

State of Iowa
1981

ACTS AND JOINT RESOLUTION

PASSED AT THE

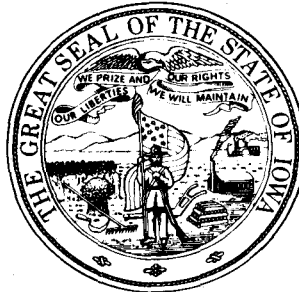
1981 REGULAR SESSION

OF THE

Sixty-ninth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

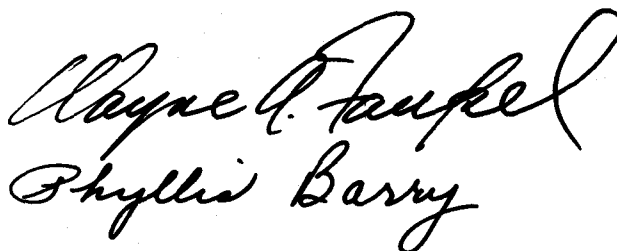
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CERTIFICATE

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, joint resolution 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 resolution of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.



Wayne A. Faupel
Phyllis Barry

June 1981

Section 622.59 of the 1981 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 Resolution of the 1981 Regular Session of the Sixty-ninth 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.

NB, The Act of the 1st Extraordinary Session at the end of this volume and the Acts of the 2nd Extraordinary Session being published in a separate pamphlet.

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

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STATE ROSTER

STATE ROSTER

List of elective state officers, judges of the supreme and appellate courts, and members of the General Assembly, the State of Iowa, inserted in the published volume of 1981 Session Laws for the Sixty-ninth General Assembly in accordance with the requirements of Code section 14.10(4), 1981 Code of Iowa.

ELECTIVE OFFICERS

Name and Office

County from which
originally chosen**GOVERNOR**

ROBERT D. RAY Polk
 David A. Oman, Executive Assistant Black Hawk

LIEUTENANT GOVERNOR

TERRY E. BRANSTAD Winnebago

SECRETARY OF STATE

MARY JANE ODELL Polk

AUDITOR OF STATE

RICHARD D. JOHNSON Polk
 Richard C. Fish, Deputy - Administration Polk
 Warren G. Jenkins, Deputy - Local Government Audit Division Polk
 Kasey K. Kiplinger, Deputy - State Audit Division Polk
 John A. Pringle, Director - Savings and Loan and Industrial Divisions Polk

TREASURER OF STATE

MAURICE E. BARINGER Fayette
 Roger G. Barnett, Deputy Treasurer Polk

SECRETARY OF AGRICULTURE

ROBERT H. LOUNSBERRY Story
 Thatcher Johnson, Deputy Secretary Boone

ATTORNEY GENERAL

THOMAS J. MILLER Clayton
 Mark E. Schantz, Solicitor General Johnson

JUDICIAL DEPARTMENT

JUDICIAL DEPARTMENT JUSTICES OF THE SUPREME COURT (Justices listed according to seniority)

Name	Office Address	Term Ending
Clay LeGrand	Davenport	Dec. 31, 1984
Harvey Uhlenhopp	Hampton	Dec. 31, 1988
W. Ward Reynoldson, C. J.	Osceola	Dec. 31, 1988
K. David Harris	Jefferson	Dec. 31, 1982
Mark McCormick	Des Moines	Dec. 31, 1982
Robert G. Allbee	Des Moines	Dec. 31, 1988
A. A. McGiverin	Ottumwa	Dec. 31, 1988
Jerry L. Larson	Harlan	Dec. 31, 1988
Louis W. Schultz	Iowa City	Dec. 31, 1982

JUDGES OF THE COURT OF APPEALS (Judges listed according to seniority)

James H. Carter	Cedar Rapids	Dec. 31, 1982
Allen L. Donielson	Des Moines	Dec. 31, 1983
Leo E. Oxberger	Des Moines	Dec. 31, 1983
Bruce M. Snell, Jr.	Ida Grove	Dec. 31, 1984
Janet Johnson	Des Moines	Dec. 31, 1986

CONGRESSIONAL DIRECTORY

CONGRESSIONAL DIRECTORY**UNITED STATES SENATORS**

Roger W. Jepsen, Davenport	Dec. 31, 1984
Charles E. Grassley	Dec. 31, 1986

UNITED STATES REPRESENTATIVES

District

1 James Leach, Davenport	Dec. 31, 1982
2 Tom Tauke, Dubuque	Dec. 31, 1982
3 Cooper Evans, Grundy Center	Dec. 31, 1982
4 Neal Smith, Altoona	Dec. 31, 1982
5 Tom Harkin, Ames	Dec. 31, 1982
6 Berkley Bedell, Spirit Lake	Dec. 31, 1982

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Anderson, Ted	Waterloo	37	Factory Worker- Deere & Company	18th— <i>Black Hawk</i>	None
Baughner, Gary L. *	Ankeny	38	Mobile Home Park Owner-Sales	31st— <i>Polk</i>	68 (2nd)
Bisenius, Stephen W. *	Cascade	33	Realtor	11th— <i>Delaware, Dubuque, Jackson, Jones</i>	67, 67X, 68
Briles, James E.	Corning	54	Auctioneer- Real Estate	48th— <i>Adair, Adams, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor</i>	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68
Brown, Joe. *	Montezuma	29	State Senator	35th— <i>Jasper, Mahaska, Marion, Polk, Poweshiek, Warren</i>	68
Carney, Clarence *	Sioux City	55	Utility Executive	25th— <i>Cherokee, Plymouth, Woodbury</i>	68
Carr, Robert M.	Dubuque	42	Securities Broker	10th— <i>Dubuque</i>	65, 66, 67, 67X, 68
Coleman, C. Joseph *	Clare	57	Farmer-Businessman	23rd— <i>Humboldt, Webster</i>	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68
Comito, Richard *	Waterloo	41	Pharmacist	17th— <i>Black Hawk</i>	68
Craft, Rolf V.	Decorah	43	Farmer-Teacher	8th— <i>Bremer, Chickasaw, Fayette, Howard, Winneshiek</i>	67, 67X, 68
DeKoster, Lucas J. *	Hull	62	Lawyer- Insurance Agent	1st— <i>Lyon, Plymouth, Sioux</i>	61, 62, 63, 64, 65, 66, 67, 67X, 68
Deluhery, Patrick J. *	Davenport	38	College Teacher	41st— <i>Scott</i>	68
Doyle, Donald V.	Sioux City	55	Lawyer	26th— <i>Monona, Woodbury</i>	57, 58, 61, 63, 64, 65, 66, 67, 67X, 68

MEMBERS OF THE SENATE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Drake, Richard F.	Muscatine	53	Farming	38th—Johnson, Louisa, Muscatine, Scott	63, 64, 65, 66, 67, 67X, 68
Dreeszen, Elvie	Cushing	60	Farmer	24th—Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, Pocahontas	None
Gallagher, James V.	Jesup	47	Telephone Company	16th—Benton, <i>Black Hawk</i> , Buchanan, Linn, Tama	61, 62, 65, 66, 67, 67X, 68
Gentleman, Julia B. *	Des Moines	49	Housewife	33rd—Polk	66, 67, 67X, 68
Goodwin, Norman J. *	De Witt	67	Legislator	39th—Clinton, Scott	68
Gratias, Arthur L. *	Nora Springs	60	Farmer-Educator	7th—Cerro Gordo, Chickasaw, Floyd, Howard, Mitchell	68
Hester, Jack W. *	Honey Creek	51	Farmer	27th—Crawford, Harrison, Monona, Pottawattamie, Shelby	68
Holden, Edgar H.	Davenport	66	Entrepreneur	40th—Scott	62, 63, 64, 65, 67 (2nd), 68
Hulse, Merlin D.	Clarence	57	Farmer	12th—Cedar, Clinton, Jackson, Johnson, Jones, Scott	67, 67X, 68
Hultman, Calvin O. *	Red Oak	39	Businessman	49th—Fremont, Mills, <i>Montgomery</i> , Page, Pottawattamie	65, 66, 67, 67X, 68
Husak, Emil J.	Toledo	50	Farmer	36th—Benton, Iowa, Johnson, Keokuk, Poweshiek, Tama	64, 65, 66, 67, 67X, 68
Hutchins, Bill	Guthrie Center	49	Self-employed- Small Businessman	28th—Audubon, Carroll, Cass, Crawford, Greene, <i>Guthrie</i> , Shelby	65, 66, 67, 67X, 68

MEMBERS OF THE SENATE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Jensen, John W. *	Plainfield	54	Farmer	19th—Black Hawk, Bremer, Butler, Floyd, Franklin, Grundy, Marshall, Tama	68
Junkins, Lowell L. *	Montrose	36	Small Businessman-Farmer	43rd—Des Moines, Henry, Lee	65, 66, 67, 67X, 68
Kinley, George R.	Des Moines	43	Owner-Operator of Golf Sales	34th—Polk, Warren	64, 65, 66, 67, 67X, 68
Kudart, A. R. (Bud) *	Cedar Rapids	50	Lawyer	13th—Johnson, Linn	68
Lura, Mick	Marshalltown	32	Accountant	20th—Grundy, Hardin, Jasper, Marshall, Story	68
Miller, Alvin V.	Ventura	59	Business-Insurance	6th—Cerro Gordo, Worth	65, 66, 67, 67X, 68
Miller, Charles P.	Burlington	62	Doctor of Chiropractic	42nd—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68
Murray, John S. *	Ames	41	Attorney	21st—Boone, Polk, Story	65, 66, 67, 67X, 68
Nystrom, John N.	Boone	47	Auto Dealer	22nd—Boone, Greene, Hamilton, Story, Webster	64, 65, 66, 67, 67X, 68
Palmer, William D.	Des Moines	45	Insurance	32nd—Polk	61, 62, 63, 64, 65, 66, 67, 67X, 68
Priebe, Berl E.	Algona	62	Farmer-Businessman	4th—Emmet, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66, 67, 67X, 68
Ramsey, Dick *	Osceola	40	Lawyer-Farmer	47th—Appanoose, Clarke, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66, 67, 67X, 68
Readinger, David M.	Des Moines	44	Sales	30th—Polk	65, 66, 67, 67X, 68

MEMBERS OF THE SENATE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Rodgers, Norman *	Adel	53	Farmer-Businessman	29th—Adair, Clarke, Dallas, Guthrie, Madison, Warren	63, 64, 65, 66, 67, 67X, 68
Rush, Bob *	Cedar Rapids	36	Lawyer	15th—Linn	67, 67X, 68
Schwengels, Forrest V.	Fairfield	65	Real Estate	44th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66, 67, 67X, 68
Slater, Tom	Council Bluffs	35	Public Relations-Advertising	50th—Pottawattamie	67, 67X, 68
Small, Arthur A., Jr. *	Iowa City	47	Businessman	37th—Johnson	64, 65, 66, 67, 67X, 68
Taylor, Ray *	Steamboat Rock	57	Farming-Retailing	5th—Cerro Gordo, Franklin, Hancock, Hardin, Wright	65, 66, 67, 67X, 68
Tieden, Dale L. *	Elkader	58	Farmer	9th—Allamakee, Clayton, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66, 67, 67X, 68
Vande Hoef, Richard	Harris	55	Farming	2nd—Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Sioux	None
Van Gilst, Bass	Oskaloosa	69	Farming	46th—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66, 67, 67X, 68
Waldstein, Arne *	Storm Lake	55	Professional Farm Manager-Appraiser	3rd—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	68
Wells, James D.	Cedar Rapids	52	Shift Leader	14th—Benton, Linn	63, 64, 65, 66, 67, 67X, 68
Yenger, Sue *	Ottumwa	42	Housewife-Teacher	45th—Appanoose, Davis, Mahaska, Monroe, Wapello	68

*Holdover senators in 69 G.A.

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Anderson, James O.	Brayton	52	Farmer	56th— <i>Audubon</i> , Carroll, Cass, Crawford, Greene, Guthrie, Shelby	68
Anderson, Robert T.	Newton	35	Teacher	69th— <i>Jasper</i> , Marion, Polk, Warren	66, 67, 67X, 68
Arnould, Robert C.	Davenport	27	Legislator	82nd— <i>Scott</i>	67(2nd), 67X, 68
Avenson, Donald D.	Oelwein	36	Tool & Die Maker	15th— <i>Fayette</i> , Bremer, Chickasaw, Howard, Winneshiek	65, 66, 67, 67X, 68
Bennett, Wayne	Galva	53	Farmer	48th— <i>Ida</i> , Buena Vista, Carroll, Cherokee, Crawford, Sac	65, 66, 67, 67X, 68
Binneboese, Donald H.	Hinton	56	Farmer	49th— <i>Plymouth</i> , Cherokee, Woodbury	66(2nd), 67, 67X, 68
Brandt, Diane	Cedar Falls	42	Legislator	35th— <i>Black Hawk</i>	66, 67, 67X, 68
Branstad, Clifford O.	Thompson	56	Farmer	8th— <i>Winnebago</i> , Emmet, Hancock, Kossuth	68
Bruner, Charles H.	Ames	32	Teacher	41st— <i>Story</i>	68
Byerly, Richard L.	Ankeny	42	Community College Administrator	61st— <i>Polk</i>	65, 66, 67, 67X, 68
Carl, Janet	Grinnell	32	Educator	71st—Benton, Iowa, <i>Poweshiek</i> , Tama	None
Carpenter, Dorothy F.	West Des Moines	47	Housewife-Volunteer	66th— <i>Polk</i>	None
Chiodo, Ned F.	Des Moines	38	Small Businessman	67th— <i>Polk</i>	67, 67X, 68
Clark, Betty Jean	Rockwell	60	Homemaker	11th— <i>Cerro Gordo</i>	67, 67X, 68
Clark, John H.	Keokuk	34	Stockbroker	86th— <i>Lee</i> , Henry	64, 65, 66, 67, 67X, 68

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Clements, James B.	Davenport	26	Carpenter	80th— <i>Scott</i>	None
Cochran, Dale M.	Eagle Grove	52	Farmer	45th— <i>Humboldt, Webster</i>	61, 62, 63, 64, 65, 66, 67, 67X, 68
Conlon, Walter	Muscatine	33	Lawyer	76th— <i>Muscatine, Scott</i>	67, 67X, 68
Connolly, Michael W.	Dubuque	35	Realtor-Teacher	20th— <i>Dubuque</i>	68
Connors, John H.	Des Moines	58	Insurance and Labor Arbitrator	64th— <i>Polk</i>	65, 66, 67, 67X, 68
Cook, Lisle	Hubbard	44	Farmer	40th— <i>Grundy, Hardin, Jasper, Marshall, Story</i>	None
Corey, Virgil E.	Morning Sun	64	Farmer	83rd— <i>Des Moines, Henry, Louisa</i>	68
Crabb, Frank	Denison	77	Retired	53rd— <i>Crawford, Harrison, Monona</i>	63, 65, 66, 67, 67X, 68
Crawford, Reid W.	Ames	29	Attorney	42nd— <i>Boone, Polk, Story</i>	65, 66, 67, 67X, 68
Cusack, Gregory D.	Davenport	37	Teacher	81st— <i>Scott</i>	65, 66, 67, 67X, 68
Daggett, Horace	Lenox	49	Farmer	96th— <i>Adams, Montgomery, Page, Ringgold, Taylor</i>	65, 66, 67, 67X, 68
Danker, Arlyn E.	Minden	53	Farmer	54th— <i>Harrison, Pottawattamie, Shelby</i>	65, 66, 67, 67X, 68
Davitt, Philip A.	St. Charles	49	Farmer	58th— <i>Adair, Clarke, Dallas, Madison, Warren</i>	67, 67X, 68
De Groot, Kenneth R.	Doon	51	Farmer	1st— <i>Lyon, Sioux</i>	68
Dieleman, William W. (Bill)	Pella	49	Life Insurance Underwriter	70th— <i>Jasper, Mahaska, Marion, Poweshiek</i>	66, 67, 67X, 68
Diemer, Marvin E.	Cedar Falls	56	Accountant	36th— <i>Black Hawk</i>	68

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Doderer, Minnette	Iowa City	57	Self-Employed	74th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X
Egenes, Sonja	Story City	50	Legislator-Homemaker	43rd—Boone, Hamilton, <i>Story</i> , Webster	64, 65, 66, 67, 67X, 68
Gettings, Donald E.	Ottumwa	57	Machine Repairman	90th—Appanoose, Davis, <i>Wapello</i>	67(2nd), 67X, 68
Gross, L. W. (Joe)	Mt. Ayr	55	Nursing Home Owner- Administrator	94th—Clarke, Decatur, Madison, <i>Ringgold</i> , Union, Wayne	None
Groth, Richard	Albert City	34	Educator	6th— <i>Buena Vista</i> , Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	68
Hall, Hurley W.	Marion	45	Engineer	29th— <i>Linn</i>	68
Halvorson, Rodney	Fort Dodge	31	Real Estate Salesman	46th— <i>Webster</i>	68
Halvorson, Roger A.	Monona	46	Insurance-Real Estate Sales	17th—Allamakee, <i>Clayton</i> , Winneshiek	66, 67, 67X, 68
Hansen, Ingwer L.	Hartley	68	Retired	3rd—Clay, Dickinson, Lyon, <i>O'Brien</i> , Osceola, Sioux	65, 66, 67, 67X, 68
Hanson, Darrell R.	Manchester	26	Legislator	18th—Clayton, <i>Delaware</i> , Dubuque, Fayette	68
Harbor, William H.	Henderson	60	Grain Elevator Owner-Operator	97th—Fremont, <i>Mills</i> , Montgomery, Page	56, 57, 58, 62, 63, 64, 67, 67X, 68
Hoffmann, Betty A.	Muscatine	59	Former Businesswoman	75th—Johnson, Louisa, <i>Muscatine</i>	67, 67X, 68
Holt, Leander (Lee)	Spencer	71	Automobile Dealer	4th— <i>Clay</i> , Dickinson, Emmet, Palo Alto	68

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Horn, Wally E.	Cedar Rapids	47	Teacher	28th—Linn	65, 66, 67, 67X, 68
Howell, Rollin K.	Marble Rock	51	Farmer	13th—Cerro Gordo, Floyd, Mitchell	65, 66, 67, 67X, 68
Hummel, Kyle	Vinton	45	Contractor-Realtor	31st—Benton, Black Hawk, Buchanan, Linn, Tama	68
Jay, Daniel	Centerville	26	Lawyer	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	68
Jochum, Thomas J.	Dubuque	29	Laborer	19th—Dubuque	66, 67, 67X, 68
Johnson, James	Elma	41	Businessman	14th—Chickasaw, Floyd, Howard, Mitchell	68
Johnson, Robert M. L.	Cedar Rapids	59	Marketing Manager	26th—Linn	68
Johnson, Warren	Sloan	58	Farmer	52nd—Monona, Woodbury	68
Kirkenslager, Larry K.	Burlington	36	Electrician-Salesman	84th—Des Moines	68
Krewson, Lyle R.	Urbandale	37	Self-Employed	59th—Polk	67, 67X, 68
Lageschulte, Raymond	Waverly	58	Farmer-Insurance Adjuster	37th—Black Hawk, Bremer, Butler, Floyd	66, 67, 67X, 68
Lind, Thomas A.	Waterloo	62	Sales	33rd—Black Hawk	67(2nd), 68
Lloyd-Jones, Jean	Iowa City	51	Legislator	73rd—Johnson	68
Lonergan, Joyce	Boone	46	Legislator	44th—Boone, Greene	66, 67, 67X, 68
Mann, Karen	Scranton	32	Executive Secretary	55th—Audubon, Carroll, Crawford, Greene, Guthrie	None
Maulsby, Ruhl	Rockwell City	57	Farmer	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	68

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
McKean, Andrew (Andy)	Morley	31	College Instructor-Lawyer-Square Dance Caller	23rd—Cedar, Clinton, Jackson, Jones	68
Menke, Lester D.	Calumet	62	Farmer-Insurance	5th—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65, 66, 67, 67X, 68
Miller, Kenneth D.	Independence	55	Owner Mobile Home Court	32nd—Black Hawk, Buchanan	65, 66, 67, 67X, 68
Mullins, Sue	Corwith	44	Farmer	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	68
Norland, Lowell E.	Kensett	49	Farmer	12th—Cerro Gordo, Worth	65, 66, 67, 67X, 68
O'Kane, James D.	Sioux City	29	Legislator	50th—Woodbury	68
Oxley, Myron B. (Mike)	Marion	58	Farmer	30th—Linn	61, 67, 67X, 68
Pavich, Emil S.	Council Bluffs	49	Cereal Company Employee	99th—Pottawattamie	66, 67, 67X, 68
Pellett, Wendell C.	Atlantic	63	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64, 65, 66, 67, 67X, 68
Pelton, John	Clinton	34	Attorney-Community College Instructor	77th—Clinton	67, 67X, 68
Petrick, George	Mount Vernon	63	Farmer-Implement Dealer	25th—Johnson, Linn	None
Poffenberger, Virginia	Perry	46	Lawyer	57th—Adair, Dallas, Guthrie	68
Poncy, Charles N.	Ottumwa	58	School Employee	89th—Mahaska, Monroe, Wapello	62, 63, 65, 66, 67, 67X
Pope, Lawrence	Des Moines	40	Law Professor	65th—Polk	68
Rapp, Stephen J.	Waterloo	31	Attorney	34th—Black Hawk	65, 68
Renaud, Dennis L.	Altoona	38	D.M. Fire Department-Business	63rd—Polk	None

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Renken, Robert H.	Aplington	59	Farmer-Businessman	38th—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama	68(2nd)
Ritsema, Douglas	Orange City	28	Attorney	2nd—Plymouth, Sioux	68
Running, Richard V.	Cedar Rapids	34	Quality Assurance Technologist	27th—Benton, Linn	None
Schneklath, Hugo	Eldridge	57	Farmer	78th—Clinton, Scott	67, 67X, 68
Schroeder, Laverne W.	McClelland	47	Farmer	98th—Mills, Pottawattamie	62, 63, 64, 65, 66, 67, 67X, 68
Shimaneck, Nancy J.	Monticello	33	Lawyer	22nd—Delaware, Dubuque, Jackson, Jones	67, 67X, 68
Shull, Douglas	Indianola	37	Accountant	92nd—Lucas, Marion, Warren	68
Smalley, Douglas R.	Des Moines	34	Attorney	60th—Polk	67, 67X, 68
Smith, Joan (Jo)	Davenport	54	Businesswoman	79th—Scott	None
Spear, Clay	Burlington	64	Retired Postal Service	85th—Des Moines, Lee	66, 67, 67X, 68
Stromer, Delwyn	Garner	50	Farmer	9th—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66, 67, 67X, 68
Stueland, Victor (Vic)	Grand Mound	60	Farmer	24th—Cedar, Clinton, Johnson, Scott	None
Sturgeon, Allan (Al)	Sioux City	24	Laborer	51st—Woodbury	None
Sullivan, William R.	Cantril	35	Heavy Equipment Operator	87th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	None
Swartz, Thomas E. (Tom)	Marshalltown	34	Real Estate Broker	39th—Marshall	None
Swearingen, George R.	Sigourney	57	Self-Employed, Home Improvement	88th—Keokuk, Washington	68

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1981 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Tofte, Semor C.	Decorah	69	Retired	16th—Fayette, Howard, Winneshiek	65, 66, 67, 67X, 68
Trucano, Jo Ann	Des Moines	37	Homemaker-Legislator	62nd—Polk	None
Tyrrell, Phillip E.	North English	48	Insurance	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	68
Van Maanen, Harold	Oskaloosa	51	Farmer	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	68
Walter, Marcia K.	Council Bluffs	30	Secretary-Mother	100th—Pottawattamie	None
Welden, Richard W.	Iowa Falls	72	Retired Contractor	10th—Franklin, Hardin, Wright	62, 63, 64, 65, 66, 67, 67X, 68
Welsh, Joseph J. (Joe)	Dubuque	25	Legislator	21st—Dubuque, Jackson	68
Woods, Jack E.	Des Moines	44	Self-Employed	68th—Polk, Warren	65, 66, 67, 67X, 68

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds For the Fiscal Period Ending June 30, 1980

	Balance July 1, 1979	Total Receipts and Transfers	Total Available	Total Warrants Redeemed, Treasurer's Checks Issued, and Transfers	Balance June 30, 1980
General Revenue	\$ 166,459,794	\$1,553,987,202	\$1,720,446,996	\$1,512,802,141	\$ 109,043,399
Transfers				98,601,456	
Trust Funds	67,397,478	345,900,207	413,297,685	225,642,128	65,391,772
Transfers				122,263,785	
Special Funds.....					
(Comptroller's Warrants)	1,390,297,981	1,721,265,092	3,332,428,314	1,820,152,254	1,512,276,060
Transfers		220,865,241			
Special Funds.....					
(Treasurer's Checks)	<u>335,406</u>	<u>456,962</u>	<u>792,368</u>	<u>428,824</u>	<u>363,544</u>
TOTALS	\$1,624,490,659	\$3,842,474,704	\$5,466,965,363	\$3,779,890,588	\$1,687,074,775

Balance July 1, 1979	\$1,624,490,659
Receipts and Transfers	<u>3,842,474,704</u>
Total	\$5,466,965,363
Disbursements and Transfers	<u>3,779,890,588</u>
Balance June 30, 1980	\$1,687,074,775

**OFFICE OF STATE COMPTROLLER
JUNE 29, 1981**

**APPROPRIATIONS
AND
GENERAL LAWS**

LAWS
OF THE
1981 Regular Session*
OF THE
Sixty-ninth General Assembly
OF THE
STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
TWELFTH DAY OF JANUARY, AND ENDED ON THE TWENTY-SECOND
DAY OF MAY, A.D. 1981 IN THE ONE HUNDRED THIRTY-FIFTH
YEAR OF THE STATE

APPROPRIATIONS
AND
GENERAL LAWS

*See the end of this volume for the Laws of the First Extraordinary Session in 1981 of the Sixty-ninth General Assembly.

CHAPTER 1
APPROPRIATIONS REDUCED

S. F. 554

AN ACT reducing appropriated funds by four point six percent.

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

Section 1. Funds appropriated from the general fund prior to January 1, 1981, by the general assembly which are available for allocation during the

fiscal year beginning July 1, 1980, are reduced by four point six percent. However, funds appropriated for expenditure during the fiscal year beginning July 1, 1980 or funds reduced, by the First Session of the Sixty-ninth General Assembly prior to the effective date of this Act, funds appropriated pursuant to section 2.12, and funds appropriated to the judicial branch of government shall not be reduced. The four point six percent reduction shall be carried out uniformly and proportionately in the same manner as specified in section 8.31. The reduction of funds appropriated and available for the fiscal year beginning July 1, 1980, and ending June 30, 1981, shall not, because of both executive action prior to the effective date of this Act and pursuant to this Act, exceed more than four point six percent. Funds which become available as a result of the four point six percent reduction shall revert to the general fund of the state.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Reinbeck Courier, a newspaper published in Reinbeck, Iowa, and in the Creston News-Advertiser, a newspaper published in Creston, Iowa.

Approved June 13, 1981

I hereby certify that Senate File 554 was published in the Creston News-Advertiser, Creston, Iowa on June 17, 1981 and the Reinbeck Courier, Reinbeck, Iowa on June 18, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 2
PREVIOUS APPROPRIATIONS REVISED
S.F. 305

AN ACT relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 3, subsection 5, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 15, is amended to read as follows:

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 \$ ~~50,000~~
36,000

Sec. 2. Notwithstanding section 227.17, there is appropriated from the general fund of the state, for the fiscal year beginning July 1, 1980, and ending June 30, 1981, to the state mental aid fund the sum of five hundred seventy-five thousand (575,000) dollars. Any unencumbered or unobligated balance in the fund on June 30, 1981, shall revert to the general fund.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 1, is amended to read as follows:

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 <u>867,000</u>

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsection 3, paragraph c, is amended to read as follows:

c. For Iowa industrial start-up training program \$ 200,000 \$ ~~200,000~~
50,000

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsections 8 and 10, are amended to read as follows:

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~~
3,481,000

10. SCHOOL BUDGET REVIEW COMMITTEE \$ 300,000 \$ ~~1,300,000~~
271,812 300,000

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)~~ seventy-one thousand eight hundred twelve (71,812) 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~~ paragraph shall not revert until June 30, 1981.

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 1, subsection 1, is amended to read as follows:

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 adminis-

trative buildings and facilities and utility services at such institutions \$ 4,250,000 \$ ~~4,550,000~~
4,365,000

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.

Sec. 7. Notwithstanding chapters 273, 281, and 442, relating to the allocation of special education support services costs of area education agencies by the state comptroller, for the school year beginning July 1, 1980 and ending June 30, 1981, the state comptroller shall deduct from the amount certified to generate funds for special education support services for each area the following listed amounts and shall recalculate the amounts due from each district to its area education agency:

Area 1	\$	467,382
Area 2	\$	
Area 3	\$	5,414
Area 4	\$	76,382
Area 5	\$	49,346
Area 6	\$	101,791
Area 7	\$	140,803
Area 9	\$	24,102
Area 10	\$	
Area 11	\$	607,158
Area 12	\$	
Area 13	\$	
Area 14	\$	11,839
Area 15	\$	
Area 16	\$	

The amounts deducted shall not affect the calculation of the state cost per pupil or any district cost per pupil for the school year beginning July 1, 1981.

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 1, paragraph a, is amended to read as follows:

a. Central administration.

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 73,503 \$ ~~72,120~~
61,591

Sec. 9. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 2, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 16, is amended to read as follows:

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~~
537,121

b. Health planning agency.

For salaries and support of not more than thirteen full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 66,940 \$ ~~66,407~~
57,487

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~~
186,178

Sec. 10. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsections 3, 4, and 5 are amended to read as follows:

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~~
513,268

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~~
391,920

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~~
518,010

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 the subsequent fiscal year.

Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 6, unnumbered paragraph 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 17, is amended to read as follows:

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 879,931 \$ ~~881,373~~
862,579

Sec. 12. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraph a, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 18, is amended to read as follows:

a. Community health division.

(1) For salaries and support of not more than forty-four full-time equivalent positions annually of which two shall be for deaf services, maintenance and miscellaneous purposes \$ 982,111 \$ ~~1,445,376~~
1,415,828

(2) Of the appropriation for the 1980-1981 fiscal year, the sum of sixty thousand (60,000) dollars is allocated for deaf services, the sum of three hundred fifty thousand (350,000) dollars is allocated for the renal disease program, and the sum of twenty thousand (20,000) dollars is allocated for the emergency medical service program.

Sec. 13. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraphs b and c, are amended to read as follows:

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code \$ 45,000 \$ ~~45,000~~
25,545

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~~
14,288

Sec. 14. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 6, subsection 2, is amended to read as follows:

2. For the war orphans educational aid fund . \$ 35,000 \$ ~~35,000~~
26,610

Sec. 15. Notwithstanding section 135.15, any unencumbered or unobligated moneys in the plumbing code fund on the effective date of this Act shall immediately revert to the general fund of the state.

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 1, is amended to read as follows:

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~~ sixty-one thousand ~~one~~ four hundred ~~eighty-seven~~ thirty-seven (~~1,277,187~~) (1,261,437) 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~~
4,907,088

Sec. 17. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 8, is amended to read as follows:

8. GREAT RIVER ROAD STUDY

From the general fund of the state for the great river road study

\$ 25,000 \$ 37,500

Sec. 18. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 10, subsection 1, paragraph a, is amended to read as follows:

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~~
1,984,628

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 13, subsection 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 26, is amended to read as follows:

1. OPERATIONS

For salaries and support and for maintenance and miscellaneous purposes

\$ 230,192 \$ ~~336,683~~
271,683

Sec. 20. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 14, subsection 1, unnumbered paragraph 1, is amended to read as follows:

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~~
2,013,998

Sec. 21. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 17, subsection 3, is amended to read as follows:

3. For state aid to agricultural societies
 (local fairs) \$ 210,000 \$ ~~210,000~~
207,330

Sec. 22. One hundred ninety thousand (190,000) dollars of the remaining funds appropriated by Acts of the Sixty-fourth General Assembly, 1971 Session, chapter 19, section 1, for the fiscal year beginning July 1, 1972 for various state conservation commission capital projects shall revert to the general fund of the state on the effective date of this Act.

Sec. 23. Fifty-seven thousand six hundred sixty (57,660) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, section 1, subsection 3, for the Volga Lake project shall revert to the general fund of the state on the effective date of this Act.

Sec. 24. Twenty-two thousand five hundred forty (22,540) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, section 1, subsection 4, for the Brushy Creek project shall revert to the general fund on the effective date of this Act.

Sec. 25. Thirty thousand (30,000) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, sections 1 and 3, for dredging and a study shall revert to the general fund of the state on the effective date of this Act.

Sec. 26. Four hundred twenty-five thousand (425,000) dollars of the remaining funds appropriated by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter 1205, section 1, subsection 1, for various state conservation commission capital projects shall revert to the general fund of the state on the effective date of this Act.

Sec. 27. Ten thousand (10,000) dollars of the remaining funds appropriated by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter 25, section 4, subsection 6, for cost sharing of soil conservation practices shall revert to the general fund of the state on the effective date of this Act.

Sec. 28. Thirty thousand (30,000) dollars of the remaining funds appropriated by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter 1009, section 1, subsection 7, for cost sharing of soil conservation practices shall revert to the general fund of the state on the effective date of this Act.

Sec. 29. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 2, section 22, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1980 ~~\$51,300,000~~
49,600,000

Sec. 30. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 2, subsection 1, is amended to read as follows:

1. For the division of field operations, including salaries and support, maintenance and miscellaneous purposes \$15,000,000 ~~\$15,000,000~~
14,806,455

Notwithstanding the licensing inspection requirements of chapters 235, 237, 237A, and 238, the department of social services may reduce by one-half,

as of the effective date of this Act through June 30, 1981, the department's expenditures for inspections under those chapters.

Sec. 31. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 1, is amended to read as follows:

1. For aid to the blind	\$ 20,000	\$ 20,000
		15,500

Notwithstanding section 249A.10, the department of social services shall not make payments under the remedial eye care program for services provided after the effective date of this Act through June 30, 1981.

Sec. 32. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 2, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 58, is amended to read as follows:

2. For aid to dependent children	\$47,130,000	\$56,100,000
		55,057,680

Notwithstanding chapter 239, the department of social services shall eliminate the unemployed parent portion of the aid to dependent children program as of the effective date of this Act through June 30, 1981.

Sec. 33. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 4, paragraph d, as amended by Acts of the Sixty-eighth General Assembly, chapter 1001, section 59, is amended to read as follows:

d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled

	\$88,260,000	\$97,750,000
		96,550,000

***Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:

6. For children's services	\$20,455,000	\$22,030,000
		21,634,600

Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center approved by the state board of public instruction, and carrying a normal courseload in pursuance of a regular high school diploma. The foster care shall cease upon graduation from high school.

Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 16, the department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the foster parent payment rates by ten percent.

***Item veto; see message at end of this Act

The department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the subsidized adoption rates by ten percent.***

Sec. 35. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 12, unnumbered paragraph 1, is amended to read as follows:

For assistance to child care centers	\$	400,000	\$	400,000
				<u>397,000</u>

Notwithstanding section 237A.13, after the effective date of this Act the department of social services shall not apportion or reapportion funds appropriated to the department to assist child care centers if those funds have not been apportioned or reapportioned by the effective date of this Act.

Sec. 36. Any administrative rules adopted pursuant to sections 30 through 35 of this Act shall be adopted under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, subparagraph (1), and shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 37. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 2, subsections 1 and 2, are amended to read as follows:

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, including 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
			<u>30,000</u>

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
			<u>54,134</u>

Sec. 38. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 3, subsection 1, paragraph a, subsection 2, unnumbered paragraph 1, and subsection 3, are amended to read as follows:

***Item veto; see message at end of this Act

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~~
790,963

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~~
1,179,247

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~~
1,161,511

Sec. 39. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 4, paragraphs a, b, and c, are amended to read as follows:

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 Iowa Journal and the Iowa Goldfinch and shall sell the publications and use the proceeds to pay the costs of publication and printing \$ 441,359 \$ ~~441,390~~
436,390

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~~
155,242

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~~
452,724

Sec. 40. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 6, is amended to read as follows:

6. EXECUTIVE COUNCIL

For salaries and support of not more than two full-time equivalent positions, maintenance, and miscellaneous purposes \$ 52,321 \$ ~~52,174~~
51,424

Sec. 41. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 7, subsection 1, unnumbered paragraph 1, is amended to read as follows:

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
8,637,393

Sec. 42. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building \$ 3,000,000
2,000,000

Sec. 43. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 3, paragraph b, is amended to read as follows:

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
102,000

Sec. 44. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 19, section 1, subsection 1, is amended to read as follows:

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~~ 50,000 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.

Sec. 45. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 2, subsection 1, paragraph a, is amended to read as follows:

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
608,058

Sec. 46. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 3, subsection 1, paragraph a, is amended to read as follows:

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 \$ 4,200,950
4,165,950

Sec. 47. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 4, subsection 1, is amended to read as follows:

1. For salaries, support, maintenance and miscellaneous purposes \$ 5,229,300 \$ 5,290,000
5,104,000

Sec. 48. The funds available from allotments which are modified because of the execution of the authority under section 8.31 as contained in executive orders numbers 38 and 40 shall revert to the general fund of the state on the effective date of this Act or on the effective date of the allocation, whichever is later.

Sec. 49. Executive orders numbers 38 and 40 executed pursuant to section 8.31 shall remain in full force and effect for allocations of standing unlimited appropriations through June 30, 1981.

Sec. 50. This Act, being deemed of immediate importance, takes effect from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved March 24, 1981, except the item designated as Sec. 34 herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

ROBERT D. RAY
Governor

I hereby certify that the foregoing Act, Senate File 305, was published in The Red Oak Express, Red Oak, Iowa on April 20, 1981 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 30, 1981.

MARY JANE ODELL, *Secretary of State*

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 305, an act relating to the reduction, reversion, and allocation of funds previously appropriated by the General Assembly and providing a publication clause.

Senate File 305 is approved March 24, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 34 which reads as follows:

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:

6. For children's services...	\$20,455,000	\$22,030,000
		<u>21,634,600</u>

Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or

developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center approved by the state board of public instruction, and carrying a normal courseload in pursuance of a regular high school diploma. The foster care shall cease upon graduation from high school.

Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 16, the department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the foster parent payment rates by ten percent.

The department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the subsidized adoption rates by ten percent.

Unlike most appropriation bills, this measure reduces appropriations rather than increases them. I commend the Iowa General Assembly for making a diligent effort to seek reductions in state spending where it is appropriate and feasible. Our legislators recognize, as do I, that we are in a difficult financial position given the state of our economy. We must continue to seek ways to curtail spending as is possible.

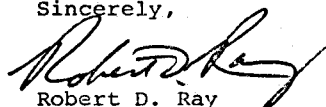
Section 34 would reduce the Department of Social Services' appropriation for children's services by \$395,000 in fiscal year 81 through a reduction in the payment levels for foster parent payments and subsidized adoptions by 10 percent, and by the ending of eligibility for foster care payments to individuals 18 years of age or older except those mentally retarded, developmentally disabled, or still in school. While I can accept the discontinuance of eligibility for those who are 18 years of age or older according to the standards of this bill, we believe there are problems with the immediate reduction in the foster parent and subsidized adoption payments.

The 10 percent reduction in foster parent payments and subsidized adoption payments cannot be implemented until May 1. There would be but two months worth of savings until the end of the current fiscal year. The Co-Chairmen of the Department of Social Services Appropriations Subcommittee have informed us it is their intention to restore the current level of payments beginning July 1, 1981. Therefore, it makes more sense for us to leave the payment level where it is today and where it would be again on July 1, rather than go through a two-month, temporary reduction with all the difficulties and concerns that might then arise. Let it be remembered foster care and subsidized adoptions are important and effective ways to keep children in homes and out of institutions.

The legislature will be considering a supplemental appropriations bill for the Department of Social Services later this session. They can adjust the amounts to be appropriated to reflect this item veto and provide the Department with only the funds that are actually necessary to meet the cost of the foster care program for the remainder of the fiscal year.

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 305 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

CHAPTER 3
SOCIAL SERVICES APPROPRIATIONS
S.F. 542

AN ACT making a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1981, for the aid to dependent children program, field operations, and operation of the adult correctional institutions.

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 year beginning July 1, 1980, and ending June 30, 1981, seven million one hundred thousand (7,100,000) dollars, or so much thereof as is necessary, for the aid to dependent children program.

Sec. 2. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, and ending June 30, 1981, four hundred forty thousand (440,000) dollars, or so much thereof as is necessary, for the division of field operations.

Sec. 3. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, and ending June 30, 1981, one million three hundred sixty-eight thousand (1,368,000) dollars, or so much thereof as is necessary, for operation of the adult correctional institutions.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa, and in the Storm Lake Register, a newspaper published in Storm Lake, Iowa.

Approved April 28, 1981

I hereby certify that the foregoing Act, Senate File 542, was published in the Storm Lake Register, Storm Lake, Iowa on May 2, 1981 and in the Ankeny Press-Citizen, Ankeny, Iowa on April 30, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 4
MEDICAL EXAMINERS APPROPRIATION
H. F. 831

AN ACT making a supplemental appropriation to the board of medical examiners and the licensing and certification division of the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 3, subsection 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 14, is amended to read as follows:

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 \$ 205,442
\$ 226,422

Sec. 2. There is appropriated from the general fund of the state to the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981, twenty thousand four hundred (20,400) dollars, or so much thereof as is necessary, for the licensing and certification division.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ottumwa Courier, a newspaper published in Ottumwa, Iowa, and in The Lyon County Reporter, a newspaper published in Rock Rapids, Iowa.

Approved May 19, 1981

I hereby certify that the foregoing Act, House File 831, was published in the Ottumwa Courier, Ottumwa, Iowa on May 27, 1981 and in The Lyon County Reporter, Rock Rapids, Iowa on June 1, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 5

FUNDING OF HEALTH, SUBSTANCE ABUSE, CIVIL RIGHTS, PAROLE, VETERANS, MINORITY, ELDERLY AND DISADVANTAGED PERSONS PROGRAMS

H. F. 851

AN ACT relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations.

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, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than twenty-nine point twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 180,561	\$ 188,900
2. For the administration of area agencies on aging	\$ 112,190	\$ 117,600
3. For the senior citizen employment program	\$ 103,032	\$ 108,000
4. For the older Iowans legislature	\$ 13,356	\$ 14,000
5. For elderly services programs	\$ 763,200	\$ 800,000

All funds appropriated under this subsection shall be received and disbursed by the commission in accordance with sections 249B.15 through 249B.21, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age for chore, telephone reassurance, 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 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations, 45 CFR 1321.77, as amended by 45 Federal Register p. 21155 (March 31, 1980).

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION		
For salaries and support of not more than twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes ...	\$ 584,924	\$ 612,183
2. SPANISH-SPEAKING PEOPLES COMMISSION		
For salaries and support of not more than one full-time equivalent position annually, expenses of the commission, maintenance, and miscellaneous purposes	\$ 31,606	\$ 33,130
3. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED		
For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 108,554	\$ 113,788
4. BOARD OF PAROLE		
For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 311,247	\$ 324,440
Thirty-two thousand four hundred (32,400) dollars of the funds appropriated under this subsection for each fiscal year of the biennium shall be available to the board of parole only for the purpose of providing salaries and support for two additional members of the board of parole if the two additional members are approved by the general assembly for each fiscal year of the biennium.		
5. COMMISSION ON THE STATUS OF WOMEN		
For salaries and support of not more than three full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 89,275	\$ 93,178
Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:		
	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS		
For salaries and support of not more than eleven full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 364,682	\$ 354,111
2. BOARD OF NURSE EXAMINERS		
For salaries and support of not more than fourteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 446,395	\$ 471,463
3. BOARD OF PHARMACY EXAMINERS		
For salaries and support of not more than eight full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 291,757	\$ 291,942

The research program for the medicinal use of marijuana shall remain in effect for the fiscal biennium.

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, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. ADMINISTRATION		
For salaries and support of not more than sixty-eight point twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 833,143	\$ 873,870
2. HEALTH FACILITIES DIVISION		
For salaries and support of not more than fifty-nine point seventy-five full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 530,994	\$ 557,732
3. HEALTH PLANNING AND DEVELOPMENT DIVISION		
For salaries and support of not more than twenty-two point five full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 236,365	\$ 248,907
4. DISEASE PREVENTION DIVISION		
For salaries and support of not more than fifty-two full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 840,474	\$ 881,833
The department may employ an environmental specialist I for the radiation program with federal funds.		
5. LICENSING AND CERTIFICATION DIVISION		
For salaries and support of not more than sixteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes ...	\$ 525,068	\$ 542,648
The licensing and certification division shall 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 and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.		
6. PERSONAL AND FAMILY HEALTH SERVICES		
For salaries and support of not more than fifty-two point four full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 605,691	\$ 634,613
The position of physical fitness coordinator is disapproved by the general assembly. The department may employ a dietary consultant for the women's,		

infants', and children's program with federal funds. The department shall allocate from the funds appropriated under this subsection at least forty-five thousand (45,000) dollars for each fiscal year of the biennium for the perinatal program and at least four hundred forty-four thousand (444,000) dollars for each fiscal year of the biennium for the birth defects and genetic counseling program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than forty-eight point forty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,445,824 \$ 1,484,092

Thirty thousand (30,000) dollars of the funds appropriated under this lettered paragraph for the fiscal year beginning July 1, 1981, shall be available to the division only for the purpose of maintaining the positions of four regional supervisory nurses through September 30, 1981, in the event that federal 314-D funds for the regional supervisory nurses are rescinded.

The department shall allocate from the funds appropriated under this lettered paragraph eight hundred sixty-two thousand six hundred forty-four (862,644) dollars for the fiscal year beginning July 1, 1981, and nine hundred thirty thousand nine hundred twelve (930,912) dollars for the fiscal year beginning July 1, 1982, for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

b. Sexual abuse investigations.

For medical procedures required by section 709.10 \$ 40,500 \$ 40,500

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 339.7 \$ 25,200 \$ 25,200

d. In-home health care grants.

For grants to local boards of health for the following programs to maintain or expand the availability of in-home health care to low-income and elderly persons in the state:

- (1) Homemaker-home health aide program \$ 1,562,207 \$ 1,621,862
- (2) Public health nursing program \$ 1,640,019 \$ 1,719,098

Funds appropriated under this lettered paragraph shall be used to maintain and expand existing in-home health care services for low-income and elderly persons with the objective of preventing or reducing the inappropriate

institutionalization of low-income and elderly persons. The funds shall not be used for any other purpose. As used in this lettered paragraph, "elderly person" means a person who is sixty years of age or older, and "low-income person" means a person eligible for adult protective services whose income and resources are above the guidelines established by the department of social services.

The department may retain not more than one percent of the amounts appropriated under this lettered paragraph, to be used to pay the costs of administering the in-home health care programs. The remainder of the amounts appropriated shall be allocated for use in the several counties of the state. 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. 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 low-income and elderly persons living in that county in relation to the total number of low-income and elderly persons living in the state.

In order to receive allocations under this lettered paragraph, 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 allocated funds available for that jurisdiction that will provide the maximum benefits of expanded in-home health care to low-income and elderly persons in the jurisdiction. The proposal 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, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to expand or maintain in-home health care services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30 of each year of the biennium the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this lettered paragraph an unallocated pool. The department shall prior to December 31 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 lettered paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of each fiscal year of the biennium.

The department shall adopt rules defining eligibility for in-home health care services paid for from funds appropriated by this lettered paragraph. The rules shall impose a sliding fee scale for those persons able to pay for a portion of the cost of the services.

The department shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the extent to which the

program reduced or prevented the inappropriate institutionalization of low-income and elderly persons, the extent to which the program increased the availability of in-home health care to low-income and elderly persons, and the extent of in-home health care provided to low-income and elderly persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

The state department of health, the department of social services, and the commission on the aging shall study jointly and make recommendations to the general assembly by January 15, 1982 for an integrated state homemaker-home health aid program. In preparing the study the three state agencies shall include representatives of interested outside groups, including the Iowa council for homemaker-home health aid services, in the discussion and planning stages. The three state agencies, during the study and the preparation of the report, shall coordinate their respective homemaker programs, with the goal of developing a homemaker system as uniform and integrated as is practicable, using as guidelines a minimum of administrative overhead, a minimum of state control consistent with proper monitoring of local programs, and a maximum of client services provided.

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state \$ 202,248 \$ 212,000

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 100,900	\$ 102,135
2. For the war orphans educational aid fund .	\$ 28,000	\$ 32,000

Sec. 6. 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, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 142,967	\$ 0
2. For program grants	\$ 2,361,150	\$ 0

3. The Iowa department of substance abuse shall prepare an alternative plan to chapter 125 for the administration and regulation of substance abuse programs, which shall include recommendations to:

a. Make county boards of supervisors responsible to the Iowa department of substance abuse for the state funds allocated to the boards and for

maintaining county programs within the guidelines developed by the Iowa department of substance abuse.

b. Provide criteria for the operation of local substance abuse programs for prevention, education, referral, and post-treatment services.

c. Provide that those duties performed by regional satellite corporations be allocated to county-controlled local programs and terminate support for the satellite corporations when local programs are in place.

d. Establish a system of allocation for state substance abuse funds to county boards of supervisors to distribute twenty-five percent of the total state funds evenly between all counties of the state and to distribute the remaining seventy-five percent of the total state funds to counties on a per capita basis. If possible, the state funds shall be matched by local funds for local programs.

e. License and regulate treatment facilities by the Iowa department of substance abuse and obtain the seventy-five percent state payment and twenty-five percent county payment of the cost of treatment of those individuals unable to pay for their own treatment.

The alternative plan for the administration and regulation of substance abuse programs shall be presented to the general assembly by November 1, 1981. The plan shall be evaluated by the program evaluation division of the legislative fiscal bureau as a part of the division's study of the administration, structure and funding of the Iowa department of substance abuse.

Sec. 7. The director of general services shall charge the following agencies a fee for the rental of space provided by the department of general services for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, in the following amounts:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS	\$ 14,000	\$ 14,000
2. BOARD OF NURSE EXAMINERS	\$ 19,200	\$ 19,200
3. BOARD OF PHARMACY EXAMINERS	\$ 9,600	\$ 9,600
4. LICENSING AND CERTIFICATION DIVISION OF THE STATE DEPARTMENT OF HEALTH	\$ 16,000	\$ 16,000

The state department of health shall prorate the rental charges under this subsection among the examining boards within the licensing and certification division. The proration shall be based on the number of licensees under each examining board and the actual number of staff members assigned to each examining board.

Sec. 8. Section 18.12, Code 1981, is amended by adding the following new subsection:

***NEW SUBSECTION.** Establish rental fees for space owned by the state and provided by the department to a state agency to which the general assembly has specifically appropriated funds to pay the rental fees.

The director shall notify each state agency provided space by the department to which an appropriation for the rental of that space has been made of the rental fee for the space. The fee shall be based on the cost of the space, services provided to the agency by the division of buildings and

*See also ch 6, §10 for identical provisions

grounds, maintenance, utilities, administration, and other property management costs. The state agency shall pay the fee to the department in the same manner as other expenses of the state agency are paid. Fees collected shall be deposited in the general fund of the state.

Sec. 9. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the state comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid. Upon approval of the state comptroller the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 10. Section 147.81, Code 1981, is repealed. An individual who has failed an initial examination for a license required under chapter 147 before the effective date of this Act may take a second examination within fourteen months after the first examination without further fee.

Sec. 11. 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 19, 1981

CHAPTER 6

ADMINISTRATIVE AND FINANCE BOARDS AND COMMISSIONS FUNDED

S. F. 548

AN ACT relating to and making appropriations to various state regulatory, administrative and finance departments, boards, and commissions.

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, 1981 and ending June 30, 1983 to the following boards the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF ARCHITECTURAL EXAMINERS		
For salaries, support, maintenance, rental fees, and other operational purposes	\$ 45,756	\$ 46,246
2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS		
For salaries, support, maintenance, rental fees, and other operational purposes	\$ 15,246	\$ 16,771
3. BOARD OF WATCHMAKING EXAMINERS		
For salaries, support, maintenance, and other operational purposes	\$ 11,024	\$ 11,247
4. BOARD OF ACCOUNTANCY		
For salaries, support, maintenance, and other operational purposes	\$ 262,600	\$ 288,815
5. STATE BOARD OF ENGINEERING EXAMINERS		
For salaries, support, maintenance, rental fees, and other operational purposes	\$ 124,716	\$ 128,290

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, 1981, and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. AUDITOR OF STATE		
For salaries, support, maintenance, and other operational purposes	\$ 1,462,768	\$ 1,533,301

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.

2. DEPARTMENT OF BANKING

For salaries, support, maintenance, and other operational purposes \$ 2,627,368 \$ 2,721,893

3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries, support, maintenance, and other operational purposes \$15,786,931 \$16,539,864

It is the intent of the general assembly that all state liquor stores in operation as of April 1, 1981 shall continue in operation.

4. CAMPAIGN FINANCE DISCLOSURE COMMISSION

For salaries, support, maintenance, and other operational purposes \$ 106,911 \$ 111,859

5. IOWA STATE COMMERCE COMMISSION

a. General Administration

For salaries, support, maintenance, and other operational purposes \$ 413,846 \$ 395,621

b. Warehouse Division

For salaries, support, maintenance, and other operational purposes \$ 869,561 \$ 801,705

c. Utilities Division

For salaries, support, maintenance, rental fees, and other operational purposes \$ 2,746,674 \$ 2,515,473

It is the intent of the general assembly that the appropriation made under paragraph b is contingent upon the enactment and signing into law of House File 841. If House File 841 is not enacted and does not become law the funds appropriated under paragraph b for the warehouse division are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 to the amount of six hundred forty-three thousand eight hundred nine (643,809) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 to the amount of five hundred eighty-seven thousand nine hundred twenty (587,920) dollars.

6. STATE COMPTROLLER

a. General Office

For salaries, support, maintenance, and other operational purposes \$ 1,208,150 \$ 1,267,465

b. Division of Data Processing

For salaries, support, maintenance, and other operational purposes \$ 5,777,681 \$ 5,977,943

7. CREDIT UNION DEPARTMENT

For salaries, support, maintenance, rental fees, and other operational purposes \$ 452,806 \$ 481,738

It is the intent of the general assembly that the credit union department be allowed one additional examiner in each fiscal year of the fiscal biennium.

8. INDUSTRIAL COMMISSIONER

For salaries, support, maintenance, and other operational purposes \$ 885,000 \$ 925,000

It is the intent of the general assembly that the industrial commissioner be allowed one additional deputy commissioner in the fiscal biennium.

9. INSURANCE DEPARTMENT OF IOWA		
For salaries, support, maintenance, and other operational purposes	\$ 2,386,447	\$ 2,430,087
10. IOWA DEPARTMENT OF JOB SERVICE		
For salaries, support, maintenance, and other operational purposes for the administration of chapter 97 and chapter 97C and section 294.15 ...	\$ 128,887	\$ 135,102
11. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION		
For salaries, support, maintenance, and other operational purposes	\$ 45,277	\$ 47,134
12. PUBLIC EMPLOYMENT RELATIONS BOARD		
For salaries, support, maintenance, and other operational purposes	\$ 544,090	\$ 570,638
13. IOWA REAL ESTATE COMMISSION		
For salaries, support, maintenance, rental fees, and other operational purposes	\$ 256,980	\$ 269,168
14. DEPARTMENT OF REVENUE		
For salaries, support, maintenance, and other operational purposes	\$13,170,805	\$13,774,559
15. SECRETARY OF STATE		
a. For salaries, support, maintenance, and other operational purposes	\$ 712,905	\$ 747,280
b. For development and implementation of a computerized system for the corporation and uniform commercial code divisions	\$ 355,000	\$ 353,000
16. TREASURER OF STATE		
For salaries, support, maintenance, and other operational purposes	\$ 379,424	\$ 397,718

Sec. 3. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section 422.100 for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for payments to counties as provided in section 422.100.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 2,385,000	\$ 2,500,000

Sec. 4. There is appropriated from the general fund of the state to the county government assistance fund, established in section 334A.1, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, 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 334A.2. The state comptroller, before making such distribution, shall credit to the county finance committee on July 1, 1981 and on July 1, 1982 the sum of forty-nine thousand three hundred thirty (49,330) dollars.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 5,103,900	\$ 5,350,000

Sec. 5. There is appropriated from the general fund of the state to the municipal assistance fund, established in section 405.1, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, 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 405.1. The state comptroller, before making such distribution, shall credit to the city finance committee on July 1, 1981 the sum of ten thousand three hundred three (10,303) dollars and on July 1, 1982 the sum of ten thousand eight hundred (10,800) dollars.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$13,976,100	\$14,650,000

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, 1981 and ending June 30, 1983, 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 324 and the motor vehicle use tax program.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 659,535	\$ 659,535

Sec. 7. There is appropriated from the Iowa public employees' retirement system fund for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983 to the Iowa department of job service, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

For salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system \$ 1,941,912 \$ 2,099,175

Sec. 8. 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.

Sec. 9. The director of the department of general services shall charge the following agencies a fee for the rental of space provided by the department of general services for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983 in the following amounts:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF ARCHITECTURAL EXAMINERS	\$ 1,200	\$ 1,200
2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS	\$ 1,200	\$ 1,200
3. STATE BOARD OF ENGINEERING EXAMINERS	\$ 6,000	\$ 6,000
4. IOWA STATE COMMERCE COMMISSION		
Utilities Division	\$ 139,500	\$ 139,500
5. CREDIT UNION DEPARTMENT	\$ 5,000	\$ 5,000

6. IOWA REAL ESTATE COMMISSION \$ 8,500 \$ 8,500

Sec. 10. Section 18.12, Code 1981, is amended by adding the following new subsection:

*NEW SUBSECTION. Establish rental fees for space owned by the state and provided by the department to a state agency to which the general assembly has specifically appropriated funds to pay the rental fees.

The director shall notify each state agency provided space by the department to which an appropriation for the rental of that space has been made of the rental fee for the space. The fee shall be based on the cost of the space, services provided to the agency by the division of buildings and grounds, maintenance, utilities, administration, and other property management costs. The state agency shall pay the fee to the department in the same manner as other expenses of the state agency are paid. Fees collected shall be deposited in the general fund of the state.

Sec. 11. Section 123.27, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. On any legal holiday except those designated by the director and approved by the executive council.

Sec. 12. Section 123.28, Code 1981, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot or point of purchase by the state to any place to which such liquor may be lawfully delivered under this chapter. No Notwithstanding section 321.230, sections 321.225 and 321.226 do not apply to department employees in the regular course of their employment. A common carrier or other person shall not break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation. Nothing--in-this This section shall not affect the right of any special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. 13. Section 86.9, Code 1981, is amended by adding the following new unnumberd** paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may make an annual report setting forth the final decisions, rulings, and orders of the office for the preceding year and setting forth other matters or information that the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in

*See also ch 5, §8 for identical provisions
**According to enrolled Act

chapter 17. Members of the public may obtain the annual report upon payment of cost as set by the commissioner.

Approved June 15, 1981

CHAPTER 7

CERTAIN SOCIAL SERVICES PROGRAMS FINANCED

S. F. 566

AN ACT relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983.

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, 1981, and ending June 30, 1983, to the department of social services for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 7,000,000	\$ 7,000,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for the division of field operations, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary, provided that the department of social services provides a county and district reorganization plan to the joint social services appropriations subcommittee by February 1, 1982. The plan is required in order to reduce expenses while maintaining the current level of delivery of local services. While reducing expenses the department shall give priority to the retention of caseworkers at the local level. The department shall establish an office in each county. The office shall be headed by a county director appointed by the commissioner of social services and approved by the county board of supervisors. Current county directors shall retain their positions.

For administrative purposes and to adapt to varying economic and social conditions, the department shall establish urban county offices in counties having a population of forty thousand or more persons as autonomous offices under the direct supervision of the department.

The department shall establish six to nine district offices to supervise rural county offices in those counties having a population of less than forty thousand persons. The district offices shall be under the direct supervision

of the department. The district offices shall be located strategically in order that each district office supervises a nearly equal number of rural county offices. The district offices shall be limited to the following staff: one district administrator; one income maintenance specialist; one service specialist; one purchase of service project manager; and two clerical workers.

The department shall employ central office staff to carry out the functions of field staff specialists, auditors, child abuse and child support recovery workers, and adoption workers. The department shall co-locate individuals in these positions in various urban county offices, district offices, or rural county offices to most efficiently carry out the functions of the individual positions.

The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative reorganization plan would best serve its clients, the department shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 15,779,000	\$ 15,779,000

1. Beginning July 1, 1981, the department of social services, shall by rule phase out direct homemaker services and shall move to provide those services entirely through purchase of service contracts.

2. The department of social services, the state department of health, and the commission on the aging shall study jointly and make recommendations to the general assembly by January 15, 1982 for an integrated state homemaker-home health aid program. In preparing the study the three state agencies shall include representatives of interested outside groups, including the Iowa council for homemaker-home health aid services, in the discussion and planning stages. The three state agencies, during the study and the preparation of the report, shall coordinate their respective homemaker programs, with the goal of developing a homemaker system as uniform and integrated as is practicable, using as guidelines a minimum of administrative overhead, a minimum of state control consistent with proper monitoring of local programs, and a maximum of client services provided.

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

SPECIAL PROGRAMS

1. For aid to families with dependent children \$ 55,327,000 \$ 55,327,000

a. The department of social services shall provide that the effective date of assistance provided under chapter 239 shall be no earlier than seven

days after the date of application for assistance, unless that effective date of assistance is precluded by a change in the federal regulations relating to the aid to families with dependent children program.

b. The department of social services shall by rule provide that special payments to foster children returning home on a temporary basis under the aid to families with dependent children program shall not be made and that services under the special needs program of the aid to families with dependent children program, except for the individual education and training program, the school expenses program, and the conservatorship program, shall not be provided. The department of social services shall by rule implement cost-saving measures in the individual education and training plan program of the special needs program of the aid to families with dependent children program. The department of social services shall by rule limit expenditures, under the school expenses portion of the special needs program of the aid to families with dependent children program, to specific charges made by a school or in accordance with school requirements in connection with a course in the regular school curriculum which is not considered an extracurricular activity. In addition, the department shall only make expenditures for such school expenses upon a co-payment of twenty percent made privately on behalf of the student who incurs the school expenses.

c. Notwithstanding chapter 239, the department of social services shall not provide unemployed parent benefits under the aid to families with dependent children program.

d. The department of social services shall not provide unborn child grants under the aid to families with dependent children program.

e. The department of social services shall adopt administrative rules to return to the stepparent liability policy, under the aid to families with dependent children program, which was in effect on and prior to October 31, 1978. If federal law or regulations regarding stepparent liability, under the aid to families with dependent children program, require a change in departmental rules, the department shall implement the required changes immediately by administrative rule.

2. For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or

private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled \$101,235,000 \$100,206,000

Medical assistance shall be made available, beginning July 1, 1981, and ending March 31, 1982, to children under twenty-one years of age who meet all eligible criteria of the aid to families with dependent children program except that the children are not deprived of parental support.

Medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility, or intermediate care facility, who meets the criteria of medical necessity under the standards established by the medicare program in title XVIII of the federal Social Security Act or as determined by a professional services review organization, and who is eligible for federal supplemental security income in all respects except income, and whose income does not exceed three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program as defined in section 249.1, subsection 1.

Payments under the medical assistance program shall continue to be made under the limitations established in the Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 76, relating to laxative drugs, dental work and dentures, eyeglasses and eyeglass frames, hearing aids, and co-payments for optional services, prescription drugs, and insulin.

Beginning July 1, 1981, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the June 30, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to May 1, 1981. If the department of social services determines that adequate funding is available, the department may, on January 1, 1982, establish the maximum reimbursement rate for intermediate care facilities at the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, 1981.

The department of social services shall pay a reasonable professional fee per prescription to pharmacists under the medical assistance program. The department shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to establish the maximum medical assistance reimbursement rate for professional fees at the seventy-fifth percentile of the usual and customary professional fee charges of pharmacies in this state, effective September 1, 1981.

Pharmacists in this state who reduce the charges of prescription drugs to persons participating in private, third-party payor prescription drug insurance or benefit plans or to the insurance or benefit plans shall also reduce by the same amount the charges to persons participating in the medical assistance program or to the program. The board of pharmacy examiners shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to insure that pharmacists reduce charges by the same amount to both third-party payors and the medical assistance program. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

3. For contractual services-medical carrier	\$ 1,318,000	\$ 1,318,000
4. For work and training programs	\$ 62,000	\$ 62,000
5. For child support recoveries, including salary and support, maintenance, and miscellaneous purposes	\$ 607,000	\$ 607,000
6. For state supplementary assistance, including state supplementary assistance for the blind	\$ 6,731,000	\$ 6,731,000

The department of social services shall increase the personal needs allowance for eligible persons residing in residential care facilities at the same percentage and at the same time that cost of living increases are implemented for federal social security and supplemental security income benefits.

The department of social services shall increase the maximum cost-related reimbursement rate for residential care facility services to fifteen dollars per day and the flat rate to ten dollars per day.

7. For aid to Indians residing on a settlement	\$ 34,000	\$ 34,000
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The tribal council of the settlement located in Tama county shall administer the funds appropriated under this subsection but shall not use more than ten percent of the funds for administrative expenses. The tribal council shall submit a report annually to the department of social services delineating program expenditures.

8. For home-based services as allocated in paragraph a of this subsection	\$ 7,351,000	\$ 7,351,000
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a. Of the funds appropriated for home-based services by this subsection, four million seven hundred sixty-six thousand (4,766,000) dollars is appropriated for chore and homemaker services for each fiscal year of the biennium. The department of social services shall not provide homemaker services during the biennium to clients who are above the income and resource guidelines established by the department for adult protective services.

b. The department shall by rule define the homemaker and chore services to be delivered, the eligibility for services, and the providers delivering the services. The department shall explore with homemaker agencies the possibility of expanding purchase of service contracts to include the provision of chore services. The decision to purchase chore services should be based on the ability of an agency to provide the continuum of services at rates commensurate with the levels of service to be provided.

c. The department shall by rule develop a fee schedule, effective July 1, 1981, for chore services made available to clients who meet adult protective services criteria and who are above the income and resource guidelines for chore services.

9. For foster care \$ 17,558,000 \$ 17,558,000

a. Beginning July 1, 1981, the maximum foster residential care reimbursements shall be increased from fifty-eight to sixty dollars per day and the maximum foster group home reimbursements shall be increased from forty-six to forty-eight dollars per day.

b. The department of social services, based on the recommendation of each district administrator of the department, shall use a portion of the funds appropriated by this subsection for the provision of in-home services designed to prevent placement of children outside their own homes or to reunite children who have been placed in foster care with their families.

10. For community-based services \$ 1,508,000 \$ 1,508,000

a. Of the funds appropriated for the community-based services by this subsection, one hundred five thousand (105,000) dollars, or so much thereof as is necessary, is appropriated for each fiscal year of the biennium to provide start-up funds to establish programs or services to prevent the institutionalization of children.

b. Of the funds appropriated for community-based services by this subsection, two hundred fifty thousand (250,000) dollars is appropriated for each fiscal year of the biennium to assist child care centers. The emphasis of the assistance shall be to provide aid in staff development and training in order to upgrade child care center programs and services.

c. Funds appropriated by this subsection shall be used to reimburse counties for juvenile court expenses under section 232.141, subsection 4. If the funds used to reimburse counties for juvenile court expenses under section 232.141, subsection 4 appear to be insufficient, the department of social services shall report to the comptroller and the joint social services appropriations subcommittee of the senate and the house of representatives on the need for additional funds.

The commissioner of social services shall pay from funds appropriated by this subsection, as the entitled aid from the state under section 232.142, subsection 4, one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes.

d. Funds appropriated by this subsection for programs for displaced homemakers and for victims of domestic abuse may 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 subsection 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 social services appropriations subcommittee. The department shall consult persons knowledgeable in the respective subjects of domestic abuse and displaced homemakers with respect to establishment and selection of the programs.

Sec. 4. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1981, and ending March 31, 1982, to the department of social services one million eighty thousand (1,080,000) dollars, or so much thereof as may be necessary, for a program to provide shelter cost assistance to families with children deprived of support due to the unemployment of one or both parents. Assistance to each family is limited to a maximum vendor payment of one hundred fifty dollars per month for a maximum of three months. The department shall by rule establish the shelter cost assistance program in accordance with this section. The eligibility* criteria for the program shall be as restrictive as those criteria established by title IV-A of the federal Social Security Act and may be more restrictive.

Sec. 5. The department of social services may implement monthly reporting and prior-month budgeting on a statewide basis for the aid to families with dependent children program and the food stamp program after a pilot project of at least three months in duration has been conducted, unless earlier implementation is required by the federal government.

Sec. 6. The department of social services shall continue to pursue the possibility of obtaining a federal grant to pay the costs of delivering, by certified mail or restricted certified mail, food coupons under the federal-state food stamp program administered by the department pursuant to section 234.12.

Sec. 7. The department of social services shall continue to study the recommendations made by the long-term care reimbursement study committee established by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 12. The department shall report to the general assembly by January 1, 1982 concerning the costs and benefits of each of the committee's recommendations.

Sec. 8. The department of social services shall study and recommend to the general assembly by January 15, 1982 a proposal to implement a county workfare program. The report of the study and recommendations shall include a summary of programs instituted by other states and the specific proposals for allocating funds to the counties, the conditions of allocation, the basic requirements which county workfare programs must meet, program liability for worker benefits, and other program priorities and requirements.

Sec. 9. If a skilled nursing facility or an intermediate care facility receives payments under title XIX of the federal Social Security Act for one or more patients in the facility, the facility shall not involuntarily transfer any patient to another facility if that patient had previously qualified and received medical assistance under chapter 249A and has been disqualified for that medical assistance but pays all of the patient's income and resources not exempt under guidelines in title XIX of the federal Social Security Act and that payment equals or exceeds the medical assistance reimbursement rate for the particular facility.

Sec. 10. Notwithstanding the maximum amounts to which sections 239.9 and 249.9 limit payment by the department of social services toward the cost of funerals for persons receiving public assistance under chapters 239 and 249, the department may pay not more than four hundred dollars toward the cost of

*According to enrolled Act

a funeral for any such public assistance recipient provided that all of the following apply:

1. The total cost of the decedent'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.
3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance, 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.

Sections 239.9 and 249.9 shall be of no force or effect during the biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 11. Section 234.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets any of the following conditions:

- a. Is in full-time attendance at an approved school pursuing a course of study leading to a high school diploma.
- b. Is attending an instructional program leading to a high school equivalency diploma.
- c. Has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 281.2, subsection 1.

A person over eighteen years of age who has received a high school diploma or a high school equivalency diploma is not a child within the definition in this subsection.

Sec. 12. Section 239.1, subsection 3, Code 1981, is amended to read as follows:

3. A "dependent child" means a needy child under the age of eighteen years who has been deprived of parental support and or care by reason of death, continued absence from home, physical or mental incapacity ~~or~~ unfitness-of-either-parent, or partial or total unemployment of the ~~father~~ parent, and who is living with ~~his-or-her-father-or-mother,-or-both,-or-with~~ his-or-her-grandfather,-grandmother,-brother,-sister,-stepfather,-stepmother, ~~stepbrother,-stepsister,-uncle-or-aunt~~ a specified relative or specified relatives, as defined in title IV of the federal Social Security Act and prescribed by federal regulation, in a place of residence maintained by one or more of such the relatives as ~~his--or--her~~ the relative's or ~~their~~ relatives' home or has been placed in a licensed foster home or with a public or nonprofit child care agency by the state division or by the county department of social welfare in lieu of living with any a relative designated in this subsection.

Sec. 13. Section 239.2, subsection 4, Code 1981, is amended to read as follows:

4. Is not, with respect to assistance applied for by reason of partial or total unemployment of ~~the father~~ a parent, the child of a ~~father~~ parent who:

a. Has been unemployed for less than thirty days prior to receipt of assistance under this chapter.

b. Is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment or other premises at which ~~he~~ the parent is or was last employed.

c. At any time during the thirty-day period prior to receipt of assistance under this chapter or at any time thereafter while assistance is payable under this chapter, has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. The following reasons for refusing employment or training are not good cause: ~~Unsuitable~~ unsuitable or unpleasant work or training, if the ~~father~~ parent is able to perform the work or training without unusual danger to ~~his~~ the parent's health; or the amount of wages or compensation, unless the wages for employment are below the federal minimum wage.

d. Has not registered for work with the state employment service established pursuant to section 96.12, or thereafter has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.

e. Has failed to participate in or to co-operate in any work or training program made available to ~~him~~ the parent under chapter 249C, or has without good cause withdrawn from such program before completion. The department of social services shall have a program under chapter 249C for the partially or totally unemployed ~~father~~ parent under this subsection.

The division may prescribe requirements in addition to or in lieu of the foregoing, for eligibility for assistance under this chapter to children whose ~~fathers~~ parents are partially or totally unemployed, which are necessary to secure financial participation of the federal government in payment of such assistance.

Sec. 14. Section 239.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the completion of an investigation the ~~county-beard~~ department shall decide whether the child is eligible for assistance under ~~the--provisions--of~~ this chapter and determine the amount of ~~such~~ the assistance. The ~~county beard~~ department shall, within thirty days, notify the person with whom the child is living or will be living, of the decision made. The ~~county-beard~~ department may ~~require, as a condition of granting assistance, that a legal guardianship be established~~ petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over any recipient, ~~or any child or children and in such cases~~ eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to ~~such guardian, when appointed, but a guardian of a child or children only shall not be allowed to receive any assistance payments for any dependent child or children unless such guardian shall bear a relationship to the child or children embraced by subsection 3, section 239.1~~ the conservator. In addition to the assistance granted as

~~provided~~ under this chapter, an amount not to exceed ten dollars per case per month may be allowed for guardian's conservatorship or guardianship fees when if authorized by ~~appropriate~~ court order. The dependent child for whom the grant is made shall be originally charged to the county in which ~~such~~ the child resides when application is made.

Sec. 15. Section 249A.3, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Is a recipient of aid to families with dependent children payments under chapter 239 or is an individual who would be eligible for unborn child payments under the aid to families with dependent children program, as authorized by title IV-A of the federal Social Security Act, if the aid to families with dependent children program under chapter 239 provided for unborn child payments during the entire pregnancy.

Sec. 16. Chapter 249A, Code 1981, is amended by adding the following new section:

NEW SECTION. LICENSED PSYCHOLOGISTS ELIGIBLE FOR PAYMENT. The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the medical assistance program.

Sec. 17. Sections 217.38 and 249A.10, Code 1981, are repealed.

Sec. 18. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 19. Funds appropriated by this Act shall not be used for capital improvements.

Sec. 20. All sections of this Act, except sections 11 through 17 are effective only for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983.

Sec. 21. The department of social services shall adopt administrative rules relating to section 3, subsection 1, paragraphs b, d, and e of this Act and may adopt administrative rules relating to section 2, subsection 1, section 3, subsection 1, paragraph c, section 3, subsection 2, unnumbered paragraph 2, section 3, subsection 8, paragraph b, and section 4 of this Act under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Approved June 19, 1981

CHAPTER 8
EDUCATION PROGRAMS FINANCED
S. F. 552

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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
IOWA COMMISSION FOR THE BLIND		
For salaries, support, maintenance, and miscellaneous purposes	\$ 893,900	\$ 920,800

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, 1981 and ending June 30, 1983, 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:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA COLLEGE AID COMMISSION		
For salaries, support, maintenance, and miscellaneous purposes	\$ 317,595	\$ 341,704

2. TUITION GRANT PROGRAM		
To supplement the appropriation provided in subsection 1 of section 261.25 for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections 261.9 to 261.16	\$ 2,071,500	\$ 2,750,000

3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM		
To supplement the appropriation provided in subsection 3 of section 261.25 for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section 261.17	\$ 79,300	\$ 100,000

Sec. 3.
1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of ninety thousand (90,000) dollars, or so much

thereof as may be necessary, and for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.26 and 261.27. Notwithstanding section 261.27, from the funds appropriated by this section not more than thirty thousand (30,000) dollars shall be allocated to each of the classes of students which received funds during the fiscal year beginning July 1, 1980, which includes the second, third and fourth year classes for the fiscal year beginning July 1, 1981 and the third and fourth year classes for the fiscal year beginning July 1, 1982.

2. In addition to the requirements of sections 261.26 and 261.27, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, financial audits, conducted by an independent third party, of the participating colleges of optometry.

b. One-half of the funds appropriated for fiscal year 1982-1983 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1982, 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, 1981 and ending June 30, 1983, the sum of four hundred fifty thousand (450,000) 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 261.18 and 261.19. Notwithstanding section 261.19, the subvention shall be used for the admission and education of not less than thirty percent of each of the classes of students in the college of osteopathic medicine and surgery that received funds during the fiscal year beginning July 1, 1980, which includes the second and third year classes for the fiscal year beginning July 1, 1981 and the third and fourth year classes for the fiscal year beginning July 1, 1982.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, 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 1982-1983 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1982, financial audits conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1981, and ending June 30, 1982, the sum of forty thousand (40,000) dollars and for the fiscal

year beginning July 1, 1982, and ending June 30, 1983, the sum of twenty thousand (20,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.22 and 261.23.

2. In addition to the requirements of sections 261.22 and 261.23, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

b. One-half of the funds appropriated for fiscal year 1982-1983 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1982, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

Sec. 6. 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, 1981, and ending June 30, 1983, the sum of twenty-five thousand (25,000) 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 post-secondary 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. 7. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 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:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 4,817,603	\$ 5,045,076

Sec. 8. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the department of public instruction the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION		
a. For salaries, support, maintenance, and miscellaneous purposes and membership fees for Iowa in the education commission of the states ..	\$ 3,077,158	\$ 3,225,533
b. For fire service education	\$ 190,800	\$ 200,000
c. For allocation to area education agency 6 for special education support services costs	\$ 80,791	\$

d. For allocation to area education agency 7
 for special education support services costs \$ 112,803 \$

e. Funds appropriated under paragraphs c and d of this subsection shall not affect the calculation of the state cost per pupil or any district cost per pupil.

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes \$ 775,997 \$ 813,414

3. VOCATIONAL EDUCATION

For vocational education aid to secondary schools \$ 3,574,638 \$ 3,747,000

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, and for aid to existing jointly administered secondary vocational education programs, in accordance with the provisions of chapter 258 and chapter 280A, 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.

4. VOCATIONAL REHABILITATION

For salaries, support, maintenance, and miscellaneous purposes \$ 2,483,910 \$ 2,603,679

5. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out the provisions of chapter 272A \$ 49,145 \$ 51,515

6. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out the provisions of section 258.14 \$ 9,540 \$ 10,000

7. 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 \$ 3,300,000 \$ 3,300,000

8. 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 301.1. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils .. \$ 381,600 \$ 400,000

9. SCHOOL BUDGET REVIEW COMMITTEE \$ 200,000 \$ 200,000

10. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 the amount of

forty-five million nine hundred twenty-six thousand nine hundred ninety-one (45,926,991) dollars for fiscal year 1981-1982 and forty-eight million one hundred forty-one thousand five hundred (48,141,500) dollars for fiscal year 1982-1983 to be allocated as follows:

(1) Merged Area I	\$ 2,119,236	\$ 2,221,421
(2) Merged Area II	\$ 2,953,268	\$ 3,095,669
(3) Merged Area III	\$ 2,669,781	\$ 2,798,513
(4) Merged Area IV	\$ 976,637	\$ 1,023,727
(5) Merged Area V	\$ 3,350,749	\$ 3,512,316
(6) Merged Area VI	\$ 2,876,874	\$ 3,015,591
(7) Merged Area VII	\$ 3,320,384	\$ 3,480,487
(8) Merged Area IX	\$ 3,739,631	\$ 3,919,949
(9) Merged Area X	\$ 5,582,281	\$ 5,851,448
(10) Merged Area XI	\$ 6,914,837	\$ 7,248,257
(11) Merged Area XII	\$ 2,159,952	\$ 2,264,101
(12) Merged Area XIII	\$ 3,219,951	\$ 3,375,211
(13) Merged Area XIV	\$ 1,157,334	\$ 1,213,137
(14) Merged Area XV	\$ 2,701,059	\$ 2,831,299
(15) Merged Area XVI	\$ 2,185,017	\$ 2,290,374

b. To be allocated to the merged area schools for continued support of programs begun during the fiscal years beginning July 1, 1979 and July 1, 1980 under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsection 11, paragraph d

\$ 190,800	\$ 200,000
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c. To be allocated to the merged area schools for assistance in meeting increased utility and fuel costs which exceed energy conservation savings realized under an area school's energy conservation plan

\$ 600,000	\$ 600,000
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d. 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 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools

\$ 8,299,800	\$ 8,700,000
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e. For Merged Area V

For operation of the radio station	\$ 98,898	\$ 103,667
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f. For Merged Area XII

For operation of the radio station	\$ 98,898	\$ 103,667
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g. For Merged Area XIII

For operation of the radio station	\$ 98,898	\$ 103,667
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Sec. 9. 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, 1981 and ending June 30, 1983 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 20, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

	<u>1981-1982</u>	<u>1982-1983</u>
	<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	\$ 373,818	\$ 391,843
b. For western Iowa continuing education	\$ 95,400	\$ 100,000

Funds appropriated to the state board of regents shall 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	\$92,397,351	\$97,294,990
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b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255	\$20,819,800	\$22,046,392
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As a condition of the appropriation made in this paragraph, funds appropriated in this section shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

c. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients \$ 4,396,714 \$ 4,608,028

d. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 1,699,565 \$ 1,781,515

e. Hospital school

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 3,145,138 \$ 3,296,067

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 \$ 1,931,198 \$ 2,016,312

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes \$76,208,384 \$80,161,263

b. Agricultural experiment station

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 8,438,418 \$ 8,845,302

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, and miscellaneous purposes \$ 8,048,331 \$ 8,436,406

4. UNIVERSITY OF NORTHERN IOWA

For salaries, support, maintenance, equipment, and miscellaneous purposes \$29,985,397 \$31,428,042

It is the intent of the general assembly that from funds appropriated in this subsection, twenty-five thousand (25,000) dollars shall be expended each fiscal year to support stipends for graduate students in the doctoral programs.

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes \$ 3,711,102 \$ 3,886,717

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes \$ 2,010,760 \$ 2,108,329

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 provisions of chapter 148C \$ 1,140,030 \$ 1,195,000

Sec. 10. Section 261.18, subsection 1, Code 1981, is amended to read as follows:

1. There is established a subvention program for resident students who are enrolled in the college of osteopathic medicine and surgery of Des Moines, Iowa. The subvention program shall be administered by the commission in the manner provided in this section and section 261.19. 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 261.19.

Sec. 11. Section 261.23, Code 1981, is amended to read as follows:

261.23 CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying out its duties under ~~the provisions of~~ section 261.22 the commission shall contract for the right of not less than five qualified persons for each academic class ~~to enter~~ of students which received funds during the fiscal year beginning July 1, 1980, which includes the third and fourth year classes for the fiscal year beginning July 1, 1981 and the fourth year class for the fiscal year beginning July 1, 1982, enrolled in 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 261.22. 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 261.22 to the legislative fiscal committee at such time as the legislative fiscal committee shall request.

Sec. 12. Section 261.35, subsection 5, Code 1981, is amended to read as follows:

5. "Eligible ~~student borrower~~" means a person, or the parent of a person, who is a resident of this state and is enrolled or will be enrolled at an eligible institution within or without the state or who is a nonresident of this state and is enrolled or will be enrolled at an eligible institution within the state and who meets the eligibility requirements established by the commission. The commission shall establish the qualifications for being a resident of this state, however, the qualifications shall not be more stringent than those established by the state board of regents.

Sec. 13. Section 261.36, subsection 4, Code 1981, is amended to read as follows:

4. Guarantee loans made by eligible lenders to eligible ~~students borrowers~~ who are, or whose children are, enrolled or will be enrolled at eligible institutions as at least half-time students as defined by the commission.

Sec. 14. Section 261.37, subsections 5 and 8, Code 1981, are amended to read as follows:

5. To promulgate rules pursuant to chapter 17A to implement the provisions of this division including establishing standards for educational institutions, lenders and individuals to become eligible institutions, lenders and ~~students borrowers~~. The rules and standards established shall be

consistent with the requirements provided in the Higher Education Act of 1965.

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and ~~student~~ borrowers.

Sec. 15. Notwithstanding section 261.25, subsection 2, Code 1981, the standing appropriation* is limited to three hundred thirty-three thousand nine hundred (333,900) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 16. Notwithstanding section 267.8, Code 1981, the standing appropriation in that section is limited to one hundred thousand (100,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and is limited to one hundred fifty thousand (150,000) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Sec. 17. Notwithstanding section 285.1, subsection 3, paragraphs b and c, Code 1981, for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the reimbursement rate for the parent or guardian for transportation of public and nonpublic pupils shall remain at an amount equal to eighty dollars plus twenty-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of public instruction.

Sec. 18. Notwithstanding section 285.2, unnumbered paragraph 2, Code 1981, the standing appropriation in that section is limited to four million four hundred thirty-seven thousand (4,437,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and to four million six hundred fifty thousand nine hundred (4,650,900) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

If the funds appropriated in this section are not sufficient to pay the claims submitted by the school districts, the amount paid to each school district by the department shall be prorated on the basis of funds so appropriated. The difference between the amount of the claim of a school district and the amount of payment received from the department of public instruction shall be paid by the parent or guardian of the nonpublic school pupil transported.

Sec. 19. 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. 20. Moneys appropriated by this Act shall not be used for capital improvements.

Sec. 21. The legislative council is requested to appoint a joint subcommittee composed of members of both political parties of the house and senate appropriations subcommittees on education and the house and senate committees on education to conduct a comprehensive study of the funding of the merged area school system in this state. The study may include, but shall not be limited to, the present formula used to allocate state funds, funding of various costs centers, funding for increased enrollments, funds expended for advertising purposes, coordination of vocational programs of area schools with vocational programs offered by other public and private educational agencies and institutions in this state, and funding related to

*According to enrolled Act

tuition increases and property tax revenues. The joint subcommittee shall make a report of its recommendations, accompanied by legislative bill drafts to implement its recommendations, to the legislative council and to the general assembly meeting in 1982.

Approved June 20, 1981

CHAPTER 9
SALARY ADJUSTMENTS AND EXPENSES

H. F. 875

AN ACT relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, 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 are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are effective for subsequent fiscal years until otherwise provided by the general assembly. The 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 the appropriation is not sufficient, from the salary adjustment fund.

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

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. DEPARTMENT OF AGRICULTURE		
Salary for the secretary of agriculture	\$ 35,600	\$ 38,500
2. OFFICE OF THE ATTORNEY GENERAL		
Salary of the attorney general	\$ 47,000	\$ 50,700
3. OFFICE OF THE AUDITOR OF STATE		
Salary of the auditor of state	\$ 35,600	\$ 38,500
4. OFFICE OF THE SECRETARY OF STATE		
Salary of the secretary of state	\$ 35,600	\$ 38,500
5. OFFICE OF THE TREASURER OF STATE		
Salary of the treasurer of state	\$ 35,600	\$ 38,500

Sec. 2. The salary rates specified in this section are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are effective for subsequent fiscal years until otherwise provided by the general assembly. The 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 3 of this Act.

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

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. Chief justice of the supreme court	\$ 57,900	\$ 62,100
2. Each justice of the supreme court	\$ 52,900	\$ 57,100
3. Chief judge of the court of appeals	\$ 51,300	\$ 55,400
4. Each associate judge of the court of ap- peals	\$ 50,200	\$ 54,200
5. Each chief judge of a judicial district ..	\$ 49,100	\$ 53,000
6. Each district court judge except the chief judge of a judicial district	\$ 47,000	\$ 50,700
7. Each district associate judge	\$ 38,900	\$ 42,000
8. Each part-time judicial magistrate	\$ 10,800	\$ 11,700

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used to fund increases in judicial salaries as provided in section 2 of this Act and for the state's contribution to the judicial retirement system provided for in chapter 605A required because of the increased salaries

<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
\$ 649,750	\$ 1,350,250

Sec. 4. The salary rates specified in this section are effective for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983. The 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:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. Chairperson of the public employment rela- tions board	\$ 36,800	\$ 39,750
2. Two members of the public employment rela- tions board, each	\$ 34,100	\$ 36,800

Sec. 5. Persons receiving the salary rates established under section 1, 2, or 4 of this Act shall not receive any additional salary adjustments provided by this Act. The salary rates specified in section 4 of this Act are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are 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 1 or 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 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 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 7 of this Act within the range provided by considering, among other items, 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 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 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 does not 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 are effective for the positions specified for the fiscal year beginning July 1, 1981, and for the fiscal year beginning July 1, 1982 and each subsequent fiscal year until otherwise provided 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 that purpose.

1. For the fiscal year beginning July 1, 1981, if a person is in:

a. Range one, the person shall receive a salary of not less than five thousand four hundred (5,400) dollars or more than sixteen thousand two hundred (16,200) dollars.

b. Range two, the person shall receive a salary of not less than nineteen thousand four hundred (19,400) dollars or more than thirty-two thousand four hundred (32,400) dollars.

c. Range three, the person shall receive a salary of not less than twenty-seven thousand (27,000) dollars or more than thirty-seven thousand eight hundred (37,800) dollars.

d. Range four, the person shall receive a salary of not less than thirty-two thousand four hundred (32,400) dollars or more than forty-three thousand two hundred (43,200) dollars.

e. Range five, the person shall receive a salary of not less than thirty-seven thousand eight hundred (37,800) dollars or more than forty-eight thousand six hundred (48,600) dollars.

2. For the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly if a person is in:

a. Range one, the person shall receive a salary of not less than five thousand eight hundred (5,800) dollars or more than seventeen thousand five hundred (17,500) dollars.

b. Range two, the person shall receive a salary of not less than twenty-one thousand (21,000) dollars or more than thirty-five thousand (35,000) dollars.

c. Range three, the person shall receive a salary of not less than twenty-nine thousand two hundred (29,200) dollars or more than forty thousand eight hundred (40,800) dollars.

d. Range four, the person shall receive a salary of not less than thirty-five thousand (35,000) dollars or more than forty-six thousand seven hundred (46,700) dollars.

e. Range five, the person shall receive a salary of not less than forty thousand eight hundred (40,800) dollars or more than fifty-two thousand five hundred (52,500) dollars.

3. 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.

4. The following are range two positions: executive director of the commission on aging, appellate defender, 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 or the criminal justice planning agency, 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.

5. 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, director of the department of soil conservation, and superintendent of the transportation regulation authority.

6. 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.

7. 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 6 and 7 of this Act for the persons indicated are the total salary payable to the persons for whom established. Any other salary rates or adjustments to salaries provided for by this Act do not apply to the positions specified in section 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 6 and 7 of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in section 7 of this Act are insufficient to pay salaries provided for in section 7 of this Act. The governor shall report to the legislative fiscal committee the salary rates established pursuant to section 7 of this Act.

Sec. 9. Section 685.1, Code 1981, is amended to read as follows:

685.1 APPOINTMENT. The judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four years and until a successor is appointed and 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 twenty-one thousand six hundred or more than thirty thirty-two thousand four hundred dollars annually for the fiscal year beginning July 1, 1981, and not less than twenty-three thousand three hundred or more than thirty-five thousand dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly. In case a vacancy occurs, the vacancy shall be filled by appointment for the unexpired portion of the term only.

Sec. 10. Section 685.6, unnumbered paragraph 2, Code 1981, 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 twenty-seven thousand or more than thirty-five thirty-seven thousand eight hundred dollars annually for the fiscal year beginning July 1, 1981, and not less than twenty-nine thousand two hundred or more than forty thousand eight hundred dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly. The supreme court is authorized to accept federal funds to supplement the funds appropriated to the court.

Sec. 11. Section 685.7, Code 1981, is amended to read as follows:

685.7 ASSISTANTS. The court administrator, with the approval of the supreme court, shall appoint and set the salaries of assistants as are necessary to perform the powers and duties vested in the court administrator. The salaries of the assistants, except the court fiscal director, shall be set at a rate of not less than fifteen sixteen thousand two hundred or more than twenty-five twenty-seven thousand dollars annually for the fiscal year beginning July 1, 1981, and not less than seventeen thousand five hundred or more than twenty-nine thousand two hundred dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly. The court fiscal director shall receive a salary at a rate of not less than twenty twenty-one thousand six hundred

dollars or more than ~~thirty~~ thirty-two thousand four hundred dollars for the fiscal year beginning July 1, 1981, and not less than twenty-three thousand three hundred or more than thirty-five thousand dollars for the fiscal year beginning July 1, 1982 and subsequent fiscal years until otherwise provided by the general assembly. While holding the position, neither the court administrator nor assistants shall practice law in any of the courts of this state.

Sec. 12. The annual salary rates or ranges provided in sections 1, 2, 4, 7, 9, 10, and 11 of this Act become effective for the fiscal year beginning July 1, 1981, with the pay period beginning July 3, 1981, and for the fiscal year beginning July 1, 1982, with the pay period beginning July 2, 1982.

Sec. 13. All federal grants to and the federal receipts of the agencies affected by this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in the federal grants or receipts.

Sec. 14.

1. There is appropriated from the general fund of the state to the salary adjustment fund provided for in section 8.43, for the fiscal years beginning July 1, 1981, and July 1, 1982, 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, 1981, \$43,839,000.

b. For the fiscal year beginning July 1, 1982, \$86,999,000.

2. The amounts appropriated in subsection 1 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 20 for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social service bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

e. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

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

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

h. The annual pay adjustments, related benefits, and expense reimbursements referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 15.

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, 1981, and July 1, 1982, 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, 1981, \$735,000.

b. For the fiscal year beginning July 1, 1982, \$1,465,000.

2. The amounts appropriated in subsection 1 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 20 for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

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

e. The annual pay adjustments, related benefits, and expense reimbursement referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 16.

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, 1981, and July 1, 1982, or so much thereof as may be necessary, to supplement other funds appropriated by the general assembly:

a. For the fiscal year beginning July 1, 1981, \$7,224,000.

b. For the fiscal year beginning July 1, 1982, \$13,780,000.

2. The amounts appropriated in subsection 1 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 20 for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

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

e. The annual pay adjustments, related benefits, and expense reimbursement referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 17. Funds appropriated from the general fund of the state in this Act relate only to salaries supported from general fund appropriations of the state.

Sec. 18. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is provided for those funds, unless otherwise provided, in an amount necessary to fund salary adjustments provided in this Act.

Sec. 19.

1. The merit system pay plan and executive council exempt pay plan provided for in section 19A.9, subsection 2, as they exist for the fiscal years ending June 30, 1981, and June 30, 1982, shall be increased for employees who are not included in a collective bargaining agreement made final under chapter 20 by eight percent for the fiscal year beginning July 1, 1981, effective with the pay period beginning July 3, 1981, and by eight percent for the fiscal year beginning July 1, 1982, effective with the pay period beginning July 2, 1982. 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 19A.9, subsection 2, by increasing the salary levels for the various grades and steps within the respective plans by eight percent.

2. The salary schedules for state employees who are exempt from chapter 19A 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 shall be increased by the same percent and the same manner included in subsection 1 of this section.

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

4. The appointing authority shall determine the percentage increase for each professional and managerial employee's salary provided for under this section and may increase the salaries of the professional and managerial employees by different percentages, but the total percentage increase of all salaries of the professional and managerial employees under the appointing authority's jurisdiction for the fiscal year beginning July 1, 1981, shall be eight percent of those salaries as they exist on July 2, 1981, and for the fiscal year beginning July 1, 1982, shall be eight percent of those salaries as they exist on July 1, 1982. As used in this section, "professional and managerial employee" means a professional employee as defined in section 20.3, subsection 11 or a representative of a public employer or supervisory employee as defined in section 20.4, subsection 2.

5. A within-range step increase (merit increase) shall not be granted to a state employee who is not included in a collective bargaining agreement made final under chapter 20 from the pay period beginning July 3, 1981, through the pay period ending June 30, 1983.

Sec. 20. 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 eight percent of base salaries of faculty members and professional and scientific staff members, except board office employees, paid during the preceding fiscal year, to be allocated to faculty members and professional and scientific staff members at the discretion of the state board of regents.

2. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter 20, except board office employees, the amount necessary to increase the state board of regents' merit pay plan as the pay plan exists for the fiscal years ending June 30, 1981, and June 30, 1982, by increasing the salary levels for each grade and step within the plan by eight percent for the fiscal year beginning July 1, 1981, and eight percent for the fiscal year beginning July 1, 1982.

3. A within-range step increase (merit increase) shall not be granted to an employee of the state board of regents who is not included in a collective bargaining agreement made final under chapter 20 for the biennial period beginning July 1, 1981 and ending June 30, 1983.

Sec. 21. 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 beginning July 1, 1981, beginning with the biweekly payday of July 10, 1981, and ending with the biweekly payday of June 25, 1982.

2. For fiscal year beginning July 1, 1982, beginning with the biweekly payday of July 9, 1982, and ending with the biweekly payday of June 24, 1983.

Sec. 22. Section 18.117, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A state officer or employee shall not use any a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving ~~his-or-his-own~~ a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in such that case ~~he-or-she~~ the officer or employee shall receive ~~eighteen~~ twenty-two cents per mile effective July 1, ~~1979~~ 1981, and ~~twenty~~ twenty-four cents per mile effective July 1, ~~1980~~ 1982. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer ~~shall---be---construed---to---fall~~ falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate 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 If a state motor vehicle has been assigned to a state officer or employee ~~he-or-she~~, the officer or employee shall not collect mileage for the use of a ~~personal~~ privately owned vehicle unless the state vehicle assigned is not usable.

Sec. 23. Section 79.9, Code 1981, 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 eighteen~~, as determined by the local governing body, in an amount not exceeding twenty-two cents per mile for actual and necessary travel effective July 1, 1979 1981, and twenty in an amount not exceeding twenty-four cents per mile effective July 1, 1980 1982. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee ~~shall be construed to fall~~ falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. Any A peace officer, other than a state officer or employee, as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section.

Sec. 24. It is a condition of the appropriations made in this Act that mileage expense reimbursement rates or payments shall not be negotiated or included in a proposed collective bargaining agreement under chapter 20 during the biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 25. Section 79.16, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

79.16 INTERVIEW AND MOVING EXPENSES.

1. If approved by the appointing authority, a person who interviews for employment by the state shall be reimbursed for expenses incurred in the interview at the same rate at which a state employee is reimbursed for expenses incurred during the performance of state business.

2. A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules adopted by the state comptroller when all of the following circumstances exist:

a. The employee is reassigned at the direction of the appointing authority.

b. The reassignment constitutes a permanent change of duty station.

c. The reassignment requires the employee to change the place of personal residence beyond a reasonable commuting distance.

d. The reassignment is not primarily for the benefit or convenience of the employee.

3. If approved by the appointing authority, a person newly hired for a state position shall receive reimbursement for moving expenses incurred after the person is hired at the same rate provided for a state employee.

4. Reimbursement for moving expenses authorized under this section does not include reimbursement for the expense of moving animals.

Sec. 26. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts to be allocated to the designated political subdivisions or public agencies for the purpose of providing the state's share of salary increases for the designated public employees:

***Item veto; see message at end of this Act

UNIVERSITY OF MIAMI
LAW LIBRARY

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. To the merged areas as defined in section 280A.2	\$ 3,320,000	\$ 6,803,000

The state comptroller shall allocate and distribute the funds appropriated by this subsection to each merged area in the same proportion that the merged area's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all merged areas for that fiscal year. Moneys received by a merged area under this subsection shall be used to pay the state's share of the authorized salary increases for the employees of the merged area for the designated fiscal years.

2. To the judicial district departments of correctional services as defined in section 905.2	\$ 597,000	\$ 1,222,000
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each judicial district department of correctional services in the same proportion that the judicial district department's annual payroll for its employees in the community-based correctional program for the fiscal year ending June 30, 1981 is to the annual payroll for community-based correctional program employees of all judicial district departments for that fiscal year. Moneys received by a judicial district department under this subsection shall be used to pay the state's share of the authorized salary increases for the employees of the community-based correctional program for the designated fiscal years.

3. To the seven regional libraries of the regional library system as defined in section 303B.2	\$ 100,000	\$ 100,000
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each regional library of the regional library system in the same proportion that the regional library's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all regional libraries in the regional library system for that fiscal year. Moneys received by a regional library under this subsection shall be used to pay the state's share of the authorized salary increases for the regional library employees for the designated fiscal years.

4. To the substance abuse treatment facilities receiving substance abuse program grants as provided in section 125.25	\$ 200,000	\$
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local substance abuse treatment facility in the same proportion that the substance abuse treatment facility's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all local substance abuse treatment facilities receiving substance abuse program grants for that fiscal year. Moneys received by a local substance abuse facility under this subsection shall be used to pay the state's share of the authorized salary increases for the local substance abuse program employees for the designated fiscal years.

5. To local boards of health receiving in-home health care grants \$ 230,000 \$ 471,000

The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local board of health in the same proportion that the payroll for its public health nurses employed to carry out in-home care services for the fiscal year ending June 30, 1981 is to the annual payroll for the public health nurses employed to carry out in-home care services for all local boards of health for that fiscal year. Moneys received by a local board of health under this subsection shall be used to pay the state's share of the authorized salary increases for public health nurses employed in providing in-home care services.

Sec. 27.

1. There is appropriated from the general fund of the state to the municipal assistance fund established in chapter 405 for the fiscal years beginning July 1, 1981 and July 1, 1982, the following amounts or so much as may be necessary, to be distributed to cities which have established fire and police retirement systems under chapter 411:

- a. For the fiscal year beginning July 1, 1981, \$2,299,140.
- b. For the fiscal year beginning July 1, 1982, \$2,410,000.

2. The funds appropriated by subsection 1 shall be used to finance the costs of benefits provided in chapter 411 by amendments of Acts of the Sixty-sixth General Assembly, chapter 1089. The state comptroller shall pay to each city the amount of the funds appropriated for each fiscal year as provided in section 411.20.

3. The appropriation made under subsection 1 is in lieu of the appropriation authorized under section 411.20, unnumbered paragraph 1. Section 411.20, unnumbered paragraph 1 is void during the fiscal biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 28.

1. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts to be allocated to the counties for the purpose of providing average pay increases of not more than eight percent to the full-time shorthand reporters of the district courts:

- a. For the fiscal year beginning July 1, 1981, \$102,137.
- b. For the fiscal year beginning July 1, 1982, \$209,668.

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, 1981 is 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 Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 423 or in the court expense fund under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 425, subsection 9, as applicable.

Sec. 29. Section 605.8, Code 1981, is amended to read as follows:

605.8 COMPENSATION.

1. Each full-time shorthand reporter of the district court shall be paid, in equal installments, an annual salary as ~~hereinafter-provided~~ established by the supreme court based on the reporter's experience and within the salary ranges specified in this subsection.

a. For the fiscal year beginning July 1, 1981, a full-time shorthand reporter shall receive a salary of not less than fifteen thousand four hundred fifty (15,450) dollars or more than twenty-three thousand nine hundred fifty (23,950) dollars.

b. For the fiscal year beginning July 1, 1982, a full-time shorthand reporter shall receive a salary of not less than fifteen thousand four hundred fifty (15,450) dollars or more than twenty-five thousand eight hundred fifty (25,850) dollars.

The salary increases authorized under the subsection is effective on the employment anniversary of the reporter.

2. Each district judge, upon the appointment of a full-time shorthand reporter, shall certify the name and address of the reporter and the date upon which ~~his~~ the reporter's term of service begins, to each county auditor in the judicial district.

~~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 seven percent for each year of experience as a shorthand reporter. The maximum salary shall not exceed twenty-one thousand one hundred twenty-one dollars except as provided in this section.~~

3. Shorthand reporters who are employed on an emergency basis in the district court shall be paid not to exceed seventy-five dollars per diem while employed by the court or while employed under the direction of the judge. The per diem shall be paid from the county treasury where the court is held, upon the certificate of the judge holding the court, or directing the employment. However, the maximum compensation for one-day attendance at court shall not exceed the per diem. Payments shall be made at least once each month.

4. Full-time certified shorthand reporters serving district associate judges ~~shall be~~ are entitled to receive the same compensation they would be entitled to receive if they were serving district court judges.

~~Notwithstanding the provisions of this section, full-time certified shorthand reporters may, by joint order of the district court judges in such district, be individually granted additional compensation in excess of the amounts provided for in this section, not to exceed five percent of such amounts.~~

Shorthand reporters ~~will~~ shall receive ~~such~~ the compensation as fixed by rule of the supreme court or by statute for transcribing their notes pursuant to section 605.11, ~~Code 1977~~, but shall not work on outside depositions during the hours for which the reporters are compensated pursuant to ~~this~~ section of said Code 605.11.

Sec. 30. Section 605.10, Code 1981, is amended to read as follows:

605.10 EXPENSES. Where a shorthand court reporter is required, in the discharge of ~~his~~ official duties, to leave the county of ~~his~~ the reporter's

residence or leave the city of ~~his~~ the reporter's residence to perform such duties, ~~he~~ the reporter shall be paid ~~his~~ the reporter's actual and necessary hotel and living expenses not to exceed the ~~sum-of-twenty-dollars-per-day~~ maximum reimbursements authorized for a state employee by the state comptroller and transportation expenses as ~~shall-be~~ incurred, which account shall be itemized and approved by the presiding judge of the district court and certified to the county auditor of the county in which ~~such~~ the expenses are incurred, and shall be paid in the same manner as the per diem of ~~such~~ the reporter is paid.

Approved June 19, 1981, except the item designated as Section 24 herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

ROBERT D. RAY
Governor

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 875, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds.

House File 875 is approved June 19, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 24 which reads as follows:

Sec. 24. It is a condition of the appropriations made in this Act that mileage expense reimbursement rates or payments shall not be negotiated or included in a proposed collective bargaining agreement under chapter 20 during the biennium beginning July 1, 1981 and ending June 30, 1983.

This action is made necessary for two reasons:

- It is inappropriate to make this substantive change in Iowa's collective bargaining law in an appropriations bill.
- This restriction creates legal and practical difficulties for the state's collective bargaining agents.

Chapter 20 of the Iowa Code establishes a collective bargaining system for state government. This system received a great deal of public scrutiny and legislative debate prior to its being passed into law. The scope of those negotiations, listed in Section 20.9 of the Code of Iowa, received considerable attention by lawmakers and the mileage reimbursement was decided to be a negotiable item in a collective bargaining agreement.

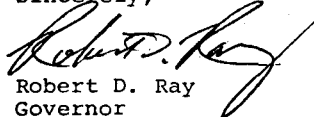
While it is certainly the prerogative of the General Assembly to reassess the list of items subject to negotiation, it would be far more proper to conduct that reassessment in a bill designed to statutorily amend Chapter 20. In that way, the change would receive the full public debate and focus of attention it deserves. Section 24 is dwarfed in a lengthy and important appropriations bill and received scant review by the public and legislators as it received only perfunctory debate during the closing hours of the session.

Moreover, this section gives confusing signals to those engaged in collective bargaining with public employees. Since the restriction is in the session laws, it expires after two years. Thus, despite its wording which prohibits both the negotiation of mileage reimbursement and the inclusion of such in the next collective bargaining agreement, this section would legally expire by the time the next collective bargaining takes effect. The collective bargaining agent would be put into an untenable legal and practical position: include mileage reimbursement in the negotiations and violate the session laws; or avoid including mileage reimbursement in the agreement despite the fact that there will be no restriction on doing so at the time the agreement is put into effect.

Therefore, it would have been far more appropriate for the General Assembly to reassess the allowed negotiable items of a collective bargaining agreement in a nonappropriations bill. That would have ensured full public debate of the item and the result would have established a clear policy for our collective bargaining agents. The General Assembly's failure to do this is cause for my item veto of Section 24.

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 875 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

CHAPTER 10

EXECUTIVE, LEGISLATIVE AND JUDICIAL APPROPRIATIONS

H. F. 847

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, 1981 and ending June 30, 1983 to the following named agencies, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. OFFICE OF THE STATE APPELLATE DEFENDER		
For deposit in the appellate defender operating account	\$ 100,000	\$
Funds appropriated by this subsection to the office of the appellate defender are appropriated only if the office of the appellate defender is in existence for the fiscal year beginning July 1, 1981 and ending June 30, 1982.		
2. IOWA STATE ARTS COUNCIL		
For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants	\$ 291,113	\$ 305,150
3. DEPARTMENT OF JUSTICE		
a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes		
	\$ 2,191,472	\$ 2,298,361
b. Prosecuting attorney training program		
For salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding	\$ 59,058	\$ 62,164
c. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this paragraph		
	\$ 52,500	\$ 52,500
d. If legislation creating a criminal justice improvement fund becomes law the appropriations in paragraph a of this subsection to the general office of attorney general are reduced for the fiscal year beginning July 1, 1981 by twenty-three thousand three hundred fifty (23,350) dollars and for the fiscal year beginning July 1, 1982 by twenty-five thousand seven hundred (25,700) dollars. If legislation creating a criminal justice fund becomes law the appropriations in paragraphs b and c of this subsection for the		

prosecuting attorney training program and for the prosecuting intern program for the fiscal biennium beginning July 1, 1981 are void.

4. CAPITOL PLANNING COMMISSION

For per diem of forty dollars per day and expenses of the members in carrying out their duties under chapter 18A \$ 3,500 \$ 3,500

It is the intent of the general assembly that all plans for construction or renovation of property within the capitol complex shall be submitted to the capitol planning commission before the construction or renovation is begun.

5. OFFICE OF CITIZENS' AIDE

For salaries, support, maintenance, and miscellaneous purposes \$ 203,502 \$ 213,315

6. COUNCIL ON STATE GOVERNMENTS

For support of the membership assessment \$ 41,200 \$ 44,600

7. EXECUTIVE COUNCIL

For salaries, support, maintenance, and miscellaneous purposes \$ 54,361 \$ 56,982

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following named agency, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. DEPARTMENT OF GENERAL SERVICES

a. GENERAL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes \$ 4,187,717 \$ 4,396,798

Jurisdiction over the statehouse tour guides is transferred to the legislative council.

b. UTILITY COSTS

For payment of utility costs \$ 2,098,375 \$ 2,098,375

2. DEPARTMENT OF GENERAL SERVICES--REVOLVING FUNDS

a. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, and miscellaneous purposes \$ 557,321 \$ 584,194

b. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982 which are legally payable from this fund.

c. From the general service revolving fund established by section 18.9 for salaries, support, maintenance, and miscellaneous purposes ... \$ 372,525 \$390,487

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, 1981 and July 1, 1982 which are legally payable from this fund.

e. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, and miscellaneous purposes ... \$ 384,434 \$ 402,971

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, 1981 and July 1, 1982 which are legally payable from this fund.

Sec. 3. 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, 1981 and ending June 30, 1983, the following amount or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes of the general office of the governor	\$ 572,859	\$ 598,470
2. For the governor's expenses connected with office	\$ 5,724	\$ 6,000
3. For salaries, support, maintenance, and miscellaneous purposes of Terrace Hill	\$ 176,160	\$ 184,594
4. 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, including 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	\$ 25,000	\$ 25,000
5. For salaries, support, maintenance, and miscellaneous purposes of the office of the administrative rules coordinator	\$ 60,039	\$ 62,934

Sec. 4. There is appropriated from the general fund of the state to the office of the lieutenant governor for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses as provided in subsection 2 of section 2.10 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	\$ 85,971	\$ 90,116

Sec. 5. There is appropriated from the general fund of the state to the Iowa state historical department for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the division of the state historical society for salaries, support, maintenance, and miscellaneous purposes	\$ 410,669	\$ 427,078
2. For the division of historic preservation for salaries, support, maintenance, and miscellaneous purposes	\$ 171,746	\$ 179,865
3. For the division of historic museum and archives for salaries, support, maintenance, and miscellaneous purposes	\$ 478,729	\$ 501,812
4. For the state historical board for per diem and expenses	\$ 13,500	\$ 13,565
5. For distribution to the Herbert Hoover memorial birthplace	\$ 500	\$ 500

Sec. 6. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following named judicial department agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<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	\$ 9,538,365	\$ 9,547,641

If legislation creating a criminal justice improvement fund becomes law the amounts appropriated by this subsection for salaries of supreme court

justices, other judges and staff are reduced for the fiscal year beginning July 1, 1981 by sixty-nine thousand six hundred ninety-five (69,695) dollars and for the fiscal year beginning July 1, 1982 by seventy-eight thousand nine hundred seventy-one (78,971) dollars.

2. BOARDS AND COMMISSION--JUDICIAL DEPARTMENT

For salaries, support, maintenance, and miscellaneous purposes of the board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission \$ 53,712 \$ 54,125

3. ADMINISTRATION

For salaries, support, maintenance, equipment, and miscellaneous purposes of the court administrator, and clerk of the supreme court \$ 589,956 \$ 590,366

Sec. 7. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, 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:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BUREAU OF LABOR		
For salaries, support, maintenance, and miscellaneous purposes	\$ 1,214,659	\$ 1,273,035
2. LEGISLATIVE FISCAL BUREAU		
For salaries, support, maintenance, and miscellaneous purposes	\$ 448,970	\$ 479,894
3. LEGISLATIVE SERVICE BUREAU		
a. For salaries, support, maintenance, and miscellaneous purposes	\$ 771,296	\$ 808,487
b. For drafting, research, and Code data processing programs and services	\$ 14,310	\$ 15,000
The legislative council shall allocate staff under its jurisdiction, and may cooperate with other agencies, in order to insure that the Code and a supplement providing for an annual update of the Code is published in a timely manner. The superintendent of printing shall cooperate with the legislative council and any additional costs incurred shall be recovered through the sale of the supplements and the Code.		
4. NATIONAL CONFERENCE OF STATE LEGISLATURES		
For support of the membership assessment	\$ 45,000	\$ 45,000
5. IOWA LIBRARY DEPARTMENT		
a. For the state library for salaries, support, maintenance, and miscellaneous purposes ...	\$ 724,047	\$ 758,568
b. For the regional library system for state aid	\$ 983,390	\$ 1,030,808
6. IOWA MERIT EMPLOYMENT DEPARTMENT		
For the general office for salaries, maintenance, and miscellaneous purposes	\$ 1,176,346	\$ 1,158,526
7. PIONEER LAWMAKERS	\$ 250	\$ 750

8. OFFICE FOR PLANNING AND PROGRAMMING

- a. For salaries, support, maintenance, and miscellaneous purposes \$ 871,486 \$
- b. For funds to match federal supplemental EDA discretionary funds \$ 30,000 \$

Unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund until June 30, 1985, notwithstanding other provisions of this section or section 8.33.

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 the governor's youth opportunity program \$ 715,500 \$
- 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 \$ 69,446 \$
- e. For the juvenile victim restitution program pursuant to section 7A.10 \$ 100,000 \$

9. IOWA ACADEMY OF SCIENCE

- For support and maintenance \$ 4,293 \$ 4,500

10. COMMISSION ON UNIFORM STATE LAWS

- For support of the commission and expenses of members \$ 8,395 \$ 8,800

Sec. 8. Section 18.12, subsection 9, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When the general assembly is not in session, the director of general services may request funds from the executive council for moving state agencies located at the seat of government from one location to another. The request may include moving costs, telephone costs, repair costs, or any other costs relating to the move. The executive council may approve and shall pay the costs from funds provided in section 19.29 if it determines the agency or department has no available funds for these expenses.

Sec. 9. Section 18.75, subsection 9, Code 1981, is amended by striking the subsection.

Sec. 10. Section 91.8, Code 1981, is amended to read as follows:

91.8 TRAVELING EXPENSES--LIMITATION. The commissioner, inspectors and other employees of the office shall be allowed their necessary traveling expenses while in the discharge of their duties. ~~Such expense in the aggregate, exclusive of salaries, shall not exceed the sum of four thousand dollars per annum.~~

Sec. 11. Section 303.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT. All funds received by the state historical department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society and fees, except entrance fees for the Montauk governor's mansion,

shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board.

Sec. 12. Section 602.55, subsection 1, Code 1981, is amended to read as follows:

1. ~~Two-thirds~~ One-half to the treasurer of state to be credited to the general fund of the state.

Sec. 13. Section 602.55, Code 1981, is amended by adding the following new subsection after subsection 2:

NEW SUBSECTION. 3. One-sixth to the treasurer of state to be credited to the judicial retirement fund created in section 605A.4.

Sec. 14. Chapter 602, Code 1981, is amended by adding the following temporary new section:

TEMPORARY NEW SECTION. NUMBER OF DISTRICT ASSOCIATE JUDGES LIMITED. Notwithstanding any contrary provision of this chapter, the number of district associate judges, including those appointed pursuant to section 602.59, shall not exceed thirty-nine during the period beginning on the effective date of this Act and ending as provided by the general assembly.

Sec. 15. Section 606.15, subsection 1, Code 1981, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, eight dollars. Four dollars of such fee shall remain in the county treasury for the use of the county, and four dollars of such fee shall be paid into the state treasury ~~and deposited in the general fund of the state.~~ One dollar of the fee paid into the state treasury shall be deposited in the judicial retirement fund created in section 605A.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13.

Sec. 16. The program evaluation division of the legislative fiscal bureau shall conduct an evaluation of the structure, administration and funding of the office for planning and programming to determine all of the following:

1. Whether there is a continuing need for the agency.

2. Whether the agency is administered efficiently, effectively, and economically.

3. Whether the functions of the agency can be administered efficiently, effectively, or economically by other state agencies or levels of government.

Sec. 17. The legislative council is directed to establish a joint interim subcommittee composed of members of the state departments appropriation subcommittees and the standing committees on state government to examine the functions, operations, and needs of the merit employment department including the feasibility of combining the responsibilities of the department with an existing state agency such as the employment relations division of the state comptrollers office or the department of job service. The subcommittee shall submit a report of its findings including legislative recommendations to the legislative council and the general assembly meeting in 1982.

Sec. 18. 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 and receipts.

Approved June 13, 1981

CHAPTER 11
SOCIAL SERVICES INSTITUTIONS

H. F. 849

AN ACT relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions.

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

Section 1.

1. To obtain independent and expert advice from qualified persons chosen by the judicial, executive, and legislative branches of government, there is created as a temporary body the advisory commission on the appropriate uses for the women's correctional and juvenile state institutions. Two members of the commission shall be appointed by the chief justice of the Iowa supreme court, two by the governor, and two by the legislative council. Appointments shall be made within thirty days of the effective date of this Act. The members of the commission who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to their duties as commission members. All members shall receive reimbursement for expenses actually and necessarily incurred in discharge of their duties. Staff assistance shall be provided to the commission by the legislative fiscal bureau.

2. The commission shall make interim progress reports as the legislative council may request, and shall submit a final report not later than January 15, 1982. The final report shall include, but need not be limited to, recommendations concerning:

a. Future uses of the campus currently operated by the state as a women's reformatory. The report shall include an analysis of any alternative uses of the facility that might help meet area human resource needs; the legal, programmatic, security, and capital renovation considerations involved in maintaining the facility as a women's reformatory; and the community's needs and programmatic concerns if the facility is converted for use as a

reformatory for low-risk adult male offenders. The report shall include an analysis of alternative sites upon which the women's reformatory might be located, and the relative advantages and disadvantages such sites would have to the present site at Rockwell City.

b. Future uses of the campus currently operated as a state training school at Mitchellville. The report shall include an analysis of any sewerage, security force, or other community resource needs that might exist as a result of the facility's use as a corrections facility for either men or women offenders, and of the possible disposition by the state of the land owned by the state immediately around the grounds of the Mitchellville campus.

c. Future uses of and programs for the facility operated for juveniles at Toledo. The report shall include an analysis of legal, financial, and programmatic concerns involved with maintaining the facility with both children adjudicated to be children in need of assistance and children adjudicated to have committed delinquent acts and of the need of or desirability for maintaining a state institution for children adjudicated to be children in need of assistance.

3. The commission shall spend at least one meeting day at each of the three institutional sites referred to in subsection two (2) of this section, which shall include discussions with local community leaders and the public. The commission shall also provide the opportunity for public comment through at least one general public hearing held at the state capitol. To insure that the general assembly is knowledgeable of the commission's work and of the background of the report submitted by it, the joint corrections and mental health appropriations subcommittee shall meet periodically with the commission. No more than three such meetings shall be held during the interval between adjournment of the 1981 session and the convening of the 1982 session of the general assembly. The joint corrections and mental health appropriations subcommittee shall not modify or alter the report required to be made by the commission by subsection two (2) of this section.

4. There is appropriated from the general fund of the state to the legislative council for the fiscal year beginning July 1, 1981 to be used for the per diem and expenses of members of the advisory commission on women's correctional and juvenile state institutions and for other expenses incidental for the study, the sum of ten thousand (10,000) dollars or so much thereof as may be necessary. The legislative council may expend other funds available to it to carry out this Act. The commission is abolished March 1, 1982.

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For the operation of the training schools for delinquent juveniles and the Iowa juvenile

home at Toledo, including salaries and support,
 maintenance, and miscellaneous purposes \$ 7,000,000 \$ 7,000,000

The Mitchellville training school shall be closed no later than June 1, 1982 and its female juvenile population shall be transferred to the Iowa juvenile home at Toledo. Notwithstanding any provision of the Code to the contrary, both children in need of assistance and juveniles adjudicated to have committed a delinquent act may be placed at the Iowa juvenile home at Toledo. That portion of the juvenile home housing delinquent juveniles shall be considered a second campus of the Eldora training school. Chapter 242 applies to that portion of the juvenile home and the delinquent juveniles housed in that portion. Chapter 244 applies to children in need of assistance placed at the juvenile home and the portion of the juvenile home housing those children.

2. For the purposes of providing community-based services for children in need of assistance \$ 400,000 \$ 400,000

Funds appropriated under this subsection shall be used to provide community-based services for children, including start-up funds to establish programs or services to prevent the institutionalization of children. These services may include, but need not be limited to, foster family care, group home care, or residential care.

3. For transition, closing, and moving costs at the Mitchellville training school \$ 80,000 \$

4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes \$11,750,000 \$14,500,000

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, 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:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, excluding any funding for the women's reformatory at Rockwell City for the 1982-1983 fiscal year, provided that the commissioner of social services, in order to keep expenditures from exceeding the amount of funds appropriated by this subsection, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred fifty inmates for forty-five consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates

convicted of class A felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand five hundred fifty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this subsection prior to completion of the mandatory minimum sentence required by this section. The commissioner of social services shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand five hundred fifty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this subsection, "prison" means a correctional facility operated by the division of corrections and funded under this subsection, "prison system" means the prisons of this state, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received

..... \$35,410,000 \$35,715,000

If legislation creating a criminal justice improvement fund becomes law the funds appropriated by this subsection for the corrections training program are reduced for each fiscal year of the biennium which begins July 1, 1981, by one hundred seventy-five thousand (175,000) dollars.

The appropriation made by this subsection is based upon an average daily population in the adult correctional system of two thousand five hundred seventy-five inmates.

2. The department shall establish and maintain, to the extent that resources are available, treatment, training, education, and rehabilitation services in the various state correctional institutions. The services shall include, to the extent that resources are available, habilitative services and treatment for mentally retarded offenders. For the purposes of this subsection habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a

mentally retarded person in becoming self-reliant. A person is considered mentally retarded if the person is diagnosed as mentally retarded, as defined in section 222.2, subsection 5, by a qualified mental retardation professional. However, the director may also provide habilitative services and treatment to other persons who would benefit from the services and treatment.

3. Community-based corrections \$10,620,000 \$11,150,000

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

4. For parole services, including salaries and support, maintenance, and miscellaneous purposes \$ 980,000 \$ 980,000

The board of parole shall develop and use objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole. The statistical analysis center of the office for planning and programming shall monitor the board of parole's use of the objective parole criteria, and report to the general assembly by January 1, 1983 on the impact of the use of the criteria on parole rates and risk to society. As used in this subsection, "objective parole criteria" means criteria which statistically have been shown to be good predictors of risk to society of release on parole.

5. 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 \$ 23,850 \$ 25,000

6. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17 \$ 45,315 \$ 47,500

7. For establishment of a standardized classification system to place inmates in the appropriate level of security and to operate the system commencing on or before February 1, 1982 \$ 50,000 \$

The department shall report to the general assembly by January 15, 1982 on the structure, testing and evaluation procedure, and case plan development procedure of the standardized classification system.

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state mental health institutes the following amounts, or so much thereof as may be necessary:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance, and miscellaneous purposes	\$27,400,000	\$28,350,000

2. As long as there is a demonstrated need, the department of social services shall continue to operate a geriatric program at the state mental health institute at Mount Pleasant. A reduction in the patient population at the institute necessary as a result of the correctional addition at the institute shall be achieved by reducing the institute's catchment area and shall not be achieved by eliminating specific programs, unless the institute's citizens' advisory board or the general assembly determines that there is no longer a demonstrable need for the specific program.

3. All funds received from client participation shall be deposited in the general fund of the state.

4. The state mental health institutes' daily per diem as determined pursuant to section 230.20 shall be billed at eighty percent for each fiscal year.

5. A state mental health institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

6. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients. The commissioner of social services shall seek to maintain reasonably uniform daily charges at the four mental health institutes.

Sec. 5. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state hospital-schools the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support, maintenance, and miscellaneous purposes	\$25,300,000	\$26,500,000

2. 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 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

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 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 6. A state hospital-school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a 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. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible title XIX, medical assistance patients at the state hospital-schools.

Sec. 7. In order to establish a more balanced funding relationship between institutional and community-based mental retardation and mental health services the department of social services shall cooperate with interested groups and agencies to develop a mechanism to fund community-based services, taking into account the future use of funds available under title XIX of the federal Social Security Act, and report its recommendations to the general assembly by January 1, 1982.

Sec. 8. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the Iowa mental health authority the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 231,000	\$ 242,000

Sec. 9. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental health advisory council the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 52,000	\$ 54,500

Sec. 10. Notwithstanding section 227.17, there is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental aid fund four hundred forty thousand (440,000) dollars, or so much thereof as may be necessary.

Sec. 11. There is appropriated from the general fund of the state to the department of social services for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For capital improvements at institutions under the department of social services other than at the women's reformatory at Rockwell City	\$ 650,000	\$ 800,000

Sec. 15. Section 222.86, Code 1981, is amended to read as follows:

222.86 PAYMENT FOR CARE FROM FUND. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital-school or special unit may apply any amount of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 16. Section 226.45, Code 1981, is amended to read as follows:

226.45 REIMBURSEMENT TO COUNTY OR STATE. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount to the account of any patient in the patients' personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 17. Section 232.102, subsection 2, Code 1981, is amended to read as follows:

2. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph b has previously been made and is not appropriate the court may enter an order transferring the guardianship of the court for the purposes of subsection 6, to the commissioner ~~of--the--department~~ of social services for the purposes of placement in the Iowa Juvenile Home at Toledo.

Sec. 18. Section 904.1, Code 1981, is amended to read as follows:

904.1 BOARD OF PAROLE. The board of parole shall consist of ~~five~~ seven electors of the state. Not more than ~~three~~ four members shall belong to the same political party. At least ~~two~~ three members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve a term of five years beginning and ending as provided by section 69.19, except appointments to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board constitutes a quorum to transact business. However, the board shall be divided into hearing panels of three or more members to interview and consider inmates for parole and to conduct parole revocation hearings. A majority vote of the members of the hearing panel is required to grant or revoke a parole, however, a parole shall not be granted or revoked without the affirmative votes of at least three members of the full board.

Sec. 19. Notwithstanding section 8.33 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1060, section 1, the unencumbered or unobligated funds remaining in the farm accounts of the department of social

services on June 30, 1981 shall not revert to the general fund of the state, but shall be credited to the revolving farm fund created in section 218.74. This section takes effect July 1, 1981 and for the purpose of preventing reversion of funds remaining in the farm accounts of the department of social services on June 30, 1981, is retroactive to June 30, 1981.

Sec. 20. Section 244.15, Code 1981, is repealed.

Approved June 19, 1981

CHAPTER 12

GRANTS AND AIDS FOR AGRICULTURAL AFFAIRS, ECONOMIC DEVELOPMENT AND ENERGY RESOURCES

S. F. 553

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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management.

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, 1981 and ending June 30, 1983 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL ADMINISTRATION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes ...	\$ 1,071,467	\$ 1,124,846
b. From the fertilizer fund to be transferred to the administration division	\$ 31,393	\$ 32,104
c. From the dairy trade practice fund to be transferred to the administration division	\$ 59,748	\$ 61,238
d. From the commercial feed fund to be transferred to the administration division	\$ 31,393	\$ 32,104
e. It is the intent of the general assembly that the department of agriculture solicit funds from private sources for the support of agricultural promotion activities.		

f. It is a condition of the funds appropriated by this section and section 7 of this Act that the secretary of agriculture and the director of the Iowa development commission execute an agreement under chapter 28E by July 1, 1981 specifying the responsibilities of each department for agriculture marketing, promotion and development. A copy of this agreement shall be provided to the legislative fiscal director upon its completion.

g. The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state. The department shall report to the general assembly by January 1, 1982 on the fees established and their effect on the circulation of department publications.

2. REGULATORY DIVISION

From the general fund for salaries, support, maintenance, and miscellaneous purposes \$ 3,065,820 \$ 3,213,327

It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.

3. LABORATORY DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes ... \$ 505,040 \$ 529,392

b. From the commercial feed fund to be transferred to the laboratory division \$ 609,734 \$ 621,418

c. From the pesticide fund to be transferred to the laboratory division \$ 372,443 \$ 381,754

d. From the fertilizer fund to be transferred to the laboratory division \$ 549,515 \$ 562,240

Sec. 2. BRUCELLOSIS INDEMNITY. There is appropriated from the general fund of the state to the department of agriculture for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of twenty-three thousand eight hundred fifty (23,850) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 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 163A and 164. 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 164.23 for each of the fiscal years in the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 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. 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, 1981 and ending June 30, 1983 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</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 and for maintenance of state parks, waters, and forests, and including not more than one million three hundred twenty-seven thousand seven hundred forty-seven (1,327,747) dollars during the fiscal year beginning July 1, 1981 and one million three hundred seventy-nine thousand seven hundred sixty-one (1,379,761) dollars during the fiscal year beginning July 1, 1982 which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section 107.17		
	\$ 5,339,156	\$ 5,593,465
2. DIVISION OF FISH AND GAME		
From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than one million four hundred forty-seven thousand forty (1,447,040) dollars during the fiscal year beginning on July 1, 1981 and one million four hundred ninety-two thousand four hundred thirty-two (1,492,432) dollars during the fiscal year beginning on July 1, 1982 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 107.17		
	\$ 9,182,354	\$ 9,410,395
3. STATE ADVISORY BOARD FOR PRESERVES		
From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes for carrying out the duties of the board		
	\$ 40,139	\$ 42,074
4. 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		
	\$ 45,792	\$ 48,000
Per diem and expenses of commission members appointed to represent Iowa shall be paid from funds available in the administration fund.		
5. 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 601H \$ 141,984 \$ 148,830

Sec. 4. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the state conservation commission, division of lands and waters, the amounts computed as provided in section 324.84, which amounts shall be deposited in the state conservation fund for use in the state conservation commission recreational boating program as provided in subsections 1 through 5 of section 324.79. The unencumbered or unobligated balances of funds specifically allocated for capital projects for fiscal years 1981-1982 and 1982-1983 shall not revert to the fund from which appropriated until June 30, 1985 and June 30, 1986, respectively.

Sec. 5. 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 1 and 2 of section 3 of this Act.

2. a. Funds remaining in the fish and game protection fund during fiscal years 1981-1982 and 1982-1983 which are not specifically appropriated by section 3 of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982.

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. 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.

4. 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 3 of section 12 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

5. It is the intent of the general assembly that members of the state conservation commission shall be limited to the normal mileage reimbursement for travel to commission meetings. No state aircraft shall be used to transport commissioners to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

Sec. 6. OPEN SPACES SCHOOL TAX PAYMENT. There is appropriated from the general fund of the state to the state conservation commission the amount of thirty-three thousand three hundred ninety (33,390) dollars to pay school taxes for the fiscal year beginning July 1, 1981 and thirty-five thousand (35,000) dollars for the fiscal year beginning July 1, 1982 on the lands acquired under the open spaces acquisition program, commenced in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter 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 427.1, subsection 31, 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 442, 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 the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated.

Sec. 7. 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, 1981 and ending June 30, 1983 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 2,222,351	\$ 2,285,725

2. From funds appropriated by subsection 1 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, 1981 and ending June 30, 1983 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.

3. It is the intent of the general assembly that the Iowa development commission shall operate the international office within the funds approved for the commission.

4. It is the intent of the general assembly that the members of the Iowa development commission shall be limited to the normal mileage reimbursement for travel to commission meetings. State aircraft shall not be used to transport commission members to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

5. It is the intent of the general assembly that the Iowa development commission solicit funds from private sources for the support of agricultural promotion activities.

Sec. 8. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July

1, 1981 and ending June 30, 1983, to the energy policy council the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
ENERGY POLICY COUNCIL		
1. OPERATIONS		
For salaries, support, maintenance, and for miscellaneous purposes	\$ 240,688	\$ 257,115
2. PUBLIC BUILDINGS ENERGY CONSERVATION ADMINISTRATION		
For salaries, support, maintenance, and for miscellaneous purposes	\$ 96,297	\$ 100,270
3. STATE FUEL SET-ASIDE		
For the purpose of operating a state fuel set-aside program with not more than thirty-five thousand (35,000) dollars being used each year to maintain records, collect information, and keep the program in a state of readiness in the absence of the active operation of a state level set-aside program	\$ 100,000	\$ 100,000

Sec. 9. DEPARTMENT OF ENVIRONMENTAL QUALITY. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983, to the department of environmental quality, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u> <u>Fiscal Year</u>	<u>1982-1983</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, and for miscellaneous purposes	\$ 1,961,402	\$ 2,070,190

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 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 environmental quality commission

\$ 2,000,000	\$ 2,000,000
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The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated for the fiscal year beginning July 1, 1981, shall revert to the general fund on September 30, 1985. Unencumbered or

unobligated funds remaining on June 30, 1986 from funds appropriated for the fiscal year beginning July 1, 1982 shall revert to the general fund on September 30, 1986.

Sec. 10. 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, 1981 and ending June 30, 1983 the following sums, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For maintenance of state fair buildings and grounds	\$ 76,500	\$ 76,500
2. For premiums	\$ 9,000	\$ 9,000
3. For state aid to agricultural societies (local fairs)	\$ 189,000	\$ 189,000

4. The appropriation contained in subsection 3 for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe the conditions under which the aid is available. The 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 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. If the amount appropriated does not fund all claims, the state aid shall be reduced proportionately to equal the amount appropriated.

Sec. 11. GEOLOGICAL SURVEY--NATURAL RESOURCES COUNCIL. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following departments the amounts specified, or so much thereof as is necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GEOLOGICAL SURVEY		
For salaries, support, maintenance, and for miscellaneous purposes for the general office ...	\$ 1,164,615	\$ 1,210,388

The Iowa geological survey shall analyze the services provided to other state agencies by the survey and the costs of these services and report to the general assembly by January 1, 1982 on the feasibility of and options for establishing a mechanism to recover these costs from the user agency.

2. IOWA NATURAL RESOURCES COUNCIL--GENERAL OFFICE		
For salaries, support, maintenance, and for miscellaneous purposes	\$ 650,015	\$ 683,928

Notwithstanding the provisions of section 455A.17, 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.

Sec. 12. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, assistance to soil conservation districts, and for miscellaneous purposes	\$ 2,710,958	\$ 2,841,675
2. For soil conservation grants which shall be allocated by the state soil conservation committee as follows:		
a. To conduct soil surveys in conjunction with federal, state, and local agencies in Iowa	\$ 330,000	\$ 345,000
b. To finance the state share of the small watershed program known as the Pub. L. 566 program	\$ 23,850	\$ 25,000
c. To provide financial incentives for soil conservation practices in accordance with the provisions of subsection 3 of this section	\$ 5,374,348	\$ 5,634,000

3. The following requirements apply to the funds appropriated by subsection 2, paragraph c:

a. Not more than five percent may be allocated for cost sharing to abate complaints filed under sections 467A.47 and 467A.48.

b. Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly-owned lakes in accordance with the priority list required in subsection 4 of section 5 of this Act.

c. The committee may allocate funds to conduct research and demonstration projects to promote conservation tillage practices.

d. Not more than ten percent of a district's allocation may be allocated by the soil conservation district commissioners for incentive payments on the per acre basis, but not exceeding ten dollars per acre, to encourage no-till planting methods on Iowa land that is row cropped.

e. Except for the allocation subject to paragraphs a and b, the financial incentives for voluntary permanent soil conservation practices shall not exceed fifty percent of the approved cost and priority shall be given to family-operated farms.

4. The provisions of section 8.33 shall not apply to the funds appropriated by subsection 2. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated for the fiscal year beginning July 1, 1981 shall revert to the general fund on September 30, 1985. Unencumbered or unobligated funds remaining on June 30, 1986 from funds appropriated for the fiscal year beginning July 1, 1982 shall revert to the general fund on September 30, 1986.

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 the federal grants or receipts. Positions within state agencies funded with federal funds are approved for the duration of those funds only.

Approved June 15, 1981

CHAPTER 13

CAPITAL PROJECTS OF EDUCATIONAL AGENCIES

S. F. 575

AN ACT relating to appropriations for capital projects including making appropriations to certain educational agencies and striking appropriations for planning and completion of certain construction 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, 1981 and ending June 30, 1983, 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:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

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 the institutions \$ 4,000,000 \$ 4,900,000

Unobligated or unencumbered funds remaining on June 30, 1982, from funds appropriated by this section for the fiscal year beginning July 1, 1981, shall revert to the general fund on September 30, 1982. Unobligated or unencumbered funds remaining on June 30, 1983, from funds appropriated by this section for the fiscal year beginning July 1, 1982, shall revert to the general fund on September 30, 1983.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981 and ending June 30, 1982 to the state educational radio and television facility board the sum of one hundred thousand (100,000) dollars, or as much thereof as may be necessary, to be

used to match federal funds for the purchase and installation of translators to aid in providing educational television coverage throughout the state.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1004, sections 14, 15, 16, 17, 19, and 20, are repealed.

Approved June 19, 1981

CHAPTER 14

TRANSPORTATION, PUBLIC SAFETY, PUBLIC DEFENSE, AND PLANNING AND PROGRAMMING

H. F. 850

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, public defense, and to the office for planning and programming for the statistical analysis center.

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 following named agencies for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY		
For salaries, support, maintenance, and miscellaneous purposes	\$ 665,750	\$ 686,442

If legislation creating a criminal justice improvement fund is enacted and becomes law, the funds appropriated by this subsection for the Iowa law enforcement academy are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by one hundred thirty-nine thousand nine hundred sixty-two (139,962) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 by one hundred forty-eight thousand eight hundred seventy-one (148,871) dollars.

2. DEPARTMENT OF PUBLIC DEFENSE

a. Military division

For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes	\$ 2,256,288	\$ 2,351,918
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b. For salaries, support, and maintenance of the adjutant general and the adjutant general's staff	\$ 207,676	\$ 218,761
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c. It is the intent of the general assembly that the military division of the department of public defense review and act upon the repair, consolidation, closure, and rebuilding of armories for joint military use.

3. OFFICE OF DISASTER SERVICES

For salaries, support, maintenance, and miscellaneous purposes \$ 110,250 \$ 110,250

Sec. 2. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1981-1982 1982-1983
Fiscal Year Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. a. ADMINISTRATIVE FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications \$ 4,125,434 \$ 4,307,000

b. It is the intent of the general assembly that the local participation in the rental of telecommunications terminals which are located in local criminal justice agencies shall be increased by twenty-five dollars per month beginning July 1, 1981.

