this state may have offered for sale county property which was no longer needed for the purpose for which it was acquired or for any other county purpose; and

Whereas, the boards of supervisors subsequently offered those properties for sale on or after June 30, 1974 and on or before July 1, 1975 and complied with all of the provisions of section three hundred thirty-two point three (332.3), subsection thirteen (13), of the Code, except that the boards failed to offer the properties for sale at a public auction; and

Whereas, some doubt has arisen as to the validity of the sales of such properties and such doubts may raise an issue concerning the merchantability of the title to such properties sold on or after June 30, 1974 and on or before July 1, 1975 and said acts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the board of supervisors of any county pertaining to the sale of any property which was no longer needed for the purpose for which it was acquired or any other county purpose and sold

pursuant to section three hundred thirty-two point three (332.3), subsection thirteen (13), of the Code where the board failed to offer such property for sale at a public auction on or after June 30, 1974 and on or before July 1, 1975 are validated, legalized, and confirmed and shall constitute a valid, legal, and binding sale of such property sold on or after June 30, 1974 and on or before July 1, 1975 by the board of supervisors of any county.

Approved June 1, 1979

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CHAPTER 135  
ADOPTION HEARING NOTICE

H. F. 95

AN ACT to clarify the notice of adoption hearing provision in the Code.

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

Section 1. Section six hundred point eleven (600.11), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and ~~any~~ a person in a parent-child relationship with the person to be adopted. This paragraph does not require notice to be given to a person whose parental rights have been terminated with regard to the person to be adopted.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Des Moines Register, a newspaper published in Des Moines, Iowa.

Approved April 12, 1979

I hereby certify that the foregoing Act, House File 95, was published in the Globe-Gazette, Mason City, Iowa on April 20, 1979, and in The Des Moines Register, Des Moines, Iowa on April 20, 1979, republished April 30 and May 11, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*



CHAPTER 136  
PARENTAL RIGHTS TERMINATED

H. F. 153

AN ACT making a technical correction to the chapter on termination of parental rights.

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

Section 1. Section six hundred A point five (600A.5), subsection three (3), paragraph c, Code 1979, is amended to read as follows:

c. A plain statement of the facts and grounds in section 600A.8, subsections one (1) through four (4), which indicate that the parent-child relationship should be terminated.

Sec. 2. This Act is effective on January first following its enactment.

Approved April 26, 1979

CHAPTER 137  
SENIOR JUDGE SYSTEM

S.F. 70

AN ACT to establish a senior judge system.

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

Section 1. Section six hundred five point twenty-seven (605.27), subsection one (1), Code 1979, is amended to read as follows:

1. Retire a district associate judge, a district judge, a judge of the court of appeals, ~~or~~ a judge of the supreme court or a senior judge for permanent physical or mental disability which substantially interferes with the performance of his or her judicial duties.

Sec. 2. Chapter six hundred five A (605A), Code 1979, is amended by adding sections three (3) through eleven (11) of this Act as new sections.

Sec. 3. NEW SECTION. SHORT TITLE. Sections three (3) through eleven (11) of this Act may be cited and referred to as the Iowa senior judge Act.

Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Senior judge" means a supreme court judge, court of appeals judge, district court judge or district associate judge who meets the requirements of section five (5) of this Act and who has not been retired or removed from the roster of senior judges under section nine (9) or ten (10) of this Act.

2. "Retired senior judge" means a senior judge who has been retired from a senior judgeship as provided in section nine (9) of this Act.

3. "Roster of senior judges" means the roster maintained by the clerk of the supreme court under section five (5), subsection three (3) of this Act.

4. "Twelve-month period" means each successive one-year period commencing on the date a retired judge becomes a senior judge and while the judge continues to be a senior judge.

Sec. 5. NEW SECTION. SENIOR JUDGESHIP REQUIREMENTS.

1. A supreme court judge, court of appeals judge, district judge or district associate judge, who qualifies under subsection two (2) of this section, may become a senior judge by filing with the clerk of the supreme court a written election in the form specified by the court administrator. The election shall be filed not later than the date of retirement.

2. A judicial officer referred to in subsection one (1) of this section qualifies for a senior judgeship if he or she meets all of the following requirements:

a. Retires from office on or after July 1, 1977, whether or not he or she is of mandatory retirement age.

b. Meets the minimum requirements for entitlement to an annuity as specified in section six hundred five A point six (605A.6) of the Code.

c. Agrees in writing on a form prescribed by the court administrator to be available as long as he or she is a senior judge to perform judicial duties as assigned by the supreme court for an aggregate period of thirteen weeks out of each successive twelve-month period.

d. Submits evidence to the satisfaction of the supreme court that as of the date of retirement he or she does not suffer from a permanent physical or mental disability which would substantially interfere with the performance of duties agreed to under paragraph c of this subsection.

3. The clerk of the supreme court shall maintain a book entitled "Roster of Senior Judges", and shall enter in the book the name of each judicial officer who files a timely election under subsection one (1) of this section and qualifies under subsection two (2) of this section. A person shall be a senior judge upon entry of the person's name in the roster of senior judges and until the person becomes a retired senior judge as provided in section nine (9) of this Act, or until the person's name is stricken from the roster of senior judges as provided in section ten (10) of this Act, or until the person dies.

4. The supreme court shall cause each senior judge on the roster to actually perform judicial duties during each successive twelve-month period.

5. A judicial officer referred to in subsection one (1) of this section who retired from office on or after the date specified in subsection two (2) of this section and before the effective date of this Act may become a senior judge by filing with the clerk of court not later than thirty days after the effective date of this Act a written election in the form specified by the court administrator. If prior to the effective date of this Act the judicial officer filed an election to practice law under section six hundred five point twenty-five (605.25) of the Code, the filing of an election under this subsection revokes the election to practice law, and the judicial officer

shall divest himself or herself of any interest in the practice of law within ninety days after the effective date of this Act. For purposes of subsection two (2), paragraph d, of this section only, the date of retirement of a judicial officer who files an election under the authority of this subsection shall be deemed to be the effective date of this Act.

Sec. 6. NEW SECTION. ANNUITY OF SENIOR JUDGE AND RETIRED SENIOR JUDGE. A senior judge or a retired senior judge shall not be paid a salary. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section six hundred five A point nine (605A.9) of the Code, but computed under this section in lieu of section six hundred five A point seven (605A.7) of the Code, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the current base salary, as of the time each payment is made, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under chapter six hundred five A (605A) of the Code, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of such current base salary.

Sec. 7. NEW SECTION. PRACTICE OF LAW PROHIBITED. A senior judge shall not practice law.

Sec. 8. NEW SECTION. TEMPORARY SERVICE BY SENIOR JUDGE. Section six hundred five point twenty-five (605.25) of the Code does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, he or she may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with his or her consent. A senior judge shall not be assigned to judicial duties on a court superior to the highest court to which he or she was appointed prior to retirement, and shall not be assigned to the court of appeals or the supreme court except to serve in the temporary absence of a member of that court. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which he or she is assigned, shall continue to be paid his or her annuity as senior judge, shall be reimbursed for his or her actual expenses to the extent expenses of a district judge are reimbursable under section six hundred five point two (605.2) of the Code, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

1. A senior judge also shall be available to serve in the capacity of administrative hearing officer under chapter seventeen A (17A) of the Code upon the request of an agency, and the supreme court may assign a senior

judge for temporary duties as a hearing officer. A senior judge shall not be required to serve a period of time as a hearing officer which, when added to the period of time being served by the person as a judge, if any, would exceed the maximum period of time the person agreed to serve pursuant to section five (5), subsection two (2), of this Act.

Sec. 9. NEW SECTION. RETIREMENT OF SENIOR JUDGE.

1. A senior judge shall cease to be a senior judge upon completion of the twelve-month period during which he or she attains seventy-eight years of age. The clerk of the supreme court shall make a notation of the retirement of a senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

2. A senior judge is subject to retirement under sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for the causes specified in section six hundred five point twenty-seven (605.27), subsection one (1) of the Code. A senior judge may request and be granted retirement in the manner provided in section six hundred five A point twelve (605A.12) of the Code. When a senior judge is retired as provided in this subsection the clerk of the supreme court shall make a notation of the retirement of the senior judge in the roster of senior judges, at which time the senior judge shall become a retired senior judge.

Sec. 10. NEW SECTION. RELINQUISHMENT OF SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

1. A senior judge, at any time prior to the end of the twelve-month period during which he or she attains seventy-eight years of age, may submit to the clerk of the supreme court a written request that his or her name be stricken from the roster of senior judges. Upon the receipt of the request the clerk shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge. A person who relinquishes a senior judgeship as provided in this subsection may be assigned to temporary judicial duties as provided in section six hundred five point twenty-five (605.25) of the Code.

2. A senior judge is subject to removal under the provisions of sections six hundred five point twenty-six (605.26) through six hundred five point thirty-two (605.32) of the Code for any of the causes specified in section six hundred five point twenty-seven (605.27), subsection two (2) of the Code. When a person is removed from a senior judgeship as provided in this subsection the clerk of the supreme court shall strike the name of the person from the roster of senior judges, at which time the person shall cease to be a senior judge.

3. A person who relinquishes a senior judgeship in the manner provided in subsection one (1) of this section or who is removed as provided in subsection two (2) of this section shall be paid a retirement annuity in an amount determined according to section six hundred five A point seven (605A.7) of the Code in lieu of section six (6) of this Act, commencing on the effective date of the relinquishment or removal, and for such purposes any service and annuity of the person as a senior judge is disregarded.

Sec. 11. NEW SECTION. SURVIVOR'S ANNUITY.

1. A survivor of a senior judge or a retired senior judge shall be paid an annuity in lieu of that specified in section six hundred five A point fifteen (605A.15) of the Code, which is equal to one-half the amount of the annuity the senior judge or retired senior judge was receiving at the time of his or her death, provided the survivor is qualified under section six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

2. A survivor of a person whose name is stricken from the roster of senior judges shall be paid an annuity equal to one-half of the amount the person was receiving at the time of his or her death, provided the survivor is qualified under section six hundred five A point fifteen (605A.15) of the Code to receive an annuity.

Sec. 12. Section six hundred five A point ten (605A.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, this section does not prohibit the payment of an annuity to a senior judge while serving as provided in section eight (8) of this Act.

Approved March 30, 1979

CHAPTER 138  
FOREIGN JUDGMENTS ENFORCED

S. F. 29

AN ACT relating to the enforcement of foreign judgments.

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

Section 1. NEW SECTION. DEFINITION. As used in this Act unless the context otherwise requires, "foreign judgment" means a judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

Sec. 2. NEW SECTION. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy of a foreign judgment authenticated in accordance with an act of Congress or the statutes of this state may be filed in the office of the clerk of the district court of a county of this state which would have venue if the original action was being commenced in this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of the district court of this state and may be enforced or satisfied in like manner.

Sec. 3. NEW SECTION. NOTICE OF FILING.

1. At the time of the filing of the foreign judgment, the judgment creditor or his or her lawyer shall make and file with the clerk of court an

affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

2. Promptly upon the filing of the foreign judgment and the affidavit as provided in subsection one (1) of this section, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state.

3. No execution or other process for enforcement of a foreign judgment filed under this Act shall issue until the expiration of twenty days after the date the judgment is filed.

Sec. 4. NEW SECTION. STAY.

1. If the judgment debtor shows the district court in which the judgment is filed that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

2. If the judgment debtor shows the district court in which the judgment is filed that grounds exist upon which enforcement of a judgment of the district court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Sec. 5. NEW SECTION. FEES. A person filing a foreign judgment shall pay a filing fee of five dollars to the clerk of court. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the district court.

Sec. 6. NEW SECTION. OPTIONAL PROCEDURE. The right of a judgment creditor to bring an action to enforce his or her judgment instead of proceeding under this Act remains unimpaired.

Sec. 7. NEW SECTION. UNIFORMITY OF INTERPRETATION. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 8. NEW SECTION. SHORT TITLE. This Act may be cited as the uniform enforcement of foreign judgments Act.

Sec. 9. This Act shall take effect on January first following its enactment.

Approved May 3, 1979

CHAPTER 139  
SURVIVING SPOUSE OF INTESTATE DECEDENT

S. F. 361

AN ACT increasing the share of the surviving spouse under the intestate succession laws.

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

Section 1. Section six hundred thirty-three point two hundred eleven (633.211), subsection four (4), Code 1979, is amended to read as follows:

4. If the property received by the surviving spouse under subsections 1, 2 and 3 of this section is not equal in value to the sum of ~~twenty-five~~ fifty thousand dollars, then so much additional of any remaining homestead interest and of the remaining real and personal property of the decedent that is subject to payment of debts and charges against the decedent's estate, after payment of such debts and charges, even to the extent of the whole of the net estate, as may be necessary to make the amount of ~~twenty-five~~ fifty thousand dollars.

Sec. 2. Section six hundred thirty-three point two hundred twelve (633.212), Code 1979, is amended to read as follows:

633.212 SHARE OF SURVIVING SPOUSE WHERE DECEDENT LEFT NO ISSUE. If the decedent dies intestate leaving a surviving spouse and leaving no issue, the surviving spouse shall receive the following share:

1. ~~One-third~~ One-half in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no relinquishment of his or her right.

2. All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

3. ~~One-third~~ One-half of all other personal property of the decedent which is not necessary for the payment of debts and charges.

4. If the property received by the surviving spouse under subsections 1 and 3 of this section is not equal in value to the sum of ~~twenty-five~~ fifty thousand dollars, then so much additional of any remaining homestead interest and of the nonexempt real and personal property of the decedent remaining after payment of the debts and charges against the estate, as may be necessary, even to the extent of the entire net estate, to make the amount of ~~twenty-five~~ fifty thousand dollars.

5. So much additional of the remaining real and personal property belonging to the decedent as is necessary to make the entire share of the surviving spouse, including the property received under subsections 1, 3 and 4 of this section, equal in value to the aforesaid sum of ~~twenty-five~~ fifty thousand dollars plus one-half of the net value of the estate over and above the said sum of ~~twenty-five~~ fifty thousand dollars and the value of the exempt personal property.

Sec. 3. This Act is effective January 1, 1980 for the estates of persons dying on or after January 1, 1980.

Approved June 1, 1979

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CHAPTER 140  
CLAIMS AGAINST ESTATES

S. F. 293

AN ACT relating to the filing of requests and giving notice of claims against probated estates.

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

Section 1. Section six hundred thirty-three point four hundred forty-two (633.442), Code 1979, is amended to read as follows:

633.442 CLAIMS BARRED AFTER TWENTY DAYS. Unless the claimant shall within twenty days after the date of mailing ~~said~~ the notice of disallowance, file a request for hearing with the clerk, and mail a copy ~~thereof of the request for hearing~~ to the personal representative and to the attorney of record, if any, the claim shall be deemed disallowed, and shall be forever barred.

Sec. 2. Section six hundred thirty-three point four hundred forty-three (633.443), Code 1979, is amended to read as follows:

633.443 REQUEST FOR HEARING BY CLAIMANT. At the time of the filing of a claim against an estate, or at any time thereafter prior to the time that the claim may be barred by the provisions of section 633.442, or the approval of the final report of the personal representative after notice to the claimant, the claimant may file a ~~written request, in duplicate,~~ written request, in duplicate, for hearing ~~on his claim~~ with the clerk ~~who shall mail the duplicate to the personal representative, or to his,~~ and mail a copy of the request for hearing to the personal representative and attorney of record, if any.

Sec. 3. This Act is effective January first following its enactment.

Approved May 3, 1979



CHAPTER 141  
LIMITED GUARDIANSHIPS

S. F. 400

AN ACT providing for limited guardianships under the state probate code.

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

Section 1. Chapter six hundred thirty-three (633), Code 1979, is amended by adding the following new section:

NEW SECTION. RESPONSIBILITIES OF GUARDIAN. Unless otherwise directed by order of court, the guardian shall have custody of a minor ward and general supervisory responsibility for the care of a ward who has attained the age of majority. However, the court may take into account all available information concerning the capabilities of the ward and any additional evaluation deemed necessary, and may direct that the guardian have only a specially limited responsibility for the ward. In such event, the court shall state those areas of responsibility which shall be supervised by the guardian and all others shall be retained by the ward. From time to time, upon a proper showing, the court may alter the respective responsibilities of the guardian and the ward, after notice to the ward and an opportunity to be heard.

Sec. 2. Section six hundred thirty-three point six hundred thirty-seven (633.637), Code 1979, is amended to read as follows:

633.637 POWERS OF WARD. A ward for whom a conservator has been appointed shall not have the power to convey, encumber or dispose of property in any manner, other than by will if he the ward possesses the requisite testamentary capacity, unless the court determines that the ward has a limited ability to handle his or her own funds. If the court makes such a finding, it shall specify to what extent the ward may possess and use his or her own funds.

Sec. 3. Section six hundred thirty-three point six hundred thirty-eight (633.638), Code 1979, is amended to read as follows:

633.638 PRESUMPTION OF FRAUD. If a conservator be appointed, all contracts, transfers and gifts made by the ward after the filing of the petition shall be presumed to be a fraud against the rights and interest of the ward except as otherwise directed by the court pursuant to section six hundred thirty-three point six hundred thirty-seven (633.637) of the Code.

Sec. 4. This Act is effective January first following its enactment.

Approved April 26, 1979

CHAPTER 142  
CEMETERY FUNDS INVESTED

S. F. 283

AN ACT relating to the investment of cemetery perpetual care funds by cities.

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

Section 1. Section six hundred eighty-two point twenty-three (682.23), subsection fourteen (14), Code 1979, is amended to read as follows:

14. LIMITATION AS TO COURT-APPROVED INVESTMENTS. ~~Nothing in this~~ This section shall be construed as prohibiting does not prohibit investment of such funds in a savings account or time certificate of deposit of a bank or savings and loan association, located in within the city or its county of this state and when first approved by the court. However, a city that is the trustee of a cemetery as provided in section five hundred sixty-six point fourteen (566.14) of the Code may invest perpetual care funds in a savings account or certificates of deposit at a bank or savings and loan association, located in this state without court approval.

Sec. 2. This Act is effective January first following its enactment.

Approved May 7, 1979

CHAPTER 143  
EFFECTIVE DATE OF COURT RULES

H. F. 64

AN ACT providing that rules and forms submitted by the supreme court to the general assembly shall take effect the July first following their submission.