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, 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 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and capitol security divisions \$ 1,281,347 \$ 1,340,250

3. INVESTIGATION FUNCTION

a. For salaries, support, 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 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 3,660,000 \$ 3,801,000

b. For the lease or lease-purchase of laboratory equipment for the criminalistics laboratory in the division of criminal investigation \$ 26,250 \$ 26,250

c. For salaries, support, maintenance, and miscellaneous purposes of the criminalistics laboratory in the division of criminal investigation \$ 180,000 \$ 180,000

d. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriation in paragraph c of this subsection for the criminalistics laboratory for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 is void.

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated ... \$ 15,152,829 \$ 15,535,955

b. For maintenance and fuel for patrol vehicles to allow for the maintenance of the current level of effort in providing for the safety of the traveling public on the highways of this state, only to be expended upon authorization of the governor by executive order \$ 100,000 \$ 100,000

c. 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, 1983. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

d. It is the intent of the general assembly that if the federal funds cease for the twenty additional members of the highway safety patrol, that those twenty members shall be included in the general fund appropriation for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, and that those twenty members shall be assigned to regular road duty.

e. It is the intent of the general assembly that documented assists to distressed motorists and that time spent at a court hearing by a member of the highway safety patrol shall be given a point value in the minimum work standard of contact points for highway safety patrol members assigned to road duty.

Sec. 3. There is appropriated from the general fund of the state to the Iowa crime commission, or its successor agency, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA CRIME COMMISSION, OR ITS SUCCESSOR AGENCY		
a. Criminal justice planning	\$ 234,000	\$ 260,000
b. Juvenile justice planning	\$ 37,840	\$ 48,935
c. Jail standards development, jail training, and technical assistance	\$ 100,000	\$

2. It is the intent of the general assembly that if the duties of the Iowa crime commission specified in subsection 1 of this section and for which

***Item veto; see message at end of this Act

funds are appropriated are subsequently transferred to another agency, the funds appropriated in subsection 1 of this section are appropriated to the successor agency to be expended only for the purposes specified in subsection 1 of this section.

3. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriations in subsection 1 of this section for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 are void.

Sec. 4. There is appropriated from the general fund of the state to the office for planning and programming for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
OFFICE FOR PLANNING AND PROGRAMMING		
Statistical analysis center	\$ 98,350	\$ 103,710

Sec. 5. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 5,278,205	\$ 5,380,176
2. For public transit purposes to implement a state assistance plan	\$ 1,908,000	\$ 1,908,000

Notwithstanding chapter 8, 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 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.

3. For deposit in the railroad assistance fund for branch line improvement

	\$ 1,000,000	\$ 1,000,000
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4. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated by subsection 2 shall revert to the general fund on September 30, 1985.

Sec. 6. 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, 1981 and ending June 30, 1983 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 11,073,418	\$ 11,682,011

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 19A	\$ 16,500	\$ 18,000
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UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation	\$ 17,250	\$ 11,250
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Sec. 7. There is appropriated from the road use tax fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of twenty-two thousand five hundred (22,500) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 8. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance, and miscellaneous purposes	\$102,814,911	\$105,763,854

EQUIPMENT

2. a. 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	\$ 225,000	\$ 225,000
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b. It is the intent of the general assembly that the appropriation for the fiscal year beginning July 1, 1982 and ending June 30, 1983 under paragraph a of this subsection shall be contingent upon the continuation of federal funds for the completion of interstate I-380, with the result that the appropriation reverts to the primary road fund if those federal funds are not available.

VEHICLE REPLACEMENT

3. a. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307A.7 for funding the increased replacement cost of vehicles	\$ 3,500,000	\$ 3,500,000
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b. It is the intent of the general assembly that the state department of transportation start three or four pilot project programs on highway

maintenance by private contractors to determine the cost effectiveness of private contractual service and present a report to the appropriations subcommittee on transportation and law enforcement in January, 1982.

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 19A \$ 313,500 \$ 342,000

UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation \$ 327,750 \$ 213,750

Sec. 9. All unencumbered or unobligated balances of funds remaining on June 30, 1985, from funds appropriated by subsection 2 of section 6 shall revert to the primary road fund on September 30, 1985.

Sec. 10. There is appropriated from the primary road fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of four hundred twenty-seven thousand five hundred (427,500) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 11. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 360,156	\$ 371,270

Sec. 12. 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, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

STATE DEPARTMENT OF TRANSPORTATION

1. For a warehouse addition at the Ames central complex \$ 130,000

2. For energy conservation projects which will reduce energy consumption and produce cost-savings \$ 200,000

3. Any unencumbered balance remaining as of June 30, 1985 of the funds appropriated by this section shall revert to the primary road fund on September 30, 1985.

Sec. 13. There is appropriated from the general fund of the state to the Mississippi river parkway commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the sum of fifteen thousand (15,000) dollars, or so much thereof as is necessary, for support, maintenance, and miscellaneous purposes.

Sec. 14. If Senate File 561* is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study of the state department of transportation to determine staff requirements, administrative structure, and general efficiency of the department within the funding available, there is appropriated from the road use tax fund to the legislative council the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to pay for the costs of the study.

Sec. 15. If Senate File 456 is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study to determine the size of the primary road system and the size of the secondary road system, there is appropriated from the road use tax fund to the state department of transportation the sum of ten thousand (10,000) dollars, or so much thereof as is necessary, to pay for the costs of the study.

Sec. 16. There is appropriated from the road use tax fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of eight hundred fifty thousand (850,000) dollars, or so much thereof as may be necessary, for the construction of a new undivided four-lane roadway on state-owned property in Iowa City from the curve of Woolf avenue near the southwest corner of the dental science building and proceeding west and north to the intersection of Rocky Shore drive and U. S. Highways 6 and 218, including the reconstruction of the intersection of Rocky Shore drive and U. S. Highways 6 and 218 and the widening from two lanes to four lanes Woolf avenue from the curve of Woolf avenue to the south of the dental science building east to the point where the existing Woolf avenue becomes four lanes. The construction engineering and inspection of the project, consisting of draining, grading, and paving on U. S. Highways 6 and 218, shall be done by the state department of transportation. The state university of Iowa shall provide all right of way for the project, including modifications along U. S. Highways 6 and 218, and any costs incurred by the state university of Iowa in obtaining or purchasing right of way south of U. S. Highway 218 for the project shall be borne by the state university of Iowa. The installation of the traffic signal devices at the intersections of Rocky Shore drive and U. S. Highways 6 and 218 and the intersection of Newton road and Woolf avenue shall be paid from funds appropriated by this section. Funds appropriated by this section shall not be used for the construction of any parking facilities. If the cost of the project exceeds the amount of funds appropriated in this section, the state board of regents shall provide the additional funds, not to exceed five hundred thousand (500,000) dollars.

Of the amount appropriated by this section for the project, an amount equal to six hundred thousand (600,000) dollars shall be considered an interest-free loan to the state board of regents to be repaid by the board in the manner provided in this section. In the fiscal year beginning July 1, 1982 and ending June 30, 1983, and in each of the nine succeeding fiscal years, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section 312.2, subsection 5, withhold sixty thousand (60,000) dollars from that portion of the funds allocated to the state board of regents as payment of one-tenth of the loan from the road use tax fund for the project.

Sec. 17. There is appropriated from the primary road fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of one hundred fifty thousand (150,000) dollars for the project specified in section 16 of this Act.

Sec. 18. Section 29A.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Facility" means the land, and the buildings and other improvements on the land which are the responsibility and property of the Iowa national guard.

Sec. 19. Section 29A.14, Code 1981, is amended to read as follows:

29A.14 LEASING FACILITIES.

1. The adjutant general with the approval of the ~~director-of-general services executive council shall have authority to~~ may operate or lease any of the national guard facilities at Camp Dodge. Any income or revenue derived from ~~such the~~ operation or leasing shall be deposited with the state treasurer of state and credited to the ~~general-fund-of-the-state~~ national guard facilities improvement fund. The balance in the national guard facilities improvement fund is limited to a maximum of two million dollars. Any amount exceeding the limit shall be credited to the general fund of the state.

2. A national guard facilities improvement fund is created in the state treasury. The proceeds of the fund are appropriated, and shall be used only for the construction, improvement, modification, maintenance, or repair of national guard facilities. However, proceeds of the fund shall not be used for the construction of a new facility without the approval of the general assembly.

Sec. 20. Section 29A.57, Code 1981, is amended to read as follows:

29A.57 ARMORY BOARD.

1. The governor shall appoint an armory board which shall consist of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa, ~~of good moral character~~. One member of the board shall have ~~had~~ at least five years' experience in the building construction trade. The board shall meet at times and places as ordered by the governor. The members shall serve at the pleasure of the governor. Members of the board shall receive compensation of ~~thirty~~ forty dollars and actual expenses for each day actually employed under ~~the provisions--of~~ this chapter. However, the per diem compensation shall not apply to members of the board who are full-time national guard personnel.

2. The board ~~shall be empowered to~~ may acquire land or real estate by purchase, contract for purchase, gift, or bequest and ~~to~~ acquire, own, contract for the construction of, erect, purchase, maintain, alter, operate, and repair installations and facilities of the Iowa national guard and the Iowa air national guard when funds for the ~~same~~ installations and facilities are made available by the federal government, the state of Iowa municipalities, corporations or individuals. The title to ~~such the~~ property so acquired shall be taken in the name of the state of Iowa and ~~such the~~ real estate may be sold or exchanged by the executive council, upon recommendation

of the board, when it is no longer needed for the purpose for which it was acquired. Income or revenue derived from the sale of the real estate shall be credited to the national guard facilities improvement fund and used for the purposes specified in section 29A.14, subsection 2.

3. In carrying out ~~the provisions of~~ this section, the armory board may:

1- a. Borrow money.

2- b. Mortgage any real estate acquired and the improvements erected ~~thereon on the real estate~~ when purchasing or improving the same property, in order to secure necessary loans.

3- c. Pledge the sales, rents, profits, and income received from ~~any such the~~ property for the discharge of obligations executed.

4. No An obligation created hereunder under this section shall ever not be ex--become a charge against the state of Iowa, but all ~~such the~~ obligations, including principal and interest, ~~shall-be~~ are payable solely from any of the following:

1-~~From--the~~ a. The sales, net rents, profits, and income arising from the property so pledged or mortgaged.

2-~~From--the~~ b. The sales, net rents, profits, and income which have not been pledged for other purposes arising from any other installation and facility or like improvement under the control and management of said board, ~~ex.~~

3-~~From--the~~ c. The income derived from gifts and bequests for installations and facilities under the control of the armory board.

5. All property, real or personal, acquired by, and all bonds, debentures or other written evidences of indebtedness, given as security by ~~said the~~ board, ~~shall-be~~ are exempt from taxation.

6. When property acquired by the armory board, under ~~the provisions of~~ this ~~law chapter~~, ~~shall-be~~ is free and clear of all indebtedness, the title of ~~such the~~ property shall pass to the state of Iowa.

7. There ~~shall--be~~ is no liability to the state of Iowa under ~~the provisions of~~ this section. ~~no member~~ Members of the armory board and ~~no member~~ of the state executive council shall not be held to any personal or individual liability for any action taken by them under ~~the--provisions--of~~ this chapter.

8. The board shall fix the amount to be paid to commanding officers of each organization and unit of the national guard for headquarters expenses and shall provide by regulation how the amount shall be disbursed by the commanding officers. The governor may disapprove the actions of the armory board.

9. The allowances made by the armory board shall be paid from the funds appropriated for the support and maintenance of the national guard.

Sec. 21. Section 29A.58, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The armory board as lessor or sublessor may, for a term not to exceed twenty years, lease property under the control of the board for purposes other than armory or military use when the leasing does not interfere with the use of ~~such the~~ property for military purposes. A military operations fund is created in the state treasury. The rental proceeds ~~thereof of~~

property leased by the board shall be paid to the adjutant general for deposit into the general fund of the state with the treasurer of state and credited to a separate account of the military operations fund. The finance officer of the office of adjutant general shall credit the appropriate account with the rental revenue which each armory produces. The revenue credited to each account is appropriated for maintaining, improving, and repairing the armory facility and utility payments.

Sec. 22. Section 80B.15, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director of the academy shall assess a fee for use of law enforcement media resources supplied or loaned by the academy. The fees shall be established by rules adopted pursuant to chapter 17A. The fees shall be considered as repayment receipts.

Sec. 23. Section 308.4, subsection 3, Code 1981, is amended to read as follows:

3. There is appropriated from the general fund of the state to the state department of transportation the sum of one-hundred ninety-five thousand four hundred dollars for each fiscal year beginning July 1, ~~1978~~ 1981, and ending June 30, 1988. Said The money is to be utilized for the acquisition and construction of highway-associated project components for the great river road. Each annual appropriation shall first be used to reimburse the great river road fund established in section 312.2, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in co-operation with the state conservation commission and the Mississippi river parkway commission, shall administer ~~the provisions--of~~ this subsection and shall issue rules for ~~such~~ administration in accordance with chapter 17A. A report shall be submitted listing the expenditures for the previous year and cumulative expenditures of all funds appropriated by this section and the report shall be incorporated in the annual report required by section 17.9.

Sec. 24. Section 321.211, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon suspending the license of any person as ~~hereinbefore~~ authorized the department shall immediately notify the licensee in writing and upon ~~his--or her~~ the licensee's request shall afford ~~him--or--her~~ the licensee an opportunity for a hearing before the director or ~~his--or--her--duly~~ the director's authorized agent as early as practical within not to exceed thirty days after receipt of ~~such~~ the request in the county ~~wherein~~ in which the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or ~~his--or--her--duly~~ the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is ~~hereby~~ appropriated each year from the general fund of the state to the department ~~one-hundred-five~~ sixty thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal

delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the general fund of the state in a manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 25. Section 321.271, unnumbered paragraph 2, Code 1981, is amended to read as follows:

All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, ~~his~~ the party's insurance company or its agent, or ~~his~~ the party's attorney on written request to the department and the payment of a fee of ~~two~~ four dollars for each copy.

Sec. 26. Section 321A.3, Code 1981, is amended to read as follows:

321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES. The director shall upon request furnish any person a certified abstract of the operating record of any person subject to ~~the provisions--of~~ this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of ~~such~~ the person, and, if there shall be no record of any conviction of ~~such~~ the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by ~~such~~ the person, the director shall so certify. A fee of ~~two~~ four dollars shall be paid for each ~~such~~ abstract except by state, county, city or court officials. ~~Such~~ The abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 27. It is the intent of the general assembly that agencies to which funds are appropriated by this Act shall submit a report of all utilities used for the fiscal year beginning July 1, 1980 and ending June 30, 1981 in January, 1982, and for the fiscal year beginning July 1, 1981 and ending June 30, 1982, in January, 1983 to the appropriations subcommittee on transportation and law enforcement.

Sec. 28. 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 19, 1981, except the item designated as Section 2, paragraph e herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

ROBERT D. RAY

Governor

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 850, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, public defense and to the Office for Planning and Programming for the Statistical Analysis Center.

House File 850 is approved June 19, 1981, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as Section 2, paragraph e which reads as follows:

e. It is the intent of the general assembly that documented assists to distressed motorists and that time spent at a court hearing by a member of the highway safety patrol shall be given a point value in the minimum work standard of contact points for highway safety patrol members assigned to road duty.

I have four reasons for taking this action:

- the State Patrol minimum performance standard has already been revised to include points for motorist assists;
- the issue of how to evaluate time spent in court within the point system is now under review and will likely be addressed in the 1982 work standards;
- the minimum performance standard is not established in law and to ensure maximum flexibility it is most appropriately modified through administrative rather than statutory action;
- the establishment of work standards is a management tool which is best left to the executive branch.

In an effort to ensure that the State Patrol carries out its duties and obligations in an efficient and effective manner, on October 8, 1979, the Department of Public Safety established a set of minimum performance standards by which all troopers would be evaluated.

It is important to note that this system was developed in part in response to concerns expressed by troopers, who were appealing disciplinary actions, that the Department of Public Safety did not have clear, specific work goals. The current point system does provide a precise standard by which all troopers know they will be fairly evaluated. Several members of the legislature correctly pointed out the need to review the system.

Since it was a new system, it clearly was not perfect. After the first year's experience, the Department of Public Safety did review the results of the point system and determined that the system should be modified. Significant changes that were implemented in April, 1981, included: the abolition of the requirement that each trooper achieve five OMVUI arrests during the year; the granting of points for motorist assists; and a readjustment of the points required on a daily basis.

This review process is continuing now as management officials consider what additional changes might be made to the point system for 1982. One of the issues being given careful consider-

ation is how time spent in court should be evaluated within the overall point system. It is anticipated that this subject will be addressed in the 1982 standards.

Since the minimum performance standards system is a management tool, not based in legislation, I believe it would be unwise to rigidly cast part of the system within session laws. Moreover, since the point system is clearly evolving and will be subject to further modifications, it is essential that the Department maintain the maximum amount of flexibility in making periodic adjustments to the work standard. Having part of the system based in the session laws would, in my view, remove from management the flexibility it requires to make needed changes. In passing this section of the bill, the legislature has pointed out a problem that needs to be, and is being, addressed. At the same time, I believe this section deals with the daily management and administration of the Department of Public Safety which is most properly left to the executive branch.

I therefore veto Section 2, paragraph e* of House File 850.

Sincerely,



Robert D. Ray
Governor

*[of subsection 4]

CHAPTER 15

UNEMPLOYMENT TRUST FUND FOR STATE BUILDING

H. F. 761

AN ACT to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building.

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

Section 1. The sum of seven hundred fifty thousand (750,000) dollars is appropriated out of funds made available to this state under section 903 of the federal Social Security Act. The funds appropriated shall be used, under the direction of the Iowa department of job service and subject to the approval of the executive council of the state, for the purchase of a building located at 150 Des Moines Street, Des Moines, Iowa, for use of the Iowa department of job service in the performance of its functions under chapter 96.

Sec. 2. Money appropriated under this Act shall not be obligated after June 21, 1983.

Sec. 3. The amount obligated pursuant to this Act during any twelve-month period beginning on July 1 and ending on the following June 30 shall not

exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the federal Social Security Act during the twelve-month period and the twenty-four preceding twelve-month periods exceeds the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during those twenty-five twelve-month periods.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Monona Billboard, a newspaper published in Monona, Iowa, and in The Story City Herald, a newspaper published in Story City, Iowa.

Approved May 19, 1981

I hereby certify that the foregoing Act, House File 761, was published in the Monona Billboard, Monona, Iowa on May 28, 1981 and in The Story City Herald, Story City, Iowa on May 27, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 16
CLAIMS PAYMENTS
S. F. 569

AN ACT relating to claims against the state of Iowa and making appropriations in settlement of claims 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 the 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.	Kenneth D. Stark Mason City, Iowa	5979-68-25	Back pay	\$ 135.00
2.	T. Scott Banister Des Moines, Iowa	5995-68-25	Back pay	\$ 400.00
3.	William Dehlinger Phoenix, Arizona	6078-69-25	License refund	\$ 15.00
4.	Des Moines Metro Area Solid Waste Agency Des Moines, Iowa	6232-69-25	Outdated invoice	\$ 172.72
5.	Wayne J. Barnes, DDS Sioux City, Iowa	6613-69-25	Attorney Fees	\$5,671.23

6. William R. Masterson Council Bluffs, Iowa	6135-69-25	Replace eye- glasses	\$ 102.00
7. Chris S. Brown, DO Des Moines, Iowa	6784-69-25	Title XIX re- imbursement	\$ 420.00
8. Baker Mechanical, Inc. Des Moines, Iowa	6225-69-25	Services rendered	\$3,800.00

Sec. 2. The amount of the claims listed in subsection 3 of section 1 of this Act shall be paid from the road use tax fund. The amount of the claim listed in subsection 7 of section 1 of this Act shall be paid from the funds appropriated to the department of social services. The amount of the claim listed in subsection 5 of section 1 of this Act shall be paid from funds appropriated for the licensing and certification division of the department of health retroactively from funds appropriated pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 5, for the fiscal year beginning July 1, 1980. The remainder of the claims listed in section 1 of this Act shall be paid from the general fund of the state; however, the amount of the claim listed in subsection 8 shall not be paid unless the claimant signs a release agreement stating that this payment is made in full settlement of the entire claim.

Sec. 3. The general assembly disapproves of all other claims submitted to and considered by the state appeal board by and during the month of April, 1981.

Approved June 17, 1981

CHAPTER 17
GRANTS OF FEDERAL FUNDS
S. F. 563

AN ACT providing for the appropriation of federal funds received in the form of block grants or categorical grants by the General Assembly.

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

Section 1. Section 8.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Block grant" means funds from the federal government awarded in broad program areas within which the state is given considerable latitude in determining how funds are used and for which the state develops its own plan for spending according to general federal guidelines. "Block grant" does not include education research grants.

NEW SUBSECTION. "Categorical grant" means federal funds applied for and received by the state which are in the form of entitlements, formula grants, discretionary grants, open-ended entitlements or another form that may be used only for specific narrowly defined activities except funds for student aid and assistance; grants, contracts and cooperative agreements for research and training for which no appropriated matching funds are required; and reimbursements for services rendered.

Sec. 2. Section 8.22, part I, subsection 2, Code 1981, is amended by adding the following new lettered paragraph after lettered paragraph d:

NEW LETTERED PARAGRAPH. A statement of federal funds received in the form of block or categorical grants which were not included in the governor's budget for the previous fiscal biennium and a statement of anticipated block grants and categorical grants. The budget shall indicate how the federal funds will be used and the programs to which they will be allocated. The amount of state funds required to implement the programs to which the federal funds will apply shall also be indicated.

Sec. 3. Chapter 8, Code 1981, is amended by adding the following new section:

NEW SECTION.

1. Commencing with the fiscal year beginning July 1, 1981, federal funds received in the form of block grants shall be deposited in a special fund in the state treasury and are subject to appropriation by the general assembly upon a recommendation by the governor. In determining a general fund balance, the federal funds deposited in the special fund shall not be included, but shall remain segregated in the special fund until appropriated by the general assembly.

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal biennium because of time constraints or because a budget is not being submitted for the second year of a biennium, the governor shall submit a supplemental statement to the general assembly listing the federal funds received and including the same information for the federal funds required by section 2 for the statement of federal funds in the governor's budget.

Sec. 4. Notwithstanding section 3 of this Act, block grants received during the fiscal year ending June 30, 1982 not otherwise appropriated by the general assembly are appropriated for the programs formerly receiving categorical grants that were consolidated into the block grant, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1981 federal fiscal year as modified by the 1981 Session of the Sixty-ninth General Assembly for the fiscal year beginning July 1, 1981 compared to the total federal funds received in the 1981 federal fiscal year by all programs consolidated into the block grant. However, in the event that one agency did

not have categorical funds appropriated for the fiscal year ending September 30, 1981 but had anticipated applying for funds during the fiscal year ending September 30, 1982, the governor may reallocate the funds in order to provide funding. If the amount received in the form of a block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1981 federal fiscal year, state funds appropriated to the program by the general assembly to match the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the legislative council prior to the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount of federal funds received by the program during the 1981 federal fiscal year, the amount by which state funds for the program will be reduced according to this section and the amount of state funds received by the program during the 1981 fiscal year. The legislative council shall review the operation of this section and may recommend that the general assembly call a special session to address state programs affected by a reduction in federal funds.

Sec. 5.

1. The procedure prescribed in this section applies to categorical grants received during the fiscal year beginning July 1, 1981 and ending June 30, 1982.

2. At least sixty days prior to submitting an application, re-application or continuation request for a categorical grant to the federal government, a state agency shall submit a pre-application questionnaire to the state comptroller containing such information as the state comptroller may require. The state comptroller shall review the request described in the questionnaire and shall return a written copy of the review to the state agency within forty-five days.

3. The state comptroller shall immediately upon receipt forward a copy of the pre-application questionnaire to the legislative council and the chairpersons of the house and senate appropriations committees and their appropriate subcommittees for review. Within forty-five days of receipt of the questionnaire the appropriations committees or the legislative council when the general assembly is not in session shall submit its comments to the state comptroller. The comments shall state the committees' or the council's position regarding the advisability of receiving the categorical grant.

4. The state comptroller shall submit a copy of the state comptroller's review of the request and the comments received from the appropriations committees or the legislative council to the office for planning and programming for review as required by chapter 7A. The state comptroller's review and the committees' or council's comments shall accompany the application to the federal government.

5. If the amount of a categorical grant received by the state is less than the amount budgeted by the general assembly the amount of state funds appropriated to the program to match the categorical grant shall be reduced

in the same proportion that the amount of the categorical grant bears to the amount budgeted. The state funds released by the reduction shall be deposited in a special fund in the state treasury and are subject to appropriation by the general assembly.

6. The state comptroller shall adopt rules for waiving the time limitations established by this section when a state agency must apply for a categorical grant within thirty days of notification of the availability of the categorical grant. The provisions of chapter 17A with respect to rules promulgation procedures may be waived by the comptroller to the extent necessary to make the rules effective upon filing. Under such circumstances the agency shall comply with subsection 2 immediately upon notification of the availability of the categorical grant. The state comptroller shall comply with subsection 3 and shall notify the legislative council and the chairpersons of the appropriations committees that the forty-five day period for comments has been waived and shall state the new date by which comments must be received to be submitted with the application to the federal government. This subsection does not exempt categorical grants received under conditions governed by this subsection from subsection 5.

Sec. 6. The comptroller shall prepare and submit to the legislative fiscal committee by September 1, 1981 a list of federal funds anticipated to be received and expended by state agencies during the fiscal biennium beginning July 1, 1981 and ending June 30, 1983. The list shall include for each amount anticipated the agency designated to administer the funds, the program for which the funds will be used and the amount of any state funds that will be used to match or supplement the federal funds.

Approved May 19, 1981

CHAPTER 18

QUARTERLY FUNDS ALLOTMENT APPROVAL

H. F. 236

AN ACT providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

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

Section 1. Section 8.31, unnumbered paragraphs 1 through 4, Code 1981, are amended to read as follows:

Before an appropriation for administration, operation and maintenance of any department or establishment shall become available, there shall be submitted to the ~~governor~~ state comptroller, not less than twenty days before the beginning of each quarter of each fiscal year, a requisition for an allotment of the amount estimated to be necessary to carry on its work during

the ensuing quarter. ~~Such~~ The requisition shall contain ~~such~~ details of proposed expenditures as may be required by the state comptroller subject to review by the governor.

The ~~governor~~ state comptroller shall approve ~~such~~ the allotments subject to review by the governor, unless ~~he finds it is found~~ that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, in which event ~~he may modify~~ such allotments may be modified to the extent ~~he~~ the governor may deem necessary in order that there shall be no overdraft or deficit in the several funds of the state at the end of ~~such~~ the fiscal year, and the comptroller shall submit copies of the allotments thus approved or modified to the head of the department or establishment concerned, ~~and to the state comptroller, hereinabove provided for,~~ who shall set up such allotments on ~~his~~ the books and be governed accordingly in ~~his~~ the control of expenditures.

Allotments of appropriations made for equipment, land, permanent improvements, and other capital projects may, however, be allotted in one amount by major classes or projects for which they are expendable without regard to quarterly periods.

Allotments thus made may be subsequently modified by the state comptroller at the direction of the governor either upon the written request of the head of the department or establishment concerned, or in the event the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, upon ~~his~~ the governor's own initiative to the extent ~~he~~ the governor may deem necessary in order that there shall be no overdraft or deficit in the several funds of the state at the end of ~~such~~ the fiscal year; and the head of the department or establishment ~~and the state comptroller, hereinabove provided for,~~ shall be given notice of ~~such~~ a modification in the same way as in the case of original allotments.

Approved February 27, 1981

CHAPTER 19
UNEMPLOYMENT COMPENSATION

H. F. 789

AN ACT relating to unemployment compensation by mandating rate table three for calendar years 1982 and 1983, by modifying the qualifications for a zero contribution rate, by extending the time period for set contribution rates for certain new employers, by surcharging the contribution rates of certain employers with negative balance accounts, by relieving reimbursable employers of certain charges paid to part-time employees, by providing for the deduction of only a portion of pension or retirement payments, by making changes in conformity with federal requirements regarding job service's fiscal year, taxation of separation pay, release of information to child support enforcement agencies, and extended benefit contribution, eligibility, and requalification requirements.

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

Section 1. Section 8.36, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, the department of job service may use the federal fiscal year instead of the fiscal year commencing on July 1.

Sec. 2. Section 96.5, subsection 5, Code 1981, is amended to read as follows:

5. OTHER COMPENSATION. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

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,~~

d. 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 made under a plan maintained or contributed to by a base period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, if an individual's benefits are reduced due to the receipt of a payment under this paragraph, the reduction shall be decreased by the same percentage as the percentage contribution of the individual to the plan under which the payment is made.

Provided, that if ~~such~~ the remuneration is less than the benefits which would otherwise be due under this chapter, the individual ~~shall-be~~ is entitled to receive for ~~such~~ the week, if otherwise eligible, benefits reduced by the amount of ~~such~~ the 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", or "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~~ the excess amount of benefits paid by the department for ~~such~~ the period, and no employer's account shall be charged with benefits so paid, ~~--provided--further,--however, that.~~ However, compensation for service-connected disabilities or 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~~ does not disqualify any individual, otherwise qualified, from any of the benefits contemplated herein.

Sec. 3. Section 96.7, subsection 3, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 1981, is amended to read as follows:

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 the individual occurred. Provided, that in any case in which the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, then benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributing and reimbursable employers notwithstanding section 96.8, subsection 5, and subparagraph (3) of this paragraph. An employer's account shall not be charged with benefit payments made to any individual who 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 96.5, subsections 2 and 3.

Sec. 4. Section 96.7, subsection 3, paragraph a, subparagraph (3), Code 1981, 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 that~~ such that employer during ~~such that~~ such that 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 that~~ such that employer during ~~such that~~ such that quarter except that all extended benefits shall be so charged ~~if to~~ to a government entity which is either a reimbursable or contributing employer pays-all-extended benefits-under-subsection-8, paragraph-"e" of this-section-

Sec. 5. Section 96.7, subsection 3, paragraph c, Code 1981, is amended to read as follows:

~~c. Each-contributing-employer's-rate-of-contribution--shall--be--two--and seven-tenths--percent--except--as--otherwise--provided--in--this-chapter.~~ No reduced rate of contribution shall be granted to a contributing employer until there shall have been twelve consecutive calendar quarters immediately preceding the first computation date throughout which ~~his--or--her~~ the employer's account has been chargeable with benefit payments. Provided, that with respect to the calendar year commencing January 1, 1972, and each calendar year thereafter through December 31, 1981, except as provided in paragraph "d" of this subsection, a contributing employer who has not been subject to this chapter for a sufficient period of time to meet the twelve-quarter requirement shall qualify for a computed rate of contribution if there shall have been a lesser period throughout which ~~his--or--her~~ the employer's account has been chargeable, but in no event less than eight consecutive calendar quarters immediately preceding the computation date; provided further, that with respect to the calendar years commencing January 1, 1972, and ending December 31, 1977, except as provided in paragraph "d" of this subsection, each contributing employer newly subject to this chapter shall pay contributions at the rate of one and five-tenths percent and beginning January 1, 1978, and ending December 31, 1981, at the rate specified in the ninth percentage of excess rank but not less than one ~~point~~ and eight eight-tenths percent until the end of the calendar year in which the employer shall have had eight consecutive calendar quarters immediately preceding the computation date throughout which ~~his--or--her~~ the employer's account has been chargeable with benefit payments, ~~thereafter-his-or-her.~~ Beginning January 1, 1982, a contributing employer newly subject to this chapter and not previously qualified for a computed rate shall pay contributions at the rate specified in the ninth percentage of excess rank but not less than one and eight-tenths percent until the end of the calendar year in which the employer's account has been chargeable with benefit payments for twenty consecutive calendar quarters immediately preceding the computation date; however, the employer shall pay contributions at a computed

rate if the employer's percentage of excess is a negative number, the employer's account has been chargeable with benefit payments for eight consecutive calendar quarters immediately preceding the computation date, and the employer's account has been charged with benefit payments of more than twenty-six times the maximum weekly benefit amount for an individual with four or more dependents during the four consecutive calendar quarters immediately preceding the computation date. Thereafter, the employer's contribution rate shall be determined in accordance with paragraph "d" of this subsection.

Sec. 6. Section 96.7, subsection 3, paragraph d, unnumbered paragraph 6, Code 1981, 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 relating to the applicable contribution rate table for a calendar year, the applicable contribution rate table for the calendar years ~~1980 and 1981 shall be~~ 1982 and 1983 is 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~~ During any rate year in which a rate table in rate tables ~~four~~ three through nine is effective an employer assigned a contribution rate under ~~the provisions of~~ this paragraph ~~shall~~ is 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~~ twenty-four calendar quarters immediately preceding the rate computation date for the rate year. If an employer is not required to contribute for a rate year to the trust fund under this unnumbered paragraph but would be required to contribute for the next rate year under this lettered paragraph, the employer's contribution rate for the next rate year is either the employer's experience rate computed under this lettered paragraph or one and eight-tenths percent, whichever is less. For subsequent years, either the employer is not required to contribute under this unnumbered paragraph or the employer's contribution rate is the employer's experience rate computed under this lettered paragraph.

Sec. 7. Section 96.7, subsection 3, paragraph d, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this chapter relating to limiting contribution rates to those specified in the contribution rate table, if an employer qualified for an experience rating has a negative balance in the employer's account on the rate computation date and had a negative balance on the previous rate computation date, the employer shall contribute an additional one-half percent of taxable wages above the contribution rate assigned the employer by the effective rate contribution table. For each subsequent and consecutive rate computation date on which the employer still has a negative balance in the employer's account, the employer shall contribute an additional one-half percent of

taxable wages. Beginning with the initial surcharge of one-half percent each subsequent and consecutive surcharge of one-half percent of taxable wages shall be cumulative except that the cumulative surcharge shall not exceed three percent of taxable wages.

Sec. 8. Section 96.11, subsection 7, paragraph d, Code 1981, is amended to read as follows:

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 or child support enforcement 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.

(5) Wage information.

Paragraph g does not apply to information released under this paragraph.

Sec. 9. Section 96.19, subsection 12, paragraph e, Code 1981, is amended by striking the paragraph.

Sec. 10. Section 96.29, Code 1981, is amended by adding the following new subsection after subsection 1, and renumbering the remaining subsections:

NEW SUBSECTION. DISQUALIFICATION FOR EXTENDED BENEFITS. The disqualification provisions of this chapter applicable to regular benefits are applicable to extended benefits, except:

a. An individual shall be disqualified for extended benefits if the individual fails to apply for or refuses to accept an offer of suitable work to which the individual was referred by the department or the individual fails to actively seek work, unless the individual has been employed during at least four weeks, which need not be consecutive, subsequent to the disqualification and has earned at least four times the individual's weekly extended benefit amount. In order to be considered suitable work under this subsection, the gross weekly wage for the suitable work shall be in excess of the individual's weekly extended benefit amount plus any weekly supplemental unemployment compensation benefits which the individual is receiving.

b. An individual shall not be disqualified for extended benefits for failing to apply for or refusing to accept an offer of suitable work, unless the suitable work was offered to the individual in writing or was listed with the department.

Sec. 11. Section 96.29, subsection 3, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, an eligible individual shall receive a maximum of two additional weeks of extended benefits if the individual moves from this state, before or during an extended benefit period triggered by this state's "on" indicator, to another state in which an extended benefit period is not in effect.

Sec. 12. This Act takes effect July 1, 1981, and applies to all unemployment compensation benefits received for the period beginning on or after July 5, 1981.

Approved May 4, 1981

CHAPTER 20
PAYROLL ACCRUAL ACCOUNT
S. F. 112

AN ACT relating to the accounting for pay periods, effective upon publication.

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

Section 1. Section 8.42, Code 1981, is amended to read as follows:

8.42 PAYROLL ACCRUAL ACCOUNT. The Beginning July 1, 1982, 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. 2. Section 79.1, unnumbered paragraph 9, Code 1981, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The state comptroller shall charge the entire payroll for a pay period to the fiscal year in which the payroll is paid.

However, a specific annual salary rate or annual salary adjustment commencing with a fiscal year shall commence on July 1 except that if a pay period overlaps two fiscal years, a specific annual salary rate or annual salary adjustment shall commence with the first day of a pay period as specified by the general assembly.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 2, section 29, is repealed.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ankeny Press-Citizen, a newspaper published

in Ankeny, Iowa, and in the Lee Town News, a newspaper published in Des Moines, Iowa.

Approved March 13, 1981

I hereby certify that the foregoing Act, Senate File 112, was published in the Ankeny Press-Citizen, Ankeny, Iowa on March 19, 1981, and in the Lee Town News, Des Moines, Iowa on March 19, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 21
SECRETARY OF STATE FEES

S. F. 394

AN ACT increasing corporate and uniform commercial code filing fees.

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

Section 1. Section 9.4, Code 1981, is amended to read as follows:

9.4 FEES. The secretary of state shall collect all fees directed by law to be collected by ~~him~~ the secretary of state, including the following:

1. For certificate, with seal attached, ~~two~~ three dollars.
2. For a copy of any law or record, upon the request of any private person or corporation, a fee to be determined by the secretary of state not to exceed ten cents per page.

Sec. 2. Section 77.4, subsection 5, Code 1981, is amended to read as follows:

5. Remit the sum of ~~seven~~ fifteen dollars ~~fifty-cents~~ for the three-year period provided by law to the secretary of state.

Sec. 3. Section 96.14, subsection 8, paragraph a, Code 1981, is amended to read as follows:

a. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 4. Section 106A.4, subsection 1, Code 1981, is amended to read as follows:

1. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 5. Section 496A.7, subsection 5, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Such election shall be made by filing with the secretary of state an application executed by an officer of the corporation, setting forth such assumed name and paying to the secretary of state a filing fee of ~~twenty~~ forty dollars.

Sec. 6. Section 496A.7, subsection 5, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

At the time annual license fees are payable under this chapter, a corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of ~~five~~ ten dollars for such assumed name. However, if the assumed name was filed and became effective in December of any year, the first annual fee of ~~five~~ ten dollars shall be paid at the time of filing of the annual report in the second year following such December.

If the corporation fails to pay the annual fee when due and payable, the secretary of state shall give notice to the corporation of such nonpayment by registered or certified mail; and if such fee together with a penalty of ~~five~~ ten dollars is not paid within sixty days after such notice is mailed, the right to use such assumed name shall cease.

Sec. 7. Section 496A.124, Code 1981, is amended to read as follows:

496A.124 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

1. Filing articles of incorporation and issuing a certificate of incorporation, ~~twenty~~ twenty five dollars.

2. Filing articles of amendment and issuing a certificate of amendment, ~~twenty~~ twenty five dollars.

3. Filing restated articles of incorporation, ~~twenty~~ twenty five dollars.

4. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~twenty~~ twenty five dollars.

5. Filing an application to reserve a corporate name, ~~five~~ ten dollars.

6. Filing a notice of transfer of a reserved corporate name, ~~five~~ ten dollars.

7. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars. If a single statement of change changes the address of the registered office of more than one corporation, the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.

8. Filing a statement of the establishment of a series of shares, ~~five~~ ten dollars.

9. Filing a statement of cancellation of shares, ~~five~~ ten dollars.

10. Filing a statement of reduction of stated capital, ~~five~~ ten dollars.

11. Filing a statement of intent to dissolve, ~~one-dollar~~ five dollars.

12. Filing a statement of revocation of voluntary dissolution proceedings, ~~one-dollar~~ five dollars.

13. Filing articles of dissolution, ~~one-dollar~~ five dollars.

14. Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, ~~twenty~~ twenty eight dollars.

15. Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, ~~twenty~~ twenty eight dollars.

16. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ~~ten~~ forty dollars.

17. Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, ~~twenty~~ fifty dollars.

18. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~five~~ ten dollars.

19. Filing any other statement or report, except an annual report, of a domestic or foreign corporation, ~~one-dollar~~ five dollars.

~~20.---Recording-any-instrument,-document,-or-paper,-fifty-cents-per-page-~~

Sec. 8. Section 496A.125, Code 1981, is amended to read as follows:

496A.125 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ~~fifty-cents~~ one dollar per page and ~~two~~ five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, ~~fifty-cents~~ one dollar per page.

2. At the time of any service of process on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

3. For a certificate of good standing, five dollars.

Sec. 9. Section 496A.126, Code 1981, is amended to read as follows:

496A.126 ANNUAL LICENSE FEES PAYABLE BY DOMESTIC CORPORATIONS. At the time of filing its annual report, each domestic corporation shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on its stated capital, as follows:

		STATED CAPITAL		FEE	
Over	Not over	\$	20,000	\$	<u>5</u> <u>15</u>
\$	20,000		but not over		10 <u>20</u>
	40,000		but not over		15 <u>25</u>
	60,000		but not over		20 <u>30</u>
	80,000		but not over		25 <u>35</u>
	100,000		but not over		30 <u>40</u>
	150,000		but not over		35 <u>45</u>
	200,000		but not over		40 <u>50</u>
	250,000		but not over		45 <u>55</u>
	300,000		but not over		50 <u>60</u>
	350,000		but not over		55 <u>65</u>
	400,000		but not over		60 <u>70</u>
	500,000		but not over		70 <u>80</u>
	600,000		but not over		80 <u>90</u>
	700,000		but not over		90 <u>100</u>
	800,000		but not over		100 <u>110</u>
	900,000		but not over		110 <u>120</u>
	1,000,000		but not over		175 <u>185</u>
	2,500,000		but not over		250 <u>260</u>
	5,000,000		but not over		350 <u>360</u>
	10,000,000		but not over		800 <u>810</u>

50,000,000	but not over	100,000,000	1,200 <u>1,210</u>
100,000,000	but not over	200,000,000	1,600 <u>1,610</u>
200,000,000	but not over	300,000,000	2,000 <u>2,010</u>
300,000,000	but not over	500,000,000	2,500 <u>2,510</u>
500,000,000			3,000 <u>3,010</u>

Provided, that a domestic corporation having no stated capital, or a foreign corporation having no stated capital or no property in Iowa, shall pay an annual license fee of ~~five~~ fifteen dollars.

Sec. 10. Section 496A.127, Code 1981, is amended to read as follows:

496A.127 ANNUAL LICENSE FEES PAYABLE BY FOREIGN CORPORATIONS. At the time of filing its annual report, each foreign corporation having a permit to transact business in this state shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on the sum total of the fair and reasonable value of all property employed and used in Iowa as of January 1 of the year in which the report is due, without deductions of sums due and owing by said foreign corporation. The annual license fee to be paid by said foreign corporation shall be based upon the sum so computed which shall be considered the stated capital in this state for the purpose of said annual license fee, and the fees to be paid thereon shall be computed by applying the schedule of annual license fees as in this chapter prescribed for domestic corporations.

A foreign corporation shall have the option, if it so elects, to pay its annual license fee upon its total stated capital, and said fee shall be computed by applying the schedule of annual license fees as in this chapter prescribed for domestic corporations.

The minimum annual license fee shall be ~~five~~ fifteen dollars.

Sec. 11. Section 496A.129, subsection 3, paragraph c, subparagraph (2), Code 1981, is amended to read as follows:

(2) The credit herein provided for may not be applied to the extent that it would reduce the annual license fee below the minimum of ~~five~~ fifteen dollars.

Sec. 12. Section 496A.130, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this chapter, shall be subject to a penalty of ten percent of the amount of the annual license fee determined by the secretary of state to be due and payable by such corporation for the period beginning January first of the year in which such report should have been filed. If the amount of the annual license fee originally determined by the secretary of state shall thereafter be adjusted in accordance with the provisions of this chapter, the amount of the penalty shall be likewise adjusted to ten percent of the amount of the adjusted license fee. In no event shall such penalty be less than ~~five~~ fifteen dollars. The amount of the license fee and the amount of the penalty shall be separately stated in any notice to the corporation with respect thereto.

Sec. 13. Section 496A.130, subsection 3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The payment to the secretary of state by the corporation of all annual license fees and penalties then due and theretofore becoming due and an additional penalty of ~~one~~ two hundred dollars.

Sec. 14. Section 504A.85, Code 1981, is amended to read as follows:

504A.85 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

1. Filing articles of incorporation and issuing a certificate of incorporation, ~~ten~~ twenty dollars.

2. Filing statement of election to accept the chapter, ~~one-dollar~~ five dollars.

3. Filing articles of amendment and issuing a certificate of amendment, ~~five~~ ten dollars.

4. Filing restated articles of incorporation, ~~ten~~ twenty dollars.

5. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~five~~ twenty dollars.

6. Filing an application to reserve a corporate name, ~~five~~ ten dollars.

7. Filing a notice of transfer of a reserved corporate name, ~~five~~ ten dollars.

8. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars. If a single statement of change changes the address of the registered office of more than one corporation, the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.

9. Filing articles of dissolution, ~~one-dollar~~ five dollars.

10. Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, ~~ten~~ twenty dollars.

11. Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, ~~five~~ twenty dollars.

12. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~five~~ ten dollars.

13. Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~five~~ twenty dollars.

14. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~one-dollar~~ five dollars.

15. Filing any other statement or report, ~~including an annual report~~, of a domestic or foreign corporation, ~~one-dollar~~ five dollars.

~~16. Recording any instrument, document, or paper, fifty cents per page.~~

Sec. 15. Section 504A.86, Code 1981, is amended to read as follows:

504A.86 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ~~fifty cents~~ one dollar per page and ~~two~~ five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, ~~fifty cents~~ one dollar per page.

2. At the time of any service of process on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

3. For a certificate of good standing, ~~two~~ five dollars.

Sec. 16. Section 554.9403, subsection 5, Code 1981, is amended to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing shall be as follows:

a. ~~Three~~ Four dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~four~~ five dollars.

b. ~~Two~~ Four dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~three~~ five dollars.

Sec. 17. Section 554.9405, subsections 1 and 2, Code 1981, are amended to read as follows:

1. A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 554.9403, subsection 4. The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the secretary of state shall be ~~three~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~four~~ five dollars.

2. A secured party may assign of record all or a part of ~~his~~ the rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. ~~He~~ The filing officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to section 554.9103, subsection 5, ~~he~~ the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, ~~he~~ the filing officer shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and

furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the secretary of state shall be ~~two~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ five dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (section 554.9402, subsection 6), may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this chapter.

For fixture filings there shall be a fee of three dollars per page for recording and a fee of three dollars per page for a total or partial release of the fixture filing.

Sec. 18. Section 554.9406, Code 1981, is amended to read as follows:

554.9406 RELEASE OF COLLATERAL--DUTIES OF FILING OFFICER--FEES. A secured party of record may by ~~his~~ a signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with section 554.9405, subsection 2, including payment of the required fee. Upon presentation of such a statement of release ~~to~~ the filing officer ~~he~~ shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the secretary of state shall be ~~two~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ five dollars.

Sec. 19. Section 554.9407, subsection 2, Code 1981, is amended to read as follows:

2. Upon request of any person, the filing officer shall issue ~~his~~ a certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, giving the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be ~~two~~ four dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, ~~three~~ five dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page.

Sec. 20. Section 617.3, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Service of such process or original notice shall be made (1) by filing duplicate copies of said process or original notice with said secretary of state, together with a fee of ~~five~~ ten dollars, and (2) by mailing to the defendant and to each of them if more than one, by registered or certified mail, a notification of said filing with the secretary of state, the same to

be so mailed within ten days after such filing with the secretary of state. Such notification shall be mailed to each ~~such~~ foreign corporation at the address of its principal office in the state or country under the laws of which it is incorporated and to each such nonresident person at ~~his~~ an address in the state of ~~his~~ residence. The defendant shall have sixty days from the date of such filing with the secretary of state within which to appear. Proof of service shall be made by filing in court the duplicate copy of the process or original notice with the secretary of state's certificate of filing, and the affidavit of the plaintiff or ~~his~~ the plaintiff's attorney of compliance herewith.

Approved May 18, 1981

CHAPTER 22
TRANSPORTATION REGULATION
S. F. 524

AN ACT establishing a transportation regulation authority to replace the three-member transportation regulation board with a January 1, 1982 effective date.

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

Section 1. Section 13.7, Code 1981, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any executive department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform said service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section shall not affect the office of the commerce counsel, the transportation regulation ~~board~~ authority counsel, or the legal counsel of the Iowa department of job service.

Sec. 2. Section 307.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Authority" means the transportation regulation authority, and "superintendent" means the superintendent of the authority.

Sec. 3. Section 307.14, subsection 1, Code 1981, is amended to read as follows:

1. Transportation regulation ~~board~~ authority.

Sec. 4. Section 307.15, Code 1981, is amended to read as follows:

307.15 ~~TRANSPORTATION REGULATION BOARD~~ TRANSPORTATION REGULATION BOARD AUTHORITY--SUPERINTENDENT. ~~The transportation regulation board shall consist of three members, not more than two of whom shall be from the same political party.~~ The governor shall appoint ~~the members of the board~~ a superintendent of the transportation regulation authority for a term of six years beginning and ending as provided by section 69.19, subject to confirmation by the senate. The appointee shall be selected solely on the basis of the person's qualifications and fitness to discharge the duties of office, and a person shall not qualify for appointment unless the person has at least five years experience in the transportation industry, or in the regulation of the types of carriers that are subject to regulation by the transportation regulation authority or the interstate commerce commission. The superintendent shall exercise the powers and perform the duties delegated to the authority.

Sec. 5. Section 307.16, Code 1981, is amended to read as follows:

307.16 ~~VACANCIES ON BOARD~~ VACANCY. ~~Any~~ A vacancy shall be filled in the same manner as the regular appointments--are appointment is made for the unexpired portion of the regular term.

~~In the event~~ If the governor fails to make ~~an~~ the appointment to fill a vacancy or fails to submit the appointment to the senate for confirmation as required by section 2.32, the senate may make the appointment prior to the adjournment of the general assembly.

Sec. 6. Section 307.17, Code 1981, is amended to read as follows:

307.17 ~~COMPENSATION OF BOARD MEMBERS~~ SUPERINTENDENT. ~~Each member of the transportation regulation board~~ The superintendent shall receive a salary as fixed by the general assembly. ~~Each member~~ The superintendent shall be allowed actual and necessary expenses in the same amounts paid to other state employees incurred in the performance of ~~his~~ the superintendent's duties.

Sec. 7. Section 307.18, unnumbered paragraph 1 and subsections 4 and 5, Code 1981, are amended to read as follows:

The transportation regulation ~~board shall have~~ authority has the following duties and responsibilities:

4. Appoint ~~such~~ counsel as it deems necessary. The counsel ~~shall have~~ has the following duties and responsibilities:

a. Investigate the legality of all rates, charges, tariffs, rules, regulations and practices of all common carriers and persons under the jurisdiction of the ~~board~~ authority, and institute civil proceedings before the ~~board~~ authority or any proper court to correct any illegality on the part of any common carrier and prosecute the ~~same~~ proceedings to final determination.

b. Investigate the reasonableness of rates, tariffs, charges, rules, regulations and practices of all such common carriers in interstate transportation when directed by the ~~board~~ authority, or when in ~~his~~ the

authority's judgment they are unlawful, prejudicial, and discriminate against any city, community, business, industry or citizen of the state and institute before the interstate commerce commission or any other tribunal having jurisdiction and prosecute to final determination any proceeding growing out of such matters.

5. Approve any ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision. Any ~~such~~ speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1975 which has not been approved by the Iowa state commerce commission shall be referred to the board authority by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the board authority. ~~Nothing-in-this~~ This subsection ~~shall-be-construed-to~~ does ~~not~~ abrogate, modify, or alter any historical or contractual agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975.

Sec. 8. Section 307.19, Code 1981, is amended to read as follows:

307.19 PROCEEDINGS. The transportation regulation board authority shall conduct ~~its~~ hearings pursuant to rules ~~promulgated~~ adopted under the ~~provisions-of~~ chapter 17A.

Sec. 9. Section 307.20, Code 1981, is amended to read as follows:

307.20 ENFORCEMENT. The department ~~shall--be~~ is responsible for the enforcement of all orders issued by the board authority.

Sec. 10. Section 325.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~The board-is-hereby-vested-with-power--and--authority,--and--it~~ authority shall ~~be-its-duty-to~~:

Sec. 11. Section 325.3, Code 1981, is amended to read as follows:

325.3 GENERAL POWERS. The ~~board-shall-also-have-power-and~~ authority may by general order or otherwise ~~to~~ prescribe rules and regulations applicable to ~~any--and--all~~ motor carriers. The department ~~is-hereby-authorized-and empowered-to~~ may prescribe and enforce safety regulations in the operation of motor carriers, and require a periodic inspection of the equipment of every motor carrier from the standpoint of enforcement of safety regulations, and ~~such~~ the equipment ~~shall-be~~ is at all times subject to inspection by properly authorized representatives of the department.

Sec. 12. Section 327.2, subsection 1, Code 1981, is amended to read as follows:

1. Fix or approve the rates, charges, classifications, and rules and regulations pertaining thereto, of each truck operator, after complaint has been filed ~~in-accordance-with-rules-established-by-the-board~~.

Sec. 13. Section 327.3, Code 1981, is amended to read as follows:

327.3 RULES. The ~~board--shall--also--have--power-and~~ authority may by general or special order ~~to~~ prescribe rules applicable to ~~any-and--all~~ truck operators and contract carriers, provided that only the department shall prescribe and enforce safety regulations.

Sec. 14. Section 327.7, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Before a permit ~~shall--be~~ is issued, the person seeking the ~~same~~ permit shall file an application ~~therefor~~ with the department. All ~~such~~ applications shall be in writing, ~~--and--in--addition--to--other--information--required,--shall~~ and contain the following:

Sec. 15. Section 327A.17, Code 1981, is amended to read as follows:

327A.17 RULES. The ~~board--shall--also--have--power--and~~ authority may by general order or otherwise ~~to~~ prescribe rules applicable to liquid transport carriers. The state department ~~is--hereby--authorized--and--empowered--to~~ may prescribe and enforce safety rules in the operation of liquid transport carriers, and require a periodic inspection of the equipment of every liquid transport carrier from the standpoint of enforcement of safety rules, and ~~such~~ the equipment shall be at all times subject to inspection by properly authorized representatives of the department.

Sec. 16. Section 327D.66, Code 1981, is amended to read as follows:

327D.66 RATE SCHEDULES--FILING AND PUBLIC ACCESS. Every common carrier, subject to the provisions of this chapter shall file with the ~~board~~ authority and shall print schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points ~~thereon~~ on the route and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate ~~shall--have~~ has been established or ordered between any two ~~such~~ points. If no joint rate over a through route has been established, the schedules of the several carriers in ~~such~~ the through route shall show the separately established rates, applicable to the through transportation.

~~Subject--to--rules--which--the--board--shall--adopt,--the~~ The schedules shall be plainly printed and a copy of often used schedules shall be kept by every carrier readily accessible to and for inspection by the public in every station and office of the carrier where passengers or property are received for transportation when the station or office is in the charge of an agent. A notice printed in bold type and stating that the often used schedules are on file with the agent and open to public inspection, and that the agent will assist any person to determine from the schedule any rate shall be posted by the carrier in public and conspicuous places in each station or office. The ~~board~~ authority shall, by rule, provide that adequate public access to schedules not often used be provided in a different manner.

Sec. 17. Section 327D.73, Code 1981, is amended to read as follows:

327D.73 PARTIAL SCHEDULES. In lieu of filing its often used schedule in each station or office, any common carrier may file with the ~~board~~ authority and keep posted at ~~such~~ the stations or offices, schedules of ~~such~~ the rates ~~as--are~~ applicable at, to, and from the places where ~~such~~ the stations or offices are located ~~subject--to--rules--adopted--by--the--board.~~

Sec. 18. Section 327D.160, Code 1981, is amended to read as follows:

327D.160 RULES. The ~~board~~ authority shall prescribe ~~by--rule,~~ pursuant to chapter 17A, ~~such~~ rules ~~as--may--be~~ reasonably necessary for the orderly disposition of claims arising from loss or damage to property tendered for transportation.

Sec. 19. Section 327G.16, Code 1981, is amended to read as follows:

327G.16 DISAGREEMENT--APPLICATION--NOTICE. If the persons specified in section 327G.15 cannot reach an agreement, either party may make written application to the board authority requesting resolution of the disagreement. The board authority shall fix a date for hearing and give the other party ten days' written notice by mail of such the date. The board authority shall promulgate rules, ~~pursuant to chapter 17A,~~ subject to department approval for processing applications which are filed with the board authority prior to a written disagreement. The board authority may set a hearing date after the disagreement has been filed.

Sec. 20. Section 327G.32, unnumbered paragraph 3, Code 1981, is amended to read as follows:

~~The provisions of this~~ This section notwithstanding, a political subdivision may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates such that a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political subdivision shall within thirty days of the effective date of the resolution or ordinance notify the board authority and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall not become effective unless the board authority and the railroad corporation are notified within thirty days. The resolution or ordinance shall become effective thirty days after such notification unless a person files an objection to the resolution or ordinance with the board authority. If an objection is filed the board authority shall hold a hearing ~~according to the rules established by the board.~~ The board authority may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. The resolution approved by the political subdivision ~~shall be~~ is prima-facie evidence that the resolution is adopted to preserve public safety or convenience.

Sec. 21. Section 472.42, subsection 3, Code 1981, is amended to read as follows:

3. The displacement allowance to be paid by a railroad subject to ~~the provisions of~~ section 327C.2, shall be paid in the manner provided in sections 316.4, 316.5, 316.6, and 316.8 and pursuant to rules promulgated by the transportation regulation board authority. Any person aggrieved by a determination as to eligibility for a payment or the amount of the payment may, upon application, have the matter reviewed by the transportation regulation board authority. The decision of the transportation regulation board authority upon review shall be final as to all parties.

Sec. 22. Sections 307.18, 307.29, 322A.1, 322A.6, 322A.7, 322A.8, 322A.9, 322A.10, 322A.13, 322A.15, 322A.16, 322A.17, 325.1, 325.2, 325.4, 325.6, 325.7, 325.9, 325.10, 325.11, 325.13, 325.17, 325.19, 325.21, 325.25, 325.26, 325.32, 325.33, 326.18, 327.1, 327.2, 327.4, 327.6, 327.8, 327.11, 327.15, 327.16, 327.19, 327.21, 327.23, 327A.1, 327A.2, 327A.4, 327A.5, 327A.9, 327A.12, 327A.14, 327A.18, 327A.20, 327C.1, 327C.8, 327C.9, 327C.10, 327C.12, 327C.13, 327C.17, 327C.20, 327C.25, 327C.26, 327C.27, 327C.28, 327C.29, 327C.30, 327C.31, 327C.33, 327C.34, 327D.2, 327D.4, 327D.7, 327D.9, 327D.13,

327D.14, 327D.45, 327D.53, 327D.67, 327D.72, 327D.74, 327D.75, 327D.78, 327D.79, 327D.80, 327D.81, 327D.82, 327D.83, 327D.85, 327D.86, 327D.87, 327D.89, 327D.90, 327D.128, 327G.1, 327G.12, 327G.17, 327G.31, 327G.32, 327G.61, 327G.62, 327G.64, 327G.65, 327G.77, 471.10, 471.11, and 472.42, Code 1981, are amended by striking the words "Board" or "board" and inserting in lieu thereof the words "Authority" or "authority".

Sec. 23. All rules, forms, orders, and directives adopted by and in effect for the transportation regulation board on the effective date of this Act shall continue in full force and effect as rules, forms, orders, and directives of the transportation regulation authority.

Sec. 24. Section 327.14, Code 1981, is repealed.

Sec. 25. This Act takes effect January 1, 1982.

Approved May 18, 1981

CHAPTER 23
APPELLATE DEFENDER
S. F. 332

AN ACT relating to the office of appellate defender.

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. "Appellate defender" means the state appellate defender.
2. "Indigent" means a person found by the trial court to be unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person and the person's dependents.

Sec. 2. NEW SECTION. CREATION OF OFFICE. The office of state appellate defender is established. The governor shall appoint the state appellate defender and establish the appellate defender's salary.

Sec. 3. NEW SECTION. QUALIFICATIONS OF APPELLATE DEFENDER. Only persons admitted to practice law in this state shall be appointed appellate defender or assistant appellate defender.

Sec. 4. NEW SECTION. DUTIES OF APPELLATE DEFENDER. The appellate defender shall represent indigents on appeal in criminal cases and on appeal in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued and shall not engage in the private practice of law. The court may, upon the application of the indigent or the indigent's trial attorney, or on its own motion, appoint the appellate defender to represent the indigent on appeal or on appeal in postconviction proceedings.

Sec. 5. NEW SECTION. STAFF. The appellate defender may appoint assistant appellate defenders who, subject to the direction of the appellate

defender, shall have the same duties as the appellate defender and shall not engage in the private practice of law. The salaries of the staff shall be fixed by the appellate defender. The appellate defender and his or her staff shall receive actual and necessary expenses, including travel at the state rate set forth in section 18.117.

Sec. 6. NEW SECTION. ACCOUNT ESTABLISHED. There is established in the state general fund an account to be known as the appellate defender operating account. The appellate defender is authorized to bill a county for services rendered to the county by the office of the appellate defender. Receipts shall be deposited in the operating account established under this section. There is appropriated from the state general fund all amounts deposited in the appellate defender operating account for use in maintaining the operations of the office of appellate defender. Expenditures by the office of the appellate defender in excess of the amount appropriated to the office by the general assembly for the fiscal year beginning July 1, 1981 and ending June 30, 1982 shall be only from funds collected for services provided by the office.

Sec. 7. Section 19A.3, subsection 5, Code 1981, is amended to read as follows:

5. All employees under the supervision of the attorney general ~~or his assistants or assistant attorneys general~~, and all employees under the supervision of the appellate defender or assistant appellate defenders.

Sec. 8. Sections 1 through 6 of this Act are repealed effective four years from the effective date of this Act.

Approved June 14, 1981

CHAPTER 24

JUDICIAL REVIEW OF AGENCY ACTION

H. F. 503

AN ACT to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing.

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

Section 1. Section 17A.19, subsection 2, Code 1981, is amended to read as follows:

2. Proceedings for judicial review shall be instituted by filing a petition either in Polk county district court or in the district court for the county in which the petitioner resides or has its principal place of business. When a proceeding for judicial review has been commenced, a court may, in the interest of justice, transfer the proceeding to another county where the venue is proper. Within ten days after the filing of a petition

for judicial review the petitioner shall serve by the means provided in the Iowa rules of civil procedure for the personal service of an original notice, or shall mail file--stamped copies of the petition shall-be-mailed-by-the petitioner to all parties named in the petition and, if the petition involves review of agency action in a contested case, all parties of record in that case before the agency. Such personal service or mailing shall be jurisdictional and-shall-be-addressed-to-the--parties--at--their--last--known mailing--address. The delivery by personal service or mailing referred to in this subsection may be made upon the party's attorney of record in the proceeding before the agency. A mailing shall be addressed to the parties or their attorney of record at their last known mailing address. Proof of mailing shall be by affidavit. Any party of record in a contested case before an agency wishing to intervene and participate in the review proceeding ~~thereon~~ must file an appearance within forty-five days from the time the petition is filed.

Sec. 2. The provisions of section 1 of this Act shall apply to all proceedings for judicial review instituted on or after the effective date of this Act.

Approved June 13, 1981

CHAPTER 25

CRITERIA FOR PURCHASING STANDARDS FOR STATE PRODUCTS

H. F. 737

AN ACT including life cycle cost and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products.

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

Section 1. Section 18.3, subsection 1, Code 1981, is amended by adding the following new unnumbered paragraphs after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. Life cycle cost and energy efficiency shall be included in the criteria used by the department of general services, institutions under the state board of regents, the state department of transportation, the commission for the blind and other state agencies in developing standards and specifications for purchasing energy consuming products. As used in this paragraph "life cycle cost" means the expected total cost of ownership during the life of a product.

NEW UNNUMBERED PARAGRAPH. Preference shall be given to purchasing American made products and purchases from American based businesses if the life cycle costs are comparable to those products of foreign businesses and which most adequately fulfill the department's need.

Approved June 20, 1981

CHAPTER 26

VEHICLE DISPATCHER DEPRECIATION FUND

S. F. 114

AN ACT to provide for the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher as of November 30, 1980 to the general fund of the state.

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

Section 1. Notwithstanding section 18.120, any moneys appropriated which have been credited to the depreciation fund of the motor vehicle dispatcher by a department or agency and which are unencumbered balances to the department or agency as of November 30, 1980 shall revert to the general fund of the state.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Fort Madison Daily Democrat, a newspaper published in Fort Madison, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Approved May 1, 1981

I hereby certify that the foregoing Act, Senate File 114, was published in the Fort Madison Daily Democrat, Fort Madison, Iowa on May 7, 1981 and in The Sioux City Journal, Sioux City, Iowa on May 26, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 27

MERIT EMPLOYMENT SYSTEM EXEMPTIONS

S. F. 533

AN ACT relating to administrative positions within the department of social services.

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

Section 1. Section 19A.3, subsection 18, Code 1981, is amended to read as follows:

18. The commissioner of social services, assistant commissioners of social services, the administrative head of each of the divisions of the department of social services and the district administrators of the department of social services.

Sec. 2. Section 217.8, Code 1981, is amended to read as follows:

217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director of the division of child and family services shall be qualified by training, experience and education in the field of welfare and social problems. He The director shall be entrusted with the administration of programs involving neglected, dependent and delinquent children, child welfare, aid to dependent children, and aid to disabled persons and shall administer and be in control of the Iowa juvenile home, the state training schools for boys and for girls, the--Iowa--soldiers--home and such other related programs established for the general welfare of families, adults and children as directed by the commissioner.

Sec. 3. Section 218.9, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

The director of the division of child and family services of the department of social services, subject to the approval of the commissioner of ~~such--department~~ social services shall appoint the superintendents of the juvenile home, the Eldora training school, and the Mitchellville training school ~~and--the--commandant--of--the--veterans--home.~~

The superintendent, or warden ~~or--either--executive--officer~~ shall have the immediate custody and control, subject to the orders and policies of the division director in charge of ~~his~~ the institution, of all property used in connection with the institution except as provided in this chapter or section 219.7. The tenure of office ~~of--the--officers~~ shall be at the pleasure of the appointing authority ~~but--they--may--be--removed--for--inability--or--refusal--to--properly--perform--the--duties--of--the--office.~~ ~~Such--removal--shall--be--had--only--after--an--opportunity--is--given--the--person--to--be--heard--before--the--director--of--the--department--of--social--services--in--charge--of--the--particular--institution--involved--and--upon--preferred--written--charges.--The--removal--when--made--shall--be--final.~~ The appointing authority may transfer a superintendent or warden from one institution to another.

Sec. 4. Section 219.7, Code 1981, is amended to read as follows:

219.7 COMMANDANT. The ~~director~~ commissioner of social services shall appoint a commandant who shall serve as the chief executive of the home and who shall have the immediate custody and control, subject to the orders of the ~~director~~ commissioner or the commissioner's designee, of all property used in connection with the home.

Approved May 4, 1981

CHAPTER 28
CONSTRUCTION, REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

S. F. 146

AN ACT relating to procedures for construction, repair and improvement of public buildings.

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

Section 1. Section 23.2, Code 1981, is amended to read as follows:

23.2 NOTICE OF HEARING. Before any municipality shall enter into any contract for any public improvement to cost ~~five~~ twenty-five thousand dollars or more, the governing body proposing to make ~~such the~~ contract shall adopt proposed plans and specifications and proposed form of contract ~~therefor~~, fix a time and place for hearing ~~thereon~~ at ~~such the~~ municipality affected ~~thereby~~ or other nearby convenient place, and give notice ~~thereof~~ by publication in at least one newspaper of general circulation in ~~such the~~ municipality at least ten days before ~~said the~~ hearing.

Sec. 2. Section 23.18, Code 1981, is amended to read as follows:

23.18 BIDS REQUIRED--PROCEDURE. When the estimated total cost of construction, erection, demolition, alteration or repair of any public improvement exceeds ~~five~~ twenty-five thousand dollars, the municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done, the first of which shall be not less than fifteen days prior to the date set for receiving bids, and shall let the work to the lowest responsible bidder submitting a sealed proposal, ~~provided, however,~~ However, if in the judgment of the municipality bids received ~~be are~~ not acceptable, all bids may be rejected and new bids requested. All bids must be accompanied, in a separate envelope, by a deposit of money or certified check in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix ~~said the~~ bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section shall not apply to the construction, erection, demolition, alteration or repair of any public improvement when the contracting procedure for the doing of the work is provided for in another provision of law.

Sec. 3. Section 111A.6, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1014, is amended to read as follows:

Upon the adoption by a county of this chapter, the county board of supervisors may appropriate an amount of money as provided in section 423,

subsection 3, paragraph d, of this Act. The board of supervisors may levy an annual tax as provided in section 421, subsection 6, of this Act. The board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual levy nor to extend over a period of more than ten years ~~unless the purchases are~~. The county conservation board shall not otherwise contract an obligation in excess of the moneys immediately available for the purposes of that obligation except for projects to be financed from unobligated funds and or committed federal matching or state grants. The county conservation board is subject to the contract letting procedures in section 340, subsections 1, 2, and 4, of this Act. Gifts, contributions and bequests of money and rent, licenses, fees, charges, and other revenue received by the county conservation board shall be used for the purchase of ~~land, property, and equipment~~ and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified. Upon request of the county conservation board, the county board of supervisors may issue general county purpose bonds for the purposes in section 440, subsection 2, paragraph c, subparagraph (2), of this Act as provided in sections 441 and 443 through 448 of this Act.

Sec. 4. Section 218.59, Code 1981, is amended to read as follows:

218.59 PLANS AND SPECIFICATIONS. ~~Said~~ The commissioner shall cause plans and specifications to be prepared for all improvements authorized and costing over ~~five~~ twenty-five thousand dollars. No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of ~~such the~~ improvement.

No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 5. Section 218.60, Code 1981, is amended to read as follows:

218.60 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of ~~five~~ twenty-five thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. ~~Provided,--however,--if--the--improvement--be--the--repair--or--alteration--of--any--building--or--grounds--and--is--not--new--construction--and--the--estimated--cost--thereof--does--not--exceed--twenty-five--thousand--dollars,--the--commissioner--with--the--approval--of--the--executive--council--may--proceed--with--such--repairs--or--alterations--under--a--negotiated--contract--on--such--terms--as--the--commissioner--and--the--executive--council--may--determine--to--be--for--the--best--interests--of--the--state.~~

Sec. 6. Section 262.34, Code 1981, is amended to read as follows:

262.34 IMPROVEMENTS--ADVERTISEMENT FOR BIDS. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents ~~shall exceed ten~~ exceeds twenty-five thousand dollars, the ~~said~~ board shall advertise for bids for the contemplated

improvement or construction and shall let the work to the lowest responsible bidder, ~~provided, however,~~ However, if in the judgment of the board bids received be are not acceptable, the ~~said~~ board may reject all bids and proceed with the construction, repair, or improvement by such method as the board may determine. All plans and specifications for repairs or construction, together with bids thereon, shall be filed by the board and be open for public inspection. All bids submitted under ~~the provisions of~~ this section shall be accompanied by a deposit of money or a certified check in such an amount as the board may prescribe.

Sec. 7. Section 297.7, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. Sections 23.2 and 23.18 are applicable to the construction and repair of school buildings. Before construction of a school building for which the cost of construction exceeds twenty-five thousand dollars, the board of directors of a school district shall send a copy of the plans to the building consultant in the department of public instruction for review. The board of directors may submit for review a copy of the plans for repair or renovation of a school building. The building consultant shall return the plans together with any recommendations to the board of directors within thirty days following the receipt of the plans.

Sec. 8. Section 297.8, Code 1981, is amended to read as follows:

297.8 EMERGENCY REPAIRS. When emergency repairs costing more than ~~twenty~~ twenty-five thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of the school.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 423, subsection 3, paragraph d, is amended to read as follows:

d. To the county conservation fund, for the maintenance of lands under the jurisdiction of the state conservation commission, by agreement under section 111.27, and for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board, without approval of the state appeal board, may temporarily transfer unobligated moneys to the county conservation fund in anticipation of or to match committed receipts of private assistance or federal or state aid funds ~~from the--heritage--conservation-and-recreation-service~~, the moneys to be returned to the general fund within five years or upon receipt of federal or state funds, if that occurs first.

Approved June 14, 1981

CHAPTER 29
FEDERAL CENSUS REPORT
S. F. 562

AN ACT relating to the publication of the federal census report.

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

Section 1. Section 26.3, Code 1981, is amended to read as follows:

26.3 PUBLICATION. ~~He shall at once cause such census report and certificate to be published once in each of two daily newspapers of the state and of general circulation, and from and after the date of such publication~~ When certified by the secretary of state the census shall be in full force and effect throughout the state. On payment of a fee of two dollars he by a requesting party, the secretary of state shall furnish a certified copy of the whole or any part of such census report.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa, and in The Grundy Register, a newspaper published in Grundy Center, Iowa.

Approved June 13, 1981

I hereby certify that the foregoing Act, Senate File 562 was published in The Grundy Register, Grundy Center, Iowa on July 2, 1981 and The Marion Sentinel, Marion, Iowa on June 25, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 30
OPEN MEETINGS EMPLOYMENT DISCUSSIONS
H. F. 643

AN ACT relating to strategy discussions by a governmental body in negotiating with employees of the governmental body who are not under a collective bargaining agreement.

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

Section 1. Chapter 28A, Code 1981, is amended by adding the following new section:

NEW SECTION. A meeting of a governmental body to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under chapter

20 is exempt from this chapter. For the purpose of this section, "employment conditions" means areas included in the scope of negotiations listed in section 20.9.

Approved May 5, 1981

CHAPTER 31
PUBLIC AGENCIES TO JOINTLY FINANCE POWER COSTS
S. F. 48

AN ACT providing for the joint financing by public agencies of electric power facilities and other facilities.

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

Section 1. Section 28F.1, Code 1981, is amended to read as follows:

28F.1 SCOPE OF CHAPTER. This chapter is intended to provide a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, also electric power facilities constructed within the state of Iowa, water supply systems, swimming pools or golf courses. The provisions of this chapter ~~shall be deemed to~~ apply to the acquisition, construction, reconstruction, ownership, operation, repair, extension or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and execute all the powers conferred in this chapter.

A city shall not join an entity created under this chapter for the purpose of financing electric power facilities unless that city owned and operated a municipal electric utility as of the effective date of this Act. Power supplied by a municipal power agency may not be furnished to a municipal utility not existing as of the effective date of this Act.

After July 1, 1981, a city shall not join an entity created under this chapter or any separate administrative or legal entity created pursuant to chapter twenty-eight E (28E) of the Code for the purpose of utilizing the provisions of this chapter for financing electric power facilities until the proposal for the city to join such an entity has been submitted to and approved by the voters of the city.

The proposal shall be submitted at any city election by the council on its own motion. If a majority of those voting in the city does not approve the proposal, the same or a similar proposal may be submitted to the voters no sooner than one year from the date of the election at which the proposal was defeated.

Sec. 2. Section 28F.7, Code 1981, is amended to read as follows:

28F.7 CONSTRUCTION AND OPERATION OF PROJECT. ~~Such an~~ An entity shall operate, maintain and preserve ~~the a~~ project ~~or projects~~ in good repair and working order, and shall construct and operate the project ~~or projects~~ in an efficient and economical manner, provided, ~~however,~~ that the entity may lease or rent ~~the a~~ project ~~or projects~~ or any part thereof of a project, or otherwise provide for the construction and operation of ~~the a~~ project ~~or projects~~ or any part thereof of a project in ~~such~~ the manner and upon ~~such~~ the terms as the governing body of the entity ~~shall direct~~ directs.

The electric light and power plant and system of any public agency participating in and receiving wholesale power from electric power facilities owned, operated, or financed pursuant to this chapter shall meet the standards of the national electric safety code of 1968, as amended to and including January 1, 1981, of the national fire protection association.

Sec. 3. Section 28F.8, Code 1981, is amended to read as follows:

28F.8 DETAILS OF REVENUE BONDS. Revenue bonds issued pursuant to ~~the provisions--of~~ this chapter shall bear interest at ~~a rate--of~~ rates not exceeding ~~that those~~ permitted by chapter 74A for revenue bonds issued by a city, may be in one or more series, may bear ~~such date--of~~ dates, may mature at ~~such time--of~~ times not exceeding forty years from their respective dates, may be payable in ~~such a~~ medium of payment, at ~~such place--of~~ places within the state, may carry ~~such~~ registration privileges, may be subject to ~~such~~ terms of prior redemption, with or without premium, may be executed in ~~such the~~ manner, may contain ~~such~~ terms, covenants and conditions, may be sold at public or private sale in the manner and on terms provided by the entity or may be exchanged for outstanding interim notes, and may be in ~~such a~~ form otherwise, as ~~such the~~ resolution or subsequent resolutions ~~shall~~ provide.

Sec. 4. Section 28F.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

28F.9 ISSUANCE OF INTERIM NOTES. The entity may borrow money for the purposes for which bonds may be issued, in anticipation of the receipt of the proceeds of the sale of bonds. Notes shall be issued for moneys borrowed under this section, and the notes may be renewed. The notes shall be authorized by resolution of the governing body of the entity and may be issued in denominations, bear interest at rates not exceeding the maximum rate of interest permitted by chapter 74A for pledge orders issued by a city, shall be in a form and shall be executed in a manner, all as the entity prescribes. If the notes are renewal notes, they may be exchanged for notes then outstanding on terms the governing body of the entity determines. Notes may be sold at public or private sale or may be issued to persons furnishing materials and services constituting a part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of a project. The governing body of the entity may retire any notes from the revenues

derived from the project or from other moneys of the entity which are lawfully available for that purpose or from a combination of each, in lieu of retiring them by means of bond proceeds.

Sec. 5. Section 28F.11, Code 1981, is amended to read as follows:

28F.11 EMINENT DOMAIN. Any public agency participating in an agreement authorizing the joint exercise of governmental powers pursuant to this chapter may exercise its power of eminent domain to acquire interests in property, under provisions of law then in effect and applicable to ~~such the~~ public agency, for the use of the entity created to carry out ~~such the~~ agreement, provided that the power of eminent domain is not used to acquire interests in property which is part of a system of facilities in existence, under construction or planned, for the generation, transmission or sale of electric power. Any interests in property ~~so~~ acquired ~~shall--be--deemed~~ are acquired for a public purpose of the condemning public agency, and the payment of the costs of ~~such the~~ acquisition may be made pursuant to ~~such the~~ agreement or to any separate agreement between ~~or--among--said~~ the public agency and ~~such the~~ entity or the other public agencies participating in ~~such the~~ entity or any of them. Upon payment of ~~such~~ costs, any property ~~so~~ acquired ~~shall-be-and-become~~ is the property of the entity.

Sec. 6. Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. An entity created to carry out an agreement authorizing the joint exercise of the powers enumerated in section 28F.1 with regard to electric power facilities shall be subject to the provisions of chapter 28A, relating to open meetings, chapter 68A, relating to the examination of public records, chapter 97B, relating to the Iowa public employees retirement system and chapter 476A, relating to electric power generators.

Sec. 7. NEW SECTION. "Electric power agency" means an entity financing or acquiring electric power facilities pursuant to chapter 28E or 28F.

Sec. 8. Section 427.1, subsection 2, Code 1981, is amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit, except property of a municipally owned electric utility held under joint ownership and property of an electric power facility financed under chapter 28F which shall be subject to assessment and taxation under provisions of chapters 428 and 437. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

Sec. 9. Section 428.24, Code 1981, is amended to read as follows:

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

Sec. 10. Section 428.28, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Every individual, copartnership, corporation, association or city which operates a public utility on a nonprofit basis, as defined in section 428.24 shall annually, on or before the first day of May of each calendar year, make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, copartnership, corporation, association or city within the incorporated limits of any city in the state, and give such other information as the director of revenue shall require. Any ~~public~~ city utility which reports according to this paragraph shall not be assessed.

Sec. 11. Section 428.37, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. "Electric power generating plant" means each taxable name plate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. 12. Section 428.37, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. Notwithstanding the provisions of paragraph "b" of this subsection, if the owner is a municipal electric utility or electric power facility financed under the provisions of chapter 28F, the remaining taxable value shall be allocated to each taxing district in which the municipal electric utility is serving customers and has electric meters in operation in the ratio that the number of operating electric meters of the municipal electric utility located in the taxing district bears to the total number of operating electric meters of the municipal electric utility in the state as of January 1 of the calendar year in which the assessment is made. If the municipal electric utility or electric power facility financed under the provisions of chapter 28F has no operating electric meters in this state, then the remainder shall be assessed and levied on at the current rate of the taxing district in which the electric power generating plant is located. Tax moneys received from

such remainder assessment and levies shall be paid to the county treasurer, who shall pay such tax moneys to the treasurer of state not later than fifteen days from the date the tax moneys are received by the county treasurer for deposit in the general fund of the state.

All municipal electric utilities which shall have taxable value apportioned under this section shall, annually on or before the first day of May of each calendar year, make a report listing the total operating meters of the municipal electric utility in each taxing district it serves as of the first day of January of each calendar year on forms provided by the department of revenue.

Approved June 16, 1981

CHAPTER 32

DISASTERS OR OTHER EMERGENCIES

H. F. 782

AN ACT relating to the powers and duties of the governor and the energy policy council during a disaster or other emergency, to be effective upon publication.

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

Section 1. Section 29C.2, Code 1981, is amended to read as follows:

29C.2 DEFINITIONS.

1. "Disaster" means man-made ~~catastrophes~~ and natural occurrences such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

2. "Public disorder" means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Sec. 2. Section 29C.6, subsection 1, Code 1981, is amended to read as follows:

1. After finding a disaster exists or is ~~imminently~~ threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in

session, the legislative council may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation of disaster emergency shall activate the disaster response and recovery aspect of the state, local and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

Sec. 3. Chapter 93, Code 1981, is amended by adding the following new section as section 93.9:

NEW SECTION. 93.9 SET-ASIDE DEFINITIONS. As used in section 93.10 unless the context otherwise requires:

1. "Prime supplier" means an individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or other legal entity that makes the first sale of a liquid fossil fuel into the state distribution system for consumption within the state.

2. "Liquid fossil fuel" means heating oils, diesel oil, motor gasoline, propane, residual fuel oils, kerosene, and aviation fuels.

3. "Hardship" means a situation involving or potentially involving substantial discomfort or danger or economic dislocation caused by a shortage or distribution imbalance of a liquid fossil fuel.

Sec. 4. Chapter 93, Code 1981, is amended by adding the following new section as section 93.10:

NEW SECTION. 93.10 RESERVE REQUIRED.

1. If the council or the governor finds that an impending or actual shortage or distribution imbalance of liquid fossil fuels may cause hardship or pose a threat to the health and economic well-being of the people of the state or a significant segment of the state's population, the council or the governor may authorize the director to operate a liquid fossil fuel set-aside program as provided in subsection 2.

2. Upon authorization by the council or the governor the director may require a prime supplier to reserve a specified fraction of the prime supplier's projected total monthly release of liquid fossil fuel in Iowa. The director may release any or all of the fuel required to be reserved by a prime supplier to end-users or to distributors for release through normal retail distribution channels to retail customers. However, the specified fraction required to be reserved shall not exceed three percent for propane, aviation fuel and residual oil, and five percent for motor gasoline, heating oil, and diesel oil.

3. The council shall periodically review and may terminate the operation of a set-aside program authorized by the council under subsection 1 when the council finds that the conditions that prompted the authorization no longer exist. The governor shall periodically review and may terminate the operation of a set-aside program authorized by the governor under subsection 1 when the governor finds that the conditions that prompted the authorization no longer exist.

4. The director shall adopt rules to implement this section.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in the Urbandale News, a newspaper published in Urbandale, Iowa, and in The Boone News-Republican, a newspaper published in Boone, Iowa.

Approved June 2, 1981

I hereby certify that the foregoing Act, House File 782, was published in The Boone News-Republican, Boone, Iowa on July 1, 1981 and the Urbandale News, Urbandale, Iowa on June 11, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 33
VETERAN AFFAIRS
H. F. 769

AN ACT relating to meetings and payment for service on county commissions of veteran affairs, changing certain benefits provided by the county commissions, and clarifying and correcting certain references.

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

Section 1. Section 35A.2, subsections 3 and 7, Code 1981, are amended to read as follows:

3. Permanently maintain the records including certified records of bonus applications ~~concerning-the~~ for awards paid ~~pursuant-to-the-additional-bonus-and-disability-fund-and~~ from the war orphans educational fund under chapter 35, ~~and-awards-paid-pursuant-to-the-Vietnam-veterans-bonus-under-chapter~~ 35C, Code-1977.

7. Maintain ~~by-counties~~ alphabetically a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war and whose mortal remains rest in Iowa.

Sec. 2. Section 250.1, Code 1981, is amended to read as follows:

250.1 TAX. A tax not exceeding twenty-seven cents per thousand dollars of assessed value may be levied by the board of supervisors upon all taxable property within the county, to be collected at the same time and in the same manner as other taxes, to create a veteran affairs fund for the benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States who served in the military or naval forces of the United States in any war including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964, and ending May 7, 1975, both dates inclusive, and their indigent wives, widows spouses, surviving spouses and minor children not over eighteen years of age, having a legal residence in the county.

Sec. 3. Section 250.3, Code 1981, is amended to read as follows:

250.3 COUNTY COMMISSION OF VETERAN AFFAIRS. The county commission of veteran affairs shall consist of three persons, all of whom shall be honorably discharged men or women of the United States who served in the military or naval forces of the United States in any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and ~~including~~ the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive. If possible each member of the commission shall be a veteran of a different war or conflict, so as to divide membership among the men and women who served in World War I, World War II, the Korean Conflict and Vietnam Conflict, however, this qualification shall not preclude membership to a veteran who served in more than one of the wars or conflicts.

Sec. 4. Section 250.5, Code 1981, is amended to read as follows:

250.5 COMPENSATION. ~~The members of said~~ A member of the commission shall ~~be paid for their services the sum of five dollars per day for each day actually employed in the work of said commission, and also the same mileage that is paid to the members of the board of supervisors. Said per diem~~ receive twenty-five dollars for each month during which the member attends one or more commission meetings and shall be reimbursed for mileage the same as a member of the board of supervisors. Compensation and mileage shall be paid out of the taxes raised under ~~the provisions of~~ section 250.1. ~~In the event the commission has employed administrative or clerical help, the members of the commission shall receive compensation for attendance at the annual and monthly meetings only.~~

Sec. 5. Section 250.6, Code 1981, is amended to read as follows:

250.6 QUALIFICATION--ORGANIZATION. They shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars each, conditioned for the faithful discharge of their duties with sureties to be approved by the county auditor. The commission shall organize by the selection of one of their number as ~~chairman~~ chairperson, and one as secretary. The commission, subject to the approval of the board of supervisors, shall have power to employ necessary administrative or clerical assistants when needed, the compensation of such employees to be fixed by the board of supervisors, but no member of the commission shall be so employed. The commission with the approval of the board of supervisors shall appoint one of the deputies of the county auditor to serve as administrative assistant to the commission, to serve without additional compensation, unless for good reasons shown, this arrangement is not feasible.

Sec. 6. Section 250.7, Code 1981, is amended to read as follows:

250.7 MEETINGS--REPORT--BUDGET. The commission shall meet monthly ~~on the first Monday~~ and at ~~such~~ other times as ~~may be~~ necessary. At the monthly meeting it shall determine who are entitled to benefits and the probable amount required to be expended ~~therefor~~. The commission shall meet annually ~~on the second Monday in June. At such annual meeting it shall~~ to prepare an estimated budget for all expenditures to be made in the next fiscal year and

certify ~~said~~ the budget to the board of supervisors, ~~who shall have the power and authority to.~~ The board may approve or reduce ~~said~~ the budget for valid reasons shown and entered of record and ~~such~~ the board's decision ~~shall be~~ is final.

Sec. 7. Section 250.10, unnumbered paragraphs 1 and 2, Code 1981, are amended to read as follows:

~~On the first Monday in each month, all~~ All claims certified by the commission shall be reviewed by the board of supervisors and the county auditor shall issue ~~his~~ warrants in payment of same drawn upon the veteran affairs fund. All applications, investigation reports and case records shall be privileged communications and held confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and the administration of the provisions of this chapter. Provided, however, that the county commission of veteran affairs shall prepare and file in the office of the county auditor on or before the thirtieth day of each January, April, July and October a report showing the names and addresses of all recipients receiving assistance under this chapter, together with the amount paid to each during the preceding quarter. Each report so filed shall be securely fixed in a record book to be used only for such reports made under this chapter.

The record book shall be and the same is hereby declared to be a public record, open to public inspection at all times during the regular office hours of the county auditor. Each person who desires to examine said records, other than in pursuance of official duties as hereinbefore provided, shall sign a written request to examine the same, which shall contain an agreement on the part of the signer that he or she will not utilize any information gained therefrom for commercial or political purposes.

Sec. 8. Section 250.11, Code 1981, is amended to read as follows:

250.11 DATA FURNISHED STATE COMMISSION. The commission of veteran affairs of each county shall ~~obtain for and transmit~~ provide information to the commission of the state department of veterans affairs, ~~at such time and in such manner as the Iowa commission shall specify, such information~~ as said Iowa the state commission may request ~~concerning any person having or claiming to have any right to award from the additional bonus and disability fund created by chapter 35.~~

Sec. 9. Section 250.13, Code 1981, is amended to read as follows:

250.13 BURIAL--EXPENSES. The ~~board~~ commission shall ~~designate some suitable person in each township to cause to be decently interred~~ be responsible for the interment in a suitable cemetery of the body ~~bodies~~ of any honorably discharged man ~~men~~ or woman ~~women~~ of the United States, who served in the military or naval forces of the United States during any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, or the spouse, surviving spouse, or child of such ~~the~~ person, if any such ~~the~~ person has died without leaving sufficient means

to defray the funeral expenses. The commission shall may pay such expenses in a sum not exceeding ~~two-hundred-fifty-dollars-in-any-case~~ an amount established by the board of supervisors.

Sec. 10. Section 250.15, Code 1981, is amended to read as follows:

250.15 EXPENSES AND AUDIT THEREOF. ~~The--expenses-of-such-burial-and-headstone~~ Burial expenses shall be paid by the county in which ~~such~~ the person died. If ~~such~~ the person is a resident of a different county at the time of death, the latter county shall reimburse the county ~~wherein-he~~ where the person died for the cost of ~~such~~ such burial ~~and-headstone~~. In either case, the board of supervisors of ~~such~~ the respective counties shall audit and pay the account ~~and-pay-the-same~~ from the funds provided for in this chapter in ~~such~~ the manner as other claims are audited and paid.

Sec. 11. Section 250.16, Code 1981, is amended to read as follows:

250.16 MARKERS FOR GRAVES. The county commission of veteran affairs ~~shall--upon-the-petition--of--five--eligible--electors--of-any-township-or-municipality-in-their-county--procure-for-and~~ may furnish ~~to-said-petitioners~~ some suitable and appropriate metal marker, at a cost not exceeding ~~ten~~ fifteen dollars each, for the grave of each honorably discharged man or woman of the United States, who served in the military or naval forces of the United States during any war, including World War I at any time between April 6, 1917, and November 11, 1918, both dates inclusive, World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, who is buried within the limits of ~~said~~ the township or municipality, to be placed at the individual's grave to permanently mark and designate ~~said~~ the grave for memorial purposes. The expenses ~~thereof~~ shall be paid from any funds raised as provided in this chapter.

Sec. 12. Sections 35.12, 35A.10, 250.14 and 250.21 are repealed.

Approved May 5, 1981

CHAPTER 34

ELECTIONS

S. F. 384

AN ACT relating to elections.

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

Section 1. Section 43.8, Code 1981, is amended to read as follows:

43.8 STATE COMMISSIONER TO FURNISH BLANKS. The state commissioner shall, at state expense, furnish blank nomination papers, in the form provided in this chapter, to any qualified eligible elector who desires to petition for the nomination of any candidate, or to any person who intends to be a candidate, for any office for which nomination papers are required to be filed in his the state commissioner's office.

Sec. 2. Section 43.66, Code 1981, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. If there have been no candidates from a political party for a seat in the general assembly since the most recent redistricting of the general assembly, a write-in candidate shall be considered nominated who receives a number of votes equal to at least thirty-five percent of the total votes cast, at the last preceding primary election in the precincts which currently constitute the general assembly district, for all of that party's candidates for representative in the congress of the United States or who receives at least one hundred votes, whichever number is greater. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section 43.78, subsection 1.

Sec. 3. Section 43.88, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Nominations certified to the proper official under this section shall be accompanied by an affidavit executed by the nominee in substantially the form required by section 43.67.

Sec. 4. Section 43.92, Code 1981, is amended to read as follows:

43.92 DATE OF CAUCUS PUBLISHED. The date, time, and place of each precinct caucus of a political party shall be published at least twice in at least one newspaper of general circulation in the precinct. ~~Such~~ The first publication shall be made not more than thirty fifteen days and not nor less than five seven days before the date of the caucus and the second shall be made not more than seven days before and not later than the date of the caucus. Such publication shall also state in substance that each voter affiliated with the specified political party may attend the precinct caucus. Publication in a news item or advertisement in such newspaper shall constitute publication for the purposes of this section. The cost of such publication, if any, shall be paid by the political party.

Sec. 5. Section 44.3, subsection 1, paragraph e, Code 1981, is amended to read as follows:

e. In case of presidential ~~electors~~ candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.

Sec. 6. Section 44.13, Code 1981, is amended to read as follows:

44.13 CERTIFICATES IN MATTER OF VACANCIES. The certificates of nominations made to supply such vacancies shall state, in addition to the facts and candidate's affidavit required in an original certificate, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and shall be signed and sworn to by the presiding officer and secretary of the convention, or caucus, or by the chairman and secretary of the committee, as the case may be.

Sec. 7. Section 45.1, Code 1981, is amended to read as follows:

45.1 NOMINATIONS BY PETITION. Nominations for candidates for president and vice president and for state offices may be made by nomination ~~paper-or~~ papers signed by not less than one thousand eligible electors of the state; for candidates for offices filled by the voters of a county, district or other division by ~~such~~ papers signed by eligible electors residing in the county, district or division equal in number to at least two percent of the total vote received by all candidates for president of the United States or governor, as the case may be, at the last preceding general election in ~~such~~ the county, district or division; and for township, city or ward, by ~~such~~ papers signed by not less than twenty-five eligible electors, residents of ~~such~~ the township, city or ward. In the case of candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

Sec. 8. Section 47.1, Code 1981, is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The

state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform ~~such~~ the duties ~~as may be~~ assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out ~~the provisions of~~ this section.

Sec. 9. Section 47.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The commissioner shall assign each local public measure a letter for identification purposes. The public measure on the ballot shall be identified by the letter.

The county commissioner who is responsible under subsection 2 for conducting the elections held for a political subdivision which lies in more than one county shall assign the letter to the public measure. The county commissioners of elections of the other counties in which the political subdivision is located shall not assign the same letter to a local public measure on the ballot in their counties during the same election.

Sec. 10. Section 47.7, subsection 1, Code 1981, is amended to read as follows:

1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall regulate the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state, ~~except as otherwise provided by section 48.5, subsection 2, paragraph "d"~~. The registrar shall maintain a log, which shall be a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the office of the state comptroller.

Sec. 11. Section 48.5, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph.

Sec. 12. Section 48.5, subsection 2, paragraphs a and e, Code 1981, are amended to read as follows:

a. Each list shall be produced in the order and form specified by the requestor, so long as that order and form are within the capacity of the record maintenance system used by the registrar; however, the available residential telephone number provided by the registrant shall be included if requested.

e. A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requester under this paragraph shall receive the updating

data at the same time, which shall be determined by the registrar, but in an order and form specified by the requester. Each requester, ~~except those who obtained the initial list of qualified electors under paragraph "d" of this subsection,~~ shall pay the cost of duplicating the updating data before receiving a copy thereof.

Sec. 13. Section 48.5, subsection 3, Code 1981, is amended to read as follows:

3. ~~Neither the~~ The duplicate registration records open to public inspection ~~nor~~ and any list obtained under subsection 2 shall be used ~~for any purpose of any kind or nature, other than~~ only to request a registrant's vote or for any other bona fide political purpose or for a bona fide official purpose by an elected official. The commissioner or registrar shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists in violation of this section shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 14. Section 48.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Residential telephone number at the option of the applicant.

Sec. 15. Section 48.6, subsection 6, Code 1981, is amended to read as follows:

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to ~~telephone number,~~ fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

Sec. 16. Section 48.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

1. A qualified elector may record a legal change of name or a change of telephone number or address, for voter registration purposes, by one of the following methods:

a. The qualified elector may submit to the commissioner a written notice of the change of name, telephone number, or address, bearing the elector's signature. Upon receipt of the notice, the commissioner shall change the registration records accordingly and the change shall be reflected in the election registers prepared for the next election held ten or more days after receipt of the qualified elector's notice. If the notice received by the commissioner does not contain the information regarding name and address necessary to properly update the registration records, the commissioner shall immediately send notice to the elector, by forwardable mail directed to the elector's last known address, that the elector's registration is defective. The commissioner's notice shall advise the elector of the corrections necessary.

b. A qualified elector may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of that polling place for the election being held that day. The precinct election officials shall furnish such a qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

2. The commissioner shall record a change of address for a qualified elector, without the necessity of action by the elector, in any of the following circumstances in which the elector's mailing address is changed but the elector's place of residence has not actually changed:

a. Annexation of territory to a city. When a city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing that person that his or her registration may be in error, and requesting that each person provide the commissioner the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city. When the city changes the name of a street or the number of a house or other building in which an individual resides, the city clerk shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Change of rural route designation of the residence of a qualified elector. The commissioner shall request each postmaster in the county to inform the commissioner of each change of rural route designation and the names of the persons affected, and shall change the registration of each such person as appropriate.

Sec. 17. Section 48.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The ~~county~~ commissioner ~~of registration~~ shall prepare an election register for each county precinct between the time of the closing of registration and election day. The election register shall be a copy of the list of all qualified electors of the precinct and shall be in a form prescribed by the state ~~commissioner of elections~~ voter registration commission.

Sec. 18. Section 48.10, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.10 DECEASED PERSONS--RECORD. The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, on or before the tenth day of each month, a certified list of all persons

seventeen and one-half years of age and older in the state whose deaths have been reported to the records and statistics division of the department of health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration record-keeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration record-keeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

Sec. 19. Section 48.11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before an a general or primary election and eleven days before all other elections, except as provided in section 48.3. The commissioner's office shall be open from eight o'clock a.m. until at least six o'clock p.m. on the day registration closes prior to each regularly scheduled election.

Sec. 20. Section 48.15, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.15 CHALLENGES OF VOTER REGISTRATIONS.

1. A person may challenge the registration to vote of any other person, by filing an individual challenge in writing with the commissioner of the county in which the person challenged is registered. The written challenge need not be in detail, but must allege one or more reasons why, under law, the registration of the person challenged should not have been accepted or should be canceled.

2. A challenge of a person's registration filed less than seventy days prior to a regularly scheduled election need not be processed by the commissioner prior to that election unless the registration, change of name or change of address has been recorded within twenty days prior to the date of the challenge.

3. The commissioner shall immediately give five days' notice of a hearing, by certified mail, to the person whose registration is challenged and to the challenger. The notice shall set forth the reason for the challenge as stated by the challenger. The person challenged may either appear in person at the hearing, or respond in writing addressed to the commissioner and delivered by mail or otherwise prior to the time set for the hearing. However, if the person challenged notifies the commissioner prior to the date set for the hearing that the person wishes to appear in person but will be unable to do so on the date specified, the commissioner may reschedule the hearing. On the basis of the evidence presented by the challenger and the challenged elector, the commissioner shall either cancel the registration of the challenged elector or reject the challenge. Either party may appeal to the district court of the county in which the challenge is made, and the decision of the court shall be final.

Sec. 21. Section 48.31, subsection 1, Code 1981, is amended to read as follows:

1. The elector fails to vote once in the last preceding four consecutive calendar years after the elector's most recent registration or change of name, address or party affiliation, or after the elector most recently voted. For the purpose of this subsection, registration includes the submission of a registration form which makes no change in the elector's existing registration.

Sec. 22. Section 48.31, subsection 3, Code 1981, is amended by striking the subsection.

Sec. 23. Section 48.32, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.32 REPORTS. On March 1 of each year and at other times deemed appropriate, the registrar shall report the number of persons registered in each political party in each county.

Sec. 24. Section 49.11, subsection 3, Code 1981, is amended to read as follows:

3. Notwithstanding the provisions of the first unnumbered paragraph of this section the commissioner may consolidate precincts for any election including a primary and general election ~~if one~~ under either of the following circumstances:

a. One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.

b. The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

Sec. 25. Chapter 49, Code 1981, is amended by inserting after section 49.13 the following new section:

NEW SECTION. SUBSTITUTE PRECINCT ELECTION OFFICIALS.

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, he or she shall designate another member of the board to serve as chairperson until the chairperson returns. The responsibilities and duties of a precinct election official present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate.

2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections 49.19, 49.20, and 49.125. Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

3. The commissioner shall not employ substitute precinct election officials in a partisan election unless:

a. The election board panel drawn up pursuant to section 49.15 contains the names of a sufficient number of political party designees to permit appointment of both the regular precinct election officials and any substitute precinct election officials from that panel; or

b. The commissioner has informed the county chairpersons of the political parties referred to in section 49.13, subsection 2, thirty days prior to the date of the election, of intent to appoint substitute precinct election officials and has allowed ten days thereafter for the respective county chairpersons to provide additional names of persons from whom the substitute precinct election officials shall be appointed. If a county chairperson fails to provide additional names after being so notified, the commissioner may appoint persons known to be members of the appropriate political party or parties.

Sec. 26. Section 49.21, unnumbered paragraph 4, Code 1981, is amended to read as follows:

In the selection of polling places, ~~consideration~~ preference shall also be given to the use of buildings accessible to elderly and physically disabled persons.

Sec. 27. Section 49.44, Code 1981, is amended to read as follows:

49.44 STATE COMMISSIONER TO PREPARE SUMMARY. When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot referred to in section 49.43 and, in precincts where the amendment or measure will be voted on by machine, shall be placed in the voting machine inserts as required by section 52.25.

Sec. 28. Section 49.45, Code 1981, is amended to read as follows:

49.45 GENERAL FORM OF BALLOT. Ballots referred to in section 49.43 shall be substantially in the following form:

"Shall the following amendment to the Constitution (or public measure) be adopted?"

Yes	_____
No	_____

(Here insert the summary, if it be for a constitutional amendment or state-wide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot.)

Sec. 29. Section 49.68, subsection 8, Code 1981, is amended by striking the subsection.

Sec. 30. Section 49.89, Code 1981, is amended to read as follows:

49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any

election in which candidates appear on the ballot under the heading of either of the political parties referred to in section 49.13, to assist voters who may be unable to cast their votes without assistance. Voters who are blind or physically disabled may have the assistance of any person they may select.

Sec. 31. Section 49.90, Code 1981, is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that he or she cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or alternatively by any other person the voter may select if the voter is blind or physically disabled in casting the vote. Said officers, or person selected by the blind or physically disabled voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by handicapped voters shall be deposited in the regular ballot box and counted in the usual manner.

Sec. 32. Section 49.104, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to election day. If more than three such persons file a notice of intent with respect to ballot issues at any election, the commissioner shall appoint from those submitting a notice of intent three persons to serve as observers. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 33. Section 49.109, Code 1981, is amended to read as follows:

49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any person entitled to vote at a ~~general~~ an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which ~~he~~ the person is not required to be present at work for an employer, ~~shall be~~ is entitled to such time off from ~~his~~ work time to vote as will in addition to ~~his~~ the person's nonworking time total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. ~~Such voter shall~~ The employee is not be liable to any

penalty nor shall any deduction be made from ~~his~~ the person's regular salary or wages on account of such absence.

Sec. 34. Chapter 50, Code 1981, is amended by adding the following new section:

NEW SECTION. GENERAL RECOUNT PROVISIONS.

1. The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request therefor is made not later than five o'clock p.m. on the third day following the county board's canvass of the election in question. The request shall be filed with the commissioner of that county, or with the commissioner responsible for conducting the election if section 47.2, subsection 2 is applicable, and shall be signed by either of the following:

a. A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

b. Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

This section does not apply to an election held by a city which is not the final election for the office in question.

2. The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

a. For an office filled by the electors of the entire state, one thousand dollars.

b. For United States representative, five hundred dollars.

c. For senator in the general assembly, three hundred dollars.

d. For representative in the general assembly, one hundred fifty dollars.

e. For an office filled by the electors of an entire county having a population of fifty thousand or more, two hundred dollars.

f. For any elective office to which paragraphs a through e of this subsection are not applicable, one hundred dollars.

After all recount proceedings for a particular office are completed and the official canvass of votes cast for that office is corrected or completed pursuant to subsections 5 and 6, if necessary, any bond posted under this subsection shall be returned to the candidate who requested the recount if the apparent winner before the recount is not the winner as shown by the

corrected or completed canvass. In all other cases, the bond shall be deposited in the general fund of the state if filed with the state commissioner or in the election fund of the county with whose commissioner it was filed.

3. The recount shall be conducted by a board which shall consist of:

a. A designee of the candidate requesting the recount, who shall be named in the written request when it is filed.

b. A designee of the apparent winning candidate, who shall be named by that candidate at or before the time the board is required to convene.

c. A person chosen jointly by the members designated under paragraphs a and b of this subsection.

The commissioner shall convene the persons designated under paragraphs a and b of this subsection not later than nine o'clock a.m. on the seventh day following the county board's canvass of the election in question. If those two members cannot agree on the third member by eight o'clock a.m. on the ninth day following the canvass, they shall immediately so notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than five o'clock p.m. on the eleventh day following the canvass.

4. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

5. If the recount board's report is that the abstracts prepared pursuant to the county board's canvass were incorrect as to the number of votes cast for the candidates for the office or nomination in question, in that county or district, the commissioner shall at once so notify the county board. The county board shall reconvene within three days after being so notified, and shall correct its previous proceedings.

6. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which section 50.30 or section 43.60 in the case of a primary election, is applicable. If necessary, the state canvass required by section 50.38, or by section 43.63, as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

Sec. 35. Section 50.21, Code 1981, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the election board of the special precinct established by section

53.20 at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the third day following such an election is a legal holiday the special precinct election board shall be convened at noon on the second day following the election, and if the canvass of the election is required at any earlier time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections 49.12 and 49.13.

Sec. 36. Section 53.17, Code 1981, is amended to read as follows:

53.17 MAILING OR DELIVERING BALLOT. The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be delivered by the qualified elector or his or her designee to the commissioner or a deputy in his or her office, or mailed, postage paid, to the office of the commissioner. The carrier envelope shall be received by the commissioner until ~~eight-o'clock-p.m.~~ the time the polls are closed on election day. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour on election day, and shall seek to arrange for any absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the time the polls are closed.

Sec. 37. Section 53.22, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. The special precinct election officers shall both notarize each absent voter's affidavit as required by section 53.16; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section 49.90. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day. On election day the officers shall return the sealed container by the time the polls are closed.

Sec. 38. Section 54.5, Code 1981, is amended to read as follows:

54.5 PRESIDENTIAL NOMINEES. The names of the candidates for president and vice president, ~~respectively~~, of a political party as defined in the law relating to primary elections, shall, ~~at least sixty-five days~~ by five o'clock p.m. on the sixty-seventh day prior to the election, be certified to the state commissioner by the ~~chairman~~ chairperson and secretary of the state central committee of ~~said~~ the party.

Sec. 39. Section 57.1, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of an infamous crime, and that the judgment had not been reversed, annulled or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under section 248.12, at the time of the election.

Sec. 40. Section 57.6, Code 1981, is amended to read as follows:

57.6 OTHER CONTESTS. All the provisions of the chapter in relation to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 41. Section 58.2, Code 1981, is amended to read as follows:

58.2 NOTICE TO INCUMBENT. As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

Sec. 42. Section 59.1, Code 1981, is amended to read as follows:

59.1 STATEMENT SERVED. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 43. Section 60.4, Code 1981, is amended to read as follows:

60.4 STATEMENT. The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

Sec. 44. Section 61.10, Code 1981, is amended to read as follows:

61.10 NOTICE TO INCUMBENT--TRIAL. Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties.

Sec. 45. Section 69.12, unnumbered paragraph 1, Code 1981, is amended to read as follows:

When a vacancy occurs in any nonpartisan elective office of a political subdivision of this state, and the statutes governing the office in which the vacancy occurs require that it be filled by election or are silent as to the method of filling the vacancy, it shall be filled pursuant to this section. As used in this section, "pending election" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision.

Sec. 46. Section 372.13, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

a. By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph b shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, there is filed with the city clerk a petition which requests a special election to fill the vacancy and which is signed by eligible electors who are, or would be if registered, entitled to vote to fill the office in question, equal in number to two percent of those who voted for candidates for the office at the last preceding regular election at which the office was on the ballot, but not less than ten persons, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph b.

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph a, the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. A special election held under this subsection is subject to neither a primary election nor runoff, even if such an election is required when the office in question is filled at a regular city election, and the candidate receiving a plurality of the vote is elected.

Sec. 47. Section 420.41, subsection 1, paragraph d, Code 1981, is amended to read as follows:

d. In respect of the election or appointment of a clerk, treasurer, police magistrate and marshal or in respect of the authority, functions, duties or compensation of any ~~thereof~~ of these except that section 372.13, subsection 2, applies in respect to a vacancy in any of these elective offices and to a vacancy in any other city elective office.

Sec. 48. Sections 43.56, 43.57, and 43.58, Code 1981, are repealed.

Sec. 49. The Code editor shall prepare a compilation of the election laws of this state as soon as reasonably possible after the effective date of this section. The superintendent of printing shall cause not less than five thousand copies of the compilation to be printed, and an additional five thousand to be printed if the initial supply of five thousand runs out. The cost of preparing and printing the compilation shall be paid from the appropriation provided by section 14.22.

Sec. 50. The compilation of election laws printed pursuant to section 49 of this Act shall be distributed by the superintendent of printing. Each county shall be provided with a sufficient number of copies to enable the county commissioner of elections to distribute one copy to each political party county central committee chairperson, the secretary of each school board for which the commissioner conducts an election, each city clerk, each public library and each secondary school library. These persons and libraries shall be informed in some suitable manner that they may obtain a copy of the compilation free of charge from the county commissioner's office. All copies remaining after the foregoing requirements have been satisfied shall be distributed free of charge in reasonable quantities to persons requesting them.

Approved June 15, 1981

CHAPTER 35

CAMPAIGN DISCLOSURE TAX CHECKOFF

H. F. 743

AN ACT to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

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

Section 1. Section 56.2, subsection 4, paragraph b, unnumbered paragraph 2, and subsections 6 and 13, Code 1981, are amended to read as follows:

"Contribution" shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate candidate's committee or political committee or a state or county statutory political

committee except when organized or provided on a collective basis by a business, trade association, labor union, or any other organized group or association. "Contribution" shall not include refreshments served at a campaign function so long as such refreshments do not exceed fifty dollars in value or transportation provided to a candidate so long as its value computed at a rate of ~~ten~~ twenty cents per mile does not exceed fifty one hundred dollars in value in any one reporting period.

6. "Political committee" means a committee, but not a candidate's committee, which ~~shall--consist--of--persons--organized--for--the--purpose--of~~ accepting accepts contributions, making makes expenditures, or incurring incurs indebtedness in the aggregate of more than ~~one~~ two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office or ballot issue.

13. "Candidate's committee" means the committee designated by the candidate to receive contributions, expend funds, or incur indebtedness in excess of ~~one~~ two hundred fifty dollars in any calendar year on behalf of the candidate.

Sec. 2. Section 56.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Ballot issue" means a question, other than the nomination or election of a candidate to a public office, which has been approved by a political subdivision or the general assembly or is required by law to be placed before the voters of the political subdivision by a commissioner of elections, or to be placed before the voters by the state commissioner of elections.

NEW SUBSECTION. "National political party" means a party which meets the definition of a political party established for this state by section 43.2, and which also meets the statutory definition of the term "political party" or a term of like import in at least twenty-five other states of the United States.

Sec. 3. Section 56.3, Code 1981, is amended to read as follows:

56.3 COMMITTEE TREASURER--DUTIES.

1. Every ~~political~~ committee shall appoint a treasurer. An expenditure shall not be made by the treasurer or ~~his~~ treasurer's designee for or on behalf of a ~~political~~ committee without the approval of the chairman of the ~~political~~ committee, or the candidate.

2. Every person who receives contributions in excess of one hundred dollars for a ~~political~~ committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer an account of the total of all contributions; including the name and address of the persons making a contribution in excess of ten dollars, the amount of such contribution, and the date on which the contributions were received. All funds of a ~~political~~ committee shall be segregated from any personal funds of officers, members, or associates of the ~~political~~ committee.

3. The treasurer of a ~~political~~ committee shall keep a detailed and exact account of:

- a. All contributions made to or for the ~~political~~ committee.
- b. The name and mailing address of every person making contributions in excess of ten dollars, and the date and amount of the contribution.
- c. All disbursements made from contributions by or on behalf of the ~~political~~ committee.
- d. The name and mailing address of every person to whom any expenditure is made, the date and amount of the expenditure and the name and address of, and office sought by each candidate, if any, on whose behalf the expenditure was made. Notwithstanding the provisions of this paragraph, the treasurer may keep a miscellaneous account for disbursements of less than five dollars which need only show the amount of the disbursement so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.
- e. Notwithstanding the provisions of subsection 3, paragraph "d", of this section, when an expenditure is made by a ~~political~~ committee in support of the entire state or local political party ticket, only the name of the party shall be given.

4. The treasurer shall preserve all records required to be kept by this section for a period of one year from the date of the election.

Sec. 4. Section 56.4, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Political committees supporting or opposing candidates or ballot issues for statewide elections and for county, municipal or school elections may file all activity on one report with the commission and shall send a copy to the commissioner responsible under section 47.2 for conducting the election.

Sec. 5. Section 56.5, subsection 2, paragraph f, Code 1981, is amended to read as follows:

f. A signed statement by the treasurer of the committee which shall be in the following form:

"I am aware that I am required to file disclosure reports if the committee receives contributions, makes expenditures, or incurs indebtedness in excess of ~~one~~ two hundred fifty dollars in a calendar year for the purpose of supporting or opposing any candidate for public office or ballot issue."

Sec. 6. Section 56.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. A permanent organization temporarily engaging in activity which would qualify it as a political committee shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports in accordance with this chapter. When the permanent organization ceases to be involved in the political activity, it shall dissolve the political committee.

Sec. 7. Section 56.6, subsection 1, Code 1981, is amended to read as follows:

1. Each treasurer of a committee shall file with the commission or commissioner disclosure reports of contributions received and disbursed on forms prescribed by rules as provided by chapter 17A. The reports from all

committees, except those committees for municipal and school elective offices and for local ballot issues, shall be filed on the twenty-fifth day or mailed ~~by-certified-mail-by~~ bearing a United States postal service postmark dated on or before the twenty-fourth day of January, May, July and October of each year. The January report shall be current to the end of the month preceding the filing. The May, July and October reports shall be current as of five days prior to the filing deadline. The January report shall be the annual report. Reports for committees for a ballot issue placed before the voters of the entire state shall be filed at the January, May, July, and October deadlines. Committees for municipal and school elective offices and local ballot issues shall file their first reports five thirty days prior to any election in which the name of the candidate or the local ballot issue which they support or oppose appears on the printed ballot and shall file their second report thirty days following the final election in a calendar year in which the candidate's name or the ballot issue appears on the ballot. A committee may file its first report on the date of its organization if it is after the date for the first report, but not later than five days prior to the election. A committee supporting or opposing a candidate for a municipal or school elective office or a local ballot issue shall continue to file a disclosure statement every thirty days until it dissolves. These reports shall be current to five days prior to the filing deadline. A state statutory political committee and congressional district committees as authorized by the constitution of the state statutory political committee ~~shall~~ are not be subject to ~~the provisions of~~ this subsection if the state statutory political committee ~~files~~ and congressional district political committees file copies of campaign disclosure reports as required by federal law with the commission at ~~such~~ the times as the reports are required to be filed under federal law, provided that the federal reports contain all information required by this chapter. A committee of a national political party is not required to file a disclosure report with the commission if it is required by federal law to file a campaign disclosure report with a federal agency.

Sec. 8. Section 56.6, subsection 3, paragraph b, Code 1981, is amended to read as follows:

b. The name and mailing address of each person who has made one or more contributions of money to the committee including the proceeds from any fund-raising events except those reportable under paragraph "f" of this subsection, when the aggregate amount in a calendar year exceeds the amount specified in the following schedule:

- (1) For any candidate for school or township office \$ 25
- (2) For any candidate for city office \$ 25
- (3) For any candidate for county office \$ 25
- (4) For any candidate for the general assembly \$ 50
- (5) For any candidate for the Congress of the United States .. \$100
- (6) For any candidate for state-wide office \$100
- (7) For any committee of a national political party \$200
- ~~(7)~~ (8) For any state statutory political committee ~~\$100~~

- ~~(8)~~ (9) For any county statutory political committee \$ 50
 (10) For any other political committee \$ 50
~~(9)~~ (11) For any ballot issue \$ 25

Sec. 9. Section 56.10, subsection 4, Code 1981, is amended to read as follows:

4. Adopt rules pursuant to chapter 17A and levy civil penalties to carry out ~~the provisions of~~ this chapter. The rules shall provide that the candidate, or the treasurer of a committee, is responsible for filing disclosure reports as required by this chapter, and shall receive notice from the commission if the candidate or committee has failed to file a disclosure report at the time required by this chapter. A candidate, or treasurer of a committee, may be subject to a civil penalty for failure to file a disclosure report required by this chapter if the report has not been filed when required by section 56.6, subsection 1.

Sec. 10. Section 56.11, subsection 1, Code 1981, is amended to read as follows:

1. Any eligible elector may file a complaint of an alleged violation with the commission. The complaint shall be verified and supported by affidavit detailing the circumstances of the violation alleged. The commission may initiate action on its own motion by filing a complaint accompanied by such an affidavit. Within twenty-four hours after receipt of a complaint or initiation of its own complaint, the commission shall notify the person, candidate or committee against whom the complaint is made of receipt or initiation of the complaint, and until it has done so it shall make no investigation of any kind into the campaign affairs of the person, candidate or committee. Unless the commission concludes that there is no reasonable basis for a complaint which has been filed, it shall set a date for a hearing on the complaint which shall be not more than ~~fifteen~~ thirty days after the date the complaint is received or initiated by the commission. The commission shall serve the person, candidate or committee against whom the complaint is made a copy of the complaint and supporting affidavit and notice of the hearing in the manner provided by the rules of civil procedure. Copies of the complaint, affidavit and notice shall also be sent to each of the other candidates, if any, for the office affected. If a complaint is filed or initiated less than ~~fifteen~~ thirty days before the election at which the office affected is to be filled, the commission shall set the hearing at the earliest possible date so as to allow the issue to be resolved prior to the election. An extension of time for the hearing may be granted when both parties mutually agree on an alternate date for the hearing.

Sec. 11. Section 56.13, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate's committee or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate. It shall be presumed that a candidate approves ~~such~~ the action if ~~he~~ the candidate had knowledge thereof of it and failed to file a statement of disavowal with the commissioner or commission and take corrective action within seventy-two hours thereof of the action.

Sec. 12. Section 56.23, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The ~~chairman~~ chairperson of the state statutory political committee shall produce evidence to the state comptroller and campaign finance disclosure commission not later than ~~thirty-days-after-the-election--returns--have--been-certified--by--the--board-of-state-canvassers~~ the twenty-fifth day of January each year, that all income tax checkoff funds paid expended for the campaign expenses ~~of--that--election~~ have been utilized exclusively for ~~such~~ campaign expenses.

Sec. 13. Section 56.28, Code 1981, is amended to read as follows:

56.28 CANDIDATE'S COMMITTEE. Each candidate for public office shall organize one, and only one, candidate's committee if the candidate anticipates receiving contributions, making expenditures, or incurring indebtedness in excess of ~~one~~ two hundred fifty dollars in a calendar year.

Sec. 14. Section 56.29, subsections 1 and 2, Code 1981, are amended to read as follows:

1. Except as provided in subsection 3 ~~of this section~~, it ~~shall-be~~ is unlawful for any insurance company, savings and loan association, bank, ~~and~~ or corporation organized pursuant to the laws of this state or any other state, territory, or foreign country, whether for profit or not, or any officer, agent, or representative ~~thereof~~ acting for such insurance company, savings and loan association, bank, or corporation, to contribute any money, property, labor, or thing of value, directly or indirectly, to any committee, or for the purpose of influencing the vote of any elector, except that such resources may be so expended in connection with a utility franchise election held pursuant to section 364.2, subsection 4, or a ballot issue, however all such expenditures ~~shall-be~~ are subject to the disclosure requirements of this chapter.

2. Except as provided in subsection 3 ~~of this section~~, it ~~shall--be~~ is unlawful for any member of any committee, or employee or representative thereof, except a ballot issue committee, or for any candidate for any office or the representative of such the candidate, to solicit, request, or knowingly receive from any insurance company, savings and loan association, bank, ~~and~~ or corporation organized pursuant to the laws of this state or any other state, territory, or foreign country, whether for profit or not, or any officer, agent, or representative thereof, any money, property, or thing of value belonging to ~~such the~~ the insurance company, savings and loan association, bank, or corporation for campaign expenses, or for the purpose of influencing the vote of any elector. ~~Nothing-in-this~~ This section ~~shall-be-constructed-to~~ does not restrain or abridge the freedom of the press or prohibit the consideration and discussion ~~therein~~ in the press of candidacies, nominations, public officers, or public questions.

Sec. 15. Section 56.30, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

56.30 FORMS MAILED. The commission and the commissioners shall provide proper forms to each committee which is required to file a report with them. A form packet shall be mailed to each active committee on or about April 25 of each year.

Sec. 16. Section 43.18, unnumbered paragraph 3, Code 1981, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of ~~one~~ two hundred fifty dollars for the purpose of supporting my candidacy for public office.

Sec. 17. Section 44.3, subsection 2, unnumbered paragraph 5, Code 1981, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of ~~one~~ two hundred fifty dollars for the purpose of supporting my candidacy for public office.

Sec. 18. Section 45.3, subsection 2, unnumbered paragraph 5, Code 1981, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of ~~one~~ two hundred fifty dollars for the purpose of supporting my candidacy for public office.

Sec. 19. This Act takes effect January 1 following enactment.

Approved June 20, 1981

CHAPTER 36

CONFIDENTIALITY OF LIBRARY OR MUSEUM DONATED ITEMS

S. F. 529

AN ACT relating to material donated to a public library, museum or archive.

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

Section 1. Section 68A.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The material of a library, museum, or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

Approved May 4, 1981

CHAPTER 37

ADULT CORRECTIONAL SECURITY INFORMATION

H. F. 730

AN ACT exempting certain security information of adult correctional institutions from public disclosure.

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

Section 1. Section 68A.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under section 17A.3. As used in this subsection disturbance means a riot or a condition that can reasonably be expected to cause a riot.

Approved May 4, 1981

CHAPTER 38

CRIMINAL DATA CONFIDENTIALITY

H. F. 731

AN ACT relating to criminal investigative data, criminal history data, intelligence data, and the confidentiality of peace officers' investigative reports.

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

Section 1. Section 68A.7, subsection 5, Code 1981, is amended to read as follows:

5. Peace ~~officers~~ officers' investigative reports, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

Sec. 2. Section 692.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Criminal investigative data" means information collected in the course of an investigation where there are reasonable grounds to suspect that specific criminal acts have been committed by a person.

Sec. 3. Section 692.1, subsection 11, Code 1981, is amended to read as follows:

11. "Intelligence data" means information ~~collected--where--there--are reasonable--grounds--to--suspect--involvement*--or--participation--in~~ on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity by any person.

Sec. 4. Section 692.3, Code 1981, is amended to read as follows:

692.3 REDISSEMINATION. A peace officer, criminal justice agency, or state or federal regulatory agency shall not disseminate criminal history data, ~~within or without~~ outside the agency, received from the department or bureau, unless all of the following apply:

1. The data is for official purposes in connection with prescribed duties of a criminal justice agency, ~~and.~~
2. The agency maintains a list of the persons receiving the data and the date and purpose of the dissemination, ~~and.~~
3. The request for data is based upon name, fingerprints, or other individual identification characteristics.

A peace officer, criminal justice agency, or state or federal regulatory agency shall not disseminate intelligence data, ~~within or without~~ outside the agency, received from the department or bureau or from any other source, except as provided in subsections 1 and 2.

Sec. 5. Section 692.10, Code 1981, is amended to read as follows:

692.10 RULES. The department shall adopt rules designed to assure the security and confidentiality of all systems established for the exchange of criminal history data and intelligence data systems between criminal justice agencies.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after the publication in the Des Moines Daily Record, a newspaper published in Des Moines, Iowa, and in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

Approved May 1, 1981

I hereby certify that the foregoing Act, House File 731, was published in the Des Moines Daily Record, Des Moines, Iowa on May 6, 1981 and in The DeWitt Observer, DeWitt, Iowa on May 9, 1981.

MARY JANE ODELL, *Secretary of State*

*According to enrolled Act

CHAPTER 39
INTEREST ON PUBLIC DEPOSITS

S. F. 299

AN ACT relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations.

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

Section 1. Section 74A.6, subsections 1, 2, 3, 4, and 5, Code 1981, are amended to read as follows:

1. The ~~rulemaking~~ authority contained in this section shall be exercised by a committee composed of the treasurer of state, the superintendent of banking and the ~~commissioner-of-insurance~~ auditor of state or a designee.

2. The committee shall ~~adopt-rules-pursuant-to-chapter--17A--establishing~~ establish the ~~annual~~ maximum interest rate to be applicable to obligations referred to in section 74A.2, and this rate shall apply unless the parties agree to a lesser interest rate. The committee shall establish the ~~annual~~ maximum interest rate to be applicable to obligations referred to in section 74A.4.

3. The committee shall ~~adopt-rules-pursuant-to-chapter-17A-establishing~~ establish recommended interest rates, or formulae for determining recommended interest rates, to be applicable to obligations referred to in sections 74A.3 and 74A.7.

4. The committee ~~shall-establish-and~~ from time to time ~~modify~~ shall establish one or more of the interest rates referred to in subsections 2 and 3 as may be necessary in the opinion of the committee to permit the orderly financing of governmental activities, and to minimize interest costs to governmental bodies while permitting a fair return to persons whose funds are used to finance governmental activities. The committee shall consider relevant indices of actual interest rates in the economy when establishing rates under this section, including but not necessarily limited to maximum lawful interest rates payable by depository financial institutions on customer deposits, interest rates payable on obligations issued by the United States government, and interest rates payable on obligations issued by governmental bodies other than those of this state.

5. An interest rate established by the committee under this section shall be in effect commencing on the ~~date--specified--in--the--rule--and--until~~ superseded-by-a-subsequent-rule eighth calendar day following the day the rate is established and until a new rate is established and takes effect. The committee shall give advisory notice of an interest rate established under this section. This notice may be given by publication in one or more newspapers, by publication in the Iowa administrative bulletin, by ordinary mail to persons directly affected by any other method determined by the committee, or by a combination of these. Actions of the committee under this section are exempt from chapter 17A.

Sec. 2. Section 453.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~Henceforth--public~~ Public deposits shall be deposited with reasonable promptness and shall except for time certificates of deposit be evidenced by passbook entry by the depository legally designated as depository for such funds. A committee composed of the superintendent of banking, the ~~commissioner--of--insurance~~ auditor of state or a designee, and the treasurer of state shall meet on or about the first of each month or at other times as the committee may prescribe and by majority action shall establish the rate to be earned on state funds placed in time deposits ~~during-the--period--until the--next-meeting-of-the-committee~~. State funds invested by the treasurer of state in bank time certificates of deposit shall draw interest at the rate so ~~determined~~ established, effective on the date of investment. An interest rate established by the committee under this section shall be in effect commencing on the eighth calendar day following the day the rate is established and until a different rate is established and takes effect. The committee shall give advisory notice of an interest rate established under this section. This notice may be given by publication in one or more newspapers, by publication in the Iowa administrative bulletin, by ordinary mail to persons directly affected, by any other method determined by the committee, or by a combination of these. Actions of the committee under this section are exempt from chapter 17A.

Approved May 5, 1981

CHAPTER 40
PUBLIC REVENUE BONDS

S. F. 551

AN ACT relating to the sale of public revenue bonds and making it effective upon publication.

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

Section 1. Chapter 75, Code 1981, is amended by adding the following new section:

NEW SECTION. Any other provisions of this chapter or any other law to the contrary notwithstanding, if the principal amount of an issue of public revenue bonds is fifteen million dollars or greater, the official or governing body in charge of the bond sale may, if the official or governing body deems it advisable and in the best interests of the public, sell the bonds at private sale without the necessity of public advertisement or the taking of competitive bids and at a price above, at, or below par, plus accrued interest, as the official or governing body deems advisable and in the best interests of the public.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa, and in the Lee Town News, a newspaper published in Des Moines, Iowa.

Approved June 19, 1981

I hereby certify that the foregoing Act, Senate File 551 was published in the Lee Town News, Des Moines, Iowa on June 25, 1981 and the Grinnell Herald-Register, Grinnell, Iowa on July 2, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 41
METALLIC MINERAL EXPLORATION PERMIT
H. F. 632

AN ACT to require a permit for drilling operations for metallic minerals exploration.

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

Section 1. Section 84.1, Code 1981, is amended to read as follows:

84.1 DECLARATION OF POLICY. It is **hereby** declared to be in the public interest to foster, to encourage, and to promote the development, production, and utilization of natural resources of oil and gas and metallic minerals in the state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas and metallic minerals properties in such a manner that a greater ultimate recovery of oil and gas and metallic minerals be had and that the correlative rights of all owners be fully protected; and to encourage and to authorize such measures as will result in the greatest possible economic recovery of oil and gas and metallic minerals within the state to the end that the landowners, the royalty owners, the producers, and the general public realize and enjoy the greatest possible good from these vital natural resources. It is **hereby** further declared that the general welfare of the people requires that the underground and surface water of the state be protected from pollution and conserved in the best interests of the people of the state.

Sec. 2. Section 84.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Well" means any hole drilled to determine stratigraphic sequence, mineralization, or for the discovery of oil or gas.

NEW SUBSECTION. "Metallic mineral resources" means the valuable minerals of an area containing metals such as, but not restricted to, lead, copper, zinc, and iron that are presently recoverable or may be recoverable in the future.

NEW SUBSECTION. "Exploration" means an on-site geologic examination from the surface of an area by core, rotary, percussion, or other drilling for the purpose of obtaining stratigraphic or metallic mineral resource information or establishing the nature of a known metallic mineral deposit.

Sec. 3. Section 84.4, unnumbered paragraph 1 and subsection 6, Code 1981, are amended to read as follows:

The council has the duty of administering ~~the provisions of~~ this chapter. The state geologist shall act as administrator with the duty ~~and responsibility~~ of enforcing the regulations and orders of the council applicable to the crude petroleum oil and natural gas and metallic mineral resources of this state and the provisions of this chapter. The council has the duty ~~and authority~~ to make ~~such~~ investigations ~~as~~ it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action. The council acting through the office of the state geologist has the authority:

6. To make rules or orders for the classification of wells as oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological information, or as wells for secondary recovery projects, or wells for the disposal of highly mineralized water, brine, or other oil field wastes, or wells for the storage of dry natural gas, or casinghead gas, or wells for the development of reservoirs for the storage of liquid petroleum gas and for the exploration and production of metallic mineral resources.

Sec. 4. Section 84.5, Code 1981, is amended to read as follows:

84.5 DRILLING PERMIT REQUIRED. It ~~shall--be~~ is unlawful to commence operations for the drilling of a well for oil or gas or the production of metallic minerals or to commence operations to deepen any well to a different geological formation without first giving the state geologist notice of intention to drill, ~~or~~ and without first obtaining a permit from the state geologist, under ~~such~~ rules ~~as may be~~ prescribed by the council and paying to the council a fee of fifty dollars for ~~such~~ the well. ~~Such~~ The fee shall be used by the council for administering this chapter, including the payment of expenses incurred in publishing legal notice.

Sec. 5. Section 84.21, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state, counties and cities and other political subdivisions ~~are hereby authorized--to~~ may lease publicly owned lands under their respective jurisdictions for the purpose of oil or gas or metallic minerals exploration and production. Any such leases shall be entered into on behalf of the state by the executive council, on behalf of ~~counties~~ a county by the board of supervisors, on behalf of ~~cities~~ a city by the council ~~thereof~~ and on behalf of ~~either~~ another political ~~subdivisions~~ subdivision by the governing body ~~thereof~~. ~~Such~~ The leases shall be upon ~~such~~ terms and conditions as ~~may be~~ agreed upon.

Sec. 6. Section 84.22, unnumbered paragraphs 1, 2, and 3, Code 1981, are amended to read as follows:

When any oil, ~~or~~ gas, or metallic mineral lease, heretofore, or hereafter, given on land situated in Iowa and recorded, ~~shall become~~ becomes forfeited by failure of the lessee to comply with its provisions or ~~of~~ the Iowa law, ~~it~~

~~shall-be-the-duty-of-lessee~~ the lessee shall, within sixty days after date of forfeiture of ~~any-such~~ the lease, ~~to~~ have ~~sueh~~ the lease surrendered in writing, duly acknowledged and placed on record in the county where the leased land is situated, or the lease may be released by a marginal release on margin of the record ~~thereof~~, without cost to the owner of land described ~~therein~~ in the lease. If ~~said~~ the lessee ~~shall-fail~~ fails to execute and record a release of ~~sueh~~ the recorded lease within the time provided for, ~~then~~ the owner of the land may execute and file with the recorder of the ~~county--or~~ counties in which ~~sueh~~ the forfeited lease has been recorded an affidavit of noncompliance in substantially the following form:

AFFIDAVIT OF NONCOMPLIANCE

State of Iowa

}
 }
 } ss.

County of

....., being first duly sworn, upon ~~his~~ oath deposes and says that he or she is as referred to in an (oil and gas) (metallic mineral) mining lease dated the day of, 19....., and which lease is recorded in Volume, Page, of the County Records of County,, and which ~~said~~ lease covers the following described lands:

Sec. 7. Section 84.22, unnumbered paragraph 8, Code 1981, is amended to read as follows:

I,, (Cashier) (President) of the Bank of, being first duly sworn, upon my oath ~~hereby~~ declare that there has not been deposited to the credit of in the Bank of, by or any other party, any sum of money whatsoever, in payment of rental under the terms of ~~said~~ the (oil and gas) (metallic mineral) mining lease ~~herein~~ referred to in this affidavit.

Sec. 8. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Lyon County Reporter, a newspaper published in Rock Rapids, Iowa, and in the Doon Press, a newspaper published in Doon, Iowa.

Approved June 2, 1981

I hereby certify that the foregoing Act, House File 632, was published in The Lyon County Reporter, Rock Rapids, Iowa on June 24, 1981 and the Doon Press, Doon, Iowa on June 25, 1981.

MARY JANE ODELL, Secretary of State

CHAPTER 42
AUDIOMETRIC EXAMINATIONS

S. F. 320

AN ACT relating to the performance of audiometric examinations under the Iowa Occupational Hearing Loss Act.

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

Section 1. Section 85B.9, Code 1981, is amended to read as follows:

85B.9 MEASURING HEARING LOSS. Pure tone air conduction audiometric instruments, properly calibrated according to accepted national standards used to define occupational hearing loss shall be used for measuring hearing ~~loss levels~~, and the audiograms shall be taken and the tests given in an environment ~~such as is~~ prescribed by accepted national standards. If more than one audiogram is taken following notice of an occupational hearing loss claim, the audiogram having the lowest threshold ~~will~~ shall be used to calculate occupational hearing loss. If the ~~losses measured levels~~ of hearing average less than those levels that constitute an occupational hearing loss, the losses of hearing are not a compensable hearing disability. If the ~~losses measured levels~~ of hearing average ninety-two decibels American national standards institute (ANSI) or international standards organization (ISO), or more in the four frequencies, then the ~~losses-are~~ levels constitute total, or one hundred percent, compensable hearing loss. In measuring hearing ~~impairment loss~~ the lowest measured ~~losses levels~~ in each of the four frequencies shall be added together and divided by four to determine the average decibel ~~loss level~~. For each resulting average decibel of-loss level exceeding twenty-five decibels ANSI or ISO, an allowance of one and one-half percent shall be made up to the maximum of one hundred percent, which is reached at the average level of ninety-two decibels ANSI or ISO. In determining the binaural percentage of loss, the percentage of ~~impairment loss~~ in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of ~~impairment loss~~ in the poorer ear, and the sum of the two divided by six. The final percentage shall represent the binaural hearing ~~impairment loss~~. Audiometric examinations shall be made by a person who is certified by the council of accreditation in occupational hearing conservation or by persons trained by formal course work in air conduction audiometry at an accredited educational institution or licensed as audiologists under chapter 147, as physicians under chapter 148, as osteopathic physicians under chapter 150, or as osteopathic physicians and surgeons under chapter 150A if such licensed persons are trained in air conduction audiometry. The interpretation of the audiometric examination shall be by the employer's regular or consulting physician who is trained and has had experience with such interpretation, or by a licensed audiologist. If the employee disputes the interpretation, the employee may select a

physician similarly trained and experienced or a licensed audiologist to give an interpretation of the audiometric examination. This section is applicable in the event of partial permanent or total permanent occupational hearing loss in one or both ears.

Approved April 27, 1981

CHAPTER 43
CIGARETTE TAX

S. F. 576

AN ACT relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period, setting the discount percent for a two-year period on the sale of cigarette and little cigar tax stamps, imposing a one-time inventory tax, and providing a one-time inventory tax refund.

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

Section 1. Section 98.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding subsection 1, there is imposed for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 and shall be collected and paid to the department a tax on all cigarettes used or otherwise disposed of in this state for any purpose at the rate of nine mills on each cigarette which shall not be considered as part of the basic cost of cigarettes as defined in section 551A.2.

Sec. 2. Section 98.8, subsection 1, Code 1981, is amended to read as follows:

1. Stamps shall be sold by and purchased from the department. The department shall sell stamps to the holder of a state distributor's permit which has not been revoked and to no other person. Stamps shall be sold to such the permit holders at a discount of not to exceed five percent ~~from~~ of the face value. However, for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, stamps shall be sold to permit holders at a discount of two percent of the face value. Stamps shall be sold in unbroken books of one thousand stamps, unbroken rolls of thirty thousand stamps, or unbroken lots of any other form authorized by the director.

Sec. 3.

1. All persons required to be licensed under section 98.13 as distributors having in their possession prior to delivery for resale as of the close of business on June 30, 1981 cigarettes or little cigars upon which the tax under section 98.6 or 98.43 has been paid, unused cigarette and little cigar tax stamps which have been paid for under section 98.8, or unused metered imprints which have been paid for under section 98.12 shall be subject to an inventory tax on such items as provided in this section.

2. Persons subject to the inventory tax imposed under this section shall take an inventory as of the close of business on June 30, 1981 of those items subject to the inventory tax for the purpose of determining the tax due. These persons shall report the tax on forms provided by the department of revenue and remit the tax due with the forms by July 31, 1981. The department of revenue shall adopt rules as are necessary to carry out this section.

3. The rate of the inventory tax on each item subject to the tax as specified in subsection 1 is equal to the difference between the amount paid on each item under section 98.6, 98.8, 98.12, or 98.43 prior to July 1, 1981 and the amount that is to be paid on each similar item under section 98.6, 98.8, 98.12, or 98.43 on or after July 1, 1981 except that in computing the rate of the inventory tax any discount allowed or allowable under section 98.8 shall not be considered.

Sec. 4.

1. All persons required to be licensed under section 98.13 as distributors having in their possession prior to delivery for resale as of the close of business on June 30, 1983 cigarettes or little cigars upon which the tax under section 98.6 or 98.43 has been paid, unused cigarette and little cigar tax stamps which have been paid for under section 98.8, or unused metered imprints which have been paid for under section 98.12 shall be entitled to an inventory tax refund on such items as provided in this section.

2. Persons entitled to the inventory tax refund under this section shall take an inventory as of the close of business on June 30, 1983 of those items entitled to the inventory tax refund for the purpose of determining the tax refund due. These persons shall report the tax refund on forms provided by the department of revenue and remit the forms by July 31, 1983. The department of revenue shall adopt rules as are necessary to carry out this section.

3. The rate of the inventory tax refund on each item entitled to the tax refund as specified in subsection 1 is equal to the difference between the amount paid on each item under section 98.6, 98.8, 98.12, or 98.43 prior to July 1, 1983 and the amount that is to be paid on each similar item under section 98.6, 98.8, 98.12, or 98.43 on or after July 1, 1983 except that in computing the rate of the inventory tax refund any discount allowed or allowable under section 98.8 shall not be considered.

Sec. 5. Sections 1 and 2 of this Act take effect July 1, 1981, section 4 of this Act takes effect June 30, 1983, and section 3 of this Act is retroactive to and takes effect on June 30, 1981.

Approved June 19, 1981

CHAPTER 44
GAMES OF SKILL AND GAMBLING
S. F. 519

AN ACT amending the laws relating to games of skill, chance and raffles and providing penalties.

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

Section 1. Section 99B.1, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Applicant" means an individual or an organization.

NEW SUBSECTION. "Eligible applicant" means an applicant who meets all of the following requirements:

a. The applicant's financial standing and good reputation are within the standards established by the department by rule under chapter 17A so as to satisfy the director that the applicant will comply with this chapter and the rules applicable to operations under it.

b. The applicant is a citizen of the United States and a resident of this state, or a corporation licensed to do business in this state, or a business that has an established place of business in this state or that is doing business in this state.

c. The applicant has not been convicted of a felony. However, if the applicant's conviction occurred more than five years before the date of the application for a license, and if the applicant's rights of citizenship have been restored by the governor, the director may determine that the applicant is an eligible applicant.

If the applicant is an organization, then the requirements of paragraphs a, b, and c apply to its officers, directors, partners, and controlling shareholders.

NEW SUBSECTION. "Controlling shareholder" means either of the following:

a. A person who directly or indirectly owns or controls ten percent or more of any class of stock of a license applicant.

b. A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of a license applicant.

NEW SUBSECTION. "Bingo occasion" means a single gathering or session at which successive bingo games are played. A bingo occasion commences when the operator of the game begins to announce the number, letter, or combination of numbers or letters through which the winner of a single bingo game will be determined.

Sec. 2. Section 99B.1, subsection 4, Code 1981, is amended to read as follows:

4. "Bingo" means a game, whether known as bingo or any other name, in which each participant uses one or more cards each of which is marked off into spaces arranged in horizontal and vertical rows of spaces, with each

space being designated by number, letter, or combination of numbers and letters, no two cards being identical, with the players covering spaces as the operator of ~~such~~ the game announces the number, letter, or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, or combinations of numbers and letters corresponding to the system used for designating the spaces, with the winner of each game being the player or players first properly covering a predetermined and announced pattern of spaces on a card being used by ~~him~~ the player or them players. Each determination of a winner by the method described in the preceding sentence is a single bingo game at any bingo occasion.

Sec. 3. Section 99B.1, subsection 6, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

6. "Net receipts" means gross receipts less amounts awarded as prizes. Reasonable expenses, charges, fees, taxes, and deductions allowed by the department of revenue shall not exceed twenty-five percent of net receipts.

Sec. 4. Section 99B.2, subsection 1, Code 1981, is amended to read as follows:

1. The department ~~shall--be~~ is the agency responsible for issuing any license required by this chapter. A license shall not be issued, except upon submission to the department of an application on forms furnished by the department, and ~~upon-submission-of~~ the required license fee. A license may be issued to any applicant who is an eligible applicant. However, a license shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. A license also shall not be issued for a location for which a previous license issued under this chapter or chapter 123 has been revoked within the preceding two years. Except as otherwise provided in this chapter, a license ~~shall-be~~ is valid for a period of ~~one-year~~ two years from the date of issue. The license fee ~~or-any-part-thereof-shall~~ is not be refundable, but shall be returned to the applicant ~~in-the-event~~ if an application is not approved.

Sec. 5. Section 99B.2, subsection 3, Code 1981, is amended to read as follows:

3. Each licensee required by subsection 2 to maintain records shall submit quarterly reports to the department on forms furnished by the department. The reports shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the three-month period for which the report is submitted. Failure to submit the quarterly reports ~~shall-constitute~~ is grounds for revocation of the license. Willful failure to submit quarterly reports is a serious misdemeanor. However, the time for filing of reports may be extended for thirty days if the licensee makes written request to the department for an extension which request shows good cause for granting the

extension. The making of any false or fraudulent report or application with intent to defeat or evade any tax assessment, fee, or charitable dedication and distribution required by law is a serious misdemeanor.

Sec. 6. Section 99B.3, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. The person conducting the game has submitted a license application and a fee of fifteen dollars for each game, and has been issued a license for the game, and prominently displays the license at the playing area of the game. A license is valid for a period of one year from the date of issue.

Sec. 7. Section 99B.6, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. The holder of the liquor control license or beer permit has submitted an application for a license and an application fee of ~~twenty-five~~ one hundred dollars, and has been issued a license, and prominently displays the license on the premises.

Sec. 8. Section 99B.7, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. Cash prizes may be awarded in the game of bingo and shall not exceed one hundred dollars. Merchandise prizes may be awarded in the game of bingo, however, the actual retail value of the prize, or if the prize consists of more than one item, unit or part, the aggregate retail value of all items, units or parts, shall not exceed one hundred dollars. A jackpot bingo game may be conducted once during any twenty-four hour period in which the prize doubles if not won at one game. ~~However~~ however, the cost of play shall not be increased and the jackpot shall not amount to more than five hundred dollars in cash or actual retail value of merchandise prizes. A jackpot bingo game ~~shall~~ is not be deemed prohibited by paragraph "h" of this subsection. A bingo occasion shall not last for longer than four consecutive hours. A qualified organization shall not hold more than fourteen bingo occasions per month. Bingo occasions held under a limited license shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month, nor shall bingo occasions held under a limited license be limited to four consecutive hours. With the exception of a limited license bingo, no more than three bingo occasions per week shall be held within a structure or building and only one person licensed to conduct games under this section may hold bingo occasions within a structure or building. However, a qualified organization whose gross receipts for the previous four quarters were three thousand five hundred dollars or less may hold more than fourteen bingo occasions per month and more than three bingo occasions per week within the same structure or building, and bingo occasions conducted by such a qualified organization may last for longer than four consecutive hours. At the conclusion of each bingo occasion, the person conducting the game shall announce both the gross receipts received from the bingo occasion and the use permitted under subsection 3, paragraph b, of this section to which the net receipts of the bingo occasion will be dedicated and distributed.

Sec. 9. Section 99B.7, subsection 1, Code 1981, is amended by adding the following new paragraphs:

NEW PARAGRAPH. The person or organization conducting the game can show to the satisfaction of the department that it is eligible for exemption from federal income taxation under either section 501(c)(3), 501(c)(5), 501(c)(6), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, as defined in section 422.4. However, this paragraph does not apply to a political party as defined in section 43.2 or to a nonparty political organization that has qualified to place a candidate as its nominee for statewide office pursuant to chapter 44.

NEW PARAGRAPH. The person conducting the game does none of the following:

- (1) Hold, currently, another license issued under this section.
- (2) Own or control, directly or indirectly, any class of stock of another person who has been issued a license to conduct games under this section.
- (3) Have, directly or indirectly, an interest in the ownership or profits of another person who has been issued a license to conduct games under this section.

Sec. 10. Section 99B.7, subsection 3, paragraph a, Code 1981, is amended to read as follows:

a. A person wishing to conduct games and raffles pursuant to this section as a qualified organization shall submit an application and a license fee of ~~twenty-five~~ one hundred dollars. However, upon submission of an application accompanied by a license fee of fifteen dollars, a person may be issued a limited license which shall authorize the person to conduct all games and raffles pursuant to this section at a specified location and during a specified period of fourteen consecutive calendar days. A limited license shall not be issued more than once during any twelve-month period to the same person, or for the same location.

Sec. 11. Section 99B.7, subsection 3, paragraph b, Code 1981, is amended to read as follows:

b. A person or the agent of a person submitting application to conduct games pursuant to this section as a qualified organization shall certify ~~as a part of that application~~ that the net receipts of all games, less reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, either ~~shall~~ will be distributed as prizes to participants or ~~shall~~ will be dedicated and distributed to educational, civic, public, charitable, patriotic or religious uses in this state and that the amount dedicated and distributed will equal at least seventy-five percent of the net receipts. "Educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting a society for the prevention of cruelty to animals or animal rescue league, or uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, ~~as long as it continues to operate such,~~ but do not include the erection, acquisition, improvement, maintenance, or repair of real, personal or mixed property unless it is used exclusively for one or more of the uses stated. "Public uses" specifically includes dedication of

net receipts to political parties as defined in section 43.2. "Charitable uses" includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense, ~~which when the loss~~ is uncompensated by insurance.

Sec. 12. Section 99B.7, subsection 3, paragraph c, Code 1981, is amended to read as follows:

c. A qualified organization shall distribute amounts awarded as prizes on the day ~~the prizes~~ they are won. A qualified organization shall dedicate and distribute the balance of the net receipts ~~net-later-than-one-hundred-eighty days-from-the-date~~ received within a quarter and remaining after deduction of reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, before the quarterly report required for that quarter under section 99B.2, subsection 3, is due. The amount dedicated and distributed must equal at least seventy-five percent of the net receipts. A person desiring to hold the net receipts for a period longer than ~~one-hundred-eighty-days-must~~ permitted under this paragraph shall apply to the department for special permission and upon good cause shown the department may grant the request.

Sec. 13. Section 99B.9, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. The person occupying the premises as an owner or tenant has submitted an application for a license and an application fee of ~~twenty-five~~ one hundred dollars, and has been issued a license for those premises, and prominently displays the license on the premises.

Sec. 14. Chapter 99B, division IV, Code 1981, is amended by adding the following new section:

NEW SECTION. ATTORNEY GENERAL AND COUNTY ATTORNEY. Upon request of the department of revenue, the attorney general shall institute in the name of the state the proper proceedings against a person charged by the department with violating a provision of this chapter, and a county attorney, at the request of the attorney general, shall appear and prosecute an action when brought in the county attorney's county.

Approved June 16, 1981

CHAPTER 45
SMOKE DETECTORS
S. F. 324

AN ACT relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

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

Section 1. Chapter 100, Code 1981, is amended by adding the following new section:

NEW SECTION. SMOKE DETECTORS.

1. As used in this section:

a. "Dormitory" means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.

b. "Multiple-unit residential building" means a residential building, an apartment house, or a portion of a building or an apartment house with four or more units, hotel, motel, dormitory, or rooming house.

c. "Smoke detector" means a device which detects visible or invisible particles of combustion and which incorporates control equipment and an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

2. Except as provided in subsection 4, multiple-unit residential buildings, the construction of which is begun on or after the effective date of this Act, shall include the installation of at least one smoke detector in the following areas of the designated multiple-unit residential buildings:

a. In each sleeping room and in each corridor of a hotel or motel.

b. In each sleeping room and in each corridor of a dormitory.

c. In each area giving access to the immediate vicinity of a sleeping room within a unit and in each corridor of a multiple-unit residential building not covered in paragraph a or b.

Except as provided in subsection 4, all multiple-unit residential buildings shall be equipped with at least one smoke detector in the areas enumerated in this subsection by the end of three years after the effective date of this Act.

3. An owner-occupied unit or room is exempt from the requirements of this section.

4. This section does not require the installation of smoke detectors in multiple-unit residential buildings which, on the effective date of this Act, are equipped with heat detection devices or a sprinkler system with alarms approved by the state fire marshal.

This section does not require the installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal.

5. The state fire marshal shall initially and may annually inspect smoke detectors installed as required by subsection 2. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential* building informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt administrative rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and the use of acceptable smoke detectors. The smoke detectors shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal. The state fire marshal shall not require other than single-station smoke detectors. If smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system, the state fire marshal shall not require other than the automatic smoke detection system.

6. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, state fire marshal, the fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector is found to be inoperable the owner or manager of the multiple-unit residential building shall correct the situation within fourteen days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager fails to correct the situation within the fourteen days the tenant, guest, or roomer may cause the smoke detector to be repaired or purchase and install a single-station smoke detector required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector.

8. No person may render inoperable a smoke detector, which is required to be installed by this section, by tampering.

9. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

Sec. 2. The state fire marshal shall notify the owners of newly constructed buildings on or after the effective date of this Act and the

*According to enrolled Act

owners of existing buildings by the end of three years after the effective date of this Act, by publication in a newspaper or newspapers of general circulation in this state, that the owners are required to bring the buildings into compliance with this Act.

Approved June 16, 1981

CHAPTER 46
FIRE MARSHAL RULES
H. F. 467

AN ACT relating to rules of the fire marshal.

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

Section 1. Section 100.1, subsection 5, Code 1981, is amended to read as follows:

5. To promulgate fire safety ~~regulations~~ rules. The state fire marshal shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the state fire marshal, but ~~such regulations~~ the rules shall be promulgated only after public hearing. Wherever by any statute the fire marshal or the department of public safety is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building or structure, ~~such~~ the rules and standards shall promote and enforce fire safety, fire protection and the elimination of fire hazards as the ~~same~~ rules may relate to the use, occupancy and construction of ~~such~~ the buildings, establishments or structures. The word "construction" shall include, but is not limited to, electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety or protection. ~~Such~~ The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this chapter, with the standards of the National Fire Protection Association relating to fire safety as published in the national fire codes.

Sec. 2. Section 100.35, Code 1981, is amended to read as follows:

100.35 RULES OF MARSHAL. The fire marshal shall adopt, amend, promulgate and enforce rules and standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. ~~Any--person,--firm--or--corporation~~

~~violating--any--of--such--rules--of--the--fire--marshal--shall--be--deemed--guilty--of--a--simple--misdemeanor-~~ Violation of a rule adopted by the fire marshal is a simple misdemeanor; provided, however, that upon proof that the fire marshal gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the fire marshal, the penalty shall be that provided by law for a serious misdemeanor. Each day of the continuing violation of ~~such--rules~~ a rule after conviction ~~shall--be--considered~~ of a violation of the rule is a separate offense. ~~Appeals--may--be--taken--from--such--convictions~~ A conviction is subject to appeal as in other criminal cases.

Rules by the fire marshal affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

Sec. 3. Chapter 103, Code 1981, is repealed.

Sec. 4. This Act takes effect July 1 following its enactment with the increased penalty for violation of the fire marshal's rules applicable to violations committed or continued after the effective date of this Act.

Approved June 19, 1981

CHAPTER 47

ARSON INSPECTION WARRANTS

H. F. 751

AN ACT to provide for special arson inspection warrants for the inspection of property damaged or destroyed by fire for the purpose of determining the cause, origin, and circumstances of the fire and the availability of information obtained from inspections.

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

Section 1. Section 100.5, Code 1981, is amended to read as follows:

100.5 RECORD OF FIRES. The fire marshal shall keep in ~~his~~ the fire marshal's office a record of all fires occurring in the state, showing the name of the owners, ~~name-or~~ names of occupants of the property at the time of the fire, the ~~sound~~ value of the property, the amount of insurance ~~thereon~~ on the property, the total amount of insurance collected, the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of the fire, which may be determined by the investigation. Notwithstanding chapter 692, the fire marshal may share

information collected by the fire marshal's office relative to fires investigated by the fire marshal's office with local fire chiefs and fire marshals of fire departments organized under chapter 400 or arson investigators employed by those departments. Such The record shall at--all times be open to public inspection. However, in those unusual circumstances where disclosure of particular facts in the record would plainly and seriously jeopardize an investigation of suspected criminal activity, those portions of the record pertaining to those facts shall be deemed to be peace officers' investigative reports and subject to chapter 68A.

Sec. 2. Chapter 100, Code 1981, is amended by adding sections 3 through 7* of this Act.

Sec. 3. NEW SECTION. APPLICATION FOR WARRANT. If consent to inspect property damaged or destroyed by fire to determine the cause, origin and circumstances of the fire or to inspect property subject to rules adopted under section 100.35 has been refused to the official authorized to make the inspection, the state fire marshal, a state arson investigator or official authorized to make such an inspection may apply to the district court for a special inspection warrant for authority to conduct the inspection.

Sec. 4. NEW SECTION. GROUNDS FOR ISSUANCE. The judicial officer shall review the application and may take sworn testimony or receive affidavits to supplement it.

If the judicial officer is satisfied that there are legal grounds under the circumstances specified in the application and any supplementary testimony taken sufficient to justify the issuance of an inspection warrant, it shall be issued.

Sec. 5. NEW SECTION. WARRANT REQUIREMENTS. Each inspection warrant issued under this chapter shall:

1. State the grounds for its issuance.
2. Be directed to the applicant or some other designated person authorized to conduct the inspection.
3. Command the person to whom it is directed to inspect the area, premises, building or conveyance identified for the purpose specified and, if appropriate, direct the seizure of property specified.
4. Identify the item or type of property, if any, to be seized.
5. Direct that it be served, if appropriate, during normal business hours and designate the magistrate to whom it shall be returned.

Sec. 6. NEW SECTION. EXECUTION OF WARRANT. A warrant issued under this chapter must be executed and returned within ten days from the date of issuance unless, upon the showing of a need for additional time, the court so instructs otherwise in the warrant. A copy of the warrant shall be delivered to a person in charge of the premises being inspected or, if no one is present, a copy of the warrant shall be posted upon the premises. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and accompanied by a written inventory of property seized. The inventory shall

*According to enrolled Act

be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant.

A copy of the return, the inventory and any receipts issued shall be promptly filed with the clerk of the district court for the county in which the inspection is made.

Approved May 19, 1981

CHAPTER 48
OPEN BURNING RESTRICTIONS

H. F. 371

AN ACT relating to the prohibition of open burning under certain conditions and providing a penalty.

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

Section 1. Chapter 100, Code 1981, is amended by adding the following new section:

NEW SECTION.

1. The state fire marshal, during periods of extremely dry conditions or under other conditions when the state fire marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the state at the request of the chief of a local fire department, a city council or a board of supervisors and when an investigation supports the need for the prohibition. The state fire marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the state fire marshal of the intent to do so, when the chief, city council or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.

2. Violation of a prohibition issued under this section is a simple misdemeanor.

3. This section does not give the state fire marshal the authority to prohibit the use of outdoor fireplaces, barbeque grills, properly supervised dumping grounds, or the burning of trash in incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

Approved April 28, 1981

CHAPTER 49
HANDICAPPED PARKING SPACES

S. F. 87

AN ACT providing for the designation of handicapped parking spaces and providing a penalty.

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

Section 1. Section 103A.21, subsection 3, Code 1981, is amended to read as follows:

3. As an alternative to filing criminal charges as provided in this section, the commissioner may file a petition in the district court and obtain injunctive relief for any violation of this chapter or chapter 104A.

Sec. 2. Chapter 104A, Code 1981, is amended by adding the following new section:

NEW SECTION. Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide forty-eight or more parking spaces, shall set aside at least six-tenths of one percent of the parking spaces provided as handicapped parking spaces as defined in section 601E.1.

Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in Chapter 499B and which provide twelve or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section 601E.1 for each individual dwelling unit in which a handicapped person resides.

Buildings and facilities required under this section to provide handicapped parking spaces shall set aside at least one such space.

Sec. 3. Section 321.484, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing or parking of a vehicle, whether the provision is contained in this chapter, or chapter 601E, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of court where the charge is pending of a copy of the certificate of responsibility prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the

defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

Sec. 4. Section 601E.1, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Handicapped ~~or-paraplegic~~ person" means:

Sec. 5. Section 601E.1, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Department" means the state department of transportation.

NEW SUBSECTION. "Director" means the director of transportation.

NEW SUBSECTION. "Handicapped identification device" means an identification device bearing the international symbol of accessibility issued by the department.

NEW SUBSECTION. "Handicapped parking space" means a parking space designated for use by only motor vehicles displaying a handicapped identification device that meets the requirements of section 601E.8.

Sec. 6. Section 601E.2, Code 1981, is amended to read as follows:

601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG. A person whose motor vehicle is disabled, may use or display a distress flag as a distress signal if he ~~qualifies-as~~ or she is a handicapped ~~or-paraplegic~~ person and has been issued a permit and a distress flag as provided in section 601E.3.

Sec. 7. Section 601E.3, Code 1981, is amended to read as follows:

601E.3 APPLICATION--ISSUANCE OF FLAG. Any person desiring a distress flag for use as provided in section 601E.2 shall apply to the department ~~of transportation,~~ upon an application form furnished by the department, providing ~~his~~ the applicant's name, address, date of birth, a physician's signature attesting to the disability and information on the type of physical apparatus needed to operate a motor vehicle, if any, and information relating to ~~his~~ the applicant's handicap required by the director ~~of--transportation.~~ Upon determination by the director that the applicant qualifies as a handicapped ~~or-paraplegic~~ person as defined in section 601E.1 and the payment of a fee, the director shall issue the applicant a permit to use a distress flag. The director shall determine the fee for the distress flag except that the fee shall not exceed the cost of the flag to the department. Each distress flag shall be numbered and in the event of its loss or destruction, the director may issue a duplicate upon payment of the fee. The director shall maintain a record of all applicants and those qualified applicants receiving permits and distress flags.

Sec. 8. Section 601E.4, Code 1981, is amended to read as follows:

601E.4 RETURN OF FLAG. If a person who has been issued a permit and distress flag under this chapter becomes disqualified as a handicapped ~~or paraplegic~~ person, he the person shall return the permit and the distress flag to the department.

Sec. 9. Section 601E.5, Code 1981, is amended to read as follows:

601E.5 PENALTY. Any person who is not ~~qualified--as~~ a handicapped ~~or paraplegic~~ person and uses a distress flag as provided in this chapter or for any other purpose is guilty of a simple misdemeanor.

Sec. 10. Section 601E.6, Code 1981, is amended to read as follows:

601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES FOR--HANDICAPPED PERSONS.

1. A special handicapped identification device ~~bearing the--international symbol--of--accessibility~~ may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger, ~~by an individual who--is confined to a wheelchair or is otherwise so physically handicapped that he or she--has--significant difficulty or insecurity in walking.~~ The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped persons who--are--physically--handicapped--to--the--extent--described--in--this section, upon application on forms prescribed by the department. Before delivering a special handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser. A handicapped registration issued under section 321.34, subsection 8, is also a valid handicapped identification device.

2. A city or other political subdivision which provides on-street parking areas or off-street parking facilities shall ~~in all cases where--so--required by--chapters--103A--and--104A,--and--may--in--all--other--cases,~~ set aside special at least sixth*-tenths of one percent of the metered parking places--designated only--for--parking--motor-vehicles--displaying--a--special--identification--device issued--under--this--section spaces as handicapped parking spaces. A person may also set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space. The use of a handicapped parking spaces--which--are--so designated--and--are--located--on--public--property space by a motor vehicle not displaying such a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person, as operator or passenger ~~by the individual to whom the device has been issued or another individual physically handicapped to the--extent--described--by--this section,~~ shall be is a misdemeanor for which a fine ~~not to exceed one hundred dollars~~ may be imposed upon the owner, operator, or lessee of the motor vehicle. The fine for each violation is fifteen dollars. Proof of conviction of three or more such violations involving improper use of the same special handicapped identification device shall ~~be~~ is grounds for revocation by the department of the holder's privilege to use the device.

3. The department shall promulgate rules:

a. Establishing procedure for applying to the department for issuance of a special permanent or temporary handicapped identification device under this section.

b. Requiring persons ~~issued special--identification--devices--to--furnish evidence--at--appropriate--intervals--that--they--remain--physically--handicapped--to--the--extent--described--by--subsection--1~~ who seek permanent handicapped identification devices to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary

*According to enrolled Act

handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at six-month intervals that they remain physically handicapped.

~~e. Establishing advisory standards for dimensions and general location of parking spaces, to be considered by cities and other political subdivisions which elect to proceed under subsection 2. The advisory standards promulgated under this paragraph shall not unnecessarily duplicate and shall not conflict with standards promulgated pursuant to chapters 103A and 104A.~~

d c. Governing the manner in which special handicapped identification devices are to be displayed in motor vehicles parked in spaces designated under subsection 2.

d. Establishing procedure and proof requirements for application to the department for issuance of a handicapped identification device to nonhandicapped individuals, government agencies, or private organizations which are engaged in providing transportation services for handicapped persons.

Sec. 11. Section 601E.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Handicapped identification devices issued by other states to their handicapped citizens shall be valid handicapped identification devices in this state.

Sec. 12. Chapter 601E, Code 1981, is amended by adding the following new sections as sections 601E.7 and 601E.8:

NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The handicapped parking sign shall bear the international symbol of accessibility. If a person who owns or leases real property in a city is required to provide handicapped parking spaces, the city shall provide the signs for the person. The signs shall be provided upon request at cost.

NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE--LOCATION--REQUIREMENTS.

1. Parking spaces for handicapped persons and accessible loading zones that serve a particular building shall be located on the shortest accessible route to an entrance to the building.

2. A handicapped parking space designated after July 1, 1981, shall meet the following requirements:

a. Each space shall be at least one hundred forty-four inches wide, or, if two or more spaces are adjacent to each other, each space shall be at least one hundred twenty inches wide with at least a forty-eight inch walkway between each space.

b. Each space shall be clearly designated as a handicapped parking space by the display of the international symbol of accessibility.

c. The requirements of this subsection which specify the dimensions of a handicapped parking space shall not apply to metered on-street parking spaces.

d. A variance to the space and location requirements may be granted by cities.

Sec. 13. Section 602.55, Code 1981, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper

county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received ~~by him or her~~. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city or county ninety percent of all fines and forfeited bail received for improper use of handicapped parking spaces in violation of section 601E.6, subsection 2, when the violations occurred within the city or the county when the violations occurred in the unincorporated area of the county, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. Two-thirds to the treasurer of state to be credited to the general fund of the state.
2. One-third to the county treasurer to be credited to the general fund of the county.

Sec. 14. Section 805.8, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For a violation of section 601E.6, regulating the use of handicapped parking spaces, the scheduled fine is fifteen dollars.

Approved May 8, 1981

CHAPTER 50
NONCONFORMING ELEVATORS
H. F. 726

AN ACT relating to nonconforming facilities under the state elevator Code.

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

Section 1. Section 104.11, Code 1981, is amended to read as follows:

104.11 NONCONFORMING FACILITIES. The commissioner, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted for any facility ~~existing--on--January--17--1975~~. Exceptions or variations shall be reasonably related to the age of the facility, and may be conditioned upon a repair or modification of the facility deemed necessary by the commissioner to assure reasonable safety. However, no exception or variance may be

~~granted except to prevent undue hardship, and no exception or variation shall be granted for a period extending beyond five years from the effective date of applicable rules.~~ Such facilities shall be subject to orders issued pursuant to section 104.10.

Approved May 5, 1981

CHAPTER 51
FISH AND GAME RECIPROCITY LICENSES
S. F. 251

AN ACT relating to the reciprocity of certain fish and game licenses for nonresidents.

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

Section 1. Section 109.112, Code 1981, is amended to read as follows:

109.112 RESTRICTION ON NONRESIDENTS. ~~No licenses~~ Licenses or tags for commercial fishing gear, ~~or no certificates for commercial fishing gear operators+certificates operators, or no bait dealers+~~ licenses may for bait dealers, or licenses for fishing, hunting, mussel taking, or trapping shall not be issued to residents of states who do not sell similar licenses, tags, or certificates to residents of Iowa, ~~except nothing herein shall prevent.~~ However the licensing of out-of-state bait dealers who sell at wholesale to licensed dealers in Iowa for resale is permitted.

Approved April 7, 1981

CHAPTER 52
ACCOUNTANCY BOARD
H. F. 160

AN ACT to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them.

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

Section 1. Section 116.3, subsection 2, unnumbered paragraph 6, Code 1981, is amended by striking the unnumbered paragraph.

Approved April 3, 1981

CHAPTER 53

ACCOUNTANTS MULTIYEAR PERMITS PERMITTED

H. F. 727

AN ACT to allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits.

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

Section 1. Section 116.20, subsection 4, Code 1981, is amended to read as follows:

4. There shall be ~~an annual~~ a permit fee in an amount to be determined, ~~from time to time~~, by the board, payable by certified public accountants, public accountants, and accounting practitioners engaged in practice in this state. ~~No~~ A fee shall not be charged for the renewal of a partnership or corporation permit to practice. All permits shall expire ~~annually~~ as determined by the board.

Approved May 4, 1981

CHAPTER 54

REAL ESTATE SALES LICENSEES

H. F. 348

AN ACT relating to the licensing of real estate salespersons, associate brokers and brokers.

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

Section 1. Section 117.1, Code 1981, is amended to read as follows:

117.1 LICENSE MANDATORY. ~~No~~ A person shall not act as a real estate broker, or real estate salesperson ~~or--real--estate--apprentice--salesperson~~ without first obtaining a license as provided in this chapter. The word "person" as ~~provided used~~ in ~~said this~~ chapter shall ~~mean and--include~~ means an individual, partnership, association, or corporation.

Sec. 2. Section 117.2, Code 1981, is amended to read as follows:

117.2 INDIVIDUAL LICENSES NECESSARY. ~~No--partnership~~ A partnership, association, or corporation shall not be granted a license, unless every member or officer of the ~~partnership~~ partnership, association, or corporation, who actively participates in the brokerage business of the ~~partnership~~ partnership, association, or corporation, ~~shall--held~~ holds a license as a real estate broker, or salesperson ~~or--apprentice--salesperson~~,

and unless every employee who acts as a salesperson for the ~~co~~partnership partnership, association, or corporation ~~shall hold~~ holds a license as a real estate broker, or salesperson ~~or-apprentice-salesperson~~. At least one member or officer of each ~~co~~partnership partnership, association, or corporation shall be a real estate broker.

Sec. 3. Section 117.5, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

117.5 "BROKER ASSOCIATE", "SALESPERSON", AND "INACTIVE LICENSE" DEFINED.

As used in this chapter:

1. "Broker Associate" means a person who has a broker's license but is employed by or otherwise associated with another broker as a salesperson.

2. "Salesperson" means a person employed by or otherwise associated with a real estate broker, as a selling, renting, or listing agent or representative of the broker.

3. "Inactive License" means either a broker or salesperson license certificate that is on file with the commission in the commission office and during which the* time the licensee is precluded from engaging in any of the acts of this chapter.

Sec. 4. Section 117.6, Code 1981, is amended to read as follows:

117.6 ACTS CONSTITUTING DEALING IN REAL ESTATE. Any A person, ~~partnership, association, or corporation,~~ who, for another, in consideration of compensation, by fee, commission, salary, or otherwise, or with the intention or in the expectation or upon the promise of receiving or collecting a fee, does, offers or attempts or agrees to do, engages in or offers or attempts or agrees to engage in, either directly or indirectly, any single act or transaction contained in the definition of a real estate broker as set out in section 117.3, whether ~~said~~ the act be an incidental part of a transaction, or the entire transaction, ~~shall--constitute--such--person,~~ ~~partnership, association, or corporation~~ is a real estate broker, or real estate salesperson ~~or-real-estate-apprentice-salesperson~~ within the meaning of this chapter.

Sec. 5. Section 117.8, Code 1981, is amended to read as follows:

117.8 COMMISSION ESTABLISHED. There is established the Iowa real estate commission which shall consist of three members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during ~~his-or-her~~ a term of office, ~~he or-she-shall-be-allowed-to~~ that person may complete the term, but ~~shall~~ is not be eligible for reappointment on the commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers, or real estate salespersons ~~or-real-estate-apprentice-salespersons~~ may recommend the names of potential commission members to the governor, but the governor ~~shall~~ is not be bound by their recommendations. A commission member ~~shall~~ is not be required to be a member of any professional association or society composed of real estate

*According to enrolled Act

brokers or salespersons. Commissioners shall be appointed by the governor subject to confirmation by the senate. Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. A commissioner shall serve no more than three terms or nine years, whichever is less. No more than one commissioner shall be appointed from a county. A commissioner shall not hold any other elective or appointive state or federal office. Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation. A majority of the commissioners constitutes a quorum.

Sec. 6. Section 117.15, unnumbered paragraphs 1, 2 and 3, Code 1981, are amended to read as follows:

Except as provided in section 117.20 an applicant for a real estate ~~broker, broker's or salesperson's ex-apprentice-salesperson's~~ license must be a person whose application has not been rejected for licensure in this or any other state within six months prior to the date of application, ~~or~~ and whose real estate license has not been revoked in this or any other state within two years prior to date of application.

~~Every--applicant~~ To qualify for a license as a real estate broker, ~~or salesperson ex-apprentice-salesperson~~ a person shall be ~~of--the--age--of~~ eighteen years or over. ~~Provided,--however~~ However, an applicant ~~shall~~ is not be ineligible because of citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. The commission may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of real estate selling. Character references may be required but shall not be obtained from licensed real estate brokers, or salespersons ~~ex--apprentice salespersons~~.

~~Every--applicant~~ To qualify for a license as a real estate broker, a person shall have been a licensed real estate salesperson for a period of at least twelve months preceding the date of application; or ~~he~~ shall have had experience substantially equal to that which a licensed real estate salesperson would ordinarily receive during a period of twelve months, whether as a former broker or salesperson, a manager of real estate, or otherwise. ~~Notwithstanding--the--foregoing--provisions~~ However, if the commission ~~shall--find~~ finds that any applicant could not acquire employment as a licensed real estate salesperson because of conditions existing in the area where ~~he~~ the person resides, ~~then,~~ the ~~foregoing~~ provisions of this paragraph shall be waived by the commission.

Sec. 7. Section 117.15, unnumbered paragraph 4, Code 1981, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

A qualified applicant for a license as a real estate salesperson shall complete a commission approved short course in real estate education of at least thirty hours approved by the commission during the twelve months preceding the issuance of the license.

Sec. 8. Section 117.16, unnumbered paragraph 3, Code 1981, is amended to read as follows:

The commission shall prepare and furnish written application blanks for the salesperson's license ~~and for apprentice salesperson's license, to contain request for such~~ requesting information as the commission may require. The commission shall not require that a recent photograph of the applicant be attached to the application. The application for ~~both~~ the salesperson's license ~~and for the apprentice salesperson's license~~ shall be accompanied by a written statement by the broker ~~in~~ whose service ~~he~~ the applicant is about to enter recommending that the license be granted to the applicant.

Sec. 9. Section 117.20, Code 1981, is amended to read as follows:

117.20 WRITTEN EXAMINATION. Examinations for registration shall be given as often as deemed necessary by the board, but no less than one time per year. Each applicant for a license must pass a written examination authorized by the commission and administered by the commission or persons designated by the commission. The examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency of the applicant to act as a real estate broker, ~~salesperson~~ or ~~apprentice salesperson~~ in ~~such a~~ manner as to protect the interests of the public. An examination for a real estate broker shall be of a more exacting nature than that for a real estate ~~apprentice salesperson~~ and require higher standards of knowledge of real estate. All examinations in real estate theory shall be in writing and the identity of the ~~person~~ persons taking the ~~examination~~ examinations shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the ~~person~~ persons taking the ~~examination~~ examinations shall also be concealed as far as possible. A person who fails to pass either written examination once may immediately apply to take the next available examination at the next scheduled time. Thereafter, the applicant ~~shall be allowed to~~ may take the examination at the discretion of the commission. An applicant who has failed either examination may request in writing information from the commission concerning ~~his~~ the applicant's examination grade and subject areas or questions which ~~he~~ the applicant failed to answer correctly, except that if the commission administers a uniform, standardized examination, the commission ~~shall~~ is only be required to provide the examination grade and ~~such~~ are other information concerning the applicant's examination results which is available to the commission.

Sec. 10. Section 117.21, Code 1981, is amended to read as follows:

117.21 NONRESIDENT LICENSE. A nonresident of this state may be licensed as a real estate broker, or a real estate salesperson, ~~or a real estate apprentice salesperson~~, upon complying with all requirements of law and with all the provisions and conditions of this chapter relative to resident brokers, or salespersons ~~and apprentice salespersons~~, and the filing by the applicant with the commission of a certification from the state of original licensure signed by the duly qualified and authorized official or officials of ~~such~~ that state that the applicant is there currently licensed, that no charges against the applicant are there pending, and that applicant's record in ~~such~~ that state justifies the issuance of a license to ~~such~~ the applicant in Iowa. The commission may waive the requirement of an examination in the

case of a nonresident broker who is licensed under the laws of a state having similar requirements and where similar recognition and courtesies ~~may be~~ are extended to licensed real estate brokers, and salespersons ~~and-apprentice salespersons~~ of this state.

Sec. 11. Section 117.22, Code 1981, is amended to read as follows:

117.22 NONRESIDENT'S PLACE OF BUSINESS. A nonresident to whom a license is issued upon compliance with all the other requirements of law and provisions of this chapter, ~~shall~~ is not be required to maintain a definite place of business within this state. Provided, that ~~such~~ the nonresident, if a broker, shall maintain an active place of business within the state of ~~his~~ the nonresident's domicile, and ~~provided-further,~~ that the privilege of ~~se~~ submitting a certification of licensure certified to by the qualified and authorized official or officials of the state of original licensure, in lieu of the recommendations and statements otherwise required, ~~shall~~ only apply ~~applies~~ to licensed real estate brokers, and real estate salespersons ~~and real-estate-apprentice-salespersons~~ of those states under the laws of which similar recognition and courtesies are extended to licensed real estate brokers, and real estate salespersons ~~and-real-estate-apprentice-salespersons~~ of this state.

Sec. 12. Section 117.24, Code 1981, is amended to read as follows:

117.24 CUSTODY OF SALESPERSON'S ~~OR-APPRENTICE'S~~ LICENSE. The license of ~~such~~ a real estate salesperson ~~or-real-estate-apprentice-salesperson~~ shall be delivered or mailed to the real estate broker by whom ~~such~~ the real estate salesperson ~~or--real--estate-apprentice-salesperson~~ is employed and shall be kept in the custody and control of ~~such~~ the broker.

Sec. 13. Section 117.25, Code 1981, is amended to read as follows:

117.25 DISPLAY OF LICENSE. ~~It shall be the duty of every~~ A real estate broker ~~to~~ shall conspicuously display in ~~his~~ the broker's place of business the current real estate broker's license issued to ~~him~~ the broker and the licenses issued to ~~his~~ the broker's employees.

Sec. 14. Section 117.27, Code 1981, is amended to read as follows:

117.27 FEES. The commission shall set fees, for examination and licensing of real estate brokers, and real estate salespersons ~~and--real-estate--apprentice--salespersons~~. The commission shall determine the annual cost of administering the examination and shall set the examination fee accordingly. The commission shall set the fees for the real estate broker's licenses, and for real estate salesperson's licenses ~~and--for--real--estate-apprentice--salesperson's--licenses~~ based upon the administrative costs of sustaining the commission. The fees shall include, but shall not be limited to, the costs for:

1. Per diem, expenses, and travel for commission members.
2. Office facilities, supplies, and equipment.
3. Director, assistants, and clerical assistance.

Sec. 15. Section 117.28, Code 1981, is amended to read as follows:

117.28 EXPIRATION OF LICENSE. Every license, ~~except a license as a real estate apprentice salesperson which shall expire as provided in section 117-15,~~ shall expire in multiyear intervals as determined by the commission. A person who fails to renew a real estate broker's or real estate

salesperson's license by the expiration date shall be allowed to do so within thirty days following its expiration, but the commission may assess a reasonable penalty. The commission shall upon the written request of the applicant on forms prescribed by the commission, and payment of the fee ~~therefor as herein required~~, shall issue a new license for each ensuing license period except as provided in section 117.15, in the absence of any reason or condition which might warrant the revocation of a license after a hearing as provided in sections 117.34 and 117.35.

Sec. 16. Section 117.29, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A real estate broker or salesperson who is an owner or lessor of property or an employee of an owner or lessor may have his or her license revoked or suspended for violations of this section or section 117.34, except subsections 4, 5, 6 and 9, with respect to that property.

Sec. 17. Section 117.29, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The revocation of a broker's license shall automatically suspend every ~~real-estate-salesperson's~~ license and ~~every real-estate-apprentice salesperson's~~ license granted to any person by virtue of his or her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. ~~Such~~ The new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs involved, if granted during the same license period in which the original license was granted.

Sec. 18. Section 117.30, Code 1981, is amended to read as follows:

117.30 ACTIONS--LICENSE AS PREREQUISITE. ~~No~~ A person, ~~co-partnership, association, or corporation~~ engaged in the business or acting in the capacity of a real estate broker, or a real estate salesperson ~~or real-estate apprentice-salesperson~~ within this state shall not bring or maintain any action in the courts of this state for the collection of compensation for any services performed as a real estate broker or salesperson without alleging and proving that ~~such the person, co-partnership, association, or corporation~~ was a duly licensed real estate broker, or real estate salesperson ~~or real-estate-apprentice-salesperson~~ at the time the alleged cause of action arose.

Sec. 19. Section 117.32, Code 1981, is amended to read as follows:

117.32 CHANGE OF LOCATION. Notice in writing shall be given to the commission by each licensee of any change of principal business location, whereupon the commission shall issue a new license for the unexpired period upon the payment of a fee ~~of one dollar~~ established by rule to cover the cost of issuing the license.

Sec. 20. Section 117.33, Code 1981, is amended to read as follows:

117.33 SALESPERSONS ~~OR APPRENTICES~~--CHANGE OF EMPLOYMENT. When any real estate salesperson ~~or real-estate-apprentice-salesperson~~ shall be is discharged or ~~shall terminate~~ terminates employment with the real estate broker by whom he or she is employed, ~~it shall be the duty of such~~ real estate broker ~~to~~ shall immediately deliver or mail by certified mail to the commission ~~such the~~ the real estate salesperson's ~~or real-estate-apprentice salesperson's~~ license on the reverse side of which the employing broker shall

set out the date and cause of termination of employment. The real estate broker shall at the time of mailing such the real estate salesperson's or real-estate-apprentice-salesperson's license to the commission shall address a communication to the last known residence address of such the real estate salesperson or-real-estate-apprentice-salesperson stating that the license has been delivered or mailed to the commission. A copy of such the communication to the real estate salesperson or--real-estate--apprentice salesperson shall accompany the license when mailed or delivered to the commission. It shall-be is unlawful for any real estate salesperson or--real estate-apprentice-salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of said a license from and after the date of receipt of said the license by the commission, provided,--that--another--license--shall--not--be--issued--to--such--real-estate salesperson-or-real-estate-apprentice--salesperson--until--he--or--she--shall return--the--former--pocket--card--to--the-commission-or-shall-satisfactorily account-to-them-for-the-same. The commission shall upon presentation of evidence by the salesperson or-apprentice-salesperson that he or she has been employed by another broker, issue another license and-pocket-card for the balance of the current license period showing each change of employment. A fee as determined by the commission will shall be charged for the issuance of such--a the license. Not more than one license shall be issued to any real estate salesperson or-real-estate-apprentice-salesperson for the same period of time.

Sec. 21. Section 117.34, unnumbered paragraph 1, subsections 5, 8, and 9, and unnumbered paragraph 2, Code 1981, are amended to read as follows:

The commission may upon its own motion and shall upon the verified complaint in writing of any person, provided such the complaint together with evidence, documentary or otherwise presented in connection therewith with the complaint, makes out a prima-facie case, investigate the actions of any real estate broker, real estate salesperson, real-estate-apprentice-salesperson, or any person who shall assume to act in either such capacity within this state and shall-have-the-power-to may suspend or to revoke any license issued under the provisions of this chapter, at any time where if the licensee has by false or fraudulent representation obtained a license, or where if the licensee in--performing--or--attempting--to--perform--any--of--the--acts--mentioned herein is found to be guilty of:

5. Accepting a commission or valuable consideration as a real estate broker associate or salesperson or-real-estate-apprentice-salesperson for the performance of any of the acts specified in this chapter, from any person, except his the broker associate's or salesperson's employer, who must be a licensed real estate broker.

8. Being unworthy or incompetent to act as a real estate broker, salesperson or apprentice salesperson in such manner as to safeguard the interests of the public.

9. Paying a commission or any part thereof of a commission for performing any of the acts specified in this chapter to any person who is not a licensed broker, or salesperson or-apprentice-salesperson under the-provisions-of this chapter or who is not engaged in the real estate business in another state.

Any unlawful act or violation of any of the provisions of this chapter by any real estate broker associate or salesperson, ~~real-estate-apprentice salesperson,~~ employee, or partnership partner or associate of a licensed real estate broker, ~~shall~~ is not be cause for the revocation of the license of any real estate broker, ~~partial-or-otherwise,~~ unless the commission finds that ~~said--employer,--partner,--or--associate~~ the real estate broker had guilty knowledge ~~thereof~~ of the unlawful act or violation.

Sec. 22. Section 117.45, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

117.45 DUAL CONTRACTS FOR SALE OF REAL PROPERTY. A person licensed under this chapter shall not knowingly make, issue, deliver, receive, or permit the use of two or more written or oral contracts for the purpose of sale concerning the same parcel of real estate one of which is not made known to the prospective lender or loan guarantor to enable the purchaser to obtain a larger loan than the true sales price would allow or to enable the purchaser to qualify for a loan which the purchaser otherwise could not obtain.

Any person who shall violate the provisions of this section shall be guilty of a fraudulent practice.

Sec. 23. Section 117.46, subsection 1, Code 1981, is amended to read as follows:

1. Each real estate broker shall maintain a common trust account in a bank or a savings and loan association for the deposit of all down payments, earnest money deposits, or other trust funds received by the broker or ~~his~~ the broker's salespersons ~~or-apprentice-salespersons~~ on behalf of ~~his~~ the broker's principal, except that a broker acting as a salesperson shall deposit these funds in the common trust account of the broker for whom he or she acts as salesperson.

Sec. 24. Section 117.53, unnumbered paragraph 2, Code 1981, is amended by striking the unnumbered paragraph.

Sec. 25. Section 117.26, Code 1981, is repealed.

Sec. 26. A real estate apprentice salesperson's license which is valid on the effective date of this Act continues to be valid and effective subject to chapter 117, Code 1981, until that license expires or is suspended, revoked, or surrendered pursuant to those provisions.

Approved May 19, 1981

CHAPTER 55

SHORT TERM LIQUOR AND BEER LICENSES AND PERMITS

S. F. 172

AN ACT to establish short term liquor licenses and beer permits.

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

Section 1. Section 123.3, subsection 11, paragraph d, Code 1981, is amended to read as follows:

d. Is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph f, in the case of a partnership, only one partner need be a resident of this state.

Sec. 2. Section 123.34, Code 1981, is amended to read as follows:

123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

1. ~~All-liquor~~ Liquor control licenses and beer permits, unless sooner suspended or revoked, ~~shall~~ expire one year from date of issuance. The director shall ~~cause give~~ give sixty days' written notice of ~~such the~~ expiration ~~to--be-given~~ to each licensee or permittee ~~in-writing~~. However, the director may issue six-month or eight-month seasonal licenses or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor licenses or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The director may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licenses and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in sections 123.36, subsection 6 and 123.134, subsection 5.

3. The fee for a fourteen-day liquor license or beer permit is one-quarter of the annual fee for that class of liquor license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license or beer permit.

Approved March 31, 1981

CHAPTER 56

DISHONORED CHECKS FOR LIQUOR PURCHASES

H. F. 773

AN ACT relating to the penalty to be imposed on licensees who tender the department of beer and liquor control three or more insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

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

Section 1. Section 123.24, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Paragraphs a and b do not apply if a licensee tenders the department three or more checks during a twelve month period which are dishonored. Following notification to the department of dishonor of any check after the second check so dishonored, the director shall suspend a licensee's liquor control license for not less than three nor more than thirty days, after notice and an opportunity for hearing. Payment of any check whose dishonor subjects the licensee to suspension does not affect the liability of the licensee to suspension.

Approved May 8, 1981

CHAPTER 57

RETAIL SALE OF BEER

S. F. 439

AN ACT relating to the retail sale of beer by manufacturers of beer on the premises of the manufacturing facility for on or off premises consumption.

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

Section 1. Section 123.45, unnumbered paragraph 2, Code 1981, is amended to read as follows:

No person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages or beer, nor any jobber or agent of such person, shall directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, beer, or food within the place of business of a licensee or permittee authorized under the provisions of this chapter, to sell at retail; nor shall he the person directly or indirectly

extend any credit for alcoholic beverages or beer or pay for any such license or permit, nor directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under the provisions of this chapter to sell at retail, except that a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that such a person may be the holder of a class "A" beer permit, may be granted not more than one class "B" permit as defined in section 123.124 for such purpose. Any licensee or permittee who shall permit or assent or be a party in any way to any such violation or infringement of the provisions of this chapter shall be deemed guilty of a violation of the provisions of this chapter.

Approved May 11, 1981

CHAPTER 58
SUBSTANCE ABUSE PROGRAMS

H. F. 821

AN ACT relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, by extending operations of the Iowa department of substance abuse through 1983, by providing for a program evaluation of the department and providing penalties.

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

Section 1. Section 125.2, subsection 2, Code 1981, is amended to read as follows:

2. "Facility" means ~~a-hospital,~~ an institution, a detoxification center, or an installation providing care, maintenance and treatment for substance abusers and licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.

Sec. 2. Section 125.3, Code 1981, is amended to read as follows:

125.3 ESTABLISHED.

1. There is established the Iowa department of substance abuse which shall develop, implement and administer a comprehensive substance abuse program pursuant to sections 125.1 to 125.43. There is established within the department a commission on substance abuse to establish policies governing the performance of the department in the discharge of duties imposed on it by this chapter. The commission shall consist of nine members appointed by the governor. Appointments shall be made on the basis of

interest in and knowledge of substance abuse, however two of the members shall be persons who, in their regular work, have direct contact with substance abuse clients. ~~All members shall be~~ Only eligible electors of the state of Iowa shall be appointed.

~~2--The governor shall make the initial appointments to the commission and the advisory council for terms commencing July 1, 1977.---The provisions of sections 125.6 and 125.11 shall apply to the payment of per diem and expenses to commission and advisory council members as if the provisions of said sections were in effect on July 1, 1977.---The provisions of this subsection shall be effective July 1, 1977.~~

Sec. 3. Section 125.10, subsection 1, Code 1981, is amended to read as follows:

1. Prepare and submit a state plan subject to approval by the commission and in accordance with the provisions of ~~title XLII, United States Code,~~ section 42 U.S.C. sec. 4573. The state plan shall designate the department as the sole agency for supervising the administration of the plan ~~and shall provide for the appointment of a citizens advisory council on substance abuse.~~

Sec. 4. Section 125.13, subsection 2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The licensing requirements of this chapter, ~~except the requirements imposed by section 125.21, shall~~ do not apply to any of the following:

Sec. 5. Section 125.13, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. Hospitals providing any care or treatment to substance abusers required ~~on January 1, 1978, by other provisions of law to be licensed to have a license under chapter 135B.~~

Sec. 6. Section 125.13, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

d. A program that provides only education, prevention, referral or post treatment services.

Sec. 7. Section 125.13, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Individuals in private practice who are providing substance abuse treatment services independent from a program that is required to be licensed under subsection 1.

Sec. 8. Section 125.14, Code 1981, is amended to read as follows:

125.14 LICENSES--RENEWAL--FEES. The commission shall meet to consider all cases involving issuance, denial, suspension, or revocation of a license. ~~Upon approval of an application for licensing by the commission, a license shall be issued by the~~ The department shall issue a license to an applicant who the commission determines meets the licensing requirements of this chapter. Licenses shall expire ~~one-year~~ no later than two years from the date of issuance and shall be renewed upon timely application made in the same manner as for original issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal.

Sec. 9. Section 125.21, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The commission ~~shall have~~ has exclusive power in this state to approve and license chemical substitutes and antagonists programs, and monitor chemical substitutes and antagonists programs ~~in--this--state~~ to insure that the programs are operating within the rules established pursuant to this chapter ~~and the~~. The commission shall be obliged to grant such approval and license if the requirements of the rules are met and no state funding is requested. This section does not require approval or licensing of chemical substitutes and antagonists programs conducted by persons exempt from the licensing requirements of this chapter by section 125.13, subsection 2.

Sec. 10. Section 125.55, Code 1981, is amended to read as follows:

125.55 AUDITS. All licensed substance abuse programs ~~shall--be~~ are subject to ~~regular annual audit either~~ by the auditor of state ~~or to special audits requested by the director~~ or in lieu of the examination by state accountants the substance abuse program may contract with or employ certified public accountants to conduct the audit. The audit format shall be as prescribed by the auditor of state. The notification requirements and the powers granted to the auditor of state in sections 11.18 and 11.19 apply to audits conducted by certified public accountants. The certified public accountant shall submit a copy of the audit to the director. A licensed substance abuse program is also subject to special audits as the director requests.

Sec. 11. Section 125.56, Code 1981, is amended to read as follows:

125.56 FUTURE STATUS OF DEPARTMENT AFTER ~~1981~~ 1982. ~~The provisions of this chapter are~~ This chapter is repealed effective July 1, ~~1982~~ 1983.

The ~~first~~ second session of the Sixty-ninth General Assembly meeting in the year ~~1981~~ 1982 shall review the activities and performance of the department and shall not later than July 1, ~~1981~~ 1982 make a determination concerning the status and duties of the department.

Sec. 12. Chapter 125, Code 1981, is amended by adding the following new section:

NEW SECTION. INSPECTION--PENALTIES.

1. If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance abuse treatment and rehabilitation facility is in fact a substance abuse treatment and rehabilitation facility as defined by this chapter, and is not exempt from licensing by section 125.13, subsection 2, the commission may order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of the county attorney of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of this chapter. The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law.

2. A person establishing, conducting, managing, or operating a substance abuse treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing or operating a substance abuse treatment and rehabilitation facility without a license may be temporarily or permanently restrained therefrom by a court of competent jurisdiction in an action brought by the state.

3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a substance abuse treatment and rehabilitation facility without a license.

This section does not apply to facilities or programs which are not receiving state dollars.

Sec. 13. Section 125.11, Code 1981, is repealed.

Sec. 14. The program evaluation division of the legislative fiscal bureau shall conduct a study of the administration, structure and funding of the Iowa department of substance abuse. The program evaluation division of the legislative fiscal bureau shall submit a report of its findings to the second session of the Sixty-ninth General Assembly not later than February 1, 1982.

Approved May 4, 1981

CHAPTER 59

INSPECTION OF CORRECTIONAL FACILITIES

H. F. 762

AN ACT relating to inspections of state and local correctional facilities and the state juvenile facilities.

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

Section 1. Section 135.11, subsection 5, Code 1981, is amended to read as follows:

5. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the state. However, the secretary of agriculture shall make inspections for sanitation of the areas where food is prepared or served in the adult penal and correctional facilities and the juvenile facilities as provided in section 2 of this Act.

Sec. 2. Section 159.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Annually inspect for sanitation the areas where food is prepared and where food is served, including but not limited to the utensils, machinery, and other equipment, in the adult penal or correctional facilities operated by the department of social services and in the Eldora training school, the Mitchellville training school, and the Iowa juvenile home. For purposes of this subsection, community-based correctional facilities shall be considered operated by the department of social services.

If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions.

The secretary of agriculture shall prepare a report on the inspections and shall send a copy of the report concerning the adult penal or correctional facilities to the director of the division of corrections of the department of social services. A copy of the report concerning the Eldora training school, the Mitchellville training school, and the Iowa juvenile home shall be sent to the director of the division of child and family services of the department of social services.

Sec. 3. Sections 356.9, 356.10, 356.11, 356.12 and 356.13, Code 1981, are repealed.

Approved May 11, 1981

CHAPTER 60
HEALTH CARE FACILITIES
H. F. 825

AN ACT relating to the rights of residents of health care facilities and providing penalties.

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

Section 1. Section 135C.14, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's bill of rights contained in 42 C.F.R.* 442.311, as amended to January 1, 1981, to all health care facilities as defined in this chapter and shall include procedures for implementing and enforcing the federal rules. The department shall also adopt rules relating to the following:

- a. The transfer of residents to other rooms within a facility.
- b. The involuntary discharge or transfer of residents from a facility including provisions for notice and agency hearings and for the development

*Code of Federal Regulations

of a patient discharge or transfer plan and for providing counseling services to a patient being discharged or transferred.

c. The required holding of a bed for a resident under designated circumstances upon payment of a prescribed charge for the bed.

d. The notification of care review committees by the department of all complaints relating to health care facilities and the involvement of the care review committees in resolution of the complaints.

Sec. 2. Chapter 135C, Code 1981, is amended by adding the following new section as section 135C.31:

135C.31 DISCHARGE OF MEDICAID PATIENTS. A resident of a health care facility shall not be discharged solely because the cost of the resident's care is being paid under chapter 249A or because the resident's source of payment is changing from private support to payment under chapter 249A.

Sec. 3. Section 135C.36, subsection 2, Code 1981, is amended to read as follows:

2. A Class II violation is one which has a direct or immediate relationship to the health, safety or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect and full recognition of the resident's dignity and individuality, in violation of a specific rule adopted by the department, may constitute a Class II violation. A violation of section 1 or 2 of this Act and rules adopted under those sections shall be at least a Class II violation and may be a Class I violation. A Class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee ~~shall--be~~ is subject to a penalty of not less than one hundred nor more than five hundred dollars for each Class II violation for which the licensee's facility is cited, however the commissioner may waive the penalty if the violation is corrected within the time specified in the citation.

Approved May 5, 1981

CHAPTER 61

CITATIONS TO HEALTH CARE FACILITIES

H. F. 746

AN ACT relating to the issuance by the commissioner of health of citations to health care facilities.

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

Section 1. Section 135C.40, subsection 1, Code 1981, is amended to read as follows:

1. ~~When any inspection or investigation of a health care facility made pursuant to this chapter finds the facility in violation of any applicable requirement of this chapter or the rules adopted pursuant to it, the commissioner shall within five working days after a finding of a Class I violation is made, and within ten working days after a finding of a Class II or Class III violation is made, issue a written citation to the facility.~~ If the commissioner determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the commissioner within five working days after making the determination, shall issue a written citation to the facility. The citation shall be served upon the facility personally or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

Approved May 1, 1981

CHAPTER 62
REPORTABLE DISEASES
H. F. 784

AN ACT relating to reports of reportable disease.

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

Section 1. Section 139.1, subsection 1, Code 1981, is amended to read as follows:

1. "Communicable disease" shall mean any infectious or contagious disease spread from man person to man person or animal to man person.

Sec. 2. Section 139.1, subsection 4, Code 1981, is amended to read as follows:

4. "Quarantine" shall mean the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease within specified limits marked by placards for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent the spread of a communicable disease which affects man people.

Sec. 3. Section 139.2, Code 1981, is amended to read as follows:

139.2 REPORT TO DEPARTMENT OF HEALTH. The physician or other health practitioner attending any a person infected with a reportable disease shall immediately report ~~the--same~~ the case to the state department of health, ~~except.~~ However, when a case occurs within the jurisdiction of a local health department ~~such the~~ report shall be made ~~directly~~ to the local health department and to the state department of health. The state department of health shall publish and distribute instructions concerning method of reporting. ~~Such-reports~~ Reports shall be made in accordance with rules adopted by the state department of health. Any person in good faith making a report of a disease ~~shall--have~~ has immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for making a report. A report to the state department of health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease, is confidential and shall not be accessible to the public. However, information contained in the report may be reported in public health records in a manner which prevents the identification of any person named in the report.

Sec. 4. Section 68A.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Information in a report to the state department of health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

Approved May 5, 1981

CHAPTER 63
ANATOMICAL GIFT REVOCATION
S. F. 220

AN ACT prohibiting the revoking of an anatomical gift by a person other than the donor.

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

Section 1. Section 142A.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. An anatomical gift is not amendable or revocable by a person other than the donor.

Approved May 8, 1981

CHAPTER 64
VITAL STATISTIC RECORDS
H. F. 413

AN ACT relating to records of vital statistics kept by the state registrar and county and local registrars.

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

Section 1. Section 144.5, subsection 6, Code 1981, is amended to read as follows:

6. Delegate functions and duties vested in ~~him~~ the state registrar to officers, employees of the department, and to the local registrars as ~~he~~ the state registrar deems necessary or expedient.

Sec. 2. Section 144.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The local registrar, with respect to ~~his~~ the local registrar's registration district shall:

Sec. 3. Section 144.8, subsection 3, Code 1981, is amended to read as follows:

3. Transmit the certificates, reports, or other returns filed with ~~him~~ the local registrar to the county registrar at least weekly, or more frequently when directed by the county registrar.

Sec. 4. Section 144.19, Code 1981, is amended to read as follows:

144.19 ADOPTION CERTIFICATE. For each adoption decreed by any court in this state, the court shall require the preparation of a certificate of

adoption on a form prescribed and furnished by the state registrar. The certificate shall include a report of ~~such the~~ such the facts ~~as-are~~ necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, ~~and shall~~ identify the order of adoption, and be certified by the clerk of the court. A fee established by the department by rule based on average administrative cost shall be collected for the preparation of a certificate of adoption. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 5. Section 144.26, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.

Sec. 6. Section 144.37, unnumbered paragraph 1, Code 1981, is amended to read as follows:

For each divorce or annulment of marriage granted by any court in this state, a record shall be prepared by the clerk of court or by the petitioner or ~~his~~ the petitioner's legal representative if directed by the clerk and filed by the clerk of court with the state registrar. The information necessary to prepare the report shall be furnished with the petition, to the clerk of court by the petitioner or ~~his~~ the petitioner's legal representative, on forms supplied by the state registrar.

Sec. 7. Section 144.39, Code 1981, is amended to read as follows:

144.39 CHANGE OF NAME. Upon receipt of a certified copy of a court order from a court of competent jurisdiction or certificate of the clerk of court pursuant to chapter 674 changing the name of a person born in this state and upon request of ~~such the~~ such the person or ~~his~~ the person's parent, guardian, or legal representative, the state registrar shall amend the certificate of birth to reflect the new name. A fee established by the department by rule based on average administrative cost shall be collected for each amended certificate of birth to reflect a new name. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 8. Section 144.40, Code 1981, is amended to read as follows:

144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK. Upon request and receipt of a sworn acknowledgement of paternity of a child born out of wedlock signed by both parents, the state registrar shall amend a certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents, the surname of the child may be changed on the certificate to that of the father. ~~Such The~~ Such The certificate shall not be marked "amended". A fee established by the department by rule based on average administrative cost shall be collected for each certificate of birth amended to show paternity. Fees collected under this section shall be deposited in the general fund of the state.

Sec. 9. Section 144.42, Code 1981, is amended to read as follows:

144.42 REPRODUCTION OF ORIGINAL RECORDS. To preserve original documents, the state registrar may prepare typewritten, photographic, or other reproductions of original records and files in ~~his~~ the state registrar's office. Such reproductions when certified by ~~him~~ the state registrar shall be accepted as the original record.

Sec. 10. Section 144.43, unnumbered paragraphs 2 and 3, Code 1981, are amended by striking the paragraphs and inserting in lieu thereof the following:

However, the following vital statistics may be inspected and copied as of right under chapter 68A when they are in the custody of a county or of a local register*:

1. A record of birth if that birth did not occur out of wedlock.
2. A record of marriage.
3. A record of divorce, dissolution of marriage, or annulment of marriage.
4. A record of death if that death was not a fetal death.

Sec. 11. Section 144.46, Code 1981, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD. ~~A--fee--of--two--dollars--per--copy~~ The department by rule shall establish fees based on the average administrative cost which shall be collected for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected under this section shall be deposited in the general fund of the state if the service is performed by the department or in the general fund of the county if the service is performed by the county or local registrar. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 12. Until the rules adopted by the department of health under sections 144.19, 144.39, 144.40, and 144.46 as amended by this Act become effective, the fee provided and collected under each of those sections shall be four dollars.

Approved June 20, 1981

*According to enrolled Act

CHAPTER 65
PROFESSIONAL LICENSING BOARDS
S. F. 28

AN ACT to allow instructional staff of a professional school to serve on the licensing board of that profession.

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

Section 1. Section 147.16, Code 1981, is amended to read as follows:

147.16 EXAMINERS. Each licensed examiner shall be actively engaged in the practice or the instruction of ~~his~~ the examiner's profession and shall have been so engaged for a period of five years just preceding ~~his~~ the examiner's appointment, the last two of which shall be in this state.

Sec. 2. Section 147.18, Code 1981, is amended to read as follows:

147.18 DISQUALIFICATIONS. ~~No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title is taught, or be connected therewith in any manner, except nurse examiners and psychology examiners.~~ No examiner shall be connected in any manner with any wholesale or jobbing house dealing in supplies or have a financial interest in or be an instructor at a proprietary school.

Approved May 5, 1981

CHAPTER 66
SPEECH PATHOLOGISTS AND AUDIOLOGISTS
S. F. 325

AN ACT relating to licensure of speech pathologists and audiologists.

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

Section 1. Section 147.74, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A speech pathologist or audiologist with a doctoral degree may use the suffix "Ph.D.", or the prefix "doctor" or "Dr." and add after his or her name the words "speech pathologist" or "audiologist".

Sec. 2. Section 147.153, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Show evidence of completion of not less than ~~two~~ three hundred ~~seventy-five~~ hours of supervised clinical training in speech pathology as a student in an accredited school, college or university.

Sec. 3. Section 147.153, subsection 2, paragraph b, Code 1981, is amended to read as follows:

b. Show evidence of completion of not less than ~~two~~ three hundred ~~seventy-five~~ hours of supervised clinical training in audiology as a student in an accredited school, college or university.

Sec. 4. Section 147.154, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

147.154 EXAMINATION. The examinations required in section 147.153, subsection 3 may be waived by the board for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this division.

Sec. 5. Section 147.155, Code 1981, is amended to read as follows:

147.155 TEMPORARY CLINICAL LICENSE. Any person who has fulfilled all of the requirements for licensure under this division, except for having completed the nine months clinical experience requirement as provided in section 147.153, subsection 1 or 2, and the examination as provided in section 147.153, subsection 3 may apply to the board for a temporary clinical license. The license shall be designated "temporary clinical license in speech pathology" or "temporary clinical license in audiology" and shall authorize the licensee to practice speech pathology or audiology under the supervision of a licensed speech pathologist or licensed audiologist, as appropriate. The license shall be valid for one year and may be renewed once at the discretion of the board. The fee for a temporary clinical license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. A temporary clinical license shall be issued only upon evidence satisfactory to the board that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate. The board shall revoke any temporary clinical license at any time it ~~shall--determine~~ determines either that the work done by the temporary clinical licensee or the supervision being given the temporary clinical licensee does not conform to reasonable standards established by the board.

Approved May 5, 1981

CHAPTER 67
STATE FAIR BOARD CONVENTION
S. F. 116

AN ACT relating to the state fair board convention.

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

Section 1. Section 173.1, subsection 1, Code 1981, is amended to read as follows:

1. The governor of the state, the state secretary of agriculture, and the president of the Iowa State University of science and technology or their qualified representatives.

Sec. 2. Section 173.2, subsection 9, Code 1981, is amended to read as follows:

9. The president, or an accredited representative, of the Iowa horse ~~and mule-breeders-association~~ industry council.

Sec. 3. Section 173.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

173.2 CONVENTION. A convention shall be held at ~~the capitol, on the second Wednesday of December of~~ a time and place in Iowa to be designated by the Iowa state fair board each year, not to be set before a complete year audit can be presented to the convention, to elect members of the state fair board and conduct other business of the board. The board shall give 60 days notice of the location of the convention to all agricultural associations and persons eligible to attend. The convention shall be composed of:

Sec. 4. Section 173.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 11. The president, or an accredited representative, of the Iowa home economists association.

NEW SUBSECTION. 12. The president, or an accredited representative, of the Iowa dietetics association.

NEW SUBSECTION. 13. The president, or an accredited representative, of the Iowa arts council.

NEW SUBSECTION. 14. The president, or an accredited representative, of the Iowa board of public instruction.

Approved May 19, 1981

CHAPTER 68
FAMILY FARM DEVELOPMENT
S. F. 532

AN ACT authorizing the Iowa family farm development authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of chapter 175.

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

Section 1. Chapter 175, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL LOAN PROGRAM.

1. The authority may enter into a loan agreement with a beginning farmer to finance in whole or in part the acquisition by construction or purchase of agricultural land, agricultural improvements, or depreciable agricultural property. The repayment obligation of the beginning farmer may be unsecured, or may be secured by a mortgage or security agreement or by other security as the authority deems advisable, and may be evidenced by one or more notes of the beginning farmer. The loan agreement may contain terms and conditions as the authority deems advisable.

2. The authority may issue its bonds and notes for the purposes set forth in subsection 1 and may enter into a lending agreement or purchase agreement with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. Bonds and notes must be authorized by a resolution of the authority. The authority and the bondholders or noteholders may enter into an agreement to provide for any of the following:

a. That the proceeds of the bonds and notes and investments thereon may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority, may collect, invest, and apply the amounts payable under the loan agreement or any other security instrument securing the debt obligation of the beginning farmer.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreement or security instrument on their own behalf without the appointment or designation of a trustee and if there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained therein, the payment or performance may be enforced in accordance with the provisions contained therein.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument

may be foreclosed or enforced and any collateral sold under proceedings or actions permitted by law and a trustee under the mortgage or security agreement or the holder of any bonds or notes secured thereby may become a purchaser if it is the highest bidder.

e. Other terms and conditions.

3. The authority may provide in the resolution authorizing the issuance of the bonds or notes that the principal and interest shall be limited obligations payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the beginning farmer, and that the principal and interest does not constitute an indebtedness of the authority or a charge against its general credit or general fund.

4. The powers granted the authority under this section are in addition to other powers contained in this chapter. All other provisions of this chapter, except section 175.17, subsection 9 and section 175.19, subsection 4, apply to bonds or notes issued pursuant to and powers granted to the authority under this section except to the extent that they are inconsistent with this section.

Sec. 2. Section 175.2, subsection 11, Code 1981, is amended to read as follows:

11. "Mortgage lender" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency ~~of~~ or instrumentality, including without limitation the federal land bank or any of its local associations, or any other financial institution or entity authorized to make mortgage loans or secured loans in this state.

Sec. 3. Section 175.12, subsection 2, paragraph f, Code 1981, is amended to read as follows:

f. The authority determines that the beginning farmer is unable to secure financing from ~~conventional~~ nongovernmental sources upon terms and conditions which the beginning farmer reasonably could be expected to fulfill.

Sec. 4. Section 175.12, subsection 5, Code 1981, is amended to read as follows:

5. The authority may participate in any interest in any mortgage or secured loan made or purchased pursuant to this chapter with a mortgage lender. The participation interest may be on a parity with the interest in the mortgage or secured loan retained by the authority, equally and ratably secured by the mortgage or securing agreement securing the mortgage or secured loan.

Sec. 5. Section 175.19, subsection 2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The bondholders or noteholders may, to the extent provided in the resolution to which the bonds or notes were issued or in its agreement with the authority, enforce any of the remedies in paragraphs a through e or the remedies provided in such proceedings or agreements for and on their own behalf.

CHAPTER 69
AGRICULTURAL EXTENSION LEVY
H. F. 867

AN ACT to increase the dollar amount which may be levied for the county agricultural extension education program.

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

Section 1. Section 176A.10, subsections 1, 2, 3 and 4, Code 1981, are amended to read as follows:

1. For an extension district having a population of less than thirty thousand, an annual levy not to exceed twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of fifty fifty-five thousand dollars per-annum for the fiscal year commencing July 1, 1982, sixty thousand dollars for the fiscal year commencing July 1, 1983, sixty-five thousand dollars for the fiscal year commencing July 1, 1984, seventy thousand dollars for the fiscal year commencing July 1, 1985, and seventy-five thousand dollars for each subsequent fiscal year.

2. For an extension district having a population of thirty thousand or more but less than fifty thousand population, an annual levy not to exceed twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of sixty sixty-six thousand dollars per--annum for the fiscal year commencing July 1, 1982, seventy-two thousand dollars for the fiscal year commencing July 1, 1983, seventy-eight thousand dollars for the fiscal year commencing July 1, 1984, eighty-four thousand dollars for the fiscal year commencing July 1, 1985, and ninety thousand dollars for each subsequent fiscal year.

3. For an extension district having a population of fifty thousand or more but less than one hundred thousand population, an annual levy not to exceed thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of seventy-five eighty-two thousand five hundred dollars per-annum for the fiscal year commencing July 1, 1982, ninety thousand dollars for the fiscal year commencing July 1, 1983, ninety-seven thousand five hundred dollars for the fiscal year commencing July 1, 1984, one hundred five thousand dollars for the fiscal year commencing July 1, 1985, and one hundred twelve thousand five hundred dollars for each subsequent fiscal year.

4. For an extension district having a population of one hundred thousand or more, an annual levy not to exceed thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred ten thousand dollars per--annum for the fiscal year commencing July 1, 1982, one hundred twenty thousand dollars for the fiscal year commencing July 1, 1983, one hundred thirty thousand

dollars for the fiscal year commencing July 1, 1984, one hundred forty thousand dollars for the fiscal year commencing July 1, 1985, and one hundred fifty thousand dollars for each subsequent fiscal year.

Approved June 19, 1981

CHAPTER 70

ENTOMOLOGIST

S. F. 479

AN ACT relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

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

Section 1. Section 177A.3, Code 1981, is amended to read as follows:

177A.3 STATE ENTOMOLOGIST. There is hereby created and established within the department of agriculture the office of state entomologist. ~~The entomologist--of--the--Iowa--agricultural--experiment--station--is--hereby constituted--the--state--entomologist--who--is--the--executive--officer--of--this chapter.~~ The state entomologist shall be appointed by, responsible to and under the authority of the secretary of agriculture in the issuance of all rules, ~~regulations~~, the establishment of quarantines and other official acts. ~~He shall be provided~~ The secretary of agriculture shall provide the state entomologist with suitable office space.

Sec. 2. Section 177A.9, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~A fee of~~ The fees for inspections and certifications shall not be less than five fifteen dollars nor more than sixty-five five hundred dollars per annum. Certificates shall be issued to nursery stock growers and dealers on an annual basis. Inspection and certification fees for nursery stock growers shall be fifteen dollars plus one dollar per acre or part thereof, according to the amount of stock inspected. The inspection and certification fee for nursery stock dealers shall be fifteen dollars. All fees shall be paid at the time of inspection or before a certificate is granted issued. ~~Such certificate--shall--be--valid--for--one--year--from--date--of--issue--unless--sooner revoked--by--the--state--entomologist.~~ ~~The inspection--of--nurseries~~ Inspection and certification shall take place between May 1 and October 30 of each year and at such other times as may be when necessary to make--effective--the provisions of enforce this chapter and the rules made pursuant thereto to it. Certificates issued in accordance with this chapter may be revoked when inspection results determine that conditions violate the standards for which certification was issued.

Sec. 3. Section 177A.17, Code 1981, is amended to read as follows:

177A.17 DUTY OF OWNER--ASSESSMENT OF COSTS. ~~Whenever~~ When treatment or destruction of any an agricultural or horticultural plant or product, in field, feedlot, place of assemblage or storage, or elsewhere, or ~~whenever-any~~ when a special type of plowing or any other agricultural or horticultural operation is required under the rules, the owner or person having charge of ~~such the~~ the plants, plant products or places, upon due notice from the state entomologist or ~~his~~ the entomologist's authorized agents, shall take the action required within the time and in the manner designated by ~~such the~~ the notice. ~~In-case~~ If the owner or person in charge ~~shall--refuse--or--neglect~~ refuses or neglects to obey the notice, the secretary of agriculture, or ~~his~~ the secretary's authorized agents, may do what is required, and ~~the--expense thereof~~ the secretary shall assess the expense to the owner after giving ~~him~~ the owner legal notice and a hearing. ~~Provided-that-no~~ No expense other than ~~such-as-is~~ that incidental to normal and usual farm operations shall be so assessed. If the assessment is not paid, the secretary shall certify it to the treasurer of the proper county who shall enter it on the tax books and collect it as ordinary taxes are collected and remit it to the secretary.

~~The--said--secretary--is--hereby--authorized--to--refund--to--the--federal department--of--agriculture--all--moneys--so--assessed--and--collected--which represent--expenditures--made--on--such--premises--by--the--United--States--in accordance-with-the-provisions-of-the-Act-of-Congress-enacted-by--the--sixty-ninth--Congress--approved-February-23--1927--and-entitled--"An-Act-to-provide for-the-eradication-or-control-of-the-European-corn-borer."~~

Approved May 18, 1981

CHAPTER 71
BEEF EXCISE TAX
H. F. 842

AN ACT to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

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

Section 1. Section 181.12, Code 1981, is amended to read as follows:

181.12 REMISSION OF TAX ON APPLICATION. Any A person from whom the excise tax ~~herein~~ is collected may, by written application filed with the executive committee within sixty days after its collection ~~from-him~~, have ~~said the~~ the amount remitted to ~~him~~ the person by the executive committee. The information that the excise tax is refundable and the address of the executive committee to which application for a refund may be made shall appear on the invoice of sale form supplied by the purchaser to the producer near the area on the form which shows the amount of the excise tax paid. The

executive committee shall furnish uniform application for refund forms and envelopes properly addressed to the executive committee to each purchaser charged by this chapter with remitting the excise tax in sufficient number to make ~~said~~ the refund forms and envelopes readily available to all producers. A purchaser charged by this chapter with remitting the excise tax shall display ~~said~~ the application for refund forms and envelopes in a prominent position in its place of business and make ~~the same~~ them readily available to all producers.

Sec. 2. Section 181.19, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The secretary shall, upon the petition of five hundred producers, conduct an initial referendum to determine whether an excise tax shall be collected, at a rate established by the executive committee, of ~~twenty-five~~ not to exceed fifty cents per head on all beef cattle sold for slaughter and five not to exceed thirty-five cents per head on all veal calves sold for slaughter, and ~~ten cents per head~~ on all sales of beef cattle for any other purpose, ~~shall be collected.~~

Sec. 3. Chapter 181, Code 1981, is amended by adding the following new section:

NEW SECTION. At any time prior to expiration of the four-year excise tax which commenced December 1, 1978, and upon the petition of five hundred producers, the secretary shall call a special referendum on the question whether an excise tax above the statutory maximums in effect prior to July 1, 1981 shall be collected. The special referendum shall be conducted as provided in this chapter for referendum elections. It shall be conducted in lieu of and shall take the place of the regular four-year extension referendum specified in sections 181.14 and 181.15. If the special referendum is successful, the excise tax provided for in the referendum shall be levied and imposed within ninety days for four years, and the excise tax in existence shall terminate. If the special referendum is unsuccessful, the provisions of section 181.15, fourth unnumbered paragraph, shall apply. This section is repealed effective December 1, 1982.

Approved June 17, 1981

CHAPTER 72
 PRODUCTION AND SALE OF DAIRY PRODUCTS
 S. F. 408

AN ACT relating to the production and sale of dairy products by updating certain standards and changing internal references required by the interstate milk shippers compact and by striking or repealing inconsistent provisions.

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

Section 1. Section 190.1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

For the purpose of this title, except chapter 192, the following definitions and standards of food are established:

Sec. 2. Section 192.19, Code 1981, is amended to read as follows:

192.19 TABLE OF STANDARDS. All grade "A" raw milk for pasteurization and all grade "A" pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, and temperature standards, and the sanitation requirements of this chapter.

No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms; however in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than 125 degrees F. (52 degrees C.) for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled "heat-treated".

Chemical, Bacteriological and Temperature Standards
 for Grade "A" Milk and Milk Products.

Grade "A" raw milk for pasteurization.	Temperature	<u>Cooled to 50^Q-F+ 45 degrees F. (7 degrees C.) or less and-maintained--thereat-until--processed within two hours after milking, if the blend temperature after the first and subsequent milkings does not exceed 50 degrees F. (10 degrees C.).</u>
	Bacterial limits	Individual producer milk not to exceed 100,000 per milliliter prior to commingling with other producer milk. Not exceeding 300,000 per milliliter as commingled milk prior to pasteurization.

	Antibiotics	No detectible antibiotic residues.
Grade "A" pasteurized milk and milk products (except cultured products).	Temperature	Cooled to 45° F. or less and maintained thereat, except when on delivery vehicles.
	Bacterial limits	Milk and milk products--20,000 per milliliter.
	Coliform limit	Not exceeding 10 per milliliter.
	Phosphatase	Less than 1 microgram per milliliter, by Scharer Rapid Method (or equivalent by other means).
Grade "A" pasteurized cultured products.	Temperature	Cooled to 45° F. or less and maintained thereat, except when on delivery vehicles.
	Coliform limit	Not exceeding 10 per milliliter.
	Phosphatase	Less than 1 microgram per milliliter, by Scharer Rapid Method (or equivalent by other means).
	Bacterial limits	Exempt.

Sec. 3. Section 192.20, subsection 17, Code 1981, is amended to read as follows:

17. Raw milk for pasteurization shall be cooled to ~~50°-F.~~ 45 degrees F. (7 degrees C.) or less within two hours after milking ~~and shall be maintained at that temperature until delivered~~ if the blend temperature after the first and subsequent milkings does not exceed 50 degrees F. (10 degrees C.).

Sec. 4. Section 192.21, subsection 17, Code 1981, is amended to read as follows:

17. All raw milk and milk products shall be maintained at ~~50°-F.~~ 45 degrees F. (7 degrees C.) or less until processed. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment to a temperature of 45° F. (7 degrees C.) or less. All pasteurized milk and milk products shall be stored at a temperature of 45° F. (7 degrees C.) or less. On delivery vehicles, the temperature of milk and milk products shall not exceed 50° F. (10 degrees C.). Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer.

Sec. 5. Section 192.30, unnumbered paragraph 1, Code 1981, is amended to read as follows:

This chapter and chapters 190 and 191 shall be enforced by the secretary or municipal corporations, which have entered into agreements with ~~him~~ the secretary under section 192.11, both of whom shall make regulations which shall conform to the Grade "A" Pasteurized Milk Ordinance with Administrative Procedures--~~1965~~ 1978 Recommendations of the United States Public Health Service, a certified copy of which shall be on file at the secretary's office

or the office of the clerk of an authorized municipal corporation. Where the mandatory compliance with provisions of the appendixes therein is specified, ~~such~~ the provisions shall be deemed a requirement of ~~said~~ the chapters.

Sec. 6. Section 192.33, Code 1981, is amended to read as follows:

192.33 RATING REQUIRED TO RETAIN PERMIT. A pasteurized milk and milk products sanitation compliance rating of ninety percent or more calculated according to the rating system as contained in Public Health Service Publication ~~Ne---~~678, "Method of Making Sanitation Ratings of Milk ~~Sheds~~ Supplies, 1978 Edition", shall be necessary to receive or retain a permit under section 192.5. Said publication is hereby incorporated into this section by this reference and made a part hereof insofar as applicable, a copy of which shall be on file in the office of the secretary or the office of the clerk of an authorized municipal corporation at all times.

Sec. 7. Section 192.18, Code 1981, is repealed.

Approved May 11, 1981

CHAPTER 73

INMATES OF SECURITY AND MEDICAL FACILITY

S. F. 564

AN ACT relating to the housing of inmates for either security or medical reasons at the Iowa security and medical facility.

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

Section 1. Section 218.1, subsection 14, Code 1981, is amended to read as follows:

14. Iowa Security and Medical Facility.

Sec. 2. Section 218.9, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The director of the division of corrections of the department of social services, subject to the approval of the commissioner of ~~such~~ the department, shall appoint the wardens of the state penitentiary and the men's reformatory and the superintendents of the Iowa security and medical facility and of the women's reformatory.

Sec. 3. Section 223.1, Code 1981, is amended to read as follows:

223.1 INSTITUTION ESTABLISHED. There is ~~hereby~~ established an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a security setting. The institution may also be used for persons only requiring confinement in a security setting. The institution ~~shall-be~~ is under the jurisdiction of the department of social services and shall be known as the Iowa security and medical facility.

Sec. 4. Section 223.2, Code 1981, is amended to read as follows:

223.2 SUPERINTENDENT. A superintendent of the Iowa security and medical facility shall be appointed as designated in section 218.9. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and with ~~such~~ other qualifications as the department deems necessary.

Sec. 5. Section 223.4, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director of the division of adult corrections may house inmates from any penal institution at the Iowa security and medical facility in order to provide the inmates with either suitable security or medical treatment, or both. Unless an inmate is determined to be mentally ill, the inmate shall not be subjected involuntarily to psychiatric treatment.

Sec. 6. Section 223.8, Code 1981, is amended to read as follows:

223.8 COSTS AND CHARGES. Chapter 2307-Code-1977--~~shall--govern~~ governs the determination of costs and charges for the care and treatment of mentally ill patients admitted to the Iowa security and medical facility, except that charges for the care and treatment of any person transferred to the security and medical facility from an adult correctional institution or from a state training school shall be paid entirely from state funds. Charges for all other patients at the security and medical facility shall be billed to the respective counties at the same ratio as for patients at state ~~hospitals--for~~ the-mentally-ill, mental health institutes under section 230.20.

Approved June 17, 1981

CHAPTER 74

FORESTRY NURSERIES AT CORRECTIONAL INSTITUTIONS

H. F. 641

AN ACT providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services.

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

Section 1. Section 218.73, Code 1981, is amended to read as follows:

218.73 INDUSTRIES. The director of a division of the department of social services in control of a state institution may establish ~~such~~ industries as ~~he--may-deem~~ the director deems advisable at or in connection with any of ~~said~~ the institutions under ~~his~~ the director's control.

~~Unless-otherwise-provided-in-this-Act, all-institutional-receipts-of-the department-of-social-services-shall-be-deposited-in-the-general-fund-except~~

~~rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.~~ The director of the division of adult corrections may with the assistance of the Iowa state conservation commission establish and operate forestry nurseries on state owned land under the control of the department of social services. Residents of the adult correctional institutions shall provide the labor for the operation. Nursery stock shall be sold in accordance with the rules of the state conservation commission. The department of social services shall pay the costs of establishing and operating the forestry nurseries on state owned land under the control of the department out of the revolving farm fund created in section 218.74.* The state conservation commission shall pay the costs of transporting, sorting, and distributing nursery stock to and from or on state owned land under the control of the commission. Receipts from the sale of nursery stock produced under this section shall be divided between the department of social services and the state conservation commission in direct proportion to their respective costs as a percentage of the total costs. The department of social services shall deposit its receipts in the revolving farm fund created in section 218.74.

Approved May 5, 1981

CHAPTER 75
REVOLVING FARM FUND
H. F. 293

AN ACT creating a revolving farm fund for the department of social services, effective upon publication.

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

Section 1. Section 218.74, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

218.74 REVOLVING FARM FUND. A revolving farm fund is created in the state treasury in which the department of social services shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and co-chairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before any department sells farmland under the control of the department, that department shall notify the governor, chairpersons and

*69GA, ch 75, §1

ranking members of the house and senate appropriations committees, and co-chairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state.

The department of social services shall annually prepare a financial statement to provide for an accounting of the funds in the revolving farm fund. The financial statement shall be filed with the legislative fiscal bureau on or before February 1 each year.

Sec. 2. Section 218.78, subsection 1, Code 1981, is amended to read as follows:

1. All institutional receipts of the department of social services shall be deposited in the general fund except for receipts deposited in the revolving farm fund under section 218.74, and rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, ~~and except for receipts from farm products which shall be used for necessary farm expenses and repair.~~

Sec. 3. Section 218.73, unnumbered paragraph 2, Code 1981, is amended by striking the unnumbered paragraph.

Sec. 4. Section 218.101, Code 1981, and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1060, section 1, are repealed.

Approved June 13, 1981

CHAPTER 76
HOUSING FINANCE AUTHORITY
S. F. 425

AN ACT relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

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

Section 1. Section 220.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. When used in the context of an assumption of a loan, "assume" or "assumed" mean* any type of transaction involving the sale or transfer of an ownership interest in real estate financed by the authority, whether the conveyance involves a transfer by deed or real estate contract or some other device.

Sec. 2. Section 220.2, subsection 3, Code 1981, is amended to read as follows:

*According to enrolled Act

3. Five members of the authority constitute a quorum and the affirmative vote of ~~at-least-five~~ a majority of the appointed members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

Sec. 3. Section 220.12, subsection 2, Code 1981, is amended to read as follows:

2. A property improvement loan or mortgage loan under this section may be made only when the authority determines that the housing sponsor is unable to obtain the necessary financing from ~~either~~ nongovernmental sources upon terms and conditions which the sponsor reasonably could be expected to fulfill.

Sec. 4. Section 220.18, subsection 2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The authority may make or participate in the making of property improvement loans or mortgage loans for rehabilitation or preservation of existing dwellings for the use of low or moderate income families, elderly families or families which include one or more persons who are handicapped or disabled. A rehabilitation or preservation loan may be for the estimated cost of the rehabilitation work to be done, for the purpose of refinancing an existing mortgage loan, for the purpose of doing the rehabilitation work, or for the purpose of acquiring housing in which rehabilitation work is to be done. The rehabilitation or preservation loan shall not exceed, with all other existing indebtedness of the property, the estimated market value of the property as determined by the authority, after the rehabilitation or preservation is completed, and the term of a loan shall not exceed the estimated useful life of the property as determined by the authority, after rehabilitation or preservation. The proposed rehabilitation or preservation shall assure that the property will not contain any substantial violation of applicable housing codes. A rehabilitation or preservation loan under this subsection may be made only when the authority determines that the proposed mortgagor is unable to obtain the necessary financing from ~~either~~ nongovernmental sources upon terms and conditions which the proposed mortgagor reasonably could be expected to fulfill. A rehabilitation or preservation loan under this subsection may be provided only within an area of a city for which an authorized city agency submits a satisfactory affirmative neighborhood preservation program, or in other areas within or outside of cities where the authority determines that rehabilitation or preservation is economically sound and a program of neighborhood preservation is appropriate. The following criteria, along with others reasonably related to the purposes of this chapter, which may be determined by the authority, shall be considered in determining whether an affirmative neighborhood preservation program is satisfactory:

Sec. 5. Section 220.38, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any sale of a residence securing a mortgage loan financed by the authority, either directly or indirectly, must be reported to the authority by the borrower.

Sec. 6. Chapter 220, Code 1981, is amended by adding the following new section:

NEW SECTION. INCONSISTENT PROVISIONS. This chapter takes precedence over any conflicting provisions contained in section 535.8, subsection 2, with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement, and takes precedence over any conflicting provisions contained in laws enacted after the effective date of this Act with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement unless those laws expressly provide that they take precedence over this chapter.

Sec. 7. Chapter 220, Code 1981, is amended by adding the following new section:

NEW SECTION. The authority shall be the agency of this state to designate "areas of economic distress" for purposes of section 103A(k)(3)(A)(i) of the United States Internal Revenue Code of 1954, as amended.

Sec. 8. Section 537.1301, subsection 14, paragraph b, Code 1981, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. A loan financed by the Iowa housing finance authority and secured by a lien on land.

Approved May 18, 1981

CHAPTER 77
IOWA HOUSING FINANCE AUTHORITY
S. F. 355

AN ACT requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing.

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

Section 1. Chapter 220, Code 1981, is amended by adding the following new section:

NEW SECTION. NEW CONSTRUCTION REQUIREMENT. The authority shall insure that fifty percent or more of the proceeds from sales of obligations of the authority in each three-year period beginning July 1, 1981, are newly constructed housing units. Failure to comply with this requirement does not invalidate any bonds, notes, or other obligations of the authority, but in the event of noncompliance with this requirement the authority shall make a special report to the governor and to the general assembly as to the reasons for noncompliance, and the authority shall not commit further funds for housing units that do not help meet this requirement until this requirement is reached, other than to complete projects already started.

Approved May 8, 1981

CHAPTER 78
MENTAL HEALTH, RETARDATION AND
DEVELOPMENTAL DISABILITIES

S. F. 572

AN ACT relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

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

Section 1. NEW SECTION. FINDINGS AND PURPOSE. The general assembly finds that community-based care, provided in many parts of the state by highly autonomous community mental health and mental retardation service providers working cooperatively with state mental health and mental retardation facilities, is meeting most mental health and mental retardation service needs of those Iowans to whom this care is available. However, the general assembly recognizes that heavy reliance on property tax funding for mental health and mental retardation services has restricted uniform availability of this care. Consequently, greater efforts should be made to assure close coordination and continuity of care for those persons receiving publicly supported mental health and mental retardation services in Iowa. It is the purpose of sections 1 through 20 of this Act to continue and to strengthen the mental health and mental retardation services now available in the state of Iowa, to make these services conveniently available to all persons in this state upon a reasonably uniform financial basis, and to assure the continued high quality of these services.

Sec. 2. NEW SECTION. DEFINITIONS. As used in sections 1 through 20 of this Act:

1. "Commission" means the mental health and mental retardation commission.
2. "Commissioner" means the commissioner of social services.
3. "Department" means the department of social services.
4. "Division" means the division of mental health, mental retardation, and developmental disabilities of the department of social services.
5. "Director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.
6. "Comprehensive services" means the mental health services mandated by the Community Mental Health Centers Amendments of 1975, 42 U.S.C. sec. 2689 (1976, Supp. II, 1978, and Supp. III, 1979), and the mental retardation services delineated in the annual state mental retardation plan.

Sec. 3. NEW SECTION. DIVISION OF MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES--STATE MENTAL HEALTH AUTHORITY.

1. The division is designated the state mental health authority as defined in 42 U.S.C. sec. 201(m)(1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. sec. 201 et seq. This

designation does not preclude the board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention and research activities in the areas of mental health and mental retardation. The division may contract with the board of regents or any institution under the board's jurisdiction to perform any of these functions.

2. The division is designated the state developmental disabilities agency for the purpose of directing the benefits of the Developmental Disabilities Services and Facilities Construction Act, 42 U.S.C. sec. 6001 et seq.

3. The division is administered by the director. The director of the division shall be qualified in the general field of mental health or mental retardation services, and preferably in both fields. The director shall have at least five years of experience as an administrator in one or both of these fields.

Sec. 4. NEW SECTION. DIRECTOR'S DUTIES.

1. The director shall:

a. Prepare and administer state mental health and mental retardation plans for the provision of comprehensive services within the state and prepare and administer the state developmental disabilities plan. The director shall consult with the state department of health, the board of regents or a body designated by the board for that purpose, the office for planning and programming or a body designated by the director of the office for that purpose, the department of public instruction, the department of substance abuse, the department of job service and any other appropriate governmental body, in order to facilitate coordination of services provided to mentally ill, mentally retarded, and developmentally disabled persons in this state. The state mental health and mental retardation plans shall be consistent with the state health plan, shall be prepared in consultation with the state health coordinating council, and shall incorporate county mental health and mental retardation plans.

b. Assist county coordinating boards in developing a program for community mental health and mental retardation services within the state based on the need for comprehensive services, and the services offered by existing public and private facilities, with the goal of providing comprehensive services to all persons in this state who need them.

c. Emphasize the provision of outpatient services by community mental health centers and local mental retardation providers as a preferable alternative to inpatient hospital services.

d. Encourage and facilitate coordination of services with the objective of developing and maintaining in the state a mental health and mental retardation service delivery system to provide comprehensive services to all persons in this state who need them, regardless of the place of residence or economic circumstances of those persons.

e. Encourage and facilitate applied research and preventive educational activities related to causes and appropriate treatment for mental illness and mental retardation. The director may designate, or enter into agreements with, private or public agencies to carry out this function.

f. Promote coordination of community-based services with those of the state mental health institutes and hospital-schools.

g. Administer state programs regarding the care, treatment, and supervision of mentally ill or mentally retarded persons, except the programs administered by the state board of regents.

h. Administer and control the operation of the state institutions established by chapters 222 and 226, and any other state institutions or facilities providing care, treatment, and supervision to mentally ill or mentally retarded persons, except the institutions and facilities of the state board of regents.

i. Administer the state community mental health and mental retardation services fund established by section 7 of this Act.

j. Act as compact administrator with power to effectuate the purposes of interstate compacts on mental health.

k. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities.

l. Prepare a division budget and reports of the division's activities.

m. Advise the merit employment commission on recommended qualifications of all division employees.

n. Establish suitable agreements with other state agencies to encourage appropriate care and to facilitate the coordination of mental health, mental retardation, and developmental disabilities services.

o. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial system and the care review committees appointed for county care facilities pursuant to section 135C.25.

p. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 222.59.

q. Provide technical assistance to agencies and organizations, to aid them in meeting standards which are established, or with which compliance is required, under statutes administered by the director, including but not limited to chapters 227 and 230A.

r. Recommend and enforce minimum accreditation standards for the maintenance and operation of community mental health centers under section 230A.16.

s. In cooperation with the state department of health, recommend and enforce minimum standards under section 34 of this Act for the care of and services to mentally ill and mentally retarded persons residing in county care facilities.

t. In cooperation with the state department of health, recommend minimum standards for the maintenance and operation of public or private facilities offering services to mentally ill or mentally retarded persons, which are not subject to licensure by the department or the state department of health.

2. The director may:

a. Apply for, receive, and administer federal aids, grants, and gifts for purposes relating to mental health, mental retardation, and developmental disabilities services or programs.

b. Establish mental health and mental retardation services for all institutions under the control of the commissioner of social services and

establish an autism unit, following mutual planning with and consultation from the medical director of the state psychiatric hospital, at an institution or a facility administered by the director to provide psychiatric and related services and other specific programs to meet the needs of autistic persons as defined in Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph b, subparagraph 2, and to furnish appropriate diagnostic evaluation services.

c. Establish and supervise suitable standards of care, treatment, and supervision for mentally ill and mentally retarded persons in all institutions under the control of the commissioner of social services.

d. Appoint professional consultants to furnish advice on any matters pertaining to mental health and mental retardation. The consultants shall be paid as provided by an appropriation of the general assembly.

Sec. 5. NEW SECTION. MENTAL HEALTH AND MENTAL RETARDATION COMMISSION.

1. A mental health and mental retardation commission is established as the state policy-making body for the provision of mental health and mental retardation services, consisting of fifteen members appointed to three-year staggered terms by the governor and subject to confirmation by the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health or mental retardation, in a manner so that, if possible, the composition of the commission will comply with the requirements of the Community Mental Health Centers Amendments of 1975, 42 U.S.C. sec. 2689t(a)(1976) relative to a state mental health advisory council, and so as to insure adequate representation from both the mental health and mental retardation fields. Four members of the commission shall be members of county boards of supervisors at the time of their appointment to the commission. Two members of the commission shall be members of county mental health and mental retardation coordinating boards at the time of their appointment to the commission. One member of the commission shall either be an active board member of a community mental health center or an active member of the Iowa mental health association at the time of appointment to the commission. One member of the commission shall be an active member of either a community mental retardation agency or the Iowa association for retarded citizens at the time of appointment to the commission.

2. The three-year terms shall begin and end as provided in section 69.19. Vacancies on the commission shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive three-year terms.

3. Members of the commission shall qualify by taking the oath of office prescribed by law for state officers. At its first meeting of each year, the commission shall organize by electing a chairperson and a vice chairperson for terms of one year. Commission members are entitled to forty dollars per diem and reimbursement for actual and necessary expenses incurred while engaged in their official duties, to be paid from funds appropriated to the department.

Sec. 6. NEW SECTION. DUTIES OF COMMISSION.

1. The commission shall:

a. Advise the director on administration of the overall state plans for comprehensive services.

b. Adopt necessary rules pursuant to chapter 17A which relate to mental health and mental retardation programs and services.

c. Adopt standards for accreditation of community mental health centers and comprehensive community mental health programs recommended under section 230A.16.

d. Adopt standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities recommended under section 34 of this Act.

e. Adopt standards for the delivery of mental health and mental retardation services by the division, and for the maintenance and operation of public or private facilities offering services to mentally ill or mentally retarded persons, which are not subject to licensure by the department or the state department of health, and review the standards employed by the department or the state department of health for licensing facilities which provide services to the mentally ill or mentally retarded persons.

f. Assure that proper appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.

g. Award grants from the special allocation of the state community mental health and mental retardation services fund pursuant to section 11 of this Act, as well as other moneys that become available to the division for grant purposes.

h. Review and rank applications for federal mental health grants prior to submission to the appropriate federal agency.

i. Annually submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law and for changes in the rules adopted by the auditor of state under section 10 of this Act.

j. Beginning not later than January 1, 1985, and continuing once every two years thereafter, submit to the governor and the general assembly an evaluation of:

(1) The extent to which mental health and mental retardation services stipulated in the state plans are actually available to persons in each county in the state.

(2) The cost effectiveness of the services being provided by each of the state mental health institutes established under chapter 226 and state hospital-schools established under chapter 222.

(3) The cost effectiveness of programs carried out by randomly selected providers receiving money from the state community mental health and mental retardation services fund established under section 7 of this Act.

k. Advise the director, the council on social services, the governor, and the general assembly on budgets and appropriations concerning mental health and mental retardation services.

1. Meet with the state developmental disabilities planning council at least twice a year for the purpose of coordinating mental health, mental retardation, and developmental disabilities planning and funding.

2. Notwithstanding section 217.3, subsection 6, the commission may adopt the rules authorized by subsection 1, pursuant to chapter 17A, without prior review and approval of those rules by the council on social services.

Sec. 7. NEW SECTION. STATE COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES FUND ESTABLISHED.

1. A state community mental health and mental retardation services fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated to the fund for the forthcoming fiscal period in order to implement the purpose stated in section 1 of this Act.

2. The state community mental health and mental retardation services fund for each fiscal year shall be divided into two parts, the general allocation and the special allocation. The general allocation is equal to eighty percent and the special allocation is equal to twenty percent of the total appropriation.

Sec. 8. NEW SECTION. DISTRIBUTION OF GENERAL ALLOCATION. A county is entitled to receive annually from the general allocation of the state community mental health and mental retardation services fund a share computed by a formula prescribed pursuant to section 9 of this Act, subject to the requirements of section 10 of this Act. As soon after July 1 of each year as reasonably possible, the director shall certify to the state comptroller the amount to which a county is entitled from the general allocation and the comptroller shall issue warrants in the amounts certified, drawn upon the general allocation in favor of the respective counties. A county shall place the money so received in the county mental health and institutions fund, and shall expend it in the same fiscal year in which it is received and only for the purposes authorized by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g.

If a county has not established or is not affiliated with a community mental health center under chapter 230A, the county shall expend a portion of the money received from the general allocation to contract with a community mental health center to provide mental health services to the county's residents. If such a contractual relationship is unworkable or undesirable, the commission may waive the expenditure requirement. However, if the commission waives the requirement, the commission shall address the specific concerns of the county and shall attempt to facilitate the provision of mental health services to the county's residents through an affiliation agreement or other means.

Sec. 9. NEW SECTION. FORMULA FOR DISTRIBUTION OF GENERAL ALLOCATION.

1. The general allocation of the state community mental health and mental retardation services fund shall be distributed to insure that each county participates in the distribution of the funds, to recognize past efforts made by individual counties to support state institutional and community-based services for mentally ill and mentally retarded persons, and to recognize both individual counties as entities and the distribution of the state population across counties.

2. In distributing the general allocation, each county shall receive an amount equal to the sum of the following two factors:

a. Fifty percent of the general allocation divided by a factor of ninety-nine.

b. Fifty percent of the general allocation multiplied by a factor equal to that county's proportionate share of the total state population.

Sec. 10. NEW SECTION. REQUIREMENTS OF COUNTIES RECEIVING GENERAL ALLOCATION MONEY.

1. A county is entitled to receive money from the general allocation of the state community mental health and mental retardation services fund in any fiscal year in an amount determined by section 9 of this Act, if that county:

a. Raised by county levy and expended for mental health and mental retardation services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1980.

(1) With reference to the fiscal year beginning July 1, 1980, money "raised by county levy and expended for mental health and mental retardation services" means the total amount levied and expended by the county under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13 as the subsection read at the time that levy was made, adjusted by a procedure prescribed by rules, which shall be adopted by the auditor of state in consultation with the director, to exclude expenditures other than mental health and mental retardation expenditures which the county made in that fiscal year from the proceeds of that levy.

(2) With reference to a fiscal year beginning on or after July 1, 1981, money "raised by county levy and expended for mental health and mental retardation services" means the total amount of money expended by the county from the county mental health and institutions fund for the purposes authorized by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g, exclusive of state money received from the general allocation of the state community mental health and mental retardation services fund and of any third party reimbursement to the county.

(3) A county shall, as soon as reasonably possible after January 1, 1982, begin preparations to adopt and shall by January 1, 1984, implement an accounting and financial reporting procedure for recording expenditures for mental health and mental retardation services, in conformity with rules, which shall be adopted by the auditor of state in consultation with the director and a committee representing appropriate county officials. It is the intent of this subparagraph that the Seventieth General Assembly, at its 1984 Session, reconsider the requirements of paragraph a of this subsection with a view to possible adjustments to more precisely measure each county's financial effort in support of mental health and mental retardation services.

b. Submits or joins other counties in submitting, prior to September 15 of each year, an application for a share of the general allocation for the succeeding fiscal year which is in conformity with subsection 2.

2. An application may be filed by a county or jointly by two or more counties. The application shall consist of:

a. An annual plan to improve or maintain availability and accessibility of comprehensive services to residents of the county or counties, which is found by the director to be in substantial compliance with the requirements of sections 1 through 20 of this Act. The annual plan is in substantial compliance with those requirements if it:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and are offered by accredited or licensed providers where accreditation or licensure standards are applicable.

(2) Demonstrates the availability and accessibility of comprehensive services by establishing or maintaining formal agreements for purchase of services or grant relationships with providers of services, and by extending eligibility for those services to all residents of the county or counties who are unable to assume the full cost of their care.

(3) Demonstrates effective implementation of an annual plan submitted by the county or counties under this subsection for the preceding fiscal year.

b. Evidence that each county is in compliance with subsection 1, paragraph a.

3. Each application shall be for a period of at least one year and shall be acted upon as soon as reasonably possible by the director, who shall notify the applicant county or counties of the action on the application no later than November 1 of the year in which the application is submitted. Money from the general allocation shall be disbursed on a quarterly basis to the counties entitled to the money under section 9 of this Act and this section. Counties receiving the money shall submit quarterly financial and plan status reports in the manner prescribed by the director.

4. A county shall return to the treasurer of state, no later than September 30 of each year, for placement in the general allocation of the state community mental health and mental retardation services fund, an amount equal to the amount by which expenditures by the county under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g during the fiscal year ending the preceding June 30 were less than the total of that county's share of the general allocation of the state community mental health and mental retardation services fund for that preceding fiscal year.

Sec. 11. NEW SECTION. SPECIAL ALLOCATION. The special allocation of the state community mental health and mental retardation services fund shall be used by the director to administer grants-in-aid, awarded by the commission, to counties, combinations of counties, or their designees to provide to persons in a particular county or area one or more new or expanded community-based mental health or mental retardation services, or to continue those new or expanded services in a subsequent year, in furtherance of the purpose stated in section 1 of this Act. A grant may be made on terms providing for its use by the county or other grantee over a period of time greater than one year, but the entire grant shall be made from money available in the special allocation for the fiscal year during which the grant is made, and the director shall not obligate funds which the director anticipates will be

appropriated in any future fiscal year. Each grant shall be made on terms and conditions agreed to by the director and the grantee. In awarding grants, priority shall be given to proposed projects that enhance deinstitutionalization and provide accessible comprehensive services to geographical areas of the state which do not have those services or which have experienced reductions in those services due to the elimination of programs no longer funded. A proposed project which will offer services other than comprehensive services may be considered for a special allocation grant if the relevancy of the project to the needs of mentally ill and mentally retarded persons is demonstrated to the satisfaction of the commission.

Sec. 12. NEW SECTION. PARTIAL REIMBURSEMENT TO COUNTIES FOR LOCAL INPATIENT MENTAL HEALTH CARE AND TREATMENT.

1. A county which pays, from county funds budgeted under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraphs d and g, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections 15 through 18 of this Act for treatment as an inpatient of a hospital facility, other than a state mental health institute, which has a designated mental health program and is a hospital accredited by the accreditation program for hospital facilities of the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of the daily cost so incurred by the county. However, a county is not entitled to reimbursement for a cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter 249A, or who is entitled to have care or treatment paid for by any other third party payor, or who is admitted for preliminary diagnostic evaluation under sections 15 through 18 of this Act. The amount of reimbursement for the cost of treatment of a local inpatient to which a county is entitled, on a per-patient-per-day basis, is an amount equal to twenty percent of the average of the state mental health institutes' individual average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if the patient had been admitted to a state mental health institute.

2. A county may claim reimbursement by filing with the director a claim in a form prescribed by the director by rule. Claims may be filed on a quarterly basis, and when received shall be verified as soon as reasonably possible by the director. The director shall certify to the state comptroller the amount to which each county claiming reimbursement is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this section. A county shall place funds received under this section in the county mental health and institutions fund. If the appropriation for a fiscal year is insufficient to pay all claims arising under this section, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

Sec. 13. NEW SECTION. STATE PAYMENT FOR PERSONS WITH NO COUNTY OF LEGAL SETTLEMENT. If a person receives community-based mental health or mental retardation services and has no county of legal settlement or the person's legal settlement is unknown, as determined under sections 252.16 and 252.17, and if neither that person nor another person legally chargeable with that person's support is able to pay for the services, the state shall pay the costs of the services.

Sec. 14. NEW SECTION. AUTHORITY OF DIRECTOR TO LEASE FACILITIES. The director may enter into agreements under which a facility or portion of a facility administered by the director is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter 504A. A lease executed under this section shall require that the lessee use the leased premises to deliver either comprehensive services or other services normally delivered by the lessee.

Sec. 15. NEW SECTION. PRELIMINARY DIAGNOSTIC EVALUATION.

1. Except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation by a community mental health center or by an alternative diagnostic facility has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 16, 17, and 18 of this Act. However, notwithstanding the mandatory language requiring preliminary diagnostic evaluations in this section and sections 16, 17, and 18 of this Act, preliminary diagnostic evaluations shall not be required until the fiscal year for which the general assembly has appropriated moneys to the state community mental health and mental retardation services fund under section 7 of this Act.

2. As used in this section and sections 16, 17, and 18 of this Act, the term "medical emergency" means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the chief medical officer, or that officer's physician designee, requires the immediate admission of the person notwithstanding the policy stated in subsection 1.

Sec. 16. NEW SECTION. COUNTY IMPLEMENTATION OF EVALUATIONS. The board of supervisors of a county shall, no later than July 1, 1982, require that the policy stated in section 15 of this Act be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county shall perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the county and the center under section 230A.12, and the center's director certifies to the board of supervisors that the center does not have the capacity to perform the evaluations, in which case the board of supervisors shall proceed under section 18 of this Act.

Sec. 17. NEW SECTION. REFERRALS FOR EVALUATION.

1. The chief medical officer of a state mental health institute, or that officer's physician designee, shall advise a person residing in that county who applies for voluntary admission, or a person applying for the voluntary admission of another person who resides in that county, in accordance with section 229.41, that the board of supervisors has implemented the policy stated in section 15 of this Act, and shall advise that a preliminary diagnostic evaluation of the prospective patient be sought from the appropriate community mental health center or alternative diagnostic facility, if that has not already been done. This subsection does not apply when voluntary admission is sought in accordance with section 229.41 under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

2. The clerk of the district court in that county shall refer a person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section 229.42, to the appropriate community mental health center or alternative diagnostic facility for the preliminary diagnostic evaluation unless the applicant furnishes a written statement from that center or facility which indicates that the evaluation has been performed and that the person's admission to a state mental health institute is appropriate. This subsection does not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

3. Judges of the district court in that county or the judicial hospitalization referee appointed for that county shall so far as possible arrange for a physician on the staff of or designated by the appropriate community mental health center or alternative diagnostic facility to perform a prehearing examination of a respondent required under section 229.8, subsection 3, paragraph b.

4. The chief medical officer of a state mental health institute shall promptly submit to the appropriate community mental health center or alternative diagnostic facility a report of the voluntary admission of a patient under the medical emergency clauses of subsections 1 and 2. The report shall explain the nature of the emergency which necessitated the admission of the patient without a preliminary diagnostic evaluation by the center or alternative facility.

Sec. 18. NEW SECTION. ALTERNATIVE DIAGNOSTIC FACILITY. If a county is not served by a community mental health center having the capacity to perform the required preliminary diagnostic evaluations, the board of supervisors shall arrange for the evaluations to be performed by an alternative diagnostic facility for the period until the county is served by a community mental health center with the capacity to provide that service. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any other mental health facility or service able to furnish the requisite professional skills to properly perform a preliminary diagnostic evaluation of a person whose admission to a state mental health institute is being sought or considered on either a voluntary or an involuntary basis.

Sec. 19. NEW SECTION. COUNTY MENTAL HEALTH AND MENTAL RETARDATION COORDINATING BOARD.

1. A county board of supervisors, independently or in conjunction with one or more other county boards of supervisors, shall either establish a county or joint county mental health and mental retardation coordinating board or constitute the board or the joint boards of supervisors as the ex officio county mental health and mental retardation coordinating board. If a separate county mental health and mental retardation coordinating board is established, it shall be composed of persons who have demonstrated a concern for mental health and mental retardation services and its size shall be determined by the board or joint boards of supervisors. One or more county supervisors may be named to serve on a separate county mental health and mental retardation coordinating board. If the board or joint boards of supervisors serve ex officio as the county mental health and mental retardation coordinating board, it shall establish an advisory board composed of persons who have demonstrated a concern for mental health and mental retardation services, and who are not governmental officials, to advise the coordinating board with respect to the coordinating board's functions under subsection 2.

2. A county or joint county mental health and mental retardation coordinating board shall:

a. Develop a plan for the provision of mental health and mental retardation services in the county or counties represented by the membership of the board, consistent with the state mental health and mental retardation plans; however, the plan shall only be valid if approved by the county board or boards of supervisors.

b. Distribute, after a county assessment of needed services and available resources, no more than sixty percent of the county's or counties' share of the general allocation of the state community mental health and mental retardation services funds for either mental health or mental retardation services.

c. Prepare an annual fiscal accounting of the use of state moneys appropriated through the state community mental health and mental retardation services fund for use in the respective counties.

d. Nominate potential recipients of grant money made available from or through the director for development of mental health or mental retardation services.

Sec. 20. NEW SECTION. FUTURE STATUS OF DIVISION. The provisions of this Act are repealed effective July 1, 1986. The First Session of the Seventy-first General Assembly meeting in the year 1985 shall review the activities and performance of the division and shall not later than July 1, 1985 make a determination concerning the status and duties of the division.

The program evaluation division of the legislative fiscal bureau shall conduct a program evaluation of the performance of the division and the efficacy of this Act, and provide recommendations and make a final report to the general assembly by January 1, 1985.

An interim committee consisting of members of the senate and house of representatives shall be established to study and evaluate the performance of

the division, the efficacy of this Act, and the recommendations of the final report of the program evaluation division of the legislative fiscal bureau during the 1985 legislative interim. The committee shall evaluate the division's contributions to the development of uniform and accessible comprehensive services, the division's success in achieving the objectives established in the state mental health and mental retardation plans, the effectiveness of the funding mechanisms established by this Act, the division's contribution to the development of community services and to deinstitutionalization of inappropriately institutionalized persons, the division's activity in coordinating the provision of mental health and mental retardation services with other state and local agencies providing or funding services to mentally ill or mentally retarded persons, and other criteria deemed important by the interim committee.

Sec. 21. Section 217.2, Code 1981, is amended to read as follows:

217.2 COUNCIL ON SOCIAL SERVICES. There is hereby created within the department of social services a council on social services which shall act in a policy-making and advisory capacity on matters within the jurisdiction of the department. The council shall consist of ~~five~~ seven members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of social services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. Members of the council shall serve for six-year staggered terms.

Each term shall commence and end as provided by section 69.19.

All members of the council shall be electors of the state of Iowa. No more than ~~three~~ four members shall belong to the same political party and no more than two members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

Sec. 22. Section 217.6, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The department of social services may be initially divided into the following divisions of responsibility: The division of child and family services, the division of mental health, mental retardation, and developmental disabilities, the division of administration, the division of corrections and the division of planning, research and statistics.

Sec. 23. Chapter 217, Code 1981, is amended by adding the following new section after section 217.9:

NEW SECTION. DIRECTOR OF DIVISION OF MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES. The director of the division of mental health, mental retardation, and developmental disabilities shall be qualified as provided in section 3, subsection 3 of this Act. The director's duties are enumerated in section 4 of this Act.

Sec. 24. Section 218.3, subsection 2, Code 1981, is amended to read as follows:

2. The director of the division of mental health, mental retardation, and developmental disabilities of the department of social services ~~shall--have~~ has primary authority and responsibility relative to the following institutions: Glenwood State Hospital-School, Woodward State Hospital-School, Mental Health Institute, Cherokee, Iowa, Mental Health Institute, Clarinda, Iowa, Mental Health Institute, Independence, Iowa and Mental Health Institute, Mount Pleasant, Iowa.

Sec. 25. Section 218.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The director of the division of mental health, mental retardation, and developmental disabilities of the department of social services, subject to the approval of the commissioner of ~~such~~ the department, shall appoint the superintendents of the state hospital-schools for the mentally retarded and the mental health institutes.

Sec. 26. Section 218A.2, Code 1981, is amended to read as follows:

218A.2 ADMINISTRATOR. Pursuant to ~~said~~ the compact, the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services shall be the compact administrator ~~and who,--acting--jointly--with--like--officers--of--other--party--states,--shall--have--power--to--promulgate--rules--and--regulations--to--carry--out--more--effectively--the--terms--of--the--compact.~~ The compact administrator ~~is--hereby--authorized, empowered--and--directed--to~~ may co-operate with all departments, agencies, and officers of ~~and--in--the--government--of~~ this state and its subdivisions in facilitating the proper administration of the compact and of any supplementary agreement ~~or--agreements~~ entered into by this state ~~thereunder~~ under the compact.

Sec. 27. Section 221.1, Code 1981, is amended to read as follows:

221.1 STATE AGENCY. The director of mental health, mental retardation, and developmental disabilities of the state department of social services is ~~hereby~~ designated as the single state agency to act as the administrative agency to provide for the continuation of comprehensive planning to combat mental retardation.

Sec. 28. Section 221.2, Code 1981, is amended to read as follows:

221.2 STAFF. The division of mental health, mental retardation, and developmental disabilities of the state department of social services shall employ the staff necessary for the purposes of interpretation, evaluation, and dissemination of Iowa's Comprehensive Plan to Combat Mental Retardation and to carry on needed research.

Sec. 29. Section 221.3, Code 1981, is amended to read as follows:

221.3 AIDS AND GRANTS RECEIVED. The director of mental health, mental retardation, and developmental disabilities of the state department of social services ~~is--authorized--and--empowered--to~~ may apply for and receive federal aids, grants, and gifts for purposes relating to mental retardation.

Sec. 30. Section 222.2, subsection 3, Code 1981, is amended to read as follows:

3. "Director" or "state director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 31. Section 226.47, Code 1981, is amended to read as follows:

226.47 "DIRECTOR" DEFINED. For the purpose of this chapter "director" or "state director" ~~shall--mean~~ means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 32. Section 227.2, Code 1981, is amended to read as follows:

227.2 INSPECTION.

1. ~~Said--state-direector~~ The commissioner of public health shall make, or cause to be made, at least ~~two-inspections~~ one licensure inspection each year of every county care facility. Either the director or the commissioner of public health, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private and or county institution wherein where mentally ill or mentally retarded persons are--kept.---Such reside. A licensure inspection or a review shall be made by the-state--director--or--by some a competent and disinterested person appointed-by-him---inspectors-shall be--persons-who-are who is acquainted with and interested in the handling-and care of mental-patients-and mentally ill and mentally retarded persons. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall be--required-to-consult-and-advise consult with the county authorities on plans and practices that will improve the care given patients and shall make such recommendations to the state director and the commissioner of public health for ee-ordinating coordinating and improving the relationships between the stewards administrators of county care facilities, the state director, the commissioner of public health, the superintendents of hospitals state mental health institutes and hospital-schools, community mental health centers, and other ee-operating cooperating agencies, as-will-make-fer to cause improved and more satisfactory care of patients. Written A written report as--to-such-inspections of each licensure inspection of a county care facility under this section shall be filed with the state director and the commissioner of public health and shall embrace include:

1 a. The capacity of ~~said~~ the institution for the care of patients residents.

2 b. The number, and sex, ages, and primary diagnoses of the patients ~~kept-therein~~ residents.

3--~~The-arrangement,-method-of-construction,-and-adaptability-of-buildings for-the-purposes-intended-~~

4--~~The--condition-of-buildings-as-to-sewerage,-ventilation,-light,-heat, cleanliness,-means-of-water-supply,-fire-escapes,-and-fire-protecttion-~~

5 c. The care of patients residents, their food, clothing, medical treatment plan, and employment, and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.

6 d. The number, ~~kind~~ job classification, sex, duties, and salaries of all employees.

7 e. The cost to the state or county of maintaining ~~mentally-ill-patients therein,--separate--from--the--cost--of--maintaining--sane--paupers~~ residents in a county care facility.

8 f. The recommendations given to and received from county authorities on methods and practices that will improve the conditions under which the county care facility is operated.

9. ~~Such~~ g. Any failure to comply with standards adopted under section 34 of this Act for care of mentally ill and mentally retarded persons in county care facilities, which is not covered in information submitted pursuant to paragraphs a through f, and any other matters as which the commissioner of public health, in consultation with the state director, may require.

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the county mental health and mental retardation coordinating board or to its advisory board if the county board of supervisors constitutes ex officio the coordinating board, to the administrator of the county care facility inspected and to its care review committee, and to the commission on the aging.

3. The state department of health shall inform the director of an action by the department to suspend, revoke, or deny renewal of a license issued by the state department of health to a county care facility, and the reasons for the action.

4. In addition to the ~~afesaid~~ licensure inspections required or authorized by this section, the state director shall ~~make-er~~ cause to be made an inspection evaluation of each ~~county-care-facility-where--mental--patients--are--kept~~ person cared for in a county care facility at least once each year by a ~~competent-psychiatrist-employed-by-the-state-hospital--in--the--hospital--district--where--the--county--care--facility--is--located~~ one or more qualified mental health, mental retardation, or medical professionals, whichever is appropriate.

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health institute. It is the responsibility of the county to secure the annual evaluation for all other mentally ill persons in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state hospital-school. It is the responsibility of the county to secure the annual evaluation for all other mentally retarded persons in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph a nor paragraph b is applicable.

5. ~~Such-inspection~~ The evaluations required by subsection 4 shall include an examination of each ~~mental-patient~~ person which shall reveal the patient's person's condition of mental and physical health and the likelihood of improvement or discharge and ~~such~~ other recommendations concerning the care

of patients those persons as the ~~inspector~~ evaluator deems pertinent. One copy of ~~said-inspection-report~~ the evaluation shall be filed with the state director, ~~one copy mailed to the county board of supervisors~~ and one copy ~~mailed to the steward~~ shall be filed with the administrator of the county care facility inspected.

Sec. 33. Section 227.3, Code 1981, is amended to read as follows:

227.3 PATIENTS RESIDENTS TO HAVE HEARING. The inspector conducting any licensure inspection or review under section 227.2 shall give each patient resident an opportunity to converse with him the inspector out of the hearing of any officer or employee of the institution, and shall fully investigate all complaints and report the result ~~thereof~~ in writing to said the state director. The state director before acting on said the report adversely to the institution, shall give the persons in charge ~~thereof~~ a copy of ~~such~~ the report and an opportunity to be heard.

Sec. 34. Chapter 227, Code 1981, is amended by adding after section 227.3 the following new section:

NEW SECTION. STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY RETARDED PERSONS IN COUNTY CARE FACILITIES. The director, in cooperation with the state department of health, shall recommend, and the mental health and mental retardation commission shall adopt standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities. The objective of the standards is to insure that mentally ill and mentally retarded residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the director shall designate an advisory committee representing administrators of county care facilities, county coordinating boards, and county care facility care review committees to assist in the establishment of standards.

Sec. 35. Section 227.6, Code 1981, is amended to read as follows:

227.6 REMOVAL OF PATIENTS RESIDENTS. ~~Said-state-director, in case of failure if a county care facility fails to comply with his rules, is authorized to~~ and standards adopted under this chapter, the director may remove all said mentally ill and mentally retarded persons kept cared for in such--institutions the county care facility at public expense, to the proper state hospital mental health institute or hospital-school, or to some private or county institution or hospital for the care of the mentally ill or mentally retarded that has complied with the rules prescribed by said the state director,--such. The removal of patients residents, if to a state hospital,--to mental health institute or hospital-school, shall be made by an attendant or attendants sent from the state-hospital institute or hospital-school. If a female resident is removed under ~~the-provisions-of~~ this section, at least one attendant shall be a female of the same sex. If the director finds that the needs of mentally ill and mentally retarded residents of any other county or private institution are not being adequately met, those residents may be removed from that institution upon order of the director, in consultation with the commissioner of public health.

Sec. 36. Section 227.19, Code 1981, is amended to read as follows:

227.19 "DIRECTOR" DEFINED. For the purpose of this chapter "director" or "state director" ~~shall--mean~~ means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 37. Section 229.15, subsection 3, Code 1981, is amended to read as follows:

3. When a patient has been placed in a facility other than a hospital pursuant to section 229.14, subsection 4, a report on the patient's condition and prognosis shall be made to the court which so placed the patient, at least once every six months, unless the court authorizes annual reports. ~~The~~ A report shall be submitted within fifteen days ~~following--the--inspection,~~ required--by--section--227-27--of after the facility in which the patient has been placed is evaluated as required by section 227.2, subsection 4. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the director exercises the authority to remove residents from a county care facility or other county or private institution under section 227.6, the director shall promptly notify each court which placed in that facility any resident so removed.

Sec. 38. Section 230.20, unnumbered paragraph 1, subsection 1, unnumbered paragraph 1, subsection 2, and subsection 3, are amended to read as follows:

The superintendent of each state hospital for the mentally ill established by section 226.1, or his designee, shall ~~on-the-tenth-day-of--July,--October,~~ January-and-April-of-each-year for each semiannual period, which shall either begin January 1 or July 1, compute the amounts which are due the state from each county for services rendered by the hospital to patients chargeable to those counties, and shall bill the counties quarterly under subsection 4. Each hospital's charges for services rendered in a ~~particular--quarter~~ semiannual period shall be based on that hospital's expenditures during the immediately preceding ~~quarter~~ semiannual period, and shall be computed as follows:

The expenditures of the hospital during ~~the--preceeding--calendar-quarter~~ a semiannual period shall be separately computed by program in accordance with generally accepted accounting procedures. In so doing, the superintendent or ~~his~~ the superintendent's designee shall not include any of the following:

2. The total patient days of service provided during ~~the--preceeding~~ calendar-quarter a semiannual period shall be identified and accumulated for each program for which expenditures are separately computed under subsection 1 of this section.

3. The total expenditure during ~~the--preceeding--calendar--quarter~~ a semiannual period computed for each program pursuant to subsection 1 shall be divided by the total patient days of service provided during the ~~calendar~~ quarter semiannual period by that program, determined pursuant to subsection 2, to derive the average daily patient cost for each program.

Sec. 39. Section 230.20, subsection 5, Code 1981, is amended to read as follows:

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month next succeeding the month in which that

patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34 the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for ~~one-hundred~~ eighty percent of the stated charge for each patient, ~~unless otherwise specified in the current appropriation for support of the state hospitals~~ this subsection. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 40. Section 230.34, Code 1981, is amended to read as follows:

230.34 "DIRECTOR" DEFINED. As used in this chapter, "director" or "state director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 41. Section 230A.1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1029, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties ~~having a total or combined population of thirty-five thousand or more,~~ by action of the board or boards of supervisors, with approval of the ~~fewa~~ director of the division of mental health authority, mental retardation, and developmental disabilities, may establish a community mental health center under this chapter to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecurring expenditure from the county fund specified in section 424, subsection 13 of ~~this Act~~ Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, in an amount ~~not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county, but an expenditure shall not be made under this section by any county which has prior to July 1, 1974, expended funds to assist in establishment of a community mental health center under section 230.24, third paragraph, Code 1966 or Code 1971, or section 230.24, second paragraph, Code 1973~~ determined by the board. This section does not limit the authority of the board or boards of supervisors of any county or group of counties, ~~which prior to July 1, 1974, established or joined in establishing a community mental health center in a manner consistent with the requirements of section 230A.3,~~ to continue to expend money from the county funds fund specified in this section to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

Sec. 42. Section 230A.16, Code 1981, is amended to read as follows:

230A.16 ESTABLISHMENT OF STANDARDS. The ~~fewa~~ director of the division of mental health authority, with approval of the committee on mental hygiene and subject to the provisions of chapter 17A, mental retardation, and developmental disabilities shall ~~formulate and adopt and may from time to~~

~~time-revise~~ recommend and the mental health and mental retardation commission shall adopt standards for community mental health centers and comprehensive community mental health programs, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high quality mental health services within a framework of accountability to the community it serves. The standards shall be in substantial conformity with those of the psychiatric committee of the joint committee on accreditation of hospitals and other recognized national standards for evaluation of psychiatric facilities unless in the judgment of the Iowa director of the division of mental health authority, mental retardation, and developmental disabilities, with approval of the ~~committee on-mental-hygiene~~ mental health and mental retardation commission, there are sound reasons for departing from such standards. When ~~formulating--or revising~~ recommending standards under this section, the Iowa director of the division of mental health authority, mental retardation, and developmental disabilities shall designate an advisory committee representing boards of directors and professional staff of community mental health centers to assist in the formulation or revision of standards. At least a simple majority of the members of the advisory committee shall be lay representatives of community mental health center boards of directors. At least one member of the advisory committee shall be a member of a county board of supervisors. The standards ~~established~~ recommended under this section shall include requirements that each community mental health center established or operating as authorized by section 230A.1 shall:

1. Maintain and make available to the public a written statement of the services it offers to residents of the county or counties it serves, and employ or contract for services with affiliates employing specified minimum numbers of professional personnel possessing specified appropriate credentials to assure that the services offered are furnished in a manner consistent with currently accepted professional standards in the field of mental health.

2. Unless it is governed by a board of trustees elected or selected under sections 230A.5 and 230A.6, be governed by a board of directors which adequately represents interested professions, consumers of the center's services, socioeconomic, cultural, and age groups, and various geographical areas in the county or counties served by the center.

3. The Arrange for the financial condition and transactions of each the community mental health center ~~shall to~~ be audited once each year by the auditor of state, ~~provided, however, that~~. However, in lieu of an audit by state accountants, the local governing body of a community mental health center organized under ~~the terms of this chapter in case it elects to do so,~~ may contract with or employ certified public accountants to conduct such the audit, pursuant to the applicable terms and conditions prescribed by sections 11.18 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant employed to the Iowa director of the division of mental health authority, mental retardation, and developmental disabilities, and the board of supervisors supporting the audited community mental health center.

4. Adopt and implement procedural rules ensuring that no member of the center's board of directors, or board of trustees receives from the center information which identifies or is intended to permit the members of the board to identify any person who is a client of that center.

Sec. 43. Section 230A.17, Code 1981, is amended to read as follows:

230A.17 REVIEW AND EVALUATION. The ~~committee-on-mental-hygiene~~ director of the division of mental health, mental retardation, and developmental disabilities may review and evaluate any community mental health center upon ~~its-own-motion-or-upon~~ the recommendation of the Iowa mental health authority and mental retardation commission, and ~~the-committee~~ shall do so upon the written request of the center's board of directors, its chief medical or administrative officer, or the board of supervisors of any county from which the center receives public funds. The cost of the review shall be paid by the Iowa division of mental health authority, mental retardation, and developmental disabilities.

Sec. 44. Section 230A.18, Code 1981, is amended to read as follows:

230A.18 REPORT OF REVIEW AND EVALUATION. Upon completion of a review made pursuant to section 230A.17, the reviewing-team review shall submit-its findings be submitted to the board of directors and chief medical or administrative officer of the center in-such-manner-as-the-team-members-deem most-appropriate. If the reviewing-team review concludes that the center fails to meet any of the standards established pursuant to section 230A.16, subsection 1, and that the response of the center to this finding is unsatisfactory, these conclusions shall be reported to the ~~committee-on-mental-hygiene~~ mental health and mental retardation commission which may forward the conclusions to the board of directors of the center and request an appropriate response within a-reasonable-period-of-time thirty days. If no response is received within a-reasonable-period-of-time thirty days, or if the response is unsatisfactory, the ~~committee~~ commission may as-its-ultimate sanction call this fact to the attention of the board of supervisors of the county or counties served by the center, and in doing so shall indicate what corrective steps have been recommended to the center's board of directors.

Sec. 45. Section 234.36, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1033, is amended to read as follows:

234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county shall pay from the county fund specified in section 424, subsection 13, paragraph e of this Act Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, the cost of foster care for a child placed by a court as provided in section 232.50 or section 232.99. However, in any fiscal year for which the general assembly appropriates state funds to pay for foster care for children placed by courts under these sections 232.50 and 232.99, the county is responsible for these costs only when the funds so appropriated to the department for that fiscal year have been exhausted. The rate of payment by the county or the state under this section shall be that fixed by the department of social services pursuant to section 234.38.

Sec. 46. Chapter 262, Code 1981, is amended by adding the following new section:

NEW SECTION. EDUCATION, PREVENTION, AND RESEARCH PROGRAMS IN MENTAL HEALTH AND MENTAL RETARDATION. The division of mental health, mental retardation, and developmental disabilities may contract with the board of regents or any institution under the board's jurisdiction to establish and maintain programs of education, prevention, and research in the fields of mental health and mental retardation. The board may delegate responsibility for these programs to the state psychiatric hospital, the university hospital, or any other appropriate entity under the board's jurisdiction.

Sec. 47. Section 347.14, subsection 8, Code 1981, is amended to read as follows:

8. In counties having a population of one hundred thirty-five thousand inhabitants or over, establish a psychiatric department in connection with said the hospital to provide for ~~temporary~~ admission of patients for observation, examination, diagnosis and treatment, ~~which admission shall be for a period of not more than sixty days.~~

Sec. 48. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, is amended to read as follows:

13. A county mental health and institutions fund. ~~Amounts received from the state mental aid fund shall be credited to the county mental--health--and institutions--fund.~~ The board shall make appropriations from the county mental health and institutions fund for all of the following and for no other purposes:

a. Charges which the county is obligated by statute to pay for:

(1) Care and treatment of patients by a state mental health institute.

(2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222.

(3) Care and treatment of patients ~~by the psychiatric hospital at Iowa City under chapter 225.~~

(4) Care and treatment of persons at the alcoholic treatment center at Oakdale or facilities as provided in chapter 125. However, the county may require that an admission to a center or other facility shall be reported to the board within five days by the center or facility offering treatment as a condition of the payment of county funds for that admission.

(5) Care of children admitted or committed to the Iowa juvenile home at Toledo.

(6) Clothing, transportation, and medical or other services provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.5 through 270.7.

b. Any portion which the board deems advisable of the cost of ~~psychiatric examination--and--treatment--of--persons--in--need--thereof--or--of~~ professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic ~~children~~ persons, or persons who are afflicted by any other developmental disability, at a suitable public or private facility providing inpatient or outpatient care in the county. As used in this subsection:

(1) "Developmental disability" has the meaning assigned that term by 42 U.S.C. sec. 6001(7) (1976, Supp. II, 1978, and Supp. III, 1979).

(2) "Autistic ~~children~~ persons" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn, and participate in social relationships. "Autistic ~~children~~ persons" includes but is not limited to those persons afflicted by infantile autism, profound aphasia, and childhood psychosis.

~~The board may require a public or private facility as a condition of payment from county funds to furnish the board with a statement of the income and assets, and the township or city and county of legal residence of each person receiving services under this section. However, the facility shall not disclose to anyone the name or address of a person receiving services for which commitment is not required, without the permission of that person.~~

c. The cost of care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section 135C.1, subsection 4, or any other public or private facility:

(1) In lieu of admission or commitment to a state mental health institute, hospital-school, or other facility established pursuant to chapter 222.

(2) Upon discharge, removal, or transfer from a state mental health institute or state hospital-school or other institution established pursuant to chapter 222.

d. ~~A contribution which the board makes to the~~ Amounts budgeted by the board for the costs of establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by state law.

e. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court.

f. Expenses required to be paid by the county for the care, admission, commitment, and transportation of mentally ill patients in state hospitals.

~~Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for an individual patient in a county or state facility.~~

g. Amounts budgeted by the board for mental health services or mental retardation services furnished to persons on either an outpatient or inpatient basis, to a school or other public agency, or to the community at large, by a community mental health center or other suitable facility located in or reasonably near the county, provided that services paid for with the fund shall meet the standards of the mental health and mental retardation commission and be consistent with the annual plan for services approved by the board.

The board, at the time of levying other taxes, shall estimate the amount necessary to meet the expenses authorized by this section which it is anticipated that the county will incur in the coming year, and levy a tax sufficient to raise the amount needed. The tax shall be computed and spread as a single levy, but the board of supervisors shall determine and enter of

record the respective separate amounts budgeted for payment from county tax revenues under paragraphs a through g. The proceeds of the tax shall be credited to the county mental health and institutions fund, and used only for the purposes prescribed by this section. If a county fails to levy a tax sufficient to meet the expenses which the county is required to pay, or which the board chooses to pay, from the county mental health and institutions fund, the deficiency shall be met by transfer of funds from the county general fund to the county mental health and institutions fund.

The board of supervisors may require a public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and township or city and county of legal residence of each person who has received services from that facility for which payment has been made from county funds under this section. However, the facility shall not disclose to anyone the name or street or route address of any person receiving services for which commitment is not required, without first obtaining that person's written permission.

Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

Sec. 49. Sections 225B.1, 225B.2, 225B.3, and 225B.8, Code 1981, are repealed effective July 1, 1981; chapter 225B, Code 1977, is repealed effective January 1, 1982; however, the Iowa mental health authority shall continue to be governed by chapter 225B, Code 1977, until January 1, 1982. Sections 225B.4 through 225B.7, Code 1981, are repealed effective July 1, 1982.

Sec. 50. Sections 217.10, 217.11, and 217.12, Code 1981, are repealed effective January 1, 1982; however, the division of mental health resources of the department of social services shall continue to be governed by sections 217.10, 217.11, and 217.12, Code 1981, until January 1, 1982.

Sec. 51. Sections 227.16, 227.17 and 227.18, Code 1981, are repealed effective July 1, 1982.

Sec. 52. The effective dates of the provisions of this Act are as follows:

1. This section and sections 5, 12, 13, 21, 49, 53, and 54 of this Act take effect July 1, 1981.

2. Notwithstanding the permanent provisions of section 5 of this Act, the governor shall appoint the initial members of the mental health and mental retardation commission on or after July 1, 1981, and shall complete the appointments no later than October 1, 1981. Of the initial appointees to the mental health and mental retardation commission, the governor shall designate five members to serve two-year terms, five members to serve three-year terms, and five members to serve special four-year terms. The initial terms shall begin as soon as the members are appointed but shall end, as provided in section 69.19, as if the fixed terms began on May 1, 1981. As soon as practicable after appointment of its members, the commission shall organize. Its duty prior to January 1, 1982, is to perform the functions of the state mental health advisory council and to advise the commissioner of social

services and the director of the division of mental health resources of the department of social services on preparations to implement this Act.

The governor shall appoint the two new members of the council on social services pursuant to section 217.2 for appropriately staggered terms which shall begin on July 1, 1981, and end, as provided in section 69.19, as if the fixed terms began on May 1, 1981. The member of a county board of supervisors appointed as a member of the council on social services shall be paid expenses provided in section 217.4.