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

Section 1. Section six hundred eighty-four point nineteen (684.19), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

684.19 REPORT TO GENERAL ASSEMBLY--ENROLLMENT. Any such rules and forms prescribed by the supreme court shall be reported by it to the general assembly within twenty days after the commencement of either regular session and shall take effect July ± first following the ~~adjournment of such session~~ date of their submission, with such changes, if any, as may have been enacted at such session; and thereafter all laws in conflict therewith shall be of no further force or effect.

Sec. 2. In the case of rules and forms filed within twenty days after the commencement of the second session of the Sixty-seventh General Assembly which did not become effective because the general assembly did not adjourn prior to July 1, 1978, such rules and forms shall become effective July 1, 1979 as if they had been reported within twenty days after commencement of the first session of the Sixty-eighth General Assembly.

Sec. 3. This Act shall take effect and be in force on and retroactive to January 8, 1979 for rules and forms filed during the first session of the Sixty-eighth General Assembly, after its publication in The Clinton Herald, a newspaper published in Clinton, Iowa, and in The Des Moines Register, a newspaper published in Des Moines, Iowa.

Approved April 12, 1979

I hereby certify that the foregoing Act, House File 64, was published in The Clinton Herald, Clinton, Iowa on April 19, 1979, and in The Des Moines Register, Des Moines, Iowa on April 20, 1979.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 144

### QUESTIONS OF LAW IN SUPREME COURT CERTIFIED

S. F. 294

AN ACT to provide uniform procedures for certifying questions of law.

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

Section 1. NEW SECTION. POWER TO ANSWER. The supreme court may answer questions of law certified to it by the supreme court of the United States, a court of appeals of the United States, a United States district court or the highest appellate court or the intermediate appellate court of another state, when requested by the certifying court, if there are involved in a proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the appellate courts of this state.

Sec. 2. NEW SECTION. METHOD OF INVOKING. This Act may be invoked by an order of a court referred to in section one (1) of this Act upon the court's own motion or upon the motion of a party to the cause.

Sec. 3. NEW SECTION. CONTENTS OF CERTIFICATION ORDER. A certification order shall set forth the questions of law to be answered and a statement of facts relevant to the questions certified, showing fully the nature of the controversy in which the questions arose.

Sec. 4. NEW SECTION. PREPARATION OF CERTIFICATION ORDER. The certification order shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the

clerk of the certifying court under its official seal. The supreme court may require the original or copies of all or of a portion of the record before the certifying court to be filed with the certification order, if, in the opinion of the supreme court, the record or portion of it is necessary in answering the questions.

Sec. 5. NEW SECTION. COSTS OF CERTIFICATION. Fees and costs shall be the same as in civil appeals docketed before the supreme court and shall be equally divided between the parties unless otherwise ordered by the certifying court in its order of certification.

Sec. 6. NEW SECTION. PROCEDURE. The supreme court may prescribe its own rules of procedure concerning the answering and certification of questions of law under this Act, subject to section six hundred eighty-four point nineteen (684.19) of the Code.

Sec. 7. NEW SECTION. OPINION. The written opinion of the supreme court stating the law governing the questions certified shall be sent by the clerk under the seal of the supreme court to the certifying court and to the parties.

Sec. 8. NEW SECTION. POWER TO CERTIFY. The supreme court or the court of appeals, on its own motion or the motion of a party, may order certification of questions of law to the highest court of another state when it appears to the certifying court that there are involved in a proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Sec. 9. NEW SECTION. PROCEDURE ON CERTIFYING. The procedures for certification from this state to the receiving state are those provided in the laws of the receiving state.

Sec. 10. NEW SECTION. CONSTRUCTION. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 11. NEW SECTION. TITLE. This Act may be cited as the "Uniform Certification of Questions of Law Act".

Sec. 12. This Act is effective January first following its enactment.

Approved May 3, 1979

CHAPTER 145  
LIBRARY THEFTS

S. F. 4

AN ACT relating to theft of library materials and providing a penalty.

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

Section 1. Chapter seven hundred two (702), Code 1979, is amended by adding the following new section:

NEW SECTION. LIBRARY MATERIALS. "Library materials" include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

1. A public library.
2. A library of an educational, historical, or eleemosynary institution, organization, or society.
3. A museum.
4. A repository of public records.

Sec. 2. Section seven hundred fourteen point five (714.5), Code 1979, is amended to read as follows:

714.5 EVIDENCE OF INTENTION. The fact that any a person has concealed library materials as defined in section one (1) of this Act or unpurchased property of any a store or other mercantile establishment, either on the premises or outside the premises of such store, shall be is material evidence of intent to deprive the owner ~~thereof~~, and the finding of such library materials or unpurchased property concealed, upon the person or among the belongings of such the person, ~~shall be is~~ material evidence of intent to deprive and, if such the person conceals, or causes to be concealed, ~~such library materials or unpurchased property,~~ upon the person or among the belongings of another, the finding of the same ~~shall is~~ also be material evidence of intent to deprive on the part of the person concealing such the library materials or goods.

The fact that a person fails to return library materials for six months after the date the person agreed to return the library materials is evidence of intent to deprive the owner, provided a reasonable attempt has been made to reclaim the materials. Notices stating the provisions of this section and of section eight hundred eight point twelve (808.12) of the Code with regard to library materials shall be posted in clear public view in all public libraries, in all libraries of educational, historical or charitable institutions, organizations or societies, in all museums and in all repositories of public records.

In the case of lost library materials, arrangements may be made to make a monetary settlement.

Sec. 3. Section eight hundred eight point twelve (808.12), Code 1979, is amended to read as follows:

808.12 DETENTION AND SEARCH IN THEFT OF LIBRARY MATERIALS AND SHOPLIFTING.

1. Persons concealing property as set forth in section 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee ~~shall~~ does not render ~~such peace officer, merchant, or merchant's employee~~ the person liable, in a criminal or civil action, for false arrest or false imprisonment provided ~~the peace officer, merchant, or merchant's employee~~ the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section 714.5.

Sec. 4. This Act is effective on January first following its enactment.

Approved June 1, 1979

## CHAPTER 146

### SOLICITATION TO GATHER EVIDENCE

H. F. 368

AN ACT relating to police activity in gathering evidence which does not constitute the crime of solicitation.

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

Section 1. Section seven hundred four point eleven (704.11), Code 1979, is amended to read as follows:

704.11 POLICE ACTIVITY. A peace officer or person ~~employed by~~ acting as an agent of or directed by any police agency who ~~joins~~ participates in the ~~participation~~ commission of a crime by another person solely for the purpose of gathering evidence leading to the prosecution of such other person shall not be guilty of that crime or of the crime of solicitation as set forth in section seven hundred five point one (705.1) of the Code, provided that all of the following are true:

1. He or she is not ~~the~~ an instigator of the criminal activity.

2. He or she does not intentionally injure a nonparticipant in the crime.
3. He or she acts with the consent of ~~his--or--her~~ superiors, or the necessity of immediate action precludes ~~his--or--her~~ obtaining such consent.
4. His or her actions are reasonable under the circumstances.

This section is not intended to preclude the use of undercover or surveillance persons by law enforcement agencies in appropriate circumstances and manner. It is intended to discourage such activity to tempt, urge or persuade the commission of offenses by persons not already disposed to commit offenses of that kind.

Approved June 10, 1979

CHAPTER 147  
DOMESTIC ABUSE

H. F. 709

AN ACT relating to domestic abuse and providing a penalty.

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

Section 1. NEW SECTION. SHORT TITLE. This Act may be cited as the "Domestic Abuse Act" and shall appear as a separate chapter in the Code.

Sec. 2. NEW SECTION. DEFINITIONS. For purposes of this Act, unless a different meaning is clearly indicated by the context:

1. "Domestic abuse" means committing assault as defined in section seven hundred eight point one (708.1) of the Code under either of the following circumstances:

a. The assault is between family or household members who resided together at the time of the assault.

b. The assault is between separated spouses not residing together at the time of the assault.

2. "Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under eighteen.

Sec. 3. NEW SECTION. COMMENCEMENT OF ACTIONS. A person may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:

1. Name of the plaintiff and the name and address of the plaintiff's attorney.

2. Name and address, if known, of the defendant.

3. Relationship of the plaintiff to the defendant.

4. Nature of the alleged domestic abuse.

5. Name and age of each child under eighteen whose welfare may be affected by the controversy.

6. Desired relief, including a request for temporary or emergency orders.

If the plaintiff files an affidavit stating that he or she does not have funds available to pay the cost of filing and service, the petition shall be filed and service shall be made without payment of costs. If a petition is filed and service is made without payment of costs, the court shall determine at the hearing if the plaintiff is indigent. If the court finds that the plaintiff is not indigent, the court may order the plaintiff to pay the costs of filing and service.

Sec. 4. NEW SECTION. HEARINGS--TEMPORARY ORDERS.

1. Within ten days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of domestic abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

3. If a hearing is continued, the court may make or extend any temporary order under subsection two (2) of this section that it deems necessary.

4. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

5. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

6. Hearings shall be recorded.

Sec. 5. NEW SECTION. DISPOSITION: Upon a finding that the defendant has engaged in domestic abuse:

1. The court may order that the plaintiff and the defendant receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the court expense fund.

2. The court may grant a protection order or approve a consent agreement which may contain but is not limited to any of the following provisions:

a. That the defendant cease domestic abuse of the plaintiff.

b. That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.

c. That the defendant stay away from the plaintiff's residence, school or place of employment.

d. The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.

e. That the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

An order for counseling, a protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing.



3. An order or consent agreement under this section shall not affect title to real property.

4. A certified copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and law enforcement agencies having jurisdiction to enforce the order or consent agreement. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and agencies previously notified.

Sec. 6. NEW SECTION. EMERGENCY ORDERS.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section five (5), subsection two (2) of this Act if the district judge or district associate judge deems it necessary to protect the plaintiff from domestic abuse, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

2. An emergency order issued under subsection one (1) of this section shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section four (4) of this Act.

3. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section three (3) of this Act.

Sec. 7. NEW SECTION. PROCEDURE.

1. A proceeding under this Act shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this Act, and is in addition to any other civil or criminal remedy.

2. The plaintiff's right to relief under this Act is not affected by leaving the residence or household to avoid domestic abuse.

Sec. 8. NEW SECTION. CONTEMPT. The court may hold a party in contempt for a violation of an order issued pursuant to this Act or for violation of a court-approved consent agreement. If held in contempt, the defendant shall serve a jail sentence which may be on weekends.

Sec. 9. NEW SECTION. DOMESTIC ABUSE INFORMATION. State and local law enforcement agencies shall collect and maintain domestic abuse information. They shall relay this information at least quarterly to the central registry for domestic abuse information within the department of social services.

The registry may compile statistics and issue reports, provided identifying details of the subject of domestic abuse are deleted.

Access to domestic abuse information in the registry is authorized only:

1. To a district court upon a finding that information is necessary for the resolution of an issue arising in a case involving domestic abuse.

2. To a person conducting bona fide research on domestic abuse, if the details identifying a subject of domestic abuse are deleted.

3. To registry or department personnel where necessary to the performance of their official duties.

Sec. 10. NEW SECTION. CONFIDENTIALITY OF RECORDS. The file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired. However, the clerk shall open the file upon application to and order of the court for good cause shown.

Sec. 11. NEW SECTION. DUTY OF PEACE OFFICER. A peace officer shall use every reasonable means to enforce an order or approved consent agreement issued pursuant to this Act. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that he or she acts in good faith, on probable cause and without malice.

Sec. 12. This Act is effective on January first following its enactment.

Approved April 30, 1979

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CHAPTER 148  
MERCHANDISE REPAIRS BEFORE SALE

H. F. 172

AN ACT providing that repairs by the seller to new merchandise before sale do not constitute consumer fraud if within prescribed monetary limits.

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

Section 1. Section seven hundred fourteen point sixteen (714.16), subsection two (2), paragraph a, Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Material fact" as used in this subsection does not include repairs of damage to or adjustments on or replacements of parts with new parts of otherwise new merchandise if the repairs, adjustments or replacements are made to achieve compliance with factory specifications and are made before sale of the merchandise at retail and the actual cost of any labor and parts charged to or performed by a retailer for any such repairs, adjustments and parts does not exceed three hundred dollars or ten percent of the actual cost to a retailer including freight of the merchandise, whichever is less, providing that the seller posts in a conspicuous place notice that repairs, adjustments or replacements will be disclosed upon request. The exemption provided in this paragraph does not apply to the concealment, suppression or omission of a material fact if the purchaser requests disclosure of any repair, adjustment or replacement.

Sec. 2. This Act is effective January first following its enactment.

Approved June 6, 1979

CHAPTER 149  
HUNTING, FISHING AND TRAPPING VIOLATIONS

S. F. 401

AN ACT to increase the scheduled fine for hunting, fishing, trapping, or catching a wild animal, bird, game or fish without obtaining a license or during a closed season.

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

Section 1. Section eight hundred five point eight (805.8), subsection five (5), paragraph a, Code 1979, is amended to read as follows:

a. For violations of section 110.1, the scheduled fine is ~~ten~~ twenty dollars: However, engaging without a license in any activity the license fee for which is greater than ~~ten~~ twenty dollars is not a scheduled violation.

Sec. 2. Section eight hundred five point eight (805.8), subsection five (5), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For hunting or taking a raccoon during a closed season in violation of sections one hundred nine point thirty-eight (109.38) and one hundred nine point thirty-nine (109.39) of the Code or administrative orders or rules adopted under those sections, the scheduled fine is fifty dollars.

Approved May 7, 1979

CHAPTER 150  
FELONIES — WHEN NONBAILABLE

H. F. 61

AN ACT providing that a defendant awaiting a judgment of conviction and sentencing or appealing a conviction for a class A felony shall not be admitted to bail.

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

Section 1. Section eight hundred eleven point one (811.1), Code 1979, is amended to read as follows:

811.1 BAILABLE AND NONBAILABLE OFFENSES. All defendants are bailable both before and after conviction, by sufficient surety, or subject to release upon condition or on their own recognizance, except that ~~a--defendant convicted--of-a-class-A-felony~~ the following defendants shall not be admitted to bail ~~while-appealing-such-conviction:~~

1. A defendant awaiting judgment of conviction and sentencing for a class A felony.

2. A defendant appealing a conviction of a class A felony.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Des Moines Register, a newspaper published in Des Moines, Iowa, and in the Quad-City Times, a newspaper published in Davenport, Iowa.

Approved May 4, 1979

I hereby certify that the foregoing Act, House File 61, was published in The Des Moines Register, Des Moines, Iowa on May 12, 1979, and in the Quad-City Times, Davenport, Iowa on May 11, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

**SPECIAL ACTS  
JOINT RESOLUTIONS  
RULES OF CIVIL PROCEDURE  
RULES OF CRIMINAL PROCEDURE  
AND  
RULES FOR HOSPITALIZATION  
OF MENTALLY ILL**

**SPECIAL ACTS****CHAPTER 151  
VOCATIONAL REHABILITATION BUILDING**

H. F. 767

AN ACT legalizing the execution of the contract for the construction of the state vocational rehabilitation building.

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

Section 1. The execution of the contract for the construction of the state vocational rehabilitation building for which funds are appropriated to the state department of general services for the completion of that building by section fifteen (15), subsection one (1), of House File seven hundred sixty-four (764), as enacted by the Sixty-eighth General Assembly, 1979 Session, is hereby legalized.

Approved June 1, 1979

**CHAPTER 152  
SOUTHWESTERN COMMUNITY COLLEGE MERGED AREA**

S. F. 479

AN ACT to legalize and validate the proceedings of the board of directors of Southwestern Community College Merged Area (Merged Area XIV) in the counties of Adair, Adams, Taylor, Montgomery, Ringgold, Decatur, Clarke, Union, Madison, Lucas, Pottawattamie, Wayne and Page in connection with the levying of taxes and use of funds under chapter two hundred eighty A (280A) of the Code.

Whereas, it appears from the records of the southwestern area community college (merged area XIV) that beginning in the fiscal year beginning January 1, 1971 and through the fiscal year ending June 30, 1978 the board of directors levied taxes pursuant to the bonding and tax levying provisions of sections two hundred eighty A point nineteen (280A.19) through two hundred eighty A point twenty-one (280A.21) of the Code and that some of the funds raised by those levies were expended for purposes which would have been authorized if the funds had been raised under the bonding and tax levying provisions of section two hundred eighty A point twenty-two (280A.22) of the Code; and

Whereas, doubts have arisen concerning the validity and legal sufficiency of the levying and expenditure of these funds and it is deemed advisable to put such doubts and all others that might arise concerning this matter to rest; Now Therefore,

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

Section 1. That the proceedings of the board of directors of southwestern area community college merged area (merged area XIV) in the levying of taxes under sections two hundred eighty A point nineteen (280A.19) through two hundred eighty A point twenty-one (280A.21) and the expenditure of those funds raised for purposes authorized for funds raised pursuant to section two hundred eighty A point twenty-two (280A.22) of the Code during the fiscal years beginning January 1, 1971 and ending June 30, 1978 are hereby legalized, validated and confirmed.

Approved June 1, 1979

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CHAPTER 153

NORTH IOWA MUNICIPAL ELECTRIC  
AND ALLIED POWER AGREEMENT LEGALIZED

S. F. 478

AN ACT to legalize and validate the acts and agreements of North Iowa Municipal Electric Cooperative Association and its municipal members with Allied Power Cooperative of Iowa and declaring said actions to have been legally taken.