3. Sections 1, 2, 3, 4, 6, 14, 19, 50, and 55 of this Act take effect January 1, 1982.

4. Sections 7 through 11, 15 through 18, 39, 45, 48, and 51 of this Act take effect July 1, 1982. However, a county or counties shall submit prior to September 15, 1981 an application for a share of the general allocation for the 1982-1983 fiscal year, and the division shall notify the applicant county or counties of its action on the application on or before November 1, 1981, as required by section 10 of this Act. However, a county shall, as soon as reasonably possible after January 1, 1982, begin preparations to adopt state auditor's accounting procedures.

5. All sections not governed by the foregoing provisions of this section are effective January 1, 1982.

Sec. 53. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services three hundred seventy thousand (370,000) dollars, or so much thereof as is necessary for reimbursement to counties for local inpatient mental health care and treatment as provided in section 12 of this Act.

Sec. 54. Any funds appropriated to the state mental health advisory council for the fiscal period beginning July 1, 1981, and ending June 30, 1983, shall be transferred, effective July 1, 1981, to the division of mental health, mental retardation, and developmental disabilities of the department of social services for use by the mental health and mental retardation commission or the division.

Sec. 55. Any funds appropriated to the Iowa mental health authority for the fiscal period beginning January 1, 1982, and ending June 30, 1983, shall be transferred, effective January 1, 1982 to the division of mental health, mental retardation, and developmental disabilities of the department of social services for use by the division.

Approved June 20, 1981, except the item designated as Section 13 herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

ROBERT D. RAY
Governor

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 572, an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

Senate File 572 is approved June 20, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 13 which reads as follows:

Sec. 13. NEW SECTION. STATE PAYMENT FOR PERSONS WITH NO COUNTY OF LEGAL SETTLEMENT. If a person receives community-based mental health or mental retardation services and has no county of legal settlement or the person's legal settlement is unknown, as determined under sections 252.16 and 252.17, and if neither that person nor another person legally chargeable with that person's support is able to pay for the services, the state shall pay the costs of the services.

This action is made necessary for three reasons:

- This section requires a state appropriation in excess of \$200,000. However, the legislature did not act to appropriate those monies to the Department of Social Services to assume that financial responsibility.
- This section provides an open-ended appropriation with no limitations on the state's financial liability.
- This section expands the state's financial responsibility for services outside of the range currently provided to state mental health patients.

Presently, the state pays for county mental health services for those individuals who do not have a county of legal settlement if they are leaving a mental health institution or a state hospital-school. This section would extend the state's financial liability for all individuals with no county of legal settlement, regardless of the location of their earlier treatment. This could result in a significant drain on state finances at a time when the state budget is extremely tight. Indeed, I have been forced to make across-the-board cuts to many existing state programs, and the General Assembly has made additional cuts in order to ensure a balanced state budget.

It may be appropriate that in the future the state assume financial responsibility for all people who need mental health treatment, have no county of legal settlement, and cannot pay for the services. However, there is reason to believe that those who sought this expansion of state financial responsibility at this time were not fully aware of the dollar impact of that extension on the state budget. As a result, no appropriation to carry out the provisions of this section was made by the General Assembly. The state cannot assume this responsibility now, but the General Assembly can consider such an extension in the future when our state budget allows for it.

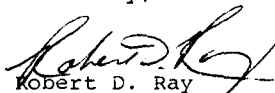
In addition, Section 13 provides an open-ended appropriation which includes no limit on the extension of the state's financial responsibility for these mental health patients. At this time of budget restrictions, we cannot afford to sign a blank check for state support of these mental health services.

Finally, it is important to note that Section 13 anticipates an expansion of state responsibility for mental health services which are not currently provided to existing state patients. Many of these services will not be fully defined until the Mental Health and Mental Retardation Commission begins operation on January 1, 1982. Providing state responsibility for services that have yet to be defined is premature. It would be best to wait until the Commission is fully established before any extension of existing mental health services is provided in the law.

In summary, while it may be wise for the state in the future to assume the cost of community-based mental health and mental retardation services for people who have no county of legal settlement and are not able to pay for those services themselves, the state's current budget constraints do not allow for such an extension of financial responsibility at this time. The legislature extended the services but did not appropriate the monies necessary to fund these services. In addition, the open-ended nature of the appropriation and the failure to adequately define the services to be provided warrant an item veto of Section 13 of this bill.

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 572 are hereby approved as of this date.

Sincerely,


ROBERT D. RAY
Governor

CHAPTER 79

MENTAL HEALTH INSTITUTE SUPERINTENDENT

S. F. 409

AN ACT relating to the qualifications of the superintendent of a state mental health institute.

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

Section 1. Section 226.2, Code 1981, is amended to read as follows:

226.2 QUALIFICATIONS OF SUPERINTENDENT. ~~The--superintendent--of--each hospital--shall--be--either--a--qualified--hospital--administrator--or--a--physician--of acknowledged--skill--and--ability--in--his--profession--and--authorized--to--practice medicine--in--this--state--No~~ The superintendent of each institute must be qualified by experience and training in the administration of human service programs. A physician may shall not serve as both superintendent and business manager. When-a A hospital administrator or other person qualified

in business management is appointed superintendent he may also be designated to perform the duties of business manager, without additional compensation therefor, and--a. A physician having--the--requisite--qualifications--for appointment-as appointed superintendent shall be designated clinical director and shall perform the duties imposed on the superintendent by section 226.6, subsection 1, and such other duties of the superintendent as must by their nature be performed by a physician.

Approved May 18, 1981

CHAPTER 80

AID TO DEPENDENT CHILDREN AND OTHER SOCIAL SERVICES

H. F. 232

AN ACT relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 10, subsection 1, is amended to read as follows:

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 and that the schedule of basic needs as provided in the Iowa administrative code 770-41.8(2) as published on June 25, 1980, shall remain in effect for the fiscal year ending June 30, 1981.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 10, subsection 3, is amended to read as follows:

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 program which are more restrictive than the criteria required by applicable federal regulations.~~ The portion of the special needs program of the aid to dependent children program relating to property repair, tree removal, child care, personal services, special tax assessments, and special child in foster care visits shall be continued eliminated effective April 1, 1981. By April 1, 1981, the department shall delete Iowa administrative code 770-41.8(2)a and implement a rule that the needs of a child in a nonparental home when the relative is not in the eligible group shall be computed on the same basis as if the child were in the home of a parent.

Sec. 3. The department of social services shall establish, effective December 1, 1980, eligibility for Title XX services as funded by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1007, according to monthly gross income and family size, at thirty percent of the federal median income established for the Title XX program under the federal Social Security Act.

Sec. 4. The department of social services may eliminate payments under the medical assistance program pursuant to chapter 249A, as funded by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, for the following services provided on or after the effective date of this Act: dental services, clinic services, medical supplies, other practitioners, optometric services, podiatric services, and chiropractic services. However, the department shall not eliminate services for persons eligible for early and periodic screening, diagnosis, and treatment. The department may modify the state plan for medical assistance in order to implement changes in services made pursuant to this section.

Sec. 5. Sections 1 and 2 of this Act are effective October 1, 1980, except that the portions of section 2 of this Act which relate to the special needs program and to Iowa administrative code 770-41.8(2)a are effective April 1, 1981.

Sec. 6. If the effective date of any provision in sections 1 through 5 of this Act precedes the effective date of this Act, the provision is retroactive to the date specified in sections 1 through 5 of this Act.

Sec. 7. Any administrative rules adopted pursuant to this Act shall be adopted under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, subparagraph (1), and shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 8. This Act, being deemed of immediate importance, takes effect from and after its publication in the Iowa Falls Citizen, a newspaper published in Iowa Falls, Iowa, and in the Ames Daily Tribune, a newspaper published in Ames, Iowa.

Approved March 13, 1981

I hereby certify that the foregoing Act, House File 232 was published in the Iowa Falls Citizen, Iowa Falls, Iowa on April 1, 1981, and in the Ames Daily Tribune, Ames, Iowa on March 18, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 81

MALE PRISONERS TRANSFERENCE

S. F. 228

AN ACT repealing a requirement for transference of certain male prisoners.

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

Section 1. Section 246.14, Code 1981, is repealed.

Approved March 31, 1981

CHAPTER 82

MEDICAL ASSISTANCE RESOURCES

S. F. 377

AN ACT relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

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

Section 1. Section 249A.3, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. In determining the eligibility of an individual for medical assistance under this chapter, the department shall include, as resources still available to the individual, those nonexempt resources or interests in resources, owned by the individual within the preceding twenty-four months, which the individual gave away or sold at less than fair market value for the purpose of establishing eligibility for medical assistance under this chapter.

a. A transaction described in this subsection is presumed to have been for the purpose of establishing eligibility for medical assistance under this chapter unless the individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

b. The value of a resource or an interest in a resource in determining eligibility under this subsection is the fair market value of the resource or interest at the time of the transaction less the amount of any compensation received.

c. If a transaction described in this subsection results in uncompensated value exceeding twelve thousand dollars, the department shall provide by rule for a period of ineligibility which exceeds twenty-four months and has a

reasonable relationship to the uncompensated value above twelve thousand dollars.

Approved June 14, 1981

CHAPTER 83
MEDICAL ASSISTANCE RECIPIENTS RATES

S. F. 278

AN ACT relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities.

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

Section 1. Chapter 249A, Code 1981, is amended by adding the following new section:

NEW SECTION. Health care facilities licensed under chapter 135C receiving assistance payments for persons provided services by the health care facility shall submit the financial report to the department as provided by rule. Payment at a new rate is effective for services rendered as of the first day of the month in which the report is postmarked, or if the report is personally delivered, in which the report is received by the department.

Approved May 8, 1981

CHAPTER 84
DUTIES OF ACCOUNTANTS IN CONTINUING EDUCATION

H. F. 826

AN ACT relating to certain obligations under chapter 258A of licensees under chapter 116.

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

Section 1. Section 258A.9, subsection 2, Code 1981, is amended to read as follows:

2. A licensee ~~shall have~~ has a continuing duty to report to the licensing board by whom ~~he or she~~ the person is licensed those acts or omissions specified by rule of the board pursuant to section 258A.4, subsection 1, paragraph "f", when committed by another person licensed by the same licensing board. This subsection does not apply to licensees under chapter 116 when the observations are a result of participation in programs of

practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the board of accountancy.

Approved May 8, 1981

CHAPTER 85

FEDERAL HIGHER EDUCATION ACT AMENDMENTS ACCEPTED

S. F. 93

AN ACT relating to the definition of the higher education Act of 1965 and providing that the Act will take effect upon its publication.

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

Section 1. Section 261.35, subsection 4, Code 1981, is amended to read as follows:

4. "Higher Education Act of 1965" means the federal Higher Education Act of 1965, as amended ~~to and including January 17, 1978.~~

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Hampton Chronicle, a newspaper published in Hampton, Iowa, and in The Waverly Democrat, a newspaper published in Waverly, Iowa.

Approved February 9, 1981

I hereby certify that the foregoing Act, Senate File 93, was published in the Hampton Chronicle, Hampton, Iowa on February 19, 1981, and in The Waverly Democrat, Waverly, Iowa on February 19, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 86

BOARD OF REGENTS APPOINTMENT

S. F. 106

AN ACT correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

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

Section 1. Section 262.2, Code 1981, is amended to read as follows:

262.2 TERM OF OFFICE. The members shall be appointed by the governor subject to confirmation by the senate. The term of each member of the board

shall be for six years. The terms of three members of the board shall begin and expire in each odd-numbered year as provided in section 69.19.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Fort Madison Daily Democrat, a newspaper published in Fort Madison, Iowa, and in The Conservative and Advertiser, a newspaper published in Tipton, Iowa, and is retroactive to January 1, 1981.

Approved March 16, 1981

I hereby certify that the foregoing Act, Senate File 106 was published in the Fort Madison Daily Democrat, Fort Madison, Iowa on March 23, 1981 and in The Conservative and Advertiser, Tipton, Iowa on March 26, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 87

MEETING OF AREA AGENCY SCHOOL BOARD AND MERGED AREA BOARD

H. F. 233

AN ACT relating to joint meetings of members of boards of an area education agency and its corresponding merged area.

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

Section 1. Section 273.3, subsection 17, Code 1981, is amended to read as follows:

17. Meet quarterly at least annually with the members of the board of directors of the merged area in which the area education agency is located to discuss co-ordination of programs and services and other matters of mutual interest to the two boards.

Approved February 27, 1981

CHAPTER 88

PROPERTY TAX FOR AREA SCHOOLS

H. F. 865

AN ACT to provide for the imposition of a property tax levy for area schools for a cash reserve.

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

Section 1. Chapter 280A, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL TAX--CASH RESERVE FUND. In addition to the tax authorized under section 280A.17, the board of directors of an area school may certify for levy by March 15, 1982 and March 15, 1983, a tax on taxable property in the merged area at rates that will provide total revenues for the two years equal to five percent of the area school's general fund expenditures for the fiscal year ending June 30, 1980 in order to provide a cash reserve for that area school. As nearly as possible, one-half the revenue for the cash reserve fund shall be collected during each year.

The revenues derived from the levies shall be placed in a separate cash reserve fund. Moneys from the cash reserve fund shall only be used to alleviate temporary cash shortages. If moneys from the cash reserve fund are used to alleviate a temporary cash shortage, the cash reserve fund shall be reimbursed immediately from the general fund of the area school as funds in the general fund become available, but in no case later than June 30 of the current fiscal year, to repay the funds taken from the cash reserve fund.

Approved June 14, 1981

CHAPTER 89

SCHOOL ATTENDANCE OUTSIDE OF STATE

S. F. 469

AN ACT relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

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

Section 1. Section 282.8, Code 1981, is amended to read as follows:

282.8 ATTENDING SCHOOL OUTSIDE STATE. The ~~board~~ boards of directors of school districts located near the state boundaries may designate ~~a school or~~ schools of equivalent standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in ~~his~~ a pupil's district of residence or in Iowa, ~~as provided in section 282.17.~~ Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the ~~state superintendent of public instruction~~ chief state school officers of the respective states ~~subject to statutory limitations as to tuition and transportation.~~ Notwithstanding section 282.1, arrangements between districts pursuant to the reciprocal agreements made under this section shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition and transportation fees shall not be less than the lower average cost per pupil for the previous school year of the two affected school districts. For the purpose of this section average cost per pupil for the previous school year is determined by dividing the district's operating expenditures for the

previous school year by the number of children enrolled in the district on the second Friday of September of the previous school year. A person attending school in another state shall continue to be treated as a pupil of the district of his residence in the apportionment of the current school fund and the payment of state aid.

Sec. 2. Section 282.17, Code 1981, is amended to read as follows:

282.17 HIGH SCHOOL OUTSIDE HOME DISTRICT. Any person of school age who is a resident of a school corporation which does not offer a four-year high school course, and who has completed the course as approved by the department of public instruction for ~~such the~~ corporation, ~~shall-be-permitted-to may~~ attend any public high school in the state approved in like manner that will receive him, ~~--or-may-attend-any-public-high-school-of-equivalent-standing-in-an-adjoining-state,--if-said-school-in-the-adjoining-state-be--nearer--to--the-pupil's--residence--than--any-approved-public-high-school-in-the-state-of-Iowa, but-no-board-shall-pay-tuition-to-a-high-school-outside-the-state-for--pupils-whose--actual--residence--is--nearer--to--an-approved-high-school-in-Iowa--when-measured-by-the-nearest-traveled-public-road~~ the person.

Approved April 30, 1981

CHAPTER 90

FOSTER CARE CHILDREN SCHOOLING

S. F. 468

AN ACT relating to the payment of tuition and transportation costs of certain children receiving foster care.

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

Section 1. Chapter 282, Code 1981, is amended by adding the following new section:

NEW SECTION. A child who is living in a licensed child foster care facility as defined in section 237.1 in this state which is located in a school district other than the school district in which the child resided before receiving foster care may enroll in and attend an approved school in the school district in which the child is living. If a child does not require special education and was not counted in the basic enrollment of a school district for a budget year under section 442.4, the tuition and transportation, when required by law, shall be paid by the treasurer of state from funds in the state treasury not otherwise appropriated, and upon warrants drawn by the state comptroller upon requisition of the superintendent of public instruction.

Sec. 2. Sections 282.18, 282.22, 282.23, and 282.25, Code 1981, are repealed.

Approved May 11, 1981

CHAPTER 91

JOINT SCHOOL DISTRICT BOARDS MEETINGS BEFORE BONDS ISSUED

H. F. 724

AN ACT to modify the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

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

Section 1. Section 296.3, Code 1981, is amended to read as follows:

296.3 ELECTION CALLED. The president of the board of directors on receipt of such a petition under section 296.2 shall, within ten days after ~~receiving--the--recommendations~~ considering the suggestions of the area education agency board, or the board of a district contiguous to the district for which the petition is received, under section 297.7, subsection 3, call a meeting of the board which shall call ~~such~~ the election, fixing the time ~~thereof~~ of the election, which may be at the time and place of holding the regular school election. The president shall notify the county commissioner of elections of the time of the election.

Sec. 2. Section 297.7, subsection 3, Code 1981, is amended to read as follows:

3. Before an election is held on the issuance of general obligation bonds for the construction or renovation of any a school building, immediately upon receipt of a petition filed under section 296.2, the board shall inform the board of the area education agency in which the school district is located. The ~~chairperson~~ administrator of the area education agency shall ~~call--a meeting--of--the--boards--of--directors--of--the--school--district--proposing--the issuance--of--general--obligation--bonds,~~ send information about the construction or renovation by regular mail to the boards of school districts contiguous to that the school district proposing the issuance of general obligation bonds, and to the board of the area education agency. Within twenty days following receipt of the information, the area education agency board or the board of a school district contiguous to the district making the proposal may request a meeting with the board of the district making the proposal for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district

reorganization. The meeting shall be held within thirty ten days following the notification--of--the--board--of--the--area--education--agency--in--which--the--school--district--is--located request for the meeting. The If the area education agency board or both the area education agency board and the board of a school district contiguous to the district making the proposal request the meeting, the chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting. If the board of a school district contiguous to the district making the proposal requests the meeting, a member of the area education agency board selected by the area education agency board shall preside at the meeting.

Immediately following discussion at the meeting, the board of directors of the area education agency shall convene to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds. The recommendations shall be received by the board of the school district proposing the issuance of general obligation bonds not later than three days following the date of the meeting.

The school district shall consider the recommendations of the board of the area education agency suggestions made at the meeting relating to alternative solutions to the construction or renovation of the school building before setting a date for the election to authorize the issuance of general obligation bonds.

Approved May 4, 1981

CHAPTER 92
SCHOOLHOUSE FUND USES
S. F. 86

AN ACT relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981, and providing that the Act takes effect upon publication.

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

Section 1. Section 297.5, Code 1981, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 291.13, unencumbered funds collected from the levy authorized in this section prior to July 1, 1981, may also be expended for the purposes defined in this section.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Montezuma Republican*, a newspaper published

in Montezuma, Iowa, and in the Charles City Press, a newspaper published in Charles City, Iowa.

Approved March 13, 1981

I hereby certify that the foregoing Act, Senate File 86, was published in The Montezuma Republican, Montezuma, Iowa on March 19, 1981, and in the Charles City Press, Charles City, Iowa on March 19, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 93
DISPOSAL OF SCHOOL PROPERTY

H. F. 157

AN ACT relating to the authority of school districts to sell, lease, or dispose of school property.

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

Section 1. Section 297.22, unnumbered paragraphs 1 and 2 and subsections 1, 2, 3, and 4, Code 1981, are amended by striking the unnumbered paragraphs and the subsections and inserting in lieu thereof the following:

The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, site, or other property belonging to the district for which the value does not exceed twenty-five thousand dollars. If the value exceeds twenty-five thousand dollars, the board shall submit the question at an election under section 278.1, subsection 2, to authorize the sale, lease or disposal.

Sec. 2. Section 297.22, unnumbered paragraph 5, Code 1981, is amended to read as follows:

The board of directors of ~~any a~~ school corporation may sell, lease, exchange, give or grant and accept any interest in real property to, with or from any county, municipal corporation, school district or township if the real property is within the jurisdiction of both the grantor and grantee. The provisions of sections 297.15 to 297.20, sections 297.23 and 297.24, and the property value ~~limitations~~ limitation and appraisal requirements of this section ~~shall do not apply to any-such the~~ transaction ~~between-the--aforesaid local-units-of-government.~~

Sec. 3. Section 297.22, unnumbered paragraph 6, Code 1981, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The board of directors of a school corporation may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board.

Sec. 4. Section 297.22, unnumbered paragraph 7, Code 1981, is amended to read as follows:

The property value ~~limitations~~ limitation listed in this section ~~shall~~ does not apply to the sale, lease, or disposition of real estate upon which a structure has been erected by students as part of a regular course of study.

Approved April 28, 1981

CHAPTER 94*
SCHOOL FUNDING

H. F. 414

AN ACT relating to funds available to school districts, including authorizing the levy of a tax for cash reserve, and the imposition of an income surtax retroactive to January 1, 1981, and including the computation of state school foundation aid, and providing that the Act takes effect upon its publication.

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

Section 1. Chapter 298, Code 1981, is amended by adding the following new section:

NEW SECTION. LEVY FOR CASH RESERVE. If a school district has a cash reserve of less than seven and five-tenths percent of its total district expenditures for a school year remaining on June 30 of that school year, including salaries encumbered under contract for the next following July and August, the board of directors may certify for levy by the following March 15, a tax on taxable property in the school district at a rate that will provide a cash reserve, pursuant to section 8.6, subsection 4, paragraph c, of not to exceed the seven and five-tenths percent amount. The tax levy authorized in this subsection is in addition to any other tax levy authorized for a school district.

Sec. 2. Section 442.3, Code 1981, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. However, for the school ~~year~~ years beginning July 1, 1980, July 1, 1981, and July 1, 1982, the state foundation base shall be the same as the state foundation base for the school year beginning July 1, 1979. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 3.* Section 442.4, subsection 1, unnumbered paragraph 5, Code 1981, is amended to read as follows:

*Amended by chapter 146

A school district shall certify its basic enrollment to the department of public instruction by September 25 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 a determination of actual enrollment shall be made on the second Friday of September in the budget year 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. In addition, a school district shall determine its additional enrollment because of special education defined in section 442.38, on December 1 of each year and if the district is entitled to an advance or reduction for special education, it shall certify its additional enrollment because of special education to the department of public instruction by December 15 of each year, and the department shall promptly forward the information to the state comptroller.

Sec. 4. Section 442.4, subsection 4, Code 1981, is amended to read as follows:

4. For the school years beginning July 1, 1980, and July 1, 1981, and July 1, 1982 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, and one hundred percent for the budget school year beginning July 1, 1982, 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 or July 1, 1981, 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, and that one hundred percent amount for the budget school year beginning July 1, 1982.

Sec. 5. Section 442.7, Code 1981, is amended by adding the following new subsection after subsection 4:

NEW SUBSECTION. Notwithstanding subsections 1 through 4, for the school year beginning July 1, 1981, the state percent of growth, including the recomputations required under subsection 4, is five percent, and for the school year beginning July 1, 1982, the state percent of growth, including the recomputations required under subsection 4, is seven percent.

Sec. 6. Section 442.7, subsection 6, Code 1981, is amended by adding the following new paragraphs:

NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the amount included in the district cost per pupil in weighted

enrollment for special education support services costs for each district in an area education agency for a budget year is the amount included in the district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to state cost per pupil for special education support services costs for the budget year. Funds shall be paid to area education agencies as provided in section 442.25.

NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the state board of public instruction may direct the state comptroller to reduce the allowable growth added to district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area.

Sec. 7. Section 442.7, Code 1981, is amended by adding the following new subsection after subsection 6:

NEW SUBSECTION. For the school year beginning July 1, 1981 and succeeding school years, the allowable growth added to state cost per pupil for special education support services costs is the amount included in state cost per pupil for special education support services costs for the base year times the state percent of growth for the budget year. However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 7.

Sec. 8. Section 442.25, Code 1981, is amended to read as follows:

~~442.25 SPECIAL-EDUCATION-SUPPORT-SERVICES~~ AREA EDUCATION AGENCY PAYMENTS. The state comptroller shall deduct the amounts calculated for special education support services, media services, and educational services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for ~~this purpose~~ these purposes and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 9. Section 442.27, subsection 2, Code 1981, is amended to read as follows:

2. For the school year beginning July 1, 1978 and each succeeding budget year through the budget year beginning July 1, 1981, the total amount funded for each area for media services excluding the cost for media resource material shall be the total amount funded in the area for media service in the base year times the sum of one hundred percent plus the state percent of growth plus the costs for media resource material for the budget year.

~~Each--year--subsequent--to~~ For the school year beginning July 1, ~~1980~~ 1981, the total amount to be funded for media services, including the costs for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs "a", "b", and "c", shall be equal to the budget in the base year in the area times the sum of one hundred percent plus the state percent of growth.

Sec. 10. Section 442.27, Code 1981, is amended by adding the following new subsection after subsection 3:

NEW SUBSECTION. For the school year beginning July 1, 1982 and succeeding school years, the total amount funded in each area for media services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1982, the total amount funded in each area for media services in the base year, including the cost for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs a, b, and c, shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the state comptroller shall compute the state media services cost per pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the year beginning July 1, 1982 and succeeding school years, the state comptroller shall compute the allowable growth for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the allowable growth for media services in the budget year times the enrollment served in the budget year. Funds shall be paid to area education agencies as provided to* section 442.25.

Sec. 11. Section 442.27, subsection 5, Code 1981, is amended to read as follows:

5. For each succeeding budget year through the budget year beginning July 1, 1980, the total amount funded in each area for educational services shall be the total amount funded in the area for educational services in the base year times the sum of one hundred percent plus the state percent of growth. For the school year beginning July 1, 1981, the total amount funded in each area for educational services is the total amount funded in the area for educational services in the base year.

Sec. 12. Section 442.27, Code 1981, is amended by adding the following new subsection after subsection 5:

NEW SUBSECTION. For the school year beginning July 1, 1982 and succeeding school years, the total amount funded in each area for educational services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1982, the total amount funded in each area for educational services in the base year shall be divided by the enrollment served in the area in the base year to provide an area educational services cost per pupil in the base year, and the state comptroller shall compute the state educational services cost per pupil in the base year, which is equal to the average of the area educational services costs per pupil in the base year. For the year beginning July 1, 1982 and succeeding school years, the state comptroller shall compute the allowable growth for educational services by multiplying the state educational services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for educational services for the budget year equals the area educational services cost per pupil for the base year plus the allowable

*According to enrolled Act

growth for educational services in the budget year times the enrollment served in the area in the budget year. Funds shall be paid to area education agencies as provided in section 442.25.

Sec. 13. Section 442.27, subsection 6, Code 1981, is amended to read as follows:

6. ~~Of~~ For school years prior to the school year beginning July 1, 1982, of the total amounts funded in each area each year for media services and educational services, a portion shall be allocated to each district in the area. The portion to be allocated to each district in an area shall be the same percentage of the total amount that the enrollment served in the budget year in the district is of the enrollment served in the budget year in the area.

Sec. 14. Section 442.27, subsection 7, Code 1981, is amended to read as follows:

7. ~~The~~ For school years prior to the school year beginning July 1, 1982, the portion allocated to each district in an area each budget year for media services and educational services shall be added to the district cost of that district for the budget year as provided in section 442.9.

Sec. 15. Section 442.27, subsection 8, Code 1981, is amended to read as follows:

8. ~~The~~ For school years prior to the school year beginning July 1, 1982, the state board of public instruction and the state comptroller shall determine the total amounts funded in each area for media services and educational services each year, and the amounts to be allocated to each district. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the districts' area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district the amount of state aid deducted for this purpose and the balance which will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover the amount due to its area education agency as calculated by the state comptroller, the school district shall pay the deficiency to its area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 16. Chapter 442, Code 1981, is amended by adding the following new section after section 442.38:

*NEW SECTION. REDUCTION FOR ENROLLMENT LOSS. For the school year beginning July 1, 1981 and succeeding school years, if a school district's additional enrollment because of special education determined by the district on December 1 in the budget year is less than its additional enrollment because of special education determined by the district on December 1 in the base year, the state aid payments to the school district shall be reduced by an amount equal to its district cost per pupil for the budget year less the amount included in district cost per pupil for special education support services for the budget year multiplied by the district's decrease in additional enrollment because of special education. A district's additional enrollment because of special education shall be computed as provided in section 442.38.

If a district has a reduction under this section for a budget year, the state comptroller shall determine the amount of the reduction which would have been 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 and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined, and shall reduce the district's tax levy computed under section 442.9, for the next following budget year by the amount necessary to compensate for the increase in state aid, so that the local property tax for the next following year will be reduced only by the amount which it would have been reduced in the budget year if the additional enrollment because of special education in the budget year could have been used to establish the levy.

Sec. 17. Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. SUPPLEMENTAL SCHOOL INCOME SURTAX.

1. For the budget school year beginning July 1, 1981, if the board of a school district wishes to spend more than the amount permitted under sections 442.1 through 442.13, the board may call a special election to determine whether to impose a supplemental school income surtax on individual state income tax for the calendar year beginning January 1, 1981. The supplemental school income surtax for the school district shall not exceed an amount equal to the difference between the portion of district cost of the district attributable to regular program costs for the school year beginning July 1, 1981 if the state percent of growth had been nine and twenty-six thousandths percent and the portion of the actual district cost of the district attributable to regular program costs for the school year beginning July 1, 1981. Any income derived from the supplemental school income surtax is miscellaneous income.

2. The board shall determine the amount needed, within the limits of this section, and shall set the date of a special election, which shall not be later than July 1, 1981. The board shall direct the county commissioner of elections to submit the question of whether to raise that amount to the qualified electors of the school district. If a majority of those voting on the proposition at the special election favors the imposition of the supplemental school income surtax, the board may amend its certified budget to include the amount imposed.

3. Following approval at the special election, 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 supplemental school income surtax to be imposed based upon the most recent figures available for the district's individual state income tax paid. The state comptroller shall certify to the director of revenue the amount of supplemental school income surtax to be imposed.

The supplemental school income surtax shall be imposed on the state individual income tax for the calendar year beginning January 1, 1981, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on

all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in section 422.12.

4. Sections 442.16, 442.17, 442.19, and 442.20 apply to the supplemental school income surtax established in this section. The director of revenue shall deposit all moneys received as supplemental school income surtax to the credit of each district from which the moneys are received, in a "supplemental school income surtax fund" which is established in the office of the treasurer of state.

5. This section takes effect retroactive to January 1, 1981.

Sec. 18. Notwithstanding section 24.14, and notwithstanding the March 15 certification date in section 1 of this Act, for the school year beginning July 1, 1981, the board of directors of a school district may direct the state comptroller not later than April 15, 1981 to provide for the tax levy for the cash reserve in section 1 of this Act.

Sec. 19. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lenox Time-Table, a newspaper published in Lenox, Iowa, and in The Republic Appeal, a newspaper published in Albert City, Iowa.

Approved March 23, 1981

I hereby certify that the foregoing Act, House File 414 was published in the Lenox Time-Table, Lenox, Iowa on April 1, 1981 and in The Republic Appeal, Albert City, Iowa on April 2, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 95

PUBLIC RECREATION AND PLAYGROUNDS TAX

H. F. 143

AN ACT relating to the authority of school districts to levy a tax for public educational and recreational purposes.

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

Section 1. Chapter 300, Code 1981, is repealed and sections 2 through 5 of this Act are inserted in lieu thereof:

Sec. 2. NEW SECTION. PUBLIC RECREATION. Boards of directors of school districts may establish and maintain for children and adults public recreation places and playgrounds, and necessary accommodations for the recreation places and playgrounds, in the public school buildings and grounds of the district. The board may cooperate under chapter 28E with a public agency having the custody and management of public parks or public buildings and grounds, and with a private agency having custody and management of

buildings or grounds open to the public, located within the school district, and may provide for the supervision and instruction necessary to carry on public educational and recreational activities in the parks, buildings, and grounds located within the district.

Sec. 3. NEW SECTION. TAX LEVY. The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at least twenty-five percent of the number of voters at the last preceding school election, shall, direct the county commissioner of elections to submit to the qualified electors of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under sections 2 through 5 of this Act. If at the time of filing the petition, it is more than three months until the next regular school election, the board of directors shall submit the question at a special election within sixty days. Otherwise, the question shall be submitted at the next regular school election.

If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required for a fiscal year to the county board of supervisors by March 15 of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the schoolhouse fund of the district and shall be used only for the purposes specified in sections 2 through 5 of this Act.

Sec. 4. NEW SECTION. DISCONTINUANCE OF LEVY. Once approved at an election, the authority of the board to levy and collect the tax under section 3 of this Act shall continue until the board votes to rescind the levy and collection of the tax or the voters of the school district by majority vote order the discontinuance of the levy and collection of the tax. The tax shall be discontinued in the manner provided in this section or in the manner provided for imposition of the tax in section 3 of this Act.

Sec. 5. NEW SECTION. COMMUNITY EDUCATION. The tax levied under sections 3 and 4 of this Act may also be used for community education purposes under chapter 276.

Sec. 6. Tax levies approved by the voters under chapter 300 prior to the effective date of this Act may be used for the purposes provided in sections 1 through 5 of this Act and shall be continued until discontinued as provided in section 4 of this Act.

Approved May 5, 1981

CHAPTER 96

HIGHWAYS AND STREETS JURISDICTIONAL TRANSFER

S. F. 456

AN ACT relating to the jurisdictional transfer of highways and streets.

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

Section 1. Chapter 306, Code 1981, is amended by adding the following new sections:

NEW SECTION. The jurisdictional transfer of roads and streets required under this chapter shall be limited to those transfers which have been executed prior to April 1, 1981 or until such time as the general assembly provides compensation to the state department of transportation, counties, and cities for additional roads and streets needs resulting from the reclassification and jurisdictional transfer of roads and streets. However, transfers of roads and streets due to reclassification may be made after April 1, 1981 if agreements are entered into by the parties involved in the transfer of the roads and streets.

NEW SECTION. Transfers not executed as of April 1, 1981 shall be void unless mutually agreed upon by the parties involved. The department shall conduct a study to determine the size of the primary road systems, and the department in conjunction with the county boards of supervisors or the supervisors' designee shall conduct a study to determine the size of the secondary road systems and provide the general assembly with alternative primary and secondary road systems prior to February 1, 1982 for its review. The general assembly may approve a method for classifying the primary and secondary road systems.

Sec. 2. This Act takes effect from and after its publication in The Glidden Graphic, a newspaper published in Glidden, Iowa, and in The Messenger, a newspaper published in Fort Dodge, Iowa, and is retroactive to April 1, 1981.

Approved June 15, 1981

I hereby certify that the foregoing Act, Senate File 456, was published in The Messenger, Fort Dodge, Iowa on June 19, 1981 and in The Glidden Graphic, Glidden, Iowa on June 25, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 97
HIGHWAY FUNCTIONAL CLASSIFICATION REVIEW BOARD
S. F. 170

AN ACT relating to the payment of salary and expenses of members of the state functional classification review board.

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

Section 1. Section 306.6, subsection 2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

There is created a state functional classification review board which shall consist of one state senator appointed by the president of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of whom shall be a licensed professional engineer, and two persons appointed by the department, one of whom shall be a commissioner and the other a staff member. This board shall select a permanent chairperson from among its members by majority vote of the total membership. ~~The chairperson and all~~ Except as otherwise provided, the members of the board shall serve without additional compensation, except that the to the salary and expenses authorized for the office or position held by the member. The supervisor appointed by the Iowa state association of county supervisors, the engineer appointed by the Iowa county engineers' association, and the two persons appointed by the league of Iowa municipalities shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board. ~~All expenses shall be paid~~ from funds allocated under section 312.2, subsection 12. The legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Approved May 14, 1981

CHAPTER 98

UNUSED HIGHWAY RIGHT OF WAY

S. F. 158

AN ACT relating to the disposition of unused highway right of way.

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

Section 1. Section 306.23, Code 1981, is amended to read as follows:

306.23 NOTICE--PREFERENCE OF SALE. ~~Notice~~ For the sale of unused right of way, except right of way under the jurisdiction of a county, notice of intention to sell ~~such~~ the tract, parcel, or piece of land, or part thereof, must, not less than ten days prior to the sale thereof, be sent by certified mail, by the agency in control of ~~such~~ the land, to the last known address of the present owner of adjacent land from which ~~said~~ the tract, parcel, piece of land or part thereof, was originally bought or condemned for highway purposes, and if located in a city, to the mayor thereof. ~~Said~~ The notice shall give an opportunity to the present owner of adjacent property to be heard and make offers for the tract, parcel or piece of land to be sold, and if ~~such~~ the offer is equal to or exceeds in amount any other offer received, it shall be given preference by the ~~board~~ agency in control of ~~said~~ the land. Neglect or failure for any reason, to comply with the ~~provisions-of-said~~ the* notice, shall in no way prevent the giving of a clear title to the purchaser of ~~said~~ the tract, parcel or piece of land. A county shall dispose of unused right of way in the manner specified under section 332.3, subsection 13.

Approved May 5, 1981

CHAPTER 99

TRANSPORTATION DEPARTMENT TRANSFER OF RIGHT OF WAY

H. F. 164

AN ACT to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

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

Section 1. Section 306.42, subsection 2, Code 1981, is amended to read as follows:

2. The state department of transportation shall transfer by quit claim deed to the county or to the city having jurisdiction over a road, all of the

*According to enrolled Act

state's legal or equitable title and interest in right of way for the road or street and may transfer any adjacent unused right of way or land in excess of that needed as right of way. The deed shall be executed by the director of the department by order of the state transportation commission. However, if the state department of transportation owns any adjacent unused right of way in excess of that needed as right of way which is located outside the incorporated limits of a city and is suitable for purposes specified in section 111A.4, subsection 2, the department may, at the request of the county and the county conservation board, transfer the property by quit claim deed to the county for the use and benefit of the county conservation board.

Approved May 4, 1981

CHAPTER 100
SECONDARY ROADS SERVICE SYSTEM

H. F. 786

AN ACT permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads.

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

Section 1. Chapter 309, Code 1981, is amended by adding the following new section:

NEW SECTION. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort, may classify the area service system into two classifications termed area service A and area service B. The area service A classification shall be maintained in conformance with applicable statutes. Roads on the area service B classification may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer.

Roads within area service B classification shall have appropriate signs, conforming to the Iowa state sign manual, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service B, if the road

has been maintained to the level required for roads classified as area service B.

Approved June 13, 1981

CHAPTER 101
VOLUNTEER FIREFIGHTERS NOT CHAUFFEURS

S. F. 557

AN ACT to provide that a volunteer firefighter shall not be classified as a chauffeur when operating fire apparatus.

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

Section 1. Section 321.1, subsection 43, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Chauffeur" means any person who operates a motor vehicle, including a school bus, in the transportation of persons, ~~including school buses,~~ for wages, compensation or hire, or any person who operates a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within ~~such~~ the gross weight classification if not so exempt except when ~~such~~ the operation by the owner or operator is occasional and merely incidental to ~~his~~ the owner or operator's principal business or is by a volunteer firefighter operating fire apparatus.

Approved June 16, 1981

CHAPTER 102
MOTOR VEHICLE REGISTRATION REPLACEMENTS

H. F. 740

AN ACT to increase the fee for a duplicate registration card, plate, or pair of plates and the form of restricted certificates of title.

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

Section 1. Section 321.42, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES. If a registration card, plate, or pair of plates is lost or becomes illegible, the

owner shall immediately apply for replacement. The fee for a replacement registration card shall be three dollars. The fee for a replacement plate or pair of plates shall be five dollars. When the owner has furnished information required by the department and paid the proper fee, a duplicate, substitute, or new registration card, plate, or pair of plates may be issued.

If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified copy of the original certificate of title. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of five dollars. After five days, the department or county treasurer shall issue a certified copy to the applicant at the applicant's most recent address. The certified copy shall be clearly marked "duplicate" and shall be identical to the original, including notation of liens or encumbrances. When a certified copy has been issued, the previous certificate is void. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned duplicate copy to the treasurer of the county where he or she resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a duplicate has been issued shall surrender the original certificate to the county treasurer or the department.

If a county treasurer mails vehicle registration documents which become lost or are damaged in transit through the United States postal service, the person to whom the documents were being sent may apply for reissuance without cost. The application shall be made with the county treasurer who originally issued the documents not less than twenty days from the date the documents were placed with the United States postal service. If the original documents are received after reissuance of duplicates, the original documents shall be surrendered to the county treasurer within five days of the time they are received.

Sec. 2. Section 321.51, subsection 4, Code 1981, is amended to read as follows:

4. Except as provided in section 321.52, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee, and the affidavit as provided in subsection 2 ~~of this section~~, and when satisfied as to the genuineness and regularity of the application, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be coded in the manner prescribed by the department and shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION 321.51 OF THE CODE OF IOWA." A county treasurer may also issue a restricted certificate of title which is not red in color but shall have the words "RED TITLE" in bold letters and the words "RESTRICTED--CANNOT BE REGISTERED WITHOUT A VALID APPROVED CERTIFICATE

OF INSPECTION" stamped on the face of the title in red ink. At ~~such~~ the time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for the vehicle has been paid for the current year, the county treasurer shall issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle upon payment of an additional registration fee of five dollars. A vehicle with a restricted certificate of title shall not have a registration plate attached to the vehicle.

Sec. 3. Section 321.52, subsection 4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A vehicle rebuilder or a motor vehicle dealer licensed under chapter 322, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title and registration receipt or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within fourteen days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. ~~The provisions of this~~ This subsection shall apply ~~applies~~ only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall ~~be of a distinctive color and bear the words "SALVAGE CERTIFICATE OF TITLE"~~ bear the word "SALVAGE" stamped on the face of the title in bold letters and coded in a manner prescribed by the department. A salvage certificate of title may be assigned to any person. Notwithstanding any other provisions in this section a vehicle on which ownership has transferred to an insurer of ~~such~~ the vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with ~~the provisions of~~ this subsection to obtain a salvage certificate of title within fourteen days after the date of assignment of the certificate of title of the vehicle. Any owner, except an insurer of vehicles, who transfers a wrecked or salvage vehicle with a fair market value less than five hundred dollars, based on the value before it became wrecked or salvage, shall comply with ~~the provisions of~~ section 321.51.

Approved April 28, 1981

CHAPTER 103
OPERATION OF MOTOR VEHICLES
S. F. 514

AN ACT relating to the operation of a motor vehicle, and providing penalties.

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

Section 1. Section 321.72, Code 1981, is amended to read as follows:

321.72 REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES. Every ~~sheriff, chief-of-police, or~~ peace officer upon receiving reliable information that any vehicle registered ~~hereunder~~ under this chapter has been stolen shall immediately report ~~such~~ the theft to the department unless prior thereto information has been received of the recovery of ~~such~~ the vehicle. Any ~~said~~ officer upon receiving information that any vehicle, which ~~he~~ the officer has previously reported as stolen, has been recovered, shall immediately report the fact of ~~such~~ the recovery to the ~~local-sheriff's-office-or-police department~~ law enforcement agency which originated the theft report and to the department.

Sec. 2. Section 321.94, Code 1981, is amended to read as follows:

321.94 TEST TO DETERMINE TRUE NUMBER. Where it appears that a vehicle identification number or component part number has been altered, defaced or tampered with, any ~~sheriff, state-agent or~~ peace officer, ~~or-inspector employed-by-the-department,~~ or any other person acting under ~~their~~ a peace officer's direction, may apply any recognized process or test to the part containing ~~such~~ the number for the purpose of determining the true number.

Sec. 3. Section 321.224, Code 1981, is amended to read as follows:

321.224 RECORD KEPT. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of ~~said~~ the latter person and the date and place when and where ~~said~~ the license was issued. ~~Such~~ The record shall be open to inspection by any ~~police~~ peace officer ~~or-officer~~ as defined in section 801.4, subsection 7, paragraphs a, b, c, and h or employee of the department.

Sec. 4. Section 321.261, Code 1981, is amended to read as follows:

321.261 DEATH OR PERSONAL INJURIES. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop ~~such~~ the vehicle at the scene of ~~such~~ the accident or as close ~~thereto~~ as possible ~~but~~ and if able, shall then ~~forthwith~~ return to and ~~in-every-event-shall~~ remain at the scene of the accident ~~until-he-has fulfilled-the-requirements-of~~ in accordance with section 321.263. Every such stop shall be made without obstructing traffic more than is necessary.

Any person failing to stop or to comply with ~~said~~ the requirements ~~under such-circumstances-shall-upon-conviction-be-punished-by-imprisonment-for-not-less-than-thirty-days-not-more-than-one-year-or-by-fine-of-not-less-than-one~~

~~hundred-dollars-or-more-than-five-thousand-dollars,-or-by-both-such-fine-and imprisonment in unnumbered paragraph 1 of this section, in the event of an accident resulting in an injury to any person is guilty upon conviction of a serious misdemeanor.~~

Any person failing to stop or to comply with the requirements in unnumbered paragraph 1 of this section, in the event of an accident resulting in the death of any person is guilty upon conviction of an aggravated misdemeanor.

The director shall revoke the operator's or chauffeur's license of the person so convicted.

Sec. 5. Section 321.266, subsection 2, Code 1981, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of ~~two~~ five hundred fifty dollars or more shall also, within seventy-two hours after ~~such~~ the accident, forward a written report of ~~such~~ the accident to the department.

Sec. 6. Section 321.281, Code 1981, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Whoever operates a motor vehicle upon the public highways of this state while having thirteen hundredths or more of one percent by weight of alcohol in the blood shall, upon conviction or a plea of guilty, be guilty of a serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than two days; be guilty of an aggravated misdemeanor for the second offense and shall be imprisoned in the county jail for not less than seven days; and be guilty of a class "D" felony for a third offense and each offense thereafter.

NEW UNNUMBERED PARAGRAPH. The offense of operating a motor vehicle under the influence of alcohol is an offense separate and distinct from the offense of operating a motor vehicle while having thirteen hundredths or more of one percent by weight of alcohol in the blood. A person shall not be convicted and sentenced for both offenses under this section for the same occurrence.

NEW UNNUMBERED PARAGRAPH. If the court defers judgment pursuant to section 907.3 for an offense under this section, the court shall order the revocation of the defendant's license to operate a motor vehicle for a period not less than thirty days nor more than ninety days, during which time no new license to operate a motor vehicle shall be issued to the defendant. A person whose license to operate a motor vehicle is revoked pursuant to this paragraph, may be issued a temporary driving permit by the department, restricted to driving to and from the person's home, place of employment, and in the person's employment, if the person's license to operate is not subject to revocation pursuant to section 321B.7 for refusal to submit to chemical testing.

Sec. 7. Chapter 321, Code 1981, is amended by adding the following new section:

NEW SECTION. A person shall not drive or operate a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle upon a public highway which has had the center of gravity altered or modified

in any manner which is prohibited by rules adopted by the director. The rules shall be based upon original automobile manufacturer specifications. The rules adopted by the director shall not prohibit a person from driving or operating a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle where the bumper is not more than five inches above or below the original automobile manufacturer's specifications.

In adopting rules, the director shall provide exceptions to the standards provided in this section where the owner of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle has altered or modified the center of gravity or height of the bumper because of the special use of the vehicle for hauling special loads or the owner's use of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle in the owner's occupation which is primarily for off-highway use. Rules adopted under this section shall exempt antique vehicles registered under section 321.115 or vehicles which qualify as antique vehicles under section 321.115, and a reconstructed vehicle titled under section 321.23.

The purpose of this section is to insure the proper use of motor vehicles on the highways of the state and to provide for the personal safety of the motor vehicle owner and the owner's motor vehicle and the traveling public and other motor vehicles used on the highways of the state.

Sec. 8. Section 321A.5, subsection 1, Code 1981, is amended to read as follows:

1. The director shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in excess of ~~two~~ five hundred ~~fifty~~ dollars, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in ~~such~~ the accident, and if ~~such~~ the operator is a nonresident the privilege of operating a motor vehicle within this state, and if ~~such~~ the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by ~~him~~ the owner, unless ~~such~~ the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for damages resulting from ~~such~~ the accident as may be recovered against ~~such~~ the operator or owner; provided notice of ~~such~~ the suspension shall be sent by the director to ~~such~~ the operator and owner not less than ten days prior to the effective date of ~~such~~ the suspension and shall state the amount required as security.

Sec. 9. Section 805.8, subsection 2, paragraphs b and k, Code 1981, are amended to read as follows:

b. For registration violations under sections 321.32, 321.34, 321.37, 321.38, and 321.41, ~~and 321.189, subsection 3~~, the scheduled fine is five dollars. For violations of sections ~~321.32 and 321.189, subsection 3~~, 321.34 and 321.37 the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections 321.229, 321.236, subsections 2 and 6, 321.256, 321.257, subsections 2 and 3, 321.258, 321.294, 321.304, subsection 3, 321.322, 321.341, 321.342, 321.343 and ~~321.345~~ 321.415, the scheduled fine is twenty dollars.

Approved June 14, 1981

CHAPTER 104

MOTOR VEHICLE REGISTRATION RECIPROCITY

S. F. 148

AN ACT to allow monthly refunding of motor vehicle registration reciprocity fees.

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

Section 1. Section 321.127, Code 1981, is amended to read as follows:

321.127 AMOUNT OF REFUND. For December and each succeeding month the refund for motor vehicles shall be computed on the basis of one-fourth of the annual registration fee multiplied by the number of remaining quarters of the year from date of filing of the claim for refund with the county treasurer, computed to the nearest quarter dollar. The department, unless reasonable grounds exist for delay, shall make refund on or before the fifteenth day of the quarter following the quarter in which the claim is filed with the department. For trailers or semitrailers issued a multiyear registration plate a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete calendar years. Refunds for motor vehicles registered for prorate under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining from the date the claim is filed with the department.

Approved April 7, 1981

CHAPTER 105
NONRESIDENTS MOTOR VEHICLE OPERATORS LICENSES
H. F. 756

AN ACT relating to nonresident exemptions from the state motor vehicle licensing requirements.

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

Section 1. Section 321.176, subsection 3, Code 1981, is amended to read as follows:

3. A nonresident ~~who is at least sixteen years of age and who has in his immediate possession a valid operator's~~ operating a motor vehicle within the legal scope of the nonresident's home state or country license issued to him in his home state or country may operate a motor vehicle in this state only as an operator.

Sec. 2. Section 321.176, subsections 4 and 5, Code 1981, are amended by striking the subsections.

Approved May 4, 1981

CHAPTER 106
MOTOR VEHICLE PERMITS OR LICENSES
H. F. 47

AN ACT relating to the contents of a permit or license application.

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

Section 1. Section 321.183, Code 1981, is amended to read as follows:

321.183 CONTENTS OF APPLICATION. Every ~~said~~ application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has ~~theretofore~~ previously been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ~~ever~~ been suspended or revoked within the past six years, or whether an application has ~~ever~~ been refused within the past six years, and, if so, the date of and reason for ~~such~~ the suspension, revocation, or refusal.

Approved April 3, 1981

CHAPTER 107
MOTOR VEHICLE OPERATION EDUCATION COURSE

H. F. 872

AN ACT to delay for six months from July 1, 1981 to January 1, 1982 the requirement for successful completion of a motorcycle education course or a motorized bicycle education course prior to the issuance of certain motor vehicle operators' licenses.

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

Section 1. Section 321.189, subsection 1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

After ~~July~~ January 1, ~~1981~~ 1982, a person under the age of eighteen applying for a motor vehicle license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course approved and established by the department of public instruction or successfully complete an approved motorcycle education course at a private or commercial driver education school licensed by the department. A public school district ~~may~~ shall charge a student a fee which shall not exceed the actual cost of instruction.

Sec. 2. Section 321.189, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. The department may issue a motorized bicycle license to a person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. After ~~July~~ January 1, ~~1981~~ 1982, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district ~~may~~ shall charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period of two years, subject to termination or cancellation as provided in this section.

Approved June 19, 1981

CHAPTER 108
TRANSPORTATION OF PEOPLE

S. F. 492

AN ACT relating to transportation of persons.

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

Section 1. Section 321.225, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An urban transit company, as defined in section 321.19, subsection 2, shall be exempt from this section where service of peak hour loads require split shifts for drivers. A driver for an urban transit company shall not drive for more than twelve hours in any twenty-four hour period and a driver which operates a vehicle on a split shift shall have not less than one hour off between shifts.

Sec. 2. Section 321.372, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The driver of any a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to ~~load--or--unload~~ receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

Sec. 3. Section 321.372, subsection 1, Code 1981, is amended by inserting after unnumbered paragraph 1 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.

Sec. 4. Section 324.57, subsection 9, Code 1981, is amended to read as follows:

9. An "Iowa urban transit system" is a system whereby motor buses are operated primarily upon the streets of cities for the transportation of passengers for an established fare and which accepts passengers who present themselves for transportation without discrimination up to the limit of the capacity of each motor bus. "Iowa urban transit system" also includes motor buses operated upon the streets of adjoining cities, whether interstate or intrastate, for the transportation of passengers without discrimination up to the limit of the capacity of the motor bus. Privately chartered bus services, motor carriers and interurban carriers subject to the jurisdiction of the ~~Iowa~~ Iowa state department of transportation, school bus services and taxicabs shall not be construed to be an urban transit system nor a part of any such system.

Sec. 5. Section 325.6, subsection 1, Code 1981, is amended to read as follows:

1. It is ~~hereby-declared~~ unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state ~~of-Iowa~~ to another point or place in ~~said~~ the state irrespective of the route, highway or highways traversed, including the crossing of any state line of the state ~~of-Iowa~~, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. An Iowa urban transit system, as defined in section 324.57, subsection 9, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a certificate of public convenience and necessity if the other city is not served by another carrier operating under a certificate of public convenience and necessity. ~~No~~ A carrier of passengers shall ~~not~~ operate as a charter carrier in this state unless ~~already-possessed-of~~ it possesses a certificate of convenience and necessity as a common carrier of passengers and operating in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

Sec. 6. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Hawk Eye, a newspaper published in Burlington, Iowa, and in The Bulletin-Journal, a newspaper published in Independence, Iowa.

Approved May 14, 1981

I hereby certify that the foregoing Act, Senate File 492, was published in The Hawk Eye, Burlington, Iowa on May 20, 1981 and in The Bulletin-Journal, Independence, Iowa on May 21, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 109
RADAR JAMMING DEVICES PROHIBITED
S. F. 235

AN ACT to prohibit the possession and operation of a radar jamming device and providing a penalty.

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

Section 1. Chapter 321, Code 1981, is amended by adding the following new section:

NEW SECTION. RADAR JAMMING DEVICES--PENALTY.

1. A person shall not sell, operate or possess a radar jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state.

2. This section does not apply to radar speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in their official duties.

3. A radar jamming device may be seized by a peace officer subject to forfeiture as provided by chapter 809.

4. For the purposes of this section "radar jamming device" means any mechanism designed or used to transmit radio waves in the electromagnetic wave spectrum to interfere with the reception of those emitted from a device used by peace officers of this state to measure the speed of motor vehicles on the highways of this state and which is not designed for two-way transmission and cannot transmit in plain language.

Sec. 2. Section 805.8, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. For violation of section 1 of this Act, the scheduled fine is ten dollars.

Approved May 4, 1981

CHAPTER 110
MULTI-AXLE VEHICLES GROSS WEIGHT

S. F. 159

AN ACT relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

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

Section 1. Section 321.463, unnumbered paragraph 3, Code 1981, is amended to read as follows:

A group of two or more consecutive axles of any vehicle or combination of vehicles, shall not carry a load in pounds in excess of the overall gross weight determined by application of the following formula: W equals $500(LN/N-1 + 12N + 36)$ where, W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in feet, rounded to the nearest whole foot, between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration, ~~except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.~~ The following are exceptions to application of the formula:

1. Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six feet or more.

2. On highways not part of the interstate system, a vehicle or combination of vehicles having:

a. Four axles where the extreme axles are eighteen feet apart may carry a gross load of fifty-three thousand pounds.

b. Five axles where the extreme axles are thirty-two feet apart may carry a gross load of sixty-seven thousand five hundred pounds.

c. Six or more axles where the extreme axles are forty-one feet apart may carry a gross load of seventy-eight thousand pounds.

For every foot of distance between extreme axles less than the above axle spacings, the overall gross weight of the vehicle or combination of vehicles shall be determined by deducting one thousand pounds from the gross loads specified in paragraphs a, b, and c. All measurements between extreme axles shall be rounded to the nearest whole foot.

Sec. 2. Section 321.466, subsection 9, Code 1981, is amended by striking the subsection.

Sec. 3. Section 321.474, Code 1981, is amended to read as follows:

321.474 DEPARTMENT MAY RESTRICT. The department shall ~~likewise~~ have authority as ~~hereinabove~~ granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles, except farm tractors as defined in section 321.1, subsection 7, operated upon any highway under the jurisdiction of ~~said~~ the department and ~~such~~ the restrictions shall be effective when signs giving notice ~~thereof~~ of the restrictions are erected upon the highway or portion of any highway affected by ~~such~~ the resolution. Resolutions imposing restrictions under section 321.473 shall be for a definite period of time not to exceed twelve months. The expiration date of the resolution shall appear on all signs posted as required by this section.

For the purposes of restrictions imposed under this section, a triple axle is any group of three or more consecutive axles where the centers of any consecutive axles are more than forty inches apart and where the centers of the extreme axles are more than eighty-four inches apart but not more than one hundred sixty-eight inches apart. Where triple axle restrictions are imposed, the signs erected by the department shall give notice of the restrictions.

Any person who violates ~~the provisions~~ a provision of ~~such~~ the resolution ~~shall~~, upon conviction or a plea of guilty, ~~be~~ is subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the resolution by one hundred, and multiplying the quotient by two dollars. The department may issue special permits, during periods ~~such~~ the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by ~~any other provision of~~ this chapter. The department shall issue special permits in accordance with the foregoing to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking ~~such~~ the produce, or to trucks moving ~~to~~ any farm feeds or fuel necessary for home heating purposes.

Sec. 4. Section 805.8, subsection 2, paragraph 1, Code 1981, is amended to read as follows:

1. For height, weight, length, width and load violations and towed vehicle violations under sections 321.309, 321.310, 321.381, 321.394, 321.437, 321.454, 321.455, 321.456, 321.457, 321.458, 321.461, and 321.462 ~~and---321-474~~, the scheduled fine is twenty-five dollars. For weight violations under sections 321.459 and 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

Approved April 7, 1981

CHAPTER 111
EDITOR'S CORRECTION

NOTE: See also amendment by Chapter 110 of these Acts

Section 321.463, Code 1981, is corrected to read as follows:

321.463 MAXIMUM GROSS WEIGHT. An axle may be divided into two or more parts, except that all parts in the same vertical transverse plane shall be considered as one axle.

The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires.

A group of two or more consecutive axles of any vehicle or combination of vehicles, shall not carry a load in pounds in excess of the overall gross weight determined by application of the following formula: W equals $500(LN/N-1 + 12N + 36)$ where W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in feet, rounded to the nearest whole foot, between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

The maximum gross weight shall not exceed eighty thousand pounds.

The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such groups of axles.

A person who operates a vehicle in violation of the provisions of this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of the provisions of this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE, AND GROUP OF AXLES WEIGHT VIOLATIONS	
Pounds Overloaded	Amount of Fine
Up to and including 1,000 pounds	\$10 plus one-half cent per pound
Over 1,000 pounds to and including 2,000 pounds	\$15 plus one-half cent per pound

Over 2,000 pounds to and including 3,000 pounds	\$80 plus three cents per pound
Over 3,000 pounds to and including 4,000 pounds	\$100 plus four cents per pound
Over 4,000 pounds to and including 5,000 pounds	\$150 plus five cents per pound
Over 5,000 pounds to and including 6,000 pounds	\$200 plus seven cents per pound
Over 6,000 pounds	\$200 plus ten cents per pound

Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations.

The amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section by applying the appropriate rate in the preceding schedule for the total amount of overload.

The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

A person who issues or executes, or causes to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo, shall, upon conviction, be guilty of a simple misdemeanor.

CHAPTER 112
MOBILE HOMES MOVEMENT
H. F. 728

AN ACT relating to the movement of mobile homes and factory-built structures with a width not exceeding sixteen feet under permit.

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

Section 1. Section 321E.28, subsection 1, Code 1981, is amended to read as follows:

1. Single-trip permits issued under the provisions of this section shall be limited to mobile homes and factory-built structures of widths including appurtenances exceeding twelve feet five inches but not exceeding ~~fourteen~~ sixteen feet ~~five zero~~ inches, where the mobile home or factory-built

structure does not exceed sixty-seven feet six inches in length excluding the hitch or any overhang, and where the overall length of the mobile home or the factory-built structure and the power unit does not exceed eighty-five feet.

Approved May 4, 1981

CHAPTER 113
SNOWMOBILE REGISTRATION AND OPERATION

S. F. 526

AN ACT relating to the registration and operation of snowmobiles.

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

Section 1. Chapter 321G, Code 1981, is amended by adding the following new sections:

NEW SECTION. INSPECTION. A peace officer may stop and inspect a snowmobile operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the snowmobile to have the snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

NEW SECTION. TERMINATION OF USE. A person who receives a warning memorandum for a snowmobile shall stop using the snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, or frozen waters of the state until the snowmobile is in compliance.

NEW SECTION. AMOUNT OF WRITING FEES. The county recorder shall collect a writing fee of one dollar for snowmobile registrations. When two or more transactions for one snowmobile take place during the registration process the transactions shall be considered as a single registration.

NEW SECTION. RULES AND LOCAL ORDINANCES.

1. The provisions of this chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to a snowmobile whenever the snowmobile is operated or maintained in this state. However, nothing in this chapter shall be construed to prevent the adoption of an ordinance or local law relating to the operation of or

equipment of snowmobiles. The ordinances or local laws shall be operative only so long as they are not inconsistent with the provisions of this chapter or the rules and regulations adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of snowmobiles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of snowmobiles within the territorial limits of a subdivision of this state.

Sec. 2. Section 321G.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Measurable snow" means one-tenth of one inch of snow.

Sec. 3. Section 321G.4, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The owner of ~~such~~ the snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the snowmobile and shall be accompanied by a fee of twelve dollars and a writing fee ~~of--one-dollar~~. Proof of payment of Iowa sales or use tax must accompany all applications for registration. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter the same upon the ~~recorder's~~ records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the snowmobile and the name and address of the owner. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the machine when in use. The operator of a snowmobile shall exhibit the registration certificate to any a peace officer upon request or to the owner or operator of another snowmobile or ~~to~~ the owner of ~~any-ether~~ personal or real property when the snowmobile is involved in a collision or accident of any nature with a another snowmobile or the property of another person.

Sec. 4. Section 321G.6, unnumbered paragraphs 2 and 3, Code 1981, are amended to read as follows:

After the first day of September in even-numbered years ~~any~~ an unregistered snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be ~~six~~ three dollars for the remainder of the current period, in addition to the registration fee of twelve dollars for the subsequent biennium beginning January 1, and a writing fee ~~of--fifty--cents~~. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided ~~for~~ in securing the original registration. The snowmobile registration fee ~~shall--be~~ is in lieu of personal property tax for each year of ~~said~~ the registration.

If the application for registration for the subsequent biennium is not made before January 1 of each ~~even-numbered~~ odd-numbered year, the applicant shall be charged a penalty of ~~one-dollar~~ two dollars for each six months' delinquency, or any portion ~~thereof~~ of six months.

Sec. 5. Section 321G.6, unnumbered paragraph 5, Code 1981, is amended to read as follows:

Upon the transfer of ownership of ~~any~~ a snowmobile, the owner shall complete the form on the back of ~~the~~ a current registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the snowmobile. The purchaser or transferee shall, within five days, file a new application form with the county recorder with a fee of one dollar and the ~~appropriate~~ writing fee, and a transfer of number shall be awarded in the same manner as provided ~~for~~ in ~~any~~ an original registration.

Sec. 6. Section 321G.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

321G.7 FEES REMITTED TO COMMISSION. Within ten days after the end of each month, each county recorder shall remit to the commission all snowmobile fees collected by the recorder during the previous month. Before January 10 of odd-numbered years, each recorder shall remit unused license forms from the previous biennium to the commission. Before January 10 of each year, each recorder shall summarize the transactions of the registration fees and penalties collected during the previous year.

The commission shall remit the fees to the treasurer of state, who shall place the money in a special conservation fund. The money is appropriated to the commission for the snowmobile program of the state. The program shall include cost-sharing of snowmobile facilities and programs with political subdivisions in accordance with rules adopted by the commission. At least fifty percent of the special fund shall be available for the political subdivisions. Money from the special fund not utilized by the political subdivisions shall be utilized in the snowmobile program of the state.

Sec. 7. Section 321G.10, Code 1981, is amended to read as follows:

321G.10 ACCIDENT REPORTS. ~~Whenever-any~~ If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to ~~fifty~~ two hundred dollars or more, either the operator or someone acting for ~~him~~ the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The operator shall file with the commission a report of the accident, within forty-eight hours, containing ~~such~~ information as the commission may require.

Sec. 8. Section 321G.13, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. On public land without a measurable snow cover.

Sec. 9. Section 321G.24, subsection 2, Code 1981, is amended to read as follows:

2. Upon application and payment of a fee of three dollars, a qualified applicant shall be issued a safety certificate which ~~shall-be~~ is valid until ~~such--person--reaches--his--seventeenth--birthday--unless~~ the certificate is suspended or revoked for a violation of a provision of this chapter or ~~the~~ rules a rule of the commission or the director of transportation ~~before-that~~

date. The application shall be made on forms issued by the commission and shall contain such information as the commission may reasonably require.

Sec. 10. An amount equal to one-half of the snowmobile fees credited to the state conservation fund during the fiscal period, July 1, 1980 to June 30, 1981 shall be transferred by the state comptroller to the special conservation fund established by section 6 of this Act prior to reverting any unobligated funds to the general fund for the fiscal period ending June 30, 1981.

Sec. 11. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa, and in The Dubuque Leader, a newspaper published in Dubuque, Iowa.

Approved May 18, 1981

I hereby certify that the foregoing Act, Senate File 526, was published in the Ankeny Press-Citizen, Ankeny, Iowa on May 28, 1981 and The Dubuque Leader, Dubuque, Iowa on June 26, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 114

MOTOR FUEL FRANCHISEE SUCCESSORS

H. F. 775

AN ACT providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels.

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

Section 1. Chapter 323, Code 1981, is amended by adding the following new section:

NEW SECTION. DEATH OF FRANCHISEE--SUCCESSOR--PENALTY.

1. It is unlawful to include in any distributor franchise or dealer franchise agreement a term which provides for the termination of the franchise by the franchiser upon the death of the franchisee if the franchisee, prior to his or her death, designates a successor-in-interest in a form prescribed by and delivered to the franchiser. For the purposes of this section, "successor-in-interest" is restricted to either a surviving spouse or adult child of the franchisee who, at the time of the franchisee's death, is able to meet reasonable qualifications then being required of distributors or dealers by the franchiser.

2. The successor-in-interest designated as provided in subsection 1 shall have twenty-one days after the death of the franchisee to give written notice of an election to assume and operate the franchise. The notification shall contain such information regarding business experience and credit worthiness

as is reasonably required by the franchiser. The successor-in-interest must offer to assume and commence operation of the franchise within ten days after the franchiser approves the assumption.

3. The franchise available to the successor-in-interest pursuant to this section shall be the same as that which existed in the name of the deceased franchisee at the time of the franchisee's death.

4. A franchisee may designate a primary and one alternate successor-in-interest. The alternate, if one is designated, has no rights under this section in the event of an exercise of rights by the primary successor-in-interest. If an alternate desires to assume and operate the franchise in the event the primary successor-in-interest fails to do so, the alternate must give notice of such election and otherwise comply with subsection 2.

5. Unless otherwise specifically provided in this section, actions to be performed by the franchiser or by the successor-in-interest under this section shall be performed within a reasonable time.

6. Following the death of a franchisee, and prior to the operation of the franchise by the successor-in-interest as provided in this section, the executor or administrator of the estate of the deceased franchisee may operate the franchise.

7. If the successor-in-interest assumes the franchise, the successor-in-interest shall account to the heirs or estate of the deceased franchisee for the value of personal property of the franchisee located at or related to the franchise.

8. If the successor-in-interest does not assume the franchise, the franchiser shall account to the heirs or the estate of the deceased franchisee for the value of branded products purchased directly from the franchiser.

9. A franchisee or successor-in-interest may commence a civil action to compel compliance by a franchiser with this section, or to obtain damages caused by a failure to comply with this section, or both, within two years after the date the franchiser fails to comply with the requirements of this section.

Sec. 2. This Act applies to franchise agreements executed or renewed on or after the effective date of this Act.

Approved April 20, 1981

CHAPTER 115
COMMERCIAL VEHICLES TEMPORARY PERMITS

H. F. 729

AN ACT to extend the temporary operating authority to forty-five days for commercial vehicles.

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

Section 1. Section 326.11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after ~~thirty~~ forty-five days.

Approved May 1, 1981

CHAPTER 116
RAILROAD ASSISTANCE FUND

S. F. 440

AN ACT authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds.

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

Section 1. Section 327H.18, Code 1981, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED. There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance ~~to--railroads~~ for the restoration, conservation and improvement of railroad main lines, branch lines, switching yards, and sidings. Any unencumbered funds appropriated pursuant--to--Acts--of--the--65--G.A.--chapter--1113--section--13--or--other--funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, and improvement of railroad main lines, switching

yards and sidings. Any moneys received by the state department of ~~transportation~~ by agreements, grants, gifts, or other means from individuals, companies, ~~or--either~~ business entities, ~~or~~ cities and, or counties for the purposes ~~set-forth-for-the-fund-established-pursuant-to~~ of this section shall be credited to the railroad assistance fund.

Sec. 2. Section 327H.20, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

327H.20 ASSISTANCE AGREEMENTS. The department may enter into agreements with railroad corporations, the United States government, persons, cities, and counties for carrying out the purposes of this chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the railroad assistance fund from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the railroad assistance fund shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or siding defined in the agreement. Credits to the corporation account by the railroad corporation may be used for the improvement, restoration, or conservation of the railroad corporation's main line, branch lines, switching yards, and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

Sec. 3. Section 327H.21, Code 1981, is amended to read as follows:

327H.21 FEDERAL FUNDS. The ~~state department of-transportation~~ may accept federal funds to carry out the provisions purposes of this ~~section-and sections-327H-18-to-327H-20, 327H-22-to-327H-25~~ chapter. All federal funds received under ~~provisions-of-said-sections~~ this section are appropriated for the purposes set forth in the federal grants.

Sec. 4. Section 327H.23, Code 1981, is amended to read as follows:

327H.23 CITY AND COUNTY FUNDS. ~~The-board-of-supervisors-of-a~~ A city or county may with the approval of the state department ~~of-transportation,~~ appropriate funds from the city or county general fund to the railroad assistance fund. The A city or county may, according-to-the-provisions-of section-327H-20, enter into an agreement with the department to receive a partial or total reimbursement for this appropriation. The amount received by a city or county shall not exceed the amount appropriated to the railroad assistance fund by the city or county. The money appropriated from the city or county general fund to the railroad assistance fund shall be used in accordance with this section--and-sections-327H-18-to-327H-22, 327H-24-and 327H-25 chapter only for conservation, restoration, or improvement of railroad main lines, branch lines, switching yards, and sidings within the city or county providing the funds. In--any--year--the--amount--of--money transferred--to-the-railroad-assistance-fund-by-a-county-shall-not-exceed-the

~~amount-of-property-taxes-levied-against--the--railroad--property--within--the county-~~

Sec. 5. Section 327H.25, Code 1981, is amended to read as follows:

327H.25 TRANSFER OF DUTIES. The administration of the railroad assistance fund shall be transferred from the energy policy council to the state department ~~of--transportation~~ not later than July 1, 1976. All agreements for railroad assistance entered into by the energy policy council with railroads and other persons ~~pursuant-to-section-93-9-or-this-section-and sections--327H-18--to-327H-24~~ shall be carried out by the state department of transportation.

Sec. 6. Chapter 327H, Code 1981, is amended by adding the following new section:

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

1. "Department" means the state department of transportation.

Sec. 7. Section 327H.22, Code 1981, is repealed.

Approved June 15, 1981

CHAPTER 117
HOME RULE FOR COUNTIES
S. F. 130

AN ACT to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government and the powers and duties of the board of supervisors and other county officers and employees, making corresponding amendments, and providing penalties.

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

DIVISION I

Sec. 100. NEW SECTION. DEFINITIONS. As used in sections 100 through 907 of this Act, unless the context otherwise requires:

1. "Board" means the board of supervisors of a county.

2. "Supervisor" means a member of the board of supervisors.

3. "Auditor" means the county auditor or a deputy auditor or employee designated by the county auditor.

4. "Treasurer" means the county treasurer or a deputy treasurer or employee designated by the county treasurer.

5. "Recorder" means the county recorder or a deputy recorder or employee designated by the county recorder.

6. "County attorney" means the county attorney or a deputy county attorney or assistant county attorney designated by the county attorney.

7. "Sheriff" means the county sheriff or a deputy sheriff designated by the sheriff.
8. "Clerk" means the clerk of the district court or a deputy clerk designated by the clerk of the district court.
9. "Measure" means an ordinance, amendment, resolution, or motion.
10. "Ordinance" means a county law of a general and permanent nature.
11. "Amendment" means a revision or repeal of an existing ordinance or code of ordinances.
12. "Resolution" or "motion" means a statement of policy or an order for action to be taken.
13. "Recorded vote" means a record, roll call vote.
14. "State law" includes the Constitution of the State of Iowa and state statutes.
15. "Book", "record", and "register" include any mode of permanent recording including but not limited to, card files, microfilm or microfiche, electronic records and the like.

DIVISION II
BOARD OF SUPERVISORS
ORGANIZATION

Sec. 200. NEW SECTION. BOARD MEMBERSHIP--QUALIFICATIONS--TERM.

1. The board shall consist of three members unless the membership is increased to five as provided in section 202 of this Act.
2. A supervisor must be a qualified elector of the county or supervisor district of the county which the supervisor represents.
3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor shall be appointed to the unexpired term as provided in chapter 69.
4. The term of office of a supervisor is four years unless a change in the supervisor district representation plan or in the number of supervisors on the board requires the election of one or two supervisors for an initial term of two years.

Sec. 201. CURRENT FIVE-MEMBER BOARDS UNAFFECTED. Section 200, subsection 1, of this Act does not affect the membership of a board which has five members on the effective date of this Act. After the effective date of this Act, a five-member board may be reduced to three members in the manner provided in section 203 of this Act.

Sec. 202. NEW SECTION. MEMBERSHIP INCREASED--VOTE.

1. The board may by resolution, or shall upon petition of the number of qualified electors of the county as specified in section 305 of this Act, submit to the qualified electors of the county at a general election a proposition to increase the number of supervisors to five.
2. If a majority of the votes cast on the proposition is in favor of the increase to five members, the board shall be increased to five members effective on the second day in January which is not a Sunday or holiday following the next general election. The five-member board shall be elected according to the supervisor representation plan in effect in the county.
 - a. If plan one as defined in section 205 of this Act is in effect, two additional supervisors shall be elected at the next general election, one for a two-year term and one for a four-year term.

b. If plan two or plan three as defined in section 205 of this Act is in effect, the board shall divide the county into five equal-population districts by November 1 of the year preceding the year of the next general election and at that general election, five board members shall be elected, two for initial terms of two years and three for four-year terms. The terms of the three incumbent supervisors shall expire on the date that the five-member board becomes effective.

c. The length of term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

Sec. 203. NEW SECTION. MEMBERSHIP REDUCED--VOTE--NEW MEMBERS.

1. In a county having a five-member board, the board may by resolution, or shall upon petition of the number of qualified electors of the county as specified in section 305 of this Act, submit to the qualified electors of the county at a general election a proposition to reduce the number of supervisors to three.

2. If a majority of the votes cast on the proposition is in favor of the reduction to three members, the membership of the board shall remain at five until the second day in January which is not a Sunday or holiday following the next general election, at which time the terms of the five members shall expire.

3. At the next general election following the one at which the proposition to reduce the membership of the board to three is approved, the membership of the board shall be elected according to the supervisor representation plan in effect in the county. If the supervisor representation plan includes equal-population districts, the districts shall be designated by November 1 of the year preceding the year of the next general election. One member of the board shall be elected to a two-year term and the remaining two members shall be elected to four-year terms. The length of the term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

Sec. 204. NEW SECTION. PETITION AND VOTE IN CERTAIN COUNTIES--EXCEPTION.

1. In a county where there is a city operating under the commission form of government with a population of more than seventy-five thousand, the petition to increase or reduce the number of members of the board must contain signatures of at least ten percent of the qualified electors residing within the county and outside of the corporate limits of the city and at least ten percent of the qualified electors residing within the city.

2. When the proposition to increase or reduce the membership of the board is voted upon, the qualified electors of a city described in subsection 1 and the qualified electors residing outside of the city shall vote on the proposition separately and a majority of the votes cast on the proposition by each of the two classes of qualified electors must approve the proposition before it becomes effective.

Sec. 205. NEW SECTION. SUPERVISOR DISTRICTS.

1. One of the following supervisor district representation plans shall be used for the election of supervisors:

a. Plan one. Election at large without district residence requirements for the members.

b. Plan two. Election at large but with equal-population district residence requirements for the members.

c. Plan three. Election from single-member equal-population districts, in which the electors of each district shall elect one member who must reside in that district.

2. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 206 of this Act. A plan selected by the board shall remain in effect for at least six years unless it is changed by a special election as provided in section 206 of this Act.

Sec. 206. NEW SECTION. SPECIAL ELECTION--SUPERVISOR DISTRICTS.

1. The board, upon petition of the number of qualified electors of the county as specified in section 305 of this Act, shall call a special election to be held for the purpose of selecting one of the supervisor representation plans specified in section 205 of this Act under which the board of supervisors shall be elected.

2. The petition shall be filed with the auditor by January 1 of a general election year, subject to subsection 5. The special election shall be held at least one hundred days before the primary election. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election which shall be held not less than five nor more than twenty days from the date of last publication.

3. The supervisor representation plans submitted at the special election shall be stated in substantially the following manner:

The individual members of the board of supervisors in county, Iowa, shall be elected:

Plan one. At large and without district residence requirements for the members.

Plan two. At large but with equal-population district residence requirements for the members.

Plan three. From single-member equal-population districts in which the electors of each district shall elect one member who must reside in that district.

4. If the plan adopted by a plurality of the ballots cast in the special election is not the supervisor representation plan currently in effect in the county, the terms of the county supervisors serving at the time of the special election shall continue until the second day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members shall expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 207, 208, or 209 of this Act shall commence.

5. A supervisor representation plan adopted at a special election shall remain in effect for at least six years.

Sec. 207. NEW SECTION. PLAN "ONE" TERMS OF OFFICE. If plan "one" is selected pursuant to section 205 or 206 of this Act, the board shall be elected as provided in this section.

1. In the primary and general elections, the number of supervisors, or candidates for the offices, which constitutes the board in the county, shall be elected by the qualified electors of the county at large without district residence requirements.

2. In counties with three county supervisors, one person shall be elected as a member of the board for an initial term of two years and two persons shall be elected as members of the board for four years.

3. In counties with five supervisors, two persons shall be elected as members of the board for initial terms of two years and three persons shall be elected as members of the board for four years.

4. The determination as to whether a term of office shall be for two or four years shall be decided by lot before the primary election, and the results of the determination indicated on the ballot in the primary and general elections.

Sec. 208. NEW SECTION. PLAN "TWO" TERMS OF OFFICE. If plan "two" is selected pursuant to section 205 or 206 of this Act, the board shall be elected as provided in this section.

1. Before November 1 of the nonelection year following each federal decennial census the board shall divide the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 206 of this Act, the board shall divide the county before March 15 of the election year. The supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for legislative and congressional districts in section 42.4. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the second day of January that is not a Sunday or a holiday following the next general election.

2. Each supervisor must reside in a separate supervisor district but shall be elected by the electors of the county at large. Election ballots shall be prepared to specify the district which each candidate seeks to represent and each elector may cast a vote for one candidate from each district for which a supervisor is to be chosen in the general election.

3. The board may redesignate supervisor districts only once in two years. If the board redesignates districts, the redesignation must be completed and available to the public by November 1 of the year before the election to be applicable in that election year. This subsection does not lengthen or diminish the term of office of a member of the board as a result of the redesignation and districts shall not be redesignated except in compliance with this section.

4. At the primary and general elections the number of supervisors, or candidates for the offices, which constitute the board in the county shall be elected as provided in this section. Terms of supervisors shall be the same as provided in section 207 of this Act.

Sec. 209. NEW SECTION. PLAN "THREE." If plan "three" is selected pursuant to section 205 or 206 of this Act, the supervisor districts shall be drawn and supervisors shall be elected as provided in section 208 of this

Act, except the boundaries of supervisor districts shall follow voting precinct lines and each member of the board and each candidate for the office shall be elected or nominated at the primary and general elections by only the electors of the district which that candidate seeks to represent.

Sec. 210. NEW SECTION. ORGANIZATION OF THE BOARD.

1. The board, at its first meeting in each year, shall:

a. Organize by choosing one of its members as chairperson who shall preside at all of its meetings during the year. The board may also select a vice chairperson who shall serve during the absence of the chairperson.

b. Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph a.

2. The auditor shall serve as clerk to the board, but in the absence of the auditor, a deputy auditor or an employee designated by the auditor, the board may appoint a temporary clerk.

Sec. 211. NEW SECTION. QUORUM--MAJORITY VOTE REQUIRED.

1. A majority of the members of the board constitutes a quorum to transact the official business of the county. If the board is equally divided on a question when less than the full membership is present, the question shall be continued until all of the members of the board are present.

2. The following actions of the board require the affirmative vote of a majority of its membership:

a. Levying of a tax.

b. Entering into a contract for the erection of a public building.

c. Making a settlement with a county officer.

d. Buying or selling real estate.

e. Designating a new site for a county building.

f. Changing the boundaries of a township.

g. Appropriating money to aid in the construction of a highway or a bridge.

h. Appointing or removing an officer from office.

Sec. 212. NEW SECTION. MEETINGS OF THE BOARD.

1. The board shall hold its first meeting of each year on the second day in January which is not a Saturday, Sunday or holiday and shall hold all subsequent meetings of the year as scheduled by the board. All meetings of the board shall be scheduled and conducted in compliance with chapter 28A.

2. If a quorum of the board fails to appear at a meeting, the clerk shall adjourn the meeting from day to day until a quorum is present.

Sec. 213. NEW SECTION. VACANCY OF SUPERVISOR'S OFFICE. In addition to the circumstances which constitute a vacancy in office under section 69.2, the absence of a supervisor from the county for sixty consecutive days shall be treated as a resignation of the office. At its next meeting after the sixty-day absence, the board, by resolution adopted and included in its minutes, shall declare the absent supervisor's seat vacant.

Sec. 214. NEW SECTION. COMPENSATION AND EXPENSES.

1. The supervisors shall receive an annual salary or per diem compensation as determined under section 906 of this Act. The annual salary

or per diem shall be full payment for all services rendered to the county except for reimbursement for mileage and other expenses authorized in subsection 2.

2. A supervisor is entitled to reimbursement for mileage expenses incurred while engaged in the performance of official duties at the rate specified in section 79.9. The total mileage expense for all supervisors in a county shall not exceed the product of the rate of mileage specified in section 79.9 multiplied by the total number of supervisors in the county times ten thousand. The board may also authorize reimbursement for mileage and other actual expenses incurred by its members when attending an educational course, seminar, or school which is related to the performance of their official duties.

Sec. 215. NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS, COMMITTEES AND COMMISSIONS. Unless otherwise provided by state statute, a supervisor may serve as a member of any appointive board, commission, or committee of this state, a political subdivision of this state, or a nonprofit corporation or agency receiving county funds.

Sec. 216. LEGALIZING ACT. An action taken by a board of supervisors between July 1, 1974 and June 30, 1975 authorizing the payment of a mileage warrant for a member of the board of supervisors which exceeded an aggregate mileage expense of one thousand dollars per year but not more than one thousand five hundred dollars per year is valid.

DIVISION III

POWERS AND DUTIES OF A COUNTY

PART 1

GENERAL POWERS AND DUTIES

Sec. 300. NEW SECTION. GENERAL POWERS AND LIMITATIONS.

1. A county may, except as expressly limited by the Constitution, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power.

2. A power of a county is vested in the board, and a duty of a county shall be performed by or under the direction of the board except as otherwise provided by law.

3. The enumeration of a specific power of a county, the repeal of a grant of power, or the failure to state a specific power does not limit or restrict the general grant of home rule power conferred by the Constitution and this section. A county may exercise its general powers subject only to limitations expressly imposed by a state law.

4. An exercise of a county power is not inconsistent with a state law unless it is irreconcilable with the state law.

5. A county shall substantially comply with a procedure established by a state law for exercising a county power unless a state law provides

otherwise. If a procedure is not established by state law, a county may determine its own procedure for exercising the power.

6. A county shall not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

7. A county shall not levy a tax unless specifically authorized by a state statute.

8. A county is a body corporate for civil and political purposes and shall have a seal as provided in section 551, subsection 4 of this Act.

9. Supervisors and other county officers may administer oaths and take affirmations as provided in chapter 78.

Sec. 301. NEW SECTION. COUNTY LEGISLATION.

1. The board shall exercise a power or perform a duty only by the passage of a motion, a resolution, an amendment, or an ordinance.

2. A county shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance.

3. The subject matter of an ordinance or amendment shall be generally described in its title.

4. An amendment to an ordinance or to a code of ordinances shall specifically repeal the ordinance or code, or the section or subsection to be amended, and shall set forth in full the ordinance, code, section, or subsection as amended.

5. A proposed ordinance or amendment shall be considered and voted on for passage at two meetings of the board prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

However, if a summary of the proposed ordinance or amendment is published as provided in section 304 of this Act prior to its first consideration and copies are available at the time of publication at the office of the auditor, the ordinance or amendment shall be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

6. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the supervisors. Each supervisor's vote on an ordinance, amendment, or resolution shall be recorded.

7. A resolution becomes effective upon passage and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

8. The auditor shall promptly record each measure, publish all ordinances and amendments as provided in section 304 of this Act, authenticate all measures except motions with signature and certification as to time and manner of publication, if any, and maintain for public use copies of all effective ordinances and codes. The auditor's certification is presumptive evidence of the facts stated therein.

9. At least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect.

If a proposed code of ordinances contains only existing ordinances edited and compiled without change in substance, the board may adopt the code by ordinance.

If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 304 of this Act. Copies of the proposed code of ordinances shall be available at the auditor's office and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.

Ordinances and amendments which become effective after adoption of a code of ordinances may be compiled as a supplement to the code, and upon adoption of the supplement by resolution, become part of the code of ordinances.

An adopted code of ordinances is presumptive evidence of the passage, publication, and content of the ordinances therein as of the date of the auditor's certification of the ordinance adopting the code or supplement.

10. The compensation paid to a newspaper for a publication required by this section shall not exceed three-fourths of the fee provided in section 618.11.

11. The board may adopt the provisions of a statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source, and date, and incorporates the provisions either by reference or by setting them forth in full. The code or portion shall be adopted only after notice and hearing in the manner provided in subsection 9.

12. Immediately after the effective date of a measure establishing a zoning district, building lines, or fire limits, the auditor shall certify the measure and a plat showing the district, lines, or limits, to the recorder. The recorder shall record the measure and plat in the miscellaneous record or other book provided for special records, and shall index the record.

13. A measure voted upon is not invalid because a supervisor has a conflict of interest, unless the vote of the supervisor was decisive to passage of the measure. If a majority or unanimous vote of the board is required by statute, the majority or vote shall be computed on the basis of the number of supervisors not disqualified by reason of conflict of interest. However, a majority of all supervisors is required for a quorum. For the purposes of this subsection, the statement of a supervisor that the supervisor declines to vote by reason of conflict of interest is conclusive and shall be entered of record.

14. A valid measure adopted by a county prior to the effective date of this Act remains valid unless the measure is irreconcilable with a state law.

Sec. 302. NEW SECTION. GENERAL DUTIES OF THE BOARD. The board shall:

1. Keep record books as follows:
 - a. A "minute book" which records all orders and decisions other than those relating to drainage districts. The minute book or a separate index book must contain an alphabetical index by subject matter categories of the proceedings shown by the minutes.
 - b. A "warrant book" which records each warrant drawn in the order of issuance by number, date, amount, and name of drawee, and refers to the order in the minute book authorizing its drawing.
 - c. A "claim register" which records all claims for money filed against the county. Claims shall be numbered consecutively in order of filing and entered alphabetically by the claimant's name. The claim register shall show the date of filing, the number of the claim and its general nature, and the action of the board on the claim including the fund against which it is allowed if it is allowed. The claims allowed at each meeting shall be listed in the minute book by claim number.
2. Maintain its records in accordance with chapter 68A.
3. Act upon applications for cigarette tax permits in accordance with chapter 98.
4. Act upon applications for liquor control licenses and retail beer permits in accordance with section 123.32.
5. Proceed upon a petition to establish an official county fair and pay tax funds to it in accordance with section 174.10, subsection 2, and section 174.13, subsection 2.
6. Select official newspapers and cause official publications to be made in accordance with chapters 349 and 618.
7. Adopt rules relating to the labor of prisoners in the county jail in accordance with sections 356.16 through 356.19, and may establish the cost of board and provide for the transportation of certain prisoners in accordance with section 356.30.
8. Divide the county into townships, and proceed upon a petition to divide, dissolve or change the name of a township in accordance with chapter 359.
9. Cause on-site inspections of pipeline construction projects as required in section 479.29, subsection 2, and the board may petition for rules as provided in that section.
10. Perform the functions of a civil service commission for certain municipal court clerks and bailiffs only, as required under section 602.34.
11. Defend, save harmless, and indemnify its officers, employees, and agents against tort claims, and may settle the claims, in accordance with sections 613A.8 and 613A.9.
12. Perform other duties as required by law.

Sec. 303. NEW SECTION. PROCEDURAL LIMITATIONS ON GENERAL COUNTY POWERS. If a county proposes to exercise any of the following powers, it shall do so in accordance with the following limitations:

1. The power to act jointly with other political subdivisions or public or private agencies shall be exercised in accordance with chapter 28E or 473A or other applicable state law.

2. The power to authorize games of skill or chance at amusement concessions shall be exercised in accordance with section 99B.4.

3. The power to adopt, administer, and enforce the state building code shall be exercised in accordance with chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:

a. A county building code shall not apply within the incorporated area of a city except at the option of the city, and shall not apply within a city's two-mile limit referred to in section 414.23, to the extent that the city has adopted a building code within the two-mile limit.

b. A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

4. A county shall not license elevator inspectors or regulate elevator facilities except as provided in section 104.15.

5. The power to adopt airport zoning regulations applicable to airport hazard areas shall be exercised in accordance with chapter 329.

6. The power to adopt county zoning regulations shall be exercised in accordance with chapter 358A.

7. The board may file a petition with the city development board as provided in section 368.11.

8. The power to take private property for public use shall only be exercised by counties for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon counties, and in accordance with chapters 471 and 472. Sections 306.19 and 306.28 through 306.37 are also applicable to condemnation of right of way for secondary roads.

9. The board, upon application, may grant permits for the display of fireworks as provided in section 727.2.

Sec. 304. NEW SECTION. PUBLICATION OF NOTICES. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by sections 200 through 907 of this Act, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

Sec. 305. NEW SECTION. PETITIONS OF ELIGIBLE ELECTORS. If a petition of the voters is authorized by sections 200 through 907 of this Act, the petition is valid if signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election, unless otherwise provided by state law.

PART 2

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES

Sec. 320. NEW SECTION. APPOINTMENTS.

1. The board shall appoint:

- a. A coordinator of disaster services in accordance with section 29C.10.
- b. A veterans memorial commission in accordance with sections 37.9 through 37.15, when a proposition to erect a memorial building or monument has been approved by the voters.
- c. A county conservation board in accordance with section 111A.2, when a proposition to establish the board has been approved by the voters.
- d. The members of the county board of health in accordance with section 137.4.
- e. One member of the convention to elect the state fair board as provided in section 173.2, subsection 3.
- f. A temporary board of community mental health center trustees in accordance with section 230A.4 when the board decides to establish a community mental health center, and members to fill vacancies in accordance with section 230A.6.
- g. The members of the county board of social welfare in accordance with section 234.9.
- h. A county commission of veteran affairs in accordance with sections 250.3 and 250.4, and a person to provide for the burial of indigent veterans in accordance with section 250.13.
- i. A general relief director in accordance with section 252.26.
- j. A member of the functional classification board in accordance with section 306.6.
- k. One or more county engineers in accordance with sections 309.17 through 309.19.
- l. A weed commissioner in accordance with section 317.3.
- m. A county medical examiner in accordance with section 800 of this Act, and the board may provide facilities, deputy examiners, and other employees in accordance with that section.
- n. One member of the county compensation board in accordance with section 904 of this Act.
- o. Members of an airport zoning commission as provided in section 329.9, if the board adopts airport zoning under chapter 329.
- p. Members of an airport commission in accordance with section 330.20 if a proposition to establish the commission has been approved by the voters.
- q. One member of the civil service commission for deputy sheriffs in accordance with section 341A.2 or 341A.3, and the board may remove the member in accordance with those sections.
- r. A temporary board of hospital trustees in accordance with sections 347.9 and 347.10 if a proposition to establish a county hospital has been approved by the voters.
- s. An initial board of hospital trustees in accordance with section 347A.1 if a hospital is established under chapter 347A.
- t. A county zoning commission, an administrative officer, and a board of adjustment in accordance with sections 358A.8 through 358A.11, if the board adopts county zoning under chapter 358A.
- u. A board of library trustees in accordance with sections 358B.4 and 358B.5, if a proposition to establish a library district has been approved by the voters, or 358B.18 if a proposition to provide library service by contract has been approved by the voters.

v. A weather modification board, if requested by petition, in accordance with section 361.2.

w. Local representatives to serve with the city development board as provided in section 368.14.

x. Members of a city planning and zoning commission and board of adjustment when a city extends its zoning powers outside the city limits, in accordance with section 414.23.

y. A list of residents eligible to serve as a compensation commission in accordance with section 472.4, in condemnation proceedings under chapter 472.

z. Members of the county judicial magistrate appointing commission in accordance with section 602.43.

aa. A member of the judicial district department of corrections as provided in section 905.3, subsection 1, paragraph a.

bb. Members of a county enterprise commission or joint county enterprise commission if the commission is approved by the voters as provided in section 470 of this Act.

cc. Other officers and agencies as required by state law.

2. If the board proposes to establish the office of public defender, it shall do so and appoint the public defender in accordance with section 776 of this Act.

3. If the board proposes to appoint a county surveyor, it shall appoint a person qualified in accordance with section 355.1 and provide the surveyor with a suitable book in which to record field notes and plats.

4. Except as otherwise provided by state law, a person appointed to a county office may be removed by the officer or body making the appointment, but the removal shall be by written order. The order shall give the reasons and be filed in the office of the auditor, and a copy shall be sent by certified mail to the person removed who, upon request filed with the auditor within thirty days of the date of mailing the copy, shall be granted a public hearing before the board on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

5. A board or commission appointed by the board of supervisors shall notify the county auditor of the name and address of its clerk or secretary.

6. A supervisor serving on another county board or commission shall be paid only as a supervisor for a day which includes official service on both boards.

Sec. 321. NEW SECTION. DUTIES RELATING TO COUNTY AND TOWNSHIP OFFICERS. The board shall:

1. Require and approve official bonds in accordance with chapter 64 and section 682.6, and pay the cost of certain officers' bonds as provided in section 64.11.

2. Make temporary appointments in accordance with section 66.19, when an officer is suspended under chapter 66.

3. Fill vacancies in county offices in accordance with sections 69.8 through 69.13, and make appointments in accordance with section 69.16.

4. Provide suitable offices for the meetings of the county conservation board and the safekeeping of its records.

5. Furnish offices at the county seat for the clerk, recorder, treasurer, auditor, county attorney, county surveyor or engineer, county assessor, and city assessor. If the office of public defender is established, the board shall furnish the public defender's office as provided in section 776 of this Act. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the county attorney or public defender with law books. The board shall not furnish an office also occupied by a practicing attorney to any officer other than the county attorney or public defender.

6. Review the final compensation schedule of the county compensation board and determine the final compensation schedule in accordance with section 906 of this Act.

7. Provide necessary office facilities and the technical and clerical assistance requested by the county compensation board to accomplish the purposes of sections 904 through 906 of this Act.

8. Provide the sheriff with county-owned automobiles or contract for privately-owned automobiles as needed for the sheriff and deputies to perform their duties, the need to be determined by the board.

9. Provide the sheriff and the sheriff's full-time deputies with necessary uniforms and accessories in accordance with section 656 of this Act.

10. Pay for the cost of board furnished prisoners in the sheriff's custody, as provided in section 657 of this Act, appoint and pay salaries of assistants at the jails, furnish supplies, and inspect the jails.

11. Furnish necessary equipment and materials for the sheriff to carry out the provisions of section 690.2.

12. Install radio materials in the office of the sheriff as provided in section 693.4.

13. Provide for the examination of the accounts of an officer who neglects or refuses to report fees collected, if a report is required by state law. The expense of the examination shall be charged to the officer and collectible on the officer's bond.

14. Establish and pay compensation of township trustees and township clerk, as provided in sections 359.46 and 359.47.

15. Furnish quarters for meetings of the board of review of assessments.

16. Pay reasonable compensation to assistants for the jury commission established under chapter 608.

Sec. 322. NEW SECTION. POWERS RELATING TO COUNTY OFFICERS.

1. A county may combine the duties of two or more of the following county officers and employees as provided in this subsection:

- a. Sheriff
- b. Treasurer
- c. Recorder
- d. Auditor
- e. Medical examiner
- f. Clerk
- g. General relief director
- h. County care facility administrator

- i. Commission on veteran affairs
- j. Director of social welfare
- k. County assessor
- l. County weed commissioner.

If a petition of electors equal in number to twenty-five percent of the votes cast for the county office receiving the greatest number of votes at the preceding general election is filed with the auditor, the board shall direct the commissioner of elections to call an election for the purpose of voting on the proposal. If the petition contains more than one proposal for combining duties, each proposal shall be listed on the ballot as a separate issue. If the majority of the votes cast is in favor of a proposal, the board shall take all steps necessary to combine the duties as specified in the petition.

The petition shall state the offices and positions to be combined and the offices or positions to be abolished. Offices and positions that have been combined may be subsequently separated by a petition and election in the same manner.

If an appointive officer or position is abolished, the term of office of the incumbent shall terminate one month from the day the proposal is approved. If an elective office is abolished, the incumbent shall hold office until the completion of the term for which elected, except that if a proposal is approved at a general election which fills the abolished office, the person elected shall not take office.

When the duties of an officer or employee are assigned to an elective officer, the board shall set the initial salary for the elective officer, which salary shall be at thirty percent greater than the salary otherwise established for the combined office or position with the highest salary. Thereafter, the salary shall be determined as provided in section 906 of this Act. When the duties of officers or employees are combined, the person who fills the combined office shall take the oath and give the bond required for each office and perform all the duties pertaining to each.

2. The board may:

a. Require additional security on an officer's bond, in accordance with sections 65.2 and 65.3, or hear a petition of the surety for release and require a new bond, in accordance with sections 65.4 through 65.8.

b. Apply for the use of a requisitioned vehicle as provided in section 127.19.

c. Require any county officer to make a report to it under oath on any subject connected with the duties of the office, and remove from office by majority vote an officer who refuses or neglects to make a report or give a bond required by the board within twenty days after the requirement is made known to the officer.

d. Compromise an unsatisfied judgment rendered in favor of the county against a county officer and the sureties on the officer's bond, if the county is satisfied that the full amount cannot be collected. The county may compromise with one or more of the sureties and release those sureties if the officer and each of the sureties on the officer's bond execute a written consent to the compromise and to the release of each of the sureties who

agree to the compromise, and in the writing agree that the compromise and release do not release any of the sureties who do not agree to the compromise. The written consent shall be filed with the auditor. If the judgment is based upon a default in county funds, the money received under the compromise shall be paid pro rata to the funds in proportion to the amount each fund was in default at the time the judgment was rendered.

e. Authorize a county officer to destroy records in the officer's possession which have been on file for more than ten years, and are not required to be kept as permanent records.

f. Enter into an agreement with one or more other counties to share the services of a county attorney, in accordance with section 753 of this Act.

g. Provide that the county attorney be a full-time or part-time officer in accordance with section 751 of this Act.

h. Establish the number of deputies, assistants, and clerks for the offices of auditor, treasurer, recorder, sheriff, county attorney, and clerk.

i. Exercise other powers authorized by state law.

Sec. 323. NEW SECTION. DUTIES AND POWERS RELATING TO COUNTY AND TOWNSHIP OFFICERS AND EMPLOYEES.

1. The board shall:

a. Carry out the duties of a public employer to engage in collective bargaining in accordance with chapter 20.

b. Grant claims for mileage and expenses of officers and employees in accordance with sections 79.9 through 79.13 and section 214, subsection 2 of this Act, and grant employees leaves of absence to participate in olympic competition in accordance with section 79.24.

c. Provide workers' compensation benefits to officers and employees as required by chapter 85.

d. Provide occupational disease compensation to employees as required by chapter 85A.

e. Cooperate with the industrial commissioner and comply with requirements imposed upon counties under chapters 86 and 87.

f. Comply with occupational safety and health standards as required by chapter 88.

g. Comply with wage payment requirements imposed upon counties under chapter 91A.

h. Comply with employment security requirements imposed upon counties under chapter 96.

i. Participate in the Iowa public employees' retirement system as required by chapter 97B.

j. Participate in the federal Social Security Act as required by chapter 97C.

k. Provide for support of the civil service commission for deputy sheriffs in accordance with section 341A.20.

l. Establish the compensation of deputies and assistants in accordance with section 903 of this Act.

m. Provide a deferred compensation program for any employee, in accordance with section 509A.12.

n. Employ the blind, the partially blind, and the disabled in accordance with section 601D.2.

o. Fix the compensation for services of county and township officers and employees if not otherwise fixed by state law.

p. Perform other duties required by state law.

2. If the board wishes to participate in a program of interchange of employees, it shall do so in accordance with chapter 28D.

3. In exercising its power to resolve disputes with officers and employees, the board may arbitrate disputes in accordance with chapter 90.

4. Salaries of employees in the probation office are subject to approval by the board as provided in section 231.8.

5. If the liability of a board officer or employee in the performance of official duties is not fully indemnified by insurance, the board shall pay a loss for which the officer or employee is found liable beyond the amount of insurance, and may compromise and settle any such claim.

PART 3

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY CONTRACTS

Sec. 340. NEW SECTION. CONTRACTS.

1. When the estimated cost of a public improvement, other than improvements which may be paid for from the secondary road fund, exceeds twenty-five thousand dollars, the board shall follow the contract letting procedures provided for cities in sections 384.95 through 384.103. However, in following those sections the board shall substitute the word "county" for the word "city", section 304 of this Act for section 362.3, shall consider "governing body" to mean the board, and shall exclude references to a city utility, utility board of trustees, or public utilities. As used in this section, "public improvement" means the same as defined in section 384.95 as modified by this subsection.

2. The board shall give preference to Iowa products and labor in accordance with chapter 73 and shall comply with bid and contract requirements in sections 73.2 and 73.7.

3. Contracts for improvements which may be paid for from the secondary road fund shall be awarded in accordance with sections 309.40 through 309.43, 310.14, 314.1, 314.2, and other applicable state law.

4. If the contract price for a public improvement is five thousand dollars or more, the board shall require a contractor's bond in accordance with chapter 573.

5. In exercising its power to contract for public improvements, the board may contract for the application of contract termination procedures in accordance with chapter 573A.

Sec. 341. NEW SECTION. CONFLICTS OF INTEREST IN PUBLIC CONTRACTS. As used in this section, "contract" means a claim, account, or demand against or agreement with a county, express or implied, other than a contract to serve as an officer or employee of the county. However, contracts subject to section 314.2 or section 347.15 are not subject to this section.

An officer or employee of a county shall not have an interest, direct or indirect, in a contract with that county. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

1. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
2. An employee of a bank or trust company, who serves as treasurer of a county.
3. Contracts made by a county of less than ten thousand population, upon competitive bid in writing, publicly invited and opened.
4. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.
5. The designation of official newspapers.
6. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.
7. A contract with volunteer firefighters or civil defense volunteers.
8. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.
9. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

PART 4

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY PROPERTY

Sec. 360. NEW SECTION. COUNTY PROPERTY.

1. Counties bounded by a body of water have concurrent jurisdiction over the entire body of water lying between them.
2. In disposing of an interest in real property by sale or exchange, by lease for a term of more than three years, or by gift, the following procedures shall be followed, except as otherwise provided by state law:
 - a. The board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with section 304 of this Act.
 - b. After the public hearing, the board may make a final determination on the proposal by resolution.
3. The board shall not dispose of real property by gift except for a public purpose, as determined by the board, in accordance with other state law. However, the board may dispose of real property for use in an Iowa homesteading program under section 220.14 for a nominal consideration.

4. On the application of a honorably discharged soldier, sailor, marine, or nurse of the army or navy of the United States who was disabled in the Philippine insurrection, China relief expedition, World War I, World War II, from December 7, 1941, to December 31, 1946, both dates inclusive, Korean Conflict, from June 25, 1950, to January 31, 1955, both dates inclusive, or Vietnam Conflict, from August 5, 1964, to June 30, 1973, both dates inclusive, the board shall reserve in the county courthouse a reasonable amount of space in the lobby to be used by the applicant rent-free as a stand for the sale of newspapers, tobaccos, and candies. If there is more than one applicant for reserved space, the board shall award the space at its discretion. The board shall prescribe the regulations by which a stand shall be operated.

5. The board shall:

a. Proceed upon a petition to establish a memorial hall or monument under chapter 37, as provided in that chapter.

b. Comply with section 103A.10, subsection 4, in the construction of new buildings.

c. Proceed upon a petition to establish a county public hospital under chapter 347, as provided in that chapter.

d. Bid for real property at a tax sale as required under section 446.19, and handle the property in accordance with section 446.31 and chapter 569.

e. Require the conduction of a life cycle cost analysis for county facilities in accordance with chapter 470.

f. Comply with chapter 601C if food service is provided in public buildings.

g. Comply with section 601D.9 if curbs and ramps are constructed.

h. Provide facilities for the holding of court at the county seat in accordance with sections 602.6 and 602.61.

i. Perform other duties required by state law.

6. In exercising its power to manage county real property, the board may lease land for oil and gas exploration as provided in section 84.21.

Sec. 361. NEW SECTION. ROADS AND TRAFFIC.

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, subsection 4, paragraph b, and subsection 5, paragraph b.

2. The board shall exercise the county's jurisdiction over secondary roads in accordance with chapters 306, 309, 310, 314, and other applicable laws.

3. The board may establish secondary road assessment districts as provided in chapter 311.

4. If a county has land subject to section 312.8, the board shall administer road funds available under that section as prescribed in that section.

5. The board may enter into agreements with the department of transportation as provided in section 313.2.

6. The board shall provide for the control of noxious weeds in accordance with chapter 317.

7. The board shall cause the removal of obstructions on the secondary roads, in accordance with chapter 319.

8. The board shall proceed upon a petition to construct a sidewalk in accordance with sections 320.1 through 320.3. The board may grant permission to lay gas and water mains, construct and maintain cattledways, or construct sidewalks in connection with the secondary roads, in accordance with sections 320.4 through 320.8.

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 through 321.250, 321.254, 321.255, 321.285, subsection 7, 321.352, 321.471 through 321.473, and other applicable provisions of chapter 321, and sections 321G.9 and 327G.15.

PART 5

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY SERVICES

Sec. 380. NEW SECTION. DUTIES RELATING TO SERVICES. The board shall:

1. Proceed in response to a petition to establish a unified law enforcement district in accordance with sections 28E.21 through 28E.28, or the board may proceed under those sections on its own motion.

2. Provide for disaster services and emergency planning in accordance with sections 29C.9 through 29C.13.

3. Proceed in response to a petition to establish a county conservation board in accordance with section 111A.2.

4. Comply with chapter 222, including but not limited to sections 222.13, 222.14, and 222.59 through 222.82, in regard to the care of mentally retarded persons.

5. Comply with chapters 227, 229, and 230, including but not limited to sections 227.11, 227.14, 229.42, 230.25, 230.27, and 230.35, in regard to the care of mentally ill persons.

6. Audit and pay the burial expense for indigent veterans, as provided in section 250.15.

7. Make determinations regarding emergency relief services in accordance with sections 251.5 and 251.6.

8. Administer general relief for the poor in accordance with chapter 252.

9. Handle complaints seeking medical care for indigent persons and pay for the care in accordance with chapter 255.

10. Comply with chapters 269 and 270 in regard to the payment of costs for pupils at the Iowa braille and sight-saving school and the school for the deaf.

11. Enforce the interstate library compact in accordance with sections 303A.9 through 303A.11.

12. Proceed in response to a petition to establish or end an airport commission in accordance with sections 330.17 through 330.20.

13. Proceed in response to a petition for a city hospital to become a county hospital in accordance with section 347.23.

14. Provide for the licensure, seizure, impoundment, and disposition of dogs in accordance with chapter 351.

15. Proceed in response to a petition to establish a county library district in accordance with sections 358B.2 through 358B.5, or a petition to provide library service by contract or to terminate the service under section 358B.18.

16. Establish a sanitary disposal project in accordance with sections 455B.76, 455B.79, and 455B.80.

17. Furnish a place for the confinement of prisoners as required in section 903.4, and in accordance with chapter 356 or 356A.

18. Perform other duties required by state law.

Sec. 381. NEW SECTION. POWERS AND LIMITATIONS RELATING TO SERVICES.

1. The board may exercise the following powers in accordance with the sections designated, and may exercise these or similar powers under its home rule powers or other provisions of law:

a. Establishment of parks outside of cities as provided in section 111.34.

b. Establishment of a water recreational area as provided in sections 111.59 through 111.78.

c. Establishment of a merged area hospital as provided in chapter 145A.

d. Acquisition and operation of a limestone quarry for the sale of agricultural lime, in accordance with chapter 202.

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

f. Establishment of a community mental health center as provided in chapter 230A.

g. Establishment of a county care facility as provided in chapter 253, and sections 135C.23 and 135C.24.

h. Provision of relocation programs and payments as provided in section 316.10 and 316.11.

i. Establishment of an airport commission as provided in sections 330.17 through 330.20.

j. Creation of an airport authority as provided in chapter 330A.

2. The power to establish reserve peace officers is subject to chapter 80D.

3. The power to legislate in regard to chemical substance abuse is subject to section 125.40.

4. The power to establish a county hospital is subject to the licensing requirements of chapter 135B and the power to establish a county health care facility is subject to the licensing requirements of chapter 135C.

5. The board shall not regulate, license, inspect, or collect license fees from food service establishments except as provided in chapter 170A or from hotels except as provided in chapter 170B or for food and beverage vending machines except as provided in section 191A.14.

6. The power to operate juvenile detention and shelter care homes is subject to approval of the homes by the commissioner of the department of social services or the commissioner's designee, as provided in section 232.142.

7. If a law library is provided in the county courthouse, judges of the district court of the county shall supervise and control the law library.

8. The board is subject to chapters 357 through 358, 455, 456 through 467, or 467C, as applicable, in acting relative to a special district authorized under any of those chapters.

However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358, or 462 if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in chapter 357, 357A, 357B, 357C, 358, 359, 384, division IV, or 462.

9. The power to establish and administer an air pollution control program in lieu of state administration is subject to sections 455B.23 and 455B.24.

Sec. 382. NEW SECTION. DUTIES AND POWERS RELATING TO ELECTIONS. The board shall insure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 through 43.51, 43.60 through 43.62, 46.24, 50.13, 50.24 through 50.29, 50.44 through 50.47, 275.25, 277.20, 280A.39, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with sections 43.56 through 43.58, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 through 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1 and 62.9, and perform other election duties required by state law. The board may authorize additional precinct election officials as provided in section 51.1, provide for the use of a voting machine or electronic voting system as provided in sections 52.2, 52.3, 52.8, and 52.34, and exercise other election powers as provided by state law.

DIVISION IV

POWERS AND DUTIES OF THE BOARD RELATING TO COUNTY FINANCES

PART 1

GENERAL FINANCIAL POWERS AND DUTIES

Sec. 400. NEW SECTION. DUTIES RELATING TO FINANCES.

1. The board shall:

a. Audit expenses charged to the county for the annual examination by the auditor of state and approve or object to the expenses as provided in section 11.21.

b. Establish budgets in accordance with chapter 24, and establish budgets for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 through 309.97.

c. Provide for payment of a portion of the cost of care, maintenance, and treatment of substance abusers who are residents of the county, as provided in sections 125.45, 125.47, and 125.51.

d. Pay expenses of administration of juvenile justice, attributable to the county under section 232.141.

e. Appropriate county funds in accordance with sections 344.1 through 344.11 and this division.

f. Provide for the expense of persons committed to the county jail or a regional detention facility in accordance with sections 356.15 and 356.45.

g. Adopt resolutions authorizing the county assessor to provide forms for homestead exemption claimants as provided in section 425.2 and military service tax exemptions as provided in section 427.6.

h. Examine and allow or disallow claims for homestead exemption in accordance with section 425.3 and claims for military service tax exemption in accordance with chapter 426A and sections 427.3 through 427.6. The board, by a single resolution, may allow or disallow the exemptions recommended by the assessor.

i. Hear appeals relating to the agricultural land tax credit in accordance with section 426.6.

j. Order the suspension of property taxes of certain persons in accordance with section 427.9.

k. Approve or deny an application for a property tax exemption for impoundment structures, as provided in section 427.1, subsection 33.

l. Serve on the conference board as provided in section 441.2 and carry out duties relating to platting for assessment and taxation as provided in sections 441.67 and 441.70.

m. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapters 24 and 344 and sections 444.1 through 444.8, and levy taxes as required in chapters 430A, 433, 434, 436, 437, and 438.

n. Carry out duties in regard to the collection of taxes as provided in sections 445.16, 445.19, 445.60, and 445.62.

o. Apportion taxes upon receipt of a petition, in accordance with sections 449.1 through 449.3.

p. Comply with chapters 452 and 453 in the management of public funds.

q. Allocate payments from flood control projects as provided in sections 467B.13 and 467B.14.

r. Examine and settle all accounts of the receipts and expenditures of the county and all claims against the county, except as otherwise provided by state law.

s. Perform other financial duties as required by state law.

2. The board shall not pay membership dues for a county officers association in this state other than the Iowa state association of counties or an organization affiliated with it. This subsection does not prohibit expenditures for organizations with which the Iowa state association or its affiliates are affiliated.

3. The board shall not pay bounties on crows, rattlesnakes, foxes, or wolves other than coyotes.

Sec. 401. NEW SECTION. POWERS RELATING TO FINANCES--LIMITATIONS.

1. The payment of county obligations by anticipatory warrants is subject to chapters 74 and 74A and other applicable state law. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 through 309.55.

2. The board may:

a. Require a person who is not a part of county government but is receiving county funds to submit to audit by auditors chosen by the county. The person shall make available all pertinent records needed for the audit.

b. Enter into an agreement with the state department of social services for assistance in accordance with section 249A.12.

c. Levy within a township at a rate not to exceed the rate permitted under sections 359.30 and 359.33 for the care and maintenance of cemeteries, if the township officials fail to levy the tax as needed.

d. Authorize the county auditor to issue warrants for certain purposes as provided in section 505, subsection 3 of this Act.

e. Impose a hotel and motel tax in accordance with chapter 422A.

f. Order the suspension of property taxes or cancel and remit the taxes of certain persons as provided in sections 427.8 and 427.10.

g. Provide for a partial exemption from property taxation in accordance with chapter 427B.

PART 2

COUNTY LEVIES AND FUNDS

Sec. 420. NEW SECTION. MANDATORY TAX LEVIES. The board shall levy for county purposes the following taxes each year on the assessed value of all taxable property in the county, except as otherwise provided by state law:

1. For bonds issued as a result of an election under chapter 37, not to exceed one dollar and eighty cents per thousand dollars.

2. For the debt service fund established in section 427 of this Act, an amount sufficient to retire outstanding debt as provided in section 76.2 subject to specific applicable levy limitations in this part.

3. A tax sufficient to meet the county's obligation to the Iowa public employees' retirement system under chapter 97B.

4. A tax sufficient to meet the county's obligation for federal social security under chapter 97C, in addition to all other taxes, if other funds are not available to meet this obligation.

5. a. For the county brucellosis eradication fund except as otherwise provided in this section, a tax sufficient to pay the indemnity and other expenses incurred under chapter 164 and, to the extent the moneys in the fund are not required for those expenses, to pay the expenses of the inspection and testing program provided in chapter 163A, not to exceed thirteen and one-half cents per thousand dollars.

b. Not later than the first of September of each year, the auditor shall certify to the secretary of agriculture the amount in the fund on July 1. If the secretary of agriculture determines that the amount in the fund is sufficient, with the county's allotment of state and federal funds available, to carry on the program in the county for the following year, that determination shall be certified to the auditor, and the board shall not levy for the fund for that year.

c. If the balance in the fund becomes less than twenty-five hundred dollars, the auditor shall notify the Iowa department of agriculture in writing, and the department shall not incur expense against the fund in excess of the amount available.

6. For the county tuberculosis eradication fund, a tax sufficient to pay the indemnity and other expenses incurred for the bovine tuberculosis eradication program in chapter 165 and, to the extent the moneys in the fund are not required for those expenses, to pay the expenses of the swine

tuberculosis eradication program in section 159.5, subsection 13, not to exceed twenty and one-fourth cents per thousand dollars. However, this levy and fund are subject to paragraphs b and c of subsection 5.

7. For the county indemnification fund provided in section 426 of this Act, one-half cent per thousand dollars, if directed by the treasurer of state.

8. An amount sufficient to pay the annual rent due under a lease with the authority which manages a joint city-county building established under section 346.27, which may be levied in addition to any statutory tax limit for the county.

9. For the library maintenance fund, not to exceed fifty-four cents per thousand dollars on property in the unincorporated area of the county, in accordance with the estimates transmitted by the board of library trustees.

10. To fulfill the county's obligation under a contract for the use of a city library, not to exceed twenty-seven cents per thousand dollars on the taxable property of the county outside of cities.

11. For the weather modification fund, when approved by the voters as provided in section 361.5, to be levied only on agricultural land and not to exceed two cents per acre on the agricultural land.

12. For the election expense fund, an amount sufficient to pay the costs of elections and voter registration pursuant to chapter 48.

13. For the county mental health and institutions fund, an amount necessary to raise the amount needed under section 424, subsection 13, of this Act.

14. For the purpose of establishing an institution of benevolence, not to exceed twenty and one-fourth cents per thousand dollars, if the county receives property by gift or devise for that purpose and a sufficient fund is not provided for the maintenance of the institution. However this tax shall not be levied until the board has submitted the question of levying the tax to the qualified electors at a regular or special election and a majority of the votes cast have been in favor of the levy. After five years of levying the tax the board may, and upon receipt of a petition signed by twenty-five percent of the qualified electors of the county as shown by the pollbooks of the last preceding general election, shall resubmit the question of levying the tax to the qualified electors at a regular or special election. If sixty-five percent of the votes cast are in favor of discontinuing the levy, it shall be discontinued. The tax collected under this subsection shall be paid to the treasurer of the institution and be expended on the order of the trustees of the institution.

15. For payment of an annuity, if the annuity is agreed to by the county as a condition of acceptance of a gift or bequest and the annuity does not exceed five percent of the amount of the gift or bequest, not to exceed twenty and one-fourth cents per thousand dollars.

16. For ordinary county revenue, the amount needed subject to the following limitations:

a. Not to exceed one dollar and twenty-one and one-half cents per thousand dollars in counties with an assessed value of less than fifty-nine million, two hundred sixty thousand dollars.

b. Not to exceed one dollar and eight cents per thousand dollars in counties with an assessed value of fifty-nine million, two hundred sixty thousand dollars or more and less than ninety-six million, three hundred thousand dollars.

c. Not to exceed ninety-four and one-half cents per thousand dollars in counties with an assessed value of ninety-six million, three hundred thousand dollars or more and less than one hundred eighteen million, five hundred twenty thousand dollars.

d. Not to exceed eighty-one cents per thousand dollars of assessed value in counties with an assessed value of one hundred eighteen million, five hundred twenty thousand dollars or more.

17. For other purposes as provided by state law.

Sec. 421. NEW SECTION. PERMISSIVE TAX LEVIES. The board may levy the following taxes each year on the assessed value of all taxable property in the county, except as otherwise provided by state law:

1. For the emergency fund, not to exceed twenty-seven cents per thousand dollars, as provided in section 24.6.

2. For the public safety fund, if a unified law enforcement district is established, not to exceed one dollar and fifty cents per thousand dollars, as provided in section 28E.22.

3. For development, operation, and maintenance of a memorial building or monument established under chapter 37, not to exceed thirty-three and three-fourths cents per thousand dollars.

4. For voting machines or an electronic voting system, not to exceed thirteen and one-half cents per thousand dollars.

5. The amount needed for unemployment benefits under chapter 96, which may be levied outside of the general fund.

6. For the county conservation fund, for expenses of the county conservation board, not to exceed twenty-seven cents per thousand dollars, in addition to all other taxes.

7. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars to be used for fitting up or purchasing fairgrounds for a society formed under chapter 174 or for aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, to be levied only if the society owns or leases at least ten acres of land for the fairground and owns or leases buildings and improvements on the land of at least eight thousand dollars in value. However, if an official fair is designated under section 174.10, subsection 2, the funds received from this levy shall be paid to the society conducting the official county fair.

8. For the fairground fund, not to exceed six and three-fourths cents per thousand dollars, in a county which has acquired real property for county or district fair purposes and which has a society using the real property.

9. For maintaining a county or multi-county juvenile detention or shelter care home in a county of over one hundred fifty thousand population, not to exceed twenty and one-fourth cents per thousand dollars, or in any other county not to exceed thirteen and one-half cents per thousand dollars.

10. For the veteran affairs fund, to be controlled jointly by the board and the county commission of veteran affairs as provided in chapter 250, for the benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States in any war including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and May 7, 1975, both dates inclusive, and their indigent wives, widows, and minor children having a legal residence in the county, not to exceed twenty-seven cents per thousand dollars.

11. For the county poor fund, if the ordinary revenue proves insufficient, not exceeding forty and one-half cents per thousand dollars or, with the written approval of the state comptroller after a showing of necessity, not to exceed an additional eighty-one cents per thousand dollars, and in any case not to exceed two-thirds of the maximum poor fund levy for the extended fiscal year beginning January 1, 1974, and ending June 30, 1975, unless the state appeal board permits a higher levy for a year to prevent severe hardship due to unusual circumstances beyond the control of the county. Taxes levied and collected for the county poor fund shall be expended only for the purposes for which they were levied.

12. For the secondary road fund, not to exceed three dollars and three-eighths cents per thousand dollars on property not within a city.

13. For the secondary road fund, not to exceed sixteen and seven-eighths cents per thousand dollars.

14. For building and maintaining a bridge over a state boundary line stream, not to exceed, in conjunction with levies for bonds issued for this purpose, six and three-fourths cents per thousand dollars.

15. For the road clearing fund, to be used only to destroy weeds and second or undergrowth brush between the fence rows of secondary roads in time to prevent reseeding and to purchase or hire necessary equipment, not to exceed twenty and one-fourth cents per thousand dollars on property not within a city.

16. For the weed eradication and equipment fund to be used for purchasing weed eradicating equipment and materials and for expenses and compensation needed to carry out the duties of the weed commissioner, not to exceed six and three-fourths cents per thousand dollars.

17. For an aviation authority under chapter 330A, not to exceed twenty-seven cents per thousand dollars on property in the unincorporated area of the county, in excess of any other tax limitation, as provided in section 330A.15.

18. For a local, nonprofit historical society organized under chapter 504 or 504A, not to exceed three cents per thousand dollars to be used for 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. The tax collected under this subsection shall not 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. 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 board shall require the historical society to submit to it a proposed budget including the amount of available funds and estimated expenditures, as a prerequisite to receiving funds under this subsection. A local historical society receiving funds under this subsection shall present to the board an annual report describing in detail its use of the funds received.

19. For an expenditure required to be approved by the voters under section 345.1, not to exceed seven-hundredths of one percent of the taxable valuation of property in the county.

20. For a joint city-county building, an amount sufficient to pay the county's portion of the cost of operation, maintenance, and insurance.

21. For operation, maintenance, and management of a health center in a county of over seventy thousand population, not to exceed fifty-four cents per thousand dollars, in addition to all other levies authorized by law for similar purposes.

22. For paying bounties on wild animals, the amount necessary.

23. For additional ordinary county revenue in a county with a population of thirty-five thousand or more but not more than fifty-five thousand, not to exceed fifty-four cents per thousand dollars and subject to the approval of the state comptroller.

24. For the court expense fund, if the amount levied for ordinary county revenue is insufficient to pay all expenses incident to the maintenance and operation of the courts, an amount sufficient to pay the expenses.

25. a. For ambulance service, not to exceed twenty-seven cents per thousand dollars, if the county general fund levy authorized by section 420, subsection 16, of this Act, is at the maximum amount permitted by that subsection, the board has exhausted its right of appeal under section 24.48, and the board finds by resolution that it is not feasible to support ambulance service from the general fund. However:

(1) If the board has budgeted an amount from the general fund to support ambulance service which is less than the amount that would be raised in the county by a levy of twenty-seven cents per thousand dollars of assessed value, and the board finds by resolution that it is not feasible to provide additional support for ambulance service from the general fund, the board may levy under this subsection an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted from the general fund to support ambulance service.

(2) If the county has established a county general hospital under chapter 347 and the board of trustees of that hospital has budgeted for support of ambulance service some part of the proceeds of a levy for operation and maintenance of the hospital, made under section 347.7, and the board of trustees finds by resolution that it is not feasible to provide additional support for ambulance service from the proceeds of that levy, the board of

supervisors may levy under this subsection an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted to support ambulance service from the county general hospital operation and maintenance levy. A tax levied under this subparagraph is not applicable to a township in which ambulance service is being provided by the township trustees pursuant to section 359.42.

b. The board shall not make a levy under this subsection unless authorized to do so by a referendum held in the county concurrently with a general election. When so directed by the board, at least fifty-five days before the next general election, the county commissioner of elections shall submit to the voters of the county at that general election a question in substantially the following form:

"Shall the board of supervisors of _____ county be authorized to levy a tax of not more than twenty-seven cents per thousand dollars of assessed value to support ambulance service, in the manner and subject to the restrictions provided in paragraph a of this subsection, each year for four years beginning next July 1?"

If the question receives the affirmative vote of a majority of all electors voting for and against it, the board may levy a tax as provided in paragraph a of this subsection in the county budget year beginning July 1 following the general election at which the referendum is held, and in each of the four succeeding county budget years.

c. The support of the ambulance service authorized under this subsection shall be assessed on a proportionate basis by which each taxing unit shall bear its share in the proportion that its population is to the total population of all taxing units receiving the ambulance service within the county. The board shall estimate annually the amount necessary for the support of the ambulance service and shall transmit the estimate in dollars to the city councils within the county in which the ambulance service is provided. A city may be excluded from the ambulance service by resolution of the city council. The unincorporated area of the county, excluding any township which provides ambulance service as provided under section 359.42, is a separate taxing unit. Each city which receives ambulance service under this subsection is a separate taxing unit. The board and the council of each city receiving ambulance service under this subsection shall certify or make the necessary levies as provided in this paragraph for the support of the ambulance services, subject to the tax levy limitation and requirements of paragraph a or b of this subsection.

d. As used in this subsection, ambulance service includes services provided by a rescue unit of a fire or public safety department.

26. For planning a sanitary disposal project as defined in section 455B.75, or for acquiring, constructing, operating, and maintaining sanitary land fills, not to exceed, in conjunction with levies for the debt service fund for the same purpose, six and three-fourths cents per thousand dollars on property outside of cities only.

27. For flood and erosion control, including acquisition of land or interests in land, repair, alteration, maintenance, and operation of works of

improvement for flood and erosion control, not to exceed six and three-fourths cents per thousand dollars on agricultural land only.

28. For insurance to cover the liability of the county or its officers as provided in sections 613A.2 and 613A.8, the amount of premium costs, which may be levied in excess of any tax limitation imposed by statute.

29. For an improvement account established under section 423, subsection 4, of this Act, an amount in accordance with that subsection.

30. For other purposes as provided by state law.

Sec. 422. NEW SECTION. EXCESS LEVY ELECTION. A county may exceed a tax levy limit contained in section 420, subsection 13, or section 421, subsections 23, 24, or 25, if the proposition to authorize an enumerated levy limit rate to be exceeded has been submitted at a special levy election and received a majority of the votes cast on the proposition. A special levy election is subject to the following:

1. The election may be held only if the board gives notice to the county commissioner of elections, not later than February 15, that the election is to be held.

2. The election shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the county of _____ levy a tax for the purpose of _____
(name of county)
_____ at a rate of _____ which will provide
(state purpose of levy election) (rate)
\$ _____.
(amount)

The county of _____ shall continue under the maximum rate of _____ providing \$ _____.
(amount)

4. The canvass shall be held beginning at one o'clock on the second day which is not a holiday following the special levy election.

5. Notice of the special levy election shall be published at least twice in a newspaper as specified in section 304 of this Act prior to the date of the special levy election. The first notice shall appear as early as practicable after the county has decided to seek a special levy.

Sec. 423. NEW SECTION. GENERAL FUND.

1. A county shall establish a general fund. Except as otherwise provided by state law, moneys received for county government purposes from taxes and other sources shall be credited to the general fund including but not limited to the following amounts if received:

a. Revenues from the leasing of public lands for oil and gas exploration and production, as provided in section 84.21.

b. Permit fees for cigarette permits issued under chapter 98.

c. Unclaimed fees and trusts for which checks or warrants have been outstanding for more than two years shall be credited to the general fund, but may be claimed within five years after being credited to the general fund.

- d. A portion of snowmobile registration fees as provided in section 321G.7, if there is no county conservation fund.
- e. License fees for licensing business establishments.
- f. Funds not expended for support of the civil service commission, as provided in section 341A.20.
- g. Allocations from the moneys and credits tax replacement fund, which shall be distributed as provided in section 422.100.
- h. Moneys received from the local transient guest tax fund, pursuant to the levy of a hotel and motel tax under chapter 422A.
- i. The levy for ordinary county revenue established in sections 420, subsection 16, and 421, subsection 23, of this Act.
- j. The levy for an improvement account, if the account is established under subsection 4.
- k. Allocations from the tax upon capital employed in the business of making loans or investments, as provided in section 430A.3.
- l. Allocations from the moneys and credits tax on credit unions, as provided in section 533.24.
- m. Interest earnings on money held by the clerk for payment to a private person, as provided in section 702, subsection 6, of this Act.
- n. Other amounts in accordance with state law.
2. A county may deposit to the general fund the following amounts if received:
 - a. If a levy has been made to pay a claim, bond, or other indebtedness and the money has remained in the treasury, uncalled for, for three years, the board may authorize the unclaimed fund to be transferred to the general fund.
 - b. From the domestic animal fund in accordance with section 424, subsection 9, of this Act.
 - c. Excess moneys in the debt service fund, as provided in section 427 of this Act.
3. Except as otherwise provided by state law, amounts expended for county government purposes shall be paid from the general fund, including but not limited to amounts for the following purposes if paid:
 - a. To the auditor of state for the costs of the annual audit as provided in section 11.21.
 - b. For copies of the Code and session laws.
 - c. To a joint county-municipal disaster services fund established under section 29C.9, for the purpose of paying expenses relating to disaster services and emergency planning.
 - d. To the county conservation fund, for the maintenance of lands under the jurisdiction of the state conservation commission, by agreement under section 111.27, and for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board, without approval of the state appeal board, may temporarily transfer unobligated moneys to the county conservation fund in anticipation of or to match committed receipts of federal funds from the heritage conservation and recreation service, the moneys to be returned to the general fund within five years or upon receipt of federal funds, if that occurs first.
 - e. To the local health fund to provide local health services.

- f. For public health nursing service obtained by contract with a nonprofit nurses' association, as provided in section 143.1.
- g. For purchase of real property for county or district fair purposes.
- h. For expenses and compensation of the county board of social welfare.
- i. For the maintenance of graves of veterans as provided in section 250.17 and 250.18.
- j. For compensation of the general relief director as provided in section 252.26.
- k. To pay interest due the state on permanent school funds as provided in sections 302.40 and 302.41.
- l. For labor and equipment necessary for the performance of the weed commissioner's duties.
- m. To the railroad assistance fund established under section 327H.18:
- (1) With approval of the state department of transportation, an amount not to exceed the amount of property taxes levied against railroad property within the county, to be used for conservation, restoration, or improvement of railroad branch lines within the county and in accordance with chapter 327H. The county may receive reimbursement under section 327H.20.
- (2) Subject to the limitation in subparagraph (1), to provide financial assistance to railroads pursuant to an agreement with the state department of transportation, shippers, a railroad corporation, a city, or another county, or to establish an escrow fund as collateral for a loan for railroad improvement.
- n. Expenses incurred in licensing and regulating business establishments.
- o. For matching a grant to the county under a state or federal program, including but not limited to programs for crime control, public health, disaster services, highway safety, juvenile delinquency, narcotics control, and pollution.
- p. To provide programs benefiting senior citizens, including but not limited to senior citizen centers, mobile meals, and counseling programs.
- q. To pay court costs if the prosecution fails or if the costs cannot be collected from the person liable, in lieu of payment from the court fund.
- r. For the county compensation board, to pay expenses of the members, salaries and expenses of technical and clerical assistance, and the cost of providing facilities.
- s. To the domestic animal fund in accordance with section 352.6.
- t. To pay the compensation of township trustees and township clerk.
- u. For refund of an overpayment from the moneys and credits tax replacement fund.
- v. For the purposes specified in section 422A.2, subsection 4, if moneys are received from the local transient guest tax fund pursuant to the levy of a hotel and motel tax under chapter 422A.
- w. To the county mental health and institutions fund, if the levy for that fund is insufficient to pay expenses required to be paid from the fund.
- x. For premiums on insurance against liability incurred under chapter 613A, and to pay a loss due to personal liability of county officers and employees if the loss is not covered by insurance. The premiums may also be paid from any appropriate funds.
- y. For the cost of radio equipment installed under section 693.4.

z. For salaries and expenses of elected county officers, deputy officers, assistants, clerks, and other employees, unless otherwise provided by law.

aa. For other purposes authorized by state law.

4. The board may direct the county commissioner of elections to place on the ballot at the next general election the question of whether an improvement account shall be established within the general fund. The question shall state the maximum annual amount to be credited to the account. If a majority of those voting approves the establishment of an improvement account, the board may levy the tax necessary to raise an amount not to exceed the approved amount for four years. An unexpended balance in the account at the end of four years shall remain until all moneys have been appropriated from the account, at which time the account shall be closed unless reapproved by the voters. The question of reapproval of an improvement account or an increase in the maximum amount to be deposited in the account shall be submitted to the voters, and may be submitted at any general election.

Sec. 424. NEW SECTION. MANDATORY COUNTY FUNDS. A county shall establish the following funds:

1. A public safety fund, if a unified law enforcement district is established under sections 28E.21 through 28E.28.

2. A joint county-municipal disaster services fund in accordance with section 29C.9.

3. A local health fund. However, upon establishment of a district health department under sections 137.10 through 137.13, moneys in the local health fund of the county shall be transferred to the local health fund of the district. Deposits to and withdrawals from the local health fund shall be made in accordance with section 137.18.

4. A county brucellosis eradication fund, to be used as provided in section 420, subsection 5 of this Act. However, the board may transfer unexpended moneys in this fund to meet unpaid obligations in the county tuberculosis eradication fund. The board shall pay claims against the fund as provided in sections 163A.12 and 164.28.

5. A county tuberculosis eradication fund, to be used as provided in section 420, subsection 6 of this Act. However, the board may transfer unexpended moneys in this fund to meet unpaid obligations in the county brucellosis eradication fund. The board shall pay claims against the fund as provided in sections 165.23 and 165.25.

6. A county agricultural extension education fund. Before the fifteenth day of each month, the treasurer shall notify the chairperson of the county extension council of the amount collected for this fund to the first day of that month, and the chairperson shall draw a draft for that amount, countersigned by the secretary, upon the treasurer who shall pay that amount to the treasurer of the extension council upon receipt of the draft.

7. a. A secondary road fund which shall consist of all of the following:

(1) Funds derived from the secondary road tax levies.

(2) Funds allotted to the county from the state road use tax fund.

(3) Funds provided in individual contributions for the improvement of a secondary road.

(4) Other funds as provided by law.

b. A county may appropriate from the secondary road fund for all of the following:

(1) Construction and reconstruction of secondary roads and costs incident to the construction and reconstruction.

(2) Maintenance and repair of secondary roads and costs incident to the maintenance and repair.

(3) Payment of all or part of the cost of construction and maintenance of bridges in cities having a population of eight thousand or less and all or part of the cost of construction of roads located within a city of less than four hundred population, which lead to state parks.

(4) Special drainage assessments levied on account of benefits to secondary roads.

(5) Payment of interest on and principal of any bonds of the county issued on account of secondary roads, bridges, or culverts constructed by the county.

(6) Any legal obligation or contract in connection with secondary roads and bridges which is required by law to be taken over and assumed by the county.

(7) Secondary road equipment, materials, supplies, and garages or sheds for their storage, repair, and servicing.

(8) For the assignment or designation of names or numbers to roads in the county and to erect, construct, or maintain guideposts or signs at intersections of roads in the county.

(9) As provided in sections 306.15, 313A.23, and other state law.

8. A county public hospital fund, if a hospital is established under chapter 347.

9. A domestic animal fund. Fees received for licenses issued under chapter 351 and other domestic animal fees shall be deposited in the fund. On July 1 of each year, the auditor shall notify the treasurer of all claims allowed under chapter 352 during the prior year. If the fund is sufficient the treasurer shall pay the claims in full. If the fund is not sufficient, the treasurer shall pay the claims pro rata. If the balance in the fund exceeds five hundred dollars, the board may transfer the excess over five hundred dollars to the general fund or may use any part of it in payment of a claim for the care of abandoned or injured domestic animals or fowls within the county by a society for the prevention of cruelty to animals. However, if within five years of a transfer to the general fund the amount in the domestic animal fund is insufficient to pay allowed claims for a year, the board shall transfer from the general fund to the domestic animal fund the amount needed up to the amount originally transferred from the domestic animal fund.

10. A library maintenance fund, if a county library is established under chapter 358B. Any unexpended balance in the library maintenance fund at the end of the fiscal year shall remain in the fund and be available for library purposes without reappropriation.

11. A weather modification fund, if the county has a weather modification board, to be used exclusively for the purpose of artificial weather modification under chapter 361.

12. An election expense fund to pay election and voter registration costs. Moneys in this fund shall not be appropriated for another purpose or transferred to another fund.

13. A county mental health and institutions fund. Amounts received from the state mental aid fund shall be credited to the county mental health and institutions fund. The board shall make appropriations from the county mental health and institutions fund for all of the following and for no other purposes:

a. Charges which the county is obligated by statute to pay for:

- (1) Care and treatment of patients by a state mental health institute.
- (2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222.
- (3) Care and treatment of patients by the psychiatric hospital at Iowa City.
- (4) Care and treatment of persons at the alcoholic treatment center at Oakdale or facilities as provided in chapter 125. However, an admission to a center or other facility shall be reported to the board within five days by the center or facility offering treatment.
- (5) Care of children admitted or committed to the Iowa juvenile home at Toledo.