Whereas, proceedings have been heretofore taken for the organization of the North Iowa Municipal Electric Cooperative Association under the provisions of Chapter 499 of the Code of Iowa for the purpose of obtaining electric energy and selling and distributing such electric energy to its municipal members, and a certificate of incorporation for North Iowa Municipal Electric Cooperative Association was issued by the Secretary of State of Iowa on November 23, 1965; and

Whereas, amendments to the Articles of Incorporation of North Iowa Municipal Electric Cooperative Association have been adopted and filed with the Secretary of State of Iowa on March 6, 1979; and

Whereas, North Iowa Municipal Electric Cooperative Association has become a member of and entered into a membership Agreement dated February 14, 1979 with Allied Power Cooperative of Iowa, a cooperative association organized and operating under Chapter 499 of the Code of Iowa which Agreement obligates Allied to plan, construct and operate an electric utility generating unit located on the Missouri River in Harrison County, State of Iowa known as "Allied" for the purpose of providing a source of electric energy for its members and, which agreement obligates North Iowa Municipal Electric Cooperative Association to finance and acquire facilities for the generation

and transmission of electric energy and to comply with and be bound by the Articles of Incorporation and By-Laws of Allied and to pay a membership fee of \$1,000 and to enter into a separate contract with Allied for the purchase for itself or as agent for its members, not less than 50,000 kilowatts or such greater amount as may be agreed between Allied and NIMECA, from Allied for sale and distribution by wholesale purchase contract on a take or pay basis to the members of North Iowa Municipal Electric Cooperative Association the same now being the Cities of Algona, Alta, Bancroft, Cedar Falls, Coon Rapids, Estherville, Graettinger, Grundy Center, Laurens, Milford, New Hampton, Spencer, Sumner, Waverly, Webster City, West Bend, all in Iowa and further obligating North Iowa Municipal Electric Cooperative Association to finance and acquire capacity of not less than such amount of electric energy through the use of tax exempt financing on behalf of its municipal members or such other method of financing as may be available to North Iowa Municipal Electric Cooperative Association or its municipal members pursuant to the laws of Iowa; and

Whereas, doubts have arisen concerning the validity and legal sufficiency of the proceedings and acts taken by North Iowa Municipal Electric Cooperative Association and its municipal members as recited above, and it is deemed advisable and necessary to put such doubts forever to rest; Now Therefore,

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

Section 1. That those proceedings and acts heretofore taken by North Iowa Municipal Electric Cooperative Association and its municipal members for the purpose of entering into said Membership Agreement dated February 14, 1979 with Allied Power Cooperative of Iowa which Agreement obligates Allied to plan, construct and operate an electric utility generating unit located on the Missouri River in Harrison County, State of Iowa known as "Allied" for the purpose of providing a source of electric energy for its members, and the organization and operation of North Iowa Municipal Electric Cooperative Association in connection with said Membership Agreement and the obligation of North Iowa Municipal Electric Cooperative Association to finance and acquire facilities for the generation and transmission of electric energy and to comply with and be bound by the Articles of Incorporation and By-Laws of Allied and to pay a membership fee of \$1,000 and to enter into a separate contract with Allied for the purchase for itself or as agents for its members, not less than 50,000 kilowatts or such greater amount as may be agreed between Allied and NIMECA, from Allied for the sale and distribution by wholesale purchase contract on a take or pay basis to the members of North Iowa Municipal Electric Cooperative Association and including the obligation to finance and acquire capacity of not less than such amount of electric energy on a tax exempt basis on behalf of municipal members of North Iowa Municipal Electric Cooperative Association and are hereby legalized, validated and confirmed and said agreement and all acts, obligations and commitments herein recited are legal and binding.

Sec. 2. This Act, being deemed of immediate importance shall take effect from and after its publication in The Denison Bulletin, a newspaper published



in Denison, Iowa, and in the Adams County Free-Press, a newspaper published in Corning, Iowa, without expense to the state.

Approved April 26, 1979

I hereby certify that the foregoing Act, Senate File 478, was published in The Denison Bulletin, Denison, Iowa on May 10, 1979, and in the Adams County Free-Press, Corning, Iowa on May 10, 1979.

MELVIN D. SYNHORST, *Secretary of State*

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## CHAPTER 154

### ALEXANDER TENNIS COURTS

S. F. 218

AN ACT to legalize the proceedings of the city of Alexander, Iowa in connection with the letting of certain contracts.

Whereas, the city council of the city of Alexander let a contract for the construction of a tennis court situated within the city of Alexander; and

Whereas, the city council of the city of Alexander complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids; and

Whereas, some doubt has arisen as to the validity of the contracts executed between the city of Alexander and Benderoff and Associates, Inc. and Paul Kelly for the construction of the tennis court and the act and contracts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the city council of the city of Alexander, pertaining to the letting of a contract for the construction of the tennis court where the city council failed to properly publish notice of the time, place and date of the bid opening, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the tennis court.

Approved May 3, 1979

CHAPTER 155  
CITY OF BELLEVUE

H. F. 751

AN ACT to legalize proceedings taken by the city of Bellevue relating to the letting of certain contracts.

Whereas, the city council of the city of Bellevue let a contract for the construction of a swimming pool situated within the city of Bellevue; and

Whereas, the city council of the city of Bellevue complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids and failed to hold a public hearing before entering the contract; and

Whereas, some doubt has arisen as to the validity of the contract executed between the city of Bellevue and ACCO Unlimited Corporation, for the construction of the swimming pool and that act and contract should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the city council of the city of Bellevue, pertaining to the letting of a contract for the construction of a swimming pool where the city council failed to properly publish notice of the time, place and date of the bid opening and hold a public hearing, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the swimming pool.

Approved June 4, 1979

CHAPTER 156  
CITY OF CALMAR

H. F. 763

AN ACT to legalize proceedings taken by the city of Calmar relating to the letting of certain contracts.

Whereas, the city council of the city of Calmar let certain contracts for the construction of a swimming pool situated within the city of Calmar; and

Whereas, the city council of the city of Calmar complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids before entering some of the contracts; and

Whereas, some doubt has arisen as to the validity of the contracts executed by the city of Calmar for the bath house, wading pool, pool decking, pool equipment, fencing, intermittent power service, water service, mechanical building and the heater and those acts and contracts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the city council of the city of Calmar, pertaining to the letting of contracts for the construction of a swimming pool where the city council failed to properly publish notice of the time, place and date of the bid opening are validated, legalized and confirmed and shall constitute valid, legal and binding contracts for the construction of the swimming pool.

Approved June 1, 1979

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## CHAPTER 157 HAVELOCK TENNIS COURTS

H. F. 710

AN ACT to legalize the proceedings of the city of Havelock, Iowa in connection with the letting of certain contracts.

Whereas, the city council of the city of Havelock let a contract for the construction of a tennis court situated within the city of Havelock; and

Whereas, the city council of the city of Havelock complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids; and

Whereas, some doubt has arisen as to the validity of the contract executed between the city of Havelock and Rohlin Construction Co., Inc., for the construction of the tennis court and the act and contract should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the city council of the city of Havelock, pertaining to the letting of a contract for the construction of the tennis court where the city council failed to properly publish notice of the time, place and date of the bid opening, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the tennis court.

Approved May 4, 1979

## CHAPTER 158

CITIES OF HILLS, NEW SHARON, MONTROSE, HARRIS, BUCKEYE,  
WESTSIDE, MELVIN, REMSEN, LAWTON, HARTWICK AND PORTSMOUTH

H. F. 752

AN ACT to legalize the incorporations of the cities of Hills, New Sharon, Montrose, Harris, Buckeye, Westside, Melvin, Remsen, Lawton, Hartwick and Portsmouth.

Whereas, the cities of Hills, Iowa, which is located in Johnson county; New Sharon, Iowa, which is located in Mahaska county; Montrose, Iowa, which is located in Lee county; Harris, Iowa, which is located in Osceola county; Buckeye, Iowa, which is located in Hardin county; Westside, Iowa, which is located in Crawford county; Melvin, Iowa, which is located in Osceola county; Remsen, Iowa, which is located in Plymouth county; Lawton, Iowa, which is located in Woodbury county; Hartwick, Iowa, which is located in Poweshiek county; and Portsmouth, Iowa, which is located in Shelby county, do not have on file with the secretary of state their articles of incorporation; and

Whereas, the public officials of these cities have been unable to provide the specific documents of the articles of incorporation in the county records but have searched the records of their respective cities and have found records which would indicate that these respective cities have been incorporated; and

Whereas, some doubt has arisen as to the validity of the incorporation of the cities of Hills, New Sharon, Montrose, Harris, Melvin, Buckeye, Westside, Remsen, Lawton, Hartwick, and Portsmouth and actions taken by such cities and that such incorporations and acts should be legalized and the matters once and for all be put to rest; Now Therefore,

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

Section 1. That all of the proceedings relating to the incorporation of the cities of Hills in 1906, New Sharon (formerly known as Sharon) in 1871, Montrose in 1857, Harris in 1903, Melvin in 1901, Buckeye in 1901, Westside in 1871, Remsen in 1889, Lawton in 1906, Hartwick in 1912, and Portsmouth in 1883 in connection with and pertaining to the incorporation of the cities of Hills, New Sharon, Montrose, Harris, Melvin, Buckeye, Westside, Remsen, Lawton, Hartwick, and Portsmouth and the actions taken by such cities as incorporated cities since 1975 to the extent the actions depend for their validity and legality upon the validity and legality of the incorporation of the cities, are hereby validated, legalized, and confirmed and the incorporations are valid, legal, and binding upon cities, the citizens of the cities, and all persons doing business within the cities of Hills, New Sharon, Montrose, Harris, Melvin, Buckeye, Westside, Remsen, Lawton, Hartwick, and Portsmouth.

Approved June 1, 1979

CHAPTER 159  
CITY OF INDIANOLA

H. F. 762

AN ACT to legalize proceedings taken by the city of Indianola relating to the letting of certain contracts.

Whereas, the Indianola park and recreation commission entered into a contract with Howard Lester, Inc. for opening a dam, burying debris, and the grading and rolling of a parking area at a municipal park; and

Whereas, the Indianola park and recreation commission failed to advertise for bids by giving proper notice of the date, place, and time of the bid openings by proper publication prior to the date of the acceptance of the same; and

Whereas, the Indianola park and recreation commission also entered into a contract with Downing Construction, Inc. for the construction of sanitary facilities at a park at a cost of eleven thousand two hundred dollars and failed to hold a public hearing on the proposed project as required by law and further failed to advertise for bids by giving proper notice of the date, place, and time of the bid openings by proper publication prior to the date of the acceptance of the same; and

Whereas, some doubt has arisen as to the validity of the contract executed between the city of Indianola and Howard Lester, Inc., and the contract executed between the city of Indianola and Downing Construction, Inc. for certain construction projects at the municipal parks and said acts and contracts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the Indianola park and recreation commission, pertaining to the letting of a contract for the opening of a dam, the burying of debris, and the grading and rolling of a parking area and the letting of a contract for the construction of sanitary facilities at a municipal park where the commission failed to hold a public hearing on the proposed projects and failed to properly publish notice of the time, place, and date of the bid opening, are validated, legalized, and confirmed and shall constitute valid, legal and binding contracts for the opening of a dam, the burying of debris, and the grading and rolling of a parking area at a municipal park and for the construction of sanitary facilities at a municipal park.

Approved June 4, 1979

CHAPTER 160  
CITY OF KEOKUK

H. F. 750

AN ACT to legalize and validate the proceedings of the city of Keokuk in Lee county, in connection with the vacation of the alley in block ten (10), Reeves, Perry and Williams addition to the city of Keokuk, Lee county, Iowa.

Whereas, on August 15, 1965, the city council of the city of Keokuk, in Lee county, enacted special ordinance number nine hundred eighty-nine entitled "An Ordinance Vacating All of the Alley in Block Ten (10), Reeves, Perry and Williams Addition to the City of Keokuk, Lee County, Iowa" under authority of sections three hundred seventy-three point twelve (373.12), three hundred sixty-eight point thirty-nine (368.39) and three hundred sixty-eight point forty (368.40) of the 1962 Code of Iowa, vacating the alley and transferring it, by virtue of those provisions to Graham Hospital Association, now Keokuk Area Hospital; and

Whereas, a major portion of the east unit building of Keokuk Area Hospital which houses patients now stands upon the former alley located in Block Ten (10), Reeves, Perry and Williams Addition to the city of Keokuk; and

Whereas, the city council complied with all the requirements of sections three hundred seventy-three point twelve (373.12), three hundred sixty-eight point thirty-nine (368.39) and three hundred sixty-eight point forty (368.40) of the 1962 Code of Iowa except that the city council caused the special ordinance to be published only once instead of twice and did not give ten days notice of transfer as required by the 1962 Code of Iowa; and

Whereas, some doubt has arisen as to the validity of the proceedings vacating the alley and transferring it to Graham Hospital Association and such doubt may raise an issue concerning merchantability of the title to the property and it is deemed advisable and necessary to put such doubts and all others which might arise concerning the same to rest; Now Therefore,

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

Section 1. All the proceedings taken by the city council of the city of Keokuk in Lee county pertaining to the vacation and subsequent transfer to Graham Hospital Association, now Keokuk Area Hospital, of all of the alley in Block Ten (10), Reeves, Perry and Williams Addition to the city of Keokuk where the city council failed to have notice published twice and failed to give ten days notice before transfer of title are validated, legalized and confirmed and shall constitute a valid, legal and binding vacation of the alley and a valid, legal and binding transfer of the interest of the city of

Keokuk in the alley to Graham Hospital Association, now the Keokuk Area Hospital.

Approved June 1, 1979

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CHAPTER 161  
CITY OF MONTICELLO

H. F. 753

AN ACT to legalize the proceedings of the park board of the city of Monticello, Iowa in connection with the letting of certain contracts.

Whereas, the park board of the City of Monticello let a contract for the construction of a tennis court situated within the City of Monticello; and

Whereas, the park board of the City of Monticello, complied with all of the provisions of the law, except that the city park board failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids; and

Whereas, some doubt has arisen as to the validity of the contract executed between the park board of the City of Monticello and Alpha Construction Co., Marion, Iowa for the construction of the tennis court and the act and contract should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the park board of the City of Monticello, pertaining to the letting of a contract for the construction of the tennis court where the park board failed to properly publish notice of the time, place and date of the bid opening, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the tennis court.

Approved June 1, 1979

CHAPTER 162  
SUTHERLAND TENNIS COURTS

H. F. 711

AN ACT to legalize proceedings taken by the city of Sutherland relating to the letting of certain contracts.

Whereas, the city council of the city of Sutherland let a contract for the construction of tennis courts situated within the city of Sutherland; and

Whereas, the city council of the city of Sutherland complied with all of the provisions of the law, except that the city council failed to give proper notice of the date, place and time of the bid openings by proper publication prior to the date of the acceptance of the bids; and

Whereas, some doubt has arisen as to the validity of the contract executed between the city of Sutherland and Midwest Sports Surfaces, for the construction of the tennis courts and that act and contract should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the city council of the city of Sutherland, pertaining to the letting of a contract for the construction of tennis courts where the city council failed to properly publish notice of the time, place and date of the bid opening, are validated, legalized and confirmed and shall constitute a valid, legal and binding contract for the construction of the tennis courts.

Approved April 30, 1979

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CHAPTER 163  
ALLAMAKEE COUNTY CARE FACILITY

H. F. 712

AN ACT relating to the legalization and validation of proceedings taken by the board of supervisors of Allamakee county relating to the remodeling and repair of the Allamakee county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes.

Whereas, Allamakee county was in need of an expanded and remodeled health care facility and the facility was being operated pursuant to a temporary certificate issued by the state department of health because of violations relating to the lack of adequate facilities then existing; and



Whereas, a proposition for the construction of an addition to the county care facility at a total cost of not to exceed five hundred thousand (500,000) dollars, was submitted to the voters pursuant to chapter three hundred forty-five (345), Code of Iowa, 1973, on June 4, 1974 and was approved by sixty-eight percent of the voters; and

Whereas, such addition was subsequently constructed in conformity with all applicable statutes, at a total cost of four hundred seventy-three thousand seven hundred eighty dollars and twenty-eight cents (\$473,780.28); and

Whereas, the board of supervisors of Allamakee county subsequently ordered the remodeling of the original county care facility building on March 4, 1976 and entered into contracts therefor with David R. Stillwell Construction of Waukon, Iowa and Hengel Brothers, Inc., of LaCrosse, Wisconsin, with such contracts later amended by change orders; and

Whereas, said remodeling work was completed under the supervision of architects Powers--Willis and Associates of Iowa City, Iowa and by contractors David R. Stillwell Construction and Hengel Brothers, Inc., at a total cost of two hundred thirteen thousand sixty-two (213,062) dollars, of which all but thirty-seven thousand one hundred sixteen dollars and eighty-six cents (\$37,116.86), has been paid; and

Whereas, said contracts were made following due notice of public hearing on the project as required by section three hundred forty-five point one (345.1), Code of Iowa, 1975, and public bids for the project were duly invited, but the project was not submitted to the voters of the county as required pursuant to section three hundred forty-five point one (345.1), Code of Iowa, 1975; and

Whereas, the general assembly is of the opinion that the private parties involved in the transactions enumerated in this Act should be paid for their materials and services but that actions of local public officials which are contrary to the law should not be easily sanctioned by the procedure of obtaining a legalizing Act and that local public officials should not be easily forgiven for failing to determine the proper procedures required by law in entering into and carrying out public contracts and once determined, proceeding contrary to such law; and

Whereas, doubts have arisen concerning the legal sufficiency of the compliance of the board of supervisors of Allamakee county with the provisions of section three hundred forty-five point one (345.1), Code of Iowa, 1975, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same to rest; Now Therefore,

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

Section 1. That all proceedings heretofore taken by the board of supervisors of Allamakee county in connection with and pertaining to entering into contracts with David R. Stillwell Construction, Hengel Brothers, Inc., and Powers--Willis and Associates for the remodeling and repair of the original Allamakee county care facility building in Allamakee county, including all payments made and those authorized to be made by the board of supervisors are hereby legalized, validated and confirmed.

Sec. 2. That the board of supervisors of Allamakee county is authorized, pursuant to its contractual agreements, to make payments in the amount of thirty-seven thousand one hundred sixteen dollars and eighty-six cents (\$37,116.86) to David R. Stillwell Construction and Hengel Brothers, Inc., and Powers--Willis and Associates, which represents the unpaid balance due and owing.

Sec. 3. That all payments made pursuant to this Act shall be accomplished without a levy of additional taxes and such payments to be made will be derived from moneys presently available to the county which include funds previously obtained from federal revenue sharing programs.

Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Postville Herald, a newspaper published in Postville, Iowa, and in the Waukon Democrat, a newspaper published in Waukon, Iowa.

Approved April 30, 1979

I hereby certify that the foregoing Act, House File 712, was published in the Postville Herald, Postville, Iowa on May 9, 1979, and in the Waukon Democrat, Waukon, Iowa on May 10, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

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CHAPTER 164  
APPANOOSE COUNTY LAND SALE

H. F. 704

AN ACT to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of all of their interest in and to Lot 3 of Block 1 of the original town of Cincinnati, Appanoose county, Iowa.

Whereas, the board of supervisors of Appanoose County acquired a portion of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, including the second story of a structure located upon said lot by tax deed; and

Whereas, the board of supervisors of Appanoose County subsequently determined it to be necessary to obtain title to the remainder of said lot and building so as to reduce their potential liability for upkeep as to that part previously owned; and

Whereas, said board of supervisors did purchase the remaining interest in Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa; and

Whereas, the board of supervisors subsequently determined that said property in its entirety held under two separate titles should be returned to private ownership by sale; and

Whereas, in effectuating said sale the board of supervisors caused notice to be published 15 and 8 days prior to the time of sale on October 20, 1978, and said notices solicited sealed bids; and

Whereas, said property was sold to the person submitting the highest sealed bid in accordance with said notices; and

Whereas, some doubt has arisen as to the validity of the acquisition and sale of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, by the Appanoose County Board of Supervisors on or prior to October 20, 1978, and such doubts may raise an issue concerning the merchantability\* of title to said lot, and said act should be legalized and the matter once and for all put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the board of supervisors of Appanoose County, Iowa, pertaining to the acquisition and sale of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, on or before October 20, 1978, by the board of supervisors of Appanoose County, Iowa, are validated, legalized, and confirmed and shall constitute a valid, legal and binding purchase and subsequent sale of said Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, by the board of supervisors of Appanoose County, Iowa.

Approved May 4, 1979

\*According to enrolled Act

## CHAPTER 165

### LINN COUNTY SALE OF PROPERTY

H. F. 696

AN ACT legalizing proceedings taken in Linn county, Iowa, relating to the sale of property.

Whereas, the Board of Supervisors of Linn County acquired certain properties by virtue of tax deeds, and

Whereas, the Board of Supervisors of Linn County subsequently offered these properties for sale as provided in Section 446 of the Code of Iowa, on September 24, 1974, and

Whereas, the Board of Supervisors complied with all of the provisions of the Law, except that the Board failed by advertising notice of the date, place and time of the sale twenty days (20) prior to the sale and not less than ten (10) days nor more than fifteen (15) days prior to the date of the sale, and

Whereas, some doubt has arisen as to the validity of the sales of such properties and such doubts may raise an issue concerning the merchantability of the Title to the properties sold on September 24, 1974, and said Acts

should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the Board of Supervisors of Linn County pertaining to the sale of property acquired by written virtue of tax deeds and sold on September 24, 1974, where the Board of Supervisors failed to by advertising notice of the date, place and time of the sale twenty (20) days prior to the sale and not less than ten (10) days nor more than fifteen (15) days prior to the date of the sale are validated, legalized, and confirmed and shall constitute a valid, legal and binding sale of those properties sold on September 24, 1974, by the Board of Supervisors of Linn County.

Section 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Des Moines Register, a newspaper published in Des Moines, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, without expense to the state.

Approved April 26, 1979

I hereby certify that the foregoing Act, House File 696, was published in The Des Moines Register, Des Moines, Iowa on April 30, 1979, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 1, 1979.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

## CHAPTER 166

### LUCAS COUNTY PROPERTY SALE

S. F. 347

AN ACT to legalize proceedings taken by the board of supervisors of Lucas county relating to the sale of certain properties.

Whereas, the board of supervisors of Lucas county acquired certain property by virtue of a tax deed; and

Whereas, the board of supervisors of Lucas county subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on or after July 1, 1967 and on or before June 30, 1975; and

Whereas, the board of supervisors complied with all of the provisions of the law, except that the board failed to publish notice of the date, place, and time of the sale at least ten days prior to the date of the sale; and

Whereas, some doubt has arisen as to the validity of the sales of such properties and such doubts may raise an issue concerning the merchantability of the title to properties sold on or after July 1, 1967 and on or before

June 30, 1975 and said acts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the board of supervisors of Lucas county pertaining to the sale of property acquired by virtue of a tax deed and sold on or after July 1, 1967 and on or before June 30, 1975 where the board of supervisors failed to publish notice of the time, place, and date of the sale at least ten days prior to the date of the sale are validated, legalized, and confirmed and shall constitute a valid, legal, and binding sale of those properties sold on or after July 1, 1967 and on or before June 30, 1975 by the board of supervisors of Lucas county.

Approved May 3, 1979

CHAPTER 167

DAVENPORT SCHOOL PROPERTY SALE

S. F. 476

AN ACT to legalize the proceedings of the Davenport Community School District relating to the sale of certain property.

Whereas, the Davenport community school district conveyed a tract of land to Meta M. Prignitz, Erma A. Walker, Harvey Walker, Marjorie A. Stoffers, Hans Stoffers, Wayne A. Prignitz and Rosella Prignitz on February 14, 1977; and

Whereas, prior to this conveyance Meta M. Prignitz and the others named above had entered into a roadway agreement with the Davenport community school district on November 14, 1969 and pursuant to that agreement had conveyed two tracts of land to the school district on May 20, 1974 reserving a perpetual easement for roadway purposes on one of the tracts; and

Whereas, the purpose of these transactions was to restore access to both the Prignitz property and the Hartzel Perry school after a street relocation resulting from the construction of United States interstate highway 280; and

Whereas, the conveyance from the Davenport community school district to Meta M. Prignitz and the others named may not have complied with the requirements of chapter two hundred ninety-seven (297) of the Code since the consideration for the transfer was the acquisition of property from Meta M. Prignitz and the others named for a convenient roadway; and

Whereas, some doubts have arisen regarding the validity of the sales of the property and such doubts may raise an issue concerning the

merchantability of the title of the properties and the conveyances should be legalized and the matter once and for all put to rest; Now Therefore,

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

Section 1. The proceeding of the board of directors of the Davenport community school district regarding the conveyances of the following described properties:

Three tracts of land in the Northwest One-Quarter (NW1/4) of Section 8, Township 77 North, Range 3 East of the fifth P.M., City of Davenport, Scott County, Iowa, described as follows:

Tract 1. Beginning at a point on the west line of the Northwest One-Quarter (NW1/4) of Section 8, 392.6 feet north of the Southwest corner of the Northwest One-Quarter (NW1/4) of Section 8 thence South 29 degrees 08 minutes East 277 feet, thence westerly to a point on the west line of the Northwest One-Quarter (NW1/4) of Section 8, that point being 260 feet south of the point of beginning, thence North 260 feet along the west line of the Northwest One-Quarter (NW1/4) of Section 8 to the point of beginning, excepting therefrom the west 60 feet.

Tract 2. Commencing at the Southwest corner of the Northwest One-Quarter (NW1/4) of Section 8, thence North 392.6 feet along the west line of the Northwest One-Quarter (NW1/4) of Section 8, thence South 29 degrees 08 minutes East 364.1 feet, thence North 20 degrees 40 minutes East 206 feet to the point of beginning, thence continuing North 20 degrees 40 minutes East 666.9 feet to the centerline of Wapello Avenue, thence South 70 degrees 20 minutes East 50 feet, thence South 20 degrees 40 minutes West 516.9 feet thence South 39 degrees 06 minutes West 158.1 feet to the point of the beginning, excepting therefrom the part conveyed to the State of Iowa by warranty deed dated September 11, 1967 and recorded in the office of the Recorder of Scott County, Iowa in book 309, page 598.

Tract 3. Commencing at the Southwest corner of the Northwest One-Quarter (NW1/4) of Section 8, thence North 392.6 feet along the west line of the Northwest One-Quarter (NW1/4) of Section 8, thence South 29 degrees 08 minutes East 277 feet to the point of beginning, thence continuing South 29 degrees 08 minutes East 87.1 feet, thence North 20 degrees 40 minutes East 206 feet, thence Southwesterly 163.9 feet to the point of beginning.

between the Davenport community school district and Meta M. Prignitz, Erma A. Walker, Harvey Walker, Marjorie A. Stoffers, Hans Stoffers, Wayne A. Prignitz and Rosella Prignitz which may not have complied with the requirements of chapter two hundred ninety-seven (297) of the Code and the roadway agreement executed between those parties on November 14, 1969 are hereby legalized, validated and confirmed.

Approved May 3, 1979

CHAPTER 168  
POWESHIEK COUNTY PROPERTY SALE

S. F. 461

AN ACT to legalize proceedings taken by the board of supervisors of Poweshiek county relating to the sale of certain properties.

Whereas, the board of supervisors of Poweshiek county acquired certain property by virtue of a tax deed; and

Whereas, the board of supervisors of Poweshiek county subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on or after July 1, 1967 and on or before December 31, 1976; and

Whereas, the board of supervisors failed to comply with all of the provisions of sections five hundred sixty-nine point seven (569.7) and five hundred sixty-nine point eight (569.8) of the Code; and

Whereas, some doubt has arisen as to the validity of the sale of such properties and such doubts may raise an issue concerning the merchantability of the title to properties sold on or after July 1, 1967 and on or before December 31, 1976 and said acts should be legalized and the matter once and for all be put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the board of supervisors of Poweshiek county pertaining to the sale of property acquired by virtue of a tax deed and sold on or after July 1, 1967 and on or before December 31, 1976 where the board of supervisors failed to comply with all of the provisions of sections five hundred sixty-nine point seven (569.7) and five hundred sixty-nine point eight (569.8) of the Code are validated, legalized, and confirmed and shall constitute a valid, legal, and binding sale of those properties sold on or after July 1, 1967 and on or before December 31, 1976 by the board of supervisors of Poweshiek county.

Approved May 3, 1979

CHAPTER 169  
MENLO SCHOOL PROPERTY EXCHANGE

H. F. 713

AN ACT to legalize and validate the proceedings of the Menlo Community School District relative to the exchange of certain real property.

Whereas, the board of directors of the Menlo community school district made an exchange of real property with Vada Howard on July 26, 1968 which led to the conveyance by quit claim deed of the following described property:

Lot Five (5) of Lot Four (4) of Lot Eight (8) of the Southwest Quarter (SW 1/4) and Lot Nine (9) of the Southwest Quarter, all in Section Twenty-seven (27), Township Seventy-eight (78) North Range Thirty-one (31) West of the Fifth P.M., Guthrie County, Iowa, and

Whereas, the board of directors of the Menlo community school district complied with all of the provisions of the law, except that the board failed to have the above described property appraised as required pursuant to section two hundred ninety-seven point twenty-two (297.22) of the Code and failed to authorize publication of notice as required under section two hundred ninety-seven point twenty-three (297.23) of the Code; and

Whereas, some doubt has arisen as to the validity of the exchange of property and such doubt has raised an issue concerning the merchantability of the title to the above described property transferred to Vada Howard and the transfer should be legalized and the matter finally put to rest; Now Therefore,

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

Section 1. That all proceedings taken by the board of directors of the Menlo community school district pertaining to the exchange of property between the Menlo community school district and Vada Howard where the above described property was transferred to Vada Howard and where the board of directors of the Menlo community school district failed to have the property appraised and authorize publication of notice as required by law are validated, legalized, and confirmed and shall constitute a valid, legal, and binding exchange of properties by the board of directors of the Menlo community school district and Vada Howard.

Approved May 4, 1979



## JOINT RESOLUTIONS

### CHAPTER 170 EQUALITY OF RIGHTS Second time passed

H. J. R. 5

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa to provide that equality of rights of men and women under the law shall not be denied or restricted by the state or by any of its political subdivisions.

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

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed.

Section one (1) of Article one (I) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

NEW SECTION. RIGHTS OF PERSONS. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights--among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

Sec. 2. It is declared to be the intent of the general assembly in agreeing to the foregoing proposed amendment to the Constitution of the State of Iowa that a classification on the basis of gender shall not be held to deny or restrict equality of rights if it can be established that such classification is necessary to accomplish a compelling state interest.

Sec. 3. The foregoing proposed amendment, having been adopted and agreed to by the Sixty-seventh General Assembly, thereafter duly published, and now adopted and agreed to by the Sixty-eighth General Assembly, in this Joint Resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred eighty (1980) in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

CHAPTER 171  
COUNTY STATUTES STUDY COMMITTEE

S. J. R. 9

A JOINT RESOLUTION to create a special study committee on county statutes and to make an appropriation.

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

Section 1. A twelve-member study committee is created to make a comprehensive study of the statutes relating to county corporate government. The committee shall consist of three members of the county government committee of the senate appointed by the president of the senate, three members of the county government committee of the house of representatives appointed by the speaker of the house, one member of the legislative council appointed by the legislative council, four county officials, at least one of whom shall be a county attorney, appointed by the governor and one citizen appointed by the governor. The governor shall appoint the county officials and the citizen member on a bipartisan basis. The legislative members shall be chosen in each house on a bipartisan basis. The county official members shall be chosen as follows: two from counties under twenty-seven thousand four hundred population and two from counties over twenty-seven thousand four hundred population. If a vacancy occurs on the committee, the person or authority originally appointing the member whose position is vacant shall appoint a successor.

Sec. 2. The committee shall organize by choosing officers and adopting rules for conduct of its meetings. With the approval of the legislative council, the committee may employ a secretary and other employees as necessary to conduct its business and may fix their compensation. The committee shall have access to all official records, not otherwise confidential by law, and may hold public hearings, subpoena witnesses and compel the production of books, papers, or other documents pertaining to its investigation and study. Persons appearing before the committee may be paid statutory witness fees or travel expense, as approved by the committee. The committee may appoint subcommittees of its members to hold hearings and conduct investigations in any part of the state. Any member may administer oaths.

Sec. 3. The committee shall review state statutes as they apply to county government and shall recommend appropriate revisions which will implement home rule and facilitate the solution of local problems by local initiative.

Sec. 4. The committee shall make periodic progress reports of the study to the legislative council as required by the legislative council. The legislative council may assign staff, including the staff of the legislative service bureau to the committee. The committee may make comprehensive recommendations to the general assembly by way of code revision bills and other reports.

Sec. 5. The committee may use any existing facility of state government and shall seek cooperation of county officials.

Sec. 6. Legislative members and the citizen member of the committee shall receive per diem and expenses at the same rate as provided for members of the general assembly pursuant to subsection six (6) of section two point ten (2.10) of the Code. The four county officials of the committee may receive the same reimbursement for travel and other necessary expenses incurred in the discharge of their duties as is paid legislative members for those expenses.

Sec. 7. The final report of the committee shall be submitted to the governor and to the general assembly no later than thirty days after the convening of the general assembly in 1980, unless it is impossible to complete the project by that date, but no later than thirty days after the convening of the general assembly in 1981. Upon submitting its final report, the committee is discharged.

Sec. 8. There is appropriated from the general fund of the state to the legislative council the sum of twenty-five thousand (25,000) dollars or so much thereof as necessary to carry out the provisions of this Act.

Compensation and expenses of employees of the committee shall be paid in the manner determined by the committee. Per diem and expenses of legislative members of the committee shall be paid in the same manner as are per diem and expenses of the members of the legislative council.

Approved April 5, 1979

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## CHAPTER 172 FEDERAL BUDGET BALANCED

S. J. R. 1

A JOINT RESOLUTION for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both houses or, on the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the federal Constitution to require, with certain exceptions, that the federal budget be balanced.

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article five (V) of the Constitution of the United States, amendments to the federal Constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states, and we believe such action is vital; Now Therefore,

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

Section 1. The Iowa general assembly proposes to the congress of the United States that procedures be instituted in the congress to propose and submit to the several states before July 1, 1980, an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency.

Sec. 2. Alternatively, effective July 1, 1980, if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution, the Iowa general assembly respectfully makes application to and petitions the congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Sec. 3. Effective July 1, 1980, this application by the Iowa general assembly constitutes a continuing application in accordance with Article five (V) of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article five (V), but if the congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, or if before July 1, 1980, the general assembly repeals this application to call a constitutional convention, then this application and petition for a constitutional convention shall no longer be of any force or effect.

Sec. 4. This application and petition shall be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

Sec. 5. The Iowa general assembly also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal Constitution, or requiring the congress to call a constitutional convention for proposing such an amendment to the federal Constitution if the Congress of the United States has not proposed and submitted to the several states an

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amendment as provided in section one (1) of this resolution before July 1, 1980.

Sec. 6. The secretary of state of Iowa is directed to send copies of this resolution to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the speaker and the clerk of the United States house of representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation.

RULES OF CIVIL PROCEDURE

CHAPTER 173

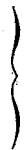
RULES OF CIVIL PROCEDURE

[See Section 684.19 of the Code]

IN THE MATTER OF

THE

RULES OF CIVIL PROCEDURE



REPORT OF THE

SUPREME COURT

TO THE 1979 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(1) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the Rules of Civil Procedure as follows:

Rule 82(d).

That rule 82(d) be amended to read as follows:

"(d) Filing. All papers after the petition required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter. Whenever these rules or the rules of appellate procedure require a filing with the district court or its clerk within a certain time, the time requirement shall be tolled when service is made, provided the actual filing is done ~~said-filing--shall--be--deemed--timely--if service--is--made--within--said--time--and--filing--is--completed~~ within a reasonable time thereafter."

Rule 136.

That rule 136 be amended to read as follows:

"136. Readiness schedule, Pretrial conference.

(a) Readiness schedule. After issues are joined a party may move for an order setting dates for closing of pleadings and completion of discovery. The motion shall contain suggested dates and a concise supporting explanation. Any response to the motion shall suggest alternative dates, if desired, and shall, in that event, also include a concise supporting explanation. Upon submission of the motion, the court shall fix dates for closing of pleadings and completion of discovery, which shall not be extended except upon a showing of good cause.