(6) Clothing, transportation, and medical or other services provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.5 through 270.7.

b. Any portion which the board deems advisable of the cost of psychiatric examination and treatment of persons in need thereof or of professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic children, or persons who are afflicted by any other developmental disability, at a suitable public or private facility providing inpatient or outpatient care in the county. As used in this subsection:

(1) "Developmental disability" has the meaning assigned that term by 42 U.S.C. sec. 6001(7) (1976).

(2) "Autistic children" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn, and participate in social relationships. "Autistic children" includes but is not limited to those persons afflicted by infantile autism, profound aphasia, and childhood psychosis.

The board may require a public or private facility as a condition of payment from county funds to furnish the board with a statement of the income and assets, and the township or city and county of legal residence of each person receiving services under this section. However, the facility shall not disclose to anyone the name or address of a person receiving services for which commitment is not required, without the permission of that person.

c. The cost of care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section 135C.1, subsection 4, or any other public or private facility:

(1) In lieu of admission or commitment to a state mental health institute, hospital-school, or other facility established pursuant to chapter 222.

(2) Upon discharge, removal, or transfer from a state mental health institute or state hospital-school or other institution established pursuant to chapter 222.

d. A contribution which the board makes to the establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by state law.

e. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court.

f. Expenses required to be paid by the county for the care, admission, commitment, and transportation of mentally ill patients in state hospitals.

Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for an individual patient in a county or state facility.

14. Other funds as required by state law.

Sec. 425. NEW SECTION. PERMISSIVE COUNTY FUNDS. A county may establish the following funds:

1. An emergency fund in accordance with section 24.6.

2. A county conservation fund to be administered by the county conservation board in accordance with section 111A.6. The fund shall be paid out upon requisition of the county conservation board, which shall deposit in the fund all gifts and revenues it receives. A portion of snowmobile registration fees shall be deposited in the fund as provided in section 321G.7.

3. A fairground fund. In addition to tax levies authorized for this fund, the net proceeds from the sale of fairground sites and structures on the sites shall be placed in this fund to be used for the erection of permanent buildings on a new fairground site or the cost of moving structures from the old to the new site.

4. A veteran affairs fund.

5. A county poor fund. Payments for quarantine and isolation of persons with communicable disease shall be made from this fund as provided by sections 139.28 through 139.30. Reimbursement under section 249A.12, compensation for the general relief director, and expenses for general relief may be paid from this fund.

6. A county school fund, to be managed as provided in chapter 302.

7. A road clearing fund and a weed eradication and equipment fund.

8. A cemetery fund, to which shall be deposited money received under sections 566.14 through 566.18 to be managed as authorized by those sections, and levies as authorized by state law.

9. A court expense fund, which shall not be used for a purpose other than expenses incident to the maintenance and operation of the courts, including but not limited to salary and expenses of the clerk, deputy clerks, and other

employees of the clerk's office, establishment and operation of a public defender's office, costs otherwise payable from the general fund under section 423, subsection 3, paragraph q, of this Act, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, and claims filed under section 622.93.

10. Other funds authorized by state law.

Sec. 426. NEW SECTION. COUNTY INDEMNIFICATION FUND.

1. A county indemnification fund is created in the office of the treasurer of state, to be used to indemnify and pay on behalf of any county officer, township trustee, deputy, assistant, or employee of the county or the township, all sums that the person is legally obligated to pay because of an error or omission in the performance of official duties, except that the first five hundred dollars of each claim shall not be paid from this fund. All funds remaining in the county indemnification fund created under prior Codes as of the effective date of this Act are transferred to the county indemnification fund under this section.

2. The fund does not relieve an insurer issuing insurance under section 613A.7 from paying a loss incurred. An insurer shall not be subrogated to the assets of the fund regardless of provisions in a policy of insurance.

3. If the balance in the fund on September 30 is less than six hundred thousand dollars, the treasurer of state shall notify the board of each county to levy the amount authorized in section 420, subsection 7, of this Act.

4. Not later than December 15 or June 15 of a year in which the tax is collected, the county auditor shall transmit the amount of the tax levied and collected, by warrant, to the treasurer of state who shall credit it to the county indemnification fund. The treasurer of state shall invest moneys in the fund in the same manner as other public funds and shall credit interest received from that investment to the county indemnification fund.

5. A claim for an act or omission of a county officer, township trustee, deputy, assistant, or employee of the county or the township, which occurred after July 1, 1978, shall be processed in accordance with chapter 613A and paid from the fund, except that payment of a claim, except a final judgment, in excess of fifteen hundred dollars must have the unanimous approval of all members of the state appeal board, the attorney general, and the district court of Polk county.

6. If a final judgment is obtained against a county officer, township trustee, deputy, assistant, or employee of the county or the township, for an act or omission* which occurred subsequent to July 1, 1978, which is payable from the county indemnification fund, the county attorney shall ascertain if an insurance policy exists indemnifying the person against the judgment or any part of it. If no insurance exists, or if the judgment exceeds the limits of insurance, the county attorney shall submit a claim to the state comptroller against the county indemnification fund on behalf of the plaintiff for the amount of the judgment exceeding the amount recoverable by reason of the insurance. The state comptroller shall promptly issue a warrant payable to the plaintiff for that amount, and the treasurer of state shall pay the warrant. Payment discharges the person from liability for that act or omission.

*According to enrolled Act

Sec. 427. NEW SECTION. DEBT SERVICE FUND.

1. A county shall establish a debt service fund and shall certify taxes to be levied for the debt service fund in the amount necessary, subject to specific levy limitations in this part, to pay:

a. Judgments against the county, except those authorized by state law to be paid from other funds.

b. 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 general obligation bonds issued by the county.

2. Moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, shall be deposited in the debt service fund.

3. A tax levied for the debt service fund is not invalid if it raises moneys in excess of those needed for a specific purpose. Only excess moneys remaining after retirement of all indebtedness payable from the fund may be transferred from the debt service fund to the fund most closely related to the project for which the indebtedness arose, or to the general fund, subject to the terms of the original bond issue.

4. When the amount in the hands of the treasurer belonging to the debt service fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds which by their terms are subject to redemption, the treasurer shall notify the owner of the bonds. If the bonds are not presented for payment or redemption within thirty days after the date of notice, the interest on the bonds shall cease, and the amount due shall be set aside for payment when presented. Redemptions shall be made in the order of the bond numbers.

DIVISION IV
COUNTY FINANCES

PART 3

GENERAL OBLIGATION BONDS

Sec. 440. NEW SECTION. DEFINITIONS.

1. As used in this part, the use of the conjunctive "and" includes the disjunctive "or" and the use of the disjunctive "or" includes the conjunctive "and," unless the context clearly indicates otherwise.

2. As used in this part, unless the context otherwise requires:

a. "General obligation bond" means a negotiable bond issued by a county and payable from the levy of ad valorem taxes on all taxable property within the county through its debt service fund which is required to be established by section 427 of this Act.

b. "Essential county purpose" means any of the following:

(1) Voting machines or an electronic voting system.

(2) Bridges on highways or parts of highways which are located along the corporate limits of cities and are partly within and partly without the limits and are in whole or in part secondary roads.

(3) The building and maintenance of a bridge over state boundary line streams, subject to the levy limit in section 421, subsection 14, of this Act.

(4) Sanitary disposal projects as defined in section 455B.75, subject to the levy limit in section 421, subsection 26, of this Act.

(5) Works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams, including the planning, acquisition, leasing, construction, reconstruction, extension, remodeling, improvement, repair, equipping, maintenance, and operation of the works and facilities.

(6) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost does not exceed the limits stated in section 345.1.

(7) Funding or refunding outstanding indebtedness if the outstanding indebtedness exceeds five thousand dollars on the first day of January, April, June, or September in any year. However, a county shall not levy taxes to repay refunding bonds for bridges on property within cities.

(8) Enlargement and improvement of a county hospital acquired and operated under chapter 347A, subject to a maximum of two percent of the assessed value of the taxable property in the county. However, notice of the proposed bond issue shall be published once each week for two consecutive weeks and if, within twenty days following the date of the first publication, a petition requesting an election on the proposal and signed by qualified voters of the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 441, subsections 2, 3, and 4 of this Act for general county purpose bonds.

c. "General county purpose" means any of the following:

(1) A memorial building or monument to commemorate the service rendered by soldiers, sailors, and marines of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment of the building or monument, subject to the levy limit in section 421, subsection 3, of this Act, and to be managed by a commission as provided in chapter 37.

(2) Acquisition and development of land for a public museum, park, parkway, preserve, playground, or other recreation or conservation purpose to be managed by the county conservation board, subject to the levy limit in section 421, subsection 6, of this Act and subject to a one million dollar maximum aggregate limit on outstanding county conservation bonds in the county. Expenses incurred for the bond election shall be paid from the county conservation fund. The board may only submit a proposition under this subparagraph upon receipt of a petition from the county conservation board asking that bonds be issued for a specified amount.

(3) Contributions of money to the state department of transportation to help finance the construction of toll bridges across navigable rivers constituting boundaries between the county and an adjoining state.

(4) An airport, including establishment, acquisition, equipment, improvement, or enlargement of the airport.

(5) A joint city-county building, established by contract between the county and its county seat city, including purchase, acquisition, ownership, and equipment of the county portion of the building.

(6) A county health center as defined in section 346A.1, including additions and facilities for the center and including the acquisition, reconstruction, completion, equipment, improvement, repair, and remodeling of the center, additions, or facilities. Bonds for the purpose specified in this subparagraph are exempt from taxation by the state and the interest on the bonds is exempt from state income taxes.

(7) A county public hospital, including procuring a site and the erection, equipment, and maintenance of the hospital, and additions to the hospital, subject to the levy limits in section 347.7.

(8) Public buildings, including the site or grounds of, the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost exceeds the limits stated in section 345.1.

(9) The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the county alone, would be for a general county purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

(10) Any other facilities or improvements which are necessary for the operation of the county or the health and welfare of its citizens.

3. The "cost" of any project for an essential county purpose or general county purpose includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, 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.

Sec. 441. NEW SECTION. GENERAL COUNTY PURPOSE BONDS.

1. A county which proposes to carry out any general county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the costs of a project, shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

"Shall the county of, state of Iowa, issue
(insert the name of the county)
its general obligation bonds in an amount not exceeding the amount of \$.....
for the purpose of"

3. Notice of the election shall be given by publication as specified in section 304 of this Act. At the election the ballot used for the submission of the proposition shall be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing bonds for a general county purpose is not carried or adopted unless the vote in favor of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general county purpose bonds is approved by the voters, the board may proceed with the issuance of the bonds.

5. a. Notwithstanding subsection 2, a board, in lieu of calling an election, may institute proceedings for the issuance of bonds for a general county purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, and the right to petition for an election, to be published as provided in section 304 of this Act at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following limitations:

(1) In counties having a population of twenty thousand or less, in an amount of not more than fifty thousand dollars.

(2) In counties having a population of over twenty thousand and not over fifty thousand, in an amount of not more than one hundred thousand dollars.

(3) In counties having a population of over fifty thousand, in an amount of not more than one hundred fifty thousand dollars.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the auditor in the manner provided by section 305 of this Act asking that the question of issuing the bonds be submitted to the qualified electors of the county, the board shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in subsections 2, 3, and 4.

c. If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds.

Sec. 442. NEW SECTION. ESSENTIAL COUNTY PURPOSE BONDS.

1. A county which proposes to carry out an essential county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the cost of a project shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for an essential county purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, and the time and place of the meeting at which the board proposes to take action for the issuance of the bonds, shall be published as provided in section 304 of this Act. At the meeting, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the county may appeal the decision of the board to take additional action to the

district court of the county, within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of any other law.

Sec. 443. NEW SECTION. SALE OF BONDS.

1. The board may sell general obligation bonds at public or private sale in the manner prescribed by chapter 75.

2. General obligation funding or refunding bonds issued for the purposes specified in section 440, subsection 2, paragraph b, subparagraph (7) of this Act may be exchanged for the evidences of the legal indebtedness being funded or refunded, or the funding or refunding bonds may be sold in the manner prescribed by chapter 75 and the proceeds applied to the payment of the indebtedness. Funding or refunding bonds may bear interest at the same rate as, or at a higher or lower rate or rates of interest than the indebtedness being funded or refunded.

Sec. 444. NEW SECTION. CATEGORIES FOR GENERAL OBLIGATION BONDS. The board may issue general obligation bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of supervisors. Each subparagraph of section 440, subsection 2, paragraphs b and c, of this Act, describes a separate category. Separate categories of essential county purposes and of general county purposes may be incorporated in a single notice of intention to institute proceedings for the issuance of bonds, or separate categories may be incorporated in separate notices, and after an opportunity has been provided for filing objections, or after a favorable election has been held, if required, the board may include in a single resolution and sell as a single issue of bonds, any number or combination of essential county purposes or general county purposes. If an essential county purpose is combined with a general county purpose in a single notice of intention to institute proceedings to issue bonds, then the entire issue is subject to the election requirement in section 441 of this Act.

Sec. 445. NEW SECTION. FORM AND EXECUTION--NEGOTIABILITY.*

1. As provided by resolution of the board, general obligation bonds may:
 - a. Bear dates.
 - b. Bear interest at rates not exceeding any limitations imposed by chapter 74A.
 - c. Mature in one or more installments.
 - d. Be in either coupon or registered form.
 - e. Carry registration and conversion privileges.
 - f. Be payable as to principal and interest at times and places.
 - g. Be subject to terms of redemption prior to maturity with or without premium.
 - h. Be in one or more denominations.
 - i. Be designated with a brief reference to purpose, or if issued for a combination of purposes, be designated "county purpose bond".
 - j. Contain other provisions not in conflict with state law.

*According to enrolled Act

2. General obligation bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the bonds, they shall be executed with the original or facsimile signature of the auditor. A general obligation bond is valid and binding if it bears the signatures of the officers in office on the date of the execution of the bonds, notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds.

3. General obligation bonds issued pursuant to this part are negotiable instruments.

Sec. 446. NEW SECTION. TAXES TO PAY BONDS.

1. Taxes for the payment of general obligation bonds shall be levied in accordance with chapter 76, and the bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the county through its debt service fund required by section 427 of this Act except that:

a. The amount estimated and certified to apply on principal and interest for any one year shall not exceed the maximum rate of tax, if any, provided by this division for the purpose for which the bonds were issued. If general obligation bonds are issued for different categories, as provided in section 444 of this Act, the maximum rate of levies, if any, for each purpose shall apply separately to that portion of the bond issue for that category and the resolution authorizing the bond issue shall clearly set forth the annual debt service requirements with respect to each purpose in sufficient detail to indicate compliance with the rate of tax levy, if any.

b. The amount estimated and certified to apply on principal and interest for any one year may only exceed the statutory rate of levy limit, if any, by the amount that the qualified electors of the county have approved at a special election, which may be held at the same time as the general election and may be included in the proposition authorizing the issuance of bonds, if an election on the proposition is necessary, or may be submitted as a separate proposition at the same election or at a different election. Notice of the election shall be given as specified in section 304 of this Act. The proposition submitted to the voters shall be in substantially the following form:

"Shall the county of _____, state of Iowa, be authorized to levy annually a tax exceeding (here set out the maximum rate limit) but not exceeding _____ dollars and _____ cents per thousand dollars of the assessed value of the taxable property within the county to pay the principal of and interest on bonded indebtedness of the county for the purpose of _____, it being understood that the approval of this proposition does not limit the source of payment of the bonds and interest but only operates to restrict the amount of bonds which may be issued?"

2. A statutory or voted tax levy limitation does not limit the source of payment of bonds and interest, but only restricts the amount of bonds which may be issued.

3. For the sole purpose of computing the amount of bonds which may be issued as the result of the application of a statutory or voted tax levy

limitation, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest on the first annual levy of taxes to pay the bonds and interest does not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies, the first annual levy of taxes shall be sufficient to pay all principal of and interest on the bonds becoming due prior to the next succeeding annual levy and the full amount of the annual levy shall be entered for collection as provided in chapter 76.

Sec. 447. NEW SECTION. STATUTE OF LIMITATION--POWERS--CONFLICTS.

1. An action shall not be brought which questions the legality of general obligation bonds or the power of the county to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds from and after sixty days from the time the bonds are ordered issued by the county.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

Sec. 448. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects and proceedings for the issuance of general obligation bonds commenced before the effective date of this part may be consummated and completed as required or permitted by any statute amended or repealed by this Act as though the repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Projects commenced prior to the effective date of this part may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

DIVISION IV
COUNTY FINANCES
PART 4
REVENUE BONDS

Sec. 460. NEW SECTION. DEFINITIONS. As used in this section, unless the context otherwise requires:

1. "County enterprise" means any of the following:

a. Airports and airport systems.

b. Works and facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of the liquid and solid waste, sewage, and industrial waste of the county, including sanitary disposal projects as defined in section 455B.75 and sanitary sewage systems, and including the acquisition, establishment, construction, purchase,

equipment, improvement, extension, operation, maintenance, reconstruction, and repair of the works and facilities within or without the limits of the county, and including works and facilities to be jointly used by the county and other political subdivisions.

c. Swimming pools and golf courses, including their acquisition, establishment, construction, purchase, equipment, improvement, extension, operation, maintenance, reconstruction, and repair.

d. The equipment, enlargement, and improvement of a county public hospital previously established and operating under chapter 347, including acquisition of the necessary lands, rights of way, and other property, subject to approval by the board of hospital trustees. However, notice of the proposed bond issue shall be published at least once each week for two consecutive weeks and if, within thirty days following the date of the first publication, a petition requesting an election on the proposal and signed by qualified voters of the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 441, subsections 2, 3, and 4, of this Act, for general county purpose bonds. Bonds issued under this paragraph shall mature in not more than thirty years from date of issuance.

e. In a county with a population of less than one hundred fifty thousand, a county hospital established under chapter 347A, including its acquisition, construction, equipment, enlargement, and improvement, and including necessary lands, rights of way, and other property. However, bonds issued under this paragraph shall mature in not more than thirty years from date of issuance, and are subject to the notice and election requirements of bonds issued under paragraph d.

f. A waterworks, including land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the waterworks.

2. "Combined county enterprise" means two or more county enterprises combined and operated as a single enterprise.

3. "Project" means the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, and equipping of all or part of a county enterprise or combined county enterprise within or without the boundaries of the county.

4. "Rates" means rates, fees, tolls, rentals, and charges for the use of or service provided by a county enterprise or combined county enterprise.

5. "Gross revenue" means all income and receipts derived from the operation of a county enterprise or combined county enterprise.

6. "Operating expense" means salaries, wages, cost of maintenance and operation, materials, supplies, insurance, and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property.

7. "Net revenues" means gross revenues less operating expenses.

8. "Revenue bond" means a negotiable bond issued by a county and payable from the net revenues of a county enterprise or combined county enterprise.

9. "Pledge order" means a promise to pay out of the net revenues of a county enterprise or combined county enterprise, which is delivered to the contractors or other persons in payment of all or part of the cost of the project.

Sec. 461. NEW SECTION. COUNTY ENTERPRISES--COMBINED COUNTY ENTERPRISES.

1. A county which proposes to establish, own, acquire by purchase, condemnation, or otherwise, lease, sell, construct, reconstruct, extend, remodel, improve, repair, equip, maintain, and operate within or without its corporate limits a county enterprise or combined county enterprise financed by revenue bonds shall do so in accordance with this part.

2. If a combined county enterprise is dissolved, each county enterprise which was a part of the combined county enterprise shall continue in existence as a separate county enterprise until it is abandoned by the board.

3. A combined county enterprise may be established, but if there are obligations outstanding which by their terms are payable from the revenues of any county enterprise involved, the obligations shall be assumed by the board subject to all terms established at the time of the original issue, or refunded through the issuance of revenue bonds of the combined county enterprise as a part of the procedure for the establishment of the combined county enterprise, or funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior to maturity shall be set aside and pledged for that purpose. Revenues earmarked for payment of the obligations shall be handled by the board in the same manner as they were handled for the county enterprise involved. A county enterprise shall not be abandoned and a combined county enterprise shall not be dissolved so long as there are obligations outstanding which by their terms are payable from the revenues of the county enterprise or combined county enterprise unless funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior to maturity have been set aside and pledged for that purpose.

Sec. 462. NEW SECTION. PROCEDURE FOR FINANCING.

1. The board may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, the revenue bonds and pledge orders to be payable solely out of the net revenues of the county enterprise or combined county 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, reserve funds as the board deems 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. The board 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.

The board may deliver its revenue bonds to the federal government or any agency thereof which has loaned the county money for sanitary or solid waste projects, water projects, or other projects, for which the government has a loan program.

2. The board may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same county enterprise or combined county enterprise, or from a county enterprise comprising a part of the combined county enterprise, at lower, the same, or higher rates of interest. A county may sell refunding revenue bonds at public or private sale in the manner prescribed by chapter 75 and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

3. The board may contract to pay not to exceed ninety percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month for work, material, or services. Payment may be made in warrants drawn on any fund from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A even if a collection of taxes or special assessments or income from the sale of bonds which have been authorized and are applicable to the public improvement takes place after the fiscal year in which the warrants are issued. If the board arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. The warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

Sec. 463. NEW SECTION. REVENUE BONDS.

1. The board may issue revenue bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of members of the board.

2. Before the board institutes proceedings for the issuance of revenue bonds, it shall fix a time and place of meeting at which it proposes to take action, and give notice by publication in the manner directed in section 304 of this Act. The notice must include a statement of the time and place of the meeting, the maximum amount of the proposed revenue bonds, the purpose for which the revenue bonds will be issued, and the county enterprise or combined county enterprise whose net revenues will be used to pay the revenue bonds and interest thereon. At the meeting the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at the meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue bonds. Any resident

or property owner of the county may appeal a decision of the board to take additional action to the district court of the county within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal are in lieu of those contained in any other law.

3. Revenue bonds may bear dates, bear interest at rates not exceeding those permitted by chapter 74A, mature in one or more installments, be in either coupon or registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the board authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the board deems advisable, consistent with this part, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Revenue bonds are a contract between the county and holders and the resolution is a part of the contract.

4. Revenue bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the revenue bonds, they shall be executed with the original or facsimile signature of the auditor. A revenue bond is valid and binding for all purposes if it bears the signatures of the officers in office on the date of the execution of the bonds notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds. The issuance of revenue bonds shall be recorded in the office of the treasurer, and a certificate of the recording by the treasurer shall be printed on the back of each revenue bond.

5. Revenue bonds, pledge orders, and warrants issued under this part are negotiable instruments.

6. The board may issue pledge orders pursuant to a resolution adopted by a majority of the total number of supervisors, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding those permitted by chapter 74A.

7. The physical properties of a county enterprise or combined county enterprise shall not be pledged or mortgaged to secure the payment of revenue bonds or pledge orders or the interest thereon.

Sec. 464. NEW SECTION. RATES FOR PROPRIETARY FUNCTIONS.

1. The board may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise and, if revenue bonds or pledge orders are issued and outstanding under this part, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or

combined county enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of the principal and interest, and a sufficient portion of net revenues shall be pledged for that purpose. Rates shall be established by ordinance. Rates or charges for the services of a county enterprise defined in section 460, subsection 1, paragraph b, of this Act, if not paid as provided by ordinance, constitute a lien upon the premises served and may be certified to the auditor and collected in the same manner as taxes.

2. The board may:

a. By ordinance establish, impose, adjust, and provide for the collection of charges for connection to a county enterprise or combined county enterprise.

b. Contract for the use of or services provided by a county enterprise or combined county enterprise with persons whose type or quantity of use or service is unusual.

c. Lease for a period not to exceed fifteen years all or part of a county enterprise or combined county enterprise, if the lease will not reduce the net revenues to be produced by the county enterprise or combined county enterprise.

d. Contract for a period not to exceed forty years with other governmental bodies for the use of or the services provided by the county enterprise or combined county enterprise on a wholesale basis.

e. Contract for a period not to exceed forty years with persons including but not limited to other governmental bodies for the purchase or sale of water.

Sec. 465. NEW SECTION. RECORDS--ACCOUNTS--FUNDS.

1. The governing body of each county enterprise or combined county enterprise operated on a revenue producing basis shall maintain a proper system of books, records, and accounts.

2. The gross revenues of each county enterprise or combined county enterprise shall be deposited with the treasurer and kept by the treasurer in a separate account apart from the other funds of the county and from each other. The treasurer shall apply the gross revenues of each county enterprise or combined county enterprise only as ordered by the board and in strict compliance with the orders, including the provisions, terms, conditions, and covenants of any and all resolutions of the board pursuant to which revenue bonds or pledge orders are issued and outstanding.

Sec. 466. NEW SECTION. PLEDGE--PAYMENT--REMEDY.

1. The pledge of any net revenues of a county enterprise or combined county enterprise is valid and effective as to all persons including but not limited to other governmental bodies when it becomes valid and effective between the county and the holders of the revenue bonds or pledge orders.

2. Revenue bonds and pledge orders are payable both as to principal and interest solely out of the portion of the net revenues of the county enterprise or combined county enterprise pledged to their payment and are not a debt of or charge against the county within the meaning of any constitutional or statutory debt limitation provision.

3. The sole remedy for a breach or default of a term of a revenue bond or pledge order is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this part and of the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders, or to obtain the appointment of a receiver to take possession of and operate the county enterprise or combined county enterprise, and to perform the duties required by this part and the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders.

Sec. 467. NEW SECTION. FUNDS--PAYMENTS.

1. If a county enterprise or combined county enterprise has on hand surplus funds, after making all deposits into all funds required by the terms, covenants, conditions, and provisions of outstanding revenue bonds, pledge orders, and other obligations which are payable from the revenues of the county enterprise or combined county enterprise and after complying with all of the requirements, terms, covenants, conditions, and provisions of the proceedings and resolutions pursuant to which revenue bonds, pledge orders, and other obligations are issued, the board may transfer the surplus funds to any other fund of the county in accordance with applicable law, provided that a transfer shall not be made if it conflicts with any of the requirements, terms, covenants, conditions, or provisions of any resolution authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise which are then outstanding.

2. This part does not prohibit or prevent the board from using funds derived from the issuance of general obligation bonds, the levy of special assessments and the issuance of special assessment bonds, and any other source which may be properly used for such purpose, to pay a part of the cost of a project.

3. The county shall pay for the use of or the services provided by the county enterprise or combined county enterprise as any other customer, except that the county may pay for use or service at a reduced rate or receive free use or service so long as the county complies with the provisions, terms, conditions, and covenants of all resolutions pursuant to which revenue bonds or pledge orders are issued and outstanding.

Sec. 468. NEW SECTION. STATUTE OF LIMITATION--POWERS--CONFLICTS.

1. An action shall not be brought which questions the legality of revenue bonds, the power of the board to issue revenue bonds, or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds, from and after sixty days from the time the bonds are ordered issued by the board.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

Sec. 469. NEW SECTION. PRIOR PROJECTS PRESERVED. Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before the effective date of this part may be completed as required or permitted by any statute amended or repealed by

this Act, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to the effective date of this part may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the board to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 470. NEW SECTION. COUNTY ENTERPRISE COMMISSIONS.

1. As used in this section, "commission" means a commission established under this section to manage a county enterprise or combined county enterprise. Upon receipt of a valid petition as defined in section 305 of this Act requesting that a proposal for establishment or discontinuance of a commission be submitted to the voters, or upon its own motion, the board shall submit the proposal at the next general election or at an election which includes a proposal to establish, acquire, lease, or dispose of the county enterprise or combined county enterprise.

2. A proposal for the establishment of a county enterprise commission shall specify a commission of either three or five members. If a majority of those voting approves the proposal, the board shall proceed as proposed. If a majority of those voting does not approve the proposal, the same or a similar proposal shall not be submitted to the voters of the county and the board shall not establish a commission for the same purpose for at least four years from the date of the election at which the proposal was defeated.

3. If a proposal to discontinue a commission receives a favorable majority vote, the commission is dissolved at the time provided in the proposal and shall turn over to the board the management of the county enterprise or combined county enterprise and all property relating to it.

4. If a proposal to establish a commission receives a favorable majority vote, the commission is established at the time provided in the proposal. The board shall appoint the commission members, as provided in the proposal and this section. The board shall provide by resolution for staggered six-year terms for and shall set the compensation of commission members.

5. A commission member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term.

6. A public officer or a salaried employee of the county shall not serve on a commission.

7. The title of a commission shall be appropriate to the county enterprise or combined county enterprise administered by the commission. A commission may be a party to legal action. A commission may exercise all powers of the board in relation to the county enterprise or combined county enterprise it administers, with the following exceptions:

a. A commission shall not certify taxes to be levied, pass ordinances or amendments, or issue general obligation bonds.

b. The title to all property of a county enterprise or combined county enterprise shall be held in the name of the county, but the commission has all the powers and authorities of the board with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of the property, and the management, control, and operation of the property, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise, and which are then outstanding.

c. A commission shall make to the board a detailed annual report, including a complete financial statement.

d. Immediately following a regular or special meeting of a commission, the secretary of the commission shall prepare a condensed statement of the proceedings of the commission and cause the statement to be published as provided in section 304 of this Act. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the commission, for services regularly performed by the persons shall be published once annually showing the gross amount of the salary. In counties having more than one hundred fifty thousand population the commission shall each month prepare in pamphlet form the statement required in this paragraph for the preceding month, and furnish copies to the public library, the daily and official newspapers of the county, the auditor, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

8. A commission shall control tax revenues allocated to the county enterprise or combined county enterprise it administers and all moneys derived from the operation of the county enterprise or combined county enterprise, the sale of its property, interest on investments, or from any other source related to the county enterprise or combined county enterprise.

9. All moneys received by the commission shall be held by the county treasurer in a separate fund, with a separate account or accounts for each county enterprise or combined county enterprise. Moneys may be paid out of each account only at the direction of the appropriate commission.

10. A commission is subject to section 340, subsections 1, 2, 4, and 5, and section 341, of this Act, in contracting for public improvements.

DIVISION V

COUNTY OFFICERS

PART 1

COUNTY AUDITOR

Sec. 500. NEW SECTION. OFFICE OF COUNTY AUDITOR.

1. The office of auditor is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of auditor shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the auditor is four years.

Sec. 501. NEW SECTION. GENERAL DUTIES. The auditor shall:

1. Have general custody and control of the courthouse, subject to the direction of the board.

2. Provide, upon request and payment of the legal fee, a certified copy of any record or account kept in the auditor's office.

3. Pay costs and expenses of legal counsel appointed to represent a member of the Sac and Fox Indian settlement as provided in section 1.15.

4. Keep the complete journals of the general assembly and the official register available for public inspection as provided in section 18.90.

5. Carry out duties relating to the administration of local governmental budgets as provided in chapter 24 and section 384.19.

6. Report the approval of the bond of a public officer approved by the auditor on behalf of the board as provided in section 64.21.

7. Have custody of the official bonds of county and township officers as provided in section 64.23.

8. Take temporary possession of the office and all official books and papers in the office of treasurer or clerk when a vacancy occurs in either office and hold the office, books, and records until a successor qualifies as provided in section 69.3. The auditor shall also serve temporarily as the recorder if a vacancy occurs in that office and, if there is no chief deputy assessor, act temporarily as the assessor as provided in section 441.8.

9. Serve as a member of an appointment board to fill a vacancy in the membership of the board as provided in section 69.8, subsection 5.

10. Issue a warrant to pay the cost of the bond required of the clerk of the district court who acts as a trustee for a minor or a mentally incompetent person entitled to benefits under workers' compensation as provided in section 85.49.

11. Certify to the commission on substance abuse a statement of the amount of county resources committed to the substance abuse program as provided in section 125.25.

12. Submit annually to the state department of health the names and addresses of the clerk, or if there is no clerk, the secretary of the local boards of health in the county as provided in section 135.32.

13. Pay to the local registrars of vital statistics the fees due them as certified by the state registrar of vital statistics as provided in section 144.11.

14. Notify the chairperson of the county agricultural extension education council when the bond of the council treasurer has been approved and filed as provided in section 176A.14.

15. Carry out duties relating to estray animals as provided in sections 188.30 through 188.32 and 188.41 through 188.44.

16. Attest to anticipatory warrants issued by the board for the operation of a county limestone quarry as provided in section 202.7.

17. Carry out duties relating to the determination of legal settlement, collection of funds due the county, and support of mentally retarded persons as provided in sections 222.13, 222.50, 222.61 through 222.66, 222.69, and 222.74.

18. Collect the costs relating to the treatment and care of private patients at the state psychiatric hospital as provided in sections 225.23, 225.24, and 225.35.

19. Carry out duties relating to the hospitalization and support of mentally ill persons as provided in sections 229.42, 230.3, 230.11, 230.15, and 230.21 through 230.25.

20. With acceptable sureties, approve the bonds of the members of a county commission of veteran affairs as provided in section 250.6.

21. Issue warrants and maintain a book containing a record of persons receiving veteran assistance as provided in section 250.10.

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

23. Notify the treasurer of funds due the state for the treatment of indigent persons at the university hospital as provided in section 255.26.

24. Make available to schools, voting machines or sample ballots for instructional purposes as provided in section 257.25, subsection 6.

25. Carry out duties relating to the collection and payment of funds for educating and supporting deaf students as provided in sections 270.6 and 270.7.

26. Order the treasurer to transfer tuition payments from the account of the debtor school corporation to the creditor school corporation as provided in section 282.21.

27. Order the treasurer to transfer transportation service fees from the account of the debtor school corporation to the creditor school corporation as provided in section 285.1, subsection 13.

28. Apportion school taxes, rents, and other money dedicated for public school purposes as provided in section 298.11.

29. Carry out duties relating to school lands and funds as provided in chapter 302.

30. Carry out duties relating to the establishment, alteration, and vacation of public highways as provided in sections 306.21, 306.25, 306.29 through 306.31, 306.37, and 306.40.

31. Carry out duties relating to the establishment and maintenance of secondary roads as provided in chapter 309.

32. Collect costs incurred by the county weed commissioner as provided in section 317.21.

33. Convene the conventions of the mayors and council members, and the directors of the school districts of the county for the purpose of selecting members of the county compensation board as provided in section 905 of this Act.

34. Maintain a file of certificates of appointment issued by county officers as provided in section 902 of this Act.

35. Furnish information and statistics requested by the governor or the general assembly as provided in section 900, subsection 1 of this Act.

36. Carry out duties relating to the organization, expansion, reduction, or dissolution of a rural water district as provided in chapter 357A.

37. Acknowledge the receipt of funds refunded by the state as provided in section 452.18.

38. Be responsible for all public money collected or received by the auditor's office. The money shall be deposited in a bank approved by the board as provided in chapter 453.

39. Carry out duties relating to the establishment and management of levee and drainage districts as provided in chapters 455, 457, 459, 462, 465, and 466.

40. Issue auctioneer licenses as provided in section 546.1.

41. Serve as a trustee for funds of a cemetery association as provided in sections 566.12 and 566.13.

42. Notify the state department of transportation of claims filed for improvements on public roads payable from the primary road fund as provided in section 573.24.

43. Certify to the clerk the names, addresses, and expiration date of the term of office of persons appointed to the county judicial magistrate appointing commission as provided in section 602.43, subsection 3.

44. Pay the expenses of shorthand court reporters as provided in section 605.10.

45. Pay claims for court-related fees claimed within five years as provided in section 606.18.

46. Serve as an ex officio member of the jury commission as provided in section 608.1.

47. Destroy outdated records as ordered by the board.

48. Carry out duties relating to the selection of jurors as provided in chapter 609.

49. Designate newspapers in which official notices of the auditor's office shall be published as provided in section 618.7.

50. Carry out duties relating to lost property as provided in sections 644.2, 644.4, 644.7, 644.10, and 644.16.

51. In the case of payment of a school fund mortgage, acknowledge satisfaction of the mortgage by execution of a written instrument referring to the mortgage as provided in section 655.1.

52. Receive and record in a book kept for that purpose, moneys recovered from a person willfully committing waste or trespass on real estate as provided in section 658.10.

53. Carry out other duties required by law.

Sec. 502. NEW SECTION. GENERAL POWERS. The auditor may:

1. Administer oaths and take affirmations on matters relating to the business of the office of auditor.

2. Subject to requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants. If a deputy auditor is not appointed and the requirements of office require the temporary employment of assistants, the auditor shall file a bill for the services with the board at its next

meeting. The board shall allow reasonable compensation for the temporary appointees.

Sec. 503. NEW SECTION. DUTIES AS CLERK TO THE BOARD. The auditor shall:

1. Record the proceedings of the board. The minutes of the board shall include a record of all actions taken and the complete text of the motions, resolutions, amendments, and ordinances adopted by the board. Upon the request of a supervisor present at a meeting, the minutes shall include a record of the vote of each supervisor on any question before the board.

2. Maintain the books and records required to be kept by the board under section 302 of this Act.

3. Sign all orders issued by the board for the payment of money.

4. Record the reports of the treasurer of the receipts and disbursements of the county.

5. Maintain a file of all accounts acted upon by the board with the board's action on each account. If the board allows an expenditure from an account, the auditor shall indicate the amount of expenditure and the bill or claim for which the expenditure is allowed.

6. Furnish a copy of the proceedings of the board required to be published as provided in section 349.18.

7. Number each claim consecutively in the order of filing and enter the claim in the claim register alphabetically by the name of the claimant and including the date of filing, the number of the claim and its general nature, the action of the board, and if allowed, the fund from which the claim is paid. A record of the claims allowed at each session of the board shall be included in the minute book by reference to the numbers of the claims as entered in the claim register.

8. File for presentation to the board all unliquidated claims against the county and all claims for fees or compensation, except salaries fixed by state law. The claims, before being audited or paid, shall be itemized to clearly show the basis of the claim and whether for property sold or furnished for services rendered or for another purpose, and shall be signed by the claimant. An action shall not be brought against the county relating to a claim until the claim is filed as provided in this subsection and the payment refused or neglected.

Sec. 504. NEW SECTION. DUTIES RELATING TO ELECTIONS. The auditor shall:

1. Serve as county commissioner of elections as provided in chapter 47.

2. Conduct all elections held within the county.

3. Serve as a member of a board to hear and decide objections made to a certification of nomination as provided in section 44.7.

4. Serve as county commissioner of registration as provided in chapter 48.

5. Serve as clerk of the election contest court as provided in chapter 62.

6. Record the orders of suspension and temporary appointment of county and township officers as provided in section 66.19.

Sec. 505. NEW SECTION. ISSUANCE OF WARRANTS.

1. Except as provided in subsections 2 and 3, the auditor shall sign or issue a county warrant only after approval of the board by recorded vote.

Each warrant shall be numbered and the date, amount, number, and the name of the person to whom issued shall be recorded and filed in the auditor's office. Each warrant shall be made payable to the person performing the service or furnishing the supplies for which the warrant makes payment and the purpose for which the warrant is issued shall be stated on it.

2. The auditor may issue warrants to pay the following claims against the county without prior approval of the board:

a. For jury fees and mileage as certified by the clerk. The clerk shall not certify payment of the fees or mileage until a juror has been discharged or excused by the district court.

b. For witness fees and mileage for attendance before a grand jury as certified by the county attorney and the foreman of the jury.

c. For witness fees in jury trials of criminal cases before the district court as certified by the clerk.

d. For the per diem of a shorthand reporter of the district court as certified by the judge or magistrate holding the court.

e. For an expense of the grand jury upon order of the judge of the district court.

3. The board, by resolution, may authorize the auditor to issue warrants to make the following payments without prior approval of the board:

a. For fixed charges including, but not limited to, freight, express, postage, water, light, telephone service, or contractual services, after a verified bill is filed with the auditor.

b. For salaries and payrolls if the compensation has been fixed or approved by the board. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

4. The bills paid under subsections 2 and 3 shall be submitted to the board for review and approval at its next meeting following the payment. The action of the board shall be recorded in the minutes of the board.

5. An officer certifying an erroneous bill or claim against the county is liable on the officer's official bond for a loss to the county resulting from the error.

Sec. 506. NEW SECTION. COLLECTION OF MONEY AND FEES.

1. The auditor may collect or receive money due the county except when otherwise provided by law.

2. The auditor is entitled to collect the following fees:

a. For a transfer of property made in the transfer records, five dollars for each separate parcel of real estate described in a deed or transfer of title certified by the clerk. However, if more than ten parcels of real estate are described in one instrument and the parcels are contiguous or separated only by a public street or highway, the fee shall not exceed fifty dollars. A parcel of real estate located outside of the corporate limits of a city includes all unplatted land described in a deed or transfer of title lying within one numbered section of land.

b. For issuing a certificate of redemption of land sold for taxes, three dollars.

c. For each certificate issued by the treasurer for land sold for nonpayment of taxes, three dollars.

d. For indexing a change of name for each parcel of real estate owned in the county, three dollars.

3. The auditor shall collect or receive the following fees:

a. The bee entry fee collected from nonresidents importing bees by the state apiarist as provided under section 160.16.

b. Fee for services relating to estray animals as provided in section 188.48.

c. Dog license fees and transfer fees as provided in chapter 351.

4. Fees collected or received by the auditor shall be accounted for and paid into the county treasury quarterly as provided in section 901 of this Act.

Sec. 507. NEW SECTION. BOOKS AND RECORDS. The auditor shall keep the following books and records:

1. Election book for contested proceedings as provided in section 62.3.

2. Record of official bonds as provided in section 64.24.

3. Account book and name index of substance abusers receiving benefits at county expense as provided under section 125.50.

4. Estray book as provided in section 188.30.

5. Account book and index of persons receiving mental health treatment as provided in section 230.26.

6. A record book of the names and addresses of persons receiving veteran assistance as provided in section 250.10.

7. Fee book as provided in section 901 of this Act.

8. Record of dog licenses as provided in section 351.22.

9. Benefited water district record book as provided in section 357.32.

10. Completed assessment rolls, schedules, and book as provided in section 441.26.

11. Tax rate book as provided in section 444.6.

12. Real estate transfer book, index book, and plat book as provided in sections 558.60 through 558.67.

Sec. 508. NEW SECTION. FINANCIAL REPORT.

1. During the month of July of each year, the auditor shall prepare a financial report containing the following information:

a. The amount of the various classes of warrants drawn on the county general fund, except for court expenses, during the preceding year, including, but not limited to, the total amount paid each county officer, their deputies and extra help, and other employees of the county, the amount paid for rent, printing and stationery, furniture and fixtures, publishing proceedings of the board of supervisors, and postage allowed each county official, and the amount paid for election expenses, and expenses of registration.

b. The amount of the warrants drawn on the county general fund for various court expenses including the salary paid the county attorney, the amounts received by the county attorney as commission on fines and from other sources, and the amount paid to an assistant county attorney or counsel.

c. The amount paid jurors, witnesses, and bailiffs, respectively, in district court, the amount paid for shorthand reporting, printing and stationery, attorney fees for defending criminals, meals for jurors, and related expenditures.

d. The expenses of the grand jury, stating amounts paid grand jurors, bailiffs, witnesses, and for other expenses of the grand jury.

e. The expenses of the county medical examiner.

f. The amount paid to each supervisor from the several funds of the county for services during the preceding year.

g. A recapitulation of the total amount of warrants drawn on the county general fund, with a comparison with the amount of the warrants drawn on the county general fund each year for the last five years.

h. The amount of the various classes of warrants drawn on the poor fund for the preceding year, with a comparison with the total amount of the warrants drawn on the county poor fund each year for the last five years.

i. The amount of the warrants drawn on the county mental health and institutions fund for the preceding year, including the amount received by each commissioner as fees and expenses, witness' fees, sheriff's fees and expenses, the cost of transportation, and related expense.

j. The total cost of maintenance of mentally ill at a county hospital with the number of patients, and the total paid the various state hospitals for the mentally ill with the number of patients from the county confined in the hospitals.

k. The amount paid the various state institutions during the preceding year.

l. The amounts paid the sheriff for boarding prisoners during the preceding year including the amount paid the sheriff as jail expenses, with a comparison of the amounts paid for boarding prisoners and for jail expenses each year during the last five years.

m. The amount of the warrants drawn on each of the various funds of the county.

n. The report of the auditor relating to school funds and property made to the superintendent of public instruction as required by law.

o. The reports of magistrates and other officers, including forfeited recognizances in their offices, fines, penalties, forfeitures imposed in their respective courts, and forfeited appearance bonds in criminal cases, all of which are payable to the county treasury for the benefit of the school fund.

p. The reports made during the preceding year by the treasurer, auditor, recorder, sheriff, clerk, and the commission of the Iowa department of veterans affairs as required by law.

q. The reports of any committees that are appointed by the board to examine the affairs and accounts of county officials and employees.

r. Other information as the board directs or the auditor deems advisable.

2. The financial report shall be printed in pamphlet form for distribution to the taxpayers of the county at the direction of and in the numbers determined by the board.

3. Not later than January 1 of each year, the auditor shall furnish to the auditor of state the information included in the financial report and other information relating to the financial affairs of the county requested by the auditor of state. The information shall be submitted on forms furnished by the auditor of state.

Sec. 509. NEW SECTION. REPORTS BY THE AUDITOR. The auditor shall make:

1. A report to the governor of a vacancy, except by resignation, in the office of state representative or senator as provided in section 69.5.

2. An annual report to the secretary of agriculture of the amount of money in the brucellosis eradication fund as of July 1 as provided in section 420, subsection 5 of this Act.

3. An annual report to the secretary of agriculture of the amount of money in the bovine tuberculosis fund as of July 1 as provided in section 420, subsections 5 and 6 of this Act.

4. An annual report to the clerk of the expenses incurred by the county for criminal prosecutions during the preceding fiscal year as provided in section 247.31.

5. A report to the secretary of state of the name, office, and term of office of each appointed or elected county officer within ten days of the officer's election or appointment and qualification.

6. An annual report not later than January 1 to the state comptroller of the valuation by class of property for each taxing district in the county on forms provided by the state comptroller. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year.

7. An annual report not later than January 1 to the governing body of each taxing district in the county of the assessed valuations of taxable property in the taxing district as reported to the state comptroller.

Sec. 510. NEW SECTION. DUTIES RELATING TO PLATTING. The county auditor shall:

1. Record each plat as provided in sections 409.12 through 409.16.

2. Record changes in names of platted streets as provided in section 409.17.

3. Record notations of errors or omissions on recorded plats as provided in section 409.32.

4. Record resurveyed plats as provided in section 409.43.

5. Provide for the platting of real estate which cannot otherwise be accurately assessed for taxation as provided in sections 441.65 through 441.71.

6. Carry out other duties as provided by law.

Sec. 511. NEW SECTION. DUTIES RELATING TO TAXATION. The auditor shall:

1. Include on the tax list:

a. The levy of county taxes authorized by the board as provided by law.

b. The levy of taxes to pay the principal and interest on bonds as provided in sections 76.2 and 76.3.

c. The levy of a mulct tax against the property of a person maintaining a nuisance as certified by the clerk of the district court as provided in section 99.28.

d. The levy of a tax to pay the expenses incurred and penalties assessed by the state fire marshal relating to the repair or destruction of fire hazards as provided in sections 100.27 through 100.29.

e. The costs of erecting, rebuilding, or repairing a fence under order of the fence viewers as provided in section 113.6.

f. A levy against the property of a bee owner sufficient to pay the costs of disinfecting or destroying diseased bees as provided in section 160.8.

g. The levy for taxes for the county brucellosis eradication fund and the bovine tuberculosis eradication fund as provided in sections* 420, subsections 5 and 6 of this Act.

h. The levy of a tax for the operation of an area vocational school or an area community college as provided in section 280A.17.

i. The levy of a tax to pay the principal and interest under a loan agreement entered into by merged area school authorities as provided in section 280A.22.

j. The levy of community school taxes as provided by law.

k. The levy of a tax as certified by the board of trustees of a sanitary district as provided in section 358.18.

l. The levy of taxes certified by the board of trustees of a township as provided in chapters 359 and 360.

m. The levy of city taxes and assessments as certified by the city council as provided by law.

n. Other tax levies as provided by law.

2. Carry out duties relating to tax sales of property within special charter cities as provided in sections 420.220 through 420.229.

3. Carry out duties relating to the homestead tax credit and agricultural land tax credit as provided in chapters 425 and 426.

4. Prepare and certify to the county treasurer the total amount of dollars for military service tax credits claimed and allowed as provided under sections 426A.3 and 427.3 through 427.6.

5. Carry out duties relating to the preparation of the tax list as provided in sections 427A.3, 427A.6, 428.4, 441.17, 441.21, 443.2 through 443.9, and 443.21.

6. Carry out duties relating to the valuation and taxation of telegraph and telephone companies as provided in sections 433.8 through 433.10 including mapping requirements as provided in sections 433.14 and 433.15.

7. Transmit to other local government officials the order stating the length of the main track and the assessed value of each railway located within the county as provided in section 434.22.

8. Carry out duties relating to the valuation and taxation of express companies as provided in sections 436.9 through 436.11.

9. Transmit to other local government officials the order stating the length of the electric transmission lines and the assessed value of the property of the electric transmission line companies located within the county as provided in section 437.10.

10. Carry out duties relating to the valuation and taxation of pipeline companies as provided in sections 438.14 through 438.16.

*According to enrolled Act

11. Furnish the assessor a plat book which is platted with the lands and lots within the assessment district as provided in section 441.29. The auditor, with the approval of the board of supervisors, may establish a permanent real estate index number system as provided in section 441.29.

12. Carry out duties relating to levy of school taxes as provided in chapter 442.

13. Carry out duties relating to the computation of tax rates as provided under chapter 444.

14. Provide for the enforcement of a lien against the taxable personal property of nonresidents as provided in sections 445.44 and 445.45.

15. Keep a complete account of each separate fund or tax in the county treasury as provided in section 445.59.

16. When an order of apportionment is made, correct the tax books or records in the auditor's possession as provided in section 449.4.

17. Carry out other duties as provided by law.

PART 2

COUNTY TREASURER

Sec. 550. NEW SECTION. OFFICE OF COUNTY TREASURER.

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of treasurer shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.10.

3. The term of office of the treasurer is four years.

Sec. 551. NEW SECTION. GENERAL DUTIES. The treasurer shall:

1. Receive all money payable to the county unless otherwise provided by law.

2. Disburse money owed or payable by the county on warrants drawn and signed by the auditor and sealed with the official county seal.

3. Keep a true account of all receipts and disbursements of the county, which account shall be available for inspection by the board at any reasonable time.

4. Keep the official county seal provided by the county. The official seal shall be an impression seal on the face of which shall appear the name of the county, the word "county" which may be abbreviated, the word "treasurer" which may be abbreviated, and the word "Iowa". The impression of the seal shall be placed on each motor vehicle registration certificate signed by the treasurer.

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8.7 through 8.9.

6. Account for and report to the board the amount of swampland indemnity funds received from the treasurer of state under section 12.16.

7. Register and call tax anticipatory warrants issued for a memorial hospital as provided under section 37.30.

8. Serve on a nomination appeals commission to hear nomination objections filed with the county commissioner of elections as provided in section 44.7.

9. Keep on file the bond and oath of the auditor as provided in section 64.23.

10. File the notice of authority from the auditor to transfer funds from the mental health and institutions fund to a substance abuse treatment facility as provided in section 125.49.

11. Credit funds from the sale of seized conveyances to the school fund and issue duplicate receipts to the sheriff as provided in sections 127.21 and 127.22.

12. Establish a local health fund as provided in section 424, subsection 3 of this Act.

13. Serve as treasurer of an area hospital located outside the corporate limits of a city as provided in section 145A.15.

14. Register and call anticipatory warrants related to the sale of limestone as provided in section 202.8.

15. Make transfer payments to the state for school expenses for blind and deaf children, support of the mentally ill, and hospital care for the indigent as provided in sections 230.21, 255.26, 269.2 and 270.7.

16. Transfer funds to pay the expenses of creating or changing the boundaries of a school district as provided in section 275.26.

17. Transfer funds to pay tuition expenses owed by a debtor school district to a creditor school district as provided in section 282.21.

18. Pay to the treasurers of the school corporations located in the county the taxes and other moneys due as provided in sections 298.11 and 298.13.

19. Pay monthly to the treasurer of state proceeds of public lands sold and escheated estates as provided in section 302.2 and pay annually on February 1 interest collected from public lands sold on credit as provided in section 302.5.

20. Maintain a school fund account and records of school funds received as provided in section 302.31.

21. Carry out duties relating to the sale and redemption of anticipatory certificates for secondary road construction as provided in sections 309.50 through 309.55.

22. Carry out duties relating to the establishment of secondary road assessment districts as provided in chapter 311.

23. Carry out duties relating to the sale and redemption of county bonds as provided in parts 3 and 4 of division IV of this Act.

24. Notify the chairperson of the county hospital board of trustees and pay to the hospital treasurer the tax revenue collected for the county hospital during the preceding month as provided in section 347A.1.

25. Carry out duties relating to the condemnation of property as provided in section 655, subsection 4, of this Act.

26. Carry out duties relating to the funding of drainage districts as provided in chapters 455, 457, 461, 462, 463, 464, and 466.

27. Collect and disburse funds for soil conservation districts as provided in sections 467A.33 and 467A.34.

28. Carry out duties relating to the collection of a tax for the maintenance of property received as a gift as provided in section 565.10.

29. Credit the remainder of funds received from a hotelkeeper's sale to satisfy a lien to the county general fund as provided in section 583.6.

30. Pay compensation and expenses to the shorthand reporters as provided in section 605.9.

31. Designate the newspapers in which the official notices of the treasurer's office are to be published as provided in section 618.7.

32. Credit to the court expense fund the proceeds from the sale of seized property as provided in section 809.6.

33. Carry out other duties as required by law.

Sec. 552. NEW SECTION. GENERAL POWERS. The treasurer may:

1. Administer oaths and take affirmations as provided in sections 78.2 and 421.21.

2. Subject to the requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants.

Sec. 553. NEW SECTION. DUTIES RELATING TO WARRANTS.

1. Upon receipt of a warrant, scrip, or other evidence of the county's indebtedness, the treasurer shall endorse on it the date of its receipt, from whom it is received, and the amount which the treasurer paid on it.

2. When a person wishing to make a payment to the county treasury presents a warrant of the county in an amount greater than the payment or presents for payment a warrant of the county in excess of the funds in the county treasury, the treasurer shall cancel the warrant and give the holder a certificate of the overplus. When the certificate of overplus is presented to the auditor, the auditor shall file it, issue a new warrant for the amount of the overplus, and charge the amount to the treasurer. The certificate of overplus is transferable by delivery and entitles the holder to a new warrant, payable to the order of the holder and containing reference to the original warrant.

3. The treasurer shall keep a record of all warrants issued by the auditor and presented for payment in a warrant book. The treasurer shall record for each warrant its number, date, principal, name of the drawee, when paid, to whom paid, and the amount of interest paid.

4. The treasurer shall return the warrants to the auditor. The treasurer shall compare the warrants with the warrant book and the word "canceled" shall be written over the minute of the proper numbers in the warrant book. The original warrant shall be preserved for at least two years. The treasurer shall make monthly reports to show for each warrant the number, date, drawee's name, when paid, to whom paid, original amount, and interest.

5. When a warrant legally drawn on the county treasury is presented for payment and not paid because of a deficiency, the treasurer shall carry out duties relating to the endorsement and payment of interest on the amount of deficiency as provided in chapter 74.

6. The amount of a check or warrant outstanding for more than two years shall be paid to the treasurer and credited to the general fund of the county as unclaimed fees and trusts. The treasurer shall provide a list of the checks and warrants to the 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.

Sec. 554. NEW SECTION. FUND MANAGEMENT.

1. During each term of office, the treasurer shall keep a separate account of the taxes levied for state, county, school, highway, or other purposes and of all other funds created by law whether of regular, special, or temporary nature. The treasurer shall not pay out or use the money in a fund for any purpose except as specifically authorized by law. The treasurer shall be charged with the amount of tax or other funds collected or received by the treasurer and shall be credited with the amount of taxes or other funds disbursed from each account as authorized by law.

2. Except as provided in section 321.153, on or before the fifteenth day of each month, the treasurer shall prepare sworn statements of the amount of money held by the treasurer on the last day of the preceding month belonging to the state treasury and mail a copy of the statement and the remittance to the treasurer of state. Another copy of the statement shall be mailed to the state comptroller. However, in lieu of mailing the remittance to the treasurer of state, the treasurer may deposit the remittance to the credit of the treasurer of state in an interest-bearing account in a bank in the county as designated by the treasurer of state.

3. If a treasurer fails to comply with the requirements of subsection 2, the treasurer shall forfeit for each failure a sum of not less than one hundred dollars nor more than five hundred dollars to be recovered in an action against the treasurer's bond brought in the name of the state comptroller or the treasurer of state.

4. The treasurer shall make a complete settlement with the county semiannually and when the treasurer leaves office as provided in sections 452.6 and 452.7.

5. The treasurer shall maintain custody of all public moneys in the treasurer's possession and deposit or invest the moneys as provided in section 452.10 and chapter 453.

Sec. 555. NEW SECTION. LOSS OF FUNDS--REPLACEMENT.

1. A loss of funds in the custody of a treasurer resulting from an act of omission or commission for which the treasurer is responsible, except a loss covered by the treasurer's bond or a loss which occurs while the funds are deposited in an authorized depository, shall be replaced by the several counties of the state as provided in this section.

2. The auditor of state shall determine the amount of loss to be replaced after a complete examination of the accounts of the treasurer of the county where the loss has occurred. The auditor of state shall file a written report of the examination with the state comptroller.

3. When the loss which is to be replaced has been determined by the auditor of state, the state comptroller shall apportion the loss among the counties of the state, including the county in which the loss has occurred, in the proportion which the taxable property of each county bears to the total taxable property of all counties of the state. The written apportionment shall be filed in the office of state comptroller. The state comptroller shall certify to each treasurer the amount of the loss which has been apportioned to the various counties.

4. Upon receipt of the certification from the state comptroller, each treasurer, except the treasurer of the county where the loss occurred, shall charge the general fund of the county with the amount apportioned to the county and remit the amount to the state comptroller. The amount apportioned to a county shall draw interest at the rate of one percent per month after thirty days from the date when the treasurer received the certification of the apportionment from the state comptroller.

5. If the amount apportioned to a county is not paid, the default shall be reported by the state comptroller to the director of revenue who shall levy upon the taxable property of the delinquent county a tax sufficient to raise the apportionment, a penalty of twenty-five percent of the apportionment, and interest. The tax levy shall be transmitted to the auditor of the delinquent county who shall include the levy on the next tax list of the county. The tax shall be collected and remitted to the state comptroller.

6. The treasurer of state shall credit the funds received under this section to a separate fund in the state treasury. The treasurer of state shall pay the reimbursement funds to the county where the loss occurred by warrant issued by the state comptroller.

Sec. 556. NEW SECTION. DUTIES RELATING TO MOTOR VEHICLE REGISTRATION. The treasurer shall:

1. Issue, renew, and replace lost or damaged vehicle registration cards or plates and issue and transfer certificates of title for vehicles as provided in sections 321.17 through 321.52.

2. Collect, pay to the state, or refund registration fees as provided in sections 321.105 through 321.156.

3. Carry out duties relating to the inspection of vehicles as provided in section 321.238, subsection 12.

4. Collect the use tax on vehicles subject to registration as provided in sections 423.6 and 423.7.

5. Carry out other duties as required by law.

Sec. 557. NEW SECTION. REPORTS BY THE TREASURER. The treasurer shall make:

1. A monthly report to the board of directors of each school corporation in the county of the amount of taxes collected for each fund as provided in section 298.13.

2. A monthly report to the department of transportation of the fees and penalties collected relating to the issuance of vehicle registrations and certificates of title as provided in section 321.153.

3. A quarterly report to the board of the fees collected during the preceding quarter as provided in section 901 of this Act.

4. A monthly report to the auditor of the county warrants returned to the treasurer for payment as provided in section 553, subsection 4 of this Act.

5. Other reports as required by law.

Sec. 558. NEW SECTION. DUTIES RELATING TO TAXATION. The treasurer shall:

1. Collect the county conservation tax levied as provided in section 111A.6.

2. Determine and collect taxes on mobile homes as provided in sections 135D.22 through 135D.26.
3. Collect the tax levied for the county brucellosis eradication fund and the county tuberculosis eradication fund as provided in section 420, subsections 5 and 6 of this Act.
4. Collect the tax levied for the county agricultural extension education fund and pay it to the extension treasurer as provided in section 424, subsection 6 of this Act.
5. Collect the costs assessed by the secretary of agriculture relating to the treatment or destruction of agricultural or horticultural plants or products as provided in section 177A.17.
6. Collect the tax levied for the erection and equipping of area vocational school or area community college facilities as provided in section 280A.22.
7. Collect the costs assessed against a property owner for the destruction or eradication of weeds as provided in sections 317.20 and 317.21.
8. Levy a tax sufficient to pay any deficiency in the assessments collected to pay the principal and interest on bonds issued by a benefited water district as provided in section 357.22.
9. Collect city taxes certified to the auditor as provided in section 384.2.
10. Pay monthly to each city tax revenue collected on its behalf during the preceding month as provided in section 384.11.
11. Accept a partial payment of the annual installment of a special assessment before its due date as provided in section 384.65, subsection 6.
12. Serve as an agent of the director of revenue to collect state taxes as provided in section 422.71, subsection 5.
13. Carry out duties relating to the administration of the homestead tax credit as provided in sections 425.4, 425.5, 425.7, 425.9, 425.10, and 425.25.
14. Carry out duties relating to the administration of the agricultural land tax credit as provided in section 426.8.
15. Carry out duties relating to the administration of the military service tax credit as provided in sections 426A.3, 426A.5, 426A.8, and 426A.9.
16. Maintain a suspended tax list book as provided in section 427.12.
17. Collect taxes levied against the property of telephone and telegraph companies as provided in section 433.10.
18. Collect taxes levied against the property of railway companies as provided in section 434.22.
19. Carry out duties relating to the collection and expenditure of assessment expense funds as provided in section 441.16.
20. Apportion and collect the costs assessed by the district court against the board of review or any taxing body resulting from an appeal of property assessments as provided in section 441.40.
21. Carry out duties relating to the preparation and correction of the tax list as provided in chapter 443.

22. Carry out duties relating to the collection of property taxes as provided in chapter 445.

23. Carry out duties relating to the sale of property for delinquent taxes as provided in chapter 446.

24. Carry out duties relating to the redemption of property sold for taxes as provided in chapter 447.

25. Carry out duties relating to the issuance of a tax deed for property sold for delinquent taxes as provided in chapter 448.

26. Correct tax books or records in accordance with an order of apportionment issued as provided in chapter 449.

27. Carry out other duties relating to taxation as provided by state law.

PART 3

COUNTY RECORDER

Sec. 600. NEW SECTION. OFFICE OF COUNTY RECORDER.

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of recorder shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the recorder is four years.

Sec. 601. NEW SECTION. GENERAL DUTIES. The recorder shall:

1. Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures.

a. However, if an instrument does not contain typed or printed names, the recorder shall accept the instrument for recordation or filing if it is accompanied by an affidavit, to be recorded with the instrument, correctly spelling in legible print or type the signatures appearing on the instrument.

b. The requirement of paragraph a does not apply to military discharges, military instruments, wills, court records, or to any other instrument dated before July 4, 1959.

c. Failure to print or type signatures as provided in this subsection does not invalidate the instrument.

2. Rerecord an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note in the margin of the new record a reference to the original record and in the margin of the original record a reference to the book and page of the new record.

3. If an error is made in indexing an instrument, reindex the instrument without fee.

4. Record the registration of a person registered under the federal Social Security Act who requests recordation, and keep an alphabetical index of the record referring to the name of the person registered.

5. Compile a list of deeds recorded in the recorder's office after July 4, 1951, which are dated or acknowledged more than six months before the date of recording and forward a copy of the list each month to the inheritance tax division of the department of revenue.

6. Carry out duties as a member of a nomination appeals commission as provided in section 44.7.

7. Carry out duties relating to the recordation of oil and gas leases as provided in sections 84.22 and 84.24.

8. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is received from the Iowa department of job service, index the notice of lien, and record the lien as provided in section 96.14, subsection 3.

9. Carry out duties relating to the registration of vessels as provided in sections 106.5, 106.23, 106.51, 106.52, 106.54, and 106.55.

10. Carry out duties relating to the issuance of hunting, fishing, and trapping licenses as provided in sections 110.10, 110.12, 110.13, 110.14, 110.15, and 110.22.

11. Issue migratory waterfowl stamps as provided in chapter 110B.

12. Record the orders and decisions of the fence viewers and index the record in the name of each adjoining owner of land affected by the order or decision as provided in section 113.10. The recorder shall also note that a judgment has been rendered on an appeal of an order or decision of the fence viewers as provided in section 113.24.

13. Submit annually to the secretary of state by December 1 of each year the names and addresses of each limited partnership owning agricultural land or engaged in farming in the county as provided in section 172C.13.

14. Record without fee the articles of incorporation of farm aid associations as provided in section 176.5.

15. Keep, as a public record, the brand book and supplements supplied by the secretary of agriculture as provided in section 187.11.

16. Record without fee a sheriff's deed for land under foreclosure procedures as provided in section 302.35.

17. Issue snowmobile registrations as provided in sections 321G.4, 321G.6, and 321G.21.

18. Record the measure and plat of a zoning district, building line, or fire limit adopted by a city as provided in section 380.11.

19. Carry out duties relating to the platting of land as provided in chapter 409 and sections 441.65 through 441.71.

20. Submit quarterly to the director of revenue a report of the revenue stamps or sale price and equalized value of real estate sold as provided in section 421.17, subsection 6.

21. Carry out duties relating to the endorsement, indexing, and recording of income tax liens as provided in section 422.26.

22. Carry out duties relating to the taxation of real estate transfers as provided in chapter 428A.

23. Carry out duties relating to the recording and indexing of affidavits and claims affecting real estate as provided in section 448.17.

24. Forward to the director of revenue a certified copy of any deed, bill of sale, or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in section 450.81.

25. Record papers, statements, and certificates relating to the condemnation of property as provided in 472.38.

26. Record instruments relating to the dissolution of a corporation or renewal of articles of incorporation as provided in sections 491.23 and 491.27.

27. Carry out duties relating to the recordation of articles of incorporation and other instruments for business corporations as provided in section 496A.53.

28. Record the articles of incorporation of a cooperative association received from the secretary of state as provided in section 497.3.

29. Carry out duties relating to recording of articles of incorporation and charters for nonprofit corporations as provided in chapters 504 and 504A.

30. Carry out duties relating to the recordation of articles of incorporation and other instruments for state banks as provided in chapter 524.

31. Carry out duties relating to the recordation of articles of incorporation and other instruments for credit unions as provided in chapter 533.

32. Carry out duties relating to the recordation of articles of incorporation and other instruments for savings and loan associations as provided in chapter 534.

33. Record and index instruments relating to limited partnerships as provided in section 545.2.

34. Carry out duties relating to the filing of financial statements or instruments as provided in sections 554.9401 through 554.9408.

35. Register the name and description of a farm as provided in sections 557.22 through 557.26.

36. Record conveyances and leases of agricultural land as provided in section 558.44.

37. Collect the recording fee and the auditor's transfer fee for real property being conveyed as provided in section 558.58.

38. Serve as a member of the jury commission to draw jurors as provided in section 608.1.

39. Record and index a notice of title interest in land as provided in section 614.35.

40. Designate the newspapers in which the notices pertaining to the office of recorder shall be published as provided in section 618.7.

41. Record a conveyance of property presented by a commissioner appointed by the district court as provided in section 624.35.

42. Carry out duties relating to the indexing of name changes, and the recorder may charge a fee for indexing as provided in section 674.14.

43. Report quarterly to the board the fees collected as provided in section 901 of this Act.

44. Carry out other duties as provided by law.

Sec. 602. NEW SECTION. GENERAL POWERS.

1. The recorder may administer oaths and take affirmations on matters relating to the business of the office of recorder as provided in section 78.2.

2. Subject to the requirements of section 902 of this Act, the recorder may appoint and remove deputies, assistants, and clerks.

3. The recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release or assignment, the separate instrument filed acknowledging the release or assignment shall be reproduced in miniature. In lieu of marginal entries, the recorder shall make endorsements in red ink on both the index and the cross-index to the miniature instruments where the instruments were originally indexed. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse.

4. The recorder may, in lieu of maintaining separate index books as required by law, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books.

Sec. 603. NEW SECTION. GENERAL RECORDING AND FILING FEE. Except as otherwise provided by state law or section 604 of this Act, the recorder shall collect a fee of three dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office.

Sec. 604. NEW SECTION. OTHER FEES. The recorder shall collect:

1. For the issuance of a registration or transfer for a vessel or boat:
 - a. A registration fee as provided in section 106.5.
 - b. A writing fee as provided in section 106.53.
 - c. A transfer and writing fee as provided in section 106.44.
2. For issuance of hunting, fishing, and trapping licenses:
 - a. The fees specified in section 110.1. The recorder may designate depositaries to issue the licenses and collect the appropriate fees as provided in section 110.11.
 - b. The writing fee as provided in section 110.12.
3. For the issuance of a state migratory waterfowl stamp, a fee as provided in section 110B.3.
4. For the issuance of snowmobile registrations, the fees specified in section 321G.4.
5. For the filing of a verified statement relating to the trade name of a business, a fee as provided in section 547.3.
6. For the filing of a financial statement or instrument under the uniform commercial code, the fees specified in sections 554.9403 through 554.9407.
7. For the registering or cancelling of a farm name, the fees specified in sections 557.24 and 557.26.
8. Other fees as provided by law.

Sec. 605. NEW SECTION. GENERAL FILING REQUIREMENTS.

1. In addition to other requirements specified by law, the recorder shall note in the fee book the date of filing of each instrument, the number and character of the instrument, and the name of each grantor and grantee named in the instrument. In numbering the instruments, the recorder shall start with the number one immediately following the date of annual settlement with the board and continue to number them consecutively until the next annual settlement with the board.

2. The recorder shall also note in the index book the exact time of the filing of each instrument.

Sec. 606. NEW SECTION. BOOKS AND RECORDS. The recorder shall keep the following books and records:

1. A record book for military discharges as provided in section 607 of this Act.

2. An index of unemployment contribution liens as provided in section 96.14, subsection 3.

3. A fee book as provided in section 901 of this Act.

4. An index of income tax liens as provided in section 422.26.

5. A drainage plat book, index, and record book as provided in sections 465.25 and 465.26.

6. An index book and book of record for corporations for pecuniary profit as provided in sections 491.4 and 491.5.

7. A register of the names and descriptions of farms as provided in section 557.22.

8. Index and record books for instruments affecting real estate as provided under chapter 558.

9. Homestead and index books as provided in section 561.4.

10. A claimant's book in which the notices of title interests in land are indexed as provided in section 614.35.

11. A book of copies of original entries which has been compared with the originals and certified as true copies of land records by the register of the United States land office as provided in section 622.44.

12. Other books and records as provided by law.

Sec. 607. NEW SECTION. MILITARY PERSONNEL RECORDS.

1. The recorder shall maintain a special book in which, upon request, the discharge of a veteran shall be recorded without charge. The discharge book shall be a uniform type, kind, and form approved by the Iowa department of veterans affairs and the adjutant general of the state.

2. If an official discharge was not issued or if the veteran was killed in action or died in service, the recorder shall record an official certificate, general or special order, letter, or telegram from a competent authority, including letters from the United States department of defense, the United States veterans administration, or other governmental office, which shows the termination of the veteran's service.

3. The recorder shall record without charge the commissions and warrants of veteran officers and noncommissioned officers, orders citing a veteran for bravery and meritorious action, and citations and bestowals of medals from the state, federal, or foreign governments.

4. The recorder shall record without charge the discharge or other records of a deceased veteran which are presented on behalf of the deceased veteran by a veterans organization.

5. The recorder shall keep an alphabetical index referring to the name of the veteran whose discharge paper is recorded.

6. If a certified copy of a public record is required to perfect the claim of a veteran in service or honorably discharged or a claim of a dependent of the veteran, the certified copy shall be furnished by the custodian of the public record without charge.

7. If the recorder periodically publishes notice of the services provided to military persons and veterans under this section, the recorder shall pay the cost of the publication in the same manner as other expenses of the recorder's office.

8. As used in this section, "veteran" means a man or woman who enlisted or was inducted from the county, resided at any time in the county, or is buried in the county and who served as a member of a branch of the armed forces of the United States of America, as a member of the merchant marine during the time of war, during the Korean Conflict beginning June 25, 1950, and ending January 31, 1955, both dates inclusive, or during the Vietnam Conflict beginning August 5, 1964, and ending June 30, 1973, both dates inclusive, or as a member of the armed forces of a country allied with the United States of America or the armed forces of Iowa or another state or territory.

Sec. 608. NEW SECTION. FEDERAL TAX LIENS.

1. Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the office of the recorder of the county in which the real property subject to a federal tax lien is situated.

2. Notices of liens upon tangible or intangible personal property for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

a. If the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state.

b. In all other cases, in the office of the recorder of the county where the taxpayer resides at the time of filing of the notice of lien.

3. Certification by the secretary of the treasury of the United States, or a designee of the secretary, of notices of liens, certificates, or other notices affecting tax liens, entitles them to be filed, and no other attestation, certification, or acknowledgment is necessary.

4. If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of a certificate described in subsection 5 is presented to the filing officer:

a. If the filing officer is the secretary of state, the secretary shall cause the notice to be marked, held, and indexed in accordance with section 554.9403, subsection 4, as if the notice were a financing statement within the meaning of that section.

b. If the filing officer is a recorder, the recorder shall endorse on the notice the recorder's identification and the date and time of receipt and file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the identification number of the internal revenue service and the total unpaid balance of the assessment appearing on the notice of lien.

5. If a certificate of release, nonattachment, discharge, or subordination of a tax lien is presented to the secretary of state for filing, the secretary shall:

a. Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code, except that the notice of lien to which the certificate relates shall not be removed from the files.

b. Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code.

6. If a refiled notice of federal tax lien referred to in subsection 4 or any of the certificates or notices referred to in subsection 5 is presented for filing with a recorder, the recorder shall permanently attach the refiled notice or the certificate to the original notice of lien and shall enter the refiled notice or the certificate with the date of filing in an alphabetical federal tax lien index on the line where the original notice of lien is entered.

7. Upon request of a person, the filing officer shall issue a certificate showing whether there is on file, on the date and hour stated, a notice of federal tax lien or certificate or notice affecting the lien, filed on or after July 1, 1970, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is five dollars. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of five dollars per page.

8. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien shall be as provided in section 603 of this Act. The officer shall bill the internal revenue service on a monthly basis for fees for documents filed by them.

9. Filing officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed on or before July 1, 1970, shall, after that date, continue to maintain a file labeled "federal tax lien notices filed prior to July 1, 1970" containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed on or before July 1, 1970, a certificate or notice affecting the lien shall be filed in the same office.

10. This section may be cited as the uniform federal tax lien registration Act.

PART 4
COUNTY SHERIFF

Sec. 650. NEW SECTION. OFFICE OF COUNTY SHERIFF.

1. The office of sheriff is an elective office except that if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section and shall hold the office until a successor is appointed to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

2. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. The term of office of the sheriff is four years.

Sec. 651. NEW SECTION. GENERAL POWERS OF THE SHERIFF.

1. The sheriff may call upon any person for assistance to:

- a. Keep the peace or prevent the commitment of crime.
- b. Arrest a person who is liable to arrest.
- c. Execute a process of law.

2. The sheriff, when necessary, may summon the power of the county to carry out the responsibilities of office.

3. The sheriff may use the services of the department of public safety in the apprehension of criminals and detection of crime.

4. The sheriff, with the cooperation of the commissioner of public safety, may hold an annual conference and school of instruction for all peace officers within the county, including regularly organized reserve peace officers under the sheriff's jurisdiction, at which time instruction may be given in all matters relating to the duties of peace officers.

5. The sheriff may administer oaths and take affirmations on matters relating to the business of the office of sheriff as provided in section 78.2.

6. The sheriff may serve a subpoena or order issued under authority of the department of revenue as provided in section 421.22.

7. Subject to the requirements of chapter 341A and section 902 of this Act, the sheriff may appoint and remove deputies, assistants, and clerks.

Sec. 652. NEW SECTION. GENERAL DUTIES OF THE SHERIFF. The sheriff shall:

1. Execute and return all writs and other legal process issued to the sheriff by legal authority. The sheriff shall execute and return any legal process in the sheriff's possession at the expiration of the sheriff's term of office and if a vacancy occurs in the office of sheriff, the sheriff's deputies shall execute and return the legal processes in their possession as if the sheriff had continued in office. The sheriff's successor or other officer authorized to discharge the duties of the office of sheriff may execute and return the legal processes on behalf of the outgoing sheriff and the sheriff's deputies, but the outgoing sheriff and the sheriff's deputies remain liable for the execution and return of the legal processes in their possession when the sheriff leaves office or the vacancy occurs.

2. Upon written order of the county attorney, make a special investigation of any alleged infraction of the law within the county and report the findings to the county attorney within a reasonable time. Upon completion of the investigation, the sheriff shall file with the auditor a detailed, sworn statement of the expenses of the investigation accompanied by the written order of the county attorney. The board shall audit and pay the reasonable and necessary expenses of the investigation.

3. Upon leaving office, deliver to the sheriff's successor and take the successor's receipt for all books and papers pertaining to the office except as provided in subsection 1, property attached and levied upon, and prisoners in the county jail. The receipt is sufficient indemnity to the outgoing sheriff.

4. Provide service to the district court judges, district associate judges, and judicial magistrates of the county and while the judges and magistrates are in session, provide them with the assistance of bailiffs. The sheriff shall appoint the number of bailiffs as the judges and magistrates of the county direct. The bailiffs are deputy sheriffs to the extent that the sheriff delegates law enforcement powers to carry out their duties and for whose acts the sheriff is responsible, but the bailiffs need not be subject to civil service under chapter 341A or mandated law enforcement training.

5. Serve as a member of the joint county-municipal disaster services and emergency planning administration as provided in section 29C.9.

6. Enforce the provisions of chapter 32 relating to the desecration of flags and insignia.

7. Serve as a member of a nomination contest commission in lieu of the clerk of the district court when an objection to a nominee for the office of clerk of the district court is heard as provided in section 44.7.

8. Carry out duties relating to election contests as provided in sections 57.6, 62.4, and 62.19.

9. Carry out duties relating to the seizure and disposition of illegal oil and gas supplies as provided in section 84.15.

10. Serve a notice or subpoena received from a board of arbitration as provided in section 90.10.

11. Cooperate with the bureau of labor in the enforcement of child labor laws as provided in section 92.22.

12. Carry out duties relating to the seizure and forfeiture of cigarettes, vehicles, and other property used in violation of cigarette tax laws as provided in section 98.32.

13. Observe and inspect any licensed premise for gambling devices and report findings to the license-issuing authority as provided in section 99A.4.

14. Carry out duties relating to the issuance of permits for the possession, transportation, and detonation of explosive materials as provided in sections 101A.3, 101A.5, 101A.7, and 101A.8.

15. Seize fish and game taken, possessed, or transported in violation of the state fish and game laws as provided in section 109.12.

16. Carry out duties relating to the enforcement of state liquor and beer laws as provided in sections 123.14, 123.117, and 123.118.

17. Carry out duties relating to the seizure, forfeiture, and sale of conveyances used in state liquor law violations as provided in chapter 127 or controlled substance violations as provided in section 1206 of this Act.

18. Enforce the payment of the mobile home tax as provided in section 135D.24.

19. Carry out duties relating to the reporting of persons injured in the commission of a crime, either as perpetrators or victims, as provided in sections 147.111 and 147.112.

20. Carry out duties relating to the enforcement of livestock transportation laws as provided in chapter 172B.

21. Investigate disputes in the ownership or custody of branded animals as provided in section 187.10.

22. Destroy any unfit and disabled estray animal as provided in section 188.50.

23. Execute a warrant involving a person accused of a crime who is released from a state hospital as provided in sections 226.27 and 226.28.

24. Carry out duties relating to the involuntary hospitalization of mentally ill persons as provided in sections 229.7 and 229.11.

25. Carry out duties relating to the investigation of reported child abuse cases and the protection of abused children as provided in section 232.71.

26. Remove, upon court order, an indigent person to the county or state of the person's legal settlement as provided in section 252.18.

27. File a complaint upon receiving knowledge of an indigent person who is ill and may be improved, cured, or advantageously treated by medical or surgical treatment or hospital care as provided in section 255.2.

28. Give notice of the time and place of making an appraisement of unneeded school land as provided in sections 297.17 and 297.28.

29. Cooperate with the department of transportation, the department of public safety, and other law enforcement agencies in the enforcement of local and state traffic laws and inspections as provided in sections 321.5 and 321.6.

30. Report the theft and recovery of a registered motor vehicle as provided in section 321.72.

31. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 through 321.135.

32. If designated by the department of transportation, conduct examinations of applicants for operators', motorized bicycle, and chauffeurs' licenses as provided in section 321.187.

33. Enforce sections 321.372 through 321.379 relating to school buses.

34. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of an alcoholic beverage as provided in chapter 321B.

35. Upon request, assist the department of revenue and the state department of transportation in the enforcement of motor fuel tax laws as provided in section 324.76.

36. Have charge of the county jails in the county and custody of the prisoners committed to the jails as provided in chapter 356.

37. Execute a distress warrant issued to collect delinquent personal property taxes as provided in section 445.8.

38. Collect delinquent taxes certified by the treasurer as provided in section 445.49.

39. Notify the department of environmental quality of hazardous conditions of which the sheriff is notified as provided in section 455B.115.

40. Carry out duties relating to condemnation of private property as provided under chapter 472.

41. Carry out duties relating to the removal and disposition of abandoned motor vehicles as provided in section 556B.1.

42. Carry out duties relating to the determination of what is included in a homestead as provided in section 561.8.

43. Carry out duties relating to liens for services of animals as provided in chapter 580.

44. Summon persons to serve as jurors as provided in sections 609.30 and 609.31.

45. Carry out duties relating to the summoning of talesmen as provided in section 609.41.

46. Designate the newspapers in which notices pertaining to the sheriff's office are published as provided in section 618.7.

47. Carry out duties relating to the execution of judgments and orders of the court as provided in chapter 626.

48. Add the amount of an advancement made by the holder of the sheriff's sale certificate to the execution, upon verification by the clerk as provided by section 629.3.

49. Upon appointment of the court, serve as a receiver of property of a judgment debtor as provided in sections 630.7 and 630.9.

50. Carry out duties relating to the attachment of property as provided in chapters 639, 640, and 641.

51. Carry out duties relating to garnishment under chapter 642.

52. Carry out duties relating to an action of replevin as provided in chapter 643.

53. Carry out orders of the court or a judge relating to the service or execution of a writ of habeas corpus as provided under chapter 663.

54. Carry out duties relating to the disposition of lost property as provided in chapter* 644.

55. Carry out orders of the court requiring the sheriff to take custody and deposit or deliver trust funds as provided in section 682.30.

56. Carry out legal processes directed by an appellate court as provided in section 686.14.

57. Furnish the bureau of criminal identification with the criminal identification records and other information upon direction by the commissioner of public safety as provided in section 690.1.

58. Take the fingerprints of all persons specified under section 690.2 and forward the fingerprint records to the commissioner of public safety.

*According to enrolled Act

59. Report information on crimes committed and furnish disposition reports on persons arrested and criminal complaints or information filed in any court as provided in section 692.15.

60. Carry out duties relating to firearm training and the issuance and revocation of firearm permits as provided in chapter 724.

61. Accept custody of persons handed over to the sheriff by the department of public safety as provided in section 804.28.

62. Carry out duties relating to the forfeiture and judgment of bail as provided in section 811.6.

63. Resume custody of a defendant who is recommitted after bail by order of a magistrate as provided in section 811.7.

64. Carry out duties relating to the confinement of mentally ill persons or dangerous persons as provided in section 812.5.

65. Release a defendant in custody upon receipt of a certificate of release as provided in section 814.14.

66. Upon call of the governor or attorney general, render assistance in the enforcement of the law as provided in section 817.2.

67. Upon court order, take an accused person into custody from the warden of a penal institution and convey the person to the place of trial as provided in section 813.2, rule of criminal procedure 7.

68. Receive and detain a defendant transferred from another county under a change of venue as provided in section 813.2, rule of criminal procedure 10, subsection 9.

69. Carry out duties relating to the execution of a judgment for confinement or other execution as provided in section 813.2, rule of criminal procedure 24.

70. Carry out duties relating to the return of service in civil cases as provided in rules of civil procedure 59.

71. Upon court order, provide food and lodging to jurors at the expense of the county as provided in rule of civil procedure 202.

72. Serve a writ of certiorari as provided in rule of civil procedure 312.

73. Carry out other duties required by law.

Sec. 653. NEW SECTION. FAITHFUL DISCHARGE OF DUTIES--PENALTY.

1. The provisions of sections 651, subsections 1 and 2, and 652, subsections 1 and 2 of this Act, do not relieve a sheriff or deputy sheriff from the full and faithful discharge of all duties required of the officer by law.

2. The disobedience of a sheriff or deputy sheriff to the command of a legal process is a contempt of the court from which the process is issued and is punishable as provided in chapter 665. The sheriff or deputy sheriff is also liable to action by any person injured by the disobedience.

Sec. 654. NEW SECTION. FEES--MILEAGE--EXPENSES.

1. The sheriff shall collect the following fees:

a. For serving a notice and returning it, for the first person served, six dollars, and each additional person, six dollars except the fee for serving additional persons in the same household shall be three dollars for each additional service.

b. For each warrant served, six dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, six dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or relating to the mentally ill process.

d. For summoning a grand or trial jury, all necessary and actual expenses incurred by the sheriff.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and attending them, thirty dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, five dollars.

g. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, five dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, three dollars per hour.

i. For a copy of any paper required by law, made by the sheriff, twenty-five cents.

j. Mileage at the rate specified in section 79.9 in all cases required by law, going and returning. Mileage fees do apply where provision is made for expenses, and both mileage and expenses shall not be allowed for the same services and for the same trip. If the sheriff transports one or more persons by auto to a state institution or any other destination required by law or if one or more legal papers are served on the same trip, the sheriff is entitled to one mileage, the mileage cost of which shall be prorated to the persons transported or papers served. However, in serving original notices in civil cases and in serving and returning a subpoena, the sheriff shall be allowed mileage in each action where the original notice or subpoena is served, with a minimum mileage of one dollar for each service. The sheriff may refuse to serve original notices in civil cases until the fees and estimated mileage for service have been paid.

k. For each day attending sale of property, three dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and three dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, one dollar; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, one dollar and actual

expenses; for posting and leaving notices in these cases, one dollar and actual expenses.

n. For each operators', motorized bicycle, or chauffeurs' license issued by the sheriff, the fee specified in section 321.192.

o. For posting a notice or advertisement, the fee provided in section 618.12.

p. For delivering prisoners under a change of venue, the fee authorized under section 815.8.

2. The mileage fees allowed by law may be retained by the sheriff as an addition to the sheriff's annual salary. In counties having a population of one hundred thousand or more, the county may contract with the sheriff for the use of an automobile on a monthly basis in lieu of payment of mileage in the service of criminal processes.

3. The sheriff shall keep an accurate record of the fees collected in a fee book, make a quarterly report of the fees collected to the board, and pay the fees belonging to the county into the county treasury as provided in section 901 of this Act.

4. The sheriff shall deposit funds collected and held by the sheriff in an approved depository as provided in chapter 453.

Sec. 655. NEW SECTION. MANAGEMENT OF CONDEMNATION FUNDS.

1. A sheriff receiving funds from a condemnation proceeding shall list the funds in detail in a book kept for that purpose. The sheriff shall pay the funds to the persons entitled to them upon final adjudication of a condemnation case. If the funds are held after final adjudication of the case until the end of the fiscal year, the funds shall be paid to the treasurer as provided in subsection 2.

2. Not later than July 1 of each year, the sheriff shall make a detailed report under oath of all funds received and in the sheriff's possession from condemnation proceedings which have been finally adjudicated. The report shall include the names of the parties to whom the funds belong, when the funds were received, and a description of the property condemned. The report shall be filed with the treasurer and the amount of the condemnation funds specified in the report shall be paid to the treasurer. The sheriff shall be given a detailed receipt for the funds.

3. If the sheriff possesses condemnation funds which have not been finally adjudicated, the sheriff shall prepare a detailed report of those funds, including the same information as required in subsection 2, which report shall be filed with the auditor for examination and audit by the board. When a sheriff's term of office expires, the sheriff shall pay the condemnation funds which are not finally adjudicated to the sheriff's successor. The outgoing sheriff shall receive a detailed receipt for the funds.

4. The treasurer shall keep a record of the condemnation funds received from the sheriff in a book kept for that purpose. The book shall include a list of the names of persons to whom the funds are due, a description of the property condemned, and the amount due for each property item. The treasurer shall pay the amount due to each person from the condemnation fund on warrants ordered by the board and issued by the auditor. The treasurer and

the bond sureties of the treasurer are liable for the condemnation funds in the same manner as for other funds received by the treasurer in an official capacity.

5. The sheriff and the bond sureties of the sheriff are liable for the condemnation funds received by the sheriff until the funds are paid to the persons to which the funds are due, the treasurer, or the sheriff's successor as provided in this section.

Sec. 656. NEW SECTION. STANDARD UNIFORMS.

1. The sheriff and the full-time deputy sheriffs shall wear the standard uniform and display a standard badge of office when on duty except:

a. The sheriff may designate other apparel to be worn when the sheriff or a deputy sheriff is engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mentally ill persons.

b. A district court judge, district associate judge, or judicial magistrate may direct that deputy sheriffs who act as bailiffs dress in wearing apparel other than the standard uniform while the court is in session.

c. Special deputy sheriffs appointed by the sheriff are excluded from the requirements of this subsection.

2. The standard uniforms and accessories required by the sheriff for the proper outfitting of the sheriff and the sheriff's full-time deputies under this section shall be provided by the county. The uniforms and accessories issued to the sheriff and the sheriff's deputies remain the property of the county.

3. The colors and design of the standard uniform for the sheriffs and deputy sheriffs shall be designated by rule of the commissioner of public safety after consideration of the recommendations of the Iowa state association of sheriffs and deputy sheriffs. The uniform shall include standard shoulder patches, badges, nameplates, hats, trousers, neckties, jackets, socks, shoes and boots, and leather goods. The uniforms shall be readily distinguishable from the uniforms of other law enforcement agencies of the state. The rules shall allow for appropriate individual county designations on the uniforms. The rules shall be adopted and may be amended in compliance with chapter 17A.

Sec. 657. NEW SECTION. CARE OF PRISONERS.

1. The sheriff shall provide board and care for prisoners in the sheriff's custody in the county jail without personal compensation except for the sheriff's annual salary.

2. The county shall pay the costs of the board and care of the prisoners in the county jail, which costs, in the board's judgment, are necessary to enable the sheriff to carry out the sheriff's duties under this section. The board may determine the manner in which meals are provided for the prisoners.

3. The sheriff is accountable to the board for fees due or collected for boarding, lodging, and providing other services for prisoners in the sheriff's custody under the order of a federal court.

4. The sheriff shall allow access by the board at any reasonable time to the county jail and to supplies provided by the county for the purpose of

inspecting the jail and determining whether the supplies are used for the purpose of boarding and caring for prisoners as provided in this section.

Sec. 658. NEW SECTION. PROHIBITED ACTIONS.

1. A sheriff or a deputy sheriff shall not:

a. Appear in any court as an attorney or legal counsel for another party.

b. Make or prepare a writing, document, or process to commence a legal action or proceeding.

c. Use a writing, document, or process prepared by the sheriff or deputy sheriff in a legal action or proceeding. The document, writing, or process prepared or made by a sheriff or a deputy sheriff in violation of this subsection is void.

2. A sheriff or a deputy sheriff shall not be the purchaser, directly or indirectly, of property which is being sold by the sheriff or deputy sheriff under process of law. A purchase made in violation of this subsection is void.

Sec. 659. NEW SECTION. APPROPRIATION--INDIAN SETTLEMENT OFFICER. There is appropriated annually from the general fund of the state to the county of Tama the sum of three thousand five hundred (3,500) dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama.

PART 5

CLERK OF DISTRICT COURT

Sec. 700. NEW SECTION. OFFICE OF THE CLERK OF THE DISTRICT COURT.

1. The office of clerk is an elective office except that if a vacancy occurs in the office, a temporary clerk shall be appointed by the district court or a district court judge to serve until a successor is appointed to the unexpired term by the board as provided in chapter 69. If a clerk is suspended from office, the district court may appoint a temporary clerk as provided in section 66.19.

2. A person elected or appointed to the office of clerk shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. The term of office of the clerk is four years.

4. The clerk or a deputy clerk shall not practice as an attorney or a solicitor in any court of this state.

Sec. 701. NEW SECTION. GENERAL DUTIES. The clerk shall:

1. Keep the office of the clerk at the county seat.

2. Attend sessions of the district court.

3. Keep the records, papers, and seal, and record the proceedings of the district court as provided by law under the direction of the chief judge of the district court.

4. Upon the death of a judge of the district court, give written notice to the state comptroller of the date of the death. The clerk shall also give written notice of the death of a judge of the supreme court, court of

appeals, or district court residing in the clerk's county to the state commissioner of elections, as provided in section 46.12.

5. When money in the amount of five hundred dollars or more is paid to the clerk to be paid to another person and the money is not disbursed within thirty days, notify the person who is entitled to the money or for whose account the money is paid or the attorney of record of the person. The notice shall be given by certified mail within forty days of the receipt of the money to the last known address of the person or the person's attorney and a memorandum of the notice shall be made in the proper record. If the notice is not given, the clerk and the clerk's sureties are liable for interest at the rate specified in section 535.2 on the money from the date of receipt to the date that the money is paid to the person entitled to it or the person's attorney.

6. On each process issued, indicate the date that it is issued, the clerk's name who issued it, and the seal of the court.

7. Upon return of an original notice to the clerk's office, enter in the appearance or combination docket information to show which parties have been served the notice and the manner and time of service.

8. When entering a lien or indexing an action affecting real estate in the clerk's office, enter the year, month, day, hour, and minute when the entry is made. The clerk shall mail a copy of a mechanic's lien to the owner of the building, land, or improvement which is charged with the lien as provided in section 572.8.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is not considered filed in the cause or taken from the clerk's office until the memorandum is made. The memorandum shall be made before the end of the next working day. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will, proceeding, or order in probate, certify the final decree, judgment, or decision under seal of the court to the auditor of the county in which the real estate is located.

11. Keep for public inspection a certified copy of each Act of the general assembly and furnish a copy of the Act upon payment of a fee as provided in section 3.15.

12. At the order of the chief justice or an associate justice of the state supreme court, docket without fee any civil or criminal case transferred from a military district under martial law as provided in section 29A.45.

13. Carry out duties as a member of a nominations appeal commission as provided in section 44.7.

14. Maintain a bar registration book, biennially give notice and accept registration of members of the bar to be eligible to vote in elections of judicial nominating commissioners, and certify the names registered to the clerk of the supreme court as provided in section 46.8.

15. Notify the county commissioner of registration of persons who become ineligible to register to vote because of criminal convictions, mental retardation, or legal declarations of incompetency and of persons whose citizenship rights have been restored as provided in section 48.30.

16. When the auditor is a party to an election contest, carry out duties on behalf of the auditor and issue subpoenas as provided in sections 62.7 and 62.11.

17. Approve the bonds of the members of the board of supervisors as provided in section 64.19.

18. File the bonds and oaths of the members of the board of supervisors as provided in section 64.23.

19. Keep a book of the record of official bonds and record the official bonds of judicial magistrates as provided in section 64.24.

20. Carry out duties relating to proceedings for the removal of a public officer as provided in sections 66.4 and 66.17.

21. Take temporary possession of the office and all official books and papers in the office of auditor when a vacancy occurs and hold the office, books, and records until a successor qualifies as provided in section 69.3.

22. Approve the surety bonds of persons accepting appointment as notaries public in the county as provided in section 77.4, subsection 2.

23. Carry out duties as a trustee for incompetent dependents entitled to benefits under chapters 85 and 85A and report annually to the district court concerning money and property received or expended as a trustee as provided under sections 85.49 and 85.50.

24. Carry out duties relating to enforcing orders of the occupational safety and health review commission as provided in section 88.9, subsection 2.

25. Certify the imposition of a mulct tax against property creating a public nuisance to the auditor as provided in section 99.28.

26. Carry out duties relating to the judicial review of orders of the occupational safety and health review commission as provided in section 104.10, subsection 2.

27. With sufficient surety, approve an appeal bond for judicial review of an order or action of the state conservation commission relating to dams and spillways as provided in section 112.8.

28. Docket an appeal from the fence viewer's decision or order as provided in section 113.23.

29. Certify to the recorder the fact that a judgment has been rendered upon an appeal of a fence viewer's order as provided in section 113.24.

30. Hold as a public record a list of the names and addresses of persons licensed as real estate salespersons and brokers and the name of persons whose licenses were suspended or revoked during the year reported as provided in section 117.42.

31. Approve bond sureties and enter in the lien index the undertakings of bonds for abatement relating to the illegal manufacture, sale, or consumption of alcoholic liquors as provided in sections 123.76, 123.79, and 123.80.

32. Carry out duties relating to a judgment of forfeiture ordering the sale or other disposition of a conveyance used in the illegal transportation of liquor as provided in sections 127.14 through 127.17 or the illegal transportation or distribution of a controlled substance as provided in section 1206 of this Act.

33. Carry out duties as county registrar of vital statistics as provided in chapter 144.

34. Furnish to the state department of health a certified copy of a judgment suspending or revoking a professional license as provided in section 147.66.

35. Receive and file a bond given by the owner of a distrained animal to secure its release pending resolution of a suit for damages as provided in sections 188.22 and 188.23.

36. Send notice of the conviction, judgment, and sentence of a person violating the uniform controlled substances laws to the state board or officer who issued a license or registered the person to a profession or to conduct business as provided in section 204.412.

37. Carry out duties relating to the commitment of a mentally retarded person as provided in sections 222.37 through 222.40.

38. Keep a separate docket of proceedings of cases relating to the mentally retarded as provided in section 222.57.

39. Order the commitment of a voluntary public patient to the state psychiatric hospital under the circumstances provided in section 225.16.

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

41. Make a copy of the warrant and return of service submitted by the sheriff relating to the return of a mental patient from a state hospital to stand trial and mail the warrant and return to the superintendent of the hospital as provided in section 226.28.

42. Carry out duties relating to the involuntary commitment of mentally impaired persons as provided in chapter 229.

43. Serve as clerk of the juvenile court and carry out duties as provided in chapters 231 and 232.

44. Submit to the director of the division of child and family services of the department of social services a duplicate of the findings of the district court related to adoptions as provided in section 235.3.

45. Certify to the warden of the penitentiary or men's reformatory the number of days that an inmate has been credited toward completion of the inmate's sentence as provided in section 246.38.

46. Report to the board of parole and the director of the division of corrections of the department of social services the criminal statistics as provided in sections 247.29 through 247.31.

47. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 and 248.17.

48. Forward support payments received under section 252A.6 to the department of social services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

49. Carry out duties relating to the provision of medical care and treatment for indigent persons as provided in chapter 255.

50. Enter a judgment based on the transcript of an appeal to the state board of public instruction against the party liable for payment of costs as provided in section 290.4.

51. Certify the final order of the district court upon appeal of an assessment within a secondary road assessment district to the auditor as provided in section 311.24.

52. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections 321.281 and 321.491.

53. Send to the department of transportation licenses and permits surrendered by a person convicted of being a habitual offender of traffic and motor vehicle laws as provided in section 321.559.

54. If a person fails to satisfy a judgment relating to motor vehicle financial responsibility within sixty days, forward to the director of the department of transportation a certified copy of the judgment as provided in section 321A.12.

55. Approve a bond of a surety company or a bond with at least two individual sureties owning real estate in this state as proof of financial responsibility as provided in section 321A.24.

56. Carry out duties under the Iowa motor vehicle dealers licensing Act as provided in sections 322.10 and 322.24.

57. Carry out duties relating to the enforcement of motor fuel tax laws as provided in sections 324.66 and 324.67.

58. Serve as an inspector of the county jails with the county attorney as provided in sections 356.9 through 356.13.

59. Carry out duties relating to the platting of land as provided in sections 409.9, 409.11, and 409.22.

60. Upon order of the director of revenue, issue a commission for the taking of depositions as provided in section 421.17, subsection 8.

61. Mail to the director of revenue a copy of a court order relieving an executor or administrator from making an income tax report on an estate as provided in section 422.23.

62. With acceptable sureties, approve the bond of a petitioner for a tax appeal as provided in section 422.29, subsection 2.

63. Certify the final decision of the district court in an appeal of the tax assessments as provided in section 441.39. Costs of the appeal to be assessed against the board of review or a taxing body shall be certified to the treasurer as provided in section 441.40.

64. Certify a final order of the district court relating to the apportionment of tax receipts to the auditor as provided in section 449.7.
65. Carry out duties relating to the inheritance tax as provided in chapter 450.
66. Deposit funds held by the clerk in an approved depository as provided in 453.1.
67. Carry out duties relating to appeals and certification of costs relating to levee and drainage districts as provided in sections 455.96 through 455.105.
68. Carry out duties relating to the condemnation of land as provided in chapter 472.
69. Forward civil penalties collected for violations relating to the siting of electric power generators to the treasurer of state as provided in section 476A.14, subsection 1.
70. Certify a copy of a decree of dissolution of a business corporation to the secretary of state and the recorder of the county in which the corporation is located as provided in section 496A.100.
71. With acceptable sureties, approve the bond of a petitioner filing an appeal for review of an order of the commissioner of insurance as provided in section 502.606 or 507A.7.
72. Certify a copy of a decree of dissolution of a nonprofit corporation to the secretary of state and the recorder in the county in which the corporation is located as provided in section 504A.62.
73. Carry out duties relating to the enforcement of decrees and orders of reciprocal states under the Iowa unauthorized insurers Act as provided in section 507A.11.
74. Certify copies of a decree of involuntary dissolution of a state bank to the secretary of state and the recorder of the county in which the bank is located as provided in section 524.1311.
75. Certify copies of a decree dissolving a credit union as provided in section 533.21, subsection 4.
76. Refuse to accept the filing of papers to institute legal action under the Iowa consumer credit code if proper venue is not adhered to as provided in section 537.5113.
77. Receive payment of money due to a person who is absent from the state if the address or location of the person is unknown as provided in section 538.5.
78. Carry out duties relating to the appointment of the Iowa state commerce commission as receiver for agricultural commodities on behalf of a warehouse operator whose license is suspended or revoked as provided in section 543.3.
79. Certify the signature of the recorder on the transcript of any instrument affecting real estate as provided in section 558.12.
80. Certify an acknowledgement of a written instrument relating to real estate as provided in section 558.20.
81. Collect on behalf of, and pay to the auditor the fee for the transfer of real estate as provided in section 558.66.

82. With acceptable sureties, endorse a bond sufficient to settle a dispute between adjoining owners of a common wall as provided in section 563.11.

83. Carry out duties relating to cemeteries as provided in sections 566.4, 566.7, and 566.8.

84. Carry out duties relating to liens as provided in chapters 570, 571, 572, 574, 580, 581, 582, and 584.

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

86. Carry out duties relating to the dissolution of a marriage as provided in chapter 598.

87. Carry out duties relating to the custody of children as provided in chapter 598A.

88. Carry out duties relating to adoptions as provided in chapter 600.

89. Enter upon the clerk's records actions taken by the court at a location which is not the county seat as provided in section 602.9.

90. Maintain a record of the name, address, and term of office of each member of the judicial magistrates appointing commission as provided in section 602.42.

91. Certify to the supreme court administrator and the state comptroller the names and addresses of the magistrates appointed by the judicial magistrates appointing commission as provided in section 602.50.

92. Furnish an individual or centralized docket for the judicial magistrates of the county as provided in section 602.63.

93. Certify at the conclusion of each calendar quarter, a list of the jurors and their days of attendance to the auditor as provided in section 607.6.

94. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections 608.1 and 608.5.

95. Carry out duties relating to the selection of jurors as provided in chapter 609.

96. Carry out duties relating to the revocation or suspension of an attorney's license to practice law as provided in chapter 610.

97. File and index petitions affecting real estate as provided in sections 617.10 through 617.15.

98. Designate the newspapers in which the notices pertaining to the clerk's office shall be published as provided in section 618.7.

99. With acceptable surety, approve a bond of the plaintiff in an action for the payment of costs which may be adjudged against the plaintiff as provided in section 621.1.

100. Issue subpoenas for witnesses as provided in section 622.63.

101. Carry out duties relating to trials and judgments as provided in sections 624.8 through 624.21 and 624.37.

102. Collect and pay into the county treasury a jury fee for each action tried by a jury as provided in section 625.8.

103. When the judgment is for recovery of money, compute the interest from the date of verdict to the date of payment of the judgment as provided in section 625.21.

104. Carry out duties relating to executions as provided in chapter 626.

105. Carry out duties relating to the redemption of property as provided in sections 628.13, 628.18, and 628.20.

106. Record statements of expenditures made by the holder of a sheriff's sale certificate in the encumbrance book and lien index as provided in section 629.3.

107. Carry out duties relating to the commencement of small claim actions as provided in chapter 631.

108. Carry out duties of the clerk of the probate court as provided in chapter 633.

109. Carry out duties relating to the administration of small estates as provided in sections 635.1, 635.7, 635.9, and 635.11.

110. Carry out duties relating to the attachment of property as provided in chapter 639.

111. Carry out duties relating to garnishment as provided in chapter 642.

112. With acceptable surety, approve bonds of the plaintiff desiring immediate delivery of the property in an action of replevin as provided in sections 643.7 and 643.12.

113. Carry out duties relating to the disposition of lost property as provided in chapter 644.

114. Carry out duties relating to the recovery of real property as provided in section 646.23.

115. Endorse the court's approval of a restored record as provided in section 647.3.

116. When a judgment of foreclosure is entered, file with the recorder an instrument acknowledging the foreclosure and the date of decree and upon payment of the judgment, file an instrument with the recorder acknowledging the satisfaction as provided in sections 655.4 and 655.5.

117. Carry out duties relating to the issuance of a writ of habeas corpus as provided in sections 663.9, 663.43, and 663.44.

118. Accept and docket an application for post-conviction review of a conviction as provided in section 663A.3.

119. Report to the board annually at its first regular meeting in January all fines, forfeited recognizances, penalties, and forfeitures as provided in section 666.6.

120. Issue a warrant for the seizure of a boat or raft as provided in section 667.2.

121. Carry out duties relating to the changing of a person's name as provided in chapter 674.

122. Notify the state registrar of vital statistics of a judgment determining the paternity of an illegitimate child as provided in section 675.36.

123. Enter a judgment made by confession and issue an execution of the judgment as provided in section 676.4.

124. With acceptable surety, approve the bond of a receiver as provided in section 680.3.

125. Carry out duties relating to the assignment of property for the benefit of creditors as provided in chapter 681.

126. Carry out duties relating to the certification of surety companies and the investment of trust funds as provided in chapter 682.

127. Maintain a separate docket for petitions requesting that the record and evidence in a judicial review proceedings be closed as provided in section 692.5.

128. Furnish a disposition of each criminal complaint or information filed in the district court to the department of public safety as provided in section 692.15.

129. Carry out duties relating to the issuance of warrants to persons who fail to appear to answer citations as provided in section 805.5.

130. Provide for a traffic and scheduled violations office for the district court and service the locked collection boxes at weigh stations as provided in section 805.7.

131. Issue a summons to corporations to answer an indictment as provided in section 807.5.

132. Carry out duties relating to the disposition of seized property as provided in sections 809.2 and 809.3.

133. Docket undertakings of bail as liens on real estate and enter them upon the lien index as provided in section 811.4.

134. Hold the amount of forfeiture and judgment of bail as funds in the clerk's office for sixty days as provided in section 811.6.

135. Carry out duties relating to appeals from the district court as provided in chapter 814.

136. Certify costs and fees of the court payable by the state to the state comptroller as provided in section 815.1.

137. Notify the director of the division of adult corrections of the department of social services of the commitment of a convicted person as provided in section 901.7.

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

139. Carry out duties relating to the impaneling and proceedings of the grand jury as provided in section 813.2, rule of criminal procedure 3.

140. Issue subpoenas upon application of the prosecuting attorney and approval of the court as provided in section 813.2, rule of criminal procedure 5.

141. Issue summons or warrants to defendants as provided in section 813.2, rule of criminal procedure 7.

142. Carry out duties relating to the change of venue as provided in section 813.2, rule of criminal procedure 10.

143. Issue blank subpoenas for witnesses at the request of the defendant as provided in section 813.2, rule of criminal procedure 14.

144. Carry out duties relating to the entry of judgment as provided in section 813.2, rule of criminal procedure 22.

145. Carry out duties relating to the execution of a judgment as provided in section 813.2, rule of criminal procedure 24.

146. Carry out duties relating to the trial of simple misdemeanors as provided in section 813.2,* rules of criminal procedures 32 through 56.

*Section 813.3 probably intended

147. Serve notice of an order of judgment entered as provided in rule of civil procedure 82.

148. If a party is ordered or permitted to plead further by the court, serve notice to attorneys of record as provided in rule of civil procedure 86.

149. Maintain a motion calendar as provided in rule of civil procedure 117.

150. Provide notice of a judgment, order, or decree as provided in rule of civil procedure 120.

151. Issue subpoenas as provided in rule of civil procedure 155.

152. Tax the costs of taking a deposition as provided in rule of civil procedure 157.

153. With acceptable sureties, approve a bond filed for change of venue under rule of civil procedure 167.

154. Transfer the papers relating to a case transferred to another court as provided in rule of civil procedure 173.

155. Maintain a ready calendar list as provided in rule of civil procedure 181.1.

156. Assess costs related to a continuance motion as provided in rule of civil procedure 182.

157. Carry out duties relating to the impaneling of jurors as provided in rules of civil procedure 187 through 190.

158. Furnish a referee, auditor, or examiner with a copy of the order of appointment as provided in rule of civil procedure 207.

159. Mail a copy of the referee's, auditor's, or examiner's report to the attorneys of record as provided in rule of civil procedure 214.

160. Carry out duties relating to the entry of judgments as provided in rules of civil procedure 223, 226, 227.1, 228, and 229.

161. Carry out duties relating to defaults and judgments on defaults as provided in rules of civil procedure 231, 232, and 233.

162. Notify the attorney of record if exhibits used in a case are to be destroyed as provided in rule of civil procedure 253.1.

163. Docket the request for a hearing on a sale of property as provided in rule of civil procedure 290.

164. With acceptable surety, approve the bond of a citizen commencing an action of quo warranto as provided in rule of civil procedure 300.

165. Carry out duties relating to the issuance of a writ of certiorari as provided in rules of civil procedure 306 through 319.

166. Carry out duties relating to the issuance of an injunction as provided in rules of civil procedure 320 through 330.

167. Carry out other duties as provided by law.

Sec. 702. NEW SECTION. GENERAL POWERS. The clerk may:

1. Administer oaths and take affirmations as provided in section 78.1.

2. Subject to the requirements of section 902 of this Act, appoint and remove deputies, clerks, and assistants.

3. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, and computer cards. The reproduction shall

include proper indexing. The reproduced record has the same authenticity as the original record.

4. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file shall not be destroyed until after ten years from the date a decree or judgment entry is signed and entered of record and after the contents have been reproduced, but if the matter is dismissed with prejudice before judgment or decree, the original file may be destroyed one year from the date of the dismissal and after its reproduction is authorized and completed as provided in this subsection. As used in this subsection and subsection 5, "destroy" includes the transmission of the original records which are of general historical interest to any recognized historical society or association.

5. Destroy the following original records without prior court order or reproduction except as otherwise provided in this subsection:

a. Records including, but not limited to, dockets, journals, scrapbooks, and files including court reporters' notes, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in subsection 3.

b. Administrative records, after five years, including, but not limited to, warrants, subpoenas, clerks' certificates, statements, praecipes, and depositions.

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk under section 602.36, other than juvenile and adoption proceedings, after a period of twenty years from the date of filing of the actions.

d. Original court files on dissolutions of marriage, one year after dismissal by the parties or under rule 215 of the rules of civil procedure.

e. Small claims files, one year after dismissal with or without prejudice.

f. Uniform traffic citations in the magistrate court or traffic and scheduled violations office, one year after final disposition.

6. Invest money which is paid to the clerk to be paid to any other person in a savings account of a supervised financial organization as defined in section 537.1301, subsection 42, except a credit union operating pursuant to chapter 533. The provisions of chapter 453 relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be credited to the general fund of the county except as otherwise provided by state law or the court.

Sec. 703. NEW SECTION. RECORDS AND BOOKS.

1. The records of the court consist of the original papers filed in all proceedings.

2. The following books shall be kept by the clerk:

a. A record book which contains the entries of the proceedings of the court and which has an index referring to each proceeding in each cause under the names of the parties, both plaintiff and defendant, and under the name of each person named in either party.

b. A judgment docket which contains an abstract of the judgments having separate columns for the names of the parties, the date of the judgment, the damages recovered, costs, the date of the issuance and return of executions, the entry of satisfaction, and other memoranda. The docket shall have an index containing the information specified in paragraph a.

c. A fee book in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee book shall also have an index containing the information specified in paragraph a.

d. A sale book in which the following matters relating to a judgment under which real property is sold, are entered after the return of execution:

- (1) The title of the action.
- (2) The date of judgment.
- (3) The amount of damages recovered.
- (4) The total amount of costs.
- (5) The officer's return in full.

The sale book shall have an index containing the information specified in paragraph a.

e. An encumbrance book in which the sheriff shall enter a statement of the levy of each attachment on real estate.

f. An appearance docket in which the titles of all actions or special proceedings shall be entered. The actions or proceedings shall be numbered consecutively in the order in which they commence and shall include the full names of the parties, plaintiffs and defendants, as contained in the petition or as subsequently made parties by a pleading, proceeding, or order. The entries provided for in this paragraph and paragraphs b and c may be combined in one book, the combination docket, which shall also have an index containing the information specified in paragraph a of this subsection.

g. A lien book in which an index of all liens in the court are kept.

h. A record of official bonds as provided in section 64.24.

i. An inheritance tax and lien book as provided in section 450.13.

j. A cemetery record as provided in section 566.4.

k. A hospital lien docket as provided in section 582.4.

l. A marriage license book as provided in section 595.6.

m. A book of surety company certificates and revocations as provided in section 682.13.

n. A book in which the deposits of funds, money, and securities kept by the clerk are recorded as provided in section 682.37.

Sec. 704. NEW SECTION. FEES--COLLECTION AND DISPOSITION.

1. The clerk shall collect the following fees:

a. For filing a petition, appeal, or writ of error and docketing them, eight dollars. Four dollars of the fee shall remain in the county treasury for the use of the county and four dollars of the fee shall be paid into the

state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

- b. For an attachment, two dollars.
- c. For a cause tried by jury, five dollars.
- d. For a cause tried by the court, two dollars and fifty cents.
- e. For an equity case, three dollars.
- f. For an injunction or other extraordinary process or order, five dollars.
- g. For a cause continued on application of a party by affidavit, two dollars.
- h. For a continuance, one dollar.
- i. For entering a final judgment or decree, one dollar and fifty cents.
- j. For taxing costs, one dollar.
- k. For issuing an execution or other process after judgment or decree, two dollars.
- l. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.
- m. For a certificate and seal, two dollars.
- n. For filing and docketing a transcript of judgment from another county, one dollar.
- o. For entering a rule or order, one dollar.
- p. For issuing a writ or order, not including subpoenas, two dollars.
- q. For issuing a commission to take depositions, two dollars.
- r. For entering a sheriff's sale of real estate, two dollars.
- s. For entering a judgment by confession, two dollars.
- t. For entering a satisfaction of a judgment, one dollar.
- u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
- v. For taking and approving a bond and sureties on the bond, two dollars.
- w. For receiving and filing a declaration of intention and issuing a duplicate, two dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing, four dollars; and for entering the final order and the issuance of the certificate of citizenship, if granted, four dollars.
- x. In addition to the fees required in paragraph w, the petitioner shall, upon the filing of a petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expense of subpoenaing and paying the legal fees of witnesses for whom the petitioner may request a subpoena, and upon the final discharge of the witnesses they shall receive, if they demand it from the clerk, the customary and usual witness fees from the moneys collected, and the residue, if any, except the amount necessary to pay the cost of serving the subpoenas, shall be returned by the clerk to the petitioner.
- y. For a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person, no charge.

z. For making out a transcript in a criminal case appealed to the supreme court, for each one hundred words, fifty cents.

aa. In criminal cases, the same fees for the same services as in civil cases. When judgment is rendered against the defendant, the fees shall be collected from the defendant.

bb. For issuing a marriage license, five dollars. For issuing a marriage license when a party requests a name change other than a change of surname to that of the other spouse or to a hyphenated combination of the surnames of both spouses, seven dollars and fifty cents. Two dollars and fifty cents of the seven dollars and fifty cents shall be paid to the recorder as a recording fee for recording the return of marriage. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

cc. For certifying a change in title of real estate, two dollars.

dd. In addition to all other fees, for making a complete record in cases where a complete record is required by law or directed by an order of the court, for every one hundred words, twenty cents.

ee. For providing transcripts, certificates, other documents, and services in probate matters, the fees specified in section 633.31.

ff. Other fees provided by law.

2. The fees collected by the clerk as provided in subsection 1 shall be paid to the county treasury for use of the county unless otherwise provided in that subsection.

3. The clerk shall keep an accurate record of the fees collected in a fee book, make a quarterly report of the fees collected to the board of supervisors, and pay the fees into the county treasury as provided in section 901 of this Act.

4. The clerk shall pay into the county treasury for use of the county on the first Monday which is not a holiday in January and July of each year all other fees which have come into the clerk's possession since the date of the preceding payment, which do not belong to the clerk's office, and which are still unclaimed. When the unclaimed fees are paid to the treasurer, the clerk shall receive duplicate receipts from the treasurer and give the treasurer the title of the cause and style of the court in which the suit is pending, the names of the witnesses, jurors, officers, or other persons involved in the action, and the amount of money to which each of the persons is entitled. The clerk shall file one of the duplicate receipts with the auditor. The auditor shall charge the amount paid by the clerk to the treasurer as ordinary county revenue and shall enter the same amount upon the proper records as a claim allowed. If the claim is demanded, with proper proof, by the person entitled to it within five years from the date that the money is paid to the treasurer, the auditor shall issue a warrant to pay the claim. If the person entitled to the unclaimed fees does not demand payment within the five years, all rights to the fees or interest in the fees are waived and payment shall not be made.

PART 6

COUNTY ATTORNEY--PUBLIC DEFENDER

Sec. 750. NEW SECTION. OFFICE OF COUNTY ATTORNEY.

1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of county attorney shall be a qualified elector of the county, be admitted to the practice of law in the courts of this state as provided by law, qualify by taking the oath of office as provided in section 63.10, and give bond as provided in section 64.8. A person is not qualified for the office of county attorney while the person's license to practice law in this or any other state is suspended or revoked.

3. The term of office of the county attorney is four years.

Sec. 751. NEW SECTION. FULL-TIME OR PART-TIME ATTORNEY.

1. The board may provide that the county attorney is a full-time or part-time county officer in the manner provided in this section. A full-time county attorney shall refrain from the private practice of law.

2. The board may provide, by resolution, that the county attorney shall be a full-time county officer. The resolution shall include an effective date which shall not be less than sixty days from the date of adoption. However, if the county attorney or county attorney-elect objects to the full-time status, the effective date of the change to a full-time status shall be delayed until January 1 of the year following the next general election at which a county attorney is elected. The board shall not adopt a resolution changing the status of the county attorney between March 1 and the date of the general election of the year in which the county attorney is regularly elected as provided in section 39.17.

3. The board may change the status of a full-time county attorney to a part-time county attorney by following the same procedures as provided in subsection 2. If the incumbent county attorney objects to the change in status, the change shall be delayed until January 1 following the next election of a county attorney.

4. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 906 of this Act. The annual salary of a full-time county attorney shall be an amount which is between forty-five percent and one hundred percent of the annual salary received by a district court judge.

Sec. 752. CURRENT STATUS NOT AFFECTED. Section 751 of this Act does not affect the full-time or part-time status of a county attorney that is in effect on the effective date of this Act, but a subsequent change in the full-time or part-time status of the county attorney may be made only as provided in section 751 of this Act.

Sec. 753. NEW SECTION. MULTI-COUNTY OFFICE.

1. If two or more counties agree, pursuant to chapter 28E, to share the services of a county attorney, the county attorney shall be elected by a majority of the votes cast for the office of county attorney in all of the counties which the county attorney will serve as provided in the agreement. The election shall be conducted in accordance with section 47.2, subsection 2.

2. The effective date of the agreement shall be January 1 of the year following the next general election at which the county attorney is elected as provided by this section and section 39.17.

Sec. 754. NEW SECTION. ABSENCE OF COUNTY ATTORNEY AND ASSISTANTS.

1. In case of absence, sickness, or disability of the county attorney and the assistant county attorneys, the court before which it is the duty of the county attorney or the assistant county attorneys to appear and in which there is official business requiring the attention of the county attorney or an assistant county attorney, may appoint an attorney to act as county attorney by an order of the court. The acting county attorney has the same authority and is subject to the same responsibilities as a county attorney.

2. The acting county attorney shall receive a reasonable compensation as determined by the board for services rendered in proceedings before a judicial magistrate. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the acting county attorney. The compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

Sec. 755. NEW SECTION. PROHIBITED ACTIONS. A county attorney shall not:

1. Accept a fee or reward from or on behalf of a person for services rendered in a prosecution or the conduct of official business.

2. Engage directly or indirectly as an attorney or an agent for a party other than the state or the county in an action or proceeding arising in the county which is based upon substantially the same facts as a prosecution or proceeding which has been commenced or prosecuted by the county attorney in the name of the state or the county. This prohibition also applies to the members of a law firm with which the county attorney is associated.

3. Receive assistance from another attorney who is interested in any civil action in which a recovery is asked based upon matters involved in a criminal prosecution commenced or prosecuted by the county attorney.

Sec. 756. NEW SECTION. DUTIES OF THE COUNTY ATTORNEY. The county attorney shall:

1. Diligently enforce or cause to be enforced in the county, state laws and county ordinances, violations of which may be commenced or prosecuted in the name of the state, county, or as county attorney, except as otherwise provided.

2. Appear for the state and the county in all cases and proceedings in the courts of the county to which the state or the county is a party, except cases brought on change of venue from another county, and appear in the appellate courts in all cases in which the county is a party and in all cases transferred on change of venue to another county in which the county or the state is a party.

3. Prosecute all preliminary hearings for charges triable upon indictment.

4. Prosecute misdemeanors when not otherwise engaged in the performance of other official duties.

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing to the state or the county or to a school district or road district in the county, and all suits in the county against public service corporations which are brought in the name of the state.

6. Commence, prosecute, and defend all actions and proceedings in which a county officer, in the officer's official capacity, or the county is interested or a party.

7. Give advice or a written opinion, without compensation, to the board and other county officers and to school and township officers, when requested by an officer, upon any matters in which the state, county, school, or township is interested, or relating to the duty of the officer in any matters in which the state, county, school, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested.

8. Attend the grand jury when necessary for the purpose of examining witnesses before it or giving it legal advice. The county attorney shall procure subpoenas or other process for witnesses and prepare all informations and bills of indictment.

9. Give a receipt to all persons from whom the county attorney receives money in an official capacity and file a duplicate receipt with the county auditor.

10. Make reports relating to the duties and the administration of the county attorney's office to the governor when requested by the governor.

11. Cooperate with the auditor of state to secure correction of a financial irregularity as provided in section 11.15.

12. Submit reports as to the condition and operation of the county attorney's office when required by the attorney general as provided in section 13.2, subsection 7.

13. Institute legal proceedings at the request of a unit or organization commander to recover military property from a person who fails to return the property as provided in section 29A.34.

14. Hear and decide objections to a nomination filed with the county election commissioner as provided in section 44.7.

15. Review the report and recommendations of the campaign finance disclosure commission and proceed to institute the recommended actions or advise the commission that prosecution is not merited as provided in section 56.11, subsection 4.

16. Prosecute or assist in the prosecution of actions to remove public officers from office as provided in section 66.11.

17. Institute legal proceedings against persons who violate laws administered by the bureau of labor as provided in section 91.11.

18. Investigate complaints and prosecute violations of child labor laws as provided in section 92.22.

19. Prosecute violations of employment security laws and rules as provided in section 96.17, subsection 2.

20. Assist, at the request of the director of revenue, in the enforcement of cigar and tobacco tax laws as provided in sections 98.32 and 98.49.

21. Prosecute nuisances as provided in section 99.24.

22. Attend the hearing, interrogate witnesses, and advise a license-issuing authority relating to the revocation of a license for violation of gambling laws as provided in section 99A.7. The county attorney shall also represent the license-issuing authority in appeal proceedings taken under section 99A.6.

23. Represent the state fire marshal in legal proceedings as provided in section 100.20.

24. Prosecute, at the request of the state conservation director or an officer appointed by the state conservation commission, violations of the state fish and game laws as provided in section 109.35.

25. Assist the division of beer and liquor law enforcement in the enforcement of beer and liquor laws as provided in section 123.14. The county attorney shall also prosecute nuisances, forfeitures of abatement bonds, and foreclosures of the bonds as provided in sections 123.62 and 123.86.

26. At the direction of the board, proceed to collect the costs of the care and treatment of substance abusers as provided in section 125.51.

27. Serve as attorney for the county health care facility administrator in matters relating to the administrator's service as a conservator or guardian for a resident of the health care facility as provided in section 135C.24.

28. Commence civil action to remove or abate a nuisance, or an unsanitary, unhealthful, or objectionable condition complained of by the state department of health as provided in section 135D.17.

29. At the request of the commissioner of public health, commence legal action to enjoin the unlawful use of radiation-emitting equipment as provided in section 136C.5.

30. Prosecute, at the request of the attorney general, violations of the law regulating practice professions as provided in section 147.92.

31. Prosecute violations of the Iowa veterinary practice Act as provided in section 169.19.

32. Assist the department of agriculture in the enforcement of the food establishment laws, the Iowa food service sanitation code, and the Iowa hotel sanitation code as provided in sections 170.51, 170A.14, and 170B.18.

33. Institute legal procedures on behalf of the state to prevent violations of the corporate or partnership farming laws as provided in section 172C.3.

34. Prosecute violations of the Iowa dairy industry laws as provided in section 179.11.

35. Prosecute persons who fail to file an annual or special report with the secretary of agriculture under the meat and poultry inspection Act as provided in section 189A.17.

36. Cooperate with the secretary of agriculture in the enforcement of label requirements for food packages as provided in section 191.7.

37. Prosecute violations of the Iowa commercial feed law of 1974 as provided in section 198.13, subsection 3.

38. Cooperate with the secretary of agriculture in the enforcement of the agricultural seed laws as provided in section 199.14.

39. Prosecute violations of the Iowa fertilizer law as provided in section 200.18, subsection 4.

40. Prosecute violations of the Iowa drug and cosmetic Act as requested by the board of pharmacy examiners as provided in section 203A.7.

41. Appear in support of a petition to transfer an inmate of the training school for boys to the men's reformatory for custodial care as provided in section 218.91.

42. Provide the department of social services with information relating to the background and criminal acts committed by each person sentenced to a state correctional institution from the county as provided in section 218.97.

43. Carry out duties relating to the appointment of a guardian or commitment of a mentally retarded person as provided in section 222.18.

44. Proceed to collect, as requested by the county, the reasonable costs for the care, treatment, training, instruction, and support of a mentally retarded person from parents or other persons who are legally liable for the support of the mentally retarded person as provided in section 222.82.

45. At the direction of a district court judge, investigate the financial condition of a person under commitment proceedings to the state psychiatric hospital or those legally responsible for the person as provided in section 225.13.

46. Appear on behalf of the director of the division of mental health in support of an application to transfer a mentally ill person who becomes incorrigible and dangerous from a state hospital for the mentally ill to the Iowa security medical facility as provided in section 226.30.

47. Carry out duties relating to the hospitalization of persons for mental illness as provided in section 229.12.

48. Carry out duties relating to the collection of the costs for the care, treatment, and support of mentally ill persons as provided in sections 230.25 and 230.27.

49. Carry out duties relating to the care, guidance, and control of juveniles as provided in chapter 232.

50. Prosecute violations of law relating to aid to dependent children, medical assistance, and supplemental assistance as provided in sections 239.20, 249.13 and 249A.14.

51. Commence legal proceedings to enforce the rights of children placed under foster care arrangements as provided in section 242.11.

52. Commence legal proceedings, at the request of the superintendent of the Iowa juvenile home, to recover possession of a child as provided in section 244.12.

53. Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture as provided in section 248.9.

54. Carry out duties relating to the provision of medical and surgical treatment for an indigent person as provided in sections 255.7 and 255.8.

55. Commence legal proceedings to recover school funds as provided in section 302.33.

56. At the request of the state geologist, commence legal proceedings to obtain a copy of the map of a mine or mine extension as provided in section 305.13.

57. Enforce, upon complaint, the performance of duties by officers charged with the responsibilities of controlling or eradicating noxious weeds as provided in section 317.23.

58. Commence legal proceedings to remove billboards and signs which constitute a public nuisance as provided in section 319.11.

59. At the request of the director of transportation, petition the district court to enforce the habitual offender law as provided in section 321.556.

60. Assist, upon request, the transportation regulation board legal counsel or the department of transportation's general counsel in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

61. Enforce the control of vegetation on railroad property by the railroad corporations as provided in section 327F.29.

62. Appoint a member of the civil service commission for deputy sheriffs as provided in section 341A.2 or 341A.3.

63. Represent the civil service commission for deputy sheriffs in civil suits initiated by the commission for the proper enforcement of the civil service law as provided in section 341A.16.

64. Serve as an inspector of jails in the county, inspect each jail at least twice each year and present a report to the district court of the condition of each jail as provided in sections 356.9 through 356.13.

65. Present to the grand jury at its next session a copy of the report filed by the division of corrections of the department of social services of its inspection of the jails in the county as provided in section 356.43.

66. Represent the township trustees in counties having a population of less than twenty-five thousand except when the interests of the trustees and the county are adverse as provided in section 359.18.

67. Represent the assessor and the board of review in legal proceedings relating to assessments as provided in section 441.41.

68. Represent the state in litigation relating to the inheritance tax if requested by the department of revenue as provided in section 450.1.

69. Institute proceedings to enjoin persons from violating water treatment laws as provided in section 455B.64.

70. Conduct legal proceedings relating to the condemnation of private property as provided in section 472.2.

71. Prosecute persons erecting or maintaining an electric transmission line across a railroad track except as authorized by the state commerce commission at the request of the commission as provided in section 478.29.

72. Institute legal proceedings against violations of insurance laws as provided in sections 511.7 and 515.93.

73. Assist, as requested by the attorney general, with the enforcement of the Iowa competition law as provided in section 553.7.

74. Initiate proceedings to enforce provisions relating to the recordation of conveyances and leases of agricultural land as provided in section 558.44.

75. Petition, in the name of the state, against the owner of any land subject to escheat as provided in sections 567.5 and 567.6.

76. Bid on real estate on behalf of the county when necessary to secure the county from loss as provided by section 569.2.

77. Demand payment or security for a debt owed the state as provided in section 641.1.

78. Seek an attachment against the property of a person owing money to the state as provided in section 641.2.

79. Prosecute a complaint to establish paternity and compel support for a child as provided in section 675.19.

80. Give to an accused person a copy of each report of the findings of the criminalistics laboratory in the investigation of an indictable criminal charge against the accused as provided in section 691.4.

81. Notify state and local governmental agencies issuing licenses or permits, of a person's conviction of obscenity laws relating to minors as provided in section 728.8.

82. In the case of appeal from the district court, furnish the attorney general with a copy of the notice of appeal and pertinent material from the district court proceedings as provided in section 814.8.

83. Certify fees and mileage payable to witnesses subpoenaed by the county attorney before the district court as provided in section 815.3.

84. Carry out duties relating to extradition of fugitive defendants as provided in chapter 818.

85. Advise the director of the judicial district department of correctional services of the facts and circumstances surrounding the crime committed and the record and history of the defendant granted probation as provided in section 907.8.

86. Bring an action in the nature of quo warranto as provided in rule of civil procedure 300.

87. Perform other duties required by state law.

Sec. 757. NEW SECTION. TEMPORARY AND FULL-TIME ASSISTANTS.

1. The county attorney may employ, with the approval of a judge of the district court, a temporary assistant to assist in the trial of a person charged with a felony. The temporary assistant shall be paid a reasonable compensation for his or her services as determined by the board upon certification of the services rendered, by the district judge before whom the defendant was tried. The compensation paid to the temporary assistant shall be paid from the court expense fund of the county.

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney's office by the board. The

annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

Sec. 758. NEW SECTION. GENERAL POWERS. The county attorney may:

1. Administer oaths and take affirmations as provided in section 78.2.
2. Appoint and remove deputies, clerks, and assistants subject to the requirements of sections 757 and 902 of this Act.

Sec. 775. NEW SECTION. DEFINITIONS. As used in sections 775 through 778 of this Act, unless the context otherwise requires:

1. "Attorney" means a lawyer appointed by a court to represent an incompetent or indigent person.
2. "Client" means an incompetent or indigent person represented by a court-appointed lawyer or public defender.
3. "Financial statement" means a full disclosure of all assets, liabilities, current income, dependents, and other information the court or public defender requires to determine if the client qualifies for legal assistance at public expense.
4. "Indigent person" means a person who is unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependent family.

Sec. 776. NEW SECTION. OFFICE OF PUBLIC DEFENDER.

1. The board, by resolution, may establish or abolish the office of public defender. Two or more counties within the same judicial district, by agreement executed under chapter 28E, may establish an office of public defender to serve the counties.

2. The public defender shall be an attorney admitted to the practice of law before the Iowa supreme court. When a vacancy exists in the office of public defender, the district court judges of the judicial district containing the county in which the public defender is to serve, sitting en banc, shall nominate two attorneys qualified to serve as public defenders and certify their names to the board of each county in which the public defender is to serve. Within thirty days after the certification, the supervisors shall appoint one of the nominees by majority vote of each board.

3. The term of office of the public defender is six years.

4. The board shall determine the compensation of the public defender.

5. The board shall provide office space, furniture, equipment, and supplies for the use of the public defender suitable for the business of the office, but an allowance may be provided in lieu of facilities. Each item is a charge against the county in which the defender's services are provided. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of the counties shall be prorated among the counties concerned.

6. The board may require a public defender or assistant public defender to devote full time to the discharge of the duties of office and not engage in the private practice of law. A public defender or assistant public defender may be a member of a law partnership or a professional corporation on leave of absence.

7. A public defender or assistant public defender shall not refer any legal matter or litigation to a particular lawyer or recommend or suggest to

another person the employment of a particular lawyer to counsel, conduct, defend, or prosecute a legal matter if the county is or is likely to be a party to the litigation or have a substantial interest in the legal matter, or receive any fee or compensation for the referral, recommendation, or suggestion. However, upon request, the public defender or assistant public defender may recommend a lawyer to a court, governmental agency, or legal aid society.

8. The compensation and expenses of the office of public defender may be paid from the court expense fund.

Sec. 777. NEW SECTION. POWERS AND DUTIES OF A PUBLIC DEFENDER. The public defender:

1. Shall represent without fee each indigent person who is under arrest or charged with a crime if the indigent person requests it or the court orders it. The public defender shall counsel and defend a client at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the public defender considers to be in the interest of justice.

2. Shall make the determination of indigence within criteria established by the board before the initial arraignment or other initial court appearance. At or after initial arraignment or other initial court appearance, the determination of indigence shall be made by the court. The public defender shall require an indigent person requesting legal assistance to complete a detailed financial statement which shall be filed in the indigent person's court file and retained as a permanent part of the file.

3. Shall make an annual report to the judges of the district court sitting in any county in which the public defender serves, the attorney general, and the board of any county in which the public defender serves. The report shall include all cases handled by the public defender during the preceding year.

4. May appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the board. An assistant public defender must be an attorney licensed to practice before the Iowa supreme court. The appointments shall be made in the manner prescribed by the board which shall determine the compensation of the appointees.

Sec. 778. NEW SECTION. COURT-APPOINTED ATTORNEYS.

1. The court, for cause and upon application of an indigent person or the public defender or on its own motion, may appoint an attorney, other than the public defender, to represent an indigent person at any stage of legal proceedings or on appeal. The appointed attorney shall be compensated as provided in section 815.7.

2. Before an attorney is appointed under section 68.8 or 222.22, chapter 232, section 813.2, rule of criminal procedure 8, or to represent a person charged with a crime in this state, the court shall require the client or the client's parent, guardian, or custodian to complete under oath a detailed financial statement. If a client is granted assistance at public expense, the financial statement shall be filed in the client's court file and retained as a permanent part of the file.

3. If a court finds that a person desires legal assistance and is financially able to secure legal counsel but refuses to employ an attorney, the court shall appoint an attorney to represent the person at public expense. The attorney fee paid by the state or the county shall be taxed as part of the court costs against the person receiving the legal assistance and the state or the county shall be reimbursed for the fee when the court costs are paid.

4. A person who submits to a court or a public defender a false financial statement for the purpose of obtaining legal assistance at public expense is guilty of a fraudulent practice.

Sec. 779. CURRENT PUBLIC DEFENDER NOT AFFECTED. Sections 775 through 778 of this Act do not affect the term of office of a public defender serving an unexpired term of office on the effective date of this Act. A public defender serving an unexpired term on the effective date of this Act may continue to serve the remainder of the unexpired term. If a vacancy occurs, a successor shall be appointed as provided in section 776 of this Act.

PART 7

COUNTY MEDICAL EXAMINER

Sec. 800. NEW SECTION. COUNTY MEDICAL EXAMINER--APPOINTMENT, QUALIFICATIONS AND ASSISTANTS.

1. A county medical examiner shall be appointed by the board for a two-year term. The term of office shall commence on the first day in January which is not a Sunday or holiday and continue for two years or until a successor is appointed and qualifies as provided in this section. A vacancy shall be filled by the board for the unexpired term.

2. To serve as a county medical examiner a person shall be licensed in this state as a doctor of medicine and surgery, a doctor of osteopathic medicine and surgery, or an osteopathic physician. The medical examiner shall be appointed by the board from lists of two or more names submitted by the medical society and the osteopathic society of the county in which the candidate resides. If names are not submitted by either society, the board may appoint any licensed physician, osteopathic physician and surgeon, or osteopathic physician of the county. If a qualified physician of the county will not serve, the board may appoint a physician from another county. If a county medical examiner is unable to serve in a particular case or for a period of time, the medical examiner shall promptly notify the chairperson of the board who shall designate some other qualified physician to serve temporarily.

3. The board may provide laboratory facilities, deputy medical examiners, and other professional, technical, and clerical assistance as required by the county medical examiner in the performance of official duties. However, the requirements shall be subject to prior approval by the state medical examiner.

Sec. 801. NEW SECTION. DEATHS--REPORTED AND INVESTIGATED.

1. A person's death which affects the public interest as specified in subsection 3 shall be reported to the county medical examiner or the state medical examiner by the physician in attendance, any law enforcement officer having knowledge of the death, the embalmer, or any other person present.

The appropriate medical examiner shall notify the city or state law enforcement agency or sheriff and take charge of the body.

2. If a person's death affects the public interest, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney. For each preliminary investigation and the preparation and submission of the required reports, the county medical examiner shall receive a fee determined by the board plus the examiner's actual expenses. The fee and expenses shall be paid by the county for which the service is provided. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the state department of health.