(b) Pretrial conference. After issues are joined the court may in its discretion, and shall on written request of any attorney in the case, direct all attorneys in the action to appear before it for a conference to consider, so far as applicable to the particular case:

~~(a)~~ (1) The necessity or desirability of amending pleadings by formal amendment or pretrial order;

~~(b)~~ (2) Agreeing to admission of facts, documents or records not really controverted, to avoid unnecessary proof;

~~(c)~~ (3) Limiting the number of expert witnesses;

~~(d)~~ (4) Settling any facts of which the court is to be asked to take judicial notice;

~~(e)~~ (5) Stating and simplifying the factual and legal issues to be litigated;

~~(f)~~ (6) Specifying all damage claims in detail as of the date of the conference;

~~(g)~~ (7) All proposed exhibits and mortality tables and proof thereof;

~~(h)~~ (8) Consolidation, separation for trial, and determination of points of law;

~~(i)~~ (9) Questions relating to voir dire examination of jurors and selection of alternate jurors, to serve if a juror becomes incapacitated;

~~(j)~~ (10) Possibility of settlement;

~~(k)~~ (11) Filing of advance briefs when required;

(12) Setting dates for closing of pleadings and discovery;

(13) Assigning a date for trial;

~~(l)~~ (14) Any other matter which may aid, expedite or simplify the trial of any issue.

The pretrial judge may direct the parties to the action to be present or immediately available at the time of conference."

Rule 177(b).

That rule 177(b) be amended to read as follows:

"(b) A party desiring jury trial of an issue must make written demand therefor by filing a separate instrument clearly designating such demand not later than ten days after the last pleading directed to that issue. ~~A copy thereof must be filed for each adverse party appearing and it shall be mailed or delivered by the clerk in the manner provided by rule 82.~~ If filed with the petition, the jury demand shall be served with the original notice and petition. If filed after the petition, the jury demand shall be served and filed in accordance with rule 82."

Rule 181.

That rule 181 be stricken and the following new rule 181 be substituted:

"181. Trial certificate, response.

(a) When a trial certificate is filed in any action, the action shall be entered on the Trial Certificate List. The certificate shall be in the following form:

IN THE IOWA DISTRICT COURT  
FOR \_\_\_\_\_ COUNTY

(Caption)	Law	}	TRIAL CERTIFICATE
	Equity		Filed by _____ (Party)
	Probate		

1. The above party believes the issues are joined and states that such party (a) is ready for trial, or (b) will be ready for trial by \_\_\_\_\_.  
(date)
2. Discovery has been completed except as follows:
3. Pretrial conference (a) is, or (b) is not requested.
4. Assignment for trial (a) by jury, or (b) by the court, is requested.
5. Names, addresses and telephone numbers of other attorneys and parties appearing pro se:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Attorney for \_\_\_\_\_  
P.O. Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

(b) The opposing party shall be deemed to agree with the trial certificate in all respects, unless such party files a response within fourteen days after its service, stating the points of disagreement.

(c) After a trial certificate is served and filed, a pretrial conference of the case will be held under rule 136, if requested by a party or ordered by the court."

Rule 181.1.

That rule 181.1 be amended to read as follows:

"181.1. ~~Ready-Calendar~~ Trial Certificate List. The clerk shall maintain a current list of pending actions wherein a trial certificate ~~of readiness for-trial~~ has been filed. It shall be known as the ~~Ready--Calendar~~ Trial Certificate List and be available for public examination. It shall be arranged in columnar form to show: (1) Caption of cause, (2) docket, page and cause number, (3) date of filing of trial certificate ~~of readiness~~, (4)



jury or nonjury case, and (5) if removed from list, date of such removal. If removed by order of court the clerk may relist it only upon the filing of a new trial certificate ~~of readiness~~. If not so removed, actions will remain on list until final disposition."

Rule 181.2.

That rule 181.2 be stricken and the following new rule 181.2 be substituted:

"181.2. Trial assignments.

(a) Civil cases. On each motion day, the clerk of court shall present to the court the file in each civil case in which a trial certificate has been on file, without objection, for more than twenty days. The case shall then be scheduled for pretrial conference, if requested by a party or ordered by the court. At the pretrial conference the court shall determine whether the case is ready for trial. If it is ready, the case shall be assigned for trial. If it is not ready, the court shall fix the date by which the case will be ready. On the first motion day after that date, unless it is extended for good cause, the clerk shall return the file to the court and the case shall be assigned for trial. If there is no pretrial conference, the court shall, nevertheless, obtain the information necessary to make the same determinations and the same assignment procedure shall be followed.

Any civil case may be assigned for trial even though a trial certificate has not been served and filed.

(b) Small claims appeals. On each motion day, the clerk of court shall present to the presiding judge the file and any transcript or exhibits in each small claims case in which appeal was taken more than twenty days previously. The judge will decide the appeal upon the record without oral argument unless, within twenty days after the appeal was taken, a party filed with the clerk of court a written request for oral argument specifying the issues to be argued, in which event the judge shall schedule oral argument. Additional evidence shall not be received except as authorized by statute."

Rule 372.

That rule 372 be amended to read as follows:

"372. Rules by trial courts. Each district, ~~superior and municipal~~ court, by action of a majority of its district judges, may from time to time make and amend rules governing its practice and administration not inconsistent with these rules. A copy of all rules in effect July 4, 1961, and any amendments thereafter made by any such court shall be transmitted to the clerk of the supreme court. In all cases not provided for by rule courts may regulate their practice in any manner not inconsistent with these rules."

Rule 377.

That rule 377 be amended to read as follows:

"377. Duties and powers of chief judges. In addition to their ordinary duties, chief judges shall exercise continuing administrative supervision within their respective districts over all district courts, judges, magistrates, officials and employees thereof for the purposes stated in rule

373. They shall by order fix times and places of holding court and designate the respective presiding judges and magistrates; they shall supervise and direct the performance of all administrative business of their district courts; ~~they may call meetings of the municipal judges in their district for the purpose of considering mutual problems~~; they may conduct judicial conferences of their district judges, district associate judges, and magistrates to consider, study and plan for improvement of the administration of justice; and may make such administrative orders as necessary. No chief judge shall at any time direct or influence any judge or magistrate in any ruling or decision in any proceeding or matter whatsoever.

The chief judge of a judicial district may appoint from the other district judges an assistant or assistants to serve on a judicial district-wide basis and at his pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of his appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district."

Form 4, APPENDIX OF FORMS.

That footnote (1) of Form 4 be amended to read as follows:

"(1) Here make a general statement of the cause claim or ~~causes-of-action~~ claims and the relief demanded, and, if for money, the amount thereof (Rule 50)."

Respectfully submitted,  
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson  
W. W. Reynoldson, Chief Justice

Des Moines, Iowa

January 26, 1979

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January, 1979, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ Frank J. Stork  
Secretary of the Senate, 1979 Regular  
Session of the Sixty-Eighth General  
Assembly of the State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January, 1979, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ David L. Wray  
Chief Clerk of the House of Represen-  
tatives, 1979 Regular Session of the  
Sixty-Eighth General Assembly of the  
State of Iowa

## CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Civil procedure was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1979  
Regular Session of the Sixty-  
eighth General Assembly of the  
State of Iowa.

## CERTIFICATE

I, Floyd H. Millen, do hereby certify that I am the Speaker of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, David L. Wray, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Civil procedure was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Floyd H. Millen

FLOYD H. MILLEN

Speaker of the House

/s/ David L. Wray

DAVID L. WRAY

Chief Clerk of the House of Representatives, 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

RULES OF CRIMINAL PROCEDURE

CHAPTER 174

RULES OF CRIMINAL PROCEDURE

[See Sections 684.19 and 813.4 of the Code]

IN THE MATTER OF  
RULES OF CRIMINAL PROCEDURE

}

REPORT OF THE  
SUPREME COURT

TO THE 1979 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(1), 684.19, and 813.4, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly amendments in the Rules of Criminal Procedure as follows:

Rule 4(7)(c).

That rule 4(7)(c) be amended as follows:

"c. The Where the time and or place is a material ingredient of the offense as-definitely-as-can-be-done, a brief statement of the time or place of the offense if known."

Rule 5(1).

That rule 5(1) be amended as follows:

"1. PROSECUTION ON INFORMATION. All indictable offenses may be prosecuted by a trial information. An information charging a person with an indictable offense may be filed with the clerk of the district court at any time, whether or not the grand jury is in session. The county attorney shall have the sole authority to file such a trial information except as herein provided or unless that authority is specifically granted to other prosecuting attorneys by statute.

The attorney general, unless otherwise authorized by law, shall have the authority to file such a trial information upon the request of the county attorney and the determination of the attorney general that a criminal prosecution is warranted."

Rule 5(3)

That rule 5(3) as amended by the Laws of the 1978 Regular Session of the 67th General Assembly, Chapter 1208, be amended as follows:

"3. WITNESS NAMES AND MINUTES. The prosecuting attorney shall, at the time of filing such information, endorse or cause to be endorsed thereon the names of the witnesses whose evidence the prosecuting attorney expects to introduce and use on the trial of the same, and shall also file with such information the minutes of evidence of such witness ~~as defined in rule 4(6)(a)~~ which shall consist of a notice in writing stating the name, place of residence and occupation of each witness upon whose expected testimony the information is based, and a full and fair statement of the witness' expected testimony."

Rule 8(2)(a)

That rule 8(2)(a) be amended as follows:

"a. IN GENERAL. A defendant may plead guilty, ~~or~~ not guilty, or former conviction or acquittal. If the defendant fails or refuses to plead at arraignment, or if the court refuses to accept a guilty plea, the court shall enter a plea of not guilty. At any time before judgment, the court may permit a guilty plea to be withdrawn and a not guilty plea substituted."

Rule 9(2).

That rule 9(2) be amended as follows:

"2. ADVISING COURT OF AGREEMENT. If a plea agreement has been reached by the parties the court shall require the disclosure of the agreement in open court at the time the plea is offered. Thereupon, if the agreement ~~requires~~ is conditioned upon concurrence of the court in the charging or sentencing concession made by the prosecuting attorney, the court may accept or reject the agreement, or may defer its decision as to acceptance or rejection until receipt of a presentence report."

Rule 9(3).

That rule 9(3) be amended as follows:

"3. ACCEPTANCE OF PLEA AGREEMENT. When the plea agreement is conditioned upon the court's concurrence is-required, and the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or another disposition more favorable to the defendant than that provided for in the plea agreement. In that event, the court may accept a waiver of the presentence investigation, the right to file a motion in arrest of judgment, and time for entry of judgment, and proceed to judgment."

Rule 9(4).

That rule 9(4) be amended as follows:

"4. REJECTION OF PLEA AGREEMENT. If, at the time the plea of guilty is tendered, the court refuses to be bound by or rejects the plea agreement, the court shall inform the parties of this fact, afford the defendant the opportunity to then withdraw his or her plea, and advise the defendant that if he or she persists in his or her guilty plea the disposition of the case may be less favorable to the defendant than that contemplated by the plea

agreement. If the defendant persists in his or her guilty plea and it is accepted by the court, the defendant shall not have the right subsequently to withdraw the plea except upon a showing that withdrawal is necessary to correct a manifest injustice."

Rule 11(2).

That rule 11(2) be amended as follows:

"2. APPEAL DISCRETIONARY REVIEW OF INTERLOCUTORY ORDER. Any party aggrieved by an interlocutory order affecting the validity of a search warrant or the suppression of evidence, except in simple misdemeanors, may apply for discretionary ~~a--writ--of--certiorari--to--the--supreme--court--or--any--justice--thereof--to~~ review of the order in advance of trial."

Rule 18.

That rule 18 as amended by the Laws of the 1978 Regular Session of the 67th General Assembly, Chapter 1208, be amended by renumbering subsections 1 through 9 as 3 through 11 and adding the following new subsections 1 and 2:

"1. TRIAL ASSIGNMENTS.

a. TRIALS. Upon entry of a plea of not guilty, every criminal case shall be assigned for trial.

b. APPEALS, WAIVER OF JURY. On each motion day, the clerk of court shall deliver to the presiding judge the file in each nonindictable criminal case in which an appeal was taken more than ten days previously. The judge shall assign the case for trial. Unless the defendant filed a written demand for jury within ten days after taking the appeal, he shall be deemed to have waived trial by jury.

2. CONTINUANCE OF TRIAL. The provisions of the rules of civil procedure relative to the continuances of the trial of civil causes shall apply to the continuance of criminal actions, but no judgment for costs shall be rendered against a defendant on account thereof, except as in this Code otherwise provided."

Rule 18(2).

That rule 18(2) as amended by the Laws of the 1978 Regular Session of the 67th General Assembly, Chapter 1208, be amended as follows:

"2 4. ADVANCE NOTICE OF EVIDENCE SUPPORTING INDICTMENTS OR INFORMATIONS. The prosecuting attorney, in offering trial evidence in support of an indictment, shall not be permitted to introduce any witness the minutes of whose testimony was not presented with the indictment to the court; in the case of informations, a witness may testify in support thereof if the witness' identity and a minute of the witness' evidence has been given pursuant to these rules. However, these provisions are subject to the following exception: Additional witnesses in support of the indictment or trial information may be presented by the prosecuting attorney if he or she has given the defendant's attorney of record, or the defendant if he or she has no attorney, a minute of such witness' evidence, as defined in rule 4(6)(a) or rule 5(3), at least ten days before the commencement of the trial."



## Rule 23.1.

That the following new rule 23.1 be added:

"Rule 23.1. BILL OF EXCEPTIONS.

1. PURPOSE. The office of a bill of exceptions is to make the proceedings or evidence appear of record which would not otherwise so appear.

2. WHAT CONSTITUTES RECORD; EXCEPTIONS UNNECESSARY. All papers pertaining to the cause and filed with the clerk, and all entries made by him or her in the record book pertaining to them, and showing the action or decision of the court upon them or any part of them, and the judgment, are to be deemed parts of the record, and it is not necessary to except to any action or decision of the court so appearing of record.

3. GROUNDS FOR EXCEPTIONS. On the trial of an indictable offense, exceptions may be taken by the state or by the defendant to any decision of the court upon matters of law, in any of the following cases:

- a. In disallowing a challenge to an individual juror.
- b. In admitting or rejecting witnesses or evidence on the trial of any challenge to an individual juror.
- c. In admitting or rejecting witnesses or evidence.
- d. In deciding any matter of law, not purely discretionary on the trial of the issue.

Exceptions may also be taken to any action or decision of the court which affects any other material or substantial right of either party, whether before or after the trial of the indictment, or on the trial.

4. BILL BY JUDGE. Either party may take an exception to any decision or action of the court, in any stage of the proceedings, not required to be and not entered in the record book, and reduce the same to writing, and tender the same to the judge, who shall sign it if true, and if signed it shall be filed with the clerk and become part of the record of the cause.

5. BILL BY BYSTANDERS. If the judge refuses to sign it, such refusal must be stated at the end thereof, and it may then be signed by two or more attorneys or officers of the court or disinterested bystanders, and sworn to by them, and filed with the clerk, and it shall thereupon become a part of the record of the cause.

6. TIME TO APPROVE BILL. The judge shall be allowed one court day to examine the bill of exceptions, and the party excepting shall be allowed three court days thereafter to procure the signatures and file the same.

7. MODIFICATION OF BILL. If the judge and the party excepting can agree in modifying the bill of exceptions, it shall be modified accordingly.

8. TIME ALLOWED TO PREPARE BILL. Time must be given to prepare the bill of exceptions when it is necessary; if it can reasonably be done, it shall be settled at the time of taking the exception."

## Rule 27(1).

That rule 27(1) be amended as follows:

"1. DISMISSAL GENERALLY; EFFECT. The court, upon its own motion or the application of the county prosecuting attorney, in the furtherance of justice, may order the dismissal of any pending criminal prosecution, the

reasons therefor being stated in the order and entered of record, and no such prosecution shall be discontinued or abandoned in any other manner. Such a dismissal is a bar to another prosecution for the same offense if it is a simple or serious misdemeanor; but it is not a bar if the offense charged be a felony or an aggravated misdemeanor."

Rule 27(2).

That rule 27(2) be amended as follows:

"2. SPEEDY TRIAL. It is the public policy of the state of Iowa that criminal prosecutions be concluded at the earliest possible time consistent with a fair trial to both parties. Applications for dismissals under this subsection may be made by the county prosecuting attorney or the defendant or by the court on its own motion."

Form 8, Appendix of Forms.

That Form 8, Appendix of Forms, as amended by the Laws of the 1978 Regular Session of the 67th General Assembly, Chapter 1208, be amended as follows:

"TRIAL INFORMATION

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

THE STATE OF IOWA

vs.

\_\_\_\_\_, Defendant

TRIAL INFORMATION

No. \_\_\_\_\_

COMES NOW \_\_\_\_\_ as County Prosecuting Attorney of \_\_\_\_\_ County, Iowa, and in the name and by the authority of the State of Iowa accuses \_\_\_\_\_ of the crime of \_\_\_\_\_ committed as follows: The said \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the County of \_\_\_\_\_ and State of Iowa did unlawfully and willfully

in violation of \_\_\_\_\_ of The Iowa Criminal Code.

State-of-Iowa----->  
-----County----->--ss--

I,-----, being first duly sworn, do depose and say that I have made a full and careful investigation of the facts upon which the above

~~charge-is-based-and-that-the-allegations-contained-in-the-above-and-foregoing  
Trial-Information-are-true-as-I-verify-believe-~~

A TRUE INFORMATION

County Prosecuting Attorney

~~Subscribed-and-sworn-to-by-----  
before-me,-the-undersigned,-on-----~~

~~(CLERK-OF-COURT)(NOTARY-PUBLIC)(JUDGE)~~

On \_\_\_\_\_ I find that the evidence contained in the within  
Trial Information and minutes of evidence, if unexplained, would \_\_\_\_\_  
warrant a conviction by the trial jury and being satisfied from the showing  
made herein that this case should \_\_\_\_\_ be prosecuted by Trial  
Information the same is \_\_\_\_\_ approved.

Defendant is released on:

- 1. personal recognizance \_\_\_\_\_
- 2. appearance bond \$ \_\_\_\_\_
  - a. unsecured \_\_\_\_\_
  - b. secured \_\_\_\_\_
- 3. other (specify) \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE \_\_\_\_\_ JUDICIAL  
DISTRICT OF THE STATE OF IOWA"

(Court file stamp)

"Form 8 (back side)

This Trial Information, together with the minutes of evidence relating  
thereto, is duly filed in the District Court of Iowa for \_\_\_\_\_  
County this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
CLERK OF THE DISTRICT COURT OF IOWA  
FOR \_\_\_\_\_ COUNTY

By: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

Names of Witnesses

A-PRVE-INFORMATION

-----  
Couny-Attorney

\*\*\*\*\*

Names-of-Witnesses"

Rule 54(1).