3. A death affecting the public interest includes, but is not limited to, any of the following:

- a. Violent death, including homicidal, suicidal, or accidental death.
- b. Death caused by thermal, chemical, electrical, or radiation injury.
- c. Death caused by criminal abortion including self-induced, or by sexual abuse.
- d. Death related to disease thought to be virulent or contagious which may constitute a public hazard.
- e. Death that has occurred unexpectedly or from an unexplained cause.
- f. Death of a person confined in a prison, jail, or correctional institution.
- g. Death of a person if a physician was not in attendance within thirty-six hours preceding death, excluding prediagnosed terminal or bedfast cases for which the time period is extended to twenty days.
- h. Death of a person if the body is not claimed by a relative or friend.
- i. Death of a person if the identity of the deceased is unknown.
- j. Death of a child under the age of two years if death results from an unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

4. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in paragraph j of subsection 3, the county medical examiner shall order an autopsy, the expense of which shall be reimbursed by the state department of health. In determining the need for an autopsy, the county medical examiner may consider the request for an autopsy from a public official or private person, but the state medical examiner or the county attorney of the county where the death occurred may require an autopsy.

5. a. A person making an autopsy shall promptly file a complete record of the findings in the office of the state medical examiner and the county attorney of the county where death occurred and the county attorney of the county where any injury contributing to or causing the death was sustained.

b. A summary of the findings resulting from an autopsy of a child under the age of two years whose death occurred in the manner specified in paragraph j of subsection 3 shall be transmitted immediately by the physician who performed the autopsy to the county medical examiner. The report shall be forwarded to the parent, guardian, or custodian of the child by the county medical examiner or a designee of the county medical examiner, or through the infant's attending physician. A copy of the autopsy report filed with the county attorney shall be available to the parents, guardian, or custodian upon request.

6. The report of an investigation made by the state medical examiner or a county medical examiner and the record and report of an autopsy made under this section or chapter 691, shall be received as evidence in any court or other proceedings, except that statements by witnesses or other persons and conclusions on extraneous matters included in the report are not admissible. The person preparing a report or record given in evidence may be subpoenaed as a witness in any civil or criminal case by any party to the cause. A copy of a record, photograph, laboratory finding, or record in the office of the state medical examiner or any medical examiner, when attested to by the state medical examiner or a staff member or the medical examiner in whose office the record, photograph, or finding is filed, shall be received as evidence in any court or other proceedings for any purpose for which the original could be received without proof of the official character of the person whose name is signed to it.

7. In case of a sudden, violent, or suspicious death after which the body is buried without an investigation or autopsy, the county medical examiner, upon being advised of the facts, shall notify the county attorney. The county attorney shall apply for a court order requiring the body to be exhumed in accordance with chapter 144. Upon receipt of the court order, an autopsy shall be performed by a medical examiner or by a pathologist designated by the medical examiner and the facts disclosed by the autopsy shall be communicated to the court ordering the disinterment for appropriate action.

8. Where donation of the remains of the deceased to a medical school or similar institution equipped with facilities to perform autopsies is provided by will or directed by the spouse, parents or children of full age, of the deceased, any autopsy under this section shall be performed at the direction of the school or institution, and in such a manner as to further the purpose of the donation, while serving the public interest.

Sec. 802. NEW SECTION. EXAMINATION CERTIFICATE--FEE. Upon application and payment of a fee determined by the board, the county medical examiner shall provide an examination certificate to the person requesting it and file a copy of the certificate in the medical examiner's office. The certificate is not required in the case of a stillborn infant if a physician was present at the stillbirth and the cause of the stillbirth, as certified by the attending physician as provided in chapter 144, does not require an investigation by a medical examiner.

Sec. 803. NEW SECTION. DISPOSITION OF BODY AND OTHER PROPERTY.

1. After an investigation has been completed, including an autopsy if one is made, the body shall be delivered to a relative or friend of the deceased person for burial or other appropriate disposition. A medical examiner shall not use influence in favor of a particular funeral director. If no one claims a body, it shall be disposed of as provided in chapter 142.

2. If no one is entitled by law to the property or money found on a deceased person, the property shall be deposited with the clerk of the district court who shall dispose of it as provided by law.

Sec. 804. NEW SECTION. PROHIBITED ACTIONS--PENALTIES.

1. When a death occurs in the manner specified in section 801, subsection 3 of this Act, the body shall not be disturbed or removed from the position in which it is found without authorization from the county medical examiner or the state medical examiner except for the purpose of preserving the body from loss or destruction or permitting the passage of traffic on a highway, railroad, or airport, or unless the failure to immediately remove the body might endanger life, safety, or health. A person who moves, disturbs, or conceals a body in violation of this subsection or chapter 691 is guilty of a simple misdemeanor.

2. It is unlawful to embalm a body when the embalmer has reason to believe death occurred in a manner specified in section 801, subsection 3 of this Act, when there is evidence sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, or where it is the duty of a medical examiner to view the body and investigate the death of the deceased person, until the permission of a county medical examiner has been obtained. When feasible, the body shall be released to the funeral director for embalming within twenty-four hours of death.

3. It is unlawful to cremate, bury, or send out of the state the body of a deceased person when death occurred in a manner specified in section 801, subsection 3 of this Act, until a medical examiner certifies in writing that the examiner has viewed the body, has made personal inquiry into the cause and manner of death, and all necessary autopsy or postmortem examinations have been completed. However, the body of a deceased person may be sent out of state for the purpose of an autopsy or postmortem examination if the county medical examiner certifies in writing that the out-of-state autopsy or postmortem examination is necessary or, in the case of a death which is not of public interest as specified in section 801, subsection 3 of this Act, if the attending physician certifies to the county medical examiner that the performance of the autopsy out of state is proper.

4. A person who violates a provision of subsection 2 or 3 is guilty of a serious misdemeanor.

Sec. 805. PRESENT COUNTY MEDICAL EXAMINER UNAFFECTED. Sections 800 through 804 of this Act do not affect the term of office of a county medical examiner serving an unexpired term on the effective date of this Act. A county medical examiner may continue to serve until the term to which the examiner was appointed expires and a successor is appointed and qualifies as provided in section 800.

PART 8

MISCELLANEOUS PROVISIONS

*Sec. 900. NEW SECTION. GENERAL DUTIES OF COUNTY OFFICERS.

1. Except as otherwise provided by state law, a county officer shall furnish to the governor or either house of the general assembly, upon their request, any information which the officer possesses.

2. A county officer shall not appear as an agent, attorney, or solicitor for another person in a matter pending before the board.

3. If a county officer who is required to report the collection of fees to the board neglects or refuses to make the report, the board shall employ an expert accountant to examine the books, papers, and accounts of the delinquent officer and to make the required report. The expense of employing the expert accountant shall be charged to the delinquent officer and may be collected upon the official bond of the officer.

4. A county officer, deputy officer, or employee shall not take, purchase, receive in payment, or exchange a warrant, scrip, or other evidence of the county's indebtedness or demand against the county for an amount less than the amount expressed on the face of the warrant, scrip, or other evidence of indebtedness or demand, plus the accrued interest.

5. A county or township officer or employee shall not appropriate, give, or loan public funds to or in favor of an institution, school, association, or object which is under ecclesiastical or sectarian management or control.

6. A county officer or employee shall not allow a claim, issue a warrant, or execute a contract which will result, during a fiscal year, in an expenditure from a county fund in excess of an amount equal to the collectible revenues in the fund for that fiscal year plus any unexpended balance in that fund from a previous year. A county officer or employee allowing a claim, issuing a warrant, or executing a contract in violation of the requirements of this subsection is personally liable for the payment of the claim or warrant or the performance of the contract. However, this subsection does not apply to:

a. Expenditures for bridges or buildings destroyed by fire or flood or other extraordinary casualty.

b. Expenses incurred in the operation of the courts.

c. Expenditures for bridges which are made necessary by the construction of a public drainage improvement.

d. Expenditures for the benefit of a person entitled to receive assistance from public funds.

e. Expenditures authorized by vote of the electorate.

f. Contracts executed on the basis of the budget submitted as provided in section 309.93.

g. Expenditures authorized by supervisors acting in the capacity of trustees or directors of a drainage district or other special district.

7. All reports and forms required to be submitted by a county officer to a state officer or agency shall be submitted on standardized forms furnished by the state officer or agency. The state officers and agencies which receive reports and forms from county officers shall consult with the state

*See also chapter 118

comptroller and the office for planning and programming, shall devise standardized reports and forms which will permit computer processing of the information submitted, and shall distribute the standardized reports and forms to the county officers.

8. A county officer, deputy officer, or employee who violates subsection 4 or 5 is guilty of a simple misdemeanor.

Sec. 901. NEW SECTION. COLLECTION AND DISPOSITION OF FEES.

1. Unless otherwise specifically provided by statute, the fees and other charges collected by the auditor, treasurer, recorder, sheriff, clerk, or their respective deputies or employees belong to the county.

2. Each elective officer specified in subsection 1 shall keep a fee book as a part of the permanent county records of the office. The book shall be ruled in appropriate columns for the date, kind of service, for whom rendered, and the amount of fee or charge collected and, when the fee is for recording an instrument, the names of the parties to the instrument. The required information shall be recorded in the fee book when the service is rendered.

3. Each elective officer specified in subsection 1 shall make an itemized, verified, quarterly report to the board showing the fees collected during the preceding quarter. The officer shall pay quarterly to the county treasury the fees and charges collected during the preceding quarter, receive duplicate receipts for the payment, and file one of the receipts in the office of the auditor. The officer shall note in the officer's fee book the date and amount of each payment into the county treasury.

Sec. 902. NEW SECTION. APPOINTMENT OF DEPUTIES, ASSISTANTS, AND CLERKS.

1. The auditor, treasurer, recorder, sheriff, county attorney, and clerk may appoint, with approval of the board, one or more deputies, assistants, or clerks who do not hold another county office and for whose acts the principal officer shall be responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

2. When an appointment has been approved by the board, the principal officer making the appointment shall issue a written certificate of appointment which shall be filed and kept in the office of the auditor. A certificate of appointment may be revoked in writing by the principal officer making the appointment, which revocation shall also be filed and kept in the office of the auditor.

3. Each deputy officer shall give bond in an amount determined by the officer who has the authority to approve the bond of the deputy's principal officer, with sureties to be approved by that officer. Upon approval, the bond shall be filed and kept in the office of the auditor. Each deputy officer shall take the same oath as the deputy's principal officer which shall be endorsed on the certificate of appointment. The bond of a deputy sheriff shall be either a bond or liability policy as required by the sheriff with the approval of the board.

4. Each deputy officer, assistant, and clerk shall perform the duties assigned by the principal officer making the appointment. During the absence

or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

5. The auditor may also appoint temporary assistants as provided in section 502 of this Act and the county attorney may appoint temporary assistants or a full-time prosecutor as provided in section 757 of this Act.

Sec. 903. NEW SECTION. SALARIES OF DEPUTIES, ASSISTANTS, AND CLERKS.

1. The annual salary of the first and second deputy officer of the office of auditor, treasurer, recorder, and clerk and the deputy in charge of the motor vehicle registration and title division shall each be an amount not to exceed eighty percent of the annual salary of the deputy's principal officer as determined by the principal officer. In offices where more than two deputies are required, each additional deputy shall be paid an amount not to exceed seventy-five percent of the principal officer's salary. The amount of the annual salary of each deputy shall be certified by the principal officer to the board and, if a deputy's salary does not exceed the limitations specified in this subsection, the board shall certify the salary to the auditor. The board shall not certify a deputy's salary which exceeds the limitations of this subsection.

2. Each deputy sheriff shall receive an annual base salary as determined by the board. Upon certification by the sheriff, the board shall review, and may modify, the annual base salary of each deputy before certifying it to the auditor. The annual base salary of a first or second deputy sheriff shall not exceed eighty-five percent of the annual base salary of the sheriff. The annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first or second deputy sheriff except that in counties over two hundred fifty thousand population, the annual base salary of any additional deputies shall not exceed seventy-five percent of the annual base salary of the sheriff. The total annual compensation including the annual base salary, overtime pay, longevity pay, shift differential pay, or other forms of supplemental pay and fringe benefits received by a deputy sheriff shall be less than the total annual compensation including fringe benefits received by the sheriff. As used in this subsection, "base salary" means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplemental pay and fringe benefits.

3. The annual salary of each assistant county attorney shall be determined by the county attorney within the budget set for the county attorney's office by the board. The salary of an assistant county attorney shall not exceed eighty-five percent of the maximum salary of a full-time county attorney. The county attorney shall inform the board of the full-time or part-time status of each assistant county attorney. In the case of a part-time assistant county attorney, the county attorney shall inform the board of the approximate number of hours per week the assistant county attorney shall devote to official duties.

4. The board shall determine the compensation of extra help and clerks appointed by the principal county officers.

5. The deputy officers, assistants, clerks, and other employees of the county are also entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. The salaries and expenses of the deputy officers, assistants, clerks, and other employees of the county shall be paid from the general fund of the county unless otherwise provided by law. The deputy clerks of the district court and other employees of the clerk's office may be paid from the court expense fund.

Sec. 904. NEW SECTION. COUNTY COMPENSATION BOARD.

1. There is created in each county a county compensation board which shall be composed of five members who are residents of the county. The members of the county compensation board shall be selected as follows:

a. One member shall be a mayor or member of the city council of an incorporated city located within the county selected by a convention of the representatives of all incorporated cities located within the county. Each city shall be represented at the convention by the mayor or a member of the city council selected by the mayor and the members of the city council.

b. One member shall be a member of a board of directors of a school district located within the county selected by a convention of the representatives of the boards of directors of all school districts located within the county. Each board of directors of a school district shall select a representative to the convention from among its membership.

c. One member shall be an elector of the county representing the general public selected by the supervisors.

d. One member shall be a person representing the general public selected by a convention of the representatives of the boards of directors of the school districts located within the county.

e. One member shall be a person representing the general public selected by a convention of the representatives of the incorporated cities located within the county.

2. A member of the county compensation board selected to represent the general public pursuant to paragraphs c, d, and e of subsection 1 shall not be an employee or officer of the state government, or a political subdivision of the state, or related within the third degree of consanguinity to a state or local governmental employee or officer.

3. The members of the county compensation board shall be appointed to four-year, staggered terms of office. A term shall be effective on the first of July of the year of appointment and a vacancy shall be filled for the unexpired term in the same manner as the original appointment. In addition to the circumstances which constitute a vacancy under section 69.2, a vacancy exists on the county compensation board if a member of the board who is also an elective public officer ceases to hold the elective office under which the officer originally qualified for membership or if a member of the board who is selected under paragraphs c, d, or e of subsection 1 becomes an employee or officer of a state government or a political subdivision of a state or is related within the third degree of consanguinity to a state or local governmental employee or officer.

4. The members of the county compensation board shall receive no compensation, but they shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

5. The county compensation board shall elect a chairperson and vice chairperson annually from among its membership. The county compensation board shall meet at the call of the chairperson or upon written request of a majority of its membership. The concurrence of a majority of the members of the county compensation board shall determine any matter relating to its duties.

6. The board of supervisors shall provide the necessary office facilities and the technical and clerical assistance requested by the county compensation board to carry out its duties.

7. The expenses of the county compensation board members, the salaries and expenses of any technical and clerical assistance, and the cost of providing any facilities shall be paid from the general fund of the county.

Sec. 905. NEW SECTION. CONVENTIONS--MEMBERSHIP SELECTION.

1. The auditor shall convene the conventions of the representatives of the cities and the boards of directors of the school districts during the month of June of each odd-numbered year, by written notice stating the date, time, and location of each convention meeting to each person eligible to attend the convention. When a vacancy exists which must be filled by a convention, the auditor shall convene a special meeting of the convention within thirty days after the auditor becomes aware of the vacancy.

2. If the boundaries of a school district or a city extend into more than one county, a representative of the board of directors of the school district or the city shall be a member of the convention of the boards of directors or the cities in the county of the representative's residence only.

3. Each convention of the representatives of the boards of directors or the cities shall organize by electing a chairperson and other officers as necessary from among its membership. Each member of the county compensation board to be selected by the convention shall be elected by a majority vote of the members of the convention.

4. The members of the convention shall receive compensation and reimbursement for expenses incurred in the performance of their duties by the school district or the city which the member represents if the compensation or reimbursement is otherwise authorized by law.

Sec. 906. NEW SECTION. COMPENSATION SCHEDULE--PREPARATION AND ADOPTION.

1. The annual compensation of the auditor, treasurer, recorder, clerk, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. The county compensation board shall prepare a recommended compensation schedule for the elective county officers. Following completion of the compensation schedule, the county compensation board shall publish the compensation schedule in a newspaper having general circulation throughout the county. The publication shall also include a public notice of the date and location of a hearing to be held by the county compensation board not less than one week nor more than three weeks from the date of notice. Upon completion of the public hearing, the county compensation board shall prepare a final compensation schedule recommendation.

2. Annually during the month of December, the county compensation board shall transmit its recommended compensation schedule to the board of supervisors. The board of supervisors shall review the recommended compensation schedule and determine the final compensation schedule for the elected county officers which shall not exceed the recommended compensation schedule. In determining the final compensation schedule if the board of supervisors wishes to reduce the amount of the recommended compensation schedule, the annual salary or compensation of each elected county officer shall be reduced an equal percentage. A copy of the final compensation schedule adopted by the board of supervisors shall be filed with the county budget at the office of the state comptroller. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors.

3. The elected county officers are also entitled to receive their actual and necessary expenses incurred in performance of official duties of their respective offices.

4. In counties having two courthouses, a principal elected county officer and the principal officer's first deputy or assistant may agree in writing to a division of their annual salaries. The division shall not allow for payment to the elected officer and the first deputy or assistant which is greater than the sum of the two salaries otherwise authorized by law. Upon certification to the board by the elected officer involved, the board shall certify to the auditor the annual salaries certified by the elected officer.

5. The salaries and expenses of elected county officers shall be paid from the general fund of the county unless otherwise provided by law. The salary and expenses of the clerk of the district court may be paid from the court expense fund.

Sec. 907. PRESENT MEMBERSHIP UNAFFECTED. Sections 904 through 906 of this Act do not affect the term of office of any member of a county compensation board serving an unexpired term of office on the effective date of this Act. The members of a county compensation board serving an unexpired term on the effective date of this Act may continue to serve until their terms expire on June 30, 1983. Notwithstanding section 904, subsection 3 of this Act which provides for four-year terms of office, the members of the county compensation board appointed to represent cities and school districts as provided in section 904, subsection 1, paragraphs a and b, of this Act for terms beginning on July 1, 1983, shall be appointed to a two-year term which expires on June 30, 1985. Thereafter, the members appointed under section 904, subsection 1, paragraphs a and b, shall be appointed to four-year terms of office. All other members of the county compensation board shall be appointed to four-year terms of office commencing July 1, 1983.

Sec. 950. Sections 100 through 907 of this Act shall be codified as a single chapter with divisions and parts as indicated and with reserved sections between parts.

CORRESPONDING AMENDMENTS

POWERS AND DUTIES OF THE BOARD AND COUNTY FINANCES

Sec. 1000. Section 11.6, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The Iowa state association of counties shall keep accounts as required by the auditor of state. The auditor of state shall audit the accounts annually and publish the results in the auditor of state's biennial report. The association shall annually publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association.

Sec. 1001. Section 23.1, Code 1981, is amended to read as follows:

23.1 TERMS DEFINED. ~~The words "public~~ "Public improvement" as used in this chapter ~~shall mean any~~ means a building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

~~The word "municipality"~~ "Municipality" as used in this chapter ~~shall mean county, except in the exercise of its power to make contracts for secondary road improvements,~~ means township, school corporation, state fair board, state board of regents, and state department of social services.

~~The words "appeal~~ "Appeal board" as used in this chapter ~~shall mean~~ means the "state appeal board", composed of the auditor of state, treasurer of state, and state comptroller.

Sec. 1002. Section 24.22, Code 1981, is amended to read as follows:

24.22 TRANSFER OF ACTIVE FUNDS--POOR FUND. Upon the approval of the state board, it ~~shall be~~ is lawful to make temporary or permanent transfers of money from one fund of the municipality to another fund thereof, ~~but in no event shall there be transferred for any purpose any of the.~~ However, funds collected and received for the construction and maintenance of secondary roads shall not be transferred for any purpose. The certifying board or levying board, ~~as the case may be,~~ shall provide that money temporarily transferred shall be returned to the fund from which it was transferred within such the time and upon such the conditions as the state board ~~shall determine~~ determines, provided that it ~~shall is~~ is not be necessary to return to the emergency fund, or to any other fund no longer required, any money transferred therefrom to any other fund. ~~However, the board of supervisors may temporarily transfer any unobligated funds from the county general fund to the county conservation fund without approval of the state board as provided in section 111A.6.~~ No transfer shall be made to a poor fund unless there is a shortage in said the fund after the maximum permissible levy has been made for said the fund.

Sec. 1003. Section 28F.12, Code 1981, is amended to read as follows:

28F.12 ADDITIONAL POWERS OF THE ENTITY. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358 or any combination thereof, the entity shall have in addition to all the powers enumerated in this chapter, the powers which a county has with respect to solid waste disposal projects ~~referred to in section 332.44 despite any contrary provision of this chapter.~~

Sec. 1004. Section 37.6, Code 1981, is amended to read as follows:

37.6 BONDS. ~~For the purpose of providing funds for the acquisition of necessary ground therefor, and for purchasing, erecting, constructing, or reconstructing such building or monument, and for the necessary equipment therefor, the county may issue bonds to be known as liberty memorial bonds, to be issued and sold as provided by law relative to general county bonds, it~~

~~shall provide for portions of such bonds to become due at different, definite periods, but none in more than twenty years from date, in issuing such bonds, such county may become indebted in an amount which, added to all other indebtedness, shall not exceed five percent of the actual value of the taxable property in such county as determined by the last state and county tax lists. Such bonds shall bear interest at a rate not exceeding that permitted by chapter 74A.~~ Bonds issued by a county for the purposes of this chapter shall be issued under sections 440 through 448 of this Act relating to general county purpose bonds. Bonds issued by a city ~~must~~ shall be issued in accordance with provisions of law relating to general corporate purpose bonds of a city.

Sec. 1005. Section 37.8, Code 1981, is amended to read as follows:

37.8 LEVY FOR MAINTENANCE. For the development, operation, and maintenance of ~~such~~ a building or monument constructed, purchased, or donated under this chapter, ~~there may be thereafter levied a tax as follows:~~

~~1. By a county owning same, not to exceed thirty-three and three-fourths cents per thousand dollars of assessed value of taxable property within said county.~~

~~2. By a city owning same,~~ a county may levy a tax as provided in section 421, subsection 3, of this Act, and a city may levy a tax not to exceed eighty-one cents per thousand dollars of assessed value on all the taxable property within the city, as provided in section 384.12, subsection 2.

Sec. 1006. Section 37.27, Code 1981, is amended to read as follows:

37.27 NURSING HOMES WITH MEMORIAL HOSPITALS. ~~In the event that~~ if a memorial building has been constructed for the purpose of a hospital pursuant to this chapter, ~~and particularly pursuant to section 37.18,~~ additions ~~thereto~~ for hospital purposes, and nursing homes to be operated in conjunction with ~~such~~ the hospital may be erected or acquired by following the procedure outlined in chapter 347 and ~~particularly section 347.2~~ by issuing general county purpose bonds in accordance with sections 440 through 448 of this Act, with the commissioners acting in the same manner and fashion as the hospital trustees under chapter 347, and with the procedure in all other respects to be identical.

Sec. 1007. Section 37.28, Code 1981, is amended to read as follows:

37.28 ANTICIPATORY WARRANTS. If the funds raised under ~~the provisions of~~ this chapter and sections 420, subsection 1, and 421, subsection 3, of this Act 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~~ 420, subsection 1, and 421, subsection 3, of this Act. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not exceeding that permitted by chapter 74A. These warrants shall not be a general obligation of any political subdivision which owns the hospital.

Sec. 1008. Section 37.30, Code 1981, is amended to read as follows:

37.30 REGISTRATION--CALL. All tax anticipatory warrants drawn under the ~~provisions--of~~ this chapter, shall be numbered consecutively, and be registered in the office of the treasurer of a political subdivision which owns the hospital and be subject to call in numerical order at any time when sufficient money derived from the tax levied under ~~this chapter~~ sections 420, subsection 1, and 421, subsection 3, of this Act is in the hands of the treasurer to retire any of ~~said~~ the warrants together with accrued interest ~~thereon~~.

Sec. 1009. Section 52.3, Code 1981, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, ~~may provide for the payment therefor in such manner as they may deem for--the best--interest--of--the--county,--and--may for that purpose~~ issue bonds under section 440, subsection 2, paragraph b, subparagraph (1), of this Act, certificates--of--indebtedness,--or other obligations, which shall be a charge on the county, or levy ~~not to exceed thirteen and one-half cents per thousand dollars of assessed value.--Any amounts so levied and collected in excess of actual--costs--of--voting--machines--shall--revert to the general fund of the county.--Such bonds, certificates,--or other obligations may be issued with or without interest, payable at such time or times--as--the--county--board--may determine,--but--shall--not be issued or sold at less than par~~ as provided in section 421, subsection 4, of this Act.

Sec. 1010. Section 110.16, Code 1981, is amended to read as follows:

110.16 DUPLICATE ISSUANCE--~~OLD RECORDS DESTROYED~~. All licenses shall be issued in duplicate, one copy of which shall be given to the applicant, one shall be forwarded to the director, and the license stub shall be retained in the office of the county recorder.

~~The board of supervisors may order the--county--recorder--to--destroy--all triplicate--copies--of hunting, fishing and trapping licenses which have been on file in the recorder's office for five years or more.~~

Sec. 1011. Section 111.58, Code 1981, is amended to read as follows:

111.58 USE BY CITIES, ~~COUNTIES~~ AND STATE DEPARTMENT OF TRANSPORTATION. The city council within the limits of the municipal corporation, ~~the board of supervisors--within--the--limits--of--the--county~~ and the state department of transportation, ~~are hereby given authority to~~ may permit use of maintenance equipment under their control in state parks and other lands of the conservation commission, ~~notwithstanding any other provisions of the Code--to the contrary.~~

Sec. 1012. Section 111A.2, Code 1981, is amended to read as follows:

111A.2 PETITION--BOARD MEMBERSHIP. Upon a petition of two hundred voters in--any--county to the board of supervisors ~~thereof,--said~~ which meets the requirements of section 305 of this Act, the board shall submit to the people of the county voters at the next primary or general election the question of whether a county conservation board shall be created as provided for in this chapter. If at ~~said~~ the election the majority of votes ~~polled for~~ favours the creation of a county conservation board, the board of supervisors shall within sixty days after ~~said~~ the election, shall create a county conservation

board to consist of five bona fide residents of ~~such~~ the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the ~~county~~ board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When any member of the board, during the term of office, ~~shall cease~~ ceases to be a bona fide resident of the county, ~~he or she shall thereby be~~ the member is disqualified as a member ~~of said board~~ and ~~his or her~~ the office ~~shall thereupon be declared~~ becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the ~~body making such appointment~~ board of supervisors as provided in section 320, subsection 4, of this Act, if ~~such the cause be is~~ is malfeasance, nonfeasance or disability or failure to participate in board activities as set forth by the rules of ~~said the~~ the conservation board, ~~but every such removal shall be by written order, which shall be filed with the county auditor.~~

Sec. 1013. Section 111A.4, subsection 2, Code 1981, is amended to read as follows:

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county ~~areas of land and water~~ for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife, and other conservation purposes and for participation in watershed, drainage, and flood control programs for the purpose of increasing the recreational resources of the county. The state conservation commission, the county board of supervisors, or the governing body of any city or village ~~may~~, upon request of the county conservation board, ~~designate, set apart and~~ may transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas, and other recreational purposes, any land and buildings owned or controlled by the state conservation commission or such county or municipality and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features, and land shall not be acquired or accepted unless, in the opinion of the board and the state conservation commission, it is suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to the provisions of section ~~332-3~~ 360, subsection ~~2~~, of this Act.

Sec. 1014. Section 111A.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the adoption of any by a county of the provisions of this chapter, the county board of supervisors of such county may by resolution appropriate an amount of money from the general fund of the county for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board of supervisors may temporarily transfer by resolution any unobligated funds from the general fund of the county to the county conservation fund in anticipation of or to match committed receipts of federal funds from the Heritage Conservation and Recreation Service. The transferred funds shall be returned to the general fund of the county within such time not to exceed five years as specified by the board of supervisors or upon receipt of the federal funds, whichever date is earlier as provided in section 423, subsection 3, paragraph d, of this Act. The board of supervisors may levy or cause to be levied an annual tax, in addition to all other taxes, of not more than twenty-seven cents per thousand dollars of the assessed value of all real and personal property subject to taxation within such county, upon proper certification by said county conservation board made pursuant to and in compliance with all of the provisions of chapter 24, which tax shall be collected by the county treasurer as other taxes are collected, and shall be paid into a separate and distinct fund to be known as the county conservation fund, to be paid out upon the warrants drawn by the county auditor upon requisition of the county conservation board for the payment of expenses incurred in carrying out the powers and duties of said conservation board. The county conservation board shall have no power or authority to contract any debt or obligation in any year in excess of the moneys in the hands of the county treasurer immediately available for such purposes, except the as provided in section 421, subsection 6, of this Act. The board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual conservation fund levy nor to extend over a period of more than ten years or except unless the purchases are for projects to be financed from unobligated funds in the county conservation fund and committed federal matching grants. Any single expenditure of, or contract to expend, a sum of five thousand dollars shall be subject to the provisions of chapter 23. The county conservation board is subject to the contract letting procedures in section 340, subsections 1, 2, and 4, of this Act. Gifts, contributions and bequests of money and all rent, licenses, fees and charges, and other revenue or money received or collected by the county conservation board shall be deposited in the county conservation fund to be used for the purchase of land, property, and equipment and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified. Upon request of the county conservation board, the county board of supervisors may issue general county purpose bonds for the purposes in section 440, subsection 2, paragraph c, subparagraph (2), of this Act as provided in sections 441 and 443 through 448 of this Act.

Sec. 1015. Section 111A.6, unnumbered paragraphs 2, 3, and 4, Code 1981, are amended by striking the unnumbered paragraphs.

Sec. 1016. Section 111A.7, Code 1981, is amended to read as follows:

111A.7 JOINT OPERATIONS. Any county conservation board may co-operate with the federal government or the state government or any department or agency thereof to carry out the purposes and provisions of this chapter. Any county conservation board may join with any other county board or ~~county~~ boards to carry out ~~the provisions of~~ this chapter, and to that end may enter into agreement with each other and may do any and all things necessary or convenient to aid and ~~to~~ co-operate in carrying out ~~the provisions of~~ the chapter. Any city, village or school district may aid and co-operate with any county conservation board or any combination ~~thereof of boards~~ in equipping, operating and maintaining ~~any~~ museums, parks, preserves, parkways, playgrounds, recreation centers, and conservation areas, and for providing, conducting, and supervising programs of activities, and may appropriate money for such purposes. The state conservation commission, county engineer, county agricultural agent, and other county officials shall render ~~such~~ assistance ~~as--shall~~ which does not interfere with their regular employment. The board of supervisors ~~is authorized to make available to the use of the county conservation board, county-owned equipment and operators and any county-owned materials or real estate it deems advisable and~~ may be reimbursed to the credit of the proper fund from county conservation funds for actual expense of operation of county-owned equipment, use of county equipment operators, supplies, and materials of the county, or for the reasonable value for the use of county real estate made available for the use of the county conservation board.

Sec. 1017. Section 125.45, subsection 1, Code 1981, is amended to read as follows:

1. Except as provided in section 125.43, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of residents of that county ~~from--the--county mental--health--and--institutions fund as provided in section 444.12~~ from the levy authorized by section 420, subsection 13 of this Act. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of a substance abuser. ~~Such county shall pay the cost so certified to the facility from its county mental health and institutions fund.~~ However, the approval of the board of supervisors ~~shall be~~ is required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one substance abuser, except that ~~such~~ approval is not required for the cost of treatment provided to a substance abuser who is committed pursuant to section 125.35. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of substance abusers who are residents of that county for each month. The board of supervisors may demand an itemization of ~~such~~ billings at any time or may audit ~~the same~~ them.

Sec. 1018. Section 143.1, Code 1981, is amended to read as follows:

143.1 AUTHORITY TO EMPLOY. Any local board of health, area education agency board, or the school board of any school district may employ public health nurses at such periods each year and in such numbers as may be deemed advisable. The ~~board-of-supervisors-of-any-county,-the~~ council of any city, or the school board of any school district, or any of them acting in cooperation, may contract with any nonprofit nurses' association for public health nursing service. The compensation and expenses thereof shall be paid out of the general fund of the political subdivision employing said nurses.

Sec. 1019. Section 159.5, subsection 13, paragraph e, Code 1981, is amended to read as follows:

e. Certify indemnity claims to the boards of supervisors to compensate the owners of condemned swine from funds provided under section ~~165.10~~ 420, subsection 5, of this Act, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

Sec. 1020. Section 163A.12, Code 1981, is amended to read as follows:

163A.12 OWNER REQUESTING TEST. If the owner requests the department to inspect and test his breeding swine for brucellosis, and agrees to comply with the rules made by the department under section 163A.9, the department may designate a veterinarian to make an inspection and test, with the expense to be paid as provided in section 164.6 for cattle brucellosis testing, but only to the extent the funds provided in that section are not required for the cattle testing program. The board of supervisors shall reimburse the department for the expense of the inspection and testing program for swine brucellosis, ~~from the "County Brucellosis Eradication Fund" established in section 164.24~~ as provided in section 420, subsection 5, of this Act, but only to the extent that the moneys in the fund are not required for expenses incurred under chapter 164.

Sec. 1021. Section 165.22, Code 1981, is amended to read as follows:

165.22 AVAILABILITY OF COUNTY FUND. After the amount allotted in any year by the department to any county has been expended or contracted in ~~said~~ that county, or at any time that there ceases to be available for ~~such~~ the county any federal funds for the eradication of bovine tuberculosis, the county ~~eradication~~ fund ~~provided in this chapter~~ as specified in section 424, subsection 5 of this Act shall become available as a substitute for either or both ~~such~~ state and federal funds for the payment of materials, indemnities, inspectors, and assistants ~~as herein provided~~.

Sec. 1022. Section 165.23, Code 1981, is amended to read as follows:

165.23 EXHAUSTION OF STATE ALLOTMENT. As soon as the allotment to the county has been spent or contracted, the department shall certify ~~such~~ that fact to the county auditor, which certificate ~~shall be~~ is full authority for the board of supervisors to pay claims as presented to the board by the department of agriculture ~~out of the county eradication fund~~.

Sec. 1023. Section 174.10, subsection 2, Code 1981, is amended to read as follows:

2. In counties having two incorporated agricultural societies conducting county fairs, but not having two definitely separate county extension offices, the state aid shall be prorated between the two societies or, if an official county fair is designated by election, shall be paid to that society

determined to be conducting the official county fair. The board of supervisors, upon receiving a petition ~~signed by ten percent of the qualified electors of the county having voted in the preceding general election for the office of president of the United States or governor as applicable~~ which meets the requirements of section 305 of this Act, shall submit to the qualified electors of the county at the next general election following submission of the petition or at a special election if requested by the petitioners at no cost to the county, the question of which fair shall be designated as the official county fair. Notice of the election shall be given as provided in section 49.53. The fair receiving a majority of the votes cast on the question shall be designated the official county fair. To qualify as the official county fair, the sponsoring society need not meet the conditions provided in subsection 1 ~~of this section~~.

Sec. 1024. Section 174.13, subsection 1, Code 1981, is amended to read as follows:

1. The board of supervisors of the county in which ~~any such~~ a society is located may levy and expend a tax ~~of not to exceed six and three-fourths cents per thousand dollars of assessed value of the taxable property of the county, the funds received from the levy to be known as the fairground fund, and to be used for the purpose of fitting up or purchasing fairgrounds for the society, or for the purpose of aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, if the society is the owner in fee simple, or the lessee of at least ten acres of land for fairground purposes, and owns or leases buildings and improvements on the land of at least eight thousand dollars in value~~ in accordance with section 421, subsections 7 and 8 of this Act.

Sec. 1025. Section 174.15, Code 1981, is amended to read as follows:

174.15 PURCHASE AND MANAGEMENT. ~~If a majority of the votes cast are in favor of such proposition, the board shall make the authorized purchase and pay for the same out of the general fund, or accept as a gift from the owner a county or district fairground already in existence.~~ Title to land purchased or received for fairground purposes shall be taken in the name of the county, but the board of supervisors shall place such real estate it under the control and management of an incorporated county or district fair society. Such The society is authorized to may act as agent for said the county in the erection of buildings, maintenance of grounds and buildings, or any improvements constructed on such the grounds. Title to new buildings or improvements shall be taken in the name of the county but the county shall is not be liable for such the improvements or expenditures therefor for them.

Sec. 1026. Section 218.99, Code 1981, is amended to read as follows:

218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS. The director of a division of the department of social services in control of a state institution shall direct the business manager of each institution under ~~his~~ the director's jurisdiction which is mentioned in section ~~444-12~~ 424, subsection 13, of this Act to quarterly inform the auditor of the ~~patient's or inmate's~~ county of legal settlement of any patient or inmate who has an amount in excess of two hundred dollars ~~to his~~ on account in the patients' personal deposit fund and the amount ~~thereof~~ on deposit. Such The

directors shall direct the business manager to further notify the auditor of ~~such~~ the county at least fifteen days before the release of ~~such~~ funds in excess of two hundred dollars or upon the death of ~~such~~ the patient or inmate. If ~~any-such~~ the patient or inmate ~~shall-have~~ has no county of legal settlement, notice ~~as--required--by--this--section~~ shall be made to the commissioner of the department of social services and the director of a the division of ~~such~~ the department in control of the ~~particular~~ institution involved.

Sec. 1027. Section 222.77, Code 1981, is amended to read as follows:

222.77 PATIENTS ON LEAVE. The cost of support of patients placed on convalescent leave or removed as a habilitation measure from a hospital-school, or a special unit, except when living in the home of a person legally bound for the support of ~~such~~ the patient, shall be paid ~~from-the-state institution-fund-or-the-county-mental-health-fund-of-the~~ by the county of legal settlement as provided in section 424, subsection 13, of this Act. If the patient has no county of legal settlement, the cost shall be paid from the support fund of the hospital-school or special unit and charged on abstract in the same manner as other state inpatients until such time as the patient becomes self-supporting or qualifies for support under other existing statutes.

Sec. 1028. Section 227.18, Code 1981, is amended to read as follows:

227.18 CLAIMS FILED QUARTERLY. The state aid ~~herein-provided-for~~ shall be paid to the claimant county upon a verified claim being filed quarterly with the state director setting forth the total of weekly patient care furnished to transferees in county or private institutions from the county ~~mental--health--and-institutions~~ fund specified in section 424, subsection 13 of this Act. Approval of ~~said~~ a verified claim by the state director ~~shall~~ be is authority for the state comptroller to issue a warrant upon the state mental aid fund payable to the claimant county ~~which--shall--be--credited--by that--county--to--the--county-mental-health-and-institutions-fund-established-by section-444-12.~~

Sec. 1029. Section 230A.1, Code 1981, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties having a total or combined population of thirty-five thousand or more may, by action of the board or boards of supervisors, with approval of the Iowa mental health authority, may establish a community mental health center under this chapter to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecurring expenditure from the county ~~mental-health-and-institutions~~ fund specified in section 424, subsection 13 of this Act in an amount not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county, but ~~no-such~~ an expenditure shall not be made under this section by any county which has prior to July 1, 1974, expended funds to assist in establishment of a community mental health center under section 230.24, third paragraph, Code 1966 or Code 1971, or section 230.24, second paragraph, Code 1973. ~~Nothing-in-this~~ This section ~~shall~~ does not limit the authority of the board or boards of supervisors of any county or group of counties, which

prior to July 1, 1974, established or joined in establishing a community mental health center in a manner consistent with the requirements of section 230A.3, to continue to expend money from ~~the county mental--health--and institutions--fund~~ funds to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

Sec. 1030. Section 230A.4, Code 1981, is amended to read as follows:

230A.4 TRUSTEES--QUALIFICATIONS--MANNER OF SELECTION. When the board or boards of supervisors of a county or affiliated counties decides to directly establish a community mental health center under this chapter, the supervisors, acting jointly in the case of affiliated counties, shall appoint a board of community mental health center trustees to serve until the next succeeding general election. The board of trustees shall consist of at least seven members each of whom shall be a resident of the county or one of the counties served by the center. ~~No~~ An employee of the center ~~shall-be~~ is not eligible for the office of community mental health center trustee. At the first general election following establishment of the center, all members of the board of trustees shall be elected. They shall assume office on the second ~~secular~~ day of the following January which is not a Sunday or legal holiday, and shall at once divide themselves by lot into three classes of as nearly equal size as possible. The first class shall serve for terms of two years, the second class for terms of four years, and the third class for terms of six years. Thereafter, a member shall be elected to the board of trustees for a term of six years at each general election to succeed each member whose term will expire in the following year.

Sec. 1031. Section 232.142, subsections 1 and 2, Code 1981, are amended to read as follows:

1. County boards of supervisors ~~may-either~~ which singly or in conjunction with one or more other counties provide and maintain juvenile detention and juvenile shelter care homes are subject to this section.

2. For the purpose of providing and maintaining ~~such~~ a county or multicounty home, the board of supervisors of any county may issue bonds ~~and authorize--the--expenditure--of--such--amounts--as--are--consistent--with--the provisions--of--chapter--345.---The--board--of--supervisors--of--any--county--is authorized--to~~ in accordance with sections 440 through 448 of this Act and levy a tax not-to-exceed-thirteen-and-one-half-cents-per-thousand-dollars-of assessed-value-for-the-purpose-of-maintaining-such-a-home--in-counties-of ever-one-hundred-fifty-thousand--population,--the--board--of--supervisors--is authorized--to--levy--a--tax--not--to--exceed-twenty-and-one-fourth-cents-per thousand-dollars-of-assessed-value-for-the-maintenance--of--such--a--home in accordance with section 421, subsection 9 of this Act. Expenses for providing and maintaining ~~such~~ a multicounty home shall be paid by the ~~county~~ or counties participating in a manner to be determined by ~~board-or~~ the boards of supervisors ~~of-participating-counties~~.

Sec. 1032. Section 234.10, Code 1981, is amended to read as follows:

234.10 COMPENSATION OF COUNTY BOARD MEMBERS. All members of the county board of social welfare shall be reimbursed for the actual and necessary

expenses incurred by them in the discharge of their duties. They shall also receive compensation for services at the rate of six dollars per diem, ~~but such compensation shall not to~~ exceed a total of one hundred fifty dollars in any one year. ~~The expenses and compensation of county board members shall be paid from the general fund of the county, provided, however, that members of the board of supervisors serving on said county board of social welfare shall not be paid compensation as members of said county board of social welfare for any day on which they are paid for their official work as members of the board of supervisors.~~

Sec. 1033. Section 234.36, Code 1981, is amended to read as follows:

234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county shall pay from the county mental health and institutions fund ~~as provided by section 444.12, subsection 2, specified in section 424, subsection 13 of this Act~~ the cost of foster care for a child placed by a court as provided in section 232.50 or section 232.99. However, in any fiscal year for which the general assembly appropriates state funds to pay for foster care for children placed by courts under ~~the statute or those~~ sections of chapter 232 cited in this section, the county ~~shall become~~ is responsible for these costs only when the funds so appropriated to the department for that fiscal year have been exhausted. The rate of payment by the county or the state, ~~as the case may be,~~ under this section shall be that fixed by the department of social services pursuant to section 234.38.

Sec. 1034. Section 250.5, Code 1981, is amended to read as follows:

250.5 COMPENSATION. The members of ~~said the~~ commission shall be paid for their services the sum of five dollars per day for each day actually employed in the work of ~~said the~~ commission, and also the same mileage that is paid to the members of the board of supervisors. ~~Said The~~ per diem and mileage shall be paid out of the ~~taxes raised under the provisions of section 250.1, in the event tax levied under section 421, subsection 10 of this Act.~~ If the commission has employed administrative or clerical help, the members of the commission shall receive compensation for attendance at the annual and monthly meetings only.

Sec. 1035. Section 251.4, Code 1981, is amended to read as follows:

251.4 GRANTS FROM STATE FUNDS TO COUNTIES. The state division ~~shall have the authority to~~ may require as a condition of making available state assistance to counties for emergency relief purposes, that the county boards of supervisors shall make maximum tax levies for relief and establish such budgets as are needed in respect to the relief situation in the counties, and ~~comply with restrictions in section 421, subsection 11 of this Act.~~ ~~The state division shall also have the authority to require as a condition of grants of state aid to the counties that the county board of supervisors shall make no transfers from the county peer fund or charges against the county peer fund for purposes other than that for which the county peer fund is established by law, and it is hereby made mandatory upon the county board of supervisors, that taxes levied and collected for the county peer fund shall be expended only for the purposes levied.~~

Sec. 1036. Section 251.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The county board, ~~in addition to all of the powers and duties given it by law,~~ of social welfare shall have the following duties:

Sec. 1037. Section 251.6, Code 1981, is amended to read as follows:

251.6 COUNTY SUPERVISORS TO DETERMINE RELIEF AND WORK PROJECTS. The local county board of supervisors shall ~~ascertain all necessary details concerning these seeking~~ supervise administration of emergency relief, and shall determine the minimum amount of relief required for each such person or family, and shall ascertain which of such persons are employable, and whether and under what conditions persons receiving emergency relief may be employed by the county.

~~The board of supervisors may require that all employables contribute as many hours of his or her labor as that employable's requirements, as estimated by the board, will buy at the prevailing rate of compensation for that class of labor in that community.~~

~~The board of supervisors may determine on what projects of county-wide or community-wide nature such relief labor may be used. It may, however, delegate to its political subdivisions such authority as it deems advisable for administrative expediency.~~

~~To the board of supervisors is reserved all authority not expressly otherwise set out previously.~~

Sec. 1038. Section 251.7, Code 1981, is amended to read as follows:

251.7 COUNTY DIRECTORS TO ACT AS EXECUTIVE OFFICERS. The county director ~~shall be of social welfare~~ is the executive officer of the county board of social welfare in all matters pertaining to relief.

Sec. 1039. Section 252.27, Code 1981, is amended to read as follows:

252.27 FORM OF RELIEF--CONDITION. The board of supervisors shall determine the form of the relief may be either in the form of food, rent or clothing, fuel and lights, medical attendance, civil legal aid, or in money. Legal However, legal aid authorized herein shall be only in civil matters and provided only through a legal aid program approved by the county board of supervisors. The amount of assistance issued ~~to meet the needs of the person~~ shall be determined by standards of assistance established by the ~~county boards~~ board of supervisors. They may require any able-bodied person to ~~labor faithfully on the streets or highways~~ work on public programs or projects at the prevailing local rate per hour in payment for and as a condition of granting relief, ~~said.~~ The labor shall be performed under the direction of the officers having charge of ~~working streets and highways~~ such public programs or projects. Subject to the provisions of section 142.1, ~~such relief may also consist of the burial of nonresident indigent transients and the payment of the reasonable cost of such burial, provided such expenses do not to exceed two hundred fifty dollars.~~

The board shall record its proceedings relating to the provision of relief to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 through 8 except paragraphs b and c of subsection 8, and section 17A.20.

Sec. 1040. Section 252.43, unnumbered paragraphs 1 and 2, Code 1981, are amended by striking the unnumbered paragraphs.

Sec. 1041. Section 253.1, Code 1981, is amended to read as follows:

253.1 ESTABLISHMENT--SUBMISSION TO VOTE. ~~The~~ If the board of supervisors ~~of--each-county-may-order-the-establishment-of-a-county-care-facility-in-such-county-when-ever-it-is-deemed-advisable,-and-may-make-the-requisite--contracts-and--carry--such--order--into--effect,-provided-the-cost-of-said~~ proposes to establish a county care facility,-if under this chapter at a cost in excess of fifteen thousand dollars, it shall be first estimated-by-said-board-and approved-by submit the proposition to a vote of the people.

Sec. 1042. Section 253.3, Code 1981, is amended to read as follows:

253.3 ANNUAL PUBLISHED REPORT. The board of supervisors ~~shall, during the--month--of--July~~ prior to September 1 of each year, shall publish in the official papers of the county as part of its proceedings, a financial statement of the receipts of the county care facility, or county farm, itemizing ~~the--same~~ them and stating ~~the~~ their source ~~thereof~~, which report shall also set forth the total expenditures ~~thereof~~ and the value of the property on hand on July 1 of the year for which the report is made and a comparison with the inventory of the previous year.

Sec. 1043. Section 253.5, Code 1981, is amended to read as follows:

253.5 ADMISSION--LABOR REQUIRED. ~~The administrator-shall-admit-into-the~~ county care facility ~~as-residents-only-these-persons-ordered-admitted-in--the-manner--prescribed--by--section-253-6-and~~ shall maintain a record of the name and age of each person admitted and the date of ~~his~~ admission. ~~The administrator~~ board may require of any resident of the county care facility, with approval of a physician, reasonable and moderate labor suited to the resident's age and bodily strength. Any income realized through the labor of residents, together with the receipts from operation of the county farm if one is maintained, shall be appropriated for use by the county care facility ~~in-such-manner~~ as the board of supervisors ~~may-direct~~ directs.

Sec. 1044. Section 306.42, subsection 5, Code 1981, is amended to read as follows:

5. Notwithstanding requirements of chapter 114 and sections 306.22, ~~332-37-subsection-13,~~ sections* 364.7, 409.12, 409.14 and 471.20, legal descriptions, plats, maps or engineering drawings used to describe transfers of right of way shall, where available, be descriptions, plats, maps or engineering drawings of record and shall be incorporated by reference to such title instrument or proceedings. Where a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be abstracted from the present legal description, plat, map or engineering drawing of record.

Sec. 1045. Section 309.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county raised during the prior calendar year pursuant to ~~section 309-8,-subsections--17--3,-and-4~~ 424, subsection 7, paragraph a, subparagraphs (1), (3), and (4), of this Act, are at least seventy-five percent of the maximum funds the county could have

*According to enrolled Act

raised in the prior calendar year pursuant to section ~~309-7~~ 421, subsections 12 and 13 of this Act.

Sec. 1046. Section 312.2, subsection 8, Code 1981, is amended to read as follows:

8. Beginning July 1, 1981, and each subsequent year, the treasurer of state, before making any allotments to counties under ~~the provisions of~~ this section, shall reduce the allotment to any county for the secondary road fund by an amount by which the total funds that the county raised during the prior calendar year under ~~the provisions of section 309-8, subsections 1, 3, and 4~~ 424, subsection 7, paragraph a, subparagraphs (1), (3), and (4), of this Act, are less than seventy-five percent of the maximum funds that the county could have raised in the prior calendar year under ~~the provisions of section 309-7 421, subsections 12 and 13, of this Act.~~ Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under ~~the provisions of~~ this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the state comptroller upon request by the treasurer of state.

Sec. 1047. Section 317.4, Code 1981, is amended to read as follows:

317.4 DIRECTION AND CONTROL. ~~Whenever, As used in this chapter, powers and duties are imposed upon a "commissioner" or "commissioners" pursuant to their weed eradication duties, such powers and duties shall apply to~~ means the county weed commissioners and their deputies within their respective counties. Each commissioner ~~shall~~, subject to direction and control by the county board of supervisors, ~~have supervision over~~ shall supervise the control and ~~the~~ destruction of all noxious weeds in the ~~commissioner's~~ county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and those growing along streets and highways unless otherwise provided. ~~Each A commissioner and deputy shall have the authority to~~ may enter upon any land in the ~~commissioner's~~ county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary ~~for the performance of the commissioner's duties~~ subject to the approval of the board of supervisors. This necessary labor and equipment shall be paid for from the county general fund or the ~~weed eradication and equipment fund~~ funds specified in section 425, subsection 7 of this Act.

Sec. 1048. Section 321.207, Code 1981, is amended to read as follows:

321.207 RECORD FORWARDED. Every court having jurisdiction over offenses committed under this chapter, or any other law of this state or any city or county traffic ordinances, other than parking regulations, regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in ~~said the~~ court for a violation of any ~~said the~~ laws, and may recommend the suspension of the operator's or chauffeur's license of the person ~~so~~ convicted, and the department shall ~~thereupon~~ consider and act upon ~~such the~~ recommendation ~~in such manner as may seem to it best.~~

Sec. 1049. Section 327H.20, Code 1981, is amended to read as follows:

327H.20 ASSISTANCE AGREEMENTS. The director of the department of transportation with the approval of the state transportation commission, may enter into agreements with railroads, the United States government, persons, cities, counties, or railroad districts for carrying out the purposes of this section and sections 327H.18, ~~327H.19~~, and 327H.21 to 327H.25. Agreements entered into between the director of the department of transportation and railroad corporations ~~pursuant to this section~~ may require payment by the railroad corporation of a portion of increased revenue derived from the improved branch line into the railroad assistance fund. ~~The~~ If the board of supervisors of a county ~~may enter~~ enters into an agreement with the state department of transportation to receive a portion of the payments made by a railroad corporation to the railroad assistance fund ~~pursuant to this section~~, ~~---The,~~ the amount received by a the county shall not exceed the amount appropriated to the railroad assistance fund by the county pursuant to section ~~327H.23~~ 423, subsection 3, paragraph m of this Act.

Sec. 1050. Section 329.4, subsection 1, Code 1981, is amended to read as follows:

1. ORDINANCES ~~OR RESOLUTIONS~~. The municipality owning or controlling the airport, and the municipality within which the airport hazard area is located, may by duly adopted ordinance ~~or resolution, as may be appropriate,~~ adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area ~~in question~~.

Sec. 1051. Section 329.7, Code 1981, is amended to read as follows:

329.7 RELATION TO COMPREHENSIVE ZONING REGULATIONS. Any municipality which ~~has adopted, or hereafter~~ adopts, zoning ordinances under the ~~provisions of~~ chapter 414 ~~is hereby empowered to~~ or chapter 358A may incorporate therein such airport hazard area zoning regulations ~~as are provided for by this chapter,~~ and to administer and enforce ~~the same~~ them as herein provided in this chapter.

Sec. 1052. Section 329.9, Code 1981, is amended to read as follows:

329.9 PROCEDURE FOR ADOPTING ZONING REGULATIONS--ZONING COMMISSION. In adopting, amending, and repealing airport zoning regulations under this chapter the governing body of ~~the municipality~~ a city shall follow the procedure ~~as provided~~ in sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in sections 358A.6 and 358A.8. ~~Any action taken on the part of any county under this chapter shall be by resolution of the board of supervisors thereof and no such action shall be taken without a majority of the board of supervisors voting therefor and consenting thereto.~~ The commission so appointed shall be known as the airport zoning commission. The airport zoning commission shall consist of two members from each municipality selected by the governing body ~~thereof~~ and one additional member to act as ~~chairman~~ chairperson and to be selected by a majority vote of the members selected by the municipality. The terms of the members of the airport zoning commission shall be for six years excepting that when the board ~~shall~~ is first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years. Members may be removed for cause by the appointing

authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which ~~said the~~ member was selected.

Sec. 1053. Section 329.12, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The governing body of any municipality ~~awaiting or~~ seeking to ~~avail-itself of-the~~ exercise powers by under this chapter ~~conferred~~ shall, by ordinance ~~or resolution--duly--adopted,~~ provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 358A.10 for a county. ~~Such~~ The board of adjustment ~~shall--have~~ has the same powers and duties, and its procedure, and appeals ~~thereto and therefrom, in all respects shall be governed by and are~~ subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 358A.12 through 358A.21 for a county.

Sec. 1054. Section 330.17, Code 1981, is amended to read as follows:

330.17 AIRPORT COMMISSION--ELECTION. The council of any city, or county or township which owns or ~~otherwise~~ acquires an airport may, and upon the council's receipt of a valid petition as provided in section 362.4, or upon receipt of a petition of ten percent of the number of qualified electors--of the county or township who voted at the last general election by the board of supervisors as provided in section 305 of this Act shall, at a regular city election or a general election if one is to be held within sixty days from the filing of ~~said the~~ petition, or otherwise at a special election called for that purpose, submit to the voters the question as to whether the management and control of ~~such the~~ airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

The management and control of an airport by an airport commission may be ended in the same manner. If a majority of the voters does not favor continuing the management and control of the airport in an airport commission, ~~said the~~ commission shall stand abolished sixty days from and after the date of ~~such the~~ election, and the power to maintain and operate ~~such the~~ airport shall revert to ~~such the~~ city, or county or township.

Sec. 1055. Section 330.18, Code 1981, is amended to read as follows:

330.18 NOTICE OF ELECTION. Notice of ~~such the~~ election shall be given by publication in a newspaper of general circulation in the city, ~~county or township,~~ subject to ~~the provisions--of~~ section 362.3 or in the county, subject to section 304 of this Act.

Sec. 1056. Section 330.19, Code 1981, is amended to read as follows:

330.19 FORM OF QUESTION. The question to be submitted shall be in the following form:

"Shall the City (or County) of place (or continue) the management and control of its airport (or airports) in an Airport Commission?"

Sec. 1057. Section 330.21, Code 1981, is amended to read as follows:

330.21 POWERS--FUNDS. The commission has all of the powers in relation to airports granted to cities, and counties ~~and townships~~ under this chapter

Act and the Constitution of the State of Iowa, except powers to sell the airport. The commission shall annually certify the amount of tax within the limitations of this ~~chapter~~ Act to be levied for airport purposes, and upon ~~such~~ certification the governing body may include all or a portion of ~~said~~ the amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the county treasurer or city clerk to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and ~~the~~ their maintenance, operation, and extension ~~thereof~~.

Sec. 1058. Section 344.11, Code 1981, is amended to read as follows:

344.11 SCOPE OF STATUTE. ~~Nothing-in-this~~ This chapter ~~shall-be-constructed~~ as-affecting-the-provisions-of ~~does not affect~~ section ~~343-11~~ 900, subsection 6, of this Act, and penalty provisions of this chapter ~~with-reference-to--the~~ penalty, ~~--shall--be~~ are in addition to the provisions of that section ~~343-10~~.

Sec. 1059. Section 345.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

345.1 SUBMISSION OF PROPOSALS TO THE ELECTORS.

1. Except as otherwise provided by state law, the board of supervisors shall not expend over ten thousand dollars for the construction, reconstruction, remodeling, or relocation of a county building or facility, or the purchase of real property for county purposes until a majority of the qualified electors of the county voting on the proposition has approved the expenditure and any necessary tax levy for it at a general or special election.

2. An expenditure is not subject to subsection 1 if it is made from funds on hand or federal revenue-sharing or matching funds or both, without the levy of additional taxes, if the probable amount of the expenditure does not exceed:

a. Two hundred thousand dollars in a county having a population of twenty-five thousand or less.

b. Two hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

c. Three hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

d. Four hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

e. Five hundred thousand dollars in a county having a population of more than two hundred thousand.

3. An expenditure of any of the following is not subject to subsection 1:

a. Federal revenue-sharing funds for a mental health or mental retardation project.

b. Federal funds other than federal revenue-sharing funds, for approved projects not requiring matching funds.

c. Damages awarded by the state or federal government for a relocation and replacement made necessary by the acquisition of county property for a state or federal project.

d. Federal revenue-sharing funds for courthouse remodeling in a county with a population of over two hundred thousand.

e. Federal funds including federal revenue-sharing funds, when less than fifteen percent of county matching funds are required.

4. If an expenditure not subject to subsection 1 exceeds fifty thousand dollars, the board shall hold a public hearing on the proposal after notice as required in section 304 of this Act.

5. A tax may be levied as provided in section 421, subsection 19, of this Act if approved at the election required under subsection 1.

6. Notice of adoption of a proposal submitted under subsection 1 shall be published in the same manner as the notice of the election.

7. A proposal adopted at an election under subsection 1 or other state law may be rescinded at a subsequent election, subject to rights and obligations incurred under contracts resulting from the election which approved the proposal. Unobligated amounts collected from tax levies rescinded shall revert to the general fund.

8. A proposal subject to approval at an election under subsection 1 shall be submitted at the next general election upon receipt by the board of supervisors of a petition requesting its submission and signed by one-fourth of the qualified electors in the county as shown by the registration lists for the last preceding general election.

9. Notice of an election under this section shall be published as provided in section 305 of this Act and shall state the whole question to be voted upon, including but not limited to the amount to be raised and the rate of tax to be levied.

Sec. 1060. Section 346A.2, Code 1981, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. ~~Subject to and in accordance with the provisions of this chapter, counties~~ Counties having a population over seventy thousand, as determined by the last official United States census, ~~are hereby authorized to~~ may undertake and carry out any project as ~~hereinbefore~~ defined in section 346A.1, and the boards ~~thereof are authorized to~~ may operate, control, maintain and manage health centers and additions ~~thereto to~~ and facilities ~~therefor~~ for health centers. The boards ~~thereof are further authorized to~~ may appoint such committees, groups, or operating boards as they may deem necessary and advisable to facilitate the operation and management of such health centers, additions and facilities. ~~The board is further authorized to~~ A board may lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on such terms and conditions as the board ~~may deem~~ deems advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with ~~the provisions of section 332-7 and chapter 23~~ section 340, subsection 1, of this Act. To pay the cost of operating, maintaining and managing a health center the board of any such county ~~is authorized to~~ may levy an annual tax ~~not exceeding fifty-four cents per thousand dollars of assessed value per annum on all the taxable property in the county, said levy to be in addition to all other levies authorized by law~~

~~for similar purposes~~ in accordance with section 421, subsection 21, of this Act.

Sec. 1061. Section 347.7, Code 1981, is amended to read as follows:

347.7 TAX LEVY. If the a county hospital be is established, the board of supervisors, at the time of levying ordinary taxes, shall levy a tax at the rate voted not to exceed fifty-four cents per thousand dollars of assessed value in any one year for the erection and equipment ~~thereof of the hospital,~~ and also a tax not to exceed twenty-seven cents per thousand dollars of value for the improvement, maintenance, and replacements of the hospital, as certified by the board of hospital trustees, ~~provided, however.~~ However, in counties having a population of two hundred twenty-five thousand ~~inhabitants~~ or over, the levy for improvements and maintenance of the hospital shall not exceed one dollar and thirty-five cents per thousand dollars of assessed value in any one year. The proceeds of ~~such the~~ taxes shall constitute the county public hospital fund and ~~such the fund shall be is~~ subject to review by the board of supervisors in counties over two hundred twenty-five thousand. ~~Provided, however, that~~ However, the board of trustees of a county hospital ~~of said county,~~ where funds are available in the county public hospital fund of ~~said the~~ county which are unappropriated, may use ~~such the~~ unappropriated funds for erecting and equipping hospital buildings and additions thereto without authority from the voters of ~~said the~~ county.

No levy shall be made for the improvement, maintenance, or replacements of the hospital until the hospital has been constructed, staffed, and receiving patients. ~~Whenever~~ If revenue bonds are issued and outstanding under ~~the provisions of~~ section ~~347.27~~ 460, subsection 1, paragraph d, of this Act, the ~~authority contained in section 347.27 to~~ board may levy the a tax to pay operating and maintenance expenses, ~~when and as therein provided,~~ shall be in lieu of ~~and not in addition to~~ the authority otherwise contained in this section ~~to levy the tax of~~ not to exceed twenty-seven cents per thousand dollars of assessed value ~~for the improvement, maintenance and replacements of the hospital and of~~ or not to exceed one dollar and twenty-one and one-half cents per thousand dollars of assessed value for improvements and maintenance of the hospital in counties having a population of two hundred twenty-five thousand ~~inhabitants~~ or over.

Sec. 1062. Section 347.13, subsection 9, Code 1981, is amended to read as follows:

9. Fix at its regular February meeting in each year, the amount necessary for the improvement and maintenance of the hospital during the ensuing fiscal year, and cause the president and the secretary to certify the same amount to the county auditor before March 1 of each year, subject to ~~the provisions of~~ any limitation in section ~~347.27~~ 347.7.

Sec. 1063. Section 347A.1, Code 1981, is amended to read as follows:

347A.1 CONTRACTS--TRUSTEES. Any A county ~~in the state of Iowa~~ having a population less than one hundred fifty thousand ~~is hereby authorized and empowered to acquire, construct, equip, operate and maintain a county hospital and for the purpose of acquiring, constructing, equipping, enlarging or improving any such county hospital and acquiring the necessary lands, rights of way and other property necessary therefor,~~ may issue revenue

bonds all for a county hospital as ~~in this chapter~~ provided in section 460, subsection 1, paragraph e of this Act. ~~All contracts for construction work of such county hospital shall be awarded by the board of supervisors on competitive bidding following such advertisement as may be prescribed by such board.~~ The administration and management of ~~any county~~ the hospital ~~acquired, constructed, equipped, enlarged or improved under this chapter~~ shall be vested in a board of hospital trustees consisting of five members appointed by the board of supervisors from among the resident citizens of the county with reference to their fitness for ~~such~~ office, and not more than two of ~~such~~ the trustees shall be residents of the same township.

PARAGRAPH DIVIDED. ~~Such~~ The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies in the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. ~~Said~~ The trustees shall, within ten days after their appointment or election, shall qualify by taking the usual oath of office, but no bond shall be required of them. ~~The members of such board of hospital~~ trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them with the approval of ~~said~~ the board of trustees in the performance of their duties. The board first appointed shall organize promptly following ~~their~~ its appointment, and shall serve until ~~such time as their~~ successors are elected and qualified; thereafter no later than December 1 of each year the board shall reorganize by the appointment of a chairman chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the ~~chairman~~ chairperson of the board a surety bond in ~~such penal sum as~~ the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital. The secretary shall report to the county auditor and the county treasurer the names of the ~~chairman~~ chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

PARAGRAPH DIVIDED. The treasurer of the county hospital shall receive and disburse all funds. Warrants shall be drawn by the secretary and countersigned by the ~~chairman~~ chairperson of the board after the claim has been certified by the board. The treasurer of the county hospital shall keep an accurate account of all receipts and disbursements and shall register all orders drawn and reported ~~to him~~ by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose, and amount. The secretary of the board of ~~hospital~~ trustees shall file with the board on or before the tenth day of each month, a complete statement of all receipts and disbursements from all funds during the preceding month, and also the balance remaining on hand in all funds at the close of the period covered by the statement. Before the third Monday of each month, the county treasurer shall give notice to the ~~chairman~~ chairperson of the board of ~~hospital~~ trustees of the amount of revenue collected for each fund of the hospital to the first day of that month, and the ~~chairman~~ chairperson shall draw ~~his~~ a draft

therefor countersigned by the secretary, upon the county treasurer, who shall pay ~~such~~ the taxes to the treasurer of the hospital, ~~only on such~~ upon receipt of the draft.

PARAGRAPH DIVIDED. The board of hospital trustees may employ, fix the compensation of, and remove at pleasure professional, technical, and other employees, ~~skilled or unskilled,~~ as it ~~may deem~~ deems necessary for the operation and maintenance of the hospital, and disbursement of funds ~~in such~~ for operation and maintenance shall be made upon order and approval of the board of hospital trustees. A county hospital may include a nurses home and nurses training school. The board of trustees shall make all rules and regulations governing its meetings and the operation of the county hospital and shall fix ~~rates, fees and~~ charges for the services ~~thereby~~ furnished so that the revenues will be at all times sufficient in the aggregate to provide for the payment of the interest on and principal of all revenue bonds ~~that may be issued and outstanding under the provisions of this chapter~~ for the hospital, and for the payment of all operating and maintenance expenses of the hospital.

Sec. 1064. Section 351.6, Code 1981, is amended to read as follows:

351.6 FEE. The annual license fee shall be ~~one dollar for each male, and three dollars for each female dog. Should it appear that said fees will not produce sufficient funds to pay the claims on the domestic animal fund, set by the board of supervisors shall have power, except as to dogs owned in cities which exact a license fee on dogs, to increase the said fees to a sum not exceeding three dollars for each male, and not exceeding five dollars for each female dog. A spayed female dog shall be deemed a male. Said~~ The fee shall be sent with accompany the application.

Sec. 1065. Section 351.41, Code 1981, is amended to read as follows:

351.41 NOT A LIMITATION ON POWER OF MUNICIPALITIES. ~~Nothing in these sections shall be construed to~~ This chapter does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, ~~or to~~ and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

Sec. 1066. Section 355.1, Code 1981, is amended to read as follows:

355.1 COUNTY SURVEYOR--APPOINTMENT AND DUTIES. A county surveyor ~~may be~~ appointed by the board of supervisors ~~and shall hold office during the pleasure of said board. Said surveyor, who~~ shall be a registered land surveyor holding a certificate issued under ~~the provisions of~~ chapter 114, shall make ~~all~~ surveys of land within his the county ~~which he may be called upon to make request, and shall transcribe the field notes and plats made by him shall be transcribed~~ into a well-bound book, ~~under his supervision,~~ at the expense of the person requesting the survey, which book shall be kept in the county auditor's office, ~~and his.~~ The surveys ~~shall be held as of the county surveyor are~~ presumptively correct.

Sec. 1067. Section 356A.3, Code 1981, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any district judge may sentence and commit a person to a facility established and maintained

pursuant to section 356A.1 or 356A.2 instead of the county jail. A district judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon ~~his-or-her~~ the judge's own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the detention or commitment, and that the detained or committed person shall abide by the terms and conditions of this chapter and the rules of the facility to which committed or transferred. The order shall be read to the detained, committed, or transferred person in open court. The committing court or a district judge may order any person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines ~~such~~ the person has been refractory or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules of the facility ~~wherein~~ where the person was detained or committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. The provisions of section 719.4 ~~shall--be~~ are applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged ~~shall-be~~ is liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining ~~such~~ the person in the facility. The county's expense shall be levied and paid out of the ~~court-expense~~ fund pursuant to section ~~444-10~~ 425, subsection 9 of this Act.

Sec. 1068. Section 356A.7, Code 1981, is amended to read as follows:

356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of supervisors may ~~further~~ contract with another county or a city maintaining a jail meeting the minimum standards for the regulation of jails established pursuant to section 356.36 for detention and commitment of persons pursuant to section 356.1. A person detained or confined in the jail shall be in the charge and custody of the governmental unit maintaining the jail. The cost of detention and confinement shall be levied and paid by the city or ~~from--the--court--expense fund-of~~ the county to which the cause originally belonged ~~pursuant-to-section 444-10.~~

Sec. 1069. Chapter 358, Code 1981, is amended by adding the following new section:

NEW SECTION. REVENUE BONDS. Sanitary districts incorporated under this chapter may exercise the powers granted to counties in sections 461 through 469 of this Act, to issue revenue bonds for the purposes in section 460, subsection 1, paragraphs b and c, of this Act.

Sec. 1070. Section 358A.2, Code 1981, is amended to read as follows:

358A.2 FARMS EXEMPT. No ~~regulation--or~~ ordinance adopted under ~~the provisions--of~~ this chapter ~~shall-be-construed-to-apply~~ applies to land, farm houses, farm barns, farm outbuildings or other buildings, or structures, ~~--or erections~~ which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used, ~~--provided,--however,--that--such~~

~~regulations--of.~~ However, the ordinances which--relate may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream ~~shall--apply--thereto.~~

Sec. 1071. Section 358A.3, Code 1981, is amended to read as follows:

358A.3 POWERS. Subject to ~~the-provisions-of-sections-358A-1-and~~ section 358A.2, the board of supervisors ~~of-any-county-is-hereby-empowered-to~~ may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and ~~to~~ may regulate, restrict, and prohibit the use for residential purposes of tents, trailers, and portable or potentially portable structures, ~~provided-that.~~ However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city. ~~The-board-of-supervisors-of-any-county-may-prescribe--and--charge--a--reasonable--building-permit--fee,--and--upon--receipt--of--an--application-containing-all-required-information,--in-due-form-and-properly-executed,--showing--that--the--proposed-structure--will--comply--with--all--applicable--regulations--of--the--political-subdivision-in-which-it-is-to-be-located-and-upon--payment--of--the--required-permit-fee,--the-board-of-supervisors-shall,--within-seven-days,--issue-a-permit-to-the-applicant.~~

Sec. 1072. Section 358B.3, Code 1981, is amended to read as follows:

358B.3 GIFTS ACCEPTED. ~~Counties--may-receive,--hold-and-dispose-of-all-gifts,--donations,--devises,--and-bequests-that-may-be--made--to--them--for--the-purpose--of--establishing,--increasing,--or--improving-any-library.~~ When the ~~conditions--thereof--have--been~~ a gift for library purposes is accepted by the county, ~~their~~ its use for the county library may be enforced against the ~~county~~ board of supervisors by the library board by an action of mandamus or by other proper action.

Sec. 1073. Section 358B.10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

All moneys received and set apart for the maintenance of ~~such~~ the library shall be deposited in the ~~treasury-of--such--county--to--the--credit--of--the~~ library fund specified in section 424, subsection 10 of this Act, and shall be kept by the treasurer separate ~~and-apart~~ from all other moneys, and paid out upon the orders of the board of trustees, signed by its president and secretary.

Sec. 1074. Section 358B.13, Code 1981, is amended to read as follows:

358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each taxing unit ~~as-hereinafter-defined~~ shall bear its share in proportion to its population as compared to the whole population of said the county library district. The board of library trustees shall on or before January 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit ~~said~~ the estimate in dollars to the ~~board-of~~ boards of supervisors and to the city councils within the district. The entire rural area of each county in the library district

shall be considered as a separate taxing unit. Each city which is a part of the county library district shall be considered as a separate taxing unit. The board of supervisors of each county and the council of each city composing ~~said~~ a county library district shall make the necessary levies ~~accordingly~~ for library maintenance purposes, ~~but the county levy may not exceed fifty-four cents per thousand dollars of assessed value~~ subject to the levy limit in section 420, subsection 9 of this Act. ~~Any unexpended balance in the library maintenance fund at the end of the fiscal year shall remain in said fund and be available without reappropriation.~~

Sec. 1075. Section 358B.18, Code 1981, is amended to read as follows:

358B.18 CONTRACTS TO USE CITY LIBRARY.

1. ~~Contracts may be made by a~~ A school corporation, township, ~~county,~~ or ~~the trustees of any~~ county library district may contract for the use by ~~their~~ its residents of a city library, ~~---Townships---and---counties---may---enter---into contracts,~~ but if a contract is made by a county board of supervisors or township trustees, it may only contract be for the residents outside of cities. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

2. a. Contracts shall provide for the rate of tax to be levied. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of qualified voters in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.

3. b. The proposition may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than forty days before the election at which the question is to be submitted.

4. 3. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding six and three-fourth cents per thousand dollars of assessed valuation on all taxable property in the township to create a fund to fulfill its obligation under the contract.

4. The board of supervisors, after it makes such a contract, shall levy ~~annually on the taxable property of the county outside of cities,~~ a tax of ~~not more than twenty-seven cents per thousand dollars of assessed valuation to create a fund~~ as provided in section 420, subsection 10, of this Act to fulfill its obligation under the contract or under a contract of library trustees appointed under subsection 5.

5. a. Qualified voters electors of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for president of the United States or governor at the last general election may petition the board of supervisors to submit the proposition of requiring the board ~~of supervisors~~ to provide library service for them and their area by contract as provided by this section.

6. b. The board of supervisors shall submit the proposition to the voters of the county residing outside of cities at the next election, primary or

general, provided that the petition has been filed not less than forty days prior to the date of the election at which the question is to be submitted.

7+ c. If a majority of those voting upon the proposition favors it, the board of supervisors shall within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board ~~of supervisors~~.

8+ d. The board of trustees ~~is authorized to~~ may contract with any library for library use or service for the benefit of the residents and area represented by it.

~~9. The board of supervisors shall levy annually on the taxable property of the county outside of cities, a tax of not more than twenty-seven cents per thousand dollars of assessed valuation to create a fund to fulfill the contract obligations of the trustees appointed by it.~~

Sec. 1076. Section 359.42, Code 1981, 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 332-3, subsection 23~~, 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 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. 1077. Section 359.45, Code 1981, is amended to read as follows:

359.45 ANTICIPATORY BONDS. Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may direct the county board of supervisors to issue bonds payable in not more than ten equal annual installments and at a rate of interest not exceeding that permitted by chapter 74A and payable at such place and be in such form as the board of trustees shall designate by resolution. Sections 23-12 to 23-16, inclusive, and provisions of law under sections 440 through 448 of this Act relating to essential corporate county purpose bonds of a city, so far as applicable, shall apply to such bonds except that the bonds are payable only from tax levies on property subject to the levy under section 359.43.

Sec. 1078. Section 361.3, subsection 4, Code 1981, is amended to read as follows:

4. Request the county board of supervisors to conduct a referendum authorizing the levy and collection of a tax, ~~not to exceed two cents per acre on agricultural land in the county,~~ as provided in section 420, subsection 11, of this Act for the administration of an artificial weather modification program.

Sec. 1079. Section 361.5, Code 1981, is amended to read as follows:

361.5 ELECTION ON QUESTION. Upon request of the weather modification board, the county board of supervisors shall submit to the owners and tenants of agricultural land in the county at any general election or special election called for that purpose, the question of whether a tax ~~not to exceed two cents per acre~~ in accordance with section 361.3, subsection 4, shall be

levied annually on agricultural land. Notice of the election shall be published each week for two consecutive weeks ~~in a newspaper of general circulation throughout the county~~ as provided in section 304 of this Act. The notice shall include the date and time of the election and the question to be voted upon. A majority of the agricultural landowners and tenants voting shall determine the question.

Sec. 1080. Section 361.6, Code 1981, is amended to read as follows:

361.6 BUDGET REQUESTS. The weather modification board shall annually submit a budget request to the county board of supervisors. If the annual tax levy is approved as provided in section 361.5, the weather modification board shall determine the tax levy needed, not to exceed ~~two cents per acre on agricultural land~~ the approved levy, to meet the budget request. ~~The tax shall be levied by the board of supervisors and collected at the same time and in the same manner as other property taxes.~~

Sec. 1081. Section 384.12, subsections 15 and 18, Code 1981, are amended to read as follows:

15. If a city has joined with the county to form an authority for a joint county-city building, as provided in ~~sections~~ section 346.26 and 346.27, and has entered into a lease with the authority, a tax sufficient to pay the annual rent payable under the lease.

18. A tax not to exceed twenty and one-half cents per thousand dollars of assessed value each year to maintain an institution received by gift or devise, ~~as provided in section 565.9~~ subject to an election as required under subsection 1.

Sec. 1082. Section 420.207, Code 1981, is amended to read as follows:

420.207 TAXATION IN GENERAL. ~~The provisions of sections~~ Sections 427.1, 427.3 to 427.11, 428.4, 428.16 to 428.23, 436.10, 436.11, 437.1, 437.3, 437.14, 441.21, 443.1 to 443.3, 443.20, 444.2 to 444.5, and 447.9 to 447.13, so far as applicable, shall apply to cities acting under special charters.

Sec. 1083. Section 441.56, Code 1981, is amended to read as follows:

441.56 ASSESSOR'S DUTIES--COMBINED APPOINTMENT. When the duties of the county assessor are combined with the duties of another officer or employee as provided in ~~sections 332.17 to 332.21~~ section 322, subsection 1, of this Act, the person named to perform the combined duties shall be appointed as provided in sections 441.5 to 441.8.

Sec. 1084. Section 471.4, subsection 1, Code 1981, is amended to read as follows:

1. COUNTIES. Upon all counties for ~~such lands as~~ public purposes which are reasonable and necessary ~~for the erection of courthouses or jails or any other buildings or additions to buildings which the county has statutory power to erect, construct or make additions, for projects provided for in chapter 467B and the construction, improvement or maintenance of highways, and for the carrying out of plans for the acquisition of land advanced by a county conservation board, and approved by the state conservation commission as provided in section 111A.4, providing further, it would not completely prevent development of the conservation project, this authority shall not apply to any improved private property used as a residence or living quarters for a period of one year, not to exceed two acres, or if jointly owned, not~~

~~to exceed two acres per residential unit, unless subsequently abandoned for use for such purposes as an incident to the powers and duties conferred upon counties. Temporary unoccupancy shall not be construed as abandonment. Wherever the county has the right to take private property for public use, it also has the right to contract for options for the purchase of said land.~~

Sec. 1085. Section 509A.1, Code 1981, is amended to read as follows:

509A.1 AUTHORITY OF GOVERNING BODY. The governing body of the state, ~~county,~~ school district, or any institution supported in whole or in part by public funds may establish plans for and procure group insurance, or health or medical service for the employees of the state, ~~county,~~ school district, or tax-supported institution. ~~The county board of supervisors may establish plans for and procure group insurance, health or medical service for the county auditor, the county treasurer, the county attorney, the county recorder, the clerk of the district court, the members of the board of supervisors and the sheriff.~~

Sec. 1086. Section 509A.11, Code 1981, is amended to read as follows:

509A.11 DEFINITIONS. For purposes of this chapter ~~the following terms shall have the following meaning:~~

1. ~~The words "governing~~ "Governing body" ~~mean means~~ the executive council of the state, ~~the board of supervisors of counties,~~ the school boards of school districts, and the superintendent or other person in charge of an institution supported in whole or in part by public funds.

2. ~~The words "public~~ "Public body" ~~mean means~~ the state, a ~~county,~~ school district, or an institution supported in whole or in part by public funds.

Sec. 1087. Section 509A.12, Code 1981, is amended to read as follows:

509A.12 DEFERRED COMPENSATION PROGRAM FOR GOVERNMENTAL EMPLOYEES. At the request of an employee the governing body or the county board of supervisors shall by contractual agreement acquire an individual or group life insurance contract, annuity contract, security, or any other deferred payment contract for the purpose of funding a deferred compensation program for an employee, from any company the employee may choose that is authorized to do business in this state and from any life underwriter duly licensed by this state or from any securities dealer or salesman registered in this state to contract business in this state. The deferred compensation program shall be administered so that the state comptroller or ~~his~~ the state comptroller's designees may remit one sum for the entire program according to a single billing.

~~The provisions of this~~ This section ~~shall be~~ is in addition to any benefit program provided by law for any employees of the state or ~~any of~~ its political subdivisions.

Sec. 1088. Section 565.6, Code 1981, is amended to read as follows:

565.6 GIFTS TO GOVERNMENTAL BODIES. ~~Counties, civil~~ Civil townships wholly outside of any city, and school corporations, are authorized to take and hold property, real and personal, by gift and bequest, and to administer the ~~same~~ property through the proper officer in pursuance of the terms of the gift or bequest. ~~Ne title~~ Title shall ~~not~~ pass unless accepted by the governing board of the corporation or township. Conditions attached to ~~such~~ the gifts or bequests become binding upon the corporation or township upon acceptance thereof.

Sec. 1089. Section 565.12, Code 1981, is amended to read as follows:

565.12 CONDITION AS TO ANNUITY. When a gift or bequest is conditioned upon the payment of an annuity to the donor, or any other person, ~~the governing--board-of~~ a ~~county-or~~ city may, upon acceptance of ~~such~~ the gift or bequest, agree to pay ~~such~~ the annuity providing the amount ~~thereof~~ does not exceed five percent of the amount of the gift or bequest and does not exceed the amount realized from a tax levy of twenty-seven cents per thousand dollars of assessed value upon the taxable property of ~~said-county-or~~ the city.

Sec. 1090. Section 565.13, Code 1981, is amended to read as follows:

565.13 ANNUITY TAX. To provide for the payment of ~~such~~ an annuity, the ~~county-or~~ city, ~~through-its-proper-officers,~~ shall annually thereafter levy a tax, ~~not-exceeding--twenty--and--one-fourth--cents--per-thousand-dollars-of~~ assessed value, ~~if-levied-by-a-county,~~ sufficient to pay ~~such~~ the annuity.

Sec. 1091. Section 566.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Before any part of the principal may be so invested or used, the ~~said~~ county, city, board of trustees of cities to whom the management of municipal cemeteries has been transferred by ordinance, or civil township shall, by resolution, ~~in--accordance--with--the--law--as--now--provided,~~ accept ~~said~~ the donation or bequest, and that portion of cemetery lot sales or permanent charges made against ~~cemetary*~~ cemetery lots which is to be used for perpetual care of cemetery lots, and ~~shall,~~ by ~~said~~ resolution, ~~duly~~ shall provide for the payment of interest ~~thereon,~~ payable annually, to the ~~cemetary-general~~ fund specified in section 425, subsection 8 of this Act or to the cemetery association, or to the person having charge of ~~said~~ the cemetery, to be used in caring for or maintaining the individual property of the donor in ~~said~~ the cemetery, or lots which have been sold ~~where,~~ in-said sale, if provision was made for the perpetual care ~~thereof,~~ all ~~to--be~~ in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of a cemetery lot.

Sec. 1092. Section 566.17, Code 1981, is amended to read as follows:

566.17 DELEGATES TO CONVENTIONS. ~~Every-county-or~~ A township having a cemetery under its control may delegate not to exceed two officials from each cemetery ~~so~~ controlled to attend meetings of cemetery officials, and certain expenses, including association dues, not to exceed twenty-five dollars, of ~~said~~ the delegates may be paid out of the cemetery fund of ~~said-county-or~~ the township.

Sec. 1093. Section 566.18, Code 1981, is amended to read as follows:

566.18 SUBSCRIBING TO PUBLICATIONS. The cemetery officials of every ~~county-or~~ township having a cemetery under its control may subscribe to one or more publications devoted exclusively to cemetery management, ~~but-said~~ and the subscriptions may be paid out of the cemetery fund of the ~~county-or~~ township.

Sec. 1094. Section 569.8, Code 1981, is amended to read as follows:

569.8 TITLE UNDER TAX DEED--SALE APPORTIONMENT OF PROCEEDS.

1. Disposition by a county of property acquired by tax deed shall comply with the requirements of section ~~332+3~~ 360, subsection ~~13~~ 2 of this Act.

*According to enrolled Act

2. When any title to property acquired by tax deed is sold-and--paid--for transferred, 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 transferred.

4. The sale transfer of property under-this-section-shall-give acquired by tax deed gives 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 in the basis-of proportion that the amounts of general taxes and special assessments owed to each taxing district is--to are of the total amount of general taxes and special assessments owed to all taxing districts.

Sec. 1095. Section 601C.2, subsection 2, Code 1981, is amended to read as follows:

2. "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of the foregoing these. It does not include goods and services offered by a veteran's newsstand under section 19.16 or section 322-5 360, subsection 4 of this Act.

Sec. 1096. Section 622.93, Code 1981, is amended to read as follows:

622.93 APPLICABILITY IN POLK COUNTY. Proof of the publication of the filing in the district court of the petitions as provided for in section 618.13 and a charge on the basis of one dollar for each petition shall be made once each month by the publisher thereof, presented to the clerk of the district court for verification and approval, and filed with the county auditor to be presented to the board of supervisors, which shall order the claim for such publications paid from the district-court-funds fund specified in section 425, subsection 9 of this Act.

Sec. 1097. Sections 18.94, 24.37, 24.38, 37.5, 37.7, 137.16, 137.20, 150.9, 150A.5, 164.24 through 164.27, 165.18 through 165.21, 165.24, 174.14, 174.17, 174.18, 174.24 through 174.27, 176A.12, 222.76, 230.23, 230.24, 250.1, 250.2, 252.28 through 252.31, 252.34, 252.36, 252.38 through 252.41, 252.45, 253.2, 253.4, 253.7, 253.10, 253.11, 253.13, 309.7 through 309.9, 309.73, 309.85 through 309.91, 313A.35, 317.19, 317.20, 327H.23, 330.2, 330.5 through 330.7, 330.10 through 330.12, 330.14, 330.15, 330.23, chapter 332, sections 345.2 through 345.17, 346.1 through 346.23, 346.25, 346.26, 346A.3 through 346A.5, 347.1 through 347.6, 347.8, 347.21, 347.22, 347.27, 347A.2 through 347A.4, 347A.7, 347A.8, chapter 350, sections 352.4 through 352.6, chapters 353 and 354, sections 355.6, 358A.25, 358A.26, 358B.1, 361.4, 441.14, 443.20, 444.9 through 444.12, 455B.81, 467B.9, chapters 546 and 546A, sections 558.16, 558.17, 565.8 through 565.11, 565.14, and 693.6, Code 1981, are repealed.

CORRESPONDING AMENDMENTS

COUNTY OFFICERS

Sec. 1200. Section 24.14, Code 1981, is amended to read as follows:

24.14 TAX LIMITED. No greater tax than that so entered upon the record shall be levied or collected for the municipality proposing ~~such~~ the tax for the purpose or purposes indicated; and thereafter no greater expenditure of public money shall be made for any specific purpose than the amount estimated and appropriated therefor, except as provided in sections 24.6, 24.15 and ~~section 343-117-subsection-4~~ 900, subsection 6, paragraph d of this Act. All budgets set up in accordance with the statutes shall take such funds, and allocations made by sections 123.53, 324.79 and 405.1, into account, and all such funds, regardless of their source, shall be considered in preparing the budget, all as is provided in this chapter.

Sec. 1201. Chapter 28E, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL LAW ENFORCEMENT. If a tract of land is owned by a corporation organized under chapter 491 with assets of the value of one million dollars or more which has one or more platted villages located within the territorial limits of the tract of land, all of the territory within the plats of the villages with their additions or subdivisions, for the purposes of this section, is deemed to be one incorporated city. The corporation may assess and collect funds from its property owners for the purpose of obtaining additional law enforcement services from the county sheriff. The corporation may contract under chapter 28E with the county sheriff for additional law enforcement services.

Sec. 1202. Section 39.18, Code 1981, is amended to read as follows:

39.18 BOARD OF SUPERVISORS AND TOWNSHIP TRUSTEES. There shall be elected, biennially, in counties and townships, members of the board of supervisors and township trustees, respectively, to succeed those whose terms of office will expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each supervisor or trustee shall be four years, except as otherwise provided by ~~section 331-257-subsection-27-and-section-331-267-subsection-4~~ 207 or 208 of this Act.

Sec. 1203. Section 49.4, subsection 2, Code 1981, is amended to read as follows:

2. Counties using alternative supervisor representation plans two or three, as described in ~~section 331-8~~ 205 of this Act, shall be apportioned into single-member supervisor districts on the basis of population. In counties using representation plan three, the boundaries of supervisor districts shall follow the boundaries of election precincts.

Sec. 1204. Section 69.8, subsection 6, Code 1981, is amended to read as follows:

6. CLERK OF THE DISTRICT COURT. In the office of the clerk of the district court, by the ~~said~~ district court or by a judge ~~thereof~~ of the district court, by order entered of record in the court journal which order shall be effective until the vacancy ~~shall-be-filled-in-the-manner--provided~~

~~by law~~ is filled by appointment of the board of supervisors and a successor is elected and qualifies.

Sec. 1205. Section 96.14, subsection 3, unnumbered paragraph 5, Code 1981, is amended to read as follows:

The department shall pay a recording fee as provided in section ~~335-14~~ 603 of this Act, for the recording of ~~such~~ the lien, or for ~~the~~ its satisfaction thereof.

Sec. 1206. Chapter 127, Code 1981, is amended by adding the following new section:

NEW SECTION. CONVEYANCE SUBJECT TO FORFEITURE. A conveyance as defined in section 127.1 which is used in the unlawful transportation or distribution of a controlled substance is subject to seizure and forfeiture under this chapter in the same manner as if the conveyance is used in the unlawful transportation of intoxicating liquor. The peace officer seizing a conveyance for a violation relating to the distribution or transportation of a controlled substance shall follow procedures specified in this chapter to the extent applicable.

Sec. 1207. Section 144.56, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~The provisions of this~~ This section ~~shall~~ does not apply to any death investigated under the authority of sections ~~339-6 to 339-12~~ 801 through 803 of this Act.

Sec. 1208. Section 161.13, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

161.13 REPORT TO STATE CONSERVATION COMMISSION. The county assessor shall keep a record of all forest and fruit-tree reservations in the county and submit a report of the reservations to the state conservation commission not later than June 15 of each year.

Sec. 1209. Section 230A.9, subsection 3, Code 1981, is amended to read as follows:

3. At intervals specified by the county board of supervisors, not less often than once each ninety days, the county treasurer of each county served by the center shall notify the chairperson of the center's board of trustees of all amounts due the center from the county which have not previously been paid over to the treasurer of the center. The chairperson shall then file a claim for payment as specified in sections ~~331-207, 333-2 and 334-1 to 334-7~~ 503, subsection 7, 505, and 553 of this Act. ~~The provisions of section 331-21~~ Section 503, subsection 8 of this Act notwithstanding, ~~no such~~ the claims shall not include information which in any manner identifies an individual who is receiving or has received treatment at the center.

Sec. 1210. Section 298.13, Code 1981, is amended to read as follows:

298.13 MONTHLY PAYMENT OF TAXES. Before the fifteenth day of each month in each year, the county treasurer shall give notice to ~~the president of~~ the board of each school corporation in the county of the amount collected for each fund to the first day of ~~such the~~ month, and the. The president of each board shall draw ~~his~~ a draft ~~therefor~~ for the amount reported, countersigned by the secretary, upon the county treasurer, who shall pay ~~such the~~ the taxes to the treasurers of the several school boards only on ~~such the~~ the draft.

Sec. 1211. Section 311.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the filing of such the petition with the county ~~auditor~~ engineer proposing the establishment of such a secondary road assessment district, the county engineer shall ~~file~~ prepare a report ~~thereon-with-the-county-auditor on the proposed district,~~ which report shall include:

Sec. 1212. Section 311.11, unnumbered paragraph 1 and subsection 9, Code 1981, is amended to read as follows:

The board of supervisors shall fix a time for hearing on the proposal for the establishment of ~~said the~~ the secondary road assessment district and on the apportionment of not less than twenty-five percent of the estimated cost of the proposed improvement, and shall cause the county ~~auditor~~ engineer to publish notice of ~~said the~~ the hearing. ~~Said The~~ The notice shall state:

9. That all objections to the establishment of ~~said the~~ the district, to the ~~said the~~ the apportionment report, or to the proceedings relating ~~thereto to the district or report~~ thereto must be specifically made in writing and filed with the county ~~auditor~~ engineer on or before noon of the day set for such the hearing, and

Sec. 1213. Section 311.12, Code 1981, is amended to read as follows:

311.12 PUBLICATION OF NOTICE. ~~Such The~~ The notice shall be published once each week for two successive weeks in some newspaper published in the county as near as practicable to ~~said the~~ the district. The last publication shall be not less than five days previous to ~~said the~~ the hearing. Proof of ~~such the~~ the publication shall be made by the publisher by affidavit filed with the county ~~auditor~~ engineer.

Sec. 1214. Section 311.24, Code 1981, is amended to read as follows:

311.24 APPEAL FROM ASSESSMENT. Any owner of land in a secondary road assessment district may appeal to the district court from the order of the board of supervisors in levying the assessment against ~~his~~ the owner's real estate, by filing with the county ~~auditor~~ engineer within fifteen days of the date of ~~such the~~ the levy, a bond conditioned to pay all costs in case the appeal is not sustained, and a written notice of appeal where ~~he~~ the owner shall, with particularity, point out the specific objection which ~~he~~ the owner desires to lodge against ~~such the~~ the levy. ~~Said The~~ The appeal shall--have ~~has~~ has precedence over all other business pending before the court except criminal matters. The appeal shall be heard as in equity. The court may raise or lower the assessment in question and make an equitable assessment in the judgment of the court. The clerk of the district court shall, upon the entry of the final order of the court, certify ~~such the~~ the final order to the county ~~auditor~~ engineer. The board of supervisors shall ~~at-once-so~~ adjust the assessments ~~as~~ to comply with the final order of the court.

Sec. 1215. Section 311.25, Code 1981, is amended to read as follows:

311.25 APPEAL DOCKETED. When an appeal is taken, the county ~~auditor~~ engineer shall ~~at-once~~ make a transcript of the notice of appeal and appeal bond and transmit ~~the-same~~ them to the district court. The appellant shall, within twenty days after perfection of ~~said the~~ the appeal, docket ~~said the~~ the appeal and file a petition setting forth the order or decision of the board of supervisors appealed from, and ~~his~~ the appellant's specific objections

~~thereto.~~ A failure to comply with either of these requirements ~~shall--be~~ deemed is a conclusive waiver of the appeal and ~~in-such-case~~ the court shall dismiss the same petition. Appellee need not file answer, but may do so.

Sec. 1216. Section 311.26, Code 1981, is amended to read as follows:

311.26 ASSESSMENTS CERTIFIED TO COUNTY TREASURER. When the board of supervisors has entered its final order as to the amounts of all special assessments on a given improvement, the county ~~auditor~~ engineer shall at once certify a list of ~~such the~~ assessments and a list of real estate upon which each assessment has been levied, with the specific designation of the district embracing ~~such the~~ real estate, to the county treasurer, who shall enter each assessment on the tax books and continue ~~such the~~ entry until ~~such the~~ assessment is paid.

Each special assessment and all installments ~~thereof-shall-be~~ of the special assessment are a lien upon the real estate upon which ~~it--is~~ levied from the date of ~~such the~~ certificate by the county ~~auditor~~ engineer to the same extent and in the same manner as taxes levied for state and county purposes. Changes in the amount of any a special assessment by reason of any a ruling of the district court on appeals shall be likewise certified and the county treasurer shall make the proper correction on ~~his~~ the books.

Sec. 1217. Section 311.28, Code 1981, is amended to read as follows:

311.28 CERTIFICATES ANTICIPATING ASSESSMENTS. In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in ~~said the~~ district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board ~~and~~ which shall recite ~~(1)-the~~ all of the following:

1. The name or designation of the road district on account of which the certificates are issued, ~~--(2)-that.~~

2. That a stated amount ~~(naming-the-amount)~~ has been specially assessed against the lands within ~~said the~~ district, ~~--(3)-that.~~

3. That a stated amount of ~~said the~~ aggregate special assessment has not yet been paid ~~(naming-the-unpaid-amount)~~, ~~--(4)-that.~~

4. That it is necessary to render ~~such the~~ unpaid amount immediately available, ~~--(5)-the.~~

5. The number of road certificates authorized and the specific amount of each certificate, ~~--(6)-the.~~

6. The specific numbering or designation of ~~such the~~ certificates, ~~--(7) the.~~

7. The rate of interest which each certificate shall bear from date, not exceeding that permitted by chapter 74A, ~~--(8)-the.~~

8. The fact that ~~said the~~ certificates are payable solely from the proceeds of the special assessments which have been levied on the lands within ~~said the~~ districts, ~~--(9)-that.~~

9. That each certificate shall be payable on or before ~~the-first-day-of~~ January 1 of the first year following the maturity of the last installment of ~~such the~~ special assessments, and that interest ~~thereon~~ on the certificate shall be paid annually, ~~--(10)-the.~~

10. The authorization to the ~~chairman~~ chairperson of the board, and to the county ~~auditor, respectively~~ treasurer, to sign and countersign each of ~~said~~ the certificates.

Sec. 1218. Section 311.29, Code 1981, is amended to read as follows:

311.29 SALE OF CERTIFICATES. Upon the signing of each of ~~said~~ the certificates by the ~~chairman~~ chairperson of the board, ~~said~~ the certificates shall be delivered to the county ~~auditor~~ treasurer, who shall countersign ~~the same,--charge--the--county--treasurer--with--the--amount--thereof,--and--deliver--the--same--to--the--latter--officer,~~ them and who shall be responsible ~~therefor~~ for them on his or her bond. The treasurer may apply ~~said~~ the certificates in payment of any warrants duly authorized and issued for surfacing the roads within ~~said~~ the district, or ~~he~~ the treasurer may sell the ~~same~~ certificates for the best attainable price and for not less than par, plus accrued interest, and credit the proceeds to the secondary road fund. ~~Such~~ The certificates shall be retired in the order of ~~the--consecutive~~ their numbering ~~thereof~~.

Sec. 1219. Section 341A.7, Code 1981, is amended to read as follows:

341A.7 CLASSIFICATIONS. The classified civil service positions covered by this chapter shall include persons actually serving as deputy sheriffs who are salaried pursuant to section ~~340-8~~ 903, subsection 2 of this Act, but do not include a chief deputy sheriff, two second deputy sheriffs in counties with a population of more than one hundred thousand, and four second deputy sheriffs in counties with a population of more than two hundred thousand. A deputy sheriff serving with permanent rank under this chapter may be designated chief deputy sheriff or second deputy sheriff and retain such rank during the period of ~~his~~ his service as chief deputy sheriff or second deputy sheriff and shall, upon termination of ~~his~~ the duties as chief deputy sheriff or second deputy sheriff, revert to ~~his~~ the permanent rank.

Sec. 1220. Section 422.26, unnumbered paragraph 6, Code 1981, is amended to read as follows:

The department shall pay a recording fee as provided in section ~~335-14~~ 603 of this Act, for the recording of ~~such~~ the lien, or for ~~the~~ its satisfaction ~~thereof~~.

Sec. 1221. Section 445.11, Code 1981, is amended to read as follows:

445.11 SPECIAL ASSESSMENT BOOK. ~~Upon--the--record--of~~ When the levy of any a special assessment ~~within--any--county--coming--into--the--hands--of~~ is submitted to the county ~~auditor~~ treasurer, the county ~~auditor~~ treasurer shall, ~~in--blue--or--black--ink,~~ prepare in a book to be known as a special assessment book, the list of the persons owning real estate ~~to--be~~ affected ~~thereby~~ by the assessment, in alphabetical or numerical order, which book shall contain a description of the real estate ~~so~~ affected, the date of the assessment, the total amount ~~so~~ assessed, and the installments to be paid, ~~together--with~~ and the amounts of the respective installments if ~~said~~ the assessment is payable in installments.

Sec. 1222. Section 445.17, Code 1981, is amended to read as follows:

445.17 FILING OF COMPROMISE AGREEMENT. A copy of ~~such~~ the agreement shall be filed with the county treasurer ~~and--county--auditor~~.

Sec. 1223. Section 445.18, Code 1981, is amended to read as follows:

445.18 EFFECT OF COMPROMISE PAYMENT. When payment is made, as ~~by--such~~ provided by the agreement ~~provided~~, all taxes included in ~~such~~ the agreement shall be ~~thereby~~ fully satisfied and canceled and the ~~county--auditer--and~~ county treasurer shall cause ~~their~~ the appropriate books to show ~~such~~ the satisfaction.

Sec. 1224. Section 446.1, Code 1981, is amended to read as follows:

446.1 SALE SHOWN. The ~~auditer-when-making-up-the-tax-list,-before-it--is~~ placed--in-the-hands-of-the county treasurer, shall designate on the tax list each piece or parcel of real estate sold for taxes, and not redeemed, by writing opposite the same parcel of real estate the year in which it was sold in a column ~~made-for-that-purpose-and~~ headed "sold in".

Sec. 1225. Section 446.21, Code 1981, is amended to read as follows:

446.21 APPLICABLE STATUTE. In ~~all~~ tax sales made under ~~the-provisions-of~~ section 446.19, any a holder of any a special assessment certificate against a lot or parcel of ground, or any a holder of a bond payable in whole or in part out of a special assessment against any a lot or parcel of ground, or any a city within which ~~such~~ the lot or parcel of ground is situated, which lot or parcel of ground has been sold for taxes, either general or special, ~~shall-be~~ is entitled to an assignment of any certificate of tax sale of ~~said~~ the property for any general taxes or special taxes ~~thereon~~, upon tender to the holder or to the county ~~auditer~~ treasurer of the amount to which the holder of the tax sale certificate would be entitled in case of redemption.

Sec. 1226. Section 446.24, Code 1981, is amended to read as follows:

446.24 RECORD OF SALES. The ~~auditer~~ treasurer shall attend all sales of real estate for taxes, and keep a record ~~thereof of the sales~~ in a book to be kept ~~by-him~~ for that purpose, ~~therein~~ describing each tract of real estate on which the taxes and costs were paid by the purchaser as they are described in the copy of the notice on file in ~~his~~ the treasurer's office, stating in separate columns the amount, as obtained from the ~~treasurer's~~ tax list, of each kind of tax, interest, and costs for each tract, how much and what part of each parcel was sold, to whom, and the date thereof of sale. ~~The treasurer--shall--also--keep--a-book-of-sales-in-which-he-shall-make-the-same record.--He-shall-also-note-in-the-tax-list,-opposite-the-description-of-the property-sold,-the-fact-and-date-thereof-~~

Sec. 1227. Section 446.26, Code 1981, is amended to read as follows:

446.26 MISCONDUCT OF OFFICERS OFFICER. Any treasurer ~~or-auditer~~ failing to attend a sale of lands in person, ~~or~~ by deputy ~~shall-be~~ treasurer or by designated employee is guilty of a simple misdemeanor. If ~~such-officer-or~~ the treasurer, deputy shall-sell-or-assist treasurer or designated employee sells or assists in selling any real estate, knowing it is not subject to taxation, or that the taxes for which it is sold have been paid, or ~~shall~~ knowingly and willfully ~~sell-or-assist~~ sells or assists in selling any real estate for taxes to defraud the owner ~~thereof~~, or ~~shall~~ knowingly and willfully ~~execute~~ executes a deed for property ~~so~~ sold, ~~he-or-she-shall-be~~ the treasurer, deputy treasurer or designated employee is guilty of a serious misdemeanor and ~~shall-be~~ is liable to pay the injured party all damages sustained ~~by--him--or--her~~ on account ~~thereof,-and-all-such-sales-shall-be~~ of the illegal sale. Sales made in violation of this section are void.

Sec. 1228. Section 446.27, Code 1981, is amended to read as follows:

446.27 FRAUD OF OFFICERS OFFICER. If any treasurer ~~or auditor--shall--be~~ is directly or indirectly concerned in the purchase of any real estate sold for the nonpayment of taxes, the treasurer ~~or auditor~~ and ~~his--or--her~~ the treasurer's sureties ~~shall--be~~ are liable on ~~his--or--her~~ the treasurer's official bond for all damages sustained by the owner of ~~such~~ the property, ~~and--all--such--sales--shall--be.~~ Sales made in violation of this section are void. In addition ~~thereto~~, the ~~officer--so--offending--shall--be~~ treasurer is guilty of a fraudulent practice.

Sec. 1229. Section 446.32, Code 1981, 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~~ a receipt for taxes, interest, and costs paid by the purchaser after the date of purchase for any a subsequent year, ~~one--of--which receipts--shall--be--filed--in--the--office--of--the--auditor--and--noted--on--the register--of--sales.~~ Taxes for a subsequent year may be paid by the purchaser any time after certification.

Sec. 1230. Section 446.36, Code 1981, is amended to read as follows:

446.36 CERTIFIED COPIES OF RECORDS AS EVIDENCE. The books and records belonging to the ~~offices~~ office of the ~~auditor--and~~ treasurer, or copies ~~thereof~~ of them properly certified, ~~shall--be~~ are sufficient evidence to prove the sale of any real estate for taxes, the redemption ~~thereof~~ of the real estate, or the payment of taxes ~~thereon~~ on it.

Sec. 1231. Section 446.37, Code 1981, is amended to read as follows:

446.37 FAILURE TO OBTAIN DEED--CANCELLATION OF SALE. After five years have elapsed from the time of any tax sale, and action has not been completed during ~~such~~ the time which qualifies the holder of a certificate to obtain a deed, ~~it--shall--be--the--duty--of--the--county--auditor--and~~ the county treasurer ~~to shall~~ cancel ~~such~~ the sale from ~~their~~ the tax sale index and tax sale register.

Sec. 1232. Section 447.1, Code 1981, 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~~ treasurer, to be held by the ~~auditor~~ treasurer subject to the order of the purchaser, of the amount for which the ~~same~~ real estate was sold and four percent of the amount added as a penalty, with three-quarters percent interest per month on the sale price plus the penalty from the date of sale, and the amount of all taxes, interest, and costs paid by the purchaser or the purchaser's assignee for any subsequent year, with a similar penalty added as before on the amount of the payment for each subsequent year, and three-quarters percent per month on the whole ~~of--such~~ amount from the date of payment.

Sec. 1233. Section 447.3, Code 1981, is amended to read as follows:

447.3 AGRICULTURAL COLLEGE LANDS. In redeeming from a sale of a leasehold interest in agricultural college land, the amount to be paid shall include any amount paid by the holder of the certificate as interest or principal due by the terms of the lease or otherwise to prevent a forfeiture ~~thereof,--as--provided--by--law,~~ and for which proper voucher ~~shall--have~~ has been

filed with the auditor treasurer, with interest ~~thereon~~ at eight percent per annum from date of payment, which amount shall be paid by the auditor treasurer to the holder of the certificate, and the certificate of redemption shall show the amount ~~so~~ paid by the party redeeming.

Sec. 1234. Section 447.5, Code 1981, is amended to read as follows:

447.5 CERTIFICATE OF REDEMPTION--~~COUNTERSIGNED~~ ISSUED BY TREASURER. The auditor treasurer shall, upon application of any party to redeem real estate sold for taxes, and being satisfied that ~~he~~ the party has a right to redeem the ~~same~~ real estate upon the payment of the proper amount, issue to ~~such~~ the party a certificate of redemption, setting forth the facts of the sale substantially as contained in the certificate ~~thereof~~, the date of the redemption, the amount paid, and by whom redeemed, and make the proper entries in the book of sales in ~~his~~ the treasurer's office,--~~and--immediately give--notice--of--such--redemption--to--the--treasurer.~~ ~~The--certificate--of--redemption--shall--then--be--presented--to--the--latter,--who--shall--countersign--it, noting--such--fact--in--the--sale--book--opposite--the--entry--of--the--sale,--and--no certificate--of--redemption--shall--be--evidence--of--such--redemption--without--the signature--of--the--treasurer.~~

Sec. 1235. Section 447.6, Code 1981, is amended to read as follows:

447.6 ERASURES PROHIBITED. ~~Said~~ The entries by the ~~auditor and~~ treasurer shall be made in ink, and ~~in case~~ if errors are subsequently discovered ~~such~~ the entries shall not be erased but shall be corrected by drawing a line through the erroneous entries with ink accompanied by the initials of the person who made the alteration and the date when made.

Sec. 1236. Section 447.9, Code 1981, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION. After two years and nine months from the date of sale, or after nine months from the date of a sale made under the provisions of section 446.18, ~~section~~ 446.38 or ~~section~~ 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of ~~such~~ the real estate, and also upon the person in whose name the ~~same~~ real estate is taxed, if ~~such~~ the person resides in the county where the land is situated, in the manner provided for the service of original notices, a notice signed by ~~him,--his--agent,~~ the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service ~~thereof~~ of the notice. When ~~said~~ the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county auditor treasurer, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa housing finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority. Service of ~~such~~ the notice shall also be made by certified mail on any mortgagee, or ~~his~~ assignee, of record, whether resident or nonresident of the county, if ~~his~~ the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing

the address of the mortgagee or assignee duly filed with the recorder, or the state of Iowa in case of an old-age assistance lien by service upon the state department of social services. ~~Such~~ The notice shall also be served on any city where ~~such~~ the real estate is situated.

Sec. 1237. Section 447.12, Code 1981, is amended to read as follows:

447.12 WHEN SERVICE DEEMED COMPLETE--PRESUMPTION. Service ~~shall--be~~ is complete only after an affidavit has been filed with the treasurer, showing the making of the service, the manner ~~thereof of service~~, the time when and place where made, and under whose direction the ~~same~~ service was made, ~~such~~. The affidavit ~~to~~ shall be made by the holder of the certificate or by ~~his~~ the ~~holder's~~ agent or attorney, and in either of the latter cases stating that ~~such~~ the affiant is the agent or attorney, ~~as the case may be~~, of the holder of ~~such~~ the certificate, ~~which~~. The affidavit shall be filed by the treasurer and entered upon the sale book opposite the entry of the sale, and ~~said~~ the record or affidavit ~~shall--be~~ is presumptive evidence of the completed service of ~~said~~ the notice, ~~and the~~. The right of redemption shall not expire until ninety days after service is complete. When the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the affidavit shall be made by the ~~county auditor~~ treasurer of the county, a city officer designated by resolution of the council, or on behalf of the agency or authority, by one of its officers as authorized in rules of the agency or authority.

Sec. 1238. Section 447.13, Code 1981, is amended to read as follows:

447.13 COST--FEE--REPORT. The cost of serving the notice and affidavit of publication shall be added to the amount necessary to redeem. The fee for serving the notice shall be the same as for service of an original notice, including copy fee and mileage. The treasurer shall, ~~upon the filing of file~~ the proof of service and statement of costs, ~~forthwith report the same in writing to the auditor, who shall~~ and enter it on the sale book against the proper tract of real estate. The holder of the certificate of sale or ~~his~~ the ~~holder's~~ agent may report in writing to the county ~~auditor~~ treasurer the amount of costs incurred in giving ~~such~~ the notice, and the ~~auditor~~ treasurer shall enter ~~the--same~~ it in the sale book. ~~No~~ A redemption ~~shall--be~~ is not complete until ~~such~~ the costs are paid. If the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the property meet applicable building or housing code standards shall be added to the amount necessary to redeem, and ~~no~~ a redemption ~~shall--be~~ is not complete until ~~such~~ the costs are paid.

Sec. 1239. Section 666.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~Clerks~~ The clerk of district court shall, ~~on the first Monday in January in each year~~, make an annual report in writing to the board of supervisors ~~for--their--respective--counties~~ at the first regular meeting of the board in

January of all forfeited recognizances in ~~their-offices~~ the clerk's office; of all fines, penalties, and forfeitures imposed in ~~their-respective-courts~~ the district court, which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount, rendered; whether ~~said~~ the fines, penalties, forfeitures, and recognizances have been paid, remitted, canceled, or otherwise satisfied; if so, when, how, and in what manner, and if not paid, remitted, canceled, or otherwise satisfied, what steps have been taken to enforce the collection ~~thereof~~ of the fines, penalties, forfeitures, and recognizances.

Sec. 1240. Section 801.4, subsection 10, Code 1981, is amended to read as follows:

10. "Indigent" is a person with insufficient resources as defined in section ~~336A-4~~ 775, subsection 4 of this Act.

Sec. 1241. Section 813.2, rule 2, subsection 3, rules of criminal procedure, Code 1981, is amended to read as follows:

3. COUNSEL. The magistrate ~~shall-have-authority-to~~ may appoint counsel to represent the defendant ~~in--the--event~~ if the defendant requests representation by counsel and is entitled to ~~same~~ it. Counsel will be assigned to assist the defendant only upon a showing as required in section ~~336A-4-of-the-Code~~ 777, subsection 2 of this Act. Counsel so appointed may make application in the district court for compensation for such services.

Sec. 1242. Section 813.2, rule 26, subsection 1, rules of criminal procedure, Code 1981, is amended to read as follows:

1. REPRESENTATION. Every defendant who is an indigent person as defined in section ~~336A-4--of--the--Code--shall-be~~ 775, subsection 4 of this Act is entitled to have counsel appointed to represent him or her at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation and parole revocation hearings, unless the defendant waives such appointment.

Sec. 1243. Section 905.3, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section ~~334-13~~ 210 of this Act.

Sec. 1244. Chapters 331, 333, 334, 335, 336, 336A, 336B, 337, 337A, 338, 339, 340, 340A, 341, 342, 343, 606, and sections 445.13, 446.8, and 446.33, Code 1981, are repealed.

Approved May 19, 1981

CHAPTER 118
HONORING COUNTY WARRANTS

H. F. 836

AN ACT relating to honoring county warrants.

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

Section 1. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 900, subsection 6, is amended by adding the following new unlettered paragraph following paragraph g:

NEW UNLETTERED PARAGRAPH. Within the restrictions of this subsection and after consultation with the county auditor, the board of supervisors, and the official charged with the administration of the fund in question, the county treasurer may honor warrants drawn upon a county fund at any time during the fiscal year rather than proceeding under chapter 74, regardless of the current availability of a cash balance in the fund on which the warrant is drawn, if there are sufficient funds available in the total cash balance of all county funds.

Approved June 20, 1981

CHAPTER 119
LEGAL COUNSEL TO SUBSTITUTE FOR COUNTY ATTORNEY

S. F. 199

AN ACT authorizing the appointment of legal counsel for county officers under certain circumstances.

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

Section 1. NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL. At any stage of legal proceedings in which a county attorney is authorized to represent a county officer acting in the officer's official capacity, the county attorney may apply to the court for permission to withdraw from representation of the officer for cause. If the court allows the county attorney to withdraw, it shall appoint an attorney to represent the county officer. The costs of representing a county officer acting in the officer's official capacity shall be paid from the court expense fund or the general fund of the county.

Approved May 4, 1981

CHAPTER 120
COUNTY HOSPITAL PROPERTY SOLD
H. F. 186

AN ACT relating to the permissible use of proceeds of property sold by a county board of hospital trustees.

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

Section 1. Section 347.13, subsection 12, paragraph b, Code 1981, is amended to read as follows:

b. ~~Further-permanent~~ Repairs or improvements to property owned or for the purchase or lease of equipment as the board of hospital trustees may determine.

Approved May 19, 1981

CHAPTER 121
COUNTY JAIL PRISONERS
S. F. 200

AN ACT relating to the calendar of prisoners in the county jail or detention facility.

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

Section 1. Section 356.7, Code 1981, is repealed.

Sec. 2. Section 356A.5, Code 1981, is amended to read as follows:

356A.5 CALENDAR KEPT. Any person sentenced, detained, committed, or transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2 shall be discharged therefrom upon completion of ~~their~~ the original term of detention or commitment. The person in charge of ~~such~~ the facility shall keep a calendar as required in section 356.6 ~~and return a copy of the calendar as required by section 356.7.~~

Approved March 23, 1981

CHAPTER 122
MORATORIUM ON JAIL STANDARDS
H. F. 806

AN ACT to delay implementation of administrative rules establishing minimum standards for county jails.

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

Section 1. NEW SECTION. MORATORIUM ON JAIL STANDARDS. The administrative rules adopted by the department of social services establishing minimum jail standards as provided in section 356.36 shall not be implemented or enforced until a needs assessment of the individual county jails has been completed by the Iowa crime commission.

Approved May 1, 1981

CHAPTER 123
BENEFITED WATER DISTRICTS
H. F. 873

AN ACT relating to the maintenance levy for benefited water districts.

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

Section 1. Section 357.25, Code 1981, is amended to read as follows:
357.25 MANAGEMENT BY TRUSTEES. After the final acceptance of the work by the board of supervisors, the management of the utility shall automatically go to the three trustees previously appointed by the board of supervisors. The trustees of a benefited water district located in a county with a population of two hundred fifty thousand or less shall have power to levy an annual tax not to exceed thirteen and one-half cents per thousand dollars of assessed value of all taxable property in the district, for the maintenance of the system. However, the trustees of a benefited water district located in a county with a population of more than two hundred fifty thousand may levy an annual tax on the taxable value of all taxable property in the district in an amount as may be necessary for the maintenance of the system, with the approval of the board of supervisors. This levy shall be optional with the trustees. The trustees may purchase material and employ labor to properly maintain and operate the utility. The trustees shall be allowed necessary expenses in the discharge of their duties, but shall not receive any salary.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lee Town News, a newspaper published in Des Moines, Iowa, and in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa.

Approved June 13, 1981

I hereby certify that the foregoing Act, House File 873, was published in the Lee Town News, Des Moines, Iowa on June 18, 1981, and the Ankeny Press-Citizen, Ankeny, Iowa on June 18, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 124
BENEFITED FIRE DISTRICTS

H. F. 462

AN ACT relating to the withdrawal of land from a benefited fire district.

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

Section 1. Chapter 357B, Code 1981, is amended by adding the following new section:

NEW SECTION. DETACHMENT OF LAND FROM DISTRICT. The trustees of a township, after notice and a public hearing, may withdraw the township or part of the township from a benefited fire district. Notice of the time, date and place of the hearing shall be published at least two weeks before the hearing in a newspaper having general circulation within the township. The notice shall also identify the area to be withdrawn. After the hearing on the proposed withdrawal, the township trustees, by majority vote, may withdraw the township or a part of the township from the benefited fire district. If the township trustees take final action to withdraw on or before March 1 of a fiscal year, the effective date of the withdrawal is the following July 1. However, if final action to withdraw is taken after March 1, the withdrawal is not effective until July 1 of the following calendar year. If bonds issued under section 357B.4 are outstanding at the time of withdrawal, the board of supervisors shall continue to levy an annual tax against the taxable property being withdrawn to pay its share of the outstanding obligation of the district relating to those bonds.

Approved May 5, 1981

CHAPTER 125

ENERGY CONSERVATION AND SOLAR ACCESS

H. F. 304

AN ACT including energy conservation and solar access as objectives of city and county zoning regulations.

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

Section 1. Section 358A.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a county that did not have zoning prior to the effective date of this Act.

Sec. 2. Section 414.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a city that did not have zoning prior to the effective date of this Act.

Approved May 4, 1981

CHAPTER 126
PLEDGE ORDERS BY CITIES

S. F. 507

AN ACT permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations, and taking effect upon publication.

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

Section 1. Section 384.82, subsection 2, Code 1981, is amended to read as follows:

2. A city may issue revenue bonds or pledge orders to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same city utility, combined utility system, city enterprise, or combined city enterprise, or from a city utility comprising a part of the combined utility system or a city enterprise comprising a part of the combined city enterprise, at lower, the same, or higher rates of interest. A city may sell refunding revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and apply the proceeds ~~thereof~~ to the payment of the obligations being refunded, and may exchange refunding revenue bonds or pledge orders in payment and discharge of the obligations being refunded. The principal amount of any refunding revenue bonds or pledge orders may exceed the principal amount of the obligations being refunded to the extent necessary to pay ~~any~~ a premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Urbandale News, a newspaper published in Urbandale, Iowa, and the Linn News-Letter, a newspaper published in Central City, Iowa.

Approved April 30, 1981

I hereby certify that the foregoing Act, Senate File 507, was published in the Urbandale News, Urbandale, Iowa on May 7, 1981 and in the Linn News-Letter, Central City, Iowa on May 6, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 127

RETENTION FROM PAYMENTS ON PUBLIC CONTRACTS

S. F. 225

AN ACT relating to retainage withheld from payment to contractors under contracts for public improvements.

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

Section 1. Section 384.57, Code 1981, is amended to read as follows:

384.57 MONTHLY PAYMENTS. The city may contract to pay not to exceed ~~ninety~~ ninety-five percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month. Payment may be made in warrants drawn on any ~~fund-or~~ funds from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A, which do not constitute a violation of section 384.10, even if the collection of taxes or special assessments or income from the sale of bonds applicable to the public improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. Such Anticipatory warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement. The provisions of this section and section 384.58 shall not apply if the city has entered into a contract with the federal government or accepted a federal grant which is governed by federal laws or rules that are contrary to this section and section 384.58.

Sec. 2. Section 384.58, subsection 4, Code 1981, is amended to read as follows:

4. Upon accepting the work, the council ~~may~~ shall order payment of any amount due the contractor, to be made by warrants issued in the manner provided by section 384.57 or by other means. The city shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Failure to make payment within seventy days after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding city by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall not accrue on funds retained by a city to satisfy the provisions of section 573.14 regarding claims on file. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this subsection and ending on the date of payment. The rate of interest shall be determined, by the period of time during which interest accrues, and shall be the same as the rate of

interest that is in effect under section 453.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. Nothing contained in this subsection shall abridge any of the rights set forth in section 573.16.

Sec. 3. Section 573.12, Code 1981, is amended to read as follows:

573.12 RETENTION FROM PAYMENTS ON CONTRACTS. Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, as determined by the project architect or engineer. ~~In making said payments, there shall be retained ten percent of each said monthly estimate by the public corporation, provided, however, that if the contract is for more than fifty thousand dollars, and if the public corporation at any time after fifty percent of the improvement has been completed finds that satisfactory progress is being made, the public corporation may authorize any of such remaining payments to be made in full.~~ The public corporation shall retain from each monthly payment five percent of that amount which is determined to be due according to the estimate of the architect or engineer.

Sec. 4. Section 573.14, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Failure to make payment within seventy days after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this subsection and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 453.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. Nothing contained in this paragraph shall abridge any of the rights set forth in section 573.16. Interest shall not accrue on funds retained by the public corporation to satisfy the provisions of this section regarding claims on file. The provisions of this chapter shall not apply if the public corporation has entered into a contract with the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of this chapter.

Approved May 14, 1981

CHAPTER 128

UTILITY LIENS

H. F. 790

AN ACT relating to the time the lien for rates or charges for utility services attaches.

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

Section 1. Section 384.84, subsection 1, Code 1981, is amended to read as follows:

1. The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise and, whenever revenue bonds or pledge orders are issued and outstanding pursuant to ~~the--provisions-of~~ this division, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as ~~the-same~~ they become due and to maintain a reasonable reserve for the payment of ~~such~~ principal and interest, and a sufficient portion of net revenues must be pledged for ~~such~~ that purpose. Rates must be established by ordinance of the council or by resolution of the trustees, published in the same manner as an ordinance. All rates or charges for the services of sewer systems, sewage treatment, solid waste collection, solid waste disposal, or any of these, if not paid as provided by ordinance of council, or resolution of trustees, ~~shall~~ constitute a lien upon the premises served by any of these services and upon certification to the county auditor that the rates or charges are owing. The rates or charges may be certified to the county auditor and collected in the same manner as taxes.

Approved May 5, 1981

CHAPTER 129
UTILITY EASEMENTS

H. F. 757

AN ACT relating to easements for certain sewer, water, or gas or power lines within a city.

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

Section 1. NEW SECTION. EASEMENT CONTINUANCE. If a city exercised a right to an easement on property before January 1, 1950 for the establishment of water, sewer, or gas or power lines, the city has acquired the right to exercise a continuing easement on that property to the extent necessary for repair and maintenance of those lines.

Approved May 5, 1981

CHAPTER 130
INDUSTRIAL REVENUE BONDS

S. F. 506

AN ACT redefining the types of projects for which industrial revenue bonds may be issued under chapter 419 for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste or for the purpose of a telephone company or to be used as part of any commercial amusement or theme park or to be used for an office building, including appropriate ancillary facilities, exclusively by professional health care providers and providing for its effect upon publication.

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

Section 1. Section 419.1, subsection 2, Code 1981, 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 one or more physicians for an office building to be used exclusively by professional health care providers, including appropriate ancillary facilities, or of any private college or university, or any state institution governed under chapter 262 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 of a telephone company, or of a beginning businessperson for any purpose, or of any commercial amusement or theme park, 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 or for the disposal, including without limitation recycling, of solid waste. "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. This Act takes effect from and after its publication in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa, and in the Sigourney News-Review, a newspaper published in Sigourney, Iowa.

Approved June 2, 1981

I hereby certify that Senate File 506 was published in the Cherokee Daily Times, Cherokee, Iowa on June 5, 1981 and the Sigourney News-Review, Sigourney, Iowa on June 10, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 131

TAXES OWED TO THE STATE

H. F. 734

AN ACT relating to taxes owed to the state, and providing for penalties and interest for delinquent monthly withholding tax payments and establishing the rate of interest payable on delinquent taxes owed to the state.

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

Section 1. Chapter 421, Code 1981, is amended by adding the following new section:

NEW SECTION. INTEREST RATE.

1. Except where a different rate of interest is stated in a provision of this title, the rate of interest on interest-bearing obligations arising under this title shall be the rate of interest in effect under this section.

2. The rate of interest that shall be in effect during a calendar year shall be the rate which is two percentage points less than the numerical average, rounded to the nearest one percent, of the respective prime rates for each of the months in the twelve-month period that ends September 30 of the previous calendar year. The rate of interest established by this subsection takes effect January 1, and applies to any amount which is due or becomes payable on or after that date.

3. Notwithstanding contrary provisions of subsection 2, the rate of interest that is in effect during a calendar year shall also be the rate of interest to be in effect for the following calendar year, unless the rate of interest as calculated under subsection 2 is at least one percentage point higher or lower than the rate then in effect.

4. In the event interest accrues or is calculated on a monthly basis, the rate of interest for each month shall be one-twelfth, rounded to the nearest one-tenth of one percent, of the rate specified in subsection 2.

5. As used in subsection 3, the term "prime rate" means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

6. In October of each year the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the rate of interest to be in effect on or after January 1 of the following year, as established by this section. The calculation and publication of the rate of interest by the director is exempt from chapter 17A.

Sec. 2. Section 324.64, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may, on his or her own motion at any time, abate any portion of tax, interest or penalties which is determined to be excessive in amount or erroneously or illegally assessed.

Sec. 3. Section 324.65, Code 1981, is amended to read as follows:

324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT OR PAY FUEL TAXES. If a licensee or other person fails to file a required report with the appropriate state agency 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 due on the 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 licensee or other person fails to remit the tax due with the filing of the return on or before the due date or fails to pay any amount of the tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, 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. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per month~~ in effect under section 1 of this Act counting each fraction of a month as an entire month, computed from the date the return was required to be filed. The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty percent of the tax due. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty for failure to pay the tax due or required on the return, except in the case of a deliberate attempt on the part of the licensee or other person to evade payment of fuel taxes. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, shall be subject to a penalty of ten dollars if the report is not timely filed with the appropriate state agency.

Sec. 4. Section 422.16, subsection 9, Code 1981, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12 hereof, as compared to the individual income tax liability of the employee taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4, to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident or other person with interest at the rate ~~of three-fourths of one percent per~~

in effect under section 1 of this Act for each month or fraction of a month, such the interest to begin to accrue thirty days after the date the return was due to be filed or was filed, whichever is the later date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if such the application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by ~~means of~~ warrants drawn by the comptroller at the direction of the director, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is ~~hereby~~ appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 5. Section 422.16, subsection 10, paragraph b, Code 1981, is amended to read as follows:

b. Any employer or withholding agent required under ~~the provisions of~~ this chapter to withhold taxes on wages or other taxable Iowa income subject to this chapter who fails to file a monthly deposit form or quarterly return for the withholding of tax with the department ~~of revenue~~ on or before the due date, unless it is shown that the failure was due to reasonable cause, ~~shall be~~ is subject to a penalty determined by adding to the amount required to be shown as tax due on the monthly deposit form or quarterly 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 any person or withholding agent fails to remit the tax due with the filing of the monthly deposit form or quarterly return on or before the due date, or fails to pay any amount of any tax required to be shown on the monthly deposit form or quarterly return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, 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. When penalties are applicable for failure to file a monthly deposit form or quarterly return and failure to pay the tax due or required on the monthly deposit form or quarterly return, the penalty provision for failure to file ~~shall be~~ is in lieu of the penalty provision for failure to pay the tax due or required on the monthly deposit form or quarterly return. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the monthly deposit form or quarterly return was required to be filed. The penalty and interest ~~shall~~ become a part of the tax due from the withholding agent.

Sec. 6. Section 422.16, subsection 11, paragraph e, Code 1981, is amended to read as follows:

e. Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax found payable on a final, completed return, as provided in subsection 9 hereof, relating to the credit for the tax withheld against the tax found payable on a return properly and correctly prepared under the provisions of section 422.5, to and including section 422.25, and any overpayment of one dollar or more shall be refunded to the taxpayer and ~~such~~ the return shall constitute a claim for refund for this purpose. Amounts less than one dollar shall be refunded to the taxpayer only upon written application in accordance with section 422.74, but only if ~~such~~ the application is filed within twelve months after the due date for the return. The method provided by the Internal Revenue Code of 1954 for determining what ~~shall--be~~ is applicable to the addition to tax for underpayment of the tax payable ~~shall--apply~~ applies to persons required to file declarations and make payments of estimated tax under ~~the-provisions-of~~ this section except the amount to be added to the tax for underpayment of estimated tax shall be an amount determined at the rate ~~of-three-fourths-of one-percent-per-month~~ in effect under section 1 of this Act. This addition to tax specified for underpayment of the tax payable ~~shall~~ is not be subject to waiver provisions relating to reasonable cause. Underpayment of estimated tax shall be determined in the same manner as provided under ~~the--provisions of~~ the Internal Revenue Code of 1954 and the exceptions therein ~~provided shall~~ also apply.

Sec. 7. Section 422.24, subsection 2, Code 1981, is amended to read as follows:

2. When, at the request of the taxpayer, the time for filing the return is extended, interest at the rate ~~of-three-fourths--of--one--percent--per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, on the total tax due, from the time when the return was required to be filed to the time of payment, shall be added and paid.

Sec. 8. Section 422.25, subsections 2 and 3, Code 1981, are amended to read as follows:

2. In addition to the tax or additional tax as determined by the department under ~~the-provisions-of~~ subsection 1 ~~of-this-section~~, the taxpayer shall pay interest on the tax or additional tax at the rate ~~of-three-fourths of-one-percent-per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. In case of failure to file a return with the department on or before the due date (determined with regard to any extension of time for filing), unless it is shown that the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on the 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 thereof during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit the tax due with the filing of the return on or before the due date, or fails to pay any amount of any tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent

of the tax due, 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. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty ~~above 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 return and failure to pay the tax due or required on the return, the penalty provision for failure to file ~~shall be~~ is in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax.

3. If the amount of the tax as determined by the department is less than the amount paid, the excess shall be refunded with interest after thirty days from the date of payment or the date the return was due to be filed, whichever is the later at the rate ~~of three-fourths of one percent per month~~ in effect under section 1 of this Act counting each fraction of a month as an entire month under the rules prescribed by the director. If an overpayment of tax results from a net operating loss or net capital loss which is carried back to a prior year, the overpayment, for purposes of computing interest on refunds, shall be considered as having been made at the close of the taxable year in which the net operating loss or net capital loss occurred or thirty days from the date of the actual payment of the tax, whichever is later. However, when the net operating loss or net capital loss carry back to a prior year eliminates or reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 9. Section 422.28, Code 1981, is amended to read as follows:

422.28 REVISION OF TAX. A taxpayer may appeal to the director for revision of the tax, interest or penalties assessed ~~against him~~ at any time within ninety days from the date of the notice of the assessment of tax, additional tax, interest or penalties. The director shall grant a hearing and if, upon the hearing, the director ~~shall determine~~ determines that the tax, interest or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest or penalties accordingly. The director shall notify the taxpayer by registered mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest or penalties found by the director to be due, with interest after sixty days from the date of payment by the taxpayer at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or a fraction of a month. The director may, on his or her own motion at any time, abate any portion of tax, interest or penalties which ~~he~~ the director determines is excessive in amount, or erroneously or illegally assessed. The

director shall prepare quarterly reports, which shall be included in the annual statistical reports required under section 422.75, summarizing each case in which an abatement of tax, interest or penalties was made under this section, but ~~the~~ a report shall not disclose the identity of the taxpayer.

Sec. 10. Section 422.58, subsection 1, Code 1981, is amended to read as follows:

1. If any person fails to file a permit ~~holders~~ holder's monthly tax deposit or a return with the department of revenue 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 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 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 amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the 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~~ 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~~ in effect under section 1 of this Act for each 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 division. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this division.

Sec. 11. Section 423.18, subsection 1, Code 1981, is amended to read as follows:

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 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 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, 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, 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 return and failure to pay at least ninety percent of the tax due or required on the return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay at ~~last~~ least ninety percent of the tax due or required on the return. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the 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.

Sec. 12. Section 435.4, Code 1981, is amended to read as follows:

435.4 PAYMENT OF TAX. The tax due shall be paid in full and shall accompany the return required to be filed by section 435.3. If payment does not accompany the return or payment is not in the amount shown due and payable on the return, the company ~~shall be~~ is subject to interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction thereof on the balance due.

Sec. 13. Section 435.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The department ~~shall have~~ has three years from the time the return was filed or after the return became due, including any extensions of time for filing, whichever time is the later, to audit the return and determine its accuracy. If it is shown by the audit that additional tax is due, interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction thereof shall be added to the additional tax shown to be due.

Sec. 14. Section 435.6, unnumbered paragraph 4, Code 1981, is amended to read as follows:

If it is shown that an overpayment was made, interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction thereof shall be added to the overpayment with interest commencing sixty days after the date of payment.

Sec. 15. Section 450.6, Code 1981, is amended to read as follows:

450.6 ACCRUAL OF TAX--MATURITY--EXTENSION OF TIME. The tax hereby imposed ~~shall--be--for--the--use--of--the--state,~~ shall accrue by this chapter accrues at the death of the decedent owner, and shall be paid to the department of revenue within twelve months after the death of the decedent owner except when otherwise provided in this chapter. When in the opinion of the director of revenue additional time should be granted for payment to avoid hardship, the director may extend the period to a date not exceeding ten years from the date of death of the decedent. In the case of any such extension the tax shall bear ~~six-percent~~ interest at the rate in effect under section 1 of this Act from the expiration of twelve months from the date of the decedent's death.

Sec. 16. Section 450.63, subsection 1, Code 1981, is amended to read as follows:

1. ~~All--taxes--imposed--by--this--chapter--shall--be--payable--to--the--department--of--revenue--and--except--when--otherwise--provided--in--this--chapter,~~ shall be paid within twelve months from the death of the testator or intestate. All taxes not paid within the time prescribed in this chapter ~~shall be~~ are subject to a penalty as provided in subsection 2 and shall draw interest ~~at the rate of eight-percent-per-annum~~ thereafter at the rate in effect under section 1 of this Act until paid.

Sec. 17. Section 450.94, subsection 3, Code 1981, is amended to read as follows:

3. If the amount paid is greater than the correct tax, penalty and interest due, the department shall refund the excess, with interest after sixty days from the date of payment at ~~six-percent-per-annum~~ the rate in effect under section 1 of this Act, under the provisions of rules prescribed by the director. However, the director shall not allow 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 the tax payment was made, whichever time is the later. A determination by the department of the amount of tax, penalty and interest due, or the amount of refund for excess tax paid, ~~shall be~~ is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within ninety days from the postmark date of the notice of determination of tax, penalty and interest due or refund owing. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty and interest or refund due, and notify the appellant of the decision by certified mail. The decision of the director ~~shall be~~ is final unless the appellant seeks judicial review of the director's decision under section 450.59 within sixty days after the postmark date of the notice of the director's decision.

Sec. 18. Section 450A.9, Code 1981, is amended to read as follows:

450A.9 DELINQUENT RETURNS. If the tax imposed by this chapter is not paid within the time prescribed by law, the tax ~~shall be deemed~~ is delinquent and shall draw interest ~~at the rate of eight-percent-per-annum~~ thereafter at the rate in effect under section 1 of this Act until paid.

CHAPTER 132
INCOME AND FRANCHISE TAXES
H. F. 868

AN ACT relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years, updating references to the Internal Revenue Code, and making certain provisions of the Act retroactive.

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

Section 1. Section 422.4, subsection 18, paragraphs a, b, and d, Code 1981, are amended to read as follows:

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 during the preceding calendar year. For the 1981 and subsequent calendar year years, "annual inflation factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined to reflect the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the implicit price deflator for the gross national product computed for the whole calendar year or for the second quarter of the calendar year, in the case of the annual inflation factor for the 1981 and subsequent calendar year years, by the bureau of economic analysis of the United States department of commerce and shall add two-fourths for the 1980 and 1981 subsequent calendar years of that percent change to one hundred percent. The annual inflation factor for the 1979 calendar year is one hundred two point 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. The annual inflation factor shall not be less than one hundred 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 applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined. ~~For--calendar-years-beginning-on-or-after-January-1-1982--the-cumulative-inflation-factor-shall-be-one-hundred-percent.~~

d. 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 30 as certified by the state comptroller by September 10 of the fiscal year beginning in that calendar year is less than sixty million

dollars. However, for the 1981 and subsequent calendar ~~year~~ years, the annual inflation factor is one hundred percent for any calendar year if the unobligated state general fund balance on June 30 of the calendar year preceding the calendar year for which the factor is determined, as certified by the state comptroller by October 10, is less than sixty million dollars.

Sec. 2. Section 422.4, subsection 17, Code 1981, 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, ~~1980~~ 1981.

Sec. 3. Income of an individual which is excluded from gross income under the Internal Revenue Code of 1954 as a result of the provisions of the Hostage Relief Act of 1980, 94 stat. 1967, shall not be included as income in computing the tax imposed by section 422.5.

Sec. 4. Section 422.7, Code 1981, is amended by inserting after subsection 8 the following new subsection:

NEW SUBSECTION. The combined exclusion of interest and dividend income provided by section 116(a) of the Internal Revenue Code of 1954, as amended up to and including January 1, 1981, is not applicable in computing Iowa net income for tax years beginning before January 1, 1982. Instead, each individual may exclude not more than one hundred dollars of income received as dividends from domestic corporations as provided by section 116(a) of the Internal Revenue Code of 1954, as amended up to and including January 1, 1980.

Sec. 5. Section 422.7, Code 1981, is amended by inserting after subsection 8 the following new subsection:

NEW SUBSECTION. Married taxpayers who file a joint federal return and who elect to file separate returns or separate filing on a combined return for Iowa income tax purposes may avail themselves of the exclusion for interest and dividend income pursuant to section 116(a) of the Internal Revenue Code of 1954 and shall compute the exclusion subject to the limitations for joint federal income tax return filers provided by section 116(b)(1) of the Internal Revenue Code of 1954.

Sec. 6. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Subtract the amount of the alcohol fuel credit allowable for the tax year under section 44E of the Internal Revenue Code of 1954 to the extent that the credit increased federal adjusted gross income.

Sec. 7. Section 422.32, subsection 4, Code 1981, 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, ~~1980~~ 1981.

Sec. 8. Section 422.35, Code 1981, is amended by inserting after subsection 6 the following new subsection:

NEW SUBSECTION. Subtract the amount of the alcohol fuel credit allowable for the tax year under section 44E of the Internal Revenue Code of 1954 to the extent that the credit increased federal taxable income.

Sec. 9. Sections 2, 6, 7 and 8 are retroactive to January 1, 1980, for tax years beginning on or after January 1, 1980.

Sec. 10. Section 4 is retroactive to January 1, 1981, for tax years beginning on or after January 1, 1981 but before January 1, 1982.

Sec. 11. Section 5 takes effect January 1, 1982 for tax years beginning on or after January 1, 1982.

Approved June 20, 1981

CHAPTER 133
INTEREST ON OVERPAID TAXES
H. F. 350

AN ACT relating to the computation of interest on overpayments made under the individual income, corporate income and franchise taxes and providing for its effect upon publication for overpayments resulting from returns due on or after April 30, 1981.

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

Section 1. Section 422.16, subsection 9, Code 1981, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12 hereof, as compared to the individual income tax liability of the employee taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4, to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident or other person with interest at the rate of three-fourths of one percent per month or fraction of a month, such interest to begin to accrue ~~thirty--days after~~ on the first day of the second calendar month following the date the return was due to be filed or was filed, whichever is the later date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, only if such application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by means of warrants drawn by the comptroller at the direction of the director, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 2. Section 422.25, subsection 3, Code 1981, is amended to read as follows:

3. If the amount of the tax as determined by the department is less than the amount paid, the excess shall be refunded with interest ~~after-thirty-days from, the interest to begin to accrue on the first day of the second calendar month following~~ the date of payment or the date the return was due to be filed or was filed, whichever is the ~~later~~ latest, at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month under the rules prescribed by the director. If an overpayment of tax results from a net operating loss or net capital loss which is carried back to a prior year, the overpayment, for purposes of computing interest on refunds, shall be considered as having been made at the close of the taxable year in which the net operating loss or net capital loss occurred ~~or thirty days from on the first day of the second calendar month following~~ the date of the actual payment of the tax, whichever is later. However, when the net operating loss or net capital loss carryback to a prior year eliminates or reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 3. Section 422.91, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax due on a final, completed return, and any overpayment of five dollars or more shall be refunded to the taxpayer with interest ~~after-thirty-days-from, the interest to begin to accrue on the first day of the second calendar month following~~ the date of payment or the date the return was due to be filed or was filed, whichever is the ~~later~~ latest, at the rate of three-fourths of one percent per month or fraction of a month and the return shall constitute a claim for refund for this purpose. Amounts less than five dollars shall be refunded to the taxpayer only upon written application in accordance with section 422.73, but only if the application is filed within twelve months after the due date for the return.

Sec. 4. This Act applies to overpayments resulting from returns due on or after April 30, 1981.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Sioux County Capital, a newspaper published in Orange City, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

Approved May 11, 1981

I hereby certify that the foregoing Act, House File 350 was published in The Waterloo Courier, Waterloo, Iowa on May 15, 1981 and in The Sioux County Capital, Orange City, Iowa on June 15, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 134

LIMIT ON ASSESSMENT COMPUTATION OF TAXES

H. F. 470

AN ACT relating to the statute of limitations on assessment of the income and franchise taxes.

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

Section 1. Section 422.25, subsection 1, Code 1981, is amended to read as follows:

1. Within three years after the return is filed or within three years after the return became due, including any extensions of time for filing, whichever time is the later, the department shall examine it and determine the correct amount of tax, and the amount so determined by the department shall be the tax, ~~provided that.~~ However if the taxpayer omits from income ~~such~~ an amount as will, under the Internal Revenue Code of 1954, extend the statute of limitations for assessment of federal tax to six years under ~~said Code~~ the federal law, the period for examination and determination ~~shall be~~ is six years. ~~Notwithstanding the periods~~ In addition to the applicable period of limitation for examination and determination ~~heretofore specified,~~ the department ~~shall have six months to~~ may make an examination and determination at any time within six months from the date of receipt by the department of written notice from the taxpayer of the final disposition of any matter ~~which occurred after the expiration of the applicable period of limitation specified in this section~~ between the taxpayer and the internal revenue service with respect to the particular tax year. In order to begin the running of the six-months' period, the notice shall be in writing in any form sufficient to inform the department of ~~such~~ the final disposition with respect to ~~such~~ that year, and a copy of the federal document showing the final disposition or final federal adjustments shall be attached to the notice. The period for examination and determination of the correct amount of tax ~~shall be~~ is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return. In lieu of the period of limitation for any prior year for which an overpayment of tax or an elimination or reduction of an underpayment of tax due for that prior year results from the carryback to ~~such~~ that prior year of a net operating loss or net capital loss, the period ~~shall be~~ is the period of limitation for the taxable year of the net operating loss or net capital loss which results in ~~such~~ the carryback. The burden of proof of additional tax owing under the six-year period, or unlimited period, ~~shall be~~ is on the department. If the tax found due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in subsection 2, and shall notify the taxpayer by certified mail

of the total, which shall be computed as a sum certain if paid on or before the last day of the month in which the notice is postmarked, or on or before the last day of the following month if the notice is postmarked after the twentieth day of any month. The notice shall also inform the taxpayer of the additional interest and penalty which will be added to the total due if not paid on or before the last day of the applicable month.

Sec. 2. This Act is applicable for all tax years for which a final disposition of a taxpayer's federal income tax liability has not been resolved prior to the effective date of this Act.

Approved May 11, 1981

CHAPTER 135
TAXATION OF CAPITAL GAINS
S. F. 237

AN ACT providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

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

Section 1. Section 422.33, subsection 1, paragraph a, Code 1981, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Nonbusiness capital gains and losses from the sale or other disposition of assets shall be allocated as follows:

Gains and losses from the sale or other disposition of real property located in this state are allocable to this state.

Gains and losses from the sale or other disposition of tangible personal property are allocable to this state if the property had a situs in this state at the time of the sale or disposition or if the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

Gains and losses from the sale or disposition of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

Sec. 2. Section 422.33, subsection 1, paragraph b, unnumbered paragraphs 2 through 5, Code 1981, are amended to read as follows:

(1) Business interest, dividends, rents, and royalties shall be reasonably apportioned within and without the state under rules adopted by the director ~~pursuant to chapter 17A.~~

(2) Capital gains and losses from the sale or other disposition of assets shall be apportioned to the state based upon the business activity ratio applicable to the year the gain or loss is determined if the corporation determines Iowa taxable income by a sales, gross receipts or other business

activity ratio. If the corporation has only allocable income, capital gains and losses from the sale or other disposition of assets shall be allocated in accordance with section 1 of this Act.

(3) Where income is derived from business other than the manufacture or sale of tangible personal property, ~~such~~ the income shall be specifically allocated or equitably apportioned within and without the state under rules of the director.

(4) Where income is derived from the manufacture or sale of tangible personal property, the part ~~thereof~~ attributable to business within the state shall be in that proportion which the gross sales made within the state bear to the total gross sales.

(5) The gross sales of the corporation within the state shall be taken to be the gross sales from goods delivered or shipped to a purchaser within the state regardless of the f.o.b. point or other conditions of the sale, excluding deliveries for transportation out of the state.

Sec. 3. This Act is retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981 and to this extent the provisions of this Act are retroactive.

Approved June 13, 1981

CHAPTER 136

SALES AND USE TAX PROCESSING EXEMPTION

S. F. 466

AN ACT relating to the processing exemption in the state sales, services, and use tax by including in the definition of services used in processing of tangible personal property, the reconditioning or repairing of tangible property of the type normally sold in the regular course of the retailer's business and which is held for sale upon which the sales, services, or use tax will be paid when the property is sold.

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

Section 1. Section 422.42, subsection 13, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Services used in the processing of tangible personal property" includes the reconditioning or repairing of tangible personal property of the type normally sold in the regular course of the retailer's business and which is held for sale upon which the gross receipts tax under this division or the use tax under chapter 423 will be paid when the tangible personal property is sold.

Approved June 19, 1981

CHAPTER 137

SERVICE OR MAINTENANCE CONTRACTS TAXED

H. F. 468

AN ACT relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

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

Section 1. Section 422.43, Code 1981, is amended by inserting after unnumbered paragraph 3 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. There is imposed a tax of three percent upon the gross receipts from the sales of optional service or warranty contracts which provide for the furnishing of labor and materials and require the furnishing of any taxable service enumerated under this section. The gross receipts are subject to tax even if some of the services furnished are not enumerated under this section. For the purpose of this division, the sale of an optional service or warranty contract is a sale of tangible personal property. No additional sales, services or use tax shall be levied on services, parts, or labor provided under optional service or warranty contracts which are subject to tax under this section.

Approved May 11, 1981

CHAPTER 138

INCOME TAX REFUNDS CREDITED AGAINST OTHER TAX LIABILITY

S. F. 263

AN ACT authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

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

Section 1. Section 422.73, subsection 2, Code 1981, is amended to read as follows:

2. If it ~~shall appear~~ appears that, ~~as-a-result-of-mistake,~~ an amount of tax, penalty, or interest has been paid which was not due under ~~the provisions-of~~ divisions II, III or V of this chapter, then ~~such~~ that 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,~~ by the person who made the excessive payment, or ~~such~~ that amount

shall be refunded to ~~such~~ the person by the department or with the person's approval, credited to tax to become due. A claim for refund or credit that has not been filed with the department within three years after the return upon which a refund or credit claimed became due, or within one year after the payment of the tax upon which a refund or credit is claimed was made, whichever time is the later, shall not be allowed by the director, ~~if.~~ If, as a result of a carryback of a net operating loss or a net capital loss, the amount of tax in a prior period is reduced and an overpayment results, the claim for refund or credit of the overpayment shall be filed with the department within the three years after the return for the taxable year of the net operating loss or net capital loss became due. Notwithstanding the period of limitation specified, the taxpayer shall have six months from the day of final disposition of any income tax matter between the taxpayer and the internal revenue service with respect to the particular tax year ~~or years~~ to claim an income tax refund or credit, provided the taxpayer has notified the department of revenue in writing no later than six months after the expiration of the three-year limitations period of the existence of ~~such~~ this income tax matter.

Approved May 19, 1981

CHAPTER 139
MILITARY SERVICE TAX CREDITS
S. F. 113

AN ACT relating to the payment of claims by counties for military service tax credits to be effective upon publication.

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

Section 1. Notwithstanding chapter 426A, all moneys in the military service tax credit fund shall be transferred to the general fund of the state on the effective date of this Act and payments provided for in section 426A.4 shall be made from the general fund of the state ending June 30, 1982. Notwithstanding section 123.53, subsection 7, funds required by that subsection to be deposited in the military service tax credit fund shall be deposited in the general fund of the state beginning on the effective date of this Act and ending June 30, 1982.

Sec. 2. Section 426A.4, Code 1981, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE. Sums distributable from the military service tax credit fund shall be allocated every six months to the several counties of the state. On March 25 and September 25 annually the director of revenue shall certify to the comptroller the total credits claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall draw warrants to the treasurer of each

county payable from the military ~~tax~~ service tax credit fund in the amount claimed; provided that if the amount of money in ~~said~~ the fund is insufficient to pay the credits claimed in full, then in that event they shall be paid on a pro rata basis. Payments shall be made to the treasurer of each county not later than April 15 and October 15 of each year. The state comptroller shall transfer any funds in the military service tax credit fund on May 31 of each year not necessary for the payment of claims to the general fund.

Sec. 3. Section 426A.10, Code 1981, is repealed.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the North Iowa Times, a newspaper published in McGregor, Iowa, and in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa.

Approved June 14, 1981

I hereby certify that the foregoing Act, Senate File 113, was published in the North Iowa Times, McGregor, Iowa on July 8, 1981 and in the Iowa City Press-Citizen, Iowa City, Iowa on July 14, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 140

PERSONAL PROPERTY TAX CREDIT

H. F. 155

AN ACT to provide for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the Act retroactive to January 1, 1981.

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

Section 1. Section 427A.4, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Each even-numbered year, on or before July 1, the taxpayer shall deliver to the assessor an application for personal property tax credit and state by ~~such~~ the affidavit ~~ex--affidavits~~ filed in each county where ~~his~~ the taxpayer's personal property is situated, that ~~he~~ the taxpayer has not claimed a total personal property tax credit in all counties in excess of a total of ten thousand dollars assessed valuation. A claim filed in 1980 and each succeeding even-numbered year shall be applicable for that year and the succeeding odd-numbered year.

Sec. 2. Section 427A.4, Code 1981, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In any odd-numbered year, a taxpayer who did not file an application in an even-numbered year shall deliver to the assessor an application for personal property tax credit and state by the

affidavit filed in each county where the taxpayer's personal property is situated, that the taxpayer has not claimed a total personal property tax credit in all counties in excess of a total of ten thousand dollars assessed valuation.

Sec. 3. Section 428.4, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An assessor shall not be required to contact a taxpayer in odd-numbered years for the purpose of listing personal property but each taxpayer shall be required to file a revised listing of personal property with the assessor itemizing any additions or deletions to the listing if the valuation of the taxpayer's personal property will affect the taxpayer's exemption. However, if a taxpayer fails to file a revised listing, where such filing would show an increase in valuation of the taxpayer's personal property, the taxpayer shall only be assessed the taxes and interest due on the property the taxpayer has failed to report.

Sec. 4. This Act is retroactive to January 1, 1981 and shall apply to the filing of claims for the personal property tax credit on or after January 1, 1981.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Bulletin-Journal, a newspaper published in Independence, Iowa, and in The Grundy Register, a newspaper published in Grundy Center, Iowa.

Approved May 18, 1981

I hereby certify that the foregoing Act, House File 155, was published in The Bulletin-Journal, Independence, Iowa on May 28, 1981 and in The Grundy Register, Grundy Center, Iowa on May 28, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 141

LOAN AGENCIES DECLARATIONS OF VALUE

H. F. 837

AN ACT to repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

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

Section 1. Section 428A.1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

At the time each deed, instrument, or writing by which any real property in this state ~~shall--be~~ is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value

~~shall~~ is not be required for those instruments described in section 428A.2, subsections 2 to 13, or where any transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value ~~such~~ information as the director of revenue may require for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value ~~such~~ information as the director of revenue may require for the production of the sales/assessment ratio study and transmit all declarations of value to the director of revenue, at ~~such~~ times as directed by the director of revenue. The director of revenue shall, upon receipt of the information required to be filed under ~~the--provisions--of~~ this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1. ~~The county--recorder--shall--retain--a--copy--of--the--declaration--of--value--for--the recorder's--records--which--shall--be--available--for--public--inspection.~~

Approved May 5, 1981

CHAPTER 142
INSURANCE COMPANY PREMIUM TAX

H. F. 852

AN ACT requiring insurance companies to pay premium taxes on a prepayment basis.

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

Section 1. Section 432.1, Code 1981, is amended to read as follows:

432.1 TAX ON GROSS PREMIUMS. Every insurance company or association of whatever kind or character, not including fraternal beneficiary associations, and nonprofit hospital and medical service corporations, shall, ~~at--the--time of--making--the--annual--statement~~ as required by law, pay to the director of the department of revenue, or to a depository designated by the director, as taxes, an amount equal to the following, except that the premium tax applicable to county mutual associations shall be governed by section 518.18:

1. Two percent of the gross amount of premiums received during the preceding calendar year by every life insurance company or association, not including fraternal beneficiary associations, or the gross payments or deposits collected from holders of fraternal beneficiary association certificates, on contracts of insurance covering risks resident in this state during the preceding year, including contracts for group insurance and annuities and without including or deducting any amounts received or paid for reinsurance.

In determining the gross amount of premiums to be taxed hereunder, there shall be excluded all premiums received from policies or contracts issued in connection with a pension, annuity, profit sharing plan or individual retirement annuity qualified or exempt under sections 401, 403, 404, 408 or 501(a) of the federal Internal Revenue Code as now or hereafter amended and all premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values, all dividends that, during said year, have been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

2. Two percent of gross amount of premiums, assessments, and fees received during the preceding calendar year by every company or association other than life on contracts of insurance other than life for business done in this state, including all insurance upon property situated in this state, after deducting the amounts returned upon canceled policies, certificates and rejected applications but not including the gross premiums, assessments and fees in connection with ocean marine insurance authorized in section 515.48.

3. Except as provided in subsection 4, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The commissioner may suspend or revoke the license of a company or association that fails to pay its premium tax on or before the due date.

4. Insurance companies and associations transacting business in this state whose Iowa premium tax for calendar year 1981 is one thousand dollars or more shall remit on or before June 1, 1982 on a prepayment basis, an amount equal to one-half of the premium tax paid on calendar year 1981 premiums; and insurance companies and associations transacting business in this state whose Iowa premium tax for the calendar year 1982 is one thousand dollars or more shall remit on or before June 1, 1983 on a prepayment basis, an amount equal to one-half of the premium tax paid on calendar year 1982 premiums. The sums prepaid by a company or association under this subsection shall be allowed as credits against its premium tax liability for the calendar years 1982 and 1983, respectively, and if a prepayment exceeds the annual premium tax liability, the excess shall be allowed as a credit against subsequent prepayment or tax liabilities. The commissioner may suspend or revoke the license of a company or association that fails to make a tax prepayment on or before the due date.

Sec. 2. Section 432.3, Code 1981, is amended to read as follows:

432.3 RECEIPTS--CERTIFICATE OF AUTHORITY. At the time of paying filing the annual tax return and the final payment of said taxes, said companies and associations shall take duplicate receipts therefor, one of which shall be filed with the commissioner of insurance, and upon filing of said receipt,

and not ~~til~~ until then, the commissioner of insurance shall issue the annual certificate as provided by law.

Sec. 3. This Act takes effect January 1 following its enactment.

Approved June 13, 1981

CHAPTER 143
ASSESSORS CONTINUING EDUCATION

H. F. 472

AN ACT relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors.

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

Section 1. Section 441.8, unnumbered paragraphs 5, 6, 7, and 8, Code 1981, are amended to read as follows:

The commission shall establish ~~or designate--the~~, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of ~~said~~ these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each ~~course~~. At least once each year the commission shall meet to evaluate the continuing education program and make necessary changes in the program.

Upon the successful completion of ~~each--course~~ courses, workshops, seminars, or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the ~~course-and~~ courses, workshops, seminars, or symposiums and, in the case of a course designated by the commission, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, the assessor or deputy assessor shall receive credit equal to the number of hours of classroom instruction contained in ~~said-course~~ those courses, workshops, seminars, or symposiums. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has previously received credit during ~~his-or-her~~ the current term ~~of office or appointment~~ except for those courses, workshops, seminars, or symposiums designated by the commission. The examinations shall be confidential to the commission and persons designated by the commission to have access to ~~said~~ the examinations.

Upon receiving credit equal to ~~two~~ one hundred ~~forty~~ fifty hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the commission shall certify to the assessor's conference board that ~~said~~ the assessor is eligible to be reappointed to ~~his-or-her-present~~ the position. For assessors whose present terms of office expire before six years from January 1, 1979, or who are

appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of ~~said~~ the assessor.

Within each six-year period following January 1, 1980 or the appointment of a deputy assessor appointed after January 1, 1979, ~~said~~ the deputy assessor shall comply with ~~the provisions of~~ this section except that upon the successful completion of ~~one hundred fifty~~ ninety hours of classroom instruction ~~said~~ of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course the deputy assessor shall be certified by the commission as being eligible to remain in ~~his or her present~~ the position. ~~In the event~~ If a deputy assessor fails to comply with ~~the provisions of~~ this section, ~~said~~ the deputy assessor shall be removed from ~~his or her present~~ the position. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term as assessor, that individual must obtain the credits which are necessary to total the number of hours for reappointment.

Approved June 13, 1981

CHAPTER 144
SPECIAL CHARTER CITY TAXES
H. F. 878

AN ACT to reform the schedule of assessment, levy, and collection of taxes by a special charter city to the schedule of assessment, levy, and collection of taxes of all other political subdivisions of the state.

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

Section 1. Section 441.21, subsection 11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

It is the intent of the general assembly that any special charter city which does not conform with regard to the assessment and tax collection schedule to the assessment and tax collection schedule followed by all other political subdivisions of the state shall take such action as is necessary to reform its assessment and tax collection schedule to the assessment and tax collection schedule followed by the other political subdivisions of the state ~~by not later than for assessments beginning January 1, 1980.~~ The reform shall be implemented by submission of a compliance plan to the state comptroller for approval by September 30, 1981. The plan shall provide detailed schedules and procedures for the levy of taxes based on the 1981 assessment, payable in two installments in the fiscal year commencing July 1, 1982 and ending June 30, 1983, in accordance with sections 445.36 and 445.37.

In the alternative, the special charter city may provide for the levy of taxes based upon the 1981 assessment, payable in two installments in an extended fiscal year commencing April 1, 1982 and ending June 30, 1983, in accordance with sections 445.36 and 445.37. Upon approval by the state comptroller and implementation, the provisions of law granting special provisions for assessment, levy, and collection of taxes by a special charter city shall not apply and the provisions for assessment, levy, and collection of taxes for all other political subdivisions of the state shall be applicable to special charter cities.

Approved June 20, 1981

CHAPTER 145
BOARD OF REVIEW
H. F. 572

AN ACT relating to the duties of the board of review.

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

Section 1. Section 441.33, Code 1981, is amended to read as follows:

441.33 SESSIONS OF BOARD OF REVIEW. The board of review shall be in session from May 1 to May 31 each year and for ~~such an~~ 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-1~~ May 31 in those years in which a session has not been extended as required under section 441.37, ~~said the~~ board shall return all books, records and papers to the assessor except undisposed of protests and records pertaining ~~thereto~~ to those protests. If it has not completed its work prior to ~~June-1~~ May 31, 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 a~~ period ~~as--is~~ necessary to complete its work, but ~~in no event shall~~ the director of revenue shall not approve a continuance extending beyond July 15. On ~~June-1~~ May 31 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 1 of the following year. It shall adopt its own rules of procedure, elect its own ~~chairman~~ chairperson from its membership, and keep minutes of its meetings. The board shall appoint a clerk who may be a member of ~~such the~~ board or any other qualified person, except the assessor or any member of the assessor's staff. It may be reconvened by the director of revenue. All undisposed protests in its hands on July 15 shall be automatically overruled and returned to the assessor together with its other records.

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. 2. Section 441.37, unnumbered paragraph 3, Code 1981, is amended to read as follows:

After the board of review has considered any protest filed by a property owner or aggrieved taxpayer and made final disposition of the protest, the board shall give written notice to the property owner or aggrieved taxpayer who filed the protest of the action taken by the board of review on the protest. The written notice to the property owner or aggrieved taxpayer shall also specify the reasons for the action taken by the board of review on the protest.

Sec. 3. Section 441.49, unnumbered paragraph 5, Code 1981, is amended to read as follows:

The local board of review shall reconvene in special session from October 15 to November 15 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 441.21. 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 421, and in exercising the powers the director is not subject to chapter 17A. Not later than ~~ten~~ fifteen 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.

Approved June 19, 1981

CHAPTER 146
SCHOOL STATE AID REDUCTIONS

S. F. 520

AN ACT to strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors.

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

Section 1. Acts of the Sixty-ninth General Assembly, 1981 Session, House File 414,* section 3, is amended to read as follows:

SEC. 3. Section 442.4, subsection 1, unnumbered paragraph 5, Code 1981, is amended to read as follows:

A school district shall certify its basic enrollment to the department of public instruction by September 25 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 a determination of actual enrollment shall be made on the second Friday of September in the budget year 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. In addition, a school district shall determine its additional enrollment because of special education defined in section 442.38, on December 1 of each year and if the district is entitled to an advance ~~or reduction~~ for special education, it shall certify its additional enrollment because of special education to the department of public instruction by December 15 of each year, and the department shall promptly forward the information to the state comptroller.

Sec. 2. Acts of the Sixty-ninth General Assembly, 1981 Session, House File 414,* section 16, is repealed.

Approved April 30, 1981

*Chapter 94 of these Acts

CHAPTER 147
INHERITANCE TAXES

S. F. 555

AN ACT relating to the inheritance tax by reducing the time period for filing and paying the tax, by increasing the individual exemptions allowed for a surviving spouse, son, daughter, father, mother, and other lineal descendants, by increasing the size of the estate under which no tax is owed, providing for payment by the transfer of property, providing for the phase out of the tax on surviving spouses, valuing certain real estate the same as may be valued for federal estate tax purposes as a qualified use under 26 U.S.C. section 2032A and imposing an additional tax if such real estate is disposed of or ceases to be used for certain purposes, and providing a January 1 effective date for some provisions.

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

Section 1. Section 450.4, subsection 1, Code 1981, is amended to read as follows:

1. When the entire estate of the decedent does not exceed the sum of ~~one~~ ten thousand dollars after deducting the debts, as defined in this chapter.

Sec. 2. Section 450.6, Code 1981, is amended to read as follows:

450.6 ACCRUAL OF TAX--MATURITY--EXTENSION OF TIME. The tax ~~hereby~~ imposed ~~shall be~~ is for the use of the state, shall accrue at the death of the decedent owner, and shall be paid to the department of revenue within ~~twelve~~ nine months after the death of the decedent owner except when otherwise provided in this chapter. When in the opinion of the director of revenue additional time should be granted for payment to avoid hardship, the director may extend the period to a date not exceeding ten years from the date of death of the decedent. In the case of any ~~such~~ extension the tax shall bear six percent interest from the expiration of ~~twelve~~ nine months from the date of the decedent's death.

Upon the approval of the executive council, the tax liability of any beneficiary, heir, surviving joint tenant or other transferee may be paid, in lieu of money, in whole or in part by the transfer of property to the state or a political subdivision of the state to be used for public purposes. Before the tax liability may be paid by transfer of property to a political subdivision, the governing body of the political subdivision shall also approve the transfer. If the property transferred in payment of tax is included in the decedent's gross estate for inheritance tax purposes, its value for the payment of the tax shall be the same as its value for inheritance tax purposes. Property transferred in payment of the tax which is not included in the decedent's gross estate for inheritance tax purposes shall be valued by agreement of the executive council and the taxpayer. The acceptance or rejection of the property in payment of the tax liability and

the agreed value of the property shall be certified by the executive council to the director of revenue. The acceptance of the property transferred shall act as payment and satisfaction of the inheritance tax liability to the extent of the value of the transferred property, but notwithstanding any other provision, the taxpayer shall not be entitled to a refund if the transferred property has a value in excess of the tax liability.

Sec. 3. Section 450.9, Code 1981, is amended to read as follows:

450.9 INDIVIDUAL EXEMPTIONS. In computing the tax on the net estate passing to the surviving spouse, heirs or beneficiaries of the deceased the following ~~credits-or~~ exemptions shall be allowed:

1. Surviving spouse, ~~eighty~~ one hundred twenty thousand dollars.
2. Each son and daughter, including legally adopted sons and daughters, or illegitimate sons and daughters entitled to inherit under the law of this state, ~~thirty~~ fifty thousand dollars.
3. Father or mother, ~~ten~~ fifteen thousand dollars.
4. Any other lineal descendant of the deceased, ~~ten~~ fifteen thousand dollars.

However, for net estates passing from persons dying on or after January 1, 1983 but before January 1, 1984, the exemption provided in subsection 1 is one hundred fifty thousand dollars and for net estates passing from persons dying on or after January 1, 1984, the exemption provided in subsection 1 is one hundred eighty thousand dollars.

Sec. 4. Section 450.10, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. There shall be deducted from the tax computed under subsection 1 on property, interest in property, or income passing to the surviving spouse a credit equal to the following:

- a. From estates of persons dying on or after January 1, 1986 but before January 1, 1987, one-third of the computed tax.
- b. From estates of persons dying on or after January 1, 1987 but before January 1, 1988, two-thirds of the computed tax.
- c. From estates of persons dying on or after January 1, 1988, all of the computed tax.

Sec. 5. Section 450.12, subsection 1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Said These debts shall not be deducted unless the personal representative certifies that ~~the same~~ they have been paid or allowed in accordance with ~~the provisions--of~~ sections 633.428, 633.431, 633.432, 633.433, 633.434, 633.435, and 633.448, within ~~twelve~~ nine months from the date of death of the decedent, unless otherwise ordered by the court or any claim or the amount thereof is under litigation.

Sec. 6. Section 450.37, Code 1981, is amended to read as follows:

450.37 MARKET VALUE. The appraised value of the property shall in all cases be its market value in the ordinary course of trade, unless an election has been made to value it as provided in sections 12 through 18 of this Act, and in domestic estates the tax shall be calculated ~~thereon~~ on the appraised value after deducting the debts as defined herein in this chapter.

Sec. 7. Section 450.44, Code 1981, is amended to read as follows:

450.44 REMAINDERS--APPRAISEMENT. When any person, whose estate over and above the amount of his that person's debts, as defined in this chapter, exceeds the sum of one ten thousand dollars, shall bequeath ~~or~~, devise or otherwise transfer any real property to or for the use of persons exempt from the tax imposed by this chapter, during life or for a term of years, and the remainder to ~~a--person--or~~ persons not thus exempt, said this property, upon the determination of such the estate for life or years, shall be appraised at its then actual market value from which shall be deducted the value of any improvements ~~thereon on it, or--betterments--thereto,--if--any,~~ made by the ~~remainderman~~ person who owns the remainder interest during the time of the prior estate, to be ascertained and determined by the appraisers and the tax on the remainder shall be paid by ~~such--remainderman~~ the person who owns the remainder interest as provided in section 450.46.

Sec. 8. Section 450.45, Code 1981, is amended to read as follows:

450.45 LIFE AND TERM ESTATES--APPRAISEMENT. Subject to ~~the-provisions-of~~ section 450.39 when an estate or interest for life or term of years in real property is given to a party other than those especially exempt by this chapter, the clerk shall cause the property to be appraised at the actual market value ~~thereof~~, as is provided in ordinary cases, and the party entitled to the estate or interest shall, within ~~twelve~~ nine months from the death of decedent owner, pay the tax, and in default ~~thereof~~ the court shall order the estate or interest, or so much ~~thereof~~ as necessary to pay the tax and interest, to be sold.

Sec. 9. Section 450.46, Code 1981, is amended to read as follows:

450.46 DEFERRED ESTATE--APPRAISEMENT. Upon the determination of any prior estate or interest, when the remainder or deferred estate or interest or any part ~~thereof~~ of it is subject to such tax and the tax upon such the remainder or deferred interest has not been paid, the ~~person--or~~ persons entitled to such the remainder or deferred interest shall immediately report to the clerk of the proper court the fact of the determination of the prior estate, and upon receipt of such the report, or upon information from any source, of the determination of any such prior estate when the remainder interest has not been appraised for the purpose of assessing such tax, the clerk shall forthwith issue a commission to the inheritance tax appraisers, who shall immediately proceed to appraise the property as provided in like cases in section 450.44 and the tax upon such the remainder interest shall be paid by the ~~remainderman~~ person who owns the remainder interest within ~~one year--next~~ nine months after the determination of the prior estate. If such the tax is not paid within said this time the court shall then order said the property, or so much thereof as may be necessary to pay such the tax and interest, to be sold.

Sec. 10. Section 450.47, Code 1981, is amended to read as follows:

450.47 LIFE AND TERM ESTATES IN PERSONAL PROPERTY. Subject to ~~the provisions--of~~ section 450.39, when an estate or interest for life or term of years in personal property is given to one or more persons other than those especially exempt by this chapter and the remainder or deferred estate to others, the clerk shall cause the property devised or conveyed to be

appraised as provided ~~herein~~ in ordinary estates and the value of the several estates or interests devised or conveyed shall be determined as provided in section 450.51, and the tax upon ~~such~~ the estates or interests ~~as-are~~ liable for the tax ~~imposed--by--this--chapter~~ shall be paid to the department of revenue from the property appraised or by the persons entitled to the estate or interest within ~~twelve~~ nine months from the death of the testator, grantor, or donor; provided, ~~however,~~ that payment of the tax upon any deferred estate or remainder interest may be deferred until the determination of the prior estate by the giving of a good and sufficient bond as provided in section 450.48.

Sec. 11. Section 450.63, subsection 1, Code 1981, is amended to read as follows:

1. All taxes imposed by this chapter ~~shall--be~~ are payable to the department of revenue and, except when otherwise provided in this chapter, shall be paid within ~~twelve~~ nine months from the death of the testator or intestate. All taxes not paid within the time prescribed in this chapter ~~shall--be~~ are subject to a penalty as provided in subsection 2 and shall draw interest at the rate of eight percent per annum ~~thereafter~~ until paid.

Sec. 12. NEW SECTION. As used in sections 12 through 18 of this Act, unless the context otherwise requires:

1. "Internal Revenue Code of 1954" means the same as defined in section 422.4.

2. "Taxpayer" means a qualified heir liable for the inheritance tax imposed under chapter 450 on qualified real property.

3. "Qualified real property", "qualified use", "cessation of qualified use", and "qualified heir" mean the same as defined in section 2032A of the Internal Revenue Code of 1954.

Sec. 13. NEW SECTION. Notwithstanding section 450.37, the value of qualified real property for the purpose of the tax imposed under chapter 450 may, at the election of the taxpayer, be its value for the use under which it qualifies as prescribed by section 2032A of the Internal Revenue Code of 1954. A taxpayer may make an election under this section only if all of the following conditions are met:

1. An election for federal estate tax purposes was made with regard to the qualified real property under section 2032A of the Internal Revenue Code of 1954.

2. All persons who signed the agreement referred to in section 2032A(d)(2) of the Internal Revenue Code of 1954 make the election under this section and sign an agreement with the department of revenue consenting to the application of section 14 of this Act with respect to the qualified real property.

3. The total decrease in the value of the qualified real property as a result of the election under this section does not exceed the dollar limitation specified in section 2032A(a)(2) of the Internal Revenue Code of 1954.

The election under this section shall be made by the taxpayer in the manner as the director of revenue may prescribe by rule. The value for the qualified use under this section shall be the value as determined and accepted for federal estate tax purposes.

The definitions and special rules specified in section 2032A(e) of the Internal Revenue Code of 1954 shall apply with respect to qualified real property for which an election was made under this section except that rules shall be prescribed by the director of revenue in lieu of the regulations promulgated by the secretary of treasury.

The director shall prescribe regulations setting forth the application of sections 12 through 18 of this Act in the case of an interest in a partnership, corporation, or trust which, with respect to the decedent, is an interest in a closely held business within the meaning of section 6166(b)(1) of the Internal Revenue Code of 1954. Such regulations shall conform as nearly as possible with the regulations promulgated by the United States secretary of treasury in respect to such interests.

Sec. 14. NEW SECTION. There is imposed upon the qualified heir an additional inheritance tax if, within fifteen years after the decedent's death and before the death of the qualified heir, the qualified heir disposes of, other than to a member of the family, any interest in qualified real property for which an election under section 13 of this Act was made or ceases to use for the qualified use the qualified real property for which an election under section 13 of this Act was made as prescribed in section 2032A(c) of the Internal Revenue Code of 1954. The additional inheritance tax shall be the amount computed under sections 15 and 16 of this Act and shall be due six months after the date of the disposition or cessation of qualified use referred to in this section. The amount of the additional inheritance tax shall accrue interest at the rate of ten percent per year from nine months after the decedent's death to the due date of the tax. The tax shall be paid to the department of revenue and shall be deposited into the general fund of the state. Taxes not paid within the time prescribed in this section shall draw interest at the rate of ten percent per annum until paid.

Sec. 15. NEW SECTION. If the date of the disposition or cessation of qualified use referred to in section 14 of this Act is more than one hundred twenty months but less than one hundred eighty months after the date of the decedent's death, the amount of the additional inheritance tax as computed under section 16 of this Act shall be reduced, but not below zero, one-sixtieth for each full month the date of the disposition or cessation exceeds one hundred twenty months after the decedent's death. There shall not be an additional inheritance tax if the disposition or cessation occurs one hundred eighty months or more after the decedent's death.

Sec. 16. NEW SECTION. The amount of the additional inheritance tax imposed by section 14 of this Act is the excess of what the tax imposed by chapter 450 would have been had the election to use the qualified use valuation under section 13 of this Act not been made over the tax paid on the real estate based on qualified use valuation. However, if all of the real estate valued under section 13 of this Act is not disposed of or does not cease to be used for the qualified use, the amount of the additional inheritance tax is the amount computed by applying the ratio that the real estate subject to the qualified use valuation which has been disposed of or which the qualified use ceases bears to all the real estate subject to the

qualified use valuation passing to the taxpayer to the excess of the tax which would have been imposed by chapter 450 had the election under section 13 of this Act not been made over the tax paid on the real estate based on qualified use valuation. However, the additional inheritance tax shall not be computed on a value greater than the fair market value of the qualified real estate at the time the disposition or cessation of the qualified use occurs.

Sec. 17. NEW SECTION. A lien is created in favor of the state for the additional inheritance tax which may be imposed by section 14 of this Act on the qualified real property for which an election has been made under section 13 of this Act. The lien created by this section shall continue until the tax has been paid or ten years after the tax is due, whichever date occurs first. However, the lien shall expire fifteen years after the decedent's death if the qualified heir has not disposed of or ceased to use for the qualified use the qualified real property which would impose the tax under section 14 of this Act. The department of revenue may release the lien prior to the payment of the tax due, if any, if adequate security for payment of the tax is given.

Unless the lien has been perfected by recording in the office of the recorder in the county where the estate is probated, a transfer of the qualified real property to a bona fide purchaser for value shall divest the property of the lien. If the lien is perfected by recording, the rights of the state under the lien have priority over all subsequent mortgagees, purchasers or judgment creditors. The lien may be foreclosed by the director of revenue in the same manner as is now prescribed for the foreclosure of real estate mortgages and upon judgment, execution shall be issued to sell as much of the property necessary to satisfy the tax, interest and costs due.

Sec. 18. NEW SECTION. All the provisions of chapter 450 of the Code with respect to the payment, collection and administration of the inheritance tax imposed under that chapter are applicable to the provisions of sections 12 through 18 of this Act to the extent consistent. The director of revenue shall adopt and promulgate all rules necessary for the enforcement and administration of sections 12 through 18 of this Act.

Sec. 19. Sections 1, 3, and 7 of this Act are effective January 1 following the enactment of the Act for estates of persons dying on or after the January 1 effective date of these sections.

Sec. 20. Sections 2, 5, 8, 9, 10, and 11 of this Act are effective as provided by law for estates of persons dying on or after the effective date of these sections.

Sec. 21. Sections 12 through 18 of this Act are effective July 1, 1982 for estates of persons dying on or after the effective date of these sections.

Approved June 20, 1981

CHAPTER 148
DEPOSIT OF PUBLIC FUNDS
S. F. 292

AN ACT relating to the deposit of public funds by officers of political subdivisions of the state.

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

Section 1. Section 453.1, Code 1981, is amended to read as follows:

453.1 DEPOSITS IN GENERAL. All funds held in the hands of the following officers or institutions shall be deposited in banks ~~as-are~~ first approved by the appropriate governing body as indicated: For the treasurer of state, by the executive council; for the county treasurer, recorder, auditor, sheriff, ~~township-clerk,~~ clerk of the district court, and judicial magistrate, by the board of supervisors; for the city treasurer, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors, ~~provided, however that.~~ However, the treasurer of state and the treasurer of each political subdivision shall invest all funds not needed for current operating expenses in time certificates of deposit in banks listed as approved depositories pursuant to this chapter or in investments permitted by section 452.10. The list of public depositories and the amounts severally deposited ~~therein in~~ the depositories shall be a matter of public record. The term "bank" means a bank or a private bank, as defined in section 524.103.

Sec. 2. Sections 453.13 and 454.6, Code 1981, are repealed.

Approved May 4, 1981

CHAPTER 149
INTEREST RATE ON PUBLIC FUNDS
S. F. 13

AN ACT relating to the maximum rate of interest on investments of public funds in banks.

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

Section 1. Section 453.5, Code 1981, is amended to read as follows:

453.5 REFUSAL OF DEPOSITS--PROCEDURE. If ~~none-of~~ the duly approved banks will not accept ~~said the~~ deposits under the conditions ~~herein~~ prescribed or

authorized in this chapter, said the funds may be deposited, on the same or better terms as were offered to the depositories, in any approved bank or banks conveniently located within the state.

If a governmental unit makes in writing to all qualified, approved depositories a bona fide proffer to deposit public funds either in a savings account, or in a time certificate of deposit, and ~~such~~ the proffer is not then accepted, then and only then may ~~such~~ the governmental unit invest ~~such~~ the funds so declined, on the same or better terms as were offered to the depositories, in bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America or by any agency or instrumentality thereof, but these provisions shall not affect the investment of funds as provided in sections 453.9 and 453.10. However, public funds that will not be deposited or invested for a term of at least fifteen days may be invested, without prior offer to an approved depository, in notes, certificates, bonds, or other direct obligations of the United States or any of its agencies.

~~Public funds which cannot be deposited for periods of at least ninety days may be invested in notes, certificates, bonds, or other obligations of the United States or any of its agencies, as provided in section 452.10.~~ In addition to the investments herein authorized, the treasurer of state may invest in any of the investments authorized for the Iowa public employees' retirement system in section 97B.7, subsection 2, paragraph "b" except that investment in common stocks shall not be permitted. This section does not affect the investment of funds as provided in sections 453.9 and 453.10.

Sec. 2. Section 453.6, Code 1981, is amended to read as follows:

453.6 INTEREST RATE. ~~Henceforth--publie~~ Public deposits shall be deposited with reasonable promptness ~~and shall except for time certificates of deposit be evidenced by passbook entry by the depository legally designated as depository for such funds~~ in a depository legally designated as depository for the funds. A committee composed of the superintendent of banking, the commissioner of insurance, and the treasurer of state shall meet on or about the first of each month and by majority action shall establish ~~the~~ a minimum rate to be earned on state funds placed in time deposits during the period until the next meeting of the committee. State funds invested ~~by the treasurer of state~~ in bank time certificates of deposit shall draw interest at not less than the rate ~~so~~ determined, effective on the date of investment.

Public funds invested in bank time certificates of deposit by a public body or officer other than the treasurer of state shall draw interest at rates to be determined by the public body or officer and the bank, ~~which rates shall not be greater than the rate set under this section for state funds nor more than one percent of interest below that rate~~ which rates shall not be less than the minimum rate set under this section for state funds.

Approved May 8, 1981

CHAPTER 150
DRAINAGE AND LEVEE DISTRICTS
H. F. 73

AN ACT relating to repairs and improvements in drainage and levee districts.

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

Section 1. Section 455.135, subsections 1, 2 and 4, Code 1981, are amended to read as follows:

1. When any levee or drainage district ~~shall have~~ has been established and the improvement constructed, the ~~same improvement~~ shall be at all times under the supervision of the board of supervisors except as otherwise provided for control and management by a board of trustees and ~~it shall be the duty of~~ the board ~~to~~ shall keep the ~~same improvement~~ in repair as provided ~~herein~~ in this section.

a. The board at any time on its own motion, without notice, may order done whatever is necessary to restore or maintain a drainage or levee improvement in its original efficiency or capacity, and for that purpose may remove silt and debris, repair any damaged structures, remove weeds and other vegetable growth, and whatever else may be needed to restore or maintain such efficiency or capacity or to prolong its useful life. ~~in the event~~

b. The board may at any time obtain an engineer's report regarding the most feasible means of repairing a drainage or levee improvement and the probable cost of making the repair. If the engineer advises, or the board otherwise concludes that permanent restoration of a damaged structure is not feasible at the time, the board may order such temporary construction as it deems necessary to the continued functioning of the improvement. If in maintaining and repairing tile lines the board finds from the an engineer's report it is more economical to construct a new line than to repair the existing line, such the new line may be considered to be a repair.

c. If the estimated cost of any repair exceeds ten thousand dollars, or seventy-five percent of the original total cost of the district and subsequent improvements therein, whichever is the greater amount, the board shall set a date for a hearing on the matter of making such the proposed repairs, and shall give notice as provided in sections 455.20 to 455.24. If a hearing is required and the estimated cost of the repair exceeds twenty-five thousand dollars, an engineer's report or a report from the soil conservation district conservator shall be presented at the hearing. The board shall not divide proposed repairs into separate programs in order to avoid the notice and hearing requirements of this paragraph. At such the hearing the board shall hear objections to the feasibility of such the proposed repairs, and following the hearing the board shall order made-such that the repairs as it deems desirable and feasible be made. Any interested party shall have the right of appeal from such orders in the manner provided in this chapter.

d. The right of remonstrance ~~shall~~ does not apply to repairs as defined in this section.

2. In the case of minor repairs, or in the eradication of brush and weeds along the open ditches, not in excess of ~~one~~ five thousand dollars where the board finds that ~~the same will result in~~ a saving to the district will result it may cause the ~~same~~ repairs or eradication to be done by secondary road equipment, or weed fund equipment, and labor of the county and then reimburse the secondary road fund or the weed fund from the fund of the drainage district thus benefited.

4. For the purpose of this subsection, an "improvement" in a drainage or levee district in which any ditch, tile drain or other facility has previously been constructed is a project intended to expand, enlarge or otherwise increase the capacity of any existing ditch, drain or other facility above that for which it was designed.

a. When the board determines that ~~improvements, which differ from the repairs referred to in the preceding paragraphs,~~ are necessary or desirable, it shall appoint an engineer to make ~~such~~ such surveys as seem appropriate to determine the nature and extent of ~~such the needed~~ the needed improvements, and to file a report showing what improvements are recommended and their estimated costs, which report may be amended before final action. If the estimated cost of the improvements does not exceed five thousand dollars, or twenty-five percent of the original cost of the district and subsequent improvements ~~therein, whichever is the greater amount,~~ the board may order the work done without notice. The board shall not divide proposed improvements into separate programs in order to avoid the ~~twenty-five percent~~ twenty-five percent limitation ~~herein~~ fixed for making improvements without notice. If the board deems it desirable to make improvements where the estimated cost exceeds ~~twenty-five percent--of--the--original--total--cost--of--the--district---and---subsequent improvements--therein~~ that limit, it shall set a date for a hearing on the matter of constructing ~~such the proposed~~ the proposed improvements and also on the matter of whether there shall be a reclassification of benefits for the cost of ~~such the proposed~~ the proposed improvements, and shall give notice as provided in sections 455.20 to 455.24. At ~~such the~~ the hearing the board shall hear objections to the feasibility of ~~such the proposed~~ the proposed improvements and ~~such~~ such arguments for or against a reclassification ~~as may be~~ presented by or for any taxpayer of the district. Following the hearing the board shall order ~~made--such~~ that the improvements ~~as~~ it deems desirable and feasible be made, and shall also determine whether there should be a reclassification of benefits for the cost of ~~such--improvement~~ improvements. If it is determined that ~~such a~~ a reclassification of benefits should be made the board shall proceed as provided in section 455.45.

~~In--the--event--that~~ b. If the estimated cost of the improvements as ~~contemplated in this section should exceed~~ defined in this subsection exceeds twenty thousand dollars, or the original cost of the district plus the cost of subsequent improvements in the district, whichever is the greater amount, a majority of the landowners, owning in the aggregate more than seventy percent of the total land in ~~said~~ the district, may file a written remonstrance against ~~said--improvement~~ the proposed improvements, at or before

the time fixed for hearing on ~~said-improvement~~ the proposed improvements, with the county auditor, or auditors in case the district extends into more than one county. If ~~such a~~ a remonstrance is filed, the board shall discontinue and dismiss all further proceedings on ~~said--improvement~~ the proposed improvements and charge the costs incurred to date for ~~said~~ the proposed improvement improvements to the district. Any interested party ~~shall-have-the-right-of~~ may appeal from such orders in the manner provided in this chapter. ~~Provided,--however,--that--the--provisions--of~~ However, this section ~~shall~~ does not affect the procedures of section 455.142 covering the common outlet.

Approved March 26, 1981

CHAPTER 151
HAZARDOUS WASTE MANAGEMENT

S. F. 485

AN ACT relating to hazardous waste management, including new prohibited acts and providing penalties for violations.

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

Section 1. Section 455B.130, subsection 2, paragraph b, subparagraph (2), Code 1981, is amended by striking the subparagraph.

Sec. 2. Section 455B.133, subsection 3, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

3. When the commission amends a rule adopted under section 455B.131, subsection 2, identifying additional characteristics of hazardous waste or listing an additional substance as hazardous waste, the commission may require a person to file the notification required by subsection 1 or 2 of this section.

Sec. 3. Section 455B.135, subsections 1 and 2, Code 1981, are amended to read as follows:

1. For purposes of developing a rule, ~~or~~ conducting a study of hazardous waste management, compiling a site inventory, or enforcing sections 455B.130 to 455B.140, a person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous waste shall, upon request of the executive director, furnish ~~or~~ information relating to the hazardous waste and 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 sections 455B.130 to 455B.140, the executive director may:

a. Enter at reasonable times an establishment or other place ~~maintained by--a--person~~ where hazardous waste is or has been 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~~ executive director obtains a sample, prior to leaving the premises, the ~~officer-or--employee~~ executive director 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.

Sec. 4. Section 455B.135, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION.

a. If upon receipt of any information, the executive director determines that the presence of a hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or the release of the waste from the facility or site may present a substantial hazard to human health or the environment, the executive director may issue an order requiring the owner or operator of the facility or site to conduct reasonable monitoring, testing, analysis, and reporting with respect to the facility or site to determine the nature and extent of the hazard.

b. In the case of a facility or site not in operation at the time a determination is made regarding the facility or site under this subsection, if the executive director finds that the owner of the facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at the facility or site and of its potential for release, the executive director may issue an order requiring the most recent previous owner or operator of the facility or site who could reasonably be expected to have actual knowledge to carry out the actions referred to in this subsection.

c. An order under this subsection shall require the person to whom the order is issued to submit to the executive director within thirty days from the issuance of the order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The executive director may, after providing the person with an opportunity to confer with the executive director on the proposal, require the person to carry out the monitoring, testing, analysis, and reporting in accordance with the proposal, which may be modified as the executive director deems reasonable to determine the nature and extent of the hazard or to remove the hazard.

d. If the executive director determines that no owner or operator referred to in this subsection is able to conduct monitoring, testing, analysis, or reporting satisfactory to the executive director, if the executive director deems any action carried out by an owner or operator to be unsatisfactory, or if the executive director cannot initially determine that there is an owner or operator referred to in this subsection who is able to conduct monitoring, testing, analysis, or reporting, the executive director

may conduct reasonable monitoring, testing, or analysis to determine the nature and extent of the hazard associated with the site. The executive director may require the owner or operator referred to in this subsection to reimburse the executive director or other authority or person for the costs of the monitoring, testing, analysis, or reporting. The executive director shall not order a person to pay the costs of monitoring, testing, analysis, or reporting carried out by the executive director which confirms the results of monitoring, testing, or analysis done pursuant to an earlier order of the executive director.

e. For purposes of carrying out this subsection, the executive director may exercise the powers set forth in subsection 1.

Sec. 5. Section 455B.136, subsection 1, paragraphs b and c, Code 1981, are amended to read as follows:

b. ~~Dispose~~ Treat, store, or dispose of a hazardous waste listed under sections 455B.130 to 455B.140 either without having obtained a permit for the treatment, storage, or disposal under section 455B.134, subsection 1 or in violation of a material condition or requirement of a permit.

c. Make a false material 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 sections 455B.130 to 455B.140.

Sec. 6. Section 455B.136, subsection 1, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. Destroy, alter or conceal after the effective date of this Act any record required to be kept under rules adopted by the commission under this part. This paragraph applies to all persons who generated, stored, treated, transported, disposed of, or otherwise handled hazardous waste after November 19, 1980.

Sec. 7. Section 455B.136, subsection 2, Code 1981, is amended to read as follows:

2. A person who violates ~~the provisions of~~ subsection 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 for each day of violation. 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 for each day of violation.

Sec. 8. Section 455B.136, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. A person who fails or refuses to comply with an order issued under section 4 of this Act is subject to a civil penalty of not more than five thousand dollars for each day the failure or refusal occurs and the court may require the person to comply with the order.

NEW SUBSECTION. A person who violates a requirement of this part or of a rule adopted under this part is in addition to the penalty provided in subsection 2 subject to a civil penalty not to exceed twenty-five thousand dollars for each violation. Each day of violation constitutes a separate violation.

Sec. 9. Section 455B.137, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

If the executive director has ~~conclusive~~ substantial evidence that a person has violated or is violating a provision of sections 455B.130 to 455B.140, or of a rule or standard established or permit issued pursuant to sections 455B.130 to 455B.140 ~~and-if-subsection-4-of-this-section-does-not apply:~~

Sec. 10. Section 455B.137, subsection 1, paragraph a, Code 1981, is amended to read as follows:

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 17A 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.

Sec. 11. Section 455B.137, subsection 4, Code 1981, is amended by striking the subsection.

Sec. 12. Section 455B.139, Code 1981, is amended to read as follows:

455B.139 RULES. Rules adopted by the commission under sections 455B.130 to 455B.140 shall be consistent with and shall not exceed the requirements of 42 U.S.C. ~~6921--6931--(1979)~~ secs. 6921-6934 as amended to ~~March--15,--1979~~ January 1, 1981 and rules and regulations ~~promulgated~~ adopted pursuant to those sections.

Approved May 14, 1981

CHAPTER 152
HAZARDOUS WASTES
S. F. 420

AN ACT relating to the siting of hazardous waste treatment, storage and disposal facilities, providing penalties and imposing a surcharge on the fee for land burial of hazardous waste.

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

Section 1. NEW SECTION. PURPOSE AND GUIDELINES. The purpose of this Act is to protect the public health and the environment by providing a procedure for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste. It is the intent of the general assembly that in the implementation of this Act the department of

environmental quality shall emphasize alternatives to land burial of hazardous waste whenever possible with emphasis on the following management methods in the following order: source reduction, reuse, resource recovery, incineration, and detoxification.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. a. "Facility" means land and structures, other appurtenances, and improvements on the land used for the treatment, storage, or disposal of a hazardous waste required to have a permit under section 455B.134.

b. "Facility" does not include land, structures, other appurtenances and improvements contiguous to the source of generation and owned and operated by and exclusively for the treatment, storage, or disposal of hazardous waste of the generator.

c. As used in this subsection property is contiguous if it is divided only by a public or private way.

2. "Hazardous waste" means a hazardous waste as defined in section 455B.130, subsection 2 and listed by the environmental quality commission under section 455B.131, subsection 2.

3. "Commission" means the environmental quality commission.

4. "Executive director" means the executive director of the department of environmental quality.

5. "Regulatory agency" means a state or local agency that issues a license or permit required for the construction, operation, or maintenance of a facility pursuant to state statute or rule or local ordinance or resolution in effect on the date the application for a site license is submitted to the commission.

6. "Construct" means significant alteration of a site to install permanent equipment or structures but does not include activities incident to preliminary engineering, environmental studies, or acquisition of a site for a facility. "Construct" includes alteration to existing structures or a land disposal facility to initially accommodate hazardous waste but does not include any alteration to increase the capacity or change the ability to accommodate hazardous waste. However, any alteration to increase or change the ability to accommodate hazardous waste is subject to section 455B.132.

Sec. 3. NEW SECTION. LICENSE REQUIRED.

1. A person shall not construct a facility until the person obtains a site license issued under this Act by the commission. A person planning to construct a facility shall give notice of the intent to construct the facility as provided in this section. The notice shall be served on the executive director and on the city council and board of supervisors of each city and county in which the facility is located and shall be published in a newspaper of general circulation in each city and county in which the proposed site is located once a week for two consecutive weeks. The notice shall contain the following:

a. A description of the proposed location of the facility.

b. A description of the treatment, storage, or disposal method to be used and the types of wastes to be handled, including estimated volumes.

c. The names and addresses of the owners and the operators of the facility.

2. Within fifteen days of the date the notice is last published, the owners and operators of the facility shall submit an application to the executive director requesting that a site license be issued under this Act. The application for a site license shall contain the name and residence of the applicant, and the following additional information:

a. The location of the proposed facility and a plat of the proposed location.

b. A description of the design and capacity of the proposed facility.

c. The expected sources of hazardous wastes for the facility, the proposed methods and routes of transporting the wastes to and from the facility.

d. The qualifications of the operator.

e. Other relevant information as the commission requires by rule.

The application shall be accompanied by a nonrefundable application fee determined by a schedule established by the commission by rule, but which shall not exceed one thousand dollars.

3. Within thirty days of the receipt of the application, the executive director shall determine whether the application is in substantial compliance with the information requirements, and shall either accept the application or notify the applicant of any deficiencies. An applicant who receives notification of deficiencies in the application has ninety days from the receipt of notice to remedy the deficiencies and resubmit the application for consideration. The executive director shall notify the applicant within thirty days of receipt of a resubmitted application whether the application is accepted. An application rejected under this subsection may be resubmitted only once. If a resubmitted application is rejected the applicant may reapply for a license by giving notice and resubmitting an application as provided in subsections 1 and 2, including payment of the nonrefundable application fee.

4. This Act does not apply to a facility that is subject to subsection 2 of section 455B.134 and that has obtained applicable local zoning permits and for which contracts have been signed prior to January 1, 1982.

Sec. 4. NEW SECTION. TEMPORARY MEMBERS APPOINTED. Immediately upon receipt of an application for a site license the executive director shall notify the city council of the city closest to the proposed facility and the county board of supervisors of the county in which the facility is proposed to be located that the application has been received. Within thirty days of the receipt of notification the city council or the county board of supervisors may make the following appointments to the commission for purposes of consideration of the site license application and if the city council or the county board of supervisors chooses to make the temporary appointments the executive director shall be notified of the names of those persons appointed as follows:

1. The county board may appoint two temporary members who are residents of the county.

2. The city council may appoint two temporary members who are residents of the city.

Temporary members who may be appointed under this section shall serve on the commission only during discussion and proceedings relating to the application for a site license which the temporary members were appointed to consider and shall vote only on questions relating to the issuance of that site license. Temporary members shall serve on the commission until final action is taken on the application for the site license which the temporary members were appointed to consider. Temporary members who are not public employees shall receive forty dollars per diem and actual and necessary expenses incurred in performance of their official duties. Temporary employees who are public employees shall receive reimbursement for expenses only. Per diem and expenses under this section shall be paid by the state.

Sec. 5. NEW SECTION. NOTIFICATION REQUIREMENTS. Upon acceptance of a site license application under section 3 of this Act the executive director shall mail copies of the application to regulatory agencies. A regulatory agency receiving a copy of the application shall conduct a preliminary review of the contents and shall evaluate the application for completeness and for compliance with the regulatory agency's permit or licensing requirements.

Sec. 6. NEW SECTION. PROCEEDING.

1. Within thirty days after the acceptance of the application for a site license, the commission shall establish a timetable for consideration of the application. The timetable for final action by the commission shall not exceed one hundred eighty days after the date the application is accepted.

2. The proceeding for the issuance of a site license is a contested case under chapter 17A.

3. The commission shall establish a date for the hearing on the application and shall serve notice of the hearing on interested agencies, as determined by the commission, and regulatory agencies.

The commission shall notify all owners of record of real property located within one mile from the boundaries of the proposed site of the time and place of the hearing.

4. Notice of the hearing in the form provided in section 17A.12, subsection 2, shall be published in a newspaper of general circulation in each city and county in which the proposed site is located once a week for two consecutive weeks with the second publication being at least twenty days prior to the date of the hearing.

Sec. 7. NEW SECTION. PROCEEDING--ROLE OF REGULATORY AGENCIES.

1. Regulatory agencies that appear on record at the proceeding shall state whether the application meets their permit or licensing requirements. If the application does not meet the requirements of a regulatory agency, the regulatory agency shall state why the application is not in compliance.

2. Any person may present oral or written comments to the commission at the hearing.

Sec. 8. NEW SECTION. DECISION BY COMMISSION.

1. The commission shall grant or deny the site license. In making its decision, the commission shall consider the following:

- a. The need for the services to be offered by the facility.
 - b. The impact of the proposed facility on the area in which it is to be located.
 - c. The zoning classification of the proposed site and the extent to which a proposed site is by present or projected use dedicated to industrial development.
 - d. The land uses and the density of population in areas near the facility.
 - e. The density of population in areas adjacent to probable transportation routes to the facility.
 - f. The risk and effect of accidents during the transportation of hazardous wastes to the site.
 - g. The geology of the site, where relevant, with reference to factors which include, but are not limited to, the presence of fault zones and the risk of contamination of ground and surface waters by leaching and runoff from the facility.
 - h. The risk and effect of fires or explosions from improper storage and disposal methods.
 - i. The impact of the facility on the operations and responsibilities of the city and county in which the facility is proposed to be located and on cities and counties near the proposed site.
 - j. Local ordinances, permits, or other requirements and their relationship to the proposed facility.
 - k. Other criteria adopted by rule which the commission finds relevant to the siting of a facility which are consistent with this Act.
2. The commission shall grant the license if it finds that the facility will meet the requirements imposed by rules adopted by the commission under section 455B.131, subsection 3, and the permit requirement of section 455B.134, that operation of the facility at the proposed location will be in the public interest and that the public health and welfare and the environment will be adequately protected. The failure of the proposed facility to meet zoning requirements established under chapters 329, 358A, and 414, and the licensing requirements of regulatory agencies except the requirements imposed by sections 455B.131, subsection 3 and 455B.134 shall not preclude the commission from issuing the license and to that extent this subsection supersedes the licensing requirements of regulatory agencies and the requirements of chapters 329, 358A and 414.
 3. A municipality as defined in section 613A.1(1), is not liable in an action for damages arising out of the construction, operation, or maintenance of a hazardous waste facility which is licensed by the commission under this Act unless the municipality is responsible for or in control of the facility. However, a municipality may be subject to liability for damages caused by hazardous waste in connection with an act or omission which would otherwise subject the municipality to liability. A municipality shall not be required to pay any portion of the costs associated with the response to a release or threatened release of a hazardous waste from a facility into the land, air, or water that threatens or may threaten human health or the environment unless the municipality is responsible for or in control of the facility or

unless the municipality is otherwise subject to liability under this subsection.

Sec. 9. NEW SECTION. ISSUANCE OF LICENSE--EFFECT. Issuance of a license by the commission authorizes construction of the facility on the site designated in the license according to the terms and conditions stated in the license. A license may be transferred, subject to the rules and approval of the commission, to a person who agrees and is able to comply with the terms of the license.

Sec. 10. NEW SECTION. COST OF PROCEEDINGS. The cost of the proceeding for the issuance of a license shall be paid by the applicant for the license until the cost exceeds nine thousand dollars. The executive director shall notify the applicant upon the issuance or denial of the license or upon termination of the proceeding at any point during the process of the cost of the proceeding to the applicant. These costs include the costs of providing notices, holding the hearing and the per diem of the commissioners in the proceeding for the license. Moneys collected shall be deposited in the general fund of the state.

Sec. 11. NEW SECTION. FURTHER APPROVALS PROHIBITED--EXCEPTION. Upon the issuance of a license under this Act, notwithstanding any provision of law or ordinance except statutory requirements relating to the protection of employees engaged in the construction of the facility, no further approval, permit, or license for the construction, operation, or maintenance of the facility as stated in the license shall be required. The commission may incorporate in the license the licensing requirements of a regulatory agency to the extent that those requirements are consistent with the construction and operation of the facility according to the requirements of the commission. However, this section does not limit the authority of the executive director under sections 455B.132 and 455B.134. A local unit of government shall not unduly restrict the transportation of hazardous waste to a facility for which a license has been issued under this Act.

Sec. 12. NEW SECTION. SINGLE HEARING--JUDICIAL REVIEW. Notwithstanding chapter 17A:

1. Any proceeding or oral presentation held before the commission on an application for a license shall be held in lieu of any other proceeding or oral presentation required for a license or permit necessary for the construction, maintenance, or operation of a facility.

2. The issuance or denial of the license is a final agency action, and the date for determining whether any person is aggrieved or adversely affected by the action is the date of the issuance or denial of the license.

Sec. 13. NEW SECTION. RULES. The commission shall adopt rules under chapter 17A necessary to implement this Act including but not limited to the form for an application for a license and the description of information to be furnished by the applicant.

Sec. 14. NEW SECTION. PENALTIES. A person required to obtain a site license under this Act who constructs a facility without having first obtained the license is subject to a civil penalty of not more than ten thousand dollars for each violation or for each day of continuing violation. Civil penalties collected pursuant to this subsection shall be forwarded by

the clerk of court to the treasurer of state for deposit in the general fund of the state.

Sec. 15. NEW SECTION. SURCHARGE IMPOSED. A land burial surcharge tax of two percent is imposed on the fee for land burial of a hazardous waste. The owner of the land burial facility shall remit the tax collected to the director of revenue after consultation with the executive director according to rules that the director shall adopt. The executive director shall forward a copy of the site license to the director of revenue which shall be the appropriate license for the collection of the land burial surcharge tax and shall be subject to suspension or revocation if the site license holder fails to collect or remit the tax collected under section 15 of this Act. The provisions of sections 422.25, subsection 4, 422.30, 422.48 to 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69, subsection 1, and 422.70 to 422.75, consistent with the provisions of this Act, shall apply with respect to the taxes authorized under this Act, in the same manner and with the same effect as if the land burial surcharge tax were retail sales taxes within the meaning of those statutes. Notwithstanding the provisions of this paragraph, the director shall provide for only quarterly filing of returns as prescribed in section 422.51. Taxes collected by the director of revenue under this section shall be deposited in the general fund of the state.

Approved May 11, 1981

CHAPTER 153
SOIL CONSERVATION PLAN

H. F. 465

AN ACT relating to the preparation of the farm unit soil conservation folder and plan.

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

Section 1. Section 467A.62, subsection 1, paragraphs a and b, Code 1981, are amended to read as follows:

a. Each farm unit shall be furnished a conservation folder complying with the rules of the department by the department-of-soil-conservation,-acting through-the soil conservation district in which the farm unit is located, not later than January 1, 1985, or as soon thereafter as adequate funding is available to permit completion of a conservation folder for every farm unit in the state. Technical assistance in the development of the conservation folder may be provided by the United States department of agriculture soil conservation service through the memorandum of understanding with the district or by the department. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate

replacement for the conservation folder for that farm unit. Upon completion of the conservation folder for a particular farm unit, the district shall send the owner of that farm unit, and also the operator of the farm unit if known by the commissioners to be other than the owner, a letter offering that person or those persons a copy of the folder. The district shall keep a record of the date the folder is completed and the letter is sent. The folder shall be updated from time to time by the district as it deems necessary.

b. The commissioners of each soil conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, not later than January 1, 1985 or five years after completion of the conservation folder for that farm unit, whichever date is later, or as soon thereafter as adequate funding is available to permit compliance with this requirement. Technical assistance in the development of the farm unit soil conservation plan may be provided by the United States department of agriculture soil conservation service through the memorandum of understanding with the district or by the department. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons. The plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of his or her own time devoted to participation in the preparation of the plan. If the commissioners' plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil conservation district commissioners for their review.

Approved May 1, 1981

CHAPTER 154
LAND DISTURBING ACTIVITIES
S. F. 262

AN ACT to revise the regulation of land disturbing activities.

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

Section 1. Section 467A.64, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. If a political subdivision has adopted a sediment control ordinance which the commissioners and the political subdivision jointly agree is at least as equally effective as the commissioners' rules in preventing erosion

from exceeding the established soil loss limits, the commissioners and the political subdivision shall execute an agreement under chapter 28E allowing an agency authorized by the political subdivision to receive and file an affidavit from a person, prior to initiating a land disturbing activity in that subdivision, stating that the proposed activity will not exceed the established soil loss limits. A copy of the affidavit shall be mailed to the district as a part of the terms of the agreement. The affidavit shall be in a form prescribed by the department and made available by the district.

2. Prior to initiating a land disturbing activity in a political subdivision which has not adopted sediment control ordinances as described in subsection 1, a person engaged in the land disturbing activity shall file a signed affidavit with the soil conservation district that the project will not exceed the soil loss limits. The affidavit shall be in a form prescribed by the department and made available by the district.

Sec. 2. Section 467A.64, subsections 2 and 3, Code 1981, are amended to read as follows:

2 3. For the purposes of this section, "land disturbing activity" means a land change such as the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.

b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.

c. Minor activities such as home gardens, landscaping, repairs and maintenance work.

d. Surface or deep mining.

e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.

f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.

g. Construction and repair of the tracks, right of way, bridges, communication facilities and other related structures of a railroad.

h. Emergency work to protect life or property.

i. Disturbed land areas of less than ~~ten~~ twenty-five thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.

j. The construction, relocation, alteration or maintenance of public roads by a public body.

3 4. If the permit-issuing-authority agency authorized under subsection 1 determines that a land disturbing activity is not being conducted in compliance with the soil erosion-control-plan loss limits, ~~the-permit-issuing authority it~~ shall file a written and signed complaint with the soil conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner or occupant of land being damaged by sediment pursuant to section 467A.47. If the affidavit is

filed with the district or the political subdivision, the commissioners may proceed on their own complaint. The soil conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

Sec. 3. The soil conservation districts shall adopt rules to implement section 1 of this Act by October 1, 1981. The requirements of having an affidavit on file with the district provided in section 1 of this Act shall not apply in a district until that district has adopted the rules implementing section 1 of this Act.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Fairfield Ledger, Inc., a newspaper published in Fairfield, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

Approved March 31, 1981

I hereby certify that the foregoing Act, Senate File 262, was published in The Fairfield Ledger, Inc., Fairfield, Iowa on April 10, 1981 and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 10, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 155
CONSERVANCY DISTRICT WARDS
H. F. 466

AN ACT relating to the creation of conservancy district wards.

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

Section 1. Section 467D.5, subsection 1, Code 1981, is amended to read as follows:

1. The state soil conservation committee acting in its capacity as a conservancy district board may propose division of a conservancy district, currently being governed by the state soil conservation committee under subsection 1 of section 467D.4, into not less than five nor more than nine wards. Ward boundaries shall coincide with county boundaries, except that each ward shall lie entirely within the conservancy district of which it is a part. Each ward shall be composed of contiguous territory and shall be drawn with equality of population as an objective, insofar as that objective can reasonably be implemented while meeting the other requirements of this subsection. The division of a conservancy district into wards shall not become effective until it is approved by the soil conservation districts located entirely or partially within the conservancy district casting a majority of the total votes of the soil conservation districts in the conservancy district. For the purpose of this subsection each soil conservation district that is entirely within the conservancy district shall

cast one vote and each soil conservation district that is partially within the conservancy district shall cast a fractional vote that is equal to the percentage of the soil conservation district's area that is in the conservancy district.

Sec. 2. Section 1 of this Act applies to all divisions of conservancy districts into wards occurring after the effective date of this Act.

Approved May 19, 1981

CHAPTER 156
PUBLIC UTILITY REGULATION
H. F. 771

AN ACT relating to the regulation of public utilities and making an appropriation to the Iowa state commerce commission.

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

Section 1. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTINUING AUDIT OF OPERATIONS. The commission shall adopt not later than July 1, 1983, rules and policies to implement a program for the continuous review of operations of rate-regulated public utilities with respect to all matters that affect rates or charges for utility service.

Sec. 2. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. REVIEW OF ANNUAL REPORTS. The commission shall review annual reports submitted by rate-regulated public utilities. The commission shall commence rate-review proceedings under this chapter if an annual report indicates that the earnings of the public utility are excessive.

Sec. 3. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. RULES GOVERNING HEARINGS.

1. The commission shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within one hundred eighty days after the date of the filing of a complaint under section 476.3, unnumbered paragraph 2,* and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and exhibits, briefs and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding or commission staff for good cause shown.

2. Additional time granted to a party or to commission staff under subsection 1 shall not extend the amount of time for which a utility is

*According to enrolled Act, but see section 5

required to file a bond or other undertaking conditioned upon refund under section 476.3, unnumbered paragraph 2.

3. If in a proceeding under section 476.6 additional time is granted to a party or commission staff under subsection 1, the commission may extend the ten-month period during which a utility is prohibited from placing its entire rate increase request into effect under section 476.6, but an extension shall not exceed one-half of the aggregate amount of all additional time granted under subsection 1.

4. The commission shall adopt rules that require the commission, in rate regulatory proceedings under sections 476.3 and 476.6, to consider the use of the most current test period possible in determining reasonable and just rates, subject only to the availability of existing and verifiable data respecting costs and revenues, and in addition to consider verifiable data that exists as of the date of commencement of the proceedings respecting known and measurable changes in costs not associated with a different level of revenue, and known and measurable revenues not associated with a different level of costs, that are to occur at any time within twelve months after the date of commencement of the proceedings. For purposes of this subsection, a proceeding commences under section 476.6 upon the filing date of new or changed rates, charges, schedules or regulations. This subsection does not limit the authority of the commission to consider other evidence in proceedings under sections 476.3 and 476.6.

Sec. 4. Section 476.1, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Mutual telephone companies in which at least fifty percent of the users are owners, co-operative telephone corporations or associations, telephone companies having less than ~~two~~ fifteen thousand stations, municipally owned utilities, and unincorporated villages which own their own distribution system ~~shall--not--be~~ are not subject to the rate regulation provided for in this chapter.

PARAGRAPH DIVIDED. ~~provided, however, that nothing contained in this chapter shall be construed to~~ This chapter does not apply to water works having less than two thousand customers, municipally owned water works, or rural water districts incorporated and organized pursuant to chapters 357A and 504A, or to a person furnishing electricity to five or fewer customers from electricity that is produced primarily for the person's own use.

PARAGRAPH DIVIDED. ~~Telephone--companies~~ A telephone company otherwise exempt from rate regulation and having telephone exchange facilities which cross state lines may elect, in a writing, filed with the commission, to have ~~their~~ its rates regulated by the commission. When such a written election, in writing, has been filed with the commission, the commission shall assume rate regulation jurisdiction over ~~said--companies~~ the company.

Sec. 5. Section 476.3, Code 1981, is amended to read as follows:

476.3 COMPLAINTS--INVESTIGATION. Every public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed with the commission. ~~Whenever~~ When there is filed with the commission by any person or body politic, or filed by the commission upon its own motion, a written complaint requesting the commission to determine the

reasonableness of the rates, charges, schedules, service, regulations, or anything done or omitted to be done by any public utility subject to this chapter, in contravention of the provisions ~~thereof, such~~ of this chapter, ~~the~~ written complaint ~~thus-made~~ shall be forwarded by the commission to ~~such~~ the public utility, which shall be called upon to satisfy the complaint or to answer ~~the same~~ it in writing within a reasonable time to be specified by the commission. If ~~such~~ the public utility ~~shall~~ does not satisfy the commission with respect to the complaint within the time specified and there ~~shall~~ appear appears to be any reasonable ground for investigating ~~said~~ the complaint, ~~it shall be the duty of~~ the commission ~~to~~ shall promptly initiate a formal proceeding. ~~Such-a~~ The formal proceeding may be initiated at any time by the commission on its own motion. ~~Whenever-such~~ If a proceeding ~~has been~~ is initiated upon application or motion, the commission shall set the case for hearing and give ~~such~~ notice ~~thereof~~ as it deems appropriate. ~~Whenever~~ When the commission, after a hearing held after reasonable notice, finds any public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the commission shall determine just, reasonable, and nondiscriminatory rates, charges, schedules, service, or regulations to be ~~thereafter~~ observed and enforced.

If, as a result of either a review procedure conducted under section 1 of this Act or a review conducted under section 2 of this Act, a complaint is filed by commission staff alleging that a utility's rates are excessive, the disputed amount shall be specified in the complaint. The public utility shall, within the time prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the complaint in excess of rates or charges finally determined by the commission to be lawful. If upon hearing the commission finds that the utility's rates are unlawful, the commission shall order a refund, with interest, of amounts collected after the date of filing of the complaint in excess of amounts which would have been collected under the rates finally approved, provided that the commission shall not order a refund that is greater than the amount specified in the complaint, plus interest, and provided that if the commission fails to render a decision within one hundred eighty days following the date of filing of the complaint, the commission shall not order a refund of any excess amounts that are collected after the expiration of that one hundred eighty-day period and prior to the date the decision is rendered.

A determination of utility rates by the commission pursuant to this section that is based upon a departure from previously established regulatory principles shall apply prospectively from the date of the decision.

Sec. 6. Section 476.6, unnumbered paragraphs 4, 5 and 6, Code 1981, are amended to read as follows:

~~Whenever there is filed with the commission by any~~ At the time a public utility subject to rate regulation files with the commission any new or changed rates, charges, schedules or regulations, the commission may, prior to the effective date thereof, docket the case as a formal proceeding and set

~~the case for hearing. The commission shall give such notice of such formal proceedings as it deems appropriate~~ the public utility also shall submit factual evidence, written argument, and affidavits containing testimonial evidence to be offered in support of the filing, provided that this requirement shall not apply if the public utility is a rural electric cooperative. The public utility may, as a part of its filing or separately at any subsequent time, submit a request for authority to place part or all of the proposed rates, charges, schedules or regulations into effect on a temporary basis and until permanent rates, charges, schedules or regulations take effect under this section.

~~After the initiation of such formal proceedings and pending the final decision thereon, the commission may, at any time before they become effective, suspend the operation of such new or changed rates, charges, schedules or regulations, but not for a period longer than twelve months from the date when they would have become effective if not suspended.~~ After the filing by a public utility subject to rate regulation of new or changed rates, charges, schedules or regulations, the commission may, prior to the expiration of thirty days after the filing date, docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of formal proceedings as it deems appropriate. Unless the commission otherwise orders, the docketing of a case as a formal proceeding suspends the effective date of the new or changed rates, charges, schedules or regulations until temporary or permanent rates, charges, schedules or regulations are approved by the commission or otherwise take effect under this section.

~~However, a public utility may at any time after rates, charges, schedules or regulations have been suspended for ninety days~~ Upon the request of a public utility, the commission shall, when required by this paragraph, grant the public utility temporary authority to place in effect any or all of the 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 in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. In determining that portion of the new or changed rates, charges, schedules or regulations to be placed in effect prior to a final decision, the commission shall apply previously established regulatory principles and shall, at a minimum, permit rates and charges which will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the most recent rate case involving the same utility or the same type of utility service, provided that if the most recent final decision of the commission in an applicable rate case was rendered more than twelve months prior to the date of filing of the request for temporary rates, the commission shall in addition consider financial market data that is filed or that is otherwise available to the commission and shall adjust the rate of return on common stock equity that was approved in that decision upward or downward as necessary to reflect current conditions. The commission shall render a decision on a request for temporary authority within ninety days after the date of filing of the

request. The decision shall be effective immediately. If the commission has not rendered a final decision with respect to suspended rates, charges, schedules or regulations upon the expiration of ten months after the filing date, plus the length of any delay that necessarily results either from the failure of the public utility to exercise due diligence in connection with the proceedings or from intervening judicial proceedings, plus the length of any extension permitted by section 3, subsection 3 of this Act, then those portions that were approved by the commission on a temporary basis shall be deemed finally approved by the commission and the utility may place them into effect on a permanent basis, and the utility also may place into effect subject to refund and until the final decision of the commission any portion of the suspended rates, charges, schedules or regulations not previously approved on a temporary basis by filing with the commission a bond or other undertaking approved by the commission. If the commission finds that an extension of the ten-month period is necessary to permit the accumulation of necessary data with respect to the operation of a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity and that is proposed to be included in the rate base for the first time, the commission may extend the ten-month period up to a maximum extension of six months, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. If a utility is proposing to include in its rate base for the first time a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity, the filing date of new or changed rates, charges, schedules or regulations shall, for purposes of computing the ninety-day and ten-month limitations stated above, be the date as determined by the commission that the new plant went into service, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. The rate of interest shall be a reasonable rate as determined by the commission, but not less than five percent per annum, and the interest shall be compounded annually. The public utility shall not place into effect any portion of any suspended rates, charges, schedules or regulations of any subsequent rate filing relating to services with respect to which a rate filing is pending within twelve months following the date a prior application was filed or until after the date the commission has issued a final order in any previously filed rate proceedings, whichever date is earlier, unless the public utility applies to the commission for authority and receives authority to place a portion of the subsequent filed rate filing into effect on an interim basis.

Sec. 7. Section 476.10, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Whenever the commission shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under section 476.6, investigations under section 476.3, or review proceedings under section 1 of this Act, the commission may employ additional

temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under this section. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the commission to hire additional staff and contract for services under this section. The authority to hire additional temporary or permanent staff that is granted to the commission by this section shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to this section by express reference to this section.

Sec. 8. The Iowa state commerce commission shall investigate the practice of allowing a public utility to recover advertising costs from its customers. The commission shall recommend to the general assembly not later than January 15, 1982, whether or not it is appropriate to adopt legislation to disallow a portion of advertising costs when determining costs of operations for rate-making purposes. The Code editor shall not codify this section.

Sec. 9. Sections 5 and 6 of this Act apply to proceedings commenced under sections 476.3 or 476.6, respectively, on or after the effective date of this Act.

Approved June 13, 1981

CHAPTER 157

TELEPHONE DIRECTORY ASSISTANCE

S. F. 284

AN ACT striking the provision which prohibits a telephone company from imposing a charge for directory assistance.

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

Section 1. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. TELEPHONE DIRECTORY ASSISTANCE CHARGES. Notwithstanding contrary provisions of section 476.6, a public utility shall not implement a charge for telephone directory assistance or implement a new or changed rate for telephone directory assistance except pursuant to a tariff that has been filed with the commission and finally approved by the commission.

Sec. 2. Section 476.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~No~~ A public utility subject to rate regulation shall not make effective any new or changed rate, charge, schedule or regulation except by filing the same it with the commission at least thirty days prior to the its effective date thereof. The commission, for good cause shown, may allow changes in rates, charges, schedules or regulations to become effective on less than thirty days' notice. ~~The commission shall not approve a charge nor shall a public utility make a charge for telephone directory assistance~~ Any subscriber of a telephone exchange or service, who is declared to be legally blind under section 422.12(e),* shall be exempt from any charges for telephone directory assistance that may be approved by the commerce commission.

Notwithstanding unnumbered paragraph 1 of this section, as of July 1, 1984, the Iowa state commerce commission shall not approve a schedule of telephone directory assistance charges unless the schedule provides that there shall not be a charge for directory assistance unless the telephone number requested is listed in the telephone directory most recently published and distributed by the utility.

Sec. 3. NEW SECTION. A telephone directory assistance tariff that is approved by the commission on or after the effective date of this Act shall be subject to the limitation that a subscriber shall not be charged for the first seven directory assistance calls made from the subscriber's station during each of the first twelve months in which the tariff is in effect, and a charge made in violation of this limitation is an unlawful charge within the meaning of chapter 476.

Approved April 27, 1981

CHAPTER 158

UTILITIES DIVISION FUNDING OF COMMERCE COMMISSION

H. F. 398

AN ACT relating to the funding of the operations of the utilities division of the Iowa state commerce commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the commerce commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication.

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

Section 1. Section 476.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The commission shall ~~annually, within ninety days after the close of each fiscal year,~~ ascertain the total of its expenditures during each year which are reasonably attributable to the performance of its duties under this

*422.12(1)"e" probably intended

chapter and shall deduct therefrom all amounts chargeable directly to any specific utility under any law. The remainder shall be assessed by the commission to the several public utilities in proportion to their respective gross operating revenues during the last calendar year derived from intrastate public utility operations and shall be assessed within ninety days of the close of the calendar year based upon an estimate of the commission expenditures for the first half of the commission's fiscal year and again within ninety days of the close of the fiscal year as necessary to conform the amount of the assessment to the requirements of this section. The total amount which may be assessed to the public utilities under authority of this paragraph shall not exceed one-tenth of one percent of the total gross operating revenues of such public utilities during such calendar year derived from intrastate public utility operations. For public utilities exempted from rate regulation under this chapter, the assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other utilities.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 4, section 2, subsection 5, paragraph c, unnumbered paragraph 1, is amended to read as follows:

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~~
\$ 2,299,228

Sec. 3. This Act being deemed of immediate importance, takes effect from and after its publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved March 13, 1981

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1979, there being no newspaper by the name of the Fort Dodge Messenger, published in Fort Dodge, Iowa, I hereby designate The Messenger, published in Fort Dodge, Iowa, to publish the foregoing Act, House File 398.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 398, was published in The Messenger, Fort Dodge, Iowa on March 25, 1981, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 26, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 159

PIPELINES

S. F. 531

AN ACT relating to pipelines.

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

Section 1. Section 478.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the filing of ~~such~~ objections or when a petition involves the taking of property under the right of eminent domain the commission shall set the matter for hearing and fix a time and place ~~therefor--said~~ for the hearing. ~~The hearing shall be not less than thirty days from the date of last publication and at the offices of the commission before which said matter is pending, unless a different place is specified in the notice thereof where a~~ new proposed transmission line exceeds one mile in length, shall be held in the county seat of the county located at the midpoint of the proposed electric transmission line. Written notice of the time and place of ~~such~~ the hearing shall be served by the commission, by ordinary mail, on the applicant, and those having filed objections. If no objections are filed ~~as hereinbefore--provided~~ and the petition does not involve the taking of property under the right of eminent domain the commission may grant a franchise without a hearing thereon, however, ~~nothing--herein--shall--be construed as prohibiting the commission from conducting~~ may conduct a hearing if ~~it~~ the commission deems it necessary.

Sec. 2. Chapter 479, Code 1981, is amended by adding sections 3 through 9 of this Act.

Sec. 3. NEW SECTION. ARBITRATION AGREEMENTS. If an easement or other written agreement between a landowner and a pipeline company provides for the determination through arbitration of the amount of monetary damages sustained by a landowner and caused by the construction, maintenance, or repair of a pipeline, and if either person has not appointed its arbitrator or agreed to an arbitrator under the agreement within thirty days after the other person has invoked the arbitration provisions of the agreement by written notice to the other party by restricted certified mail, the landowner or the pipeline company may petition a judicial magistrate in the county where the real property is located for the appointment of an arbitrator to serve in the stead of the arbitrator who would have been appointed or agreed to by the other person. Before filing the petition the landowner or pipeline company shall give notice of the petitioning of the judicial magistrate by restricted certified mail to the other person and file proof of mailing with the petition. If after hearing, the magistrate finds that the landowner or pipeline company has not been diligent in appointing or reasonable in agreeing to an arbitrator, the magistrate shall appoint an impartial

arbitrator who shall have all of the powers and duties of an arbitrator appointed or agreed to by the other person under the agreement.

For purposes of this section only, "landowner" means the persons who signed the easement or other written agreement, their heirs, successors, and assigns.

Sec. 4. NEW SECTION. SUBSEQUENT PIPELINES. A pipeline company shall not install a subsequent pipeline upon its existing easement when a damage claim from the installation of its previous pipeline has not been determined by negotiation, arbitration or action of the courts. This section does not apply if the damage claim is under litigation or arbitration.

With the exception of claims for damage to drain tile and future crop deficiency, landowners and tenants must submit in writing their claims for damages caused by installation of the pipeline within one year of final cleanup on the real property.

Sec. 5. NEW SECTION. DAMAGE AGREEMENT. A pipeline company shall not install a pipeline until there is a written statement on file with the Iowa state commerce commission as to how damages resulting from the construction of the pipeline shall be determined and paid, except in cases of eminent domain. The company shall provide a copy of the statement to the landowner.

Sec. 6. NEW SECTION. NEGOTIATED FEE. In lieu of a one-time lump sum payment for an easement or other property interest allowing a pipeline to cross the property, a landowner and the pipeline company may negotiate an annual fee, to be paid over a fixed number of years. Unless the easement provides otherwise, the annual fee shall run with the land and shall be payable to the owner of record.

Sec. 7. NEW SECTION. PARTICULAR DAMAGE CLAIMS.

1. The loss of gain by or the death or injury of livestock caused by the interruption or relocation of normal feeding of the livestock caused by the construction or repair of a pipeline is a compensable loss and shall be recognized as such by a pipeline company.

2. A claim for damage for future crop deficiency within the easement strip shall not be precluded from renegotiation under section 472.52 on the grounds that it was apparent at the time of settlement unless the settlement expressly releases the pipeline company from claims for damage to the productivity of the soil. The landowner shall notify the company thirty days prior to harvest in each year to assess crop deficiency.

Sec. 8. NEW SECTION. DETERMINATION OF INSTALLATION DAMAGES.

1. The county board of supervisors shall determine when installation of a pipeline has been completed in that county for the purposes of this section. Between seventy-five and one hundred days after the completion of installation, a landowner whose land was affected by the installation of the pipeline may file with the board of supervisors a petition asking that a compensation commission determine the damages arising from the installation of the pipeline.

2. If the board of supervisors by resolution approves the petition, the landowner shall commence the proceeding by filing an application with the chief judge of the judicial district of the county for the appointment of a compensation commission as provided in section 472.4.

The application shall contain the following:

a. The name and address of the petitioning landowner and a description of the land on which the damage is claimed to have occurred.

b. A description of the nature of the damage claimed to have occurred and the amount of the damage claimed.

c. The name and address of the pipeline company claimed to have caused the damage.

3. After the commissioners have been appointed, the landowner shall serve notice on the pipeline company stating the following:

a. That a compensation commission has been appointed to determine the damages caused by the installation of the pipeline.

b. The name and address of the landowner and a description of the land on which the damage is claimed to have occurred.

c. The date, time, and place when the commissioners will view the premises and proceed to appraise the damages and that the pipeline company may appear before the commissioners.

Sections 472.10 through 472.13 apply to this notice. If more than one landowner petitions the county board of supervisors, the application to the chief judge, notice to the pipeline company, and appraisal of damages shall be consolidated into one application, notice, and appraisal. The county attorney may assist in coordinating the consolidated application and notice, but does not become an attorney for the landowners by doing so.

4. The commissioners shall view the land at the time provided in the notice and assess the damages sustained by the landowner by reason of the installation of the pipeline and they shall file their report with the sheriff. The appraisal of damages returned by the commissioners is final unless appealed. After the appraisal of damages has been delivered to the sheriff by the compensation commission, the sheriff shall give written notice by ordinary mail to the pipeline company and the landowner of the date the appraisal of damages was made, the amount of the appraisal, and that any interested party may appeal to the district court within thirty days of the date of mailing. The sheriff shall endorse the date of mailing of notice on the original appraisal of damages. At the time of appeal, the appealing party shall give written notice to the adverse party or the party's attorney and the sheriff.

5. Chapter 472 applies to this section to the extent it is applicable and consistent with this section.

6. The pipeline company shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs incurred by the landowner as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the pipeline company prior to the determination of damages; if the award does not exceed one hundred ten percent, the landowners shall pay the fees and costs incurred by the pipeline company. The pipeline company shall file with the sheriff an affidavit setting forth the most recent offer made to the landowner. Commissioners shall receive a per diem of fifty dollars and actual and necessary expenses incurred in the performance of their official duties. The pipeline company shall also pay all costs occasioned by the

appeal, including reasonable attorney fees to be taxed by the court, unless on the trial of the appeal the same or a less amount of damages is awarded than was allowed by the commission from which the appeal was taken.

7. As used in this section, "damages" means compensation for damages to the land, crops, and other personal property caused by the construction activity of installing a pipeline and its attendant structures but does not include compensation for a property interest, and "landowner" includes a farm tenant.

8. The provisions of this section do not apply if the easement provides for any other means of negotiation or arbitration.

Sec. 9. NEW SECTION. SUBSEQUENT TILING. All additional costs of new tile construction caused by an existing pipeline shall be paid by the pipeline company. The additional costs shall be paid by the pipeline company upon presentation of an invoice, verified by the county engineer or soil conservation district conservationist and specifically showing the added costs caused by the presence of the pipeline. A copy of the county engineer's or district conservationist's verification of additional costs shall accompany the invoice to the pipeline company.

A landowner or tiling contractor shall not install tile across or adjacent to the pipeline until the landowner or tiling contractor has given the pipeline company forty-eight hours oral notice by telephoning the telephone number of the pipeline company shown on pipeline marking signs placed along the pipeline right of way for the pipeline company to locate and stake its pipeline. The pipeline company shall not charge the landowner or tile contractor for locating and staking the pipeline. A pipeline company representative shall be notified and may be present at the time of installation of the new tile.

Sec. 10. Section 479.8, Code 1981, is amended to read as follows:

479.8 TIME AND PLACE. Said The hearing shall not be less than ten days nor more than thirty days from the date of the last publication and where the proposed new pipeline would operate under pressure exceeding one hundred fifty pounds per square inch and exceed five miles in length, shall be held in the ~~office of said state commerce commission, or such place as the commission shall designate~~ county seat of the county located at the midpoint of the proposed line or lines or the county in which the proposed gas storage facility would be located.

Sec. 11. Section 479.26, Code 1981, is amended to read as follows:

479.26 FINANCIAL CONDITION OF PERMITTEE--BOND. Before any permit is granted under ~~the provisions of~~ this chapter the applicant must satisfy the state commerce commission that the applicant has property within this state other than pipelines, subject to execution of a value in excess of two hundred fifty thousand dollars, or ~~said the~~ applicant must file and maintain with ~~said the~~ commission a surety bond in the penal sum of two hundred fifty thousand dollars with surety approved by the commission, conditioned that ~~said the~~ applicant will pay any and all damages legally recovered against it growing out of the construction or operation of its ~~said~~ pipeline and gas storage facilities in the state of Iowa. When ~~such the~~ pipeline company deposits with ~~said the~~ state commerce commission security satisfactory to

~~said the~~ commission as a guaranty for the payment of ~~said the~~ damages, or furnishes to ~~said the~~ commission satisfactory proofs of its solvency and financial ability to pay ~~said the~~ damages, the ~~said~~ pipeline company shall ~~be~~ is relieved of the ~~said~~ provisions requiring bond.

Sec. 12. Section 479.29, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. The pipeline company shall allow landowners and inspectors to view the proposed center line of the pipeline prior to commencing trenching operations to insure that construction takes place in its proper location.

NEW SUBSECTION. An inspector may temporarily halt the construction if the construction is not in compliance with the law or the terms of the agreement with the pipeline company regarding top soil removal and replacement, drainage structures, soil moisture conditions or the location of construction until the inspector consults with the supervisory personnel of the pipeline company. If the construction is then continued over the inspector's objection and is found to not be in compliance with the law or agreement and is found to cause damage, any civil penalty recovered under section 479.31 as a result of that violation shall be paid to the landowner.

NEW SUBSECTION. The commerce commission shall instruct inspectors appointed by the board of supervisors regarding the content of the statutes and rules and the inspector's responsibility to require construction conforming with the standards provided by this chapter.

NEW SUBSECTION. Any underground drain tile damaged, cut or removed shall be temporarily repaired and maintained as necessary to allow for its proper function during construction of the pipeline. If temporary repair is not determined to be necessary, the exposed line will nonetheless be screened or otherwise protected to prevent the entry of any foreign material, small animals, etc. into the tile line system.

Sec. 13. Section 479.29, subsections 4 and 5, Code 1981, are amended to read as follows:

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 of the easement area. An existing topsoil layer extending at least one foot in width on either side of the pipeline excavation at a maximum depth of twelve inches shall be removed separately and shall be stockpiled and preserved separately during subsequent construction operations, unless other means for separating the topsoil are provided in the easement. The topsoil shall be replaced so the upper portion of the pipeline excavation and the crowned surface shall contain only the topsoil originally removed.

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. An inspector shall be present on the site at all times at each phase and separate activity of the opening of the trench, the restoration of underground improvements, and backfilling. The pipeline company and its contractor shall keep all county inspectors continually informed of the work schedule and any schedule changes.

Sec. 14. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lake Mills Graphic, a newspaper published in Lake Mills, Iowa, and in The Sheffield Press, a newspaper published in Sheffield, Iowa.

Approved June 15, 1981

I hereby certify that the foregoing Act, Senate File 531, was published in the Lake Mills Graphic, Lake Mills, Iowa on June 24, 1981 and in The Sheffield Press, Sheffield, Iowa on June 25, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 160
APPLIANCE IGNITION SYSTEMS

S. F. 152

AN ACT providing that manufacturers and nonresident vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance.

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

Section 1. Section 478A.2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of unnumbered paragraph 1 of this section, a person who is engaged in the business of manufacturing, wholesaling or retailing gas appliances equipped with pilot lights may sell or install gas appliances not meeting the requirements of unnumbered paragraph 1 of this section after the effective date of this Act subject to the following limitations:

1. These gas appliances must be in the possession of the person or stored at a location within this state as of the effective date of this Act.
2. The person shall not acquire or manufacture for sale or installation in this state after the effective date of this Act any gas appliances not meeting the requirements of unnumbered paragraph 1 of this section.

Approved April 3, 1981

CHAPTER 161

DOMESTIC BUSINESS BY FOREIGN INSURANCE CORPORATIONS

H. F. 565

AN ACT authorizing foreign insurance corporations doing business under chapter 515 of the Code to reincorporate as Iowa corporations.

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

Section 1. Section 491.33, Code 1981, is amended to read as follows:

491.33 FOREIGN LIFE INSURANCE COMPANIES BECOMING DOMESTIC. The secretary of state upon a corporation complying with the provisions of this section and upon the filing of articles of incorporation and upon receipt of the fees as provided in this chapter shall issue a certificate of incorporation as of the date of the corporation's original incorporation in its state of original incorporation. The certificate of incorporation shall state on its face that it is issued in accordance with the provisions of this section. The secretary of state shall forward said articles as provided in this chapter to the county recorder where the principal place of business of the corporation is to be located. The secretary of state shall then notify the appropriate officer of the state or country of the corporation's last domicile that the corporation is now a domestic corporation domiciled in this state. This section applies to life insurance companies, and to insurance companies doing business under chapter 515.

Sec. 2. Chapter 515, Code 1981, is amended by adding the following new section:

NEW SECTION. FOREIGN COMPANIES MAY BECOME DOMESTIC. Any company organized under the laws of another state or country and admitted to do business in this state for the purpose of writing insurance authorized by this chapter, upon complying with all of the requirements of law relating to the organization of domestic insurance companies and to the execution, filing, recording and publishing of notice of incorporation and payment of corporation fees by like domestic corporations, and designating its principal place of business at a place in this state, and upon payment to the commissioner of insurance of a transfer tax in a sum equal to twenty-five percent of the premium tax paid pursuant to the provisions of chapter 432 for the last calendar year immediately preceding its becoming a domestic corporation or the sum of ten thousand dollars, whichever is the lesser but not less than one thousand dollars, may become a domestic corporation and be entitled to like certificates of its corporate existence and license to transact business in this state, and be subject in all respects to the authority and jurisdiction of this state.

Approved May 1, 1981

CHAPTER 162
NONPROFIT ASSOCIATIONS
H. F. 795

AN ACT relating to nonprofit marketing associations regulated under chapter 500.

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

Section 1. Section 500.3, subsection 2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this subsection, "not for pecuniary profit" includes but is not necessarily limited to an incorporated association organized to assist its members to make profits for themselves as producers by the means authorized in section 500.1, but not to make income or profit for distribution to its members, directors, or officers, except as provided in chapter 504A.

Approved May 5, 1981

CHAPTER 163
UNIFORM SECURITIES ACT EXEMPTIONS
S. F. 358

AN ACT relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

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

Section 1. Section 502.102, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. Effecting transactions in a security exempted by section 502.202, ~~subsections~~ subsection 1, 2, 3, 4, 6, 10, 11 or 12, or a security issued by an industrial loan company licensed under chapter 536A, Code 1977;

Sec. 2. Section 499.59, Code 1981, is repealed.

Approved May 4, 1981

CHAPTER 164
INSURANCE RETALIATORY TAX
H. F. 509

AN ACT limiting refunds of the state insurance retaliatory tax.

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

Section 1. Section 505.14, Code 1981, is amended to read as follows:

505.14 FOREIGN INSURERS--RECIPROCAL PROVISIONS. When by the laws of any other state ~~any~~ a premium or income or other taxes, or ~~any~~ fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions are imposed upon Iowa insurance companies actually doing business in ~~such~~ the other state, or upon the agents of ~~said~~ the Iowa companies, which in the aggregate are in excess of the aggregate of ~~such~~ the taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon insurance companies of ~~such~~ the other state under the statutes of this state, ~~so--long as--such--laws--continue--in--force~~ the same obligations, prohibitions or restrictions of whatever kind ~~shall~~ are in the same manner and for the same purpose ~~be~~ imposed upon insurance companies of ~~such~~ the other state doing business in Iowa. Insurance premium taxes paid which were not paid under protest shall not be refunded if the refund claim is based upon an alleged error or mistake of law or erroneous interpretation of statute regarding the validity or legality of this section under the laws or constitutions of the United States or this state. For the purpose of this section, an alien insurer ~~shall--be~~ is deemed ~~to--be~~ domiciled in a state designated by it wherein it has (1) established its principal office or agency in the United States, or (2) maintains the largest amount of its assets held in trust or on deposit for the security of its policyholders or policyholders and creditors in the United States, or (3) in which it was admitted to do business in the United States. ~~The provisions of this~~ This section ~~shall~~ does not apply to ad valorem taxes on real or personal property or to personal income taxes.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa, and in The Sioux County Index-Reporter, a newspaper published in Hull, Iowa.

Approved May 18, 1981

I hereby certify that the foregoing Act, House File 509, was published in The Sioux County Index-Reporter, Hull, Iowa on June 10, 1981, and The Marion Sentinel, Marion, Iowa on June 11, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 165

INSURANCE OFFENSES AND PENALTIES

H. F. 559

AN ACT relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

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

Section 1. Section 507A.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Unless otherwise indicated, ~~the term~~ "insurer" as used in this section includes all corporations, associations, partnerships and individuals engaged in the business of insurance. Any of the following acts in this state, effected by mail or otherwise, by an unauthorized ~~foreign-ex-alien~~ insurer is defined to be doing an insurance business in this state:

Sec. 2. Section 507A.10, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

507A.10 The commissioner may assess a civil penalty of not more than fifty thousand dollars against a person or insurer who has violated a provision of this chapter.

Sec. 3. Section 507B.7, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. Payment of a ~~monetary~~ civil penalty of not more than one thousand dollars for each ~~and-every~~ act or violation, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known he or she was in violation of section 507B.4 or 507B.5, in which case the penalty shall be not more than five thousand dollars for each ~~and-every~~ act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. The commissioner shall, if ~~he~~ the commissioner finds the violations of sections 507B.4 or 507B.5 were directed, encouraged, condoned, ignored, or ratified by the employer of ~~such the~~ such the person, or by an insurer, also assess ~~such a~~ such a fine to the employer ~~and--not such-person or insurer.~~

Approved May 5, 1981

CHAPTER 166
LIFE INSURANCE LOANS AND PROPERTY PURCHASES

H. F. 547

AN ACT relating to permissible loans and real property purchases by a life insurance company.

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

Section 1. Section 508.7, Code 1981, is amended to read as follows:

508.7 LOANS TO OFFICERS. ~~Ne--part--of~~ Except as permitted in section 508.8, the capital or other funds shall not be loaned directly or indirectly to any an officer, director, stockholder, or employee of the company or directly or indirectly to any a relative of any an officer or director of such the company.

Sec. 2. Section 508.8, Code 1981, is amended to read as follows:

508.8 INSURANCE COMPANY OFFICERS--CONFLICTS OF INTEREST PROHIBITED. ~~Ne A~~ director or officer of any a life insurance company shall not receive, in addition to ~~his~~ fixed salary or compensation, any money or other valuable thing, either directly or indirectly, or through any a substantial interest in ~~any--ether~~ another corporation or business unit, for negotiating, procuring, recommending or aiding in any the purchase or sale of property, or loan, made by such the insurer or any an affiliate or subsidiary ~~thereof of the insurer;~~ nor shall ~~he~~ a director or officer be pecuniarily interested, either as principal, coprincipal, agent or beneficiary, either directly or indirectly, or through any a substantial interest in ~~any--such the~~ another corporation or business unit, in ~~any--such the~~ purchase, sale or loan. However, a life insurance company, in connection with the relocation of the place of employment of an employee including relocation upon the initial employment of the employee, may do either of the following:

1. Make a mortgage loan on real property owned by the employee which is to serve as the employee's dwelling.

2. Acquire at not more than fair market value the dwelling which the employee vacates upon relocation.

As used in this section, "employee" includes but is not limited to the officers of a life insurance company.

Approved May 1, 1981

CHAPTER 167
GROUP INSURANCE CONTRACTS
H. F. 768

AN ACT requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

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

Section 1. Chapter 509, Code 1981, is amended by adding the following new section:

NEW SECTION. RULES. The commissioner of insurance shall issue rules establishing minimum standards for group medicare supplement policies and minimum standards for benefits under coverages contained in group medicare supplement policies. These rules shall be consistent with those rules established for individual medicare supplement policies pursuant to chapter 514D. The commissioner also shall establish by rule reasonable and credible* anticipated minimum loss ratios for group medicare supplement policies. Rules issued by the commissioner shall give issuers of group medicare supplement policies a reasonable time to achieve compliance.

Sec. 2. Section 514D.4, subsection 5, Code 1981, is amended to read as follows:

5. The commissioner may upon notice and hearing at any time after the initial filing or approval of any individual accident and sickness policy or subscriber contract form, withdraw approval or suspend further sale of the form if the benefits provided are unreasonable in relation to the premium charge. The commissioner shall establish reasonable and creditable* anticipated minimum loss ratios for medicare supplement and other accident and sickness insurance policies. For purposes of establishing loss ratios, policies issued as a result of solicitations of individuals through the mails or by mass media advertising, including both print and broadcast advertising, shall be deemed to be individual policies, including any certificates issued under these policies.

Approved May 4, 1981

*According to enrolled Act

CHAPTER 168
LIFE INSURANCE INVESTMENTS
S. F. 201

AN ACT relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

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

Section 1. Section 511.8, subsection 9, paragraph a, Code 1981, is amended to read as follows:

9. REAL ESTATE BONDS AND MORTGAGES.

a. Bonds, notes, obligations, or other evidences of indebtedness secured by mortgages or deeds of trust which are a first or second lien upon otherwise unencumbered real property and appurtenances thereto within the United States of America, or any insular or territorial possession of the United States, or the Dominion of Canada, and upon leasehold estates in real property where fifty years or more of the term including renewals is unexpired, provided that at the date of acquisition the total indebtedness secured by such the first or second lien shall not exceed seventy-five ninety percent of the value of the property upon which it is a lien. However, a company or organization shall not acquire an indebtedness secured by a first or second lien upon a single parcel of real property, or upon a leasehold interest in a single parcel of real property, in excess of two percent of its legal reserve. These limitations ~~shall do~~ not apply to obligations described in paragraphs "b", "c", "d", "e" and "f" of this subsection.

Improvements and appurtenances to real property shall not be considered in estimating the value of the property unless the owner ~~shall contract~~ contracts to keep the same property adequately insured during the life of the loan in some reliable fire insurance ~~company--or~~ companies, ~~association~~ or associations, the insurance to be made payable in case of loss to the mortgagee, trustee, or ~~assigns~~ assignee as its interest ~~may appear~~ appears at the time of the loss.

~~Provided-further-that-for~~ For the purpose of this subsection a mortgage or deed of trust ~~shall is not be deemed to be~~ other than a first or second lien upon property ~~within--the--meaning--of--this--subsection~~ by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights of way, joint driveways, sewer rights, rights in walls or by reason of building restrictions or other like restrictive covenants, or when ~~such the~~ real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

Approved March 13, 1981

CHAPTER 169
FIRE AND CASUALTY INSURERS OPTIONS
H. F. 292

AN ACT providing that domestic fire and casualty insurers may engage in certain options transactions.

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

Section 1. Section 515.35, Code 1981, is amended to read as follows:

515.35 INVESTMENTS.

1. Any company organized under ~~the--provisions-of~~ this chapter shall invest its capital and funds in the following described securities and no other:

1- a. FEDERAL AND TERRITORIAL OBLIGATIONS. Bonds or other evidences of indebtedness issued or guaranteed by the United States, 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.

2- b. STATE AND MUNICIPAL OBLIGATIONS. Bonds or other evidences of indebtedness issued or guaranteed by the state of Iowa or any other state, or any county, city, school, road, drainage, or other district, or any civil subdivision or governmental authority of ~~such the~~ state or states, or any instrumentality of any such authorized by statute to borrow money and issue securities, provided that the obligations are:

a- (1) General or full faith and credit obligations of the issuing or guaranteeing unit, or

b- (2) Payable from assessments levied for improvement purposes and secured by a lien upon real estate, or

e- (3) Payable from especially designated revenues which are specifically pledged to the payment of principal and interest on such obligations.

3- c. CANADIAN GOVERNMENT AND MUNICIPAL OBLIGATIONS. Bonds or other evidences of indebtedness issued or guaranteed by the Dominion of Canada, or any province thereof, or any municipality or district therein with a population in excess of ten thousand according to the last dominion or provincial census taken prior to the date of ~~such the~~ investment, which are general or full faith and credit obligations of the issuing or guaranteeing unit.

4- d. REAL ESTATE MORTGAGES. Mortgages and other interest-bearing securities being first liens upon real estate within this or any other state

of the United States, provided that at the date of acquisition the total indebtedness secured by such lien shall not exceed seventy-five percent of the value of the property upon which it is a lien. Improvements shall not be considered in estimating value unless the owner shall contract to keep the same insured in a reliable fire insurance company or companies, association or associations authorized to transact business in this state, during the life of the loan in a sum at least equal to the excess of the loan above seventy-five percent of the value of the ground, exclusive of improvements, the insurance to be made payable in case of loss to the company or association investing its funds as its interests may appear at the time of loss. Any mortgage lien upon real estate shall not for the purpose of this section be held or construed to be other than a first lien, by reason of the fact that drainage or other improvement assessments may have been levied against the real estate covered by ~~said~~ the mortgage whether the installment of ~~said~~ the assessments be matured or not, provided that in determining the value of ~~such~~ the real estate for loan purposes the amount of drainage or other assessment tax unpaid shall be first deducted.

5+ e. REAL ESTATE BONDS. Real estate bonds which are first lien upon real estate within this or any other state of the United States, provided the outstanding indebtedness against the property does not exceed sixty percent of ~~the its~~ reasonable value ~~thereof~~ and provided further that the average earnings of the property are at least two and one-half times the interest requirements of all outstanding bonds and indebtedness.

6+ f. CORPORATE BONDS AND STOCKS. Bonds or other evidences of indebtedness of any solvent corporation organized under the laws of any of the states of the United States or of any of the provinces of Canada; and, not to exceed thirty percent of its capital and funds, in stock of any solvent dividend-paying corporation, organized under the laws of the United States, or any state ~~thereof~~, other than the company's own stock, provided that no company may invest an amount in excess of ten percent of its capital and surplus in the stock and bonds of any one corporation, and provided further that any ~~such~~ company may purchase or acquire its own stock in furtherance of a general savings and investment plan for employees of such company with the approval of the Iowa state insurance commissioner.

7+ g. LOANS. Any loans secured by collateral security consisting of any securities enumerated in this section, provided there is a margin of ten percent between the amount of the loan and the value of the securities.

2. OPTIONS TRANSACTIONS. A domestic fire and casualty company may only engage in the following transactions in options on an exchange and only when in accordance with the rules of the exchange on which the transactions take place:

a. The sale of exchange-traded covered options.

b. The purchase of exchange-traded covered options solely in closing purchase transactions.

3. RULES AND DEFINITION. The commissioner of insurance pursuant to chapter 17A shall adopt rules regulating option sales under subsection 2. In adopting the rules, the commissioner shall be bound by the following definitions which shall have the meanings given unless the context clearly requires otherwise:

a. "Covered options" means the sale of a call option where the seller owns and has in possession the underlying stock.

b. "Call option" means an option contract or contracts, under which the holder of the option has the right, under the terms of the option, to purchase a specified number of shares or other units of the underlying security covered by the option at a specified price per share or unit prior to the fixed expiration time of the option.

c. "Exchange" means a national securities exchange registered under the Securities Exchange Act of 1934, as amended, whose rules respecting transactions in options have been approved pursuant to section 19(b) of that Act.

d. "Exchange-traded" means traded on the floor of an exchange.

e. "Security or securities" means a security or securities authorized to be acquired and owned by a domestic insurance company under section 515.35.

f. "Exercise price" means the price per share or unit for which the holder of a call option may purchase the underlying security upon exercise of the option.

g. "Escrow receipt" means a receipt issued to the options clearing corporation with respect to the escrowed security held on deposit by a bank, trust company, or other custodian approved by the options clearing corporation for that purpose.

h. "Escrowed security" means a security with respect to which an escrow receipt has been issued.

i. "Closing purchase transaction" means the purchase on an exchange, but not otherwise, of an option of the same series as the option previously written, for the purpose of reducing or liquidating an obligation under an exchange-traded option previously written.

j. "Class of options" means options covering the same underlying security.

k. "Series of options" means options of the same class having the same exercise price and expiration time.

Approved May 1, 1981

CHAPTER 170

SYNOPSIS OF INSURANCE BUSINESS ABOLISHED

S. F. 147

AN ACT to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

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

Section 1. Section 515.90, Code 1981, is repealed.

Approved March 13, 1981

CHAPTER 171
BUSINESS OPPORTUNITY SALES

H. F. 816

AN ACT regulating the offer and sale of business opportunities and providing penalties for violations.

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. a. "Business opportunity" means the sale or lease, offer for sale or lease, or advertisement for sale or lease of merchandise or services at an initial investment exceeding five hundred dollars and when the purchase or lease is for the purpose of enabling the purchaser to begin a business to be operated by the purchaser. In addition, to constitute a "business opportunity" under this Act, the seller must make one or more of the following claims, statements, or representations, either orally or in writing, either prior to or at the time of sale:

(1) That the seller will provide locations, assist in finding locations, or offer the assistance of a third party to the purchaser in finding locations for the use or operation of vending machines, racks, display cases, or other similar devices for the promotion and sale of merchandise or services located on premises that are not owned or leased by either the purchaser or the seller.

(2) That the seller offers or will offer a buy-back or secured investment for any or all goods produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part, the merchandise or services sold or leased or offered for sale or lease to the purchaser by the seller.

(3) That the seller guarantees that the purchaser will, within one year from the date of purchase, derive income from the business opportunity which exceeds the price paid for the business opportunity.

(4) That the seller promises, guarantees, or represents, either orally or in writing, that the seller will refund all or part of the price paid by the purchaser for the business opportunity, or repurchase any of the products, equipment, supplies, or personal property supplied by the seller, if the purchaser is dissatisfied with the business opportunity.

(5) That upon payment by the purchaser to the seller, or a third party designated by the seller, of a fee or sum of money which equals or exceeds five hundred dollars, the purchaser will receive a predesigned sales or marketing program that will enable the purchaser to derive income from the business opportunity. This paragraph does not apply to sale of marketing services by a marketing services provider or consultant where the underlying business is not being directly or indirectly purchased from the marketing services provider.

b. "Business opportunity" does not include any of the following:

(1) A newspaper or magazine distribution system.

(2) The sale of an ongoing business. An ongoing business is a business that for at least six months prior to the sale meets all of the following qualifications:

(a) Has been operated from a specific location.

(b) Has been open for business to the general public.

(c) Has substantially all the equipment and supplies necessary for operating the business at a specific location.

The complete and total liquidation of business interests is also the sale of an ongoing business.

(3) The sale or lease of a marketing program made in conjunction with the licensing of a federally registered trademark or servicemark.

(4) A contract or agreement that grants a retailer of merchandise or services the right to sell the merchandise or services being purchased or leased within, or appurtenant to, an existing retail business establishment operated by the purchaser.

(5) A transaction in which the seller or a person representing the seller is licensed under, and the transaction is subject to, chapter 117. This Act does not apply to a sales or lease transaction when all or part of the business being sold or leased is the seller's own real property located within Iowa.

(6) A sales or lease to an existing or beginning business which also sells or leases equipment, products, or supplies or performs services which are not supplied by the seller and which the purchaser does not use with the equipment, products, supplies, or services of the seller.

(7) The renewal or extension of a business opportunity contract or agreement made under this Act or prior to the effective date of this Act.

(8) The sale of a contract in the negotiation and ratification of which all purchasers are represented by attorneys or certified public accountants licensed to practice in this state, or by other business consultants the administrator by rule finds qualified to provide independent and professional advice to unsophisticated persons considering entering into business opportunity contracts.

(9) Other transactions that the administrator may exempt by rule.

2. "Purchaser" means a person who has purchased or leased or is solicited to purchase or lease a business opportunity.

3. "Seller" means a person who advertises, sells, leases, or offers for sale or lease a business opportunity, or an affiliate, agent, or representative of such person or an independent contractor selling or leasing under contract with such person except that "seller" does not include a person who offers or sells a package franchise or a product franchise as defined in and in compliance with the federal trade commission rule on "franchising and business opportunity ventures", 16 C.F.R. 436 if such person does not make any representations described in subsection 1, paragraph a, subparagraphs 2, 3 and 4.

4. "Services" means assistance, guidance, direction, work, labor, or services provided by the seller or by a third party arranged by the seller to

initiate or maintain the business opportunity. "Service" includes sales and marketing programs, instructions, directions, or other information that assists the purchaser in operating the business opportunity.

5. "Secured investment" means a representation, either oral or written, that implies that the purchaser's initial investment is protected from loss.

6. "Buy-back" means a written or oral representation that implies that the seller or a third party designated by the seller will purchase all or part of the merchandise or services provided to the purchaser under the business opportunity contract.

7. "Initial investment" means the total amount a purchaser is obligated to pay under the terms of the business opportunity contract either prior to or at the time of delivery of the merchandise or services or within six months of the purchaser commencing operation of the business opportunity. However, if payment is over a period of time, "initial investment" means the sum of the downpayment and the total monthly payments specified in the contract.

8. "Administrator" means the commissioner of insurance or the deputy appointed under section 502.601.

9. "Person" does not include government or governmental subdivisions or agencies.

Sec. 2. NEW SECTION. REGISTRATION REQUIRED.

1. Before placing an advertisement or making any other oral or written representation to offer, sell or solicit the sale of a business opportunity in this state, the seller shall file a copy of a disclosure statement required by section 4 of this Act with the administrator. The seller shall refile the statement at least annually and whenever a material change in the required information occurs. The list of officers and principals shall be current within six months. If the seller is required by section 3 of this Act to provide a bond or establish a trust account or guaranteed letter of credit, the seller shall file with the administrator the original bond, the original formal notification by the depository that the trust account is established or the original guaranteed letter of credit.

2. The administrator shall issue an advertisement identification number to the seller after reviewing the disclosure statement required by section 4 of this Act, and after determining that the seller has complied with any requirements imposed under this Act. A seller is not registered under this Act and shall not advertise, offer for sale or lease, or sell or lease until the advertisement identification number is issued. If the administrator's review is not completed within thirty days of filing of the disclosure statement, a temporary identification number shall be issued and the applicant is considered registered until the review is completed.

3. The seller shall disclose the advertising identification number to each person with whom the seller places advertising and the number shall be included in all advertisements.

4. The seller shall pay a two hundred dollar filing fee with the initial disclosure statement filed under subsection 1. A twenty-five dollar fee shall be charged for each amendment. The administrator shall by rule periodically revise these fees to insure that they defray the costs of administration of this Act.

Sec. 3. NEW SECTION. BOND, TRUST ACCOUNT OR GUARANTEED LETTER OF CREDIT.

1. The administrator may adopt rules requiring sellers to either obtain a surety bond or guaranteed letter of credit or to establish a trust account before the seller may do business in this state.

2. The bond, trust account, or guaranteed letter of credit shall be by a company licensed to do business in Iowa, in favor of the state of Iowa for the benefit of any person who is damaged by a violation of this Act or by the seller's breach of a contract subject to this Act or of an obligation arising from a contract subject to this Act or by a violation of section 714.16.

3. The amount of the bond, trust account, or guaranteed letter of credit shall be determined by the administrator based upon guidelines which the administrator shall establish by rule. In determining the amount, the administrator shall consider the financial condition of the business, the period of time the business has operated in the state, and the existence of capital or real property investment in the state.

4. Any person claiming against the bond, trust account, or guaranteed letter of credit may maintain an action at law against the seller and the surety, trustee or depository institution, except that the surety, trustee or depository institution is liable only for actual damages and not for punitive damages permitted under section 7 of this Act. The aggregate liability of the surety or trustee to all persons damaged by a seller's violation of this Act shall not exceed the amount of the bond, trust account, or guaranteed letter of credit.

Sec. 4. NEW SECTION. DISCLOSURE STATEMENT.

1. The seller shall provide a prospective purchaser with a written document as required by this section either during the first personal contact between the purchaser and the seller or at least ten business days before the purchaser signs a business opportunity contract or pays any consideration to the seller, whichever occurs first. First personal contact does not include general informational activity in a public setting where a specific business relationship is not discussed.

2. The cover sheet of the disclosure document shall include the words DISCLOSURE REQUIRED BY IOWA LAW in boldface capital letters. Under the title shall appear the statement: "The state of Iowa has not reviewed and does not approve, recommend, endorse, or sponsor any business opportunity. The information contained in this disclosure has not been checked by the state. If you have any questions about this purchase, see an attorney or other financial advisor before you sign a contract or agreement." The cover sheet shall include only the title and the statement required by this section.

3. The disclosure document shall contain the following information:

a. The complete name and address of the seller, all other names under which the seller is doing or intends to do business, the names under which the seller has done business in the past, and the names and addresses of all parent or affiliated companies that will engage in business transactions with the purchaser or who take responsibility for statements made by the seller. If the seller is a corporation, the document shall include the state where the articles of incorporation are filed, the date of incorporation, and the name and address of the registered agent.

b. The names, addresses, and titles of the seller's officers, directors, and other persons charged with the responsibility for the seller's business activities relating to the sale of business opportunities.

c. Current samples of all contracts and other documents used in the sale or lease of the business opportunity.

d. A copy of the most recent financial statement of the seller, which shall not be more than one hundred twenty days old, updated to reflect material changes in the seller's financial condition.

e. Either of the following statements as applicable:

(1) "As required by Iowa law, the seller has secured a bond issued by (name and address of surety)....., a surety company authorized to do business in this state. Before signing a contract to purchase this business opportunity, you should confirm the bond's status with the surety company."

(2) "As required by Iowa law, the seller has established a trust account or guaranteed letter of credit (no. of acct.) with (name and address of bank or savings inst.) Before signing a contract to purchase this business opportunity, you should confirm with the bank or savings institution the current status of the trust account or guaranteed letter of credit."

f. If earnings claims are made, the seller must disclose all of the following:

(1) The number and percentage the number represents of the total number of purchasers who form the basis for the income or earning potential representation.

(2) The number of purchasers known to the seller to have made at least the same sales, income or profits as those represented.

(3) The total number of purchasers known to the seller to have failed in the business opportunity.

g. The business experience during the past five years, stated individually, of each person named in subsection 3, paragraph b. Each person's principal occupations and employers must be included.

h. A statement disclosing whether the seller or any person named in subsection 3, paragraph b:

(1) Has during the most recent seven-year period been held liable in a civil action by final judgment, convicted of a felony or plead nolo contendere to a felony charge if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property.

(2) Is subject to any currently effective state or federal injunctive or restrictive order, or is party to a proceeding currently pending in which such an order is sought, relating to or affecting business opportunity activities or the business opportunity seller-purchaser relationship or involving fraud.

(3) Has during the most recent seven-year period filed bankruptcy or has been associated as a director or officer of any company that has filed bankruptcy or reorganization proceedings.

(4) Has been a party to any cause of action brought by purchasers against the vendor of a business opportunity during the most recent seven-year period

which resulted in an out-of-court settlement or a judgment against the vendor, or is presently a party to any cause of action brought by a purchaser against such a vendor.

The statement shall set forth the identity and location of the court, date of conviction or judgment, and penalty imposed or damages assessed, and the date, nature, and issuer of each the order or ruling.

i. Such other information as the administrator requires.

4. In lieu of the disclosure required by subsection 3, paragraphs a, b, c, d, f, g, and h, the seller may file the disclosure documents authorized by the federal trade commission and in compliance with 16 C.F.R. 436 et seq.

Sec. 5. NEW SECTION. CONTRACTS.

1. A contract for the sale or lease by a seller of a business opportunity in this state shall be in writing and is subject to this Act and section 714.16. A copy of the contract and all other documents the seller requires the purchaser to sign shall be given to the purchaser at least ten business days prior to the time the purchaser signs the contract and signed copies shall be provided to the purchaser at the time the contract and documents are signed.

2. A contract by a seller for the sale or lease of a business opportunity shall set forth all of the following:

a. The terms and conditions of payment, including the total financial obligation of the purchaser to the seller.

b. A full and detailed listing and description of the acts and services that the seller will perform or deliver to the purchaser.

c. A detailed listing of merchandise or services the purchaser will receive.

d. The delivery date or, when the contract provides for a staggered delivery of items to the purchaser, the approximate delivery dates of merchandise or services the seller will deliver to the purchaser to enable the purchaser to begin or maintain the business and the specific location where the merchandise or services will be delivered or provided.

e. A complete description of the nature of any guarantee, buy-back, or secured investment, if the seller has represented or promised orally or in writing when advertising, selling, leasing, soliciting, or offering the business opportunity that there is a guarantee, buy-back, or secured investment.

f. A statement that accurately states the purchaser's right to void the contract under the circumstances and in the manner set forth in section 6 of this Act.

g. The cancellation statement appearing in section 82.2.

h. The seller's principal business address and the name and the address of its registered agent in the state of Iowa authorized to receive service of process.

i. The business form of the seller, whether corporate, partnership, or otherwise.

Sec. 6. NEW SECTION. CANCELLATION OF CONTRACT. The purchaser has the right to cancel a contract with a seller for a business opportunity for any reason at any time within three business days of the date the purchaser signs

the contract or the date the contract is accepted by the seller whichever is later. The notice of the right to cancel, the seller's obligation to provide the purchaser with cancellation forms, and the procedures to be followed when a contract is canceled shall be the same as the procedures in chapter 82 for door-to-door sales.

Sec. 7. NEW SECTION. REMEDIES. A person injured by a violation of this Act or by a seller's breach of contract is entitled to actual damages and reasonable attorneys' fees and may be awarded punitive damages when appropriate.

Sec. 8. NEW SECTION. POWERS OF ADMINISTRATOR.

1. If it appears to the administrator that a person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of this Act or a rule or order adopted or issued under this Act, the administrator may issue an order directed at the person requiring the person to cease and desist from engaging in the act or practice. The person named in the order may, within fourteen days after receipt of the order, file a written request for a hearing. The hearing shall be held in accordance with chapter 17A.

Any consent agreement between the administrator and the seller may be filed in the miscellaneous docket of the clerk of the district court.

2. The administrator may impose a penalty not to exceed one thousand dollars per violation against a seller or person found to have violated this Act or a rule or order adopted under this Act. If a penalty imposed under this subsection remains unpaid, the district court shall enter judgment to enforce its collection.

3. Judicial review of a decision of the administrator may be sought under chapter 17A.

4. If it appears to the administrator that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this Act or of a rule or order adopted or issued under this Act the administrator may take either or both of the following actions:

a. Notify the attorney general who shall bring an action in the district court to enjoin the acts or practices constituting the violation and to enforce compliance with this Act or any rule or order adopted or issued pursuant to this Act. Upon a proper showing a permanent or temporary injunction shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets.

b. Sue on behalf of a purchaser to enforce the purchasers' rights.

Sec. 9. NEW SECTION. WAIVER OF RIGHTS. A waiver of this Act by a purchaser prior to or at the time of sale is contrary to public policy and is void and unenforceable. An attempt by a seller to have a purchaser waive any rights given in this Act is a violation of this Act.

Sec. 10. NEW SECTION. RULES. The administrator may adopt rules according to chapter 17A as necessary or appropriate for the protection of purchasers and to implement the purposes of this Act, including but not limited to rules governing registrations, applications, disclosure statements, and reports. In adopting rules the administrator shall cooperate with agency administrators of other states and the federal trade commission

to achieve uniformity in the form and content of registrations, applications and reports as practicable.

Sec. 11. NEW SECTION. PENALTIES.

1. A seller who fails to file a disclosure statement, pay a registration fee, and obtain an advertisement identification number as required under section 2 of this Act, or who fails to properly provide a disclosure statement as required in section 4 of this Act, is, upon conviction, guilty of an aggravated misdemeanor.

2. A seller who willfully uses any device or scheme to defraud a person in connection with the advertisement, offer to sell or lease, sale, or lease of a business opportunity, or who willfully violates any other provision of this Act, except as provided in subsections 1 and 3, is, upon conviction, guilty of a fraudulent practice.

3. A seller who violates a rule or order adopted or issued under this Act is, upon conviction, guilty of an aggravated misdemeanor.

4. The administrator may refer available evidence concerning a possible violation of this Act or of a rule or order issued under this Act to the attorney general. The attorney general, with or without such a referral, may institute appropriate criminal proceedings or may direct the case to the appropriate county attorney to institute appropriate criminal proceedings.

Approved May 19, 1981

CHAPTER 172

BANKING DEPARTMENT EMPLOYEES GIFTS

H. F. 438

AN ACT relating to laws which restrict the receipt of gifts by employees of the department of banking.

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

Section 1. Section 524.211, subsection 1, Code 1981, is amended to read as follows:

1. ~~Ne-sum A loan~~ of money or property, ~~as a gift or loan, -- or -- otherwise,~~ shall not be ~~given or granted,~~ made directly or indirectly by a state bank, or by persons subject to chapters 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, or deputy superintendent, or to an assistant or examiner, ~~nor shall the.~~ The superintendent, or deputy superintendent, or an assistant or examiner receive shall not accept from a state bank or from persons subject to chapters 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~~ a loan of money or property, either directly or indirectly.

Approved May 4, 1981

CHAPTER 173

BANKS POWERS

S. F. 300

AN ACT relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

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

Section 1. Section 524.610, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~Subject--to--the--approval--of--the--superintendent,--the~~ The shareholders of a state bank shall fix the compensation of directors for their services as members of the board of directors.

Sec. 2. Section 524.805, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. A state bank may receive deposits from one or more persons with the provision that upon the death of the depositors the deposit account shall be the property of the person or persons designated by the deceased depositors as shown on the deposit account records of the state bank. The account is subject to the debts of the deceased depositors and the payment of Iowa inheritance tax provided, that upon the expiration of six months after the date of death of the deceased depositors, the receipt or acquittance of the persons designated is a valid and sufficient release and discharge of the state bank for the delivery of any part or all of the account.

Sec. 3. Section 524.806, Code 1981, is amended to read as follows:

524.806 DEPOSIT IN THE NAMES OF TWO OR MORE INDIVIDUALS. When a deposit ~~shall--be~~ is made in any state bank in the names of two or more individuals, payable to ~~either~~ any one or more of them, or payable to ~~either--or~~ the survivor or survivors, ~~sueh~~ the deposit, including interest, or any part thereof, may be paid to ~~either~~ any one or more of sueh the individuals whether the ~~ether~~ others be living or not, and the receipt or acquittance of the ~~individual~~ individuals so paid ~~shall-be~~ is a valid and sufficient release and discharge to the state bank for any payment so made.

Sec. 4. Section 524.904, subsection 4, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. Obligations of the customer equal in dollar amount to the amount of time certificates of deposit in the state bank, held in the name of that customer, which the state bank may lawfully offset against the obligations of that customer in the event of default. For the purpose of this paragraph an amount held in a time certificate of deposit in the name of more than one customer shall be counted only once with respect to all such customers, allocated as the customers may determine.

Sec. 5. Section 524.905, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. When an installment of a loan made pursuant to this section is not paid when due, a state bank may collect a single delinquency charge, in an amount not to exceed the greater of five percent of the installment or five dollars, for each installment in arrears for a period of more than fifteen days, provided that a delinquency charge shall not be made if the delinquency is caused by acceleration or by application of an otherwise timely payment to a prior delinquent installment.

Sec. 6. Section 524.1201, Code 1981, is amended to read as follows:

524.1201 GENERAL PROVISIONS. No bank shall open or maintain a branch bank. A state bank may establish and operate bank offices subject to approval and regulation of the superintendent and to the restrictions upon location and number imposed by section 524.1202. A bank office may furnish all banking services ordinarily furnished to customers and depositors at the principal place of business of the state bank which operates the office, and a bank office manager or an officer of the bank shall be physically present at each bank office during a majority of its business hours. The central executive and official business and principal record-keeping functions of a state bank shall be exercised only at its principal place of business, except that data processing services referred to in section 524.804 may be performed for the state bank at some other point. All transactions of a bank office shall be immediately transmitted to the principal place of business of the state bank which operates the office, and no current record-keeping functions shall be maintained at a bank office except to the extent the state bank which operates the office deems it desirable to keep there duplicates of the records kept at the principal place of business of the state bank.

Sec. 7. Section 524.1202, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. A state bank may establish bank offices within the municipal corporation or urban complex in which the principal place of business of the bank is located, subject to the following conditions and limitations:

(1) If the municipal corporation has a population of fifty thousand or less according to the most recent federal census, the state bank shall not establish more than three bank offices.

(2) If the municipal corporation or urban complex has a population of more than fifty thousand but not more than one hundred thousand according to the most recent federal census, the state bank shall not establish more than three bank offices.

(3) If the municipal corporation or urban complex has a population of more than one hundred thousand but not more than two hundred thousand

according to the most recent federal census, the state bank shall not establish more than four bank offices.

(4) If the municipal corporation or urban complex has a population of more than two hundred thousand according to the most recent federal census, the state bank shall not establish more than five bank offices.

b. For purposes of this subsection, "urban complex" means the geographic area bounded by the corporate limits of two or more municipal corporations, each of which being contiguous to or cornering upon at least one of the other municipal corporations within the complex. A state bank located in a municipal corporation or urban complex which is located on a boundary of this state and contiguous to a municipal corporation in another state may have one bank office in addition to the number of bank offices permitted by paragraph a; provided that nothing contained in this paragraph authorizes a state bank to establish a bank office outside of the boundaries of this state.

c. One such facility located in the proximity of a state bank's principal place of business may be found by the superintendent to be an integral part of the principal place of business, and not a bank office within the meaning of this section. This paragraph does not authorize more than one facility to be found to be an integral part of a bank's principal place of business.

d. One such facility that is located on the same property, or that is adjacent to or cornering upon the property on which an office of a bank is located, or that is separated from being adjacent to or cornering upon the property only by a street, alley, or other publicly owned right of way, may be found by the superintendent to be an integral part of that office location and not a separate bank office within the meaning of this section. This paragraph does not authorize more than one facility to be found to be an integral part of a bank office.

Sec. 8. Section 524.1212, Code 1981, is amended to read as follows:

524.1212 LOCATION OF SATELLITE TERMINALS. Any state bank may utilize a satellite terminal, as defined in section 527.2, when that satellite terminal is lawfully being operated, at any location within this state. A satellite terminal ~~authorized by which complies with the requirements of chapter 527 shall~~ is not be a branch bank or an office of a bank and is not subject to the restrictions on location or number set forth in section 524.1202. Any transaction engaged in through the use of a satellite terminal shall be deemed to take place at the principal place of business of a bank whose accounts and records are affected by the transaction.

Sec. 9. Section 524.218, subsection 2, Code 1981, is amended by striking the subsection.

Sec. 10. Section 524.901, subsection 2, paragraph e, Code 1981, is amended by striking the paragraph.

Sec. 11. Sections 524.816 and 524.817, Code 1981, are repealed.

Sec. 12. Section 7 of this Act takes effect July 1, 1983.

Approved June 15, 1981

CHAPTER 174
ESCROW ACCOUNTS AND MORTGAGE LOANS
S. F. 244

AN ACT relating to mortgage loan disclosure, reporting, and recordkeeping.

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

Section 1. Chapter 524, division VIII, Code 1981, is amended by adding the following new section:

NEW SECTION. A state bank may act as an escrow agent with respect to real property, and may receive funds and make disbursements from escrowed funds in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with respect to these funds. A bank which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year. The summary shall be delivered or mailed not later than thirty days following the year to which disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.
2. The name and address of the mortgagor.
3. A summary of escrow account activity during the year as follows:
 - a. The balance of the escrow account at the beginning of the year.
 - b. The aggregate amount of deposits to the escrow account during the year.
 - c. The aggregate amount of withdrawals from the escrow account for each of the following categories:
 - (1) Payments against loan principal.
 - (2) Payments against interest.
 - (3) Payments against real estate taxes.
 - (4) Payments for real property insurance premiums.
 - (5) All other withdrawals.
 - d. The balance of the escrow account at the end of the year.
4. A summary of loan principal for the year as follows:
 - a. The amount of principal outstanding at the beginning of the year.
 - b. The aggregate amount of payments against principal during the year.
 - c. The amount of principal outstanding at the end of the year.

Sec. 2. Chapter 533, Code 1981, is amended by adding the following new section:

NEW SECTION. A credit union may act as an escrow agent with respect to real property that is mortgaged to the credit union, and may receive funds and make disbursements from escrowed funds in that capacity. The credit

union shall be deemed to be acting in a fiduciary capacity with respect to these funds. A credit union which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year.

The summary shall be delivered or mailed not later than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.
2. The name and address of the mortgagor.
3. A summary of escrow account activity during the year as follows:
 - a. The balance of the escrow account at the beginning of the year.
 - b. The aggregate amount of deposits to the escrow account during the year.
 - c. The aggregate amount of withdrawals from the escrow account for each of the following categories:
 - (1) Payments against loan principal.
 - (2) Payments against interest.
 - (3) Payments against real estate taxes.
 - (4) Payments for real property insurance premiums.
 - (5) All other withdrawals.
 - d. The balance of the escrow account at the end of the year.
4. A summary of loan principal for the year as follows:
 - a. The amount of principal outstanding at the beginning of the year.
 - b. The aggregate amount of payments against principal during the year.
 - c. The amount of principal outstanding at the end of the year.

Sec. 3. Chapter 534, Code 1981, is amended by adding the following new section:

NEW SECTION. A savings and loan association may act as an escrow agent with respect to real property that is mortgaged to the association, and may receive funds and make disbursements from escrowed funds in that capacity. The association shall be deemed to be acting in a fiduciary capacity with respect to these funds. A savings and loan association which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year.

The summary shall be delivered or mailed not later than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.
2. The name and address of the mortgagor.
3. A summary of escrow account activity during the year as follows:
 - a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

- (1) Payments against loan principal.
- (2) Payments against interest.
- (3) Payments against real estate taxes.
- (4) Payments for real property insurance premiums.
- (5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

- a. The amount of principal outstanding at the beginning of the year.
- b. The aggregate amount of payments against principal during the year.
- c. The amount of principal outstanding at the end of the year.

Sec. 4. Section 535A.1, subsection 4, Code 1981, is amended to read as follows:

4. "Reporting financial institution" means a financial institution with ~~an excess of ten million dollars in assets which during a reporting period accepts mortgage loan applications from persons in any Iowa city with a population in excess of fifty thousand as determined in the most recent regular census or in any standard metropolitan statistical area~~ which is required to file a mortgage loan disclosure statement.