That rule 54(1) be amended as follows:

"1. NOTICE OF APPEAL. An appeal may be taken by the plaintiff only upon a finding of invalidity of an ordinance or statute. In all other cases, an appeal may only be taken by the defendant and only upon a judgment of conviction. Execution of the judgment shall be stayed upon the filing with the clerk of the district court an appeal bond with surety approved by the clerk, in the sum specified in the judgment. The defendant may take an appeal, by giving notice orally to the magistrate that he or she appeals, or by delivery to the magistrate not later than ten days thereafter, a written notice of the defendant's appeal, and in either case the magistrate must make an entry on its docket of the giving of such notice. Payment of fine or service of a sentence of imprisonment does not waive the right to appeal, nor render the appeal moot. When an appeal is taken, the magistrate shall forward to the appropriate district court clerk a copy of the docket entries in the magistrate's court, together with copies of the complaint, warrant, motions, pleadings, the magistrate's minutes of the witness' testimony and the exhibits or copies thereof and all other papers in the case. A district judge shall promptly hear the appeal upon the record thus filed without further evidence if the original action was tried by a district judge, district associate judge, or magistrate appointed under sections 602.51 or 602.59 of the Code unless the district court judge hearing the appeal either upon application of any party or on the district judge's own motion orders the appeal ~~heard-de-novo~~ tried anew on the grounds the record is inadequate. If the original action was tried by a magistrate appointed under sections 602.50 or 602.58 of the Code, the district judge shall promptly ~~hear-the appeal-de-novo~~ try the case anew. Within ten days after an appeal is taken, unless extended by order of a district judge or by stipulation of the parties, any party may file with the clerk, as a part of the record, a transcript of the official report, if any, and, in the event the report was made electronically, the tape or other medium on which the proceedings were

preserved. If the original action was tried before a district judge acting as a judicial magistrate, the appeal shall be to a different district judge. The judge shall decide the appeal without regard to technicalities or defects. Judgment shall be rendered as though the case were being originally tried. The right to further appeal is governed by section 814.6 of the Code."

Respectfully submitted,  
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson  
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa  
January 26, 1979

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January, 1979, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ Frank J. Stork  
Secretary of the Senate, 1979  
Regular Session of the Sixty-  
Eighth General Assembly of the  
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January, 1979, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ David L. Wray  
Chief Clerk of the House of Repre-  
sentatives, 1979 Regular Session  
of the Sixty-Eighth General Assem-  
bly of the State of Iowa

## CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Criminal Procedure;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Criminal Procedure was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Criminal Procedure were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1979  
Regular Session of the Sixty-  
eighth General Assembly of the  
State of Iowa.

## CERTIFICATE

I, Floyd H. Millen, do hereby certify that I am the Speaker of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, David L. Wray, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Criminal Procedure;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Criminal Procedure was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Criminal Procedure were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Floyd H. Millen

FLOYD H. MILLEN

Speaker of the House

/s/ David L. Wray

DAVID L. WRAY

Chief Clerk of the House of Representatives, 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

**RULES ON HOSPITALIZATION  
OF MENTALLY ILL**

**CHAPTER 175  
RULES OF PROCEDURE AND FORMS FOR THE  
INVOLUNTARY HOSPITALIZATION OF THE MENTALLY ILL**

[See Section 229.40 of the Code]

IN THE MATTER OF  
RULES OF PROCEDURE AND  
FORMS FOR THE INVOLUNTARY  
HOSPITALIZATION OF THE  
MENTALLY ILL

REPORT OF  
THE SUPREME  
COURT

TO THE 1979 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to section 684.19, The Code and 1978 Session of the 67th General Assembly, Chapter 1085, Section 12, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly new rules of procedure, exhibit A, and forms, exhibit B, for the involuntary hospitalization of the mentally ill, copies of which are attached hereto and made a part hereof.

Respectfully submitted,  
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson  
W. W. Reynoldson, Chief Justice

Des Moines, Iowa  
January 26, 1979



ACKNOWLEDGEMENT

I, the undersigned, secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January, 1979, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure and forms for the involuntary hospitalization of the mentally ill.

/s/ Frank J. Stork

Secretary of the Senate, 1979  
Regular Session of the Sixty-  
Eighth General Assembly of the  
State of Iowa

ACKNOWLEDGEMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of January 1979, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure and forms for the involuntary hospitalization of the mentally ill.

/s/ David L. Wray

Chief Clerk of the House of  
Representatives, 1979 Regular  
Session of the Sixty-Eighth Gen-  
eral Assembly of the State of  
Iowa

## EXHIBIT A

1. A form for application seeking the involuntary hospitalization or treatment of any person on grounds of serious mental impairment may be obtained from the clerk of court in a county in which the person whose hospitalization is sought resides or is presently located. Such application may be filled out and presented to the clerk by any person who has an interest in the treatment of another for serious mental impairment and who has sufficient contact with or knowledge about that person to provide the information required on the face of the application and by section 229.6, The Code. The clerk or clerk's designee shall provide the forms required by section 229.6, The Code, to the person who desires to file the application for involuntary commitment. The clerk shall see that all the necessary information required by section 229.6, The Code, accompanies the application.

2. If the judge or referee determines that insufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the judge or referee shall order the proceedings terminated, so notify the applicant, and all papers and records pertaining thereto shall be confidential and subject to the provisions of section 229.24, The Code.

3. If the judge or referee determines that sufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the sheriff or sheriff's deputy shall immediately serve notice, personally and not by substitution, on the respondent. Pursuant to section 229.9, The Code, notice shall also be served on respondent's attorney as soon as he or she is identified or appointed by the judge or referee.

A. If the respondent is being taken into immediate custody pursuant to section 229.11, The Code, the notice shall include a copy of the order required by section 229.11, The Code, and rule 14 of these rules.

B. The notice of procedures required under section 229.7, The Code, shall inform the respondent of: (1) his or her immediate right to counsel, at county expense if necessary; (b) the right to request an examination by a physician of his or her choosing, at county expense if necessary; (c) the right to be present at the hearing; (d) the right to a hearing within 5 days if the respondent is taken into immediate custody pursuant to section 229.11, The Code; (e) the right not to be forced to hearing sooner than 48 hours after notice, unless respondent waives such minimum prior notice requirement.

The notice shall also inform the respondent of: (a) his or her duty to remain in the jurisdiction and the consequences of an attempt to leave; and (b) his or her duty to submit to examination by a physician appointed by the court.

4. The respondent may waive the minimum prior notice requirement only in writing and only if the judge or referee determines that the respondent's best interests will not be harmed by such waiver.

5. In no case shall the hearing provided in section 229.12, The Code, be held until the attorney has had time to see the respondent and adequately prepare his or her case.

6. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under section 229.11, The Code, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in section 229.12, The Code.

7. If personal service as defined in rule 3 cannot be made, any respondent may be served as provided by court order, consistent with due process of law.

8. Returns of service of notice shall be made as provided in rule 59, Rules of Civil Procedure.

9. Amendment of process of proof of service shall be allowed in the manner provided in rule 59.1, Rules of Civil Procedure.

10. If practicable the court should allow the respondent's attorney to present evidence and argument prior to the judge's determination under section 229.11, The Code.

11. If the respondent's attorney is afforded no opportunity to present evidence and argument prior to the determination under section 229.11, The Code, the attorney shall be entitled to do so after the determination during the course of respondent's confinement pursuant to an order issued under that section.

12. The clerk shall see that the respondent's attorney receives a copy of the examination report filed pursuant to section 229.10(2), The Code, sufficiently in advance of the hearing to allow him or her to prepare for the hearing and to prepare responses from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined respondent and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed.

13. The court-designated physician shall submit a written report of the examination as required by section 229.10(2), The Code, on the form designated for use by the Supreme Court. The report shall contain the following information: (1) Respondent's Name; (2) Address; (3) Date of Birth; (4) Place of Birth; (5) Sex; (6) Occupation; (7) Marital Status; (8) Number of children, and names; (9) Nearest Relative's Name, Relationship, and Address; and (10) The Physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to him or her, which led to the diagnosis.

14. The judge's or referee's immediate custody order under section 229.11, The Code, shall include a finding of probable cause to believe that the respondent is seriously mentally impaired and is likely to injure himself or herself or others if allowed to remain at liberty.

15. If the respondent is detained in a facility for persons accused of or convicted of crimes, the 24 hour detention limitation of section 229.11(3), The Code, shall be strictly enforced and procedures for placement of the respondent in a proper facility described in section 229.11, The Code, shall be instituted immediately.

16. The hearing provided in section 229.12, The Code, shall be held in the county where the application was filed unless the judge or referee finds

that the best interests of the respondent would be served by transferring the proceedings to a different location.

17. The hearing required by section 229.12, The Code, may be held at a hospital or other treatment facility, provided a proper room is available and provided such a location would not be detrimental to the best interests of the respondent.

18. The respondent's rights should be explained to him or her and, to the extent possible, the nature and possible consequences of the proceedings. Prior to the commencement of the hearing under section 229.12, The Code, the judge or referee shall ascertain whether the respondent has been so informed.

19. Subpoena power shall be available to all parties participating in the proceedings, and subpoenas or other investigative demands may be enforced by the judge or referee.

20. The person(s) filing the application and any physician or mental health professionals who examine the respondent in connection with the hospitalization proceedings or later proceedings must be present at the hearing conducted under section 229.12, The Code, unless, prior to the hearing, the judge or referee, for good cause, finds their presence is not necessary. The respondent must be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing to his or her absence, such stipulation to state (1) that the attorney has conversed with the respondent, (2) that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and (3) the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by his or her absence.

21. An electronic recording or other verbatim record of the hearing provided in section 229.12, The Code, shall be made and retained for three years or until the respondent has been discharged from involuntary custody for ninety days, whichever is longer.

22. If the respondent is in custody in another county prior to the hearing provided in section 229.12, The Code, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are unreasonable and if the denial would not harm respondent's interests in representation by counsel.

23. Orders for evaluation under section 229.13, The Code, should be based on full consideration by the judge or referee of alternative facilities reasonably adapted to evaluation of the particular respondent. The valuation shall be ordered on an out-patient, or less than full-time basis unless the judge or referee finds that out-patient or less than full-time evaluation is unavailable, inappropriate in terms of the physical safety of the respondent or the other persons, or would seriously compromise the reliability of the evaluation. Such a finding shall be in writing and shall briefly state the facts relied upon in support of it.

24. If, pursuant to section 229.13, The Code, the chief medical officer requests an extension of time for evaluation beyond 15 days, he or she shall file application in the form prescribed by these rules with the clerk of court in the county in which the hearing was held. The application shall contain a statement by the chief medical officer or his or her designee identifying with reasonable particularity the facts and reasons in support of the request for extension. The clerk shall immediately notify the respondent's attorney of the request and shall furnish a copy of the application to him or her. The clerk shall also immediately furnish a copy of the application to the respondent's advocate, if one has been appointed.

25. The findings of the chief medical officer pursuant to section 229.14, The Code, must state with reasonable particularity on the form prescribed by these rules the facts and basis for the diagnostic conclusions concerning the respondent's serious mental impairment and recommended treatment, including but not limited to: the basis for his or her conclusion as to respondent's mental illness, judgmental capacity concerning need for treatment; treatability; and dangerousness; and the basis for his or her conclusions concerning recommended treatment including the basis for the judgment that his or her treatment recommendation is the least restrictive alternative treatment pursuant to options (1), (2), (3), or (4) of section 220.14, The Code.

26. The clerk shall promptly furnish copies of all reports issued under section 229.15, The Code, to the patient's attorney or advocate or to both if they both are serving in their respective capacities at the same time, and such reports shall comply substantially with the requirements of rule 25.

27. The clerk shall institute an orderly system for filing periodic reports required under section 229.15, The Code, and shall in timely fashion ascertain when a report is overdue. In the event a report is not filed, the clerk shall contact the chief medical officer of the treatment facility and obtain a report.

28. If the magistrate does not immediately proceed to the facility where a person is detained pursuant to section 229.22, The Code, the magistrate shall verbally communicate approval or disapproval of the detention and such communication shall be duly noted by the chief medical officer of the facility on the form prescribed by these rules.

29. If the facility to which the respondent is delivered pursuant to section 229.22, The Code, lacks a chief medical officer, the person then in charge of the facility shall, if treatment appears necessary to protect the respondent, immediately notify a physician. The person in charge of the facility shall then immediately notify the magistrate.

30. As soon as practicable after the respondent's delivery to a facility under section 229.22, The Code, the magistrate shall identify or appoint an attorney for the respondent and shall immediately notify such attorney of respondent's emergency detention. If counsel can be identified at the time of respondent's arrival at a facility, or if legal services are available through a Legal Aid or public defender office, the magistrate must immediately notify such counsel and such counsel shall be afforded an opportunity to see the respondent and to make such preparation as is appropriate before or after the magistrate's order is issued.

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31. Whenever chemotherapy is instituted, the person in charge of the facility where the respondent is hospitalized shall notify the respondent's attorney or advocate in a letter indicating in what way the treatment is "necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue." Moreover, the person in charge of the facility will keep the respondent's attorney or advocate apprised of any undesirable side effects and change in treatment which occur.

EXHIBIT B

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



APPLICATION ALLEGING SERI-  
OUS MENTAL IMPAIRMENT PUR-  
SUANT TO SECTION 229.6,  
THE CODE.

Respondent.

I \_\_\_\_\_, of \_\_\_\_\_ (address), allege Re-  
spondent is suffering from serious mental impairment. In support thereof I  
state as follows:

Based on the above facts, I believe Respondent is a danger to himself or  
herself or others or may be causing serious emotional injury to persons who  
are unable to remove themselves from his or her presence.

Do you request the respondent be taken into immediate custody? Yes \_\_\_  
No \_\_\_

Attached hereto is a written statement of a licensed physician in support  
of this application.

Attached hereto is an affidavit corroborating these allegations.  
(Strike the one not applicable.)

\_\_\_\_\_  
Applicant

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

Respondent.



No. \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF  
APPLICATION ALLEGING SERI-  
OUS MENTAL IMPAIRMENT PUR-  
SUANT TO SECTION 229.6,  
THE CODE.

I \_\_\_\_\_ of \_\_\_\_\_ (address), being first  
duly sworn on oath, depose and state that I am acquainted with Respondent who  
resides at \_\_\_\_\_

(Street)

(City)

\* County, Iowa and that I believe the above named person is seriously mentally  
impaired.

In support thereof, I state as follows:

Subscribed and sworn to before undersigned this \_\_\_\_\_ day of \_\_\_\_\_ A.D.,  
19\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of Iowa

\_\_\_\_\_  
Clerk of Iowa District Court

\*According to filed report



IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



NOTICE TO RESPONDENT PUR-  
SUANT TO SECTION 229.7,  
THE CODE.

Respondent.

TO: \_\_\_\_\_

You are hereby notified that there is now on file in the office of the Clerk of District Court of \_\_\_\_\_ County, Iowa, a verified application alleging that: \_\_\_\_\_ is seriously mentally impaired and a fit subject for custody and treatment, as shown by the application and (Report of the Physician) (Supporting Affidavits) on file in this proceeding, copies of which are attached; and that said matter will come on for hearing on said application before said Court at the \_\_\_\_\_ County, Iowa, on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, at \_\_\_ o'clock .M.; and that such Order will be on said Hearing as may appear to the Court to be for the best interest of said person.

You are further notified you have the following rights in connection with this matter:

- 1. THE RIGHT TO THE ASSISTANCE OF AN ATTORNEY. If you cannot afford an attorney, one will be appointed for you at county expense.
- 2. THE RIGHT TO AN EXAMINATION BY A PHYSICIAN OF YOUR OWN CHOOSING. If you cannot afford an examination by your physician, you may have such an examination at county expense.
- 3. THE RIGHT TO A HEARING WITHIN 5 DAYS, and no sooner than 48 hours (except Saturdays, Sundays, and holidays) if you are presently in custody.
- 4. THE RIGHT TO A HEARING NO SOONER THAN 48 HOURS AFTER SERVICE OF THIS NOTICE (except Saturdays, Sundays, and holidays) if you are not presently in custody.
- 5. THE RIGHT TO BE PRESENT AT THE HEARING.

You are hereby advised that:

- 1. You must not leave the county while awaiting hearing. If you leave the county, you may be taken into custody.
- 2. You must submit to an examination by a physician appointed by the court. If you do not, the court may order you to do so.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee

RETURN OF SERVICE

STATE OF IOWA

\_\_\_\_\_ COUNTY

} ss.

The within notice received this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, and I certify  
a.m.  
that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, at \_\_\_\_ p.m., I served the same on  
\_\_\_\_\_ by delivering a copy thereof to said \_\_\_\_\_ in the  
City, Township of \_\_\_\_\_ in \_\_\_\_\_ County, State of Iowa.

\_\_\_\_\_  
Sheriff, \_\_\_\_\_ County

By \_\_\_\_\_  
Deputy Sheriff

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

ORDER FOR IMMEDIATE CUS-  
TODY PURSUANT TO SECTION  
229.11, THE CODE

Respondent.

A request has been presented that respondent should be immediately detained due to serious mental impairment. After review of the application and supporting documentation, I find there is probable cause to believe respondent is seriously mentally impaired and is likely to injure himself or herself or others if allowed to remain at liberty.

This finding is based on the following facts:

\*1. I hereby order that respondent shall be detained in the custody of \_\_\_\_\_ until the hearing date pursuant to section 229.11(1), The Code.

\*2. Because I find the less restrictive alternative of custody pursuant to section 229.11(1), The Code, will not be sufficient to protect respondent from himself or herself or others, I hereby order that respondent shall be detained at \_\_\_\_\_ until the hearing date pursuant to section 229.11(2), The Code.

\*3. Because I find that an actual emergency exists and there is no other secure facility available besides a facility for the confinement of persons accused or of convicted of crime, I hereby order that respondent shall be detained at \_\_\_\_\_ for a period of not more than 24 hours pursuant to section 229.11(3), The Code. I furthermore order that respondent shall be kept under close supervision at all times and that as soon as practicable arrangements for transfer to a suitable secure facility be made.

\*(Strike two of these three numbered provisions.)

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



No. \_\_\_\_\_

ORDER APPOINTING ATTORNEY  
PURSUANT TO SECTION 229.8,  
THE CODE.

Respondent.

AND NOW, TO-WIT, on this \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_, on Application previously filed with the (Court) (Judicial Hospitalization Referee) acting for and in behalf of \_\_\_\_\_ County, Iowa, alleging that the above named person is seriously mentally impaired, and upon which hearing was fixed by the (Court) (Judicial Hospitalization Referee) for the \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_, being presented to this (Court) (Judicial Hospitalization Referee), and upon showing made that the said person is unrepresented at this time and that no arrangements have been made either by the said person or any member of his or her family to procure such representation, it is now ORDERED by the (Court) (Judicial Hospitalization Referee) that \_\_\_\_\_, a regular practicing attorney for the \_\_\_\_\_ County, Iowa, Bar be and is hereby appointed to represent the said person at this hearing and at each adjourned meeting of or hearing before said (Court) (Judicial Hospitalization Referee) at which the subject matter of this Cause is under consideration by said (Court) (Judicial Hospitalization Referee).

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee

IN THE DISTRICT COURT OF IOWA IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



No. \_\_\_\_\_

APPLICATION FOR APPOINT-  
MENT OF COUNSEL AND FI-  
NANCIAL STATEMENT

Respondent.

I, the undersigned, being first sworn, on oath depose and say that I am (respondent) (respondent's spouse) (next friend) or (guardian) herein, and I request the Court to appoint counsel to represent respondent at public expense. The following statement relating to respondent's financial affairs is submitted in support of this application.

Name \_\_\_\_\_

Address \_\_\_\_\_

Marital Status \_\_\_\_\_

Number and Ages of Dependents \_\_\_\_\_

Business or Employment \_\_\_\_\_

Average Weekly Earnings \_\_\_\_\_

Total Income past 12 Months \_\_\_\_\_

Is respondent now in custody: Yes \_\_\_ No \_\_. If NO, is he or she working and at what salary: \_\_\_\_\_

Is spouse working: Yes \_\_\_ No \_\_. If so, name of employer and average weekly wage \_\_\_\_\_

Motor vehicles: List make, year, amount owing thereon, if any, and how title is registered \_\_\_\_\_

List balance of bank accounts of respondents and spouse \_\_\_\_\_

List all sources of income other than salary from employment \_\_\_\_\_

Describe real estate owned, if any, and value thereof \_\_\_\_\_

Total amount of debts: \_\_\_\_\_

List on the reverse side hereof all other assets owned by respondent, other than clothing and personal effects.

The foregoing statements are true to the best of my knowledge, are made under penalty of perjury, and are made in support of respondent's application for appointment of legal counsel because respondent is financially unable to employ counsel.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of Iowa

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

Respondent.

No. \_\_\_\_\_

APPOINTMENT OF PHYSICIAN PUR-  
SUANT TO SECTION 229.8, THE  
CODE.

STATE OF IOWA, \_\_\_\_\_ COUNTY:

To \_\_\_\_\_, a regular practicing physician of \_\_\_\_\_  
County, Iowa:

An application in due form of law having been laid before the (Court) (Judicial Hospitalization Referee) of this County, alleging that Respondent is seriously mentally impaired, and is a fit subject for custody and treatment, you are hereby appointed by said (Court) (Judicial Hospitalization Referee) to visit or see said respondent and to make personal examination touching the truth of the allegations of said application and touching respondent's actual condition.

You will therefore proceed at once to make such examination and forthwith report thereon to said (Court) (Judicial Hospitalization Referee) at this office as the law requires in such cases.

NOTE TO EXAMINING PHYSICIAN:

If you have been appointed under section 229.11, The Code, your examination must be conducted within 24 hours.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial  
Hospitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

} PHYSICIAN'S REPORT OF EXAMI-  
NATION PURSUANT TO SECTION  
229.10(2), THE CODE.

Respondent.

DATE AND TIME OF EXAMINATION \_\_\_\_\_

1. Respondent's Name \_\_\_\_\_

2. Address \_\_\_\_\_  
(Street) (City or Town) (County) (State)

3. Date of Birth \_\_\_\_\_  
(Day) (Month) (Year)

4. Place of Birth \_\_\_\_\_

5. Sex \_\_\_\_\_

6. Occupation \_\_\_\_\_

7. Marital Status \_\_\_\_\_ 8. Number of Children \_\_\_\_\_

9. Nearest Relative's Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Address \_\_\_\_\_  
(Street) (City or Town) (County) (State)

10. Is this an examination under section 229.11, The Code? \_\_\_\_\_

11. Did a qualified mental health professional assist with this exam? If so, who? \_\_\_\_\_  
(Please provide address.) If the professional's report is written, please attach.

12. In your judgment, is respondent mentally ill? \_\_\_\_\_ If so, state diagnosis and supporting facts.

13. In your judgment is respondent capable of making responsible decisions with respect to his or her hospitalization or treatment? \_\_\_\_\_  
If not, state supporting facts:

14. In your judgment, is the respondent treatable? \_\_\_\_\_ If so, state diagnosis and supporting facts:

15. In your judgment, would the respondent benefit from treatment?

16. In your judgment, is the respondent likely to physically injure himself or herself or others?

(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

17. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?

18. Can the respondent be evaluated on an out-patient basis?

Basis for answer:

19. Can the respondent, without danger to self or others, be released to the custody of a relative or friend during the course of evaluation?

20. Is full time hospitalization necessary for evaluation?

21. Does the respondent have a prior history of other physical or mental illness? If yes, please specify.

22. Was the patient medicated at the time of examination? If so, please supply the following information:

MEDICINE \_\_\_\_\_

DOSAGE \_\_\_\_\_

TIME \_\_\_\_\_

Signed \_\_\_\_\_  
Physician

Address \_\_\_\_\_



IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

Respondent.

No. \_\_\_\_\_

ORDER FOR CONTINUANCE PURSU-  
ANT TO SECTION 229.10(4),  
THE CODE.

This matter came on for hearing upon the oral application of Attorney,  
\_\_\_\_\_, and for good cause shown, it is ordered that hearing in  
the above matter shall be continued, and shall be rescheduled upon  
application of \_\_\_\_\_, Attorney.

Done this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial  
Hospitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

}  
STIPULATION PURSUANT TO  
SECTION 229.12, THE CODE, AND  
RULE 20, RULES FOR INVOLUN-  
TARY HOSPITALIZATION.

Respondent.

It is hereby stipulated that Respondent need not be present at the hearing to determine his or her serious mental impairment.

(1) I have conversed with respondent about the hearing and his or her absence on \_\_\_\_\_ (date).

(2) In my judgment, respondent can make no meaningful contribution to the hearing. I base this judgment on the following grounds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED

\_\_\_\_\_  
Respondent's Attorney

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



NOTICE OF MEDICATION PURSUANT  
TO SECTION 229.12(1), THE  
CODE.

Respondent.

I \_\_\_\_\_, physician, inform (Judge  
\_\_\_\_\_ or \_\_\_\_\_ Referee)

P.M.

that the respondent was medicated at A.M. on \_\_\_\_\_,  
19\_\_.

The medication will cause the following probable effects:

The medication (may) (probably will not) affect respondent's ability to  
understand the nature of these proceedings.

SIGNED

\_\_\_\_\_  
Physician

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



DISCHARGE AND TERMINATION OF  
PROCEEDING PURSUANT TO SEC-  
TION 229.12, THE CODE.

Respondent.

A hearing was held on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_, pertaining to the alleged mental impairment of Respondent and all relevant and material evidence was presented.

Therefore it is found that the contention of the Applicant alleging the respondent to be seriously mentally impaired has not been sustained by clear and convincing evidence.

It is therefore ordered that the Application for Involuntary Hospitalization of Respondent is hereby denied.

It is further ordered that the respondent be released from custody and that all proceedings in this matter are hereby terminated.

Done this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial  
Hospitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

}  
FINDINGS OF FACT PURSUANT TO  
SECTION 229.13, THE CODE.

Respondent.

A hearing on the above entitled matter was held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_. The court finds that the contention that the respondent is seriously mentally impaired has been

1. Judgmental Capacity:

2. Treatability:

3. Dangerousness:

4. Mental illness:

Done this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial  
Hospitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



NOTICE OF TERMINATION OF PRO-  
CEEDINGS PURSUANT TO SECTION  
229.21(3), THE CODE.

Respondent.

TO THE CHIEF JUDGE OF THE \_\_\_\_\_ JUDICIAL DISTRICT OR HIS DESIGNEE:

Please be advised that I have terminated the proceedings in regard to the above Respondent for the reasons stated in the order entered, a copy of which is attached.

\_\_\_\_\_  
Judicial Hospitalization Referee  
\_\_\_\_\_ County, Iowa

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



NOTICE OF ORDER PURSUANT  
TO SECTION 221.21(3),  
THE CODE.

Respondent.

TO THE CHIEF JUDGE OF THE \_\_\_\_\_ JUDICIAL DISTRICT OR HIS DESIGNEE:

Please be advised that I have issued an order regarding the above Respondent for the reasons stated in the order and findings of fact, copies of which are attached.

DATE OF HOSPITALIZATION \_\_\_\_\_

\_\_\_\_\_  
Judicial Hospitalization Referee  
\_\_\_\_\_ County, Iowa.

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

DATE \_\_\_\_\_

IN THE MATTER OF:

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



No. \_\_\_\_\_  
APPLICATION FOR ORDER FOR EXTEN-  
SION OF TIME FOR PSYCHIATRIC  
EVALUATION PURSUANT TO SECTION  
229.13, THE CODE.

Respondent.

I \_\_\_\_\_, Chief Medical Officer of the  
\_\_\_\_\_ request an extension of time not to  
(Facility)

exceed seven (7) days in order to complete the psychiatric evaluation of  
Respondent.

I request this extension because:

I feel this extension is in Respondent's best interests.

\_\_\_\_\_  
Chief Medical Officer  
Facility



IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_

Respondent.



ORDER RE: EXTENSION OF  
TIME PURSUANT TO SECTION  
229.13, THE CODE.

An Application for Extension of Time for Psychiatric Evaluation in the above entitled matter having been presented to the Court/Judicial Hospitalization Referee this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ and upon a showing of good cause;

It is hereby ordered that the Extension of Time be granted for a period not to exceed seven (7) days.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial Dis-  
trict of Iowa or Judicial Hospi-  
talization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_  
Respondent.



No. \_\_\_\_\_  
CHIEF MEDICAL OFFICER'S  
REPORT OF PSYCHIATRIC  
EVALUATION PURSUANT TO  
SECTION 229.14, THE CODE.

DATE AND TIME OF EVALUATION \_\_\_\_\_

1. Treatment, including medications that respondent has received during the present hearing and evaluation period.
2. Medications respondent is now receiving.
3. Have there been previous psychiatric illnesses?  
If so, give approximate dates:  
  
Was hospitalization and/or treatment necessary?  
If so, give place, date, length of stay, condition on discharge:
4. Has the respondent any other disease or injury at present?  
  
If so, specify:
5. Respondent's past medical history.
6. Is respondent suffering from any transmissible\*\* disease or has he been exposed to such a disease within the past 3 weeks? If so, specify:
7. Is there a family history of mental illness, or mental deficiency, or convulsive disorder?  
If so, give names, relationship and type of disorder:
8. In your judgment is respondent mentally ill?  
If so, state diagnosis and supporting facts:
9. In your judgment is respondent capable of making responsible decisions with respect to his or her hospitalization or treatment?

\*\*According to filed report

---

If not, state supporting facts:

10. In your judgment, is the respondent treatable? \_\_\_\_\_

If so, state diagnosis and supporting facts:

11. In your judgment, is the respondent likely to injure himself or herself or others?

(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

12. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?

13. PROPOSED TREATMENT.

Please state one of the four alternative findings contained in Sec. 229.14, The Code:\*

A. If respondent does not require full-time hospitalization, please state your recommendation for treatment on an out-patient or other appropriate basis:

B. If respondent is in need of full-time custody and care but is unlikely to benefit from further treatment in a hospital, please recommend an alternative placement:

C. Other:

14. State facts and reasons supporting your judgment that the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed \_\_\_\_\_

Address \_\_\_\_\_

- 
- \*1. That the respondent does not, as of the date of the report, require further treatment for serious mental impairment. (Section 229.14(1), The Code.)
  2. That the respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment. (Section 229.14(2), The Code.)
  3. That the respondent is seriously mentally impaired and in need of treatment, but does not required\*\* full-time hospitalization. (Section 229.14(3), The Code.)
  4. That the respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (Section 229.14(4), The Code.)

Form 18

\*\*According to filed report

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_

Respondent.



No. \_\_\_\_\_

NOTICE OF CHIEF MEDICAL OFFICER'S REPORT OR APPLICATION PURSUANT TO SECTION 229.13, THE CODE.

TO: \_\_\_\_\_ Attorney for respondent.

You are hereby notified that pursuant to section 229.13, The Code, (a report) (a request for extension of time) (strike one), has been received from the chief medical officer of \_\_\_\_\_, a copy of which is attached hereto.

You are further notified that, if the chief medical officer has requested an extension of time for making a recommendation regarding disposition of this matter such request may be contested pursuant to section 229.13, The Code.

Done this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial District of Iowa or Judicial Hospitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

\_\_\_\_\_  
Respondent.



No. \_\_\_\_\_  
ORDER AFTER EVALUATION PUR-  
SUANT TO SECTION 229.14,  
THE CODE.

The Court received the report of the Chief Medical Officer and it was the  
recommendation of \_\_\_\_\_  
that the respondent \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is therefore ordered that the respondent \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copies of this order shall be sent to respondent's attorney or advocate if  
one has been appointed.

Done this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_ ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED,

NOTICE OF APPEAL FROM THE FINDINGS OF THE JUDICIAL HOSPITALIZATION REFEREE

Respondent.

TO: \_\_\_\_\_, JUDGE OF THE \_\_\_\_\_ JUDICIAL DISTRICT OF IOWA AND \_\_\_\_\_, CLERK OF THE DISTRICT COURT:

The undersigned hereby appeals the findings of \_\_\_\_\_ Judicial Hospitalization Referee, that Respondent is seriously mentally impaired and requests a review of the matter by a Judge of the Iowa District Court In and For \_\_\_\_\_ County, Iowa, all pursuant to section 229.21(4), The Code.

Dated the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

SIGNED

\_\_\_\_\_  
(Respondent, Next Friend, Guardian, Attorney)

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

}  
ATTORNEY'S REPORT AND RE-  
QUEST FOR WITHDRAWAL PUR-  
SUANT TO SECTION 229.19,  
THE CODE.

Respondent.

COMES NOW, \_\_\_\_\_, a regularly practicing attorney of \_\_\_\_\_ County, Iowa, and reports:

After having been employed or appointed to represent \_\_\_\_\_, the above named Respondent, I interviewed respondent, attended the hearing on the application, examined the attending physician and/or the reports thereof, examined any hospital reports available, and examined the witnesses who appeared at the hearing:

It is my opinion that there is no further need of legal services at this time.

I hereby request to be allowed to withdraw as attorney for the above named Respondent.

\_\_\_\_\_  
Name:

Address:

City:

Phone No.:

ATTORNEY FOR RESPONDENT

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, the Application for withdrawal of \_\_\_\_\_, as attorney for respondent, was considered by the undersigned and is hereby approved. Said counsel is hereby released from the above matter. The undersigned hereby appoints (or has previously appointed) \_\_\_\_\_, as advocate for respondent.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee



IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



CLAIM FOR ATTORNEY OR PHY-  
SICIAN'S FEES ORDER AND  
CERTIFICATE

Respondent.

STATE OF IOWA, \_\_\_\_\_, COUNTY, ss:

The undersigned (attorney) (physician), being first duly sworn (or affirmed), states that he/she was appointed by the (Court) (Judicial Hospitalization Referee) to (defend) (examine) the above named respondent, alleged to be seriously mentally impaired, pursuant to Sec. 229.8, The Code; that services have been completed by this claimant and that this claimant has not directly, or indirectly, received, or entered into a contract to receive, any compensation for such services from any sources.

WHEREFORE, this claimant prays for an order to be compensated in accordance with the provisions of Section 229.8, The Code.

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
P.O. Address

Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Clerk of said District (or) Notary  
Public In and For said County

ORDER

The foregoing verified claim has been duly considered, is fixed and approved in the sum of \$ \_\_\_\_\_ and ordered paid out of

the county treasury. The Clerk is directed to certify a copy of above claim and this order to the County Auditor for payment to claimant, as provided by statute.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa or Judicial Hos-  
pitalization Referee

CERTIFICATE

The above is a true copy of claim and order as appears of record in my office and is hereby certified to County Auditor for payment.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Deputy) Clerk of Said Court

\_\_\_\_\_  
Chief Medical Officer

IN THE MATTER OF:

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

Respondent.

}  
ORDER OF DETENTION PURSUANT  
TO SECTION 229.22(2), THE  
CODE.

DATE: \_\_\_\_\_

TIME OF DETENTION: \_\_\_\_\_

TIME OF NOTIFICATION OF MAGISTRATE: \_\_\_\_\_

TIME OF ARRIVAL OF MAGISTRATE: \_\_\_\_\_

I order immediate detention of Respondent because there is reason to believe Respondent is seriously mentally impaired and likely to injure himself, herself or others if not immediately detained.

The following facts have led me to the above conclusion:

This order is made pursuant to the verbal instructions of \_\_\_\_\_  
\_\_\_\_\_, magistrate.

\_\_\_\_\_  
Chief Medical Officer

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



MAGISTRATE'S REPORT PURSUANT  
TO SECTION 229.22(2)(a), THE  
CODE.

Respondent.

1. Reason for failure to respond immediately to chief medical officer's call:

2. Substance of the information on the basis of which the respondent's continued detention was ordered:

TIME OF CALL: \_\_\_\_\_

TIME OF RESPONSE: \_\_\_\_\_

TIME OF APPOINTMENT OR NOTIFICATION OF COUNSEL: \_\_\_\_\_

\_\_\_\_\_  
Magistrate

IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY, IOWA

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,



EMERGENCY HOSPITALIZATION  
ORDER PURSUANT TO SECTION  
229.22(3) AND (4), THE  
CODE.

Respondent.

TIME OF NOTIFICATION OF MAGISTRATE: \_\_\_\_\_

TIME OF ACTION BY MAGISTRATE: \_\_\_\_\_

Information and evidence has been presented to this magistrate that respondent should be immediately detained due to serious mental impairment;

This Magistrate finds that there is probable cause to believe that Respondent is seriously mentally impaired, and because of that impairment is likely to injure himself or herself or others if not immediately detained;

This finding is based on the following circumstances and grounds: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is hereby ordered that \_\_\_\_\_ shall be detained in custody at \_\_\_\_\_ for examination and care for

Facility

a period not to exceed forty-eight hours, excluding Saturday, Sundays and Holidays.

It is further ordered that the facility may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which is likely to result in physical injury to himself or herself or others if allowed to continue, but may not otherwise provide treatment to the respondent without his or her consent.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Time \_\_\_\_\_.

\_\_\_\_\_  
Magistrate

## CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1979  
Regular Session of the Sixty-  
eighth General Assembly of the  
State of Iowa.

## CERTIFICATE

I, Floyd H. Millen, do hereby certify that I am the Speaker of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, David L. Wray, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-sixth day of January, 1979, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1979 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1979 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1979 Regular Session of said Sixty-eighth General Assembly.

Signed this 11th day of May, 1979, being the last legislative day of the 1979 Regular Session of the Sixty-eighth General Assembly.

/s/ Floyd H. Millen

FLOYD H. MILLEN

Speaker of the House

/s/ David L. Wray

DAVID L. WRAY

Chief Clerk of the House of Representatives, 1979 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

## RESOLUTIONS

**SENATE CONCURRENT RESOLUTIONS**

[Priorities determined by Legislative Council, SCR 14.]

- SCR 1 Journals, bills and clip sheets furnished free to county auditors and to Iowa's congressional delegation. Adopted, S.J. 17, 129; Adopted, H.J. 19, 154.
- SCR 2 Joint committee to arrange for the inauguration of the Governor and the Lieutenant Governor. Adopted, S.J. 18, 23; Adopted, H.J. 18, 23.
- SCR 3 Joint rules of the Senate and House, Sixty-eighth General Assembly, First Session. Adopted, S.J. 38-46, 87, 88, 93-95, 99, 424, 425, 500, 806-808, 817, 835, 852, 853; Adopted, H.J. 122-130, 302, 327, 446, 469, 474-478, 980, 981, 989, 991.
- SCR 4 Regional governments, special joint study committee to study. Introduced, S.J. 72, 73, 98, 256. [See HCR 10]
- SCR 5 Compensation for chaplains, officers and employees of the General Assembly. Adopted, S.J. 73-82, 87, 99, 130, 131, 152; Adopted, H.J. 155-165, 191, 192, 205.
- SCR 6 "International Year of the Child," endorsement by General Assembly. Introduced, S.J. 218, 219, 250, 311, 356; withdrawn, S.J. 665; HCR 6 substituted, S.J. 502, 503. [See HCR 6]
- SCR 7 Appointment of joint committee on government operations. Introduced, S.J. 322, 323, 354, 389, 493.
- SCR 8 Standing committees on criminal justice. Introduced, S.J. 414, 438, 493.
- SCR 9 Regional soil tilth laboratory, Ames, establishment. Adopted, S.J. 515, 516, 529, 627, 766, 883, 884, 916, 973; Adopted, H.J. 1079, 1151. [See HCR 14]
- SCR 10 State high school wrestling teams, congratulations extended to members and their coaches. Introduced, S.J. 526, 527, 529, 547.
- SCR 11 Temporary state land preservation policy commission, extension of time for preparation of report. Introduced, S.J. 536, 537; withdrawn, S.J. 589; HCR 13 substituted, S.J. 588. [See HCR 13, HCR 16]
- SCR 12 State conservation commission, funding, committee to study. Introduced, S.J. 859, 860, 873, 911, 933.
- SCR 13 Mentally retarded criminal offenders, committee to study. Introduced, S.J. 900, 901, 916, 933.
- SCR 14 Legislative council to determine priorities of interim study committees not approved. Adopted, S.J. 981, 982, 1013, 1057, 1092, 1093, 1124; Adopted, H.J. 1426, 1428, 1429, 2382.
- SCR 15 Drainage laws, interim committee to study. Introduced, S.J. 999, 1003, 1265.
- SCR 16 Easter recess, April 12 - April 16, 1979. Adopted, S.J. 1027, 1056, 1058, 1093, 1123; Adopted, H.J. 1367, 1404.
- SCR 17 Corn marketing problems, study committee to conduct in-depth study. Introduced, S.J. 1061, 1062, 1064, 1265.
- SCR 18 House File 701, suspension of Joint Rule 18 to permit consideration by Senate committee on human resources. Introduced, S.J. 1171, 1172, 1210, 1325. [See SCR 23, HCR 26]
- SCR 19 Amtrak facilities, U.S. Congress urged to enact legislation to provide services more consistent with demands. Introduced, S.J. 1203, 1204, 1215, 1325.
- SCR 20 Abandoned railroad rights-of-way, railroad car shortage, etc.; committee to study during interim. Introduced, S.J. 1288. [See HCR 19]
- SCR 21 State Fair, study committee to report on development. Introduced, S.J. 1340, 1341. [See HCR 18]
- SCR 22 Soil conservation, loss by erosion, committee to study. Introduced, S.J. 1477, 1478.
- SCR 23 House File 701 creating new state mental health commission, review of funding provisions, interim committee to study. Introduced, S.J. 1580-1582. [See SCR 18, HCR 26]
- SCR 24 Concept of creation, teaching theories in schools, committee to study. Introduced, S.J. 1675, 1676. [See HCR 31]
- SCR 25 State correctional system, committee to study. Introduced, S.J. 1714, 1715. [See HCR 29]
- SCR 26 Merged area schools, committee to study student housing and other needed facilities. Introduced, S.J. 1730.



## HOUSE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, SCR 14, page 541.]

- HCR 1 Joint convention, January 9, 1979, 10:00 a.m., Governor Ray's State of the State message. Adopted, H.J. 11, 18; Adopted, S.J. 12, 15.
- HCR 2 Iowa Medal of Valor, establishment. Adopted, H.J. 88, 89, 230, 332; Adopted, S.J. 219, 220, 250, 493, 619, 757.
- HCR 3 Joint convention, Governor Ray's budget message, Thursday, January 18, 1979, 8:00 p.m. Adopted, H.J. 122, 155; Adopted, S.J. 129, 130.
- HCR 4 Printing of intragovernmental reports, examination of rules. Adopted, H.J. 247, 626, 627; Adopted, S.J. 557, 573, 841, 1015, 1117, 1149.
- HCR 5 Joint convention, February 6, 1979, 11:00 a.m.; message by Chief Justice W. Ward Reynoldson on the condition of the judicial department. Adopted, H.J. 301, 325; Adopted, S.J. 214, 215, 228, 253, 260, 261.
- HCR 6 "International Year of the Child," endorsement by General Assembly. Adopted, H.J. 306, 307, 540, 848; Adopted, S.J. 452, 453, 503, 514, 664, 665; HCR 6 substituted for SCR 6, S.J. 503. [See SCR 6]
- HCR 7 Pioneer Lawmakers Association meeting and program presentation in joint session of the General Assembly. Adopted, H.J. 362, 469, 540, 541; Adopted, S.J. 427, 428, 456, 493, 498, 559, 560.
- HCR 8 Lady beetle (ladybug), designation as state insect. Adopted, H.J. 392, 393, 517, 594, 686, 2224, 2227; Introduced, S.J. 1754, 1756.
- HCR 9 Joint convention, Monday, February 12, 1979, 11:30 a.m. in observance of Lincoln's birthday. Adopted, H.J. 456, 474; Adopted, S.J. 367, 390, 400, 401.
- HCR 10 Regional governments, special joint study committee established. Introduced, H.J. 526, 527. [See SCR 4]
- HCR 11 Penal and correctional institutions and county jails, creation of interim joint committee urged. Introduced, H.J. 555.
- HCR 12 Joint memorial session in recognition of public services of departed members of the General Assembly. Adopted, H.J. 571, 627; Adopted, S.J. 557, 573, 602, 645, 646, 683, 722.
- HCR 13 Temporary state land preservation policy commission, time extension for preparation of report. Adopted, H.J. 586, 600, 622, 623, 695, 696, 776; Adopted, S.J. 524, 525, 553, 577, 578, 588, 589, 608, 628; HCR 13 substituted for SCR 11, S.J. 588. [See SCR 11, HCR 16]
- HCR 14 Regional soil tilth laboratory, Ames, establishment. Introduced, H.J. 623; withdrawn, H.J. 1159. [See SCR 9]
- HCR 15 Protection of unborn children. Introduced, H.J. 1179, 1180, 1420.
- HCR 16 Temporary state land preservation policy commission, interim legislative study committee to study report. Introduced, H.J. 1417, 1418. [See HCR 13, SCR 11]
- HCR 17 Use of state-owned motor vehicles to promote carpooling. Introduced, H.J. 1722, 1723.
- HCR 18 State Fair, study committee to report on development. Introduced, H.J. 1755, 1756. [See SCR 21]
- HCR 19 Abandoned railroad rights-of-way, railroad car shortage, etc.; committee to study during interim. Introduced, H.J. 1776, 1777. [See SCR 20]
- HCR 20 State merit employment commission and department, committee to review and study policies. Introduced, H.J. 1997.
- HCR 21 State utility rate structure laws, committee to study. Introduced, H.J. 2081, 2082. [See HCR 32]
- HCR 22 Title XX social services, funding, committee to study. Introduced, H.J. 2118.
- HCR 23 Residential and skilled nursing care facilities for the elderly, funding, committee to study. Introduced, H.J. 2119.
- HCR 24 State-owned farm land around state institutions, committee to study. Introduced, H.J. 2120.
- HCR 25 Mediation/arbitration centers, interim joint study committee requested. Introduced, H.J. 2141, 2142.
- HCR 26 House File 701 creating new state mental health commission, review of funding provisions, committee to study. Introduced, H.J. 2142, 2143. [See SCR 18, SCR 23]
- HCR 27 Chapter 419, Code of Iowa, "Municipal Support of Industrial Projects," committee to make comprehensive study. Introduced, H.J. 2224, 2225.
- HCR 28 Operation and staffing policy of the General Assembly. Adopted, H.J. 2303; Introduced, S.J. 1674, 1675.

## RESOLUTIONS—Continued

- 
- HCR 29 State correctional system, committee to study. Introduced, H.J. 2333, 2334. [See SCR 25]
- HCR 30 "Insignificant trivia." Introduced, H.J. 2334, 2335.
- HCR 31 Concept of creation, teaching theories in schools, committee to study. Introduced, H.J. 2335. [See SCR 24]
- HCR 32 State utility rate structure, interim study. Adopted, H.J. 2336, 2339, 2384; Introduced, S.J. 1755, 1756. [See HCR 21]
- HCR 33 Adjournment, Friday, May 11, 1979, Regular Session, Sixty-eighth General Assembly. Adopted, H.J. 2385, 2392; Adopted, S.J. 1729, 1747.

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**SENATE RESOLUTIONS**

- SR 1 Kevin P. Light, employment as special consultant. Adopted, S.J. 9.
- SR 2 Codes and Session Laws furnished to press corps. Adopted, S.J. 17, 18.
- SR 3 Permanent rules of the Senate. Adopted, S.J. 46-69, 87, 88, 90-93, 99. Introduced, H.J. 122-130.
- SR 4 Artists in performing arts to perform in Senate chamber. Adopted, S.J. 89, 90, 123, 180, 227, 406.
- SR 5 Senate Code of Ethics. Adopted, S.J. 234-237, 378, 379, 383, 384, 397, 500.
- SR 6 Lobbyists, Senate rules governing. Adopted, S.J. 429-432, 525, 526.
- SR 7 City of Grinnell, congratulations in commemoration of the centennial anniversary of its founding. Introduced, S.J. 738, 739, 764, 933. [See HR 15]
- SR 8 City of Harlan, congratulations in commemoration of the centennial anniversary of its founding. Introduced, S.J. 848, 849, 867, 933.
- SR 9 Mr. and Mrs. Joseph Wayner, Iowa City, extension of warm regards and best wishes upon their retirement. Introduced, S.J. 901, 916, 933.
- SR 10 "Under the Golden Dome" booklet, printing of additional copies. Adopted, S.J. 1183, 1214, 1386, 1404.
- SR 11 Senate legislative expenses. Adopted, S.J. 1713, 1714, 1746, 1751.

**HOUSE RESOLUTIONS**

- HR 1 Opening sessions with prayer, committee to arrange with ministers of the state. Adopted, H.J. 14.
- HR 2 Appointment of clerks, secretaries and pages. Adopted, H.J. 15.
- HR 3 House rules for the Sixty-eighth General Assembly. Introduced, H.J. 63-84, 91, 96, 102-104.
- HR 4 Senator Dick Clark, commendation for his service to the people of Iowa. Introduced, H.J. 116, 117.
- HR 5 Temporary rules of the House for the Sixty-eighth General Assembly. Adopted, H.J. 165-185, 187, 198-200, 205-215, 235, 236, 241-287, 288, 386.
- HR 6 Dave Keller, Indianola, commendation for athletic prowess on Simpson College basketball team. Adopted, H.J. 350, 386, 453.
- HR 7 City of Hartley, congratulations on the one hundredth anniversary of its founding. Adopted, H.J. 392, 427, 474.
- HR 8 Lobbyists, House rules governing. Adopted, H.J. 402-404, 428, 478.
- HR 9 Snow removal costs, financial aid for southeastern cities and counties. Introduced, H.J. 433.
- HR 10 City of Elliott, congratulations on the one hundredth anniversary of its founding. Adopted, H.J. 433, 563, 622.
- HR 11 City of Spirit Lake, congratulations on the one hundredth anniversary of its incorporation. Adopted, H.J. 450, 466, 554.
- HR 12 City of North English, congratulations on the one hundred twenty-fifth anniversary of its founding. Adopted, H.J. 456, 555, 608.
- HR 13 City of Rock Valley, congratulations in commemoration of the centennial anniversary of its founding. Introduced, H.J. 556.
- HR 14 Expression of appreciation for "Week of Prayer" and special mass. Introduced, H.J. 587.
- HR 15 City of Grinnell, congratulations on the one hundred and twenty-fifth anniversary of its founding. Adopted, H.J. 638, 793, 911. [See SR 7]
- HR 16 City of Wellman, congratulations in commemoration of the centennial anniversary of its founding. Adopted, H.J. 687, 688, 1551, 1721.
- HR 17 City of Harper, congratulations in commemoration of the centennial anniversary of its founding. Adopted, H.J. 688, 1551, 1552, 1721.
- HR 18 City of Kalona, congratulations in commemoration of the centennial anniversary of its founding. Adopted, H.J. 688, 1552, 1721.
- HR 19 City of Keswick, congratulations in commemoration of the centennial anniversary of its founding. Adopted, H.J. 689, 1552, 1721.
- HR 20 University of Iowa basketball team, commendation for an outstanding season. Adopted, H.J. 774, 775, 780.
- HR 21 University of Iowa, Iowa State University and University of Northern Iowa wrestling teams, congratulations for attaining national reputation for wrestling excellence. Adopted, H.J. 884, 1525, 1661.
- HR 22 Indianola High School Girls' track team, congratulations upon winning first place in the state indoor track meet. Adopted, H.J. 885, 1112, 1242.
- HR 23 City of Emmetsburg, congratulations in commemoration of its nineteenth year of observance of St. Patrick's Day. Adopted, H.J. 912, 913, 924.
- HR 24 East High School Girls' basketball team, Des Moines, congratulations on winning first place in Girls' State High School Basketball tournament. Adopted, H.J. 913, 939, 949.
- HR 25 Bettendorf High School girls' basketball team, congratulations upon placing second in the 1979 Girls' State High School Basketball tournament. Introduced, H.J. 913, 914.
- HR 26 Artists in performing arts to perform in House Chamber. Introduced, H.J. 939.
- HR 27 Amendment of Rule 36.8 of Temporary House Rules. Adopted, H.J. 945, 989, 990, 991.
- HR 28 City of Harlan, congratulations in commemoration of its centennial anniversary. Introduced, H.J. 945, 946.
- HR 29 Davenport Central High School Boys' Basketball team, congratulations upon placing second in Boys' Class 3A tournament. Adopted, H.J. 1008, 1009, 1217, 1308.
- HR 30 Regina High School Boys' Basketball team, Iowa City, congratulations upon winning the 1979 Boys' Class 1A state high school basketball tournament. Introduced, H.J. 1009.

## RESOLUTIONS—Continued

- 
- HR 31 Dowling High School Boys' Basketball team, Des Moines, congratulations upon winning the 3A championship in the Boys' State High School Basketball tournament, and the Metro Conference championship. Adopted, H.J. 1009, 1010, 1080.
- HR 32 Nuclear generating facilities, halt construction and expansion. Introduced, H.J. 1316.
- HR 33 City of Walcott, congratulations in commemoration of the one hundred twenty-fifth anniversary of its incorporation. Adopted, H.J. 1418, 1463, 1585.
- HR 34 Energy sources, search and development. Adopted, H.J. 1462, 1463, 1497, 1625.
- HR 35 Greeley Rope Pull team, congratulations on representing the state and U.S. in the amateur competition tournament in Sweden. Adopted, H.J. 1793, 1940, 1941, 2082.
- HR 36 Iowa Cornets Basketball team, commendation for their outstanding season. Adopted, H.J. 1874, 1875.
- HR 37 Thomas Jefferson High School, Council Bluffs, (chapter of Vocational and Industrial Clubs of America), congratulations upon winning first place in the group project competition. Adopted, H.J. 1963, 2017, 2200.
- HR 38 Mrs. Norma Rehder, Waterloo, posthumous commendation for her service to the people of Iowa. Adopted, H.J. 1997, 1998, 2120, 2384.
- HR 39 State Commission on Aging, second Older Iowans Model Legislature, approval and support of the General Assembly. Adopted, H.J. 1998, 1999, 2061, 2231.
- HR 40 City of Algona, congratulations extended to its citizens on the achievements of their industrious community during the past 125 years. Adopted, H.J. 2143, 2144, 2338, 2384.
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