Sec. 5. Section 535A.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Mortgage loan disclosure statement" means the statement required by the federal Home Mortgage Disclosure Act, 12 U.S.C. secs. 2801 to 2809.

Sec. 6. Section 535A.4, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

535A.4 DISCLOSURE. Each reporting financial institution shall file a copy of its mortgage loan disclosure statement with the Iowa housing finance authority by March 31 following the calendar year covered by the mortgage loan disclosure statement. The filing satisfies all reporting requirements under this chapter. The maintenance of records sufficient to prepare this report satisfies the record-keeping requirements of this chapter.

Sec. 7. Sections 1 through 3 of this Act apply to mortgage loan accounts that are in existence as of the effective date of this Act and those that are established after the effective date of this Act. The disclosures required by sections 1 through 3 of this Act apply only with respect to calendar or fiscal years commencing on or after the effective date of this Act.

Approved May 14, 1981

CHAPTER 175
SAVINGS AND LOAN ASSOCIATIONS
S. F. 435

AN ACT relating to the regulation of savings and loan associations.

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

Section 1. Section 534.5, subsection 1, Code 1981, is amended to read as follows:

1. EXCLUSIVENESS OF ACCESS. Every member shall have the right to inspect such books and records of an association as pertain to ~~his~~ the member's loan or savings investment. Otherwise, the right of inspection and examination of the books and records shall be limited (a) to the supervisor or ~~his~~ a duly authorized representative as provided in this chapter (b) to persons duly authorized to act for the association, and (c) to any federal instrumentality or agency authorized to inspect or examine the books and records of an insured association or of an uninsured member by the federal home loan bank. The accounts and loans of members shall be kept confidential by the association, its directors, officers and employees, and by the supervisor, ~~his~~ and the supervisor's examiners and representatives, ~~and no~~ provided that the association may, upon receipt of the written consent of a member, furnish information concerning that member's loans and savings investments to a person who the association has reason to believe intends to use the information in connection with a credit transaction involving the member on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the member. No member or any other person shall have access to the books and records or shall possess a partial or complete list of the members except upon express action and authority of the board of directors.

Sec. 2. Section 534.11, subsection 10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Administrators, executors, custodians, guardians, trustees, and other fiduciaries of every kind and nature, insurance companies, business and manufacturing companies, banks, credit unions and all other types of financial institutions, charitable, educational, eleemosynary and public corporations and organizations, and municipalities and other public corporations and bodies, and public officials hereby are specifically authorized and empowered to invest funds held by them, without any order of any court in share account or deposit accounts or time certificates of deposit of insured savings associations which are under state supervision, ~~and-in-accounts-of~~ or federal savings and loan associations organized under the laws of the United States and under federal supervision, and such investment shall be deemed and held to be legal investments for such funds.

Sec. 3. Section 534.19, subsection 6, Code 1981, is amended to read as follows:

6. PROPERTY IMPROVEMENT LOANS. To make loans for maintenance, repair, landscaping, modernization, furniture and fixtures, improvement and equipment, with or without security provided that ~~no such loan without security shall exceed ten thousand dollars~~ the first installment shall be due not later than one hundred twenty days after the date the loan is made, and the final installment shall be due not later than twenty years and thirty-two days after the date the loan is made, and provided further that not in excess of twenty percent of the assets of the association shall be so invested, said twenty percent to be exclusive of the forty percent of assets power set out in section 534.21 hereof. ~~The provisions of the Iowa consumer credit code shall apply to consumer loans made by a savings and loan association and a provision of that code shall supersede any conflicting provision of this chapter with respect to a consumer loan. Loans made pursuant to this subsection shall be for terms not exceeding fifteen years and shall not be made at interest rates in excess of rates allowed for consumer loans.~~

Sec. 4. Section 534.19, subsection 20, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The administrator is authorized to grant by special permit to an association the right to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity. However, this authority is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations established in rules adopted by the auditor of state, which shall be consistent with the rights and limitations for federally chartered associations engaged in this type of activity.

Sec. 5. Section 534.20, Code 1981, is amended to read as follows:

534.20 EMERGENCY OPERATIONS. In the event an association's offices are destroyed by enemy attack or by natural disaster, such association may operate from such temporary headquarters as may be necessary until such time as it is again able to resume operations in its normal location.

~~Such association may, with the approval of the supervisor, make loans beyond its regular lending area within this state in the event of an emergency resulting in the destruction of home financing facilities in any community in this state.~~

Sec. 6. Section 534.21, subsection 2, Code 1981, is amended to read as follows:

2. TERMS OF LOANS. All installment loans shall be repayable within ~~thirty~~ forty years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency. Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal; provided, that except for insured or guaranteed loans, interest shall be payable at least semiannually and any such loan may be made for an amount not in excess of seventy percent of the value and for a term of not more than three years. Such loans, if made for the purpose of construction, may be made for an amount not in excess of

eighty percent of the value and for a term of not more than eighteen months. A construction loan may be combined with an installment loan in one note, provided the total term does not exceed ~~thirty-one~~ forty-one years and six months. ~~Loans,--other-than-home-loans,--may-be-made~~ of any type that such an association may make on a monthly amortized installment basis may also be made with a final principal payment due after a period shorter than the amortization period and in an amount larger than preceding principal payments. Loans with principal and interest payments less than monthly but at least annually may be made with the same terms as monthly installment loans for an amount not in excess of eighty percent of value.

Renegotiable rate mortgage loans may be made for a term of three, four or five years, secured by a mortgage of up to ~~thirty~~ forty years, and automatically renewable at a varying interest rate. However, the authority to make ~~home~~ loans secured by one-family to four-family dwellings under this paragraph is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations ~~imposed-upon-the~~ established in rules adopted by the auditor of state, which shall be consistent with the rights and limitations for federally chartered associations ~~for~~ engaged in this type of activity.

Sec. 7. Section 534.21, subsection 3, Code 1981, is amended to read as follows:

3. HOME LOANS. Every such association may originate and make first mortgage ~~amortized~~ real estate loans secured by home property situated within the regular lending area in any of the following categories:

a. Loans that fully amortize the principal through equal payments.

b. Loans that fully amortize the principal with a final payment due after a period shorter than the amortization period and in an amount larger than the preceding payments. These loans shall contain a provision equivalent to the following: "If, upon the due date of any final payment that becomes due under this loan or any extension or renewal of this loan and during the term of the mortgage that secures this loan and the extension or renewal of this loan, no part of this loan is delinquent and there exists a home mortgage market condition within this community that precludes the mortgagor from obtaining a new loan from another savings and loan association, bank, or other financial institution on similar terms and with an interest rate no greater than one percentage point above the numerical average of the monthly national average contract interest rates charged on conventional home mortgages on previously occupied homes as published by the federal home loan bank board for the calendar month second preceding the due date of the final payment, then the mortgagee shall extend the term of this loan or the extension, or renewal of this loan for one or more years, but not beyond the end of the term of the mortgage. In the event that the mortgagee extends the term of this loan or an extension or renewal of this loan as prescribed in this provision, the interest rate charged may be one percentage point above the numerical monthly average described above."

c. Renegotiable rate mortgages.

d. Alternative mortgage instruments under chapter 535B.

Sec. 8. Section 3 of this Act shall not be construed to exempt property improvement loans from the provisions of chapter 537, the Iowa consumer credit code, where applicable.

Approved May 5, 1981

CHAPTER 176

REAL PROPERTY PURCHASE-MONEY LOANS

H. F. 588

AN ACT relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certain real property purchase-money loans.

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

Section 1. Section 535.8, subsection 2, paragraphs a and d, Code 1981, are amended to read as follows:

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. In addition, a lender may collect in connection with a loan a commitment fee, closing fee, or similar charge from the person who developed or constructed the dwelling or from any other person who is neither the borrower nor the owner of the dwelling that is being purchased with part or all of the proceeds of the loan. 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 535.2 or 535.9, subsection 2. The collection in connection with a loan of a loan origination fee, closing fee, commitment fee or similar charge other than expressly authorized by this paragraph is prohibited.

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 person from whom the fee was collected 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.

Sec. 2. Section 535.8, subsection 5, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Approved April 28, 1981

CHAPTER 177
REAL PROPERTY LOANS

S. F. 423

AN ACT establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans.

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

Section 1. Section 535.10, subsection 1, Code 1981, is amended to read as follows:

1. The following persons may agree in writing to pay any rate of interest, and a person so agreeing in writing shall not plead or interpose the claim or defense of usury in any action or proceeding, and the person agreeing to receive such rate of interest shall not be subject to any penalty or forfeiture for agreeing to receive or receiving such interest:

a. A person borrowing money ~~to finance the acquisition of~~ for the purpose of acquiring real property, ~~including the~~ or refinancing of a contract for deed, ~~and including the refinancing or assumption of a prior loan by a new borrower if the lender releases the original borrower from all personal liability with respect to the loan;~~

b. A person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars, exclusive of interest, for the purpose of constructing improvements on real property, whether or not the real property is owned by that person;

c. A vendee under a contract for deed to real property; ~~or~~

d. A person described in section 535.2, subsection 2; or

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, "agricultural purpose" means as defined in section 535.13; and "business purpose" includes but is not limited to a commercial, service or industrial enterprise carried on for profit, and any investment activity.

f. In determining which loans are exempt under this subsection, the rules of construction stated in this paragraph shall apply:

(1) The purpose for which money is borrowed is the purpose to which a majority of the loan proceeds are applied or are designated in the agreement to be applied.

(2) Loan proceeds used to refinance or pay a prior loan owed by the same borrower are applied for the same purposes and in the same proportion as the original principal of the loan that is refinanced or paid.

(3) If the lender releases the original borrower from all personal liability with respect to the loan, loan proceeds used to pay a prior loan by a different borrower are applied for the new borrower's purposes in agreeing to pay the prior loan.

(4) If the lender releases the original borrower from all personal liability with respect to the loan, the assumption of a loan by a new borrower is treated as if the new borrower had obtained a new loan and had used all of the proceeds to pay the loan assumed.

(5) The provisions of this paragraph shall not be construed to modify or limit the provisions of section 535.8, subsection 2, paragraphs c or e.

Sec. 2. Section 535.10, subsection 3, Code 1981, is amended to read as follows:

3. A lender may collect, in connection with any loan made pursuant to a written agreement executed by the borrower on or after May 10, 1980, or in connection with any loan made pursuant to a written commitment by the lender mailed or delivered to the borrower on or after that date, a loan processing fee which does not exceed two percent of an amount which is equal to the loan principal; except that in-the-event to the extent of an assumption or refinancing--of by a new borrower of the obligation to make payments under a prior loan, or to the extent that the loan principal is used to refinance a prior loan between the same borrower and the same lender, the lender may collect a loan processing fee which does not exceed an amount which is a reasonable estimate of the expenses of processing the loan assumption or refinancing but which does not exceed one percent of the amount unpaid balance of the loan that is assumed or refinanced. As used in this subsection, the term "loan" means as defined in section 535.8, subsection 1. The provisions of this subsection supersede conflicting provisions of section 535.8, subsection 2, paragraph "a", but no other provision of this section is intended to affect any other subsection or paragraph of section 535.8.

Sec. 3. Section 537.1301, subsection 14, Code 1981, is amended to read as follows:

14. CONSUMER LOAN.

a. Except as provided in paragraph "b", a "consumer loan" is a loan in which all of the following are applicable:

(1) The person is regularly engaged in the business of making loans.

(2) The debtor is a person other than an organization.

(3) The debt is incurred primarily for a personal, family or household purpose.

(4) Either the debt is payable in installments or a finance charge is made.

(5) Either the amount financed does not exceed thirty-five thousand dollars, or the debt is secured by an interest in land.

b. A "consumer loan" does not include:

(1) A sale or lease in which the seller or lessor allows the buyer or lessee to purchase or lease pursuant to a seller credit card.

(2) A loan--secured--by--a--first--lien--on--land--given--to--finance--the acquisition--of--that--land debt which is incurred primarily for the purpose of acquiring real property or refinancing a contract for deed to real property and which is secured by a first lien on that real property.

c. In determining which loans are consumer loans under this subsection the rules of construction stated in this paragraph shall be applied:

(1) A debt is incurred primarily for the purpose to which a majority of the loan proceeds are applied or are designated by the debtor to be applied.

(2) Loan proceeds used to refinance or pay a prior loan owed by the same borrower are incurred for the same purposes and in the same proportion as the principal of the loan refinanced or paid.

(3) Loan proceeds used to pay a prior loan by a different borrower are incurred for the new borrower's purposes in agreeing to pay the prior loan.

(4) The assumption of a loan by a different borrower is treated as if the new borrower had obtained a new loan and had used all of the proceeds to pay the loan assumed.

(5) The provisions of this paragraph shall not be construed to modify or limit the provisions of section 535.8, subsection 2, paragraph c or e.

Sec. 4. It is the purpose of this Act to clarify and restate the existing law. In the event that a provision of this Act is construed to amend the substance of prior law, the provision shall not apply to a contract, note or agreement executed prior to the effective date of this Act.

Approved May 11, 1981

CHAPTER 178

INDUSTRIAL LOAN GUARANTEE FUND LIABILITY REPEAL

S. F. 177

AN ACT relating to the liability of the industrial loan guaranty* fund for acts and omissions of the auditor of state.

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

Section 1. Section 536B.27, Code 1981, is repealed.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

Approved February 27, 1981

I hereby certify that the foregoing Act, Senate File 177, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 6, 1981, and in the Marshalltown-Times Republican, Marshalltown, Iowa on March 16, 1981.

MARY JANE ODELL, *Secretary of State*

*According to enrolled Act

CHAPTER 179
SHORT-TERM CONSUMER CREDIT LOANS
S. F. 58

AN ACT amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term.

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

Section 1. Section 537.2308, Code 1981, is amended to read as follows:

537.2308 REGULAR SCHEDULE OF PAYMENTS--MAXIMUM LOAN TERM. Supervised loans, not made pursuant to open end credit and in which the amount financed is one thousand dollars or less, shall be scheduled to be payable in substantially equal installments at substantially equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and over a period of not more than thirty-seven months if the amount financed is more than three hundred dollars, or over a period of not more than twenty-five months if the amount financed is three hundred dollars or less. However, a lender may make a loan not pursuant to open end credit that is repayable in a single payment if the amount financed does not exceed one thousand dollars and if the finance charge does not exceed the rate permitted by section 537.2401, subsection 1, to be charged by a supervised financial organization.

Approved March 13, 1981

CHAPTER 180
GRAIN STORAGE
H. F. 841

AN ACT relating to transactions involving the storage or sale of grain, and providing penalties, and providing for certain temporary increases in fees to be effective until July 1, 1983.

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

Section 1. Section 542.1, subsection 3, Code 1981, is amended to read as follows:

3. ~~"Grain dealer" shall mean any person who is engaged in the business of buying grain for resale or any merchandiser~~ means a person who buys during any calendar month five hundred bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain

dealer" shall not be construed to mean a producer of grain buying grain for his or her own use as seed or feed; a person solely engaged in buying ~~or selling~~ grain future contracts on the board of trade, ~~grain future contracts~~; a person who purchases grain only for sale in a registered feed; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying ~~or selling~~ grain only as a farm manager; or an executor, administrator, trustee, guardian, or conservator of an estate; or a bargaining agent as defined in section 542A.1.

Sec. 2. Section 542.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Producer" means the owner, tenant, or operator of land in this state who has an interest in and receives all or a part of proceeds from the sale of grain produced on that land.

Sec. 3. Section 542.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Credit-sale contract" means a contract for the sale of grain pursuant to which the sale price is to be paid more than thirty days after the delivery of the grain to the buyer, and includes but is not limited to those contracts commonly referred to as deferred payment contracts, deferred pricing contracts, and price-later contracts.

Sec. 4. Section 542.3, Code 1981, is amended to read as follows:

542.3 LICENSE REQUIRED--FINANCIAL RESPONSIBILITY.

1. A person shall not engage in the business of a grain dealer in this state without having obtained a license issued by the commission.

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the grain dealer purchases any grain by credit-sale contract, or if the value of grain purchased by the grain dealer from producers during the grain dealer's previous fiscal year exceeds two hundred fifty thousand dollars. Any other grain dealer may elect to be licensed as a class 1 grain dealer.

b. A class 2 license is required for any grain dealer not holding a class 1 license. A class 2 licensee whose purchases from producers during a fiscal year exceed two hundred fifty thousand dollars in value shall apply immediately for a class 1 license. If a class 1 license is denied, the person immediately shall cease doing business as a grain dealer.

3. ~~Each~~ An application for a license to engage in business as a grain dealer shall be filed with the commission and shall be in a form prescribed by the commission. The application shall include the name of the applicant, its principal officers if the applicant is a corporation or the active members of a partnership if the applicant is a partnership and the location of the principal office or place of business of the applicant. A separate license shall be required for each location at which ~~the~~ records are ~~normally kept~~ maintained for transactions of the grain dealer. The application shall also list the number of trucks or tractor trailer units that will be used in the transportation of grain purchased ~~for resale~~ under this chapter. The application shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and the net worth of the applicant. The financial statement must be prepared according to generally

accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon a petition written request filed with the commission, the commission or a designated employee may allow asset valuations in accordance with a competent appraisal. Deferred-pricing Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license the applicant must have and maintain a net worth of at least twenty-five thousand dollars or provide bond in addition to that required by section 542.4 in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least fifty thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 grain dealer if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The grain dealer may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph b, in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected twice during each twelve-month period in the manner provided in section 542.9.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of current assets lacking to meet this minimum. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise permitted or required under this chapter.

5. In order to receive and retain a class 2 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net deficiency. However, a person shall not be licensed as a class 2 grain dealer if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by the report of a certified public

accountant licensed in this state that is based upon a review performed by the certified public accountant.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of current assets lacking to meet this minimum. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise permitted or required under this chapter.

6. The commission shall adopt rules relating to the form and time of filing of financial statements. The commission may require additional information or verification with respect to the financial resources of the applicant and the applicant's ability to pay producers for grain purchased from them.

Sec. 5. Section 542.4, Code 1981, is amended to read as follows:

542.4 BOND REQUIRED. ~~Any person applying~~ An applicant for a license to operate as a grain dealer ~~in accordance with this chapter~~ shall, as a condition to the granting of the license, file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission ~~in a penal sum of twenty-five thousand dollars per license~~ conditioned that the applicant will pay the purchase price of any grain to the ~~seller, and that the grain dealer owns or controls, free of liens, any grain which he or she offers for sale~~ producer; provided that the aggregate liability of the surety to such persons shall in no event exceed the sum of such bond. The bond for each class 1 license shall be in the penal sum of fifty thousand dollars. The bond for each class 2 license shall be in the penal sum of twenty-five thousand dollars. One bond, cumulative as to minimum requirements, shall be required where a person has ~~multiple licenses~~ more than one license, but in no event shall the total amount of bond required by this section exceed ~~one hundred thousand dollars~~ three hundred thousand dollars for a class 1 licensee, or one hundred fifty thousand dollars for a class 2 licensee. No bond shall be canceled by a surety before at least sixty days' notice by certified mail to the commission and the grain dealer. The liability of the surety shall cover ~~all~~ all purchases and transactions made by the grain dealer during the time the bond is in force. A grain dealer's bond filed with this commission shall be in continuous force until canceled by the surety. The liability of the surety on any bond required by the provisions of this chapter shall not accumulate for each successive license period during which the bond is in force.

Sec. 6. Section 542.5, Code 1981, is amended to read as follows:

542.5 LICENSE. Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the commission, the commission shall issue a license to the applicant. The license shall terminate on the thirtieth of June of each year. A grain dealer's license may be renewed annually by the filing of a renewal fee, ~~a current financial statement~~ and a renewal application on a form prescribed by the commission. An application for renewal shall be received by the commission before the thirtieth of June. A grain dealer license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, a

~~current--financial--statement,~~ the renewal fee, and penalty fee in the amount of ~~ten~~ fifty dollars from the grain dealer, provided that such materials are filed within thirty days from the date of termination of the grain dealer license. The commission may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

If an applicant has had a license under chapter 542, 542A, or 543 revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 542, 542A, or 543, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the commission may deny a license to the applicant.

Sec. 7. Section 542.6, Code 1981, is temporarily amended, commencing on the effective date of this Act and until July 1, 1983, to read as follows:

542.6 FEES. The commission shall collect ~~fees-as-fellows~~ the following fees, for deposit in the general fund:

1. For the issuance or renewal of a license, ~~twenty-five-dollars-per-year~~ two hundred dollars per year for a class 1 license, and eighty-five dollars per year for a class 2 license. The commission shall prorate the annual fee on a monthly basis for licenses issued for less than a full year.

2. ~~For--renewal--of--license,--twenty-five--dollars--per--year.~~ For the inspection of a class 1 grain dealer, one hundred fifty dollars, but if the class 1 grain dealer is subject to a second inspection during any twelve-month period pursuant to section 542.3, subsection 4, paragraph b, the fee for the second inspection shall be seventy-five dollars; and for the inspection of a class 2 grain dealer, sixty-five dollars.

3. An annual registration fee, ~~to-be-determined-by-the-commission,~~ of ~~net less-than-five-dollars-not-more-than-ten~~ fifteen dollars for each vehicle used by the license holder in the transporting of grain purchased under this chapter.

4. A fee of ~~one-dollar-will-be-charged~~ ten dollars for issuance of each duplicate replacement identification plate to be used on any vehicle.

~~5.---All---fees---collected---by---the---commission---under---this---chapter---shall---be deposited-in-the-general-fund-of-the-state.~~

Sec. 8. Section 542.7, Code 1981, is amended to read as follows:

542.7 POSTING OF LICENSE AND REGISTRATION. The grain dealer's license shall be posted in a conspicuous place location in the place of business. Each vehicle used by a license holder shall be registered with the commission and equipped with a special ~~deal-or-other-registration~~ identification plate as prescribed by the commission so that the deal plate will be readily visible. A grain dealer's license is not transferable. The registration identification plate shall not be transferred from one vehicle to another, except in case of destruction or other disposition of the vehicle previously bearing the identification. All transfers must first be approved by the commission. If a registration an identification plate for a vehicle becomes defaced or destroyed, a--duplicate--shall--be--obtained the licensee shall request a replacement from the commission, which shall be issued upon request and payment of the fee.

Sec. 9. Section 542.8, Code 1981, is amended to read as follows:

542.8 PAYMENT. A person licensed as a grain dealer shall pay the purchase price to the owner or his or her agent for grain upon delivery or demand of the owner or agent, but not later than thirty days after delivery by the owner or agent unless in accordance with the terms of a credit-sale contract that satisfies the requirements of this chapter. ~~The contract in addition to such other information as may be required shall contain the following:~~

1. ~~The seller's name and address.~~
2. ~~The conditions of delivery.~~
3. ~~The amount and kind of grain delivered.~~
4. ~~The price per bushel or basis of value.~~
5. ~~The date payment is to be made.~~

~~The contract must be numbered and signed by both parties and executed in duplicate. One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon revocation, termination, or cancellation of a grain dealer license, the payment date for all deferred payment or deferred pricing contracts shall be advanced to a date not later than thirty days after the effective date of such revocation, termination or cancellation and the purchase price for all unpriced grain shall be determined as of the effective dates of revocation, termination or cancellation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, deferred payment or deferred pricing contracts may be assigned to the purchaser of the business.~~ As used in this section, delivery "delivery" means the transfer of title to and possession of grain by the seller to the grain dealer or to another person in accordance with the agreement of the seller and the grain dealer. ~~As used in this section, payment;~~ and "payment" means the actual payment or tender of payment by the grain dealer to the seller of the agreed purchase price, or in the case of disputes as to sales of grain, the undisputed portion of the purchase price without reduction for any separate claim of the grain dealer against the seller.

Sec. 10. Section 542.9, Code 1981, is amended to read as follows:

542.9 INSPECTION OF PREMISES, BOOKS AND RECORDS. The commission may inspect the premises used by any grain dealer in the conduct of his or her business at any time. ~~The, and the~~ books, accounts, records and papers of every ~~such~~ grain dealer which pertain to grain purchases shall be subject to inspection by the commission during ordinary business hours. The commission shall cause the business premises and books, accounts, records and papers of every grain dealer to be inspected once during each twelve-month period, provided that if a class 1 grain dealer elects to submit the unaudited financial statement under section 542.3, subsection 4, paragraph b, the commission shall cause the grain dealer to be inspected twice during each twelve-month period. The transporter of grain in transit shall have ~~in his or her possession~~ bills of lading or other documents covering ~~such the~~ grain ~~in transit and such documents shall be available for inspection by the commission upon request~~ in his or her possession, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542.13 on demand. ~~Any grain dealer licensed in this~~

~~state who does not have a place of business within the state upon the request of the commission shall make available and furnish to the commission at any reasonable time and place the commission may set all such books, accounts, records and papers of grain transactions within this state. Where there is good cause to believe that a person is engaged without a license in the business of a grain dealer in this state, the commission may inspect the books, papers, and records of such the person which pertain to grain purchases.~~

If the grain dealer does not maintain a place of business in this state, the commission is not required to inspect the business premises of the grain dealer, and the grain dealer shall submit all books, records and papers relating to grain transactions occurring within this state to the commission for purposes of an inspection required or permitted under this section at any reasonable time and place, including the offices of the commission during regular business hours, as ordered by the commission or the director of the warehouse division.

Sec. 11. Section 542.11, Code 1981, is amended to read as follows:

~~542.11 PENALTIES--MISDEMEANOR INJUNCTIONS. Any person who engages in business as a grain dealer without obtaining a license or any person in violation of any other provision of this chapter, or any grain dealer who refuses to permit inspection of his or her premises, books, accounts or records as provided in this chapter, shall be guilty of a simple misdemeanor. Each day that any violation continues shall constitute a separate offense. Any person violating the provisions of this chapter may be restrained by an injunction.~~

1. A person who knowingly submits false information to or knowingly withholds information from the commission or any of its employees when required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. A person who engages in business as a grain dealer without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records, or other documents required by this chapter, or who uses a scale ticket, or credit-sale contract that fails to satisfy requirements established by the commission commits a serious misdemeanor, except that a person who commits any of these offenses after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A violation of this chapter, or a violation of chapter 714 or 715 involving the business of a grain dealer, may be restrained by an injunction in an action brought by the commerce commission.

Sec. 12. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. CREDIT-SALE CONTRACTS.

1. A grain dealer shall not purchase grain by a credit-sale contract except as provided in this section.

2. A grain dealer shall give written notice to the commission prior to engaging in the purchase of grain by credit-sale contracts. Notice shall be on forms provided by the commission. The notice shall contain information required by the commission.

3. All credit-sale contract forms in the possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing of the forms. A grain dealer shall maintain an accurate record of all credit-sale contract forms and numbers obtained by that dealer. The record shall include the disposition of each numbered form, whether by execution, destruction, or otherwise.

4. A grain dealer who purchases grain by credit-sale contracts shall maintain books, records and other documents as required by the commission to establish compliance with this section.

5. In addition to other information as may be required, a credit-sale contract shall contain or provide for all of the following:

- a. The seller's name and address.
- b. The conditions of delivery.
- c. The amount and kind of grain delivered.
- d. The price per bushel or basis of value.
- e. The date payment is to be made.
- f. The duration of the credit-sale contract, which shall not exceed twelve months from the date the contract is executed.

6. Title to all grain sold by a credit-sale contract is in the purchasing dealer as of the time the contract is executed, unless the contract provides otherwise. The contract must be signed by both parties and executed in duplicate. One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon revocation, termination, or cancellation of a grain dealer license, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty days after the effective date of the revocation, termination, or cancellation, and the purchase price for all unpriced grain shall be determined as of the effective date of revocation, termination, or cancellation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, credit-sale contracts may be assigned to the purchaser of the business.

Sec. 13. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. CONFIDENTIALITY OF RECORDS. Notwithstanding chapter 68A, all financial statements of grain dealers under this chapter shall be kept confidential by the commission and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.
2. In actions or administrative proceedings commenced under this chapter or chapter 543.
3. When required by subpoena or court order.
4. Disclosure to law enforcement agencies in regard to the detection and prosecution of public offenses.

5. When released to a bonding company approved by the commission, or released to the United States department of agriculture or any of its divisions.

Sec. 14. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. STANDARDIZATION OF RECORDS AND DOCUMENTS.

1. The commission may adopt rules specifying the form, content and use of scale tickets, and credit-sale contracts. All scale ticket forms in the possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing. A grain dealer shall maintain an accurate record of all scale ticket numbers. The record shall include the disposition of each numbered form, whether issued, destroyed, or otherwise disposed of.

2. A licensed grain dealer shall keep complete and accurate records of all grain transactions. Records for the previous six years shall be made available for inspection by the commission.

Sec. 15. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. BONDED GRAIN SELLERS.

1. A producer may apply to the commission for a license to operate as a bonded grain seller. The application shall be on a form prescribed by the commission.

2. As a condition of the granting of a license under this section, the applicant shall file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission in a penal sum of twenty-five thousand dollars per license, conditioned that the grain seller owns or controls, free of liens, any grain offered for sale. Cancellation of bonds by a surety under this section shall meet the requirements of section 542.4. The liability of a surety on any bond under this section shall not accumulate for each successive license period during which the bond is in force.

3. The fee for a bonded grain seller's license shall be two hundred dollars per year. All licenses shall terminate on the thirtieth of June of each year. There shall be no financial or net worth requirements for bonded grain sellers. License fees for new licenses may be prorated by the commission on a monthly basis.

4. A producer who is licensed under this section shall not sell any grain except grain that is owned by the producer and that is produced on land owned, leased or operated by the producer, including land located outside of this state. Violation of this subsection is grounds for revocation of the license, and the violator shall be disqualified from relicensure under this section for a period of one year after the date the revocation is effective.

5. This section does not require a person to be licensed to sell grain.

Sec. 16. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. COOPERATIVE AGREEMENTS.

1. Notwithstanding the other provisions of this chapter, the commission may enter into cooperative agreements with other states for the purpose of making available to those states the information acquired under the bonding, licensing, and examination procedures of this chapter.

2. If a cooperative agreement is in effect under this section, the bonding requirements of this chapter may be satisfied by:

a. Filing with the commission evidence of a bond on file with a state with which Iowa has a cooperative agreement as provided for by this section.

b. Such bond shall be copayable to the state of Iowa for the benefit of sellers of grain under chapter 542 in Iowa.

c. The bond shall be in an amount at least equal to the amounts required by this chapter; provided, however, that any bond required under this chapter for any financial deficiency shall be in addition to the bond posted in any other state.

Any bond required by this chapter may be made copayable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

Sec. 17. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. SHRINKAGE ADJUSTMENTS--DISCLOSURES--PENALTIES.

1. A person who, in connection with the receipt of corn or soybeans for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The use of any rate of weight adjustment for moisture content other than the one prescribed by this subsection is a fraudulent practice. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content that is prescribed by this subsection. Failure to make this disclosure is a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. Failure to make the required disclosure is a simple misdemeanor.

3. A person who adjusts the scale weight of corn or soybeans both for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. Failure to make the required disclosure is a simple misdemeanor.

Sec. 18. Section 543.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Credit-sale contract" means a contract for the sale of grain pursuant to which the sale price is to be paid more than thirty days after the delivery of the grain to the buyer, and includes but is not limited to those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts, and price-later contracts.

Sec. 19. Section 543.2, Code 1981, is amended to read as follows:

543.2 DUTIES AND POWERS OF THE COMMISSION. The commission ~~is--authorized~~ ~~to~~ may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The commission may inspect or cause to be inspected any warehouse ~~and. Inspections may be made at times and for purposes as the commission determines. The commission shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period, provided that if a class 1 warehouseman elects to submit the unaudited financial statement under section 543.6, subsection 4, paragraph b, the commission shall cause the warehouse to be inspected twice in every twelve-month period. The commission may require the filing of reports describing--any relating to a warehouse or the its operation thereof. If upon any--such inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouseman's books and records according to official grain standards, the commission shall--have--the authority--to,--and may require an employee of the commission to remain at the licensed warehouse and supervise all operations conducted--thereat involving agricultural products stored there under the--provisions--of this chapter until the deficiency is corrected. The commission--shall--inspect--or--cause--to--be inspected--every--licensed--warehouse--and--the--contents--thereof--not--less--than once--every--six--months--and--the commission shall--have--authority--to~~ may make available to the United States government, or any of its agencies, including the Commodity Credit Corporation, the results of inspections made and inspection reports submitted to it by employees of the commission, upon payment to it of ~~such~~ charges as ~~may--be~~ determined by the commission, but ~~in no event--shall--such~~ the charges shall not be less than the actual cost of ~~such~~ services rendered ~~in--regard--thereto~~, as determined by the commission. The commission ~~shall--have--authority--to~~ may enter into contracts and agreements for such purpose and shall keep a record of all money thus received. All such money shall be paid over to the treasurer of state as miscellaneous receipts. The commission may classify any warehouse in accordance with its suitability for the storage of agricultural products and shall specify in any license issued for the operation of any warehouse the type or types and the quantity of agricultural products which may be exclusively stored in ~~such~~ the warehouse. The commission may prescribe, within the limitations of this chapter, the duties of licensed warehousemen with respect to the care of and responsibility for the contents of licensed warehouses. Grain grades shall be determined under the official grain standards. The commission may from time to time publish ~~such~~ data in connection with the administration of this chapter as may be of public interest. The commission shall ~~have--the--duty--of--administration--of--the further--provisions--of~~ administer this chapter.

Sec. 20. Section 543.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission may adopt rules specifying the form, content and use of scale tickets, warehouse receipts, settlement sheets, daily position records, shipping ledgers, and other documents used by

licensed warehouses. All scale ticket forms and warehouse receipt forms in the possession of a warehouseman shall have been permanently and consecutively numbered at the time of printing. A warehouseman shall maintain an accurate record of the numbers of these documents. The record shall include the disposition of each form, whether issued, destroyed, or otherwise disposed of. The commission may by rule require this use of pre-numbered forms and recording for documents other than scale tickets and warehouse receipts.

Sec. 21. Section 543.6, Code 1981, is amended to read as follows:

543.6 ISSUANCE OF LICENSE AND FINANCIAL RESPONSIBILITY.

1. The commission is authorized, upon application to it, to issue to any warehouseman or to any person about to become a warehouseman a license or licenses for the operation of a warehouse or warehouses in accordance with the provisions of this chapter and such rules as may be made by the commission under the authority of section 543.5. ~~A single license may be issued for the operation of two or more warehouses located in the same city and operated by the same warehouseman.~~ A single license to operate two or more warehouses located within a twenty-five mile radius of a central office may be issued, ~~but a separate fee shall be charged for each station.~~

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the storage capacity of a warehouse is more than one hundred thousand bushels.

b. A class 2 license is required for a warehouse that is not required to have a class 1 license.

3. An application for a warehouse license shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and net worth of the applicant. The financial statement must be prepared according to normally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon ~~petition being filed with the commission~~ written request, the commission or a designated employee may allow asset valuations in accordance with a competent appraisal. ~~Deferred pricing~~ Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license, ~~the applicant must have and maintain a net worth of at least twenty-five thousand dollars or provide bond in addition to that required by section 543.12 in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency~~ following conditions must be satisfied:

a. The warehouseman shall have and maintain a net worth of at least fifty thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 warehouseman if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouseman shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon

an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The warehouseman may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph b, in lieu of the audited financial statement specified in this paragraph, and if a warehouseman makes this election the commission shall cause the warehouseman to be inspected twice during each twelve-month period in the manner provided in section 543.2.

5. In order to receive and maintain a class 2 license, the following conditions must be satisfied:

a. The warehouseman shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 2 warehouseman if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouseman shall submit, as required by the commission, a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant.

6. The commission may adopt rules governing the timing and form of financial statements to be submitted to it. The commission may require additional information or verification with respect to the financial resources of the applicant or licensee and the applicant's or licensee's ability to maintain the quantity and quality of stored grain.

7. If an applicant has had a license under chapter 542, 542A, or 543 revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 542, 542A, or 543, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the commission may deny a license to the applicant.

Sec. 22. Section 543.8, Code 1981, is amended to read as follows:

543.8 LICENSE TO SPECIFY TYPE AND QUANTITY OF PRODUCTS WHICH MAY BE STORED. The commission shall determine with respect to each application for a license whether the warehouse or warehouses described in the application is or are suitable for the proper and safe storage of the particular agricultural product or products intended to be stored therein in the quantities specified in the application, provided that no warehouse shall be found to be suitable and safe for the storage of bulk grain unless such warehouse is equipped with a fixed or portable mechanical device of a type in common use as an adjunct to the movement of bulk grain. Each license issued for the operation of a single warehouse shall specify the type or types and quantities of agricultural products which may be stored in such warehouse. Each license issued to a warehouseman for the operation of two or more warehouses ~~in-the-same-city~~ shall specify with respect to each warehouse the

type or types and quantities of agricultural product which may be stored in such warehouse. It shall be unlawful for any licensed warehouseman to accept for storage or to store in any licensed warehouse any agricultural product or products other than the type or types and quantities specified in the license for the operation of such warehouse.

Sec. 23. Section 543.11, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Whenever the commission shall determine that a bond filed under the provisions of ~~section-543-12~~ this chapter and approved by the commission, is, or has become, insufficient to secure the faithful performance of the obligations of the licensed warehouseman, or whenever the commission shall determine that insurance is not fully provided as required under section 543.15, it may require the licensed warehouseman to provide additional bond or bonds or additional evidence of insurance coverage so that the bond and insurance shall conform with the requirements of ~~sections-543-12, 543-13, and 543-15~~ this chapter. If ~~such~~ additional insurance is not provided within five days after receipt by the licensee of notice by certified mail the license of the warehouseman concerned shall be automatically suspended. If ~~such~~ additional insurance is not filed within another ~~twenty-five~~ ten days, the warehouse license shall be automatically revoked. If additional bond is not provided within ~~thirty~~ a period as set by the commission, but not to exceed twenty days after receiving notice, ~~by-certified-mail~~ the warehouse license shall be suspended. If ~~such~~ additional bond is not filed within ~~sixty~~ ten days following suspension, the warehouse license shall be automatically revoked. When a license is so revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of such revocation. The commission shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following the ~~initial~~ revocation as herein set forth. Such notice shall be by ordinary mail sent to the last known address of each person having grain in storage as provided in this section.

Sec. 24. Section 543.17, Code 1981, is amended to read as follows:

543.17 RECEIVING BULK GRAIN AT LICENSED AND UNLICENSED WAREHOUSES.

1. Any grain which has been received at any licensed warehouse for which the actual sale price is not fixed and proper documentation made or payment made shall be construed to be grain held for storage within the meaning of this chapter. Grain may be held in open storage or placed on warehouse receipt. ~~Actual-payment-shall-be-made-on-all-priced-grain-within-thirty-days unless-a-deferred-payment-or-deferred-pricing-contract-has-been-executed.~~ Warehouse receipts shall be issued for all grain held in open storage, within six months of delivery to the warehouse, unless the depositor has signed a statement that the depositor does not desire a warehouse receipt. The warehouseman's tariff shall apply for any grain that is retained in open storage or under warehouse receipt.

2. Bulk grain deposited with a licensed warehouseman for processing, cleaning, drying, shipping for the account of the depositor or any other purpose shall be removed within thirty days or such grain shall be determined as stored grain and the warehouseman's tariff charges shall apply.

3. Grain received on a scale ticket which fails to have the price fixed and properly documented on the records of the warehouseman shall be construed to be in open storage.

4. All grain whether open storage or having been placed on warehouse receipt shall be covered by the warehouseman's bond as required under the provisions of this chapter.

~~2.---Notwithstanding any provisions of this section, a written agreement may be made between the seller and the licensed warehouseman for any bulk grain delivered to or stored at a licensed warehouse that payment or pricing and payment will be deferred to a later date.---Such agreement shall contain a statement informing the seller that the warehouseman shall not be required to carry insurance or bond on such grain for the benefit of the seller and that the payment for such grain becomes a common claim against the warehouseman.~~

~~The agreement in addition to such other information as may be required shall contain the following:~~

- ~~a.---The seller's or depositor's name and address.~~
- ~~b.---The conditions of delivery.~~
- ~~c.---The amount and kind of grain delivered.~~
- ~~d.---The price per bushel or basis of value.~~
- ~~e.---The date payment is to be made.~~

~~Such agreement must be numbered and signed by both parties and executed in duplicate.---One copy shall be retained by the warehouseman and one copy shall be delivered to the seller.~~

~~Grain received or purchased in storage under a deferred payment or deferred pricing contract under the provisions of this section shall be deemed to be warehouse-owned grain.~~

5. Any grain which has been received at any unlicensed warehouse and for which the actual sale price has not been fixed and payment made within thirty days from receipt of the grain, unless covered by ~~deferred payment or deferred pricing~~ a credit-sale contract, shall be construed to be unlawful storage within the meaning of this chapter. Bulk grain received at any unlicensed warehouse for any other purpose must either be returned to the depositor or disposed of by order of the depositor within thirty days from date of actual deposit of the bulk grain.

6. If the depositor of bulk grain in an unlicensed warehouse fails to sell the grain or orders other disposition of the grain, the warehouseman may purchase the grain, if otherwise allowed by law, on the thirtieth day after deposit at not less than the local market price at the close of business on the thirtieth day or return the grain to the depositor by the thirtieth day.

3- 7. Every licensed warehouseman shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to his or her last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouseman against that grain. However, a licensed warehouseman need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouseman prepares such statements monthly, quarterly or for any other period more frequent than

annually. Failure to prepare a statement required by this subsection ~~shall be punishable by a civil fine not to exceed one hundred dollars~~ is a simple misdemeanor. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 25. Section 543.18, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The original copy of every warehouse receipt shall be imprinted with the signature of the secretary of the commerce commission prior to issuance.

Sec. 26. Chapter 543, Code 1981, is temporarily amended commencing on the effective date of this Act and until July 1, 1983, by adding the following temporary new section:

TEMPORARY NEW SECTION. FEES. The commission shall charge the following fees:

1. For the issuance or renewal of a license, a fee determined as follows:
 - a. With respect to a warehouse license for the storage of bulk grain:
 - (1) If the total storage capacity is one hundred thousand bushels or less, a fee of thirty dollars.
 - (2) If the total storage capacity is greater than one hundred thousand bushels but not more than five hundred thousand bushels, a fee of fifty dollars.
 - (3) If the total storage capacity exceeds five hundred thousand bushels, a fee of one hundred dollars.
 - b. With respect to a warehouse license for the storage of products other than bulk grain:
 - (1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of thirty dollars.
 - (2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of fifty dollars.
 - (3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of one hundred dollars.
2. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars.
3. For each amendment of a license, a fee of ten dollars.
4. For each amendment of a tariff, a fee of ten dollars.
5. For the cost of maintaining an employee of the commission at a warehouse to supervise the correction of a deficiency, a fee of one hundred fifty dollars per day.

All fees received by the commission shall be paid to the treasurer of state for deposit in the state general fund. License fees for new licenses shall be prorated by the commission on a monthly basis.

This section supersedes section 543.33, commencing on the effective date of this Act and until July 1, 1983.

Sec. 27. Section 543.36, Code 1981, is amended to read as follows:

543.36 PENALTIES--MISDEMEANOR INJUNCTION. ~~Every person who violates or fails to comply with any of the provisions of this chapter or to comply with~~

~~any--lawfully--authorized--order,--direction,--demand,--or--rule--or--regulation--of--the--commission--shall--be--guilty--of--a--simple--misdemeanor.~~

1. A person who knowingly withholds information from or knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter commits a fraudulent practice.

2. A person who engages in business as a warehouseman without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, or who uses a scale ticket, warehouse receipt or other document which fails to satisfy requirements established by the commission commits a serious misdemeanor, except that a person who commits any of these offenses after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A violation of this chapter, or a violation of chapter 714 or 715 involving the business of a warehouseman, may be restrained by injunction in an action brought by the commerce commission.

Sec. 28. Section 543.37, Code 1981, is amended to read as follows:

543.37 FAILURE TO PAY FEE. Failure to pay the annual fee provided for in section 543.33 on or before ~~the date the same shall become due~~ June 30 of the year for which due shall cause a license to terminate. ~~The annual fee shall become due on June 30 each year.~~ A warehouse license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, ~~current financial statement,~~ the renewal fee, and a penalty fee in the amount of ~~ten~~ twenty-five dollars ~~from the warehouse,~~ if ~~such are~~ filed within thirty days from the date of termination of the warehouse license. The commission may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

Sec. 29. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. WAREHOUSEMAN'S OBLIGATION. A warehouseman shall maintain at all times sufficient quantity and quality of grain or other agricultural products to cover the warehouseman's obligation. A warehouseman shall not at any time have less grain or other agricultural products in the warehouse than the obligations to depositors.

Sec. 30. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. CONFIDENTIALITY OF RECORDS. Notwithstanding the provisions of chapter 68A, all financial statements of warehousemen under this chapter shall be kept confidential by the commission and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.
2. In actions or administrative proceedings commenced under this chapter or chapter 542.
3. When required by subpoena or other court orders.

4. Disclosure to law enforcement agencies in regards to the detection and prosecution of public offenses.

5. Where released to a bonding company approved by the commission or to the United States department of agriculture or any of their divisions.

Sec. 31. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. SHRINKAGE ADJUSTMENTS--DISCLOSURES--PENALTIES.

1. A person who, in connection with the receipt of corn or soybeans for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The use of any rate of weight adjustment for moisture content other than the one prescribed by this subsection is a fraudulent practice. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content that is prescribed by this subsection. Failure to make this disclosure is a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. Failure to make the required disclosure is a simple misdemeanor.

3. A person who adjusts the scale weight of corn or soybeans both for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. Failure to make the required disclosure is a simple misdemeanor.

Sec. 32. It is the intent of the general assembly that sections 7 and 26 of this Act shall have temporary effect only, and that sections 542.6 and 543.33, Code 1981, as they existed prior to amendment by this Act shall be the law of this state on and after July 1, 1983.

Approved June 13, 1981

CHAPTER 181
HOMESTEAD CONVEYANCE OR ENCUMBRANCE

H. F. 430

AN ACT eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

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

Section 1. Section 561.13, Code 1981, is amended to read as follows:

561.13 CONVEYANCE OR ENCUMBRANCE. No A conveyance or encumbrance of, or contract to convey or encumber the homestead, if the owner is married, is not valid, unless and until the ~~husband-and-wife-join-in-the-execution-of-the-same-joint~~ spouse of the owner executes the same or a like instrument, or a power of attorney for the execution of the same or a like instrument, and the instrument or power of attorney sets out the legal description of the homestead, ~~provided, however, that where.~~ However, when the homestead is conveyed or encumbered along with or in addition to other real estate, it ~~shall~~ is not be necessary to particularly describe or set aside the tract of land constituting ~~such~~ the homestead, whether the homestead is exclusively the subject of the contract or not, ~~but such the contracts contract~~ may be enforced as to real estate other than the homestead at the option of the purchaser or encumbrancer. If a spouse who holds only homestead and inchoate dower rights in ~~said~~ the homestead specifically relinquishes homestead rights in ~~said~~ an instrument, it ~~shall~~ is not be necessary for ~~such~~ the spouse to join in the granting clause of the same or a like instrument.

Approved March 26, 1981

CHAPTER 182
EXEMPTIONS FROM EXECUTION

S. F. 480

AN ACT relating to properties that are exempt from judicial process.

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

Section 1. Section 561.16, Code 1981, is amended to read as follows:

561.16 EXEMPTION--~~DIVORCED--SPOUSE~~. The homestead of every ~~family,~~ whether--owned--by--the-husband-or-wife, person is exempt from judicial sale, where there is no special declaration of statute to the contrary, ~~and--such~~ right--shall-continue-in-favor-of-the-party-to-whom-it-is-adjudged-by-divorce

deeree-during-continued-personal--occupaney--by--such--party, provided that persons who reside together as a single household unit are entitled to claim in the aggregate only one homestead to be exempt from judicial sale. For purposes of this section, "household unit" means all persons of whatever ages, whether or not related, who habitually reside together in the same household as a group.

Sec. 2. Chapter 627, Code 1981, is amended by adding the following new section:

NEW SECTION. BANKRUPTCY EXEMPTION. A debtor to whom the law of this state applies on the date of filing of a petition in bankruptcy is not entitled to elect to exempt from property of the bankruptcy estate the property that is specified in 11 U.S.C. sec. 522(d) (1979). This section is enacted for the purpose set forth in 11 U.S.C. sec. 522(b)(1) (1979).

Sec. 3. Section 627.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

627.6 GENERAL EXEMPTIONS. A debtor who is a resident of this state may hold exempt from execution the following property:

1. All wearing apparel of the debtor and the debtor's dependents kept for actual use and the trunks or other receptacles necessary for the wearing apparel, not to exceed in value two hundred dollars in any particular item or one thousand dollars in the aggregate.

2. One shotgun, and either one rifle or one musket.

3. Private libraries, family bibles, portraits, pictures, and paintings not to exceed two hundred dollars in value for any particular item and one thousand dollars in the aggregate.

4. An interment space or an interest in a public or private burying ground, not exceeding one acre for any defendant.

5. Two cows, two calves, fifty sheep, six stands of bees, poultry to the value of one hundred dollars, five hogs, and all pigs under six months of age, together with the feed for all exempt animals for six months.

6. The debtor's interest, not to exceed two hundred dollars in value in any particular item, in household furnishings, household goods, and appliances held primarily for the personal, family, or household use of the debtor or a dependent of the debtor, not to exceed in value two thousand dollars in the aggregate.

7. Any unmaturred life insurance policy owned by the debtor, other than a credit life insurance contract.

8. Professionally prescribed health aids for the debtor or a dependent of the debtor.

9. The debtor's rights in:

a. A social security benefit, unemployment compensation, or a local public assistance benefit.

b. A veteran's benefit.

c. A disability or illness benefit.

d. Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and dependents of the debtor.

e. A payment under a pension, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the

extent reasonably necessary for the support of the debtor and any dependent of the debtor.

10. Any combination of the following, not to exceed a value of five thousand dollars in the aggregate:

a. Musical instruments, not including radios, television sets, or record or tape playing machines, held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

b. One motor vehicle, with the debtor's interest not exceeding one thousand two hundred dollars in value.

c. If the debtor is engaged in any profession or occupation other than farming, the proper implements, professional books, or tools of the trade of the debtor or a dependent of the debtor.

d. If the debtor is engaged in farming, a team consisting of not more than two horses or mules or two yoke of cattle, and the wagon or other vehicle, with the proper harness or tackle, or other necessary implements of husbandry, or a combination of these. This exemption is in addition to any motor vehicle held exempt under paragraph b.

e. In the event of a bankruptcy proceeding, the debtor's interest in accrued wages and in state and federal tax refunds as of the date of filing of the petition in bankruptcy, not to exceed one thousand dollars in the aggregate. This exemption is in addition to the limitations contained in sections 642.21 and 537.5105.

Sec. 4. Section 627.18, Code 1981, is amended to read as follows:

627.18 PUBLIC PROPERTY. Public buildings owned by the state, or any county, city, school district, or other municipal corporation, or any other public property which is necessary and proper for carrying out the general purpose for which such corporation is organized, are exempt from execution. ~~The property of a private citizen can in no case be levied on to pay the debt of any such.~~

Sec. 5. Sections 561.17, 627.1, 627.14, 627.15 and 627.16, Code 1981, are repealed.

Approved May 11, 1981

CHAPTER 183
FORCIBLE ENTRY OR DETENTION
H. F. 154

AN ACT relating to the notice given before commencing an action for forcible entry or detention of real property and mobile homes.

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

Section 1. Section 562B.27, subsection 1, Code 1981, is amended to read as follows:

1. If a tenant abandons a mobile home on a mobile home space, the landlord shall notify the legal owner or lienholder of the mobile home within ~~a--reasonable--time~~ ninety days and communicate to that person his or her liability for any costs incurred for the mobile home space for such mobile home, including rent and utilities due and owing. Any and all costs shall then become the responsibility of the legal owner or lienholder of the mobile home. The mobile home may not be removed from the mobile home space without a signed written agreement from the landlord showing clearance for removal, showing all moneys due and owing paid in full, or an agreement reached with the legal owner and the landlord.

Sec. 2. Section 648.3, Code 1981, is amended to read as follows:

648.3 NOTICE TO QUIT. Before action can be brought in any except the first of the above classes, three ~~days~~⁴ days notice to quit must be given to the defendant in writing. However, a landlord who has given a tenant three days notice to pay rent and has terminated the tenancy as provided in section 562A.27, subsection 2, or section 562B.25, subsection 2, if the tenant is renting the mobile home from the landlord may commence the action without giving a three day notice to quit.

Sec. 3. Section 562B.29, Code 1981, is repealed.

Approved June 13, 1981

CHAPTER 184
SOLAR ACCESS EASEMENTS
H. F. 766

AN ACT relating to access to and use of solar energy.

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

Section 1. The general assembly finds that:

1. The needs of a society depend upon an ample supply of energy.
2. The current national imbalance between energy supplies and demands suggests the need for the development of new energy resources.
3. Increased national dependence upon foreign energy supplies is not desirable and new alternative energy resources should be developed.
4. National dependence upon nonrenewable energy resources cannot be continued indefinitely, particularly at current rates of consumption.
5. Solar energy is a very desirable, renewable energy resource which is nonpolluting, easily developed, and generally available across the state.
6. Virtually all of Iowa's energy needs are now being met from sources beyond the borders of the state and development of solar energy would reduce the flow of energy dollars out of the state.
7. An obstacle to orderly development and use of solar energy in this state is the absence of adequate laws and precedents defining rights of access to solar energy.
8. It is therefore in the public interest and the interest of the state to provide adequate laws which will expedite the development and use of solar energy.

Sec. 2. It is the intent of the general assembly that section 1 of this Act shall not appear in the Code of Iowa.

Sec. 3. NEW SECTION. PURPOSE. It is the purpose of this Act to facilitate the orderly development and use of solar energy by establishing and providing certain procedures for obtaining access to solar energy.

Sec. 4. NEW SECTION. DEFINITIONS. As used in sections 1 through 11 of this Act, unless the context otherwise requires:

1. "Solar access easement" means an easement recorded under section 9 of this Act, the purpose of which is to provide continued access to incident sunlight necessary to operate a solar collector.
2. "Solar energy" means energy emitted from the sun and collected in the form of heat or light by a solar collector.
3. "Solar collector" means a device or structural feature of a building that collects solar energy and that is part of a system for the collection, storage, and distribution of solar energy. For purposes of this Act, a greenhouse is a solar collector.
4. "Development of property" means construction, landscaping, growth of vegetation, or other alteration of property that interferes with the operation of a solar collector.

5. "Dominant estate" means that parcel of land to which the benefits of a solar access easement attach.

6. "Servient estate" means land burdened by a solar access easement, other than the dominant estate.

7. "Solar access regulatory board" means the board designated by a city council or county board of supervisors under section 5 of this Act to receive and act on applications for a solar access easement or in the absence of a specific designation, the district court having jurisdiction in the area where the dominant estate is located. Notwithstanding chapter 602 the jurisdiction of the district court established in this subsection may be exercised by district associate judges.

Sec. 5. NEW SECTION. DESIGNATION. The city council or the county board of supervisors may designate a solar access regulatory board to receive and act on applications for a solar access easement. The board designated by the city council may be a board of adjustment having jurisdiction in the city, the city council itself, or any board with at least three members. The board designated by the county board of supervisors may be a board of adjustment having jurisdiction in the county, the board of supervisors itself, or any other board with at least three members. The jurisdiction of a board designated by the city council extends to applications when the dominant estate is located in the city. The jurisdiction of a board designated by the county board of supervisors extends to applications when the dominant estate is located in the county but outside the city limits of a city. In the absence of the designation of a specific board under this section, the district court having jurisdiction in the area where the dominant estate is located shall receive and act on applications submitted under section 6 of this Act and to that extent shall serve as the solar access regulatory board for purposes of this Act. Notwithstanding chapter 602 the jurisdiction of the district court established in this section may be exercised by district associate judges.

Sec. 6. NEW SECTION. APPLICATION FOR SOLAR ACCESS EASEMENT.

1. An owner of property may apply to the solar access regulatory board designated under section 5 of this Act for an order granting a solar access easement. The application must be filed before installation or construction of the solar collector. The application shall state the following:

a. A statement of the need for the solar access easement by the owner of the dominant estate.

b. A legal description of the dominant and servient estates.

c. The name and address of the dominant and servient estate owners of record.

d. A description of the solar collector to be used.

e. The size and location of the collector, including heights, its orientation with respect to south, and its slope from the horizontal shown either by drawings or in words.

f. An explanation of how the applicant has done everything reasonable, taking cost and efficiency into account, to design and locate the collector in a manner to minimize the impact on development of servient estates.

g. A legal description of the solar access easement which is sought and a drawing that is a spatial representation of the area of the servient estate burdened by the easement illustrating the degrees of the vertical and horizontal angles through which the easement extends over the burdened property and the points from which those angles are measured.

h. A statement that the applicant has attempted to voluntarily negotiate a solar access easement with the owner of the servient estate and has been unsuccessful in obtaining the easement voluntarily.

i. A statement that the space to be burdened by the solar access easement is not obstructed at the time of filing of the application by anything other than vegetation that would shade the solar collector.

2. Upon receipt of the application the solar access regulatory board shall determine whether the application is complete and contains the information required under subsection 1. The board may return an application for correction of any deficiencies. Upon acceptance of an application the board shall schedule a hearing. The board shall cause a copy of the application and a notice of the hearing to be served upon the owners of the servient estates in the manner provided for service of original notice and at least twenty days prior to the date of the hearing. The notice shall state that the solar access regulatory board will determine whether and to what extent a solar access easement will be granted, that the board will determine the compensation that may be awarded to the servient estate owner if the solar access easement is granted and that the servient estate owner has the right to contest the application before the board.

3. The applicant shall pay all costs incurred by the solar access regulatory board in copying and mailing the application and notice.

4. An application for a solar access easement submitted to the district court acting as the solar access regulatory board under this Act is not subject to the small claims procedures under chapter 631.

Sec. 7. NEW SECTION. DECISION.

1. After the hearing on the application, the solar access regulatory board shall determine whether to issue an order granting a solar access easement. The board shall grant a solar access easement if the board finds that there is a need for the solar collector, that the space burdened by the easement was not obstructed by anything except vegetation that would shade the solar collector at the time of filing of the application, that the proposed location of the collector minimizes the impact of the easement on the development of the servient estate and that the applicant tried and failed to negotiate a voluntary easement. However, the board may refuse to grant a solar access easement upon a finding that the easement would require the removal of trees that provide shade or a windbreak to a residence on the servient estate. The board shall not grant a solar access easement upon a servient estate if the board finds that the owner, at least six months prior to the filing of the application, has made a substantial financial commitment to build a structure that will shade the solar collector. In issuing its order granting the solar access easement, the board may modify the solar access easement applied for and impose conditions on the location of the solar collector that will minimize the impact upon the servient estate.

2. The solar access regulatory board shall grant a solar access easement only within the area that is within three hundred feet of the center of the northernmost boundary of the collector and is south of a line drawn east and west tangent to the northernmost boundary of the collector.

3. The solar access regulatory board shall determine the amount of compensation that is to be paid to the owners of the servient estate for the impairment of the right to develop the property. Compensation shall be based on the difference between the fair market value of the property prior to and after granting the solar access easement. The parties shall be notified of the board's decision within thirty days of the date of the hearing. The owner of the dominant estate shall have thirty days from the date of notification of the board's decision to deposit the compensation with the board. Upon receipt of the compensation, the board shall issue an order granting the solar access easement to the owner of the dominant estate and remit the compensation awarded to the owners of the servient estate. The owner of the dominant estate may decline to deposit the compensation with the board, and no order granting the solar access easement shall then be issued.

4. When the order granting the solar access easement is issued, the owner of the dominant estate shall have it recorded in the office of the county recorder who shall record the solar access easement and list the owner of the dominant estate as grantee and the owner of the servient estate as grantor in the deed index. The solar access easement after being recorded shall be considered an easement appurtenant in or on the servient estate.

Sec. 8. NEW SECTION. REMOVAL OF EASEMENT. The owner of a servient estate may apply to the solar access regulatory board or may petition the district court for an order removing a solar access easement granted by a solar access regulatory board under this Act under any of the following conditions:

1. If the solar collector is not installed and made operational within two years of recording the easement under section 7.

2. If the dominant estate owner ceases to use the solar collector for more than one year.

3. If the solar collector is destroyed or removed and not replaced within one year.

The procedure for filing an application with the solar access regulatory board under this section and for notice and hearings on the application shall be the same as that prescribed for an application for granting a solar access easement. An order issued by the district court or a solar access regulatory board removing a solar access easement may provide for the return by the servient estate owner of compensation paid by the dominant estate owner for the solar access easement after the deduction of reasonable expenses incurred by the servient estate owner in proceedings for the granting and removal of the easement.

Sec. 9. NEW SECTION. SOLAR ACCESS EASEMENTS.

1. Persons, including public bodies, may voluntarily agree to create a solar access easement. A solar access easement whether obtained voluntarily or pursuant to the order of a solar access regulatory board is subject to the same recording and conveyance requirements as other easements.

2. A solar access easement shall be created in writing and shall include the following:

a. The legal description of the dominant and servient estates.

b. A legal description of the space which must remain unobstructed expressed in terms of the degrees of the vertical and horizontal angles through which the solar access easement extends over the burdened property and the points from which these angles are measured.

3. In addition to the items required in subsection 2 the solar access easement may include, but the contents are not limited to, the following:

a. Any limitations on the growth of existing and future vegetation or the height of buildings or other potential obstructions of the solar collector.

b. Terms or conditions under which the solar access easement may be abandoned or terminated.

c. Provisions for compensating the owner of the property benefiting from the solar access easement in the event of interference with the enjoyment of the solar access easement, or for compensating the owner of the property subject to the solar access easement for maintaining that easement.

Sec. 10. NEW SECTION. RESTRICTIVE COVENANTS. City councils and county boards of supervisors may include in ordinances relating to subdivisions a provision prohibiting deeds for property located in new subdivisions from containing restrictive covenants that include unreasonable restrictions on the use of solar collectors.

Sec. 11. NEW SECTION. ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE PUBLIC. The energy policy council shall make available information and guidelines to assist local government bodies and the public to understand and use the provisions of this Act. The information and guidelines shall include an application form for a solar access easement, instructions and aids for preparing and recording solar access easements and model ordinances that promote reasonable access to solar energy.

Sec. 12. Section 103A.8, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Facilitate the development and use of solar energy.

Approved May 19, 1981

CHAPTER 185
GIFTS TO MINORS

H. F. 802

AN ACT relating to gifts allowed under the uniform gifts to minors Act.

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

Section 1. Section 565A.1, subsection 5, paragraph a, Code 1981, is amended to read as follows:

a. All securities ~~and, money, life or endowment insurance policies, and annuity contracts~~ under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter;

Sec. 2. Section 565A.1, subsection 5, paragraph c, Code 1981, is amended to read as follows:

c. The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of ~~such the securities, money, life or endowment insurance policies, annuity contracts,~~ and income.

Sec. 3. Section 565A.1, subsection 12, Code 1981, is amended to read as follows:

12. A "security" ~~shall include~~ includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest in an oil, gas, or mining lease, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, interest in or under a profit-sharing or participating agreement or scheme, or shares invested in savings and loan associations, or invested in a credit union account, or any other instrument commonly known as a security. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

Sec. 4. Section 565A.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Life or endowment insurance policy" or "annuity* contract" means a life or endowment insurance policy or annuity contract issued by an insurance company on the life of a minor or on the life of a member of the minor's family if the gift of the policy or contract is made to the minor in the manner prescribed in this chapter.

Sec. 5. Section 565A.2, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

An adult person may, during ~~his~~ the person's lifetime, make a gift of a security, life or endowment insurance policy, annuity contract, or money to a person who is a minor on the date of the gift.

*According to enrolled Act

Sec. 6. Section 565A.2, subsection 1, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the subject of the gift is a life or endowment insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, another adult, or a trust company, followed by the words: "as custodian for _____ (name of minor) _____ under the Iowa Uniform Gifts to Minors Act."

Sec. 7. Section 565A.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION.

a. A will or other disposing instrument may authorize or direct a fiduciary acting under it, or, in the absence of a direction to the contrary in the instrument, a fiduciary acting under it may elect to distribute benefits required to be distributed to a minor under the terms of the instrument by making the distribution to a custodian in accordance with this chapter.

b. Only property which can be the subject of a lifetime gift under this chapter may be distributed under this subsection.

c. A fiduciary making a distribution under this subsection may select the custodian, and may elect to serve as custodian. However, the disposing instrument may name the custodian or otherwise restrict this power.

d. This chapter is applicable to distributions by a fiduciary under this subsection in the same manner as it would be applicable if the fiduciary were a donor making a lifetime gift under this chapter.

e. A fiduciary making a distribution under this subsection may do so without court order and, after effecting the distribution, is relieved of all accountability as a fiduciary with respect to the property distributed.

f. This subsection applies to instruments executed before or after the effective date of this Act and even if a person who executed an instrument is not now living.

Sec. 8. Section 565A.3, subsections 1 and 2, Code 1981, are amended to read as follows:

1. A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, life or endowment insurance policy, annuity contract, or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this chapter.

2. By making a gift in a manner prescribed in this chapter, the donor incorporates in ~~his~~ the gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, insurance company, broker, or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this chapter.

Sec. 9. Section 565A.4, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. If the subject of the gift is a life or endowment insurance policy or annuity contract, the custodian has all the incidents of ownership in the policy or contract to the same extent as if the custodian

were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom the custodian is acting. The custodian may pay premiums on the policy or contract out of the custodial property.

Sec. 10. Section 565A.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

565A.6 RELIEF FROM RESPONSIBILITY. An issuer, transfer agent, insurance company, bank, broker, or other person acting on the instructions of or otherwise dealing with a person purporting to act as a donor or a custodian is not responsible for any of the following:

1. Determining whether the person designated by the purported donor or purporting* to act as a custodian has been duly designated.

2. Determining whether any act of a person purporting to act as a custodian is in accordance with this chapter, including but not limited to the following:

a. A purchase, sale, or transfer to or by the person.

b. The application by the person of money or other property delivered to the person.

3. Inquiring into the validity or property** under this chapter of an instrument or instructions executed or given by a person purporting to act as a donor or custodian.

Sec. 11. Section 565A.11, Code 1981, is amended to read as follows:

565A.11 LAWS NOT APPLICABLE. ~~Section 668-3~~ Chapter 633 and all other laws of this state contrary to ~~the provisions of~~ this chapter, ~~shall~~ do not apply to the custodial property of a minor held by the custodian under this chapter.

Approved May 5, 1981

*According to enrolled Act

**According to enrolled Act

CHAPTER 186
MECHANICS LIENS

H. F. 767

AN ACT relating to the satisfaction of debts owed to the holders of mechanic's liens, and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling except to the extent of the amount owed to the principal contractor at the time the subcontractor serves a written notice of the claim on the owner, and providing that a subcontractor may be awarded exemplary damages from the principal contractor.

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

Section 1. Section 572.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Owner-occupied dwelling" means the homestead of an owner, as defined in section 561.1, and without respect to the value limitations in section 561.3, and actually occupied by the owner or the spouse of the owner, or both. "Owner-occupied dwelling" includes a newly constructed dwelling to be occupied by the owner as a homestead, or a dwelling that is under construction and being built by or for an owner who will occupy the dwelling as a homestead.

Sec. 2. Section 572.14, Code 1981, is amended to read as follows:

572.14 LIABILITY TO SUBCONTRACTOR AFTER PAYMENT TO ORIGINAL CONTRACTOR.

1. Payment Except as provided in subsection 2, payment to the original contractor by the owner of any part or all of the contract price of ~~such~~ the building, or improvement before the lapse of the sixty days allowed by law for the filing of a mechanic's lien by a subcontractor, ~~will~~ does not relieve the owner from liability to the subcontractor for the full value of any material furnished or labor performed upon ~~said~~ the building, land, or improvement if the subcontractor ~~file--his~~ files a lien within the time provided by law for ~~the~~ its filing ~~of-the-same~~.

2. In the case of an owner-occupied dwelling, a mechanic's lien perfected under this chapter is enforceable only to the extent of the balance due from the owner to the principal contractor at the time written notice, in the form specified in subsection 3, is served on the owner. This notice may be served by delivering it to the owner or the owner's spouse personally, or by mailing it to the owner by certified mail with restricted delivery and return receipt to the person mailing the notice, or by personal service as provided in the rules of civil procedure.

3. The written notice required for purposes of subsection 2 shall contain the name of the owner, the address of the property charged with the lien, the name, address and telephone number of the lien claimant, and the following statement:

"The person named in this notice is providing labor or materials or both in connection with improvements to your residence or real property. Chapter 572 of the Code of Iowa may permit the enforcement of a lien against this property to secure payment for labor and materials supplied. You are not required to pay more to the person claiming the lien than the amount of money due from you to the person with whom you contracted to perform the improvements. You should not make further payments to your contractor until the contractor presents you with a waiver of the lien claimed by the person named in this notice. If you have any questions regarding this notice you should call the person named in this notice at the phone number listed in this notice or contact an attorney. You should obtain answers to your questions before you make any payments to the contractor."

Sec. 3. Section 572.16, Code 1981, is amended to read as follows:

572.16 RULE OF CONSTRUCTION. Nothing in this chapter shall be construed to require the owner to pay a greater amount or at an earlier date than is provided in ~~his~~ the owner's contract with the principal contractor, unless said owner pays a part or all of the contract price to the original contractor before the expiration of the sixty days allowed by law for the filing of a mechanic's lien by a subcontractor; provided that in the case of an owner-occupied dwelling, nothing in this chapter shall be construed to require the owner to pay a greater amount or at an earlier date than is provided in the owner's contract with the principal contractor, unless the owner pays a part or all of the contract price to the principal contractor after receipt of notice under section 572.14, subsection 2.

Sec. 4. Chapter 572, Code 1981, is amended by adding the following new section:

NEW SECTION. Unless otherwise agreed, a principal contractor who engages a subcontractor to supply labor or materials or both for improvements, alterations or repairs to a specific owner-occupied dwelling shall pay the subcontractor in full for all labor and materials supplied within thirty days after the date the principal contractor receives full payment from the owner. If a principal contractor fails without due cause to pay a subcontractor as required by this section, the subcontractor, or the owner by subrogation, may commence an action against the contractor to recover the amount due and the court may, in addition to actual damages, award exemplary damages against the contractor in an amount not exceeding fifty percent of the amount due the subcontractor, or the owner by subrogation, for the labor and materials supplied.

Sec. 5. This Act does not apply with respect to a contract for the improvement, alteration, or repair of real property if the contract was executed prior to the effective date of this Act.

Approved June 16, 1981

CHAPTER 187
CITY WATERWORKS LEGALIZED
S. F. 489

AN ACT legalizing certain city waterworks.

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

Section 1. All proceedings taken prior to January 1, 1961 purporting to provide for the establishment, organization, formation, operation, or maintenance of a city waterworks and not previously declared invalid by any court, are legalized, validated and confirmed. All such proceedings are declared to be legally sufficient to create, establish and authorize the maintenance and operation of a city waterworks as a city utility, as defined in subsection 22 of section 362.2.

Approved May 5, 1981

CHAPTER 188
APPEALS COURT JUDGES MAY PERFORM MARRIAGES
H. F. 282

AN ACT authorizing the performance of marriage ceremonies by court of appeals judges.

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

Section 1. Section 595.10, subsection 1, Code 1981, is amended to read as follows:

1. A judge of the supreme court, court of appeals, or district court, including a district associate judge, or a judicial magistrate.

Approved March 13, 1981

CHAPTER 189
DISTRICT COURT OFFICERS
S. F. 571

AN ACT relating to district court officers, employees, and filing fees, and making an appropriation.

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

Section 1. Section 602.18, subsection 11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Notwithstanding this section, the number of district judges shall not be ~~increased--by--more--than--three--in-order-that-the-number-of-district-judges shall-not~~ exceed ninety-two ninety-five during the period commencing with July 1, ~~1977~~ 1981 and ending at such time as the general assembly shall otherwise specify.

Sec. 2. As soon as possible after the effective date of this Act the supreme court administrator of the judicial department shall rank each judicial election district in descending order based on the application of the judgeship formula provided in section 602.18. The vacant judgeships that exist upon the enactment of this Act shall be apportioned, one to a judicial election district, among the three judicial election districts most deserving of additional district judges under the judgeship formula. Vacancies created by section 1 of this Act shall be filled as soon as possible after the effective date of section 1 of this Act.

Sec. 3. Section 605.35, Code 1981, is amended to read as follows:

605.35 ~~DISTRICT COURT ADMINISTRATOR--DISTRICT-COURT-ADMINISTRATIVE-FUND.~~
A district court administrator for each judicial district may be appointed by the chief judge of the district to perform such duties as may be assigned by the chief judge of--the-district,--at-a-salary-to-be-fixed-by-order-of-that chief--judge. The qualifications for appointment as a district court administrator shall be as established by the supreme court. District court administrators shall co-operate with the court administrator of the judicial department in developing necessary statewide district court administration policies, and the court administrator of the judicial department shall, from time to time, call conferences of the district court administrators. ~~The chief-judge-of-a--judicial--district--in--which--an--administrator--has--been appointed--may--provide--for--the--establishment--of--a--district--court administrative-fund,--in--which--shall--be--deposited--all--appropriated--funds received--from--the--court--administrator--of--the--judicial--department--for--district court--use,--and--out--of--which--all--expenses--of--the--district--court administrator's-office--and--any--other--district--wide--expenses--may--be--paid. Expenses--not--covered--by--funds--appropriated--for--district--court--use--shall--be assessed--to--and--paid--by--the--counties--in--the--judicial--district--in--the--same manner--that--expenses--of--shorthand-reporters--are--assessed--to--and--paid--by--the~~

~~counties pursuant to section 605.9. The district court administrator shall report to the court administrator of the judicial department, at the request of the latter, all information respecting the district court administrative fund.~~ The office of district court administrator within each district shall consist of the district administrator and other employees as approved by the supreme court. The salary of a district court administrator shall be approved by the supreme court, and shall be not less than twenty-two thousand dollars per year and not more than thirty-four thousand dollars per year, provided that any person who is employed as a district court administrator on the effective date of this Act at a salary greater than this maximum amount shall be entitled to continue to receive the salary in effect for the person on the effective date of this Act. The expenses of operation of the offices of district court administrators shall be paid out of funds allotted by the supreme court to each of the offices of the district court administrators from appropriations made to the supreme court.

Sec. 4. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 704, subsection 1, paragraph a, is amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~eight~~ eighty ~~twenty-five~~ two dollars. Four dollars of the fee shall remain in the county treasury for the use of the county and ~~four~~ eighty ~~twenty-one~~ two dollars of the fee shall be paid into the state treasury ~~and deposited in the general fund of the state.~~ One dollar shall be deposited in the judicial retirement fund created in section 605A.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 5. Section 631.6, subsection 1, Code 1981, is amended to read as follows:

1. ~~Becket-fees-and-other-fees~~ The docket fee for a small claims action is ~~eight~~ eighty ~~dollars.~~ Other fees imposed for small claims shall be the same as those required in regular actions in district court.

Sec. 6. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1981 and ending June 30, 1982, the sum of one hundred twelve thousand five hundred dollars, or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1981 and ending June 30, 1982, the sum of six hundred thousand dollars, or so much thereof as is necessary to fund the expenses of operation of the offices of the district court administrators as provided in section 605.35.

There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of one hundred fifty thousand dollars or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal

year commencing July 1, 1982 and ending June 30, 1983, the sum of eight hundred thousand dollars or so much thereof as is necessary to fund the expenses of operation of the offices of district court administrators as provided in section 605.35.

Sec. 7. Sections 1, 3 and 6 of this Act take effect October 1, 1981. All other provisions of this Act take effect as provided by law.

Approved June 17, 1981

CHAPTER 190
JUDICIAL MAGISTRATES
H. F. 211

AN ACT relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

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

Section 1. Section 602.58, Code 1981, is amended to read as follows:

602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In those counties which are allotted one judicial magistrate under section 602.57 or 602.59, the county judicial magistrate appointing commission may, by majority vote, decide to appoint one additional judicial magistrate. In those counties appointing an additional magistrate under this section, each magistrate shall receive a salary of ~~two-thousand-four-hundred-dollars-per-year~~ one-half the salary which would otherwise have been paid one magistrate.

Sec. 2. This Act takes effect from and after its publication in The Perry Daily Chief, a newspaper published in Perry, Iowa, and in The Monticello Express, a newspaper published in Monticello, Iowa, and is retroactive to January 1, 1981.

Approved March 20, 1981

I hereby certify that the foregoing Act, House File 211 was published in The Perry Daily Chief, Perry, Iowa on March 27, 1981 and in The Monticello Express, Monticello, Iowa on April 1, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 191
WITNESSES AND JURORS MILEAGE
S. F. 283

AN ACT relating to mileage expense for witnesses and jurors.

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

Section 1. Section 607.5, Code 1981, is amended to read as follows:

607.5 FEES OF JURORS. Grand jurors and petit jurors in all courts shall receive ten dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, mileage expenses at the rate of fifteen cents per mile specified in section 79.9 for each mile traveled each day to and from their residences to the place of attendance, and actual expenses of parking, as determined by the clerk of the district court. No juror shall receive mileage for travel or actual expenses of parking when he the juror travels in a vehicle for which another juror is receiving mileage.

Sec. 2. Section 622.69, Code 1981, is amended to read as follows:

622.69 WITNESS FEES. Witnesses shall receive ten dollars for each full day's attendance, and five dollars for each attendance less than a full day, and mileage expenses at the rate of fifteen cents per mile specified in section 79.9 for each mile actually traveled.

Approved May 5, 1981

CHAPTER 192
DISTRESS WARRANTS ENFORCEMENT
H. F. 504

AN ACT relating to the enforcement of distress warrants issued by the director of revenue.

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

Section 1. Section 626.29, Code 1981, 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, motor vehicle fuel tax, freight line and equipment car tax, hotel and motel 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 the taxpayer or the employer, may be reached by garnishment.

Approved May 18, 1981

CHAPTER 193
PROBATE PROCEDURE

H. F. 794

AN ACT relating to the Iowa probate code by increasing the amount that may pass to a minor without the necessity of appointing a conservator; by defining sale of property in probate proceedings; by providing that certain hearings are not necessary if a certain type of notice is used; and by providing that if a claimant is represented by an attorney, the attorney of record for the claimant shall be notified of the disallowance of the claim.

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

Section 1. Section 633.108, Code 1981, is amended to read as follows:

633.108 SMALL LEGACIES TO MINORS--PAYMENT. Whenever a minor ~~shall become~~ becomes entitled under the terms of a will to a bequest or legacy, to a share of the estate of an intestate, or to a beneficial interest in a trust fund upon the distribution ~~thereof of the trust fund~~, and the value of ~~such the~~ such the bequest, legacy, share, or interest ~~shall does~~ does not exceed the sum of ~~one four~~ one four thousand dollars, and ~~no a~~ a conservator for ~~such the~~ such the minor has ~~theretefere not~~ not been appointed, the court having jurisdiction of the distribution of ~~such the~~ such the funds may, in its discretion, upon the application of the fiduciary, enter an order authorizing ~~such the~~ such the fiduciary to pay ~~such the~~ such the bequest, legacy, share or interest to the parents of ~~such the~~ such the minor, or to the person with whom ~~such the~~ such the minor resides, for the use of ~~such the~~ such the minor, ~~and the~~. The receipt of ~~such the~~ such the person or persons therefor, when presented to the court or filed with the report of distribution of ~~any-such the~~ any-such the fiduciary, shall have the same force and effect as though ~~such the~~ such the payment had been made to a duly appointed and qualified conservator for ~~such the~~ such the minor.

Sec. 2. Section 633.389, Code 1981, is amended to read as follows:

633.389 NOTICE AND HEARING ON SALE, MORTGAGE, EXCHANGE, PLEDGE OR LEASE OF PROPERTY. Upon the filing of the petition, unless notice is waived in writing, notice ~~of-hearing~~ of hearing in accordance with section 633.40, shall be served on all persons interested in ~~such the~~ such the property, provided, ~~however,~~ that as to personal property and as to the lease of real property not specifically devised, for a period ~~of~~ of not to exceed one year, the court may, ~~in-its~~ in its ~~discretion,~~ discretion, hear the petition without notice. ~~in-these-instances-where~~ When notice is required, the notice shall state briefly the nature of the application. ~~At-the-hearing-and-upon~~ Upon satisfactory proof, the court may

order the sale, mortgage, exchange, pledge or lease of the property described, or any part ~~thereof~~ of the property, at ~~such~~ a price and upon ~~such~~ terms and conditions as the court may authorize. For the purposes of this section, the term "all persons interested" ~~shall--include~~ includes only distributees in the estate and persons who have requested notice as provided by this Code.

Sec. 3. Part 6 of division VII of chapter 633, Code 1981, is amended by adding the following new section:

NEW SECTION. SALE DEFINED. For purposes of part 6 of this division, sale of property includes but is not limited to the granting of an easement, the granting of an option, the granting of a right of refusal and the granting or conveyance of any other interest, title or right regarding property.

Sec. 4. Section 633.439, Code 1981, is amended to read as follows:

633.439 DISALLOWANCE BY PERSONAL REPRESENTATIVE. At any time after the filing of a claim against an estate, the personal representative may give the claimant and the claimant's attorney of record, if any, written notice of disallowance of claim. ~~Such-a~~ The notice shall be given by certified mail addressed to the claimant at the address stated in the claim and to the claimant's attorney of record, if any.

Sec. 5. Section 633.478, Code 1981, is amended to read as follows:

633.478 NOTICE OF APPLICATION FOR DISCHARGE. ~~No~~ A personal representative shall not be discharged from further duty or responsibility upon final settlement until notice of ~~hearing-on-his~~ the final report or of an application for discharge ~~shall--have~~ has been served upon all persons interested, in accordance with section 633.40, unless ~~such~~ notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Sec. 6. Section 633.677, Code 1981, is amended to read as follows:

633.677 ACCOUNTING TO WARD--NOTICE OF HEARING. Upon the termination of a conservatorship, the conservator shall pay the costs of administration, and shall render a full and complete accounting to the ward or ~~his~~ the ward's personal representative and to the court. Notice of ~~hearing--on~~ the final report of a conservator shall be served on the ward or ~~his~~ the ward's personal representative, in accordance with section 633.40, unless ~~such~~ notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Approved May 4, 1981

CHAPTER 194

ADOPTED PERSONS INTESTATE SUCCESSION

H. F. 739

AN ACT relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

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

Section 1. Section 633.223, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

633.223 EFFECT OF ADOPTION.

1. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of an adopted person from and through the adopted person's natural parents. The adopted person inherits from and through the adoptive parents in the same manner as a natural born child inherits from and through the child's natural parents.

2. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of a natural parent from and through the parent's natural born child who is adopted. The adoptive parents inherit from and through the adopted person in the same manner as natural parents inherit from and through the parents' natural born child.

3. An adoption of a person by the spouse or surviving spouse of a natural parent has no effect on the relationship for inheritance purposes between the adopted person and that natural parent or natural parent's heirs. An adoption of a person by the spouse or surviving spouse of a natural parent after the death of the other natural parent has no effect on the relationship for inheritance purposes between the adopted person and the deceased natural parent's heirs.

4. A person inherits through an adopted person, an adoptive parent, or a natural parent of an adopted person only if the adopted person, adoptive parent, or natural parent of an adopted person would have inherited under subsection 1, 2, or 3.

Approved May 18, 1981

CHAPTER 195
PERSONAL PROPERTY WILLS
S. F. 307

AN ACT to permit a separate writing to identify bequests of certain tangible personal property in wills.

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

Section 1. Section 633.275, Code 1981, is amended to read as follows:

633.275 TESTAMENTARY ADDITIONS TO TRUSTS. A devise or bequest, the validity of which is determinable by the law of this state, may be made by a will to the trustee of a trust established, or to be established, by the testator, or by the testator and some other person or persons, or by some other person or persons, (including a funded or unfunded life insurance trust, although the trustor has reserved some or all rights of ownership of the insurance contracts), if the trust is identified in the testator's will, and if its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator's will, or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character or the corpus of the trust). The devise or bequest ~~shall~~ is not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised or bequeathed ~~+~~(1) shall not be deemed to be held under a testamentary trust of the testator, but shall become a part of the trust to which it is given, and ~~+~~(2) shall be administered and disposed of in accordance with ~~the--provisions--of~~ the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator, (regardless of whether any such amendment was made before or after the execution of the testator's will), and, if the testator's will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator ~~shall--cause~~ causes the devise or bequest to lapse. This section does not invalidate a devise or bequest made by a will executed prior to January 1, 1964.

Sec. 2. Section 633.276, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

633.276 SEPARATE IDENTIFICATION OF BEQUEST. A will may refer to a written statement, letter, or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, except tangible personal property used in trade or business. Tangible personal property, for purposes of this section, includes household goods, furnishings, furniture, personal effects, clothing, jewelry, books, works of art, ornaments, and automobiles. If the writing is dated and is either in the handwriting of the

testator or is signed by testator, and if it describes the items and distributees with reasonable certainty, the personal representative shall distribute the described items of tangible personal property to the distributees entitled to them. The writing may be referred to as one to be in existence at the time of the testator's death. The writing may be prepared before or after the execution of the will. The writing may be altered, added to, or changed in any respect by the testator after its preparation, and it may be a writing which has no significance apart from its effect upon the dispositions made by the will. Property passing by the writing shall be considered as property passing as a specific bequest under will.

Approved June 14, 1981

CHAPTER 196
ESTATE ADMINISTRATION LIMITATION
S. F. 515

AN ACT relating to a limitation on the time period for the filing of estates.

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

Section 1. Section 633.331, Code 1981, is amended to read as follows:

633.331 LIMITATION OF ADMINISTRATION. ~~Probate--of--a--will,--original~~
~~administration~~ Administration of an ~~intestate estate, testate or intestate,~~
domiciliary or ancillary administration-of-an-estate, shall not be granted
after five years from the death of the decedent, whether ~~he-die~~ the decedent
died within or without this state, unless a petition ~~therefor~~ for
administration is filed prior to the expiration of the five-year period.
~~Provided,--however,--that~~ However, ~~the limitation-herein-provided-shall-not~~
~~apply-to-the-probate-of-a-will-of-a-decedent-who-died--prior--to--January--1,~~
1964 will of a decedent may be admitted after the expiration of the five-year
period as documentary evidence of title only.

Approved May 4, 1981

CHAPTER 197

DISCLAIMER OF SUCCESSION TO PROPERTY

H. F. 778

AN ACT relating to the disclaimer of succession to property and providing a January 1 effective date.

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

Section 1. Section 633.704, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

633.704 DISCLAIMER.

1. RIGHT OF DISCLAIMER. A person, including a person designated to take pursuant to a power of appointment, is not required to take as a distributee, as a beneficiary, as an annuitant, or as a transferee including as a transferee in joint tenancy, or otherwise, and a person, as a donee of a power, is not required to accept any right of appointment. If the requirements of this section are met, a person may disclaim, in whole or in part, the transfer of a power, or the transfer, receipt of, or entitlement or succession to, any property, real or personal, or any interest in property, including but not limited to an interest in trust, and including but not limited to ownership, proceeds of, or other benefits to or under a life insurance policy or annuity contract, by delivering a written instrument of disclaimer within the time and in the manner provided in this section. The instrument shall:

- a. Describe the property, interest, or right disclaimed.
- b. Declare the disclaimer and the extent of the disclaimer.
- c. Be signed and acknowledged by the disclaimant.

2. TIME OF DISCLAIMER--FILING--IRREVOCABILITY.

a. TIME OF DISCLAIMER. The disclaimer instrument shall be received by the transferor of the property, interest, or right, the transferor's fiduciary, or the holder of the legal title to which the property, interest, or right relates, not later than the date which is nine months after the later of the date on which the transfer of the property, interest, or right is made, or the date on which the disclaimant attains eighteen years of age. The nine-month period for making a disclaimer shall be determined with reference to each transfer. With respect to a testamentary transfer, the transfer occurs upon the date of the decedent's death. Any property, interest, or right may be disclaimed nine months after the date of the disclaimant's eighteenth birthday even though the disclaimant received benefits from the property, interest, or right without any action on the disclaimant's part before attaining eighteen years of age. However, if a person entitled to disclaim does not have actual knowledge of the existence of the transfer, the disclaimer may be made not later than nine months after the person has actual knowledge of the existence of the transfer.

b. **FILING.** A copy of an instrument of disclaimer affecting real estate shall be filed in the office of the county recorder of the county where the real estate is located. Failure to file with the county recorder within the time permitted for disclaimer does not invalidate the disclaimer. A copy of an instrument of disclaimer, regardless of subject, may be filed with the clerk of court of the county in which proceedings for administration have been commenced, if applicable.

c. **IRREVOCABILITY.** An instrument of disclaimer shall be unqualified and is irrevocable from and after the date of its receipt.

3. **EFFECTIVE DISCLAIMER.**

a. **PASSAGE OF DISCLAIMED INTEREST OR PROPERTY.** Unless the transferor has otherwise provided, the property, interest, or right disclaimed, and any future interest which is to take effect in possession or enjoyment at or after the termination of the interest or right disclaimed, descends or shall be distributed as if the disclaimant has died prior to the date of the transfer, or if the disclaimant is one designated to take pursuant to a power of appointment exercised by testamentary instrument, then as if the disclaimant has predeceased the donee of the power unless the donee of the power has otherwise provided. In every case, the disclaimer relates back for all purposes to the date of the transfer. In the case of a disclaiming beneficiary under a will, other than a spouse, the property, interest, or right disclaimed passes to the heirs of the disclaimant unless from the terms of the transferor's will the intent is clear and explicit to the contrary, in which event the property, interest, or right disclaimed passes pursuant to the will. In the case of a disclaimer under a will by a spouse the property, interest, or right disclaimed lapses unless from the terms of the transferor's will the intent is clear and explicit to the contrary.

b. **FUTURE INTEREST.** A person who has a present and a future interest in property and who disclaims the present interest, in whole or in part, shall be deemed to have disclaimed the future interest to the same extent. However, if such person disclaims only the future interest, in whole or in part, that person shall retain the present interest, and the disclaimer shall only effect the future interest involved.

c. **DEATH OR DISABILITY OF DISCLAIMANT.** If a person eligible to disclaim dies within the time allowed for a disclaimer, the right to disclaim continues for the time allowed and the personal representative of the person eligible to disclaim has the same right to disclaim as the disclaimant and may disclaim on behalf of his or her decedent. If a person entitled to disclaim is disabled, the court may authorize or direct a conservator or guardian to exercise the right to disclaim on behalf of the person under disability if the court finds it is in the person's best interests.

4. **WAIVER AND BAR.** An assignment, conveyance, encumbrance, pledge, or transfer of any property, interest, or right, or a contract therefor, or a written waiver of the right to disclaim, or an acceptance of any property, interest, or right, by an heir, devisee, donee, transferee, joint owner, person succeeding to a disclaimed interest, annuitant, beneficiary under a life insurance policy, or person designated to take pursuant to a power of appointment exercised by testamentary instrument, or a sale of property by

execution, made before the expiration of the period in which a person may disclaim as provided in this section, bars the right to disclaim that property, interest, or right. An election by a surviving spouse under sections 633.236 through 633.246 is not a waiver or bar of the right to disclaim. The right to disclaim exists irrespective of any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction. A disclaimer, when received, as provided in this section, or a written waiver of the right to disclaim, is binding upon the disclaimant or person waiving and all parties claiming by, through, and under the disclaimant or person waiving. If a beneficiary who disclaims any property, interest, or right is also a fiduciary, actions taken by the person in the exercise of fiduciary powers to preserve or maintain the property, interest, or right shall not be treated as an acceptance of the property, interest, or right. A fiduciary, however, does not retain discretionary power to direct the enjoyment of the disclaimed property, interest, or right.

5. EXCLUSIVENESS OF REMEDY. This section does not abridge the right of a person to assign, convey, release, or renounce any property, interest, or right arising under any other statute.

6. EFFECTIVE DATE--REPEAL. This section applies only to transfers occurring on or after the effective date of this Act.

Sec. 2. Section 1 of this Act does not apply to any transfer occurring prior to the effective date of this Act. A transfer occurring prior to the effective date of this Act shall be governed by the law as it existed prior to the effective date of this Act.

Approved May 5, 1981

CHAPTER 198
POSTCONVICTION PROCEDURE
H. F. 765

AN ACT relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

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

Section 1. Section 663A.2, Code 1981, is amended by adding the following new subsection following subsection 5 and renumbering the remaining subsection:

NEW SUBSECTION. 6. The person's reduction of sentence pursuant to section 246.39 or section 246.43 has been unlawfully forfeited; or

Sec. 2. Section 663A.2, subsection 5, Code 1981, is amended to read as follows:

5. ~~His~~ The person's sentence has expired, ~~his or~~ probation, parole, or conditional release has been unlawfully revoked, or ~~he~~ the person is otherwise unlawfully held in custody or other restraint; ~~or~~

Sec. 3. Section 663A.7, Code 1981, is amended to read as follows:

663A.7 COURT TO HEAR APPLICATION. The application shall be heard in, and before any judge of, the court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 663A.2, subsection 6, the application shall be heard in, and before any judge of the court of the county in which the applicant is being confined. A record of the proceedings shall be made and preserved. All rules and statutes applicable in civil proceedings including pretrial and discovery procedures are available to the parties. The court may receive proof of affidavits, depositions, oral testimony, or other evidence, and may order the applicant brought before it for the hearing. If the court finds in favor of the applicant, it shall enter an appropriate order with respect to the conviction or sentence in the former proceedings, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper. The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. This order is a final judgment.

Approved May 4, 1981

CHAPTER 199

SMALL ESTATE ADMINISTRATION

H. F. 822

AN ACT relating to the administration of small estates.

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

Section 1. Section 635.1, Code 1981, is amended to read as follows:

635.1 WHEN APPLICABLE.

1. When the ~~total~~ gross value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state ~~including--life--insurance payable--to--the--estate--but--not--including--other--life--insurance~~ does not exceed ~~ten~~ thirty thousand dollars in property subject to taxation under section 450.3, if the decedent dies intestate and is survived by a spouse or children or both, or if the decedent leaves a last will and testament and that will is admitted to probate but there is no present administration and the only beneficiaries are a spouse or children or both, then upon the petition of the spouse or a child of the decedent ~~who is a resident of the state of Iowa,~~ the clerk shall issue to a resident of the state of Iowa designated by the petitioner letters of appointment of executor or administrator for administration of a small estate, if either of the following occur:

a. The decedent dies intestate and is survived by a spouse, or children, or both.

*According to enrolled Act

b. The decedent leaves a last will and testament and that will is admitted to probate but there is no present administration and the only beneficiaries are a spouse, or children, or both.

2. When the ~~total gross~~ value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state ~~including--life--insurance payable--to--the--estate--but--not--including--other--life--insurance~~ does not exceed ten thousand dollars in property subject to taxation under section 450.3, if the--decedent--dies--intestate--without--a--surviving--spouse--or--issue--and--with--a--surviving--parent--or--parents--or--if--the--decedent--dies--without--a--surviving--spouse--or--issue--and--leaves--a--last--will--and--testament--and--that--will--is--admitted--to--probate--but--there--is--no--present--administration--and--the--only--beneficiaries--are--a--surviving--parent--or--parents--then upon the petition of a parent of the decedent who is a resident of the state of Iowa the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate, if either of the following occur:

a. The decedent dies intestate without a surviving spouse or issue but with a surviving parent or parents.

b. The decedent dies without a surviving spouse or issue and leaves a last will and testament and that will is admitted to probate but there is no present administration and the only beneficiaries are a surviving parent or parents.

3. When the entire estate of the decedent does not exceed the sum of one thousand dollars after deducting the debts, as defined in chapter 450, upon the petition of a person related within the fourth degree of consanguinity to the decedent, the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate if either of the following occur:

a. The decedent dies intestate without a surviving spouse, issue, or parent, but with heirs that are all within the fourth degree of consanguinity.

b. The decedent dies without a surviving spouse, issue, or parent, and leaves a last will and testament and that will is admitted to probate but there is no present administration and the only beneficiaries are surviving persons related to the decedent within the fourth degree of consanguinity.

Sec. 2. Section 635.2, subsection 2, Code 1981, is amended to read as follows:

2. The name and address of the surviving spouse, if any, the name and address of each child of the decedent, and the name and address of each parent of the decedent, if the parent is an heir or beneficiary of the decedent, unless none are beneficiaries under the will of the decedent and the name and address of each relative within the fourth degree of consanguinity of the decedent who is an heir or beneficiary of the decedent, unless none are beneficiaries under the will of the decedent.

Sec. 3. Section 635.2, subsection 4, Code 1981, is amended to read as follows:

4. A statement that the probate and nonprobate property of the decedent subject to the jurisdiction of this state ~~including-life-insurance-payable-to-the-estate-but-not-including-other-life-insurance~~ does not have an aggregate gross value of more than the amount permitted under the provisions of section 635.1.

Sec. 4. Section 635.3, Code 1981, is amended to read as follows:

635.3 POSSESSION OF ESTATE. The letters of appointment of the ~~personal representative~~ executor or administrator of a small estate shall entitle the ~~personal--representative~~ executor or administrator to possession of any property of the estate.

Sec. 5. Section 635.4, Code 1981, is amended to read as follows:

635.4 TURNING OVER ASSETS TO REPRESENTATIVE EXECUTOR OR ADMINISTRATOR. Any debtor, financial institution, or other possessor of property shall deliver to the ~~personal-representative~~ executor or administrator of a small estate all property of the estate in its possession unless the value of the property exceeds ~~ten-thousand-dollars~~ the amount permitted the small estate under the applicable provision of section 635.1. The possessor of property shall be exonerated from any liability for the delivery of property to the ~~personal---representative~~ executor or administrator and shall not be responsible for its disposition after the delivery.

Sec. 6. Section 635.5, Code 1981, is amended to read as follows:

635.5 TRANSFER OF STOCK OR SECURITIES. The letters of appointment are authority for the transfer of stock or other securities to the persons entitled by law to the stock or other securities as stated to the transfer agent by the ~~personal-representative~~ executor or administrator for the small estate. The transfer agent shall be exonerated from all liability for making the transfer.

Sec. 7. Section 635.6, Code 1981, is amended to read as follows:

635.6 PROPERTY OF PERISHABLE NATURE. The ~~personal---representative~~ executor or administrator of a small estate may sell personal property of a perishable nature and personal property for which there is a regularly established market without order of the court. ~~The-personal-representative has-no-other-power-to-sell-property-of-the-estate.~~

Sec. 8. Section 635.7, Code 1981, is amended to read as follows:

635.7 REPORT AND INVENTORY--SHOWING GREATER GROSS VALUE. The ~~personal representative~~ executor or administrator is required to file the report and inventory for which provision is made in section 633.361. Nothing in sections 635.1 to 635.3 shall exempt the ~~personal-representative~~ executor or administrator from complying with the requirements of ~~section~~ sections 422.27, 450.22, or 450.58, or the clerk from complying with the requirements of section 633.481. However, the executor or administrator is exempted from filing the certificate of the county treasurer in the county in which the estate is pending that all personal taxes due and to become due have been paid in full. If the inventory and report shows assets subject to the jurisdiction of this state ~~including-life-insurance-payable-to-the-estate-but-not-including-other-life-insurance~~ which exceed the total gross value of ~~ten thousand--dollars~~ the amount permitted the small estate under the applicable provision of section 635.1, the clerk shall terminate the letters issued

under section 635.1 without prejudice to the rights of persons who delivered property as permitted under section 635.3. The ~~personal--representative~~ executor or administrator shall then be required to petition for administration of the estate.

Sec. 9. Section 635.8, Code 1981, is amended to read as follows:

635.8 FAILURE-TO-TERMINATE--LIABILITY CLOSING BY SWORN STATEMENT.

1. Unless an interested person petitions for administration of the estate on a basis other than for a small estate within one year after letters of administration for a small estate are issued, if those letters of administration are not terminated under the provisions of section 635.7, any property of the estate shall then be free of debts and charges. However, the ~~personal--representative~~ executor or administrator of the small estate shall not be exonerated from debts and charges of the estate except as otherwise provided in this chapter, and shall be subject to personal liability to the extent provided in section 635.2, subsection 5, for the period of time otherwise provided by law.

2. The executor or administrator shall file with the court a closing statement within nine months from the date of issuance of the letters of appointment, and the closing statement shall be verified or affirmed under penalty of perjury, stating all of the following:

a. To the best knowledge of the person, the gross value of the estate subject to the jurisdiction of this state does not exceed the amount permitted the small estate under the applicable provision of section 635.1.

b. The estate has been fully administered, dispersed, and distributed to persons entitled thereto and a description of the disbursement and distribution of the estate including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest therein and its disposition.

c. A copy of the closing statement has been sent to all distributees of the estate and to all known creditors and a full account in writing of the administration of the estate has been furnished to the distributees whose interests are affected.

3. If no actions or proceedings involving the estate are pending in the court one year after the closing statement is filed, the estate shall close and the clerk shall discharge the administrator or executor.

4. The closing statement shall include a statement as to the amount of fees paid for services rendered by the executor or administrator and the executor's or administrator's attorney in administration of the estate. The fees for the executor or administrator and the executor's or administrator's attorney shall not be in excess of the fees permitted by section 633.197.

5. A closing statement filed under this section has the same effect as final settlement of the estate under chapter 633.

Sec. 10. Section 635.9, Code 1981, is amended to read as follows:

635.9 PETITION FOR ADMINISTRATION ON OTHER BASIS. At any time within one year after letters of administration are issued for a small estate, any interested person may petition for appointment of an executor or administrator for administration of the estate other than as a small estate. In that event the clerk shall notify the person holding letters of

appointment for administration of a small estate by ordinary mail not less than ten days before a hearing on the petition. The notice shall be directed to the ~~personal-representative~~ executor or administrator of the small estate at ~~his~~ the executor's or administrator's last known address as reflected in the petition filed under section 635.2 or the report and inventory filed under section 633.361, whichever is filed later.

Sec. 11. Chapter 635, Code 1981, is amended by adding the following new section:

NEW SECTION. SALE OF PROPERTY. The executor or administrator of a small estate may sell property of the estate if the sale is in compliance with sections 633.383 through 633.401 inclusive.

Sec. 12. Chapter 635, Code 1981, is amended by adding the following new section:

NEW SECTION. NOTICE--CLAIMS. The executor or administrator of a small estate may publish notice pursuant to section 633.230 or section 633.304. Creditors having claims against the estate must file them with the clerk within six months from the second publication of the notice. The notice shall have the same force and effect as in chapter 633.

Sec. 13. Chapter 635, Code 1981, is amended by adding the following new section:

NEW SECTION. MINIMUM TIME BEFORE DISTRIBUTION. The executor or administrator shall not distribute property of the estate not exempt from execution, prior to sixty days after the issuance of the letters of appointment.

Approved May 19, 1981

CHAPTER 200
GARNISHMENT IN SCHOOL DISTRICT
S. F. 230

AN ACT relating to the person to whom notice of garnishment is served in a school district.

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

Section 1. Section 642.2, subsection 4, Code 1981, is amended to read as follows:

4. Service upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in section 642.5, by certified mail or by personal service upon the attorney general, county attorney, city attorney, secretary of the school district, or ~~ethe~~ legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

Approved May 8, 1981

CHAPTER 201
CHANGE OF NAME OF MINOR
S. F. 121

AN ACT allowing a parent to file a petition to change the name of a minor child of the parent.

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

Section 1. Section 674.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

674.1 AUTHORIZATION. A person who has attained the age of majority and who does not have any civil disabilities may apply to the court to change his or her name by filing a verified petition as provided in this chapter. The verified petition may request a name change for minor children of the petitioner as well as the petitioner or a parent may file a verified petition requesting a name change on behalf of a minor child of the parent.

Sec. 2. Section 674.2, unnumbered paragraph 1 and subsection 1, Code 1981, are amended to read as follows:

The verified petition shall be addressed to the district court of the county where the applicant resides and shall state for each person seeking a name change:

1. The name ~~of petitioner~~ at the time the petition is filed of the person whose name is to be changed and the person's county of residence of--the petitioner. If the person whose name is to be changed is a minor child, the petition shall state the name of the petitioner and the petitioner's relationship to the minor child.

Sec. 3. Section 674.6, Code 1981, is amended to read as follows:

674.6 SPOUSE MUST JOIN. If the petitioner is married, the spouse must join in the petition or file written consent with the petition.

If the ~~petitioner has~~ petition includes or is filed on behalf of a minor child, ~~the petition shall state this fact and shall state all the information about the child that is required of a petitioner in section 674.2, if the minor child is~~ fourteen years of age or older, the child's written consent to the change of name of that child is required.

If the ~~petitioner~~ petition includes or is filed on behalf of a minor child under fourteen ~~in the petition filed in accordance with this chapter,~~ both parents as stated on the birth certificate of the minor child shall file their written consent ~~for~~ to the name change. ~~If both parents do not file their consent, the court shall decide the appropriateness of the change of the minor child's name~~ If one of the parents does not consent to the name change, a hearing shall be set on the petition on twenty days notice to the non-consenting parent pursuant to the rules of civil procedure. At the hearing the court may waive the requirement of consent as to one of the parents if it finds:

1. That the parent has abandoned the child;
2. That the parent has been ordered to contribute to the support of the child or to financially aid in the child's birth and has failed to do so without good cause; or
3. That the parent does not object to the name change after having been given due and proper notice.

Sec. 4. Section 674.9, Code 1981, is amended to read as follows:

674.9 MINOR CHILDREN. Any new birth certificate issued to ~~the petitioner~~ ~~or a minor child of the petitioner~~ a person granted a change of name shall reflect the former name of the person ~~affected by~~ issued the new birth certificate.

Approved May 14, 1981

CHAPTER 202
ARBITRATION AGREEMENTS

H. F. 386

AN ACT to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties.

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

Section 1. NEW SECTION. VALIDITY OF ARBITRATION AGREEMENT.

1. A written agreement to submit to arbitration an existing controversy is valid, enforceable, and irrevocable unless grounds exist at law or in equity for the revocation of the written agreement.

2. A provision in a written contract to submit to arbitration a future controversy arising between the parties is valid, enforceable, and irrevocable unless grounds exist at law or in equity for the revocation of the contract. This subsection shall not apply to any of the following:

- a. A contract of adhesion.
- b. A contract between employers and employees.
- c. Unless otherwise provided in a separate writing executed by all parties to the contract, any claim sounding in tort whether or not involving a breach of contract.

Sec. 2. NEW SECTION. PROCEEDINGS TO COMPEL OR STAY ARBITRATION.

1. On application of a party showing an agreement described in section 1 of this Act and the opposing party's refusal to arbitrate, the district court shall order the parties to proceed with arbitration. However, if the opposing party denies the existence of a valid and enforceable agreement to arbitrate, the district court shall proceed to the determination of the issue and shall order arbitration if a valid and enforceable agreement is found to exist. If no such agreement exists, the court shall deny the application.

2. On application, the district court may stay an arbitration proceeding commenced or threatened on a showing that there is no valid and enforceable agreement to arbitrate. The issue, when in substantial and bona fide dispute, shall be tried and the stay ordered if a valid and enforceable agreement to arbitrate does not exist. If an agreement is found to exist, the court shall order the parties to proceed to arbitration.

3. If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a district court, the application shall be made to that court. Otherwise, the application may be made in a district court as provided in section 16 of this Act.

4. An action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application for an order to arbitrate has been made under this section or, if the issue is severable, the stay may be made with respect to the part of the issue which is subject to arbitration only. When the application is made in such an action or proceeding, the order for arbitration shall include the stay.

5. An order for arbitration shall not be refused on the ground that the claim in issue lacks merit or because any fault or grounds for the claim sought to be arbitrated have not been shown.

Sec. 3. NEW SECTION. APPOINTMENT OF ARBITRATORS BY DISTRICT COURT. If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed. In the absence of a method of appointing, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and a successor has not been appointed, the district court on application of a party shall appoint one or more arbitrators. An arbitrator appointed by the district court has the same powers as an arbitrator specifically named in the agreement.

Sec. 4. NEW SECTION. MAJORITY ACTION BY ARBITRATORS. The powers of the arbitrators may be exercised by a majority unless otherwise provided by the agreement or by this Act.

Sec. 5. NEW SECTION. HEARING. Unless otherwise provided by the agreement:

1. The arbitrators shall determine a time and place for the hearing and cause notification to the parties to be served personally or by registered mail not less than five days before the hearing. Appearance at the hearing waives the notice. The arbitrators may adjourn the hearing as necessary and, on request of a party and for good cause, or upon their own motion may postpone the hearing to a time not later than the date fixed by the agreement for making the award. The arbitrators may hear and determine the controversy upon the evidence produced even if a party duly notified fails to appear.

2. The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

3. The hearing shall be conducted by all the arbitrators. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators may continue with the hearing and determination of the controversy.

Sec. 6. NEW SECTION. REPRESENTATION BY ATTORNEY. A party has the right to be represented by an attorney at any proceeding or hearing under this Act. A waiver of this right before the proceeding or hearing is ineffective.

Sec. 7. NEW SECTION. WITNESSES, SUBPOENAS, DEPOSITIONS.

1. The arbitrators may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and may administer oaths. Subpoenas shall be served, and upon application to the district court by a party or the arbitrators, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

2. On application of a party and for use as evidence, the arbitrators may permit a deposition to be taken, in the manner and upon the terms designated by the arbitrators, of a witness who cannot be subpoenaed or is unable to attend the hearing.

3. All provisions of the law compelling a person under subpoena to testify are applicable.

4. Unless otherwise agreed, fees for attendance as a witness shall be the same as for a witness in the district court.

Sec. 8. NEW SECTION. AWARD.

1. The award shall be in writing and signed by the arbitrators joining in the award. The arbitrators shall deliver a copy to each party personally, by registered mail, or as provided in the agreement.

2. A party waives the objection that an award was not made within the proper time unless the party notifies the arbitrators of the party's objection before the award is received.

3. Unless otherwise agreed, an award shall be made within thirty days after the arbitration hearing.

Sec. 9. NEW SECTION. CHANGE OF AWARD BY ARBITRATORS. On application of a party or, if an application to the district court is pending under section 11, 12, or 13 of this Act, on submission to the arbitrators by the district court under the conditions the district court orders, the arbitrators may modify or correct the award upon the grounds stated in paragraphs a and c of subsection 1 of section 13 of this Act, or for the purpose of clarifying the award. The application shall be made within twenty days after delivery of the award to the applicant. Written notice of the application shall be given to the opposing party, stating that the opposing party must serve any objections to the application within ten days from the notice. The modified or corrected award is subject to sections 11, 12, and 13 of this Act.

Sec. 10. NEW SECTION. FEES AND EXPENSES OF ARBITRATION. Unless otherwise provided in the agreement to arbitrate, and except for council fees, the arbitrators' expenses and fees and any other expenses incurred in the conduct of the arbitration shall be paid as provided in the award.

Sec. 11. NEW SECTION. CONFIRMATION OF AN AWARD. Upon application of a party, the district court shall confirm an award, unless within the time limits imposed under sections 12 and 13 of this Act grounds are urged for vacating, modifying, or correcting the award, in which case the district court shall proceed as provided in sections 12 and 13 of this Act.

Sec. 12. NEW SECTION. VACATING AN AWARD.

1. Upon application of a party, the district court shall vacate an award if any of the following apply:

a. The award was procured by corruption, fraud, or other illegal means.

b. There was evident partiality by an arbitrator appointed as a neutral, corruption in any of the arbitrators, or misconduct prejudicing the rights of a party.

c. The arbitrators exceeded their powers.

d. The arbitrators refused to postpone the hearing upon sufficient cause being shown for the postponement, refused to hear evidence material to the controversy, or conducted the hearing contrary to the provisions of section 5 of this Act, in a manner which prejudiced substantially the rights of a party.

e. There was no arbitration agreement, the issue was not adversely determined in proceedings under section 2 of this Act, and the party did not participate in the arbitration hearing without raising the objection.

f. Substantial evidence on the record as a whole does not support the award. The court shall not vacate an award on this ground if a party urging the vacation has not caused the arbitration proceedings to be reported, if the parties have agreed that a vacation shall not be made on this ground, or if the arbitration has been conducted under the auspices of the American arbitration association.

2. The fact that the relief awarded could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

3. An application under this section shall be made within ninety days after delivery of a copy of the award to the applicant. However, if the application to vacate an award is predicated upon corruption, fraud, or other illegal means, it shall be made within ninety days after those grounds are known or should have been known.

4. In vacating the award on grounds other than stated in paragraph e of subsection 1, the district court may order a rehearing before new arbitrators chosen as provided in the agreement, or in the absence of a method in the agreement, by the district court in accordance with section 3 of this Act, or if the award is vacated on grounds set forth in paragraph c or d of subsection 1 of this section, the district court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with section 3 of this Act. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

Sec. 13. NEW SECTION. MODIFICATION OR CORRECTION OF AWARD.

1. Upon application made within ninety days after delivery of a copy of the award to the applicant, the district court shall modify or correct the award if any of the following apply:

a. There is an evident miscalculation of figures or an evident mistake in the description of a person, thing, or property referred to in the award.

b. The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted.

c. The award is imperfect in a matter of form, not affecting the merits of the controversy.

2. If the application is granted, the district court shall modify and correct the award to effect its intent and shall confirm the award as modified and corrected.

Sec. 14. NEW SECTION. JUDGMENT OR DECREE ON AWARD. Upon the granting of an order confirming, modifying, or correcting an award, a judgment or decree shall be entered in conformity with the order enforced as any other judgment or decree. Costs of the application and the subsequent proceedings and disbursements may be awarded by the district court.

Sec. 15. NEW SECTION. APPLICATIONS TO DISTRICT COURT. Except as otherwise provided, an application to the district court under this Act shall be by motion and shall be heard in the manner and upon the notice provided by law or rule of civil procedure, for the making and hearing of motions. Unless the parties have agreed otherwise, notice of an initial application for an order shall be served in the manner provided by the Iowa rules of civil procedure for the service of original notice in an action.

Sec. 16. NEW SECTION. VENUE. An initial application shall be made to the district court of the county in which the agreement provides the arbitration hearing shall be held or, if the hearing has been held, in the county in which it was held. Otherwise the application shall be made in the district court of the county where the adverse party resides or has a place of business or, if the adverse party has no residence or place of business in this state, to the district court of any county. All subsequent applications shall be made to the district court hearing the initial application unless the district court otherwise directs.

Sec. 17. NEW SECTION. APPEALS.

1. An appeal may be taken from:

a. An order denying an application to compel arbitration made under section 2 of this Act.

b. An order granting an application to stay arbitration made under section 2, subsection 2 of this Act.

c. An order confirming or denying confirmation of an award.

d. An order modifying or correcting an award.

e. An order vacating an award without directing a rehearing.

f. A judgment or decree entered pursuant to the provisions of this Act.

2. The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

Sec. 18. NEW SECTION. ACT NOT RETROACTIVE. This Act applies only to arbitration agreements made on or after the effective date of this Act. Sections 679.1 through 679.18 do not apply to agreements to arbitrate entered into after the effective date of this Act.

Sec. 19. Sections 1 through 18 of this Act and section 679.19 shall be codified as a chapter of the Code.

Sec. 20. Sections 679.1 through 679.18, Code 1981, are repealed effective January 1, 1983.

Approved June 18, 1981

CHAPTER 203
RULES OF EVIDENCE
H. F. 779

AN ACT relating to the rules of evidence.

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

Section 1. The supreme court is requested to undertake a study of the federal rules of evidence for United States courts and magistrates for the purpose of determining which rules should be adopted for use in Iowa's state court system.

Sec. 2. Section 684.18, subsection 1, Code 1981, is amended to read as follows:

1. The supreme court shall have the power to prescribe all rules of pleading, practice, evidence, and procedure, and the forms of process, writs and notices, for all proceedings ~~of-a-civil-nature~~ in all courts of this state, for the purpose of simplifying the same, and of promoting the speedy determination of litigation upon its merits. ~~Said~~ These rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant.

Sec. 3. Section 1 of this Act shall not be printed in the Iowa Code.

Approved May 19, 1981

CHAPTER 204
CERTAIN CRIMES
S. F. 517

AN ACT relating to certain crimes including accessory after the fact, assault, terrorism, indecent contact with a child, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties.

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

Section 1. Section 703.3, Code 1981, is amended to read as follows:

703.3 ACCESSORY AFTER THE FACT.

1. Any person having knowledge that a felony public offense has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person ~~accused--of--committing~~ who committed the felony offense, ~~who--with--intent--to--prevent--the--apprehension--of--the--accused--person,~~ harbors, aids or conceals the accused person who

committed the offense, with the intent to prevent the apprehension of the person who committed the offense, shall-be-guilty-of commits an aggravated misdemeanor if the public offense committed was a felony, or commits a simple misdemeanor if the public offense was a misdemeanor.

~~2.--Any-person-having-knowledge-that-a-misdemeanor-has-been-committed,-and who-does-not-stand-in-the-relation-of-husband-or-wife-to-the--person--accused of--committing--the-misdemeanor,-who,-with-intent-to-prevent-the-apprehension of-the-accused-person,-harbors,-aids-or-conceals-the-accused-person,-shall-be guilty-of-a-simple-misdemeanor.~~

Sec. 2. Section 704.1, Code 1981, is amended to read as follows:

704.1 REASONABLE FORCE. "Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss,~~and no more, except that the use of deadly force against another is reasonable only to resist a like force or threat~~ and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to ~~one's~~ one's life or safety, or the life or safety of a third party, or requires one to abandon or retreat from ~~his-or-her~~ one's dwelling or place of business or employment.

Sec. 3. Section 708.2, Code 1981, is amended to read as follows:

708.2 PENALTIES FOR ASSAULT.

1. A person who commits an assault, as defined in section 708.1, with the intent to inflict a serious injury upon another, ~~shall-be~~ is guilty of an aggravated misdemeanor.

2. A person who commits an assault, as defined in section 708.1, without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of a serious misdemeanor.

~~2~~ 3. Any other assault, except as otherwise provided, is a simple misdemeanor.

Sec. 4. Section 708.3, Code 1981, is amended to read as follows:

708.3 ASSAULT WHILE PARTICIPATING IN A FELONY. Any person who commits an assault as defined in section 708.1 while participating in a felony other than a sexual abuse is guilty of a class "C" felony if the person thereby causes serious injury to any person; if no serious injury results, the person is guilty of a class "D" felony.

Sec. 5. Section 708.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

708.6 TERRORISM. A person commits a class "D" felony when the person, with the intent to injure or provoke fear or anger in another, shoots, throws, launches, or discharges a dangerous weapon at, into, or in a building, vehicle, airplane, railroad engine, railroad car, or boat, occupied by another person, or within an assembly of people, and thereby places the occupants or people in reasonable apprehension of serious injury or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out.

Sec. 6. Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE. Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse is guilty of a class "C" felony if the person thereby causes serious injury to any person and guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury. The person is guilty of an aggravated misdemeanor if no injury results.

Sec. 7. Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. INDECENT CONTACT WITH A CHILD. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.
2. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.
3. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

Sec. 8. Chapter 713, Code 1981, is amended by adding the following new sections:

NEW SECTION. ATTEMPTED BURGLARY DEFINED. Any person, having the intent to commit a felony, assault or theft therein, who, having no right, license, or privilege to do so, attempts to enter an occupied structure or area enclosed in a manner to provide a place for the keeping of valuable property secure from theft or criminal mischief, the occupied structure or place not being open to the public, or who attempts to remain therein after it is closed to the public or after the person's right, license, or privilege to be there has expired, or any person having such intent who attempts to break an occupied structure or other place where anything of value is kept, commits attempted burglary.

NEW SECTION. ATTEMPTED BURGLARY IN THE FIRST DEGREE. A person commits attempted burglary in the first degree if, while perpetrating an attempted burglary, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts physical injury on any person. Attempted burglary in the first degree is a class "C" felony.

NEW SECTION. ATTEMPTED BURGLARY IN THE SECOND DEGREE. All attempted burglary which is not attempted burglary in the first degree is attempted burglary in the second degree. Attempted burglary in the second degree is a class "D" felony.

Sec. 9. Section 714.2, subsections 2 and 3, Code 1981, are amended to read as follows:

2. The theft ~~of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, or the theft~~ by any other person of property exceeding five hundred dollars but not exceeding

five thousand dollars in value or theft of a motor vehicle as defined in chapter 321, irrespective of value, is theft in the second degree. Theft in the second degree is a class "D" felony.

3. The theft of property exceeding one hundred dollars but not exceeding five hundred dollars in value, or the theft of any property not exceeding one hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

Sec. 10. Section 802.3, Code 1981, is amended to read as follows:

802.3 FELONY-*AGGRAVATED OR SERIOUS MISDEMEANOR. In all cases, except those enumerated in ~~sections~~ section 802.1 and ~~802.2~~, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 11. Section 802.5, Code 1981, is amended to read as follows:

802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH. If the period prescribed in ~~sections 802.2,~~ 802.3 and 802.4 has expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Sec. 12. Section 802.2, Code 1981, is repealed.

Approved June 19, 1981

CHAPTER 205
TRESPASS ON PRIVATE PROPERTY
S. F. 289

AN ACT relating to trespass on private property and imposing a penalty.

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

Section 1. Section 716.7, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. Entering upon or in property ~~without--justification--or~~ without the ~~implied--or--actual~~ express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense ~~or~~ to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another.

Approved June 17, 1981

*According to enrolled Act

CHAPTER 206
CERTAIN CRIMINAL PROCEDURES

S. F. 528

AN ACT concerning certain criminal procedures relating to notice of seized property, nontestimonial identification, trial by jury, and deferred judgments, deferred sentences and suspended sentences.

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

Section 1. Section 809.2, Code 1981, is amended to read as follows:

809.2 NOTICE ~~OF HEARING~~. The clerk of court shall issue a notice ~~of a hearing~~, containing a reasonable description of the seized property and the time, place, and cause of its seizure, within ~~forty-eight~~ seventy-two hours ~~of~~ after the time of its seizure. Such notice shall be in a manner reasonably calculated to apprise affected persons of the pendency of the hearing their right to file a claim for the return of the property, pursuant to section 809.3.

Sec. 2. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. AUTHORITY TO ISSUE ORDER. A nontestimonial identification order authorized by this chapter may be issued only by a district court or district associate court judge upon written application of a prosecuting attorney in the investigation of a felony offense.

Sec. 3. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. TIME OF APPLICATION. Applications for a nontestimonial identification order under this chapter may be made prior to the arrest of a suspect. The procedural provisions of this chapter shall not limit the conduct of lineups or other nontestimonial procedures after arrest.

Sec. 4. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTENTS OF APPLICATION. The application shall:

1. Describe the felony offense that is being investigated;
2. Name or describe with particularity the person to be detained for the desired nontestimonial identification procedure;
3. State the time when and place where the applicant requests that the nontestimonial identification procedure be conducted; and
4. Be supported by one or more affidavits setting forth the facts and circumstances showing that the basis for issuance of an order under this chapter exist. If an affidavit is based in whole or in part on hearsay, the affiant shall set forth particular facts bearing on the informant's reliability and shall disclose, as far as is practicable, the means by which the information was obtained.

Sec. 5. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. BASIS FOR ORDER. An order authorized by this chapter shall be issued only if the court finds that the application and the affidavit or affidavits in support of the application establish each of the following:

1. That there is probable cause to believe that a felony described in the application has been committed.

2. That there are reasonable grounds to suspect that the person named or described in the application committed the felony and it is reasonable in view of the seriousness of the offense to subject that person to the requested nontestimonial identification procedures.

3. That the results of the requested nontestimonial identification procedures will be of material aid in determining whether the person named or described in the application committed the felony.

4. That such evidence cannot practicably be obtained from other sources.

Sec. 6. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. ISSUANCE OF ORDER. Upon a showing that the required grounds exist, the court shall issue an order directing the person named or described in the application to appear at a designated time and place for nontestimonial identification procedures.

Sec. 7. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTENTS OF ORDER. The order shall be directed to the person named or described in the application and shall inform the person of all of the following:

1. That the presence of the person is required for the purpose of conducting or permitting nontestimonial identification procedures in order to aid in the investigation of the felony specified therein.

2. The time and place of the required appearance.

3. The nontestimonial identification procedures to be conducted, the methods to be used, and the approximate length of time the procedures will require.

4. The grounds to suspect that the person named in the affidavit committed the felony specified therein.

5. That the person will be under no legal obligation to submit to any interrogation or to make any statement during the period of the person's appearance except for that required for voice identification.

6. That the person may request the judge to make a reasonable modification of the order with respect to time and place of appearance, including a request to have any nontestimonial identification procedure other than a lineup conducted at the person's place of residence.

7. That if the person fails to appear, he or she may be held in contempt of court.

8. That the right to counsel shall apply during nontestimonial identification procedures, including the right of indigent persons to appointed counsel.

9. That the person may request that the court modify or vacate the order as provided in this chapter.

Sec. 8. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. MODIFICATION OF ORDER. At the request of the person named or described in the application, the issuing court may modify a nontestimonial identification order with respect to time, place or manner of conducting the identification procedures if it appears reasonable under the circumstances to do so.

Sec. 9. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. VACATION OF ORDER. On motion of the person named or described in the application, the issuing court shall vacate the nontestimonial identification order if the court finds that the order was improperly issued or that there are no longer sufficient grounds for issuance of the order.

Sec. 10. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. SERVICE OF ORDER. The order issued pursuant to this chapter shall be served by a law enforcement officer by delivery of a copy of the order to the person named or described in the order.

Sec. 11. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. TIME OF SERVICE.

1. The nontestimonial identification order shall be served upon the person named or described in the order within five days after its issuance, excluding Saturdays, Sundays, and legal holidays, between the hours of 8:00 a.m. and 12:00 midnight, and shall be so served not later than twelve hours prior to the time of the person's required participation.

2. If the issuing court finds reasonable cause to believe that the person named or described in the application may either flee or alter or destroy the nontestimonial evidence sought, the court may direct a law enforcement officer to bring the person before the court. Upon presentation of the person, the court shall read the nontestimonial identification order to the person and afford a reasonable opportunity for the person to consult with a lawyer and to seek modification or vacation of the order. The court may then direct the person to participate immediately in the designated nontestimonial identification procedures. After the procedures have been completed, the person shall be released or charged with a felony.

Sec. 12. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. IMPLEMENTATION OF ORDER. Nontestimonial identification procedures may be conducted by any law enforcement officer or other person designated by the judge. The judge may require medical supervision for any test ordered pursuant to this chapter when the judge deems such supervision necessary. A person who appears under an order of appearance issued pursuant to this chapter shall not be detained longer than is reasonably necessary to conduct the specified nontestimonial identification procedures unless he or she is arrested for a felony.

Sec. 13. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. FAILURE TO COMPLY. Any person who, without adequate excuse, fails to comply with a nontestimonial identification order served upon the person pursuant to this chapter may be held in contempt of the court which issued the order.

Sec. 14. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. RETURN. Within ten days after the nontestimonial identification procedure, the order shall be returned to the issuing court. The court, the prosecuting attorney, and the person who was the subject of the order, shall be furnished with a written report of the results of any tests or comparisons utilizing the evidence obtained in the authorized procedures. This report shall be disclosed promptly after it becomes available unless the court directs that disclosure be delayed.

Sec. 15. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. DISPOSITION OF EVIDENCE. If at the time of the return probable cause does not exist to believe that the person committed the felony specified in the application, the court shall order that the products of the nontestimonial identification procedures and all copies thereof, be promptly destroyed. Upon motion of the prosecuting attorney, the court may authorize further retention of the nontestimonial evidence so obtained for such time as reasonably necessary to facilitate a continuing investigation or prosecution.

Sec. 16. Section 813.2, rule of criminal procedure 16, subsection 1, Code 1981, is amended to read as follows:

1. TRIAL BY COURT-ALLOWED JURY. Cases required to be tried by jury shall be so tried unless the defendant voluntarily and intelligently waives a jury trial in a-reported-proceeding-in-open-court writing and on the record within thirty days after arraignment and after such time only with the consent of the prosecuting attorney. The defendant may not withdraw a voluntary and knowing waiver of trial by jury as a matter of right, but the court, in its discretion, may permit withdrawal of the waiver prior to the commencement of the trial.

Sec. 17. Section 907.3, subsection 1, Code 1981, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. e. The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.

NEW LETTERED PARAGRAPH. f. The defendant is a corporation.

Approved May 18, 1981

CHAPTER 207
JUDICIAL DISTRICT CORRECTIONAL SERVICES

S. F. 80

AN ACT relating to the administration of judicial district departments of correctional services.

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

Section 1. Section 905.1, subsection 1, Code 1981, is amended to read as follows:

1. "Administrative agent" means the county selected by the district board to perform accounting, budgeting, personnel, facilities management, insurance, payroll and other supportive services on the behalf of the district board, or the district department itself, if so designated by the district board.

Sec. 2. Section 905.4, subsection 3, Code 1981, is amended to read as follows:

3. Designate one of the counties in the judicial district to serve as the district department's administrative agent and to provide, in that capacity, all accounting, personnel, facilities management and supportive services needed by the district department, on such terms as may be mutually agreeable in regard to advancement of funds to the county for the added expense it incurs as a result of being so designated. However, the district board may designate the district department itself as the district department's administrative agent, if the district board determines that it would be more efficient and less costly than designating a county as the administrative agent.

Sec. 3. Section 905.5, Code 1981, is amended to read as follows:

905.5 FUNCTIONS OF ~~COUNTIES-DESIGNATED~~ ADMINISTRATIVE AGENTS.

1. The county designated under section 905.4, subsection 3 as administrative agent for each district department, or the district department itself, if designated as administrative agent by the district board, shall submit that district department's budget and supporting information to the state department of social services in accordance with the provisions of chapter 8. The state department shall incorporate the budgets of each of the district departments into its own budget request, to be processed as prescribed by the uniform budget, accounting and administrative procedures established by the state comptroller. Funds appropriated pursuant to the budget requests of the respective district departments shall be allocated on a quarterly basis, and the state comptroller shall authorize advancement of the funds so allocated to each district department's administrative agent, or to the district department itself if the district department acts as administrative agent, at the beginning of each fiscal quarter.

2. For all administrative purposes, ~~other-than-negotiations-regarding-the terms-and-conditions-of-employment,~~ all employees of each district department shall be considered employees of the ~~county-designated-by-the-district-board as-the-administrative-agent-for-that~~ district department.

3. ~~The A county designated as the~~ administrative agent shall perform only those administrative functions assigned to it by the district board and shall not perform any activity unless ~~especially~~ directed to do so by the district board.

Sec. 4. Section 905.6, subsection 4, Code 1981, is amended to read as follows:

4. ~~Assist-the-county-serving-as-administrative--agent--for--the--district department--to--prepare~~ Prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department.

Approved May 8, 1981

**LEGALIZING ACTS
SPECIAL ACT
JOINT RESOLUTION
RULES OF CIVIL PROCEDURE
RULES OF CRIMINAL PROCEDURE
RULES OF APPELLATE PROCEDURE
FORMS FOR INVOLUNTARY HOSPITALIZATION
OF THE MENTALLY ILL
REGENTS TEN-YEAR PROGRAM RESOLUTION**

CHAPTER 208
SIOUX CITY LEGALIZING ACT
H. F. 787

AN ACT to legalize the sale of certain property in Sioux City, Woodbury county, Iowa.

WHEREAS, the Floyd River as it existed prior to January 1, 1960 from the northerly city limits of the City of Sioux City, Woodbury County, Iowa extending southerly to the Missouri River traversing sections one (1), eleven (11), twelve (12), fourteen (14), fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34) all in Township eighty-nine (89), North, Range forty-seven (47) West of the Fifth (5th) Principal* Meridian has been relocated pursuant to Urban Renewal and Flood Control Projects; and,

WHEREAS, the City of Sioux City, Iowa has sold and conveyed and erected public improvements on portions of the Floyd River channel as it existed prior to January 1, 1960; and,

WHEREAS, the title to the City of Sioux City, Iowa to the abandoned Floyd River channel as it existed prior to January 1, 1960 has been clouded because of the question as to whether the former channel of the Floyd River as it existed prior to January 1, 1960 was a navigable stream as described in Code Chapter 568; and,

WHEREAS, some doubt has arisen as to the validity of the sales by the City of Sioux City, Iowa of portions of the former channel of the Floyd River as it existed prior to January 1, 1960 and the merchantability of the title of the City of Sioux City, Iowa as to the former channel of the Floyd River as it existed prior to January 1, 1960, and the prior sales of the former channel and the merchantability of the title of the City of Sioux City, Iowa, to the former channel should be legalized and the matter once and for all should be put to rest and all issues be resolved; NOW, THEREFORE,

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

Section 1. That the sales and conveyances by the City of Sioux City, Iowa after January 1, 1960 of portions of the Floyd River channel as it existed prior to the date from the northerly city limits of the City of Sioux City, Woodbury County, Iowa extending southerly to the Missouri River traversing sections one (1), eleven (11), twelve (12), fourteen (14), fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34) all in Township eighty-nine (89), North, Range forty-seven (47) West of the Fifth (5th) principal Meridian are validated, legalized, confirmed and shall constitute valid, legal and binding sales, and the title of the City of Sioux City, Iowa to the remaining portions of the described channel is validated, legalized and confirmed.

Section 2. This Act, being of immediate importance, takes effect from and after its publication in the Sioux City Journal, a newspaper published in

*According to enrolled Act

Sioux City, Iowa, and in the Daily Reporter, a newspaper published in Sioux City, Iowa.

Approved May 5, 1981

I hereby certify that the foregoing Act, House File 787, was published in the Sioux City Journal, Sioux City, Iowa on May 12, 1981 and in the Daily Reporter, Sioux City, Iowa on May 8, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 209

JONES COUNTY REAL ESTATE SALE LEGALIZED

H. F. 745

AN ACT for the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate.

WHEREAS, the board of supervisors of Jones county acquired real estate by quit claim deed legally described as follows:

The West 80 feet of Lots 18, 19, 20, 21, 22 and 23 in the original Town of Oxford Mills, Jones County, Iowa;

and

WHEREAS, the board of supervisors of Jones county, on October 17, 1978, offered the real estate described for sale mistakenly pursuant to section 569.8 of the 1977 Iowa Code; and

WHEREAS, the board of supervisors having acquired title by quit claim deed, rather than by tax deed, the real estate described should have been offered for sale pursuant to subsection 13 of section 332.3 of the 1977 Iowa Code; and

WHEREAS, notice of the October 17, 1978 sale of the described real estate was published twice in a newspaper of general circulation in Jones county but neither publication was less than fifteen days prior to the date of sale; and

WHEREAS, doubts have arisen as to the validity of the sale of the real estate and the doubts may raise an issue concerning the merchantability of the title to the real estate sold on October 17, 1978 and the transactions and sale should be legalized and the matter put to rest; NOW THEREFORE,

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

Section 1. That the proceedings taken by the board of supervisors of Jones county pertaining to the sale of the West 80 feet of Lots 18, 19, 20, 21, 22 and 23 in the original Town of Oxford Mills, Jones County, Iowa, on October 17, 1978, are validated, legalized, and confirmed and shall constitute a valid, legal and binding sale of the real estate sold on October 17, 1978, by the board of supervisors of Jones county.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Anamosa Journal-Eureka, a newspaper

published in Anamosa, Iowa, and in the Monona Billboard, a newspaper published in Monona, Iowa.

Approved May 4, 1981

I hereby certify that the foregoing Act, House File 745, was published in The Anamosa Journal-Eureka, Anamosa, Iowa on May 13, 1981 and in the Monona Billboard, Monona, Iowa on May 14, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 210

FORT DODGE SCHOOL LEGALIZING ACT

S. F. 545

AN ACT to legalize the proceedings of the board of directors of the Fort Dodge Community School District relating to a contract for repairs to real property.

WHEREAS, employees of the Fort Dodge community school district authorized Essinger Electric Company of Fort Dodge, Iowa, to install exit and emergency lights in the older portion of North junior high school in 1978; and

WHEREAS, upon completion of the work, Essinger Electric Company submitted a bill dated September 29, 1980, to the Fort Dodge community school district for installation of exit and emergency lights in the amount of \$17,524.91; and

WHEREAS, the board of directors of the Fort Dodge community school district did not adopt proposed plans and specifications, form of contract, hold a hearing, or advertise and competitively bid the project as required by law and doubts have arisen regarding the legality of payment of the bill to Essinger Electric Company; NOW THEREFORE,

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

Section 1. That all acts of agents of the Fort Dodge community school district and actions taken by the board of directors of the Fort Dodge community school district pertaining to the repair contract entered into with the Essinger Electric Company relating to installation of emergency and exit lighting in the older North junior high school building during the years 1978 through 1980 are validated, legalized, and confirmed and that the payment of \$16,500.00 in satisfaction of the bill as approved by the board of directors of the Fort Dodge community school district at its February 24, 1981 meeting constitutes a valid, legal expenditure of public moneys by the Fort Dodge community school district.

Approved May 4, 1981

CHAPTER 211

NORTH IOWA MUNICIPAL ELECTRIC COOPERATIVE ASSOCIATION
AGREEMENT LEGALIZED

S. F. 567

AN ACT relating to the legalization of acts and agreements of north Iowa municipal electric cooperative association and other persons, with respect to the authority granted under that Act, to take effect upon publication but to be retroactive in effect to April 26, 1979.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 153, is amended by adding the following new section:

SEC. 3. Section 1 of this Act shall be construed to permit the substitution of other agreements providing an alternate or additional source of electric energy from (a) any electric utility generating unit existing as of the effective date of this Act or (b) any "facility" as defined in section 476A.1, subsection 1, that has been issued or has applied for a certificate of public convenience, use, and necessity pursuant to chapter 476A as of the effective date of this Act, or (c) the next such facility in the Neal electric utility generating complex near Sioux City, Iowa to north Iowa municipal electric cooperative association and its municipal members, and the financing of such electric energy pursuant to such agreements in order to provide such sources of energy to north Iowa municipal electric cooperative association and its municipal members and the organization and operation of north Iowa municipal electric cooperative association in connection with such alternate or additional agreements and the obligation of north Iowa municipal electric cooperative association to finance the purchase of power or the acquisition of facilities for the generation and transmission of electric energy on behalf of its municipal members pursuant to such agreements are deemed to be legal and binding.

Sec. 2. It is the intent of the general assembly that section 1 of this Act be retroactive to April 26, 1979 to the effect that it be considered for all intents and purposes as having been included in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 153.

Sec. 3. This Act, being deemed of immediate importance, takes 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.

Approved June 17, 1981

I hereby certify that the foregoing Act, Senate File 567, was published in The Denison Bulletin, Denison, Iowa on June 23, 1981 and in the Adams County Free-Press, Corning, Iowa on June 25, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 212
DAY CARE CENTERS SOLD
S. F. 546

AN ACT relating to the sale by the department of social services of the Peck day care center in Newton, Iowa and the Sanford day care center in Sioux City, Iowa.

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

Section 1. The commissioner of the department of social services, subject to the approval of the executive council, and pursuant to section 218.94, may sell the real estate and associated personal property known as the Peck day care center in Newton, Iowa, to a nonprofit corporation which is organized for the purpose of providing child day care as a child care center, as defined in section 237A.1, subsection 8, and has its registered and principal office in Newton, Iowa, for one dollar and other valuable consideration. The department of social services may reject any or all bids for the property. The purchaser shall pay all costs incurred in the sale, including but not limited to legal fees, appraisals, title opinions, and recording fees. The transfer of title shall include a restrictive covenant requiring the property to be used solely for the provision of child day care for at least seven years.

Sec. 2. The commissioner of the department of social services, subject to the approval of the executive council, and pursuant to section 218.94, may sell the real estate and associated personal property known as the Sanford day care center in Sioux City, Iowa, to a nonprofit corporation which is organized for the purpose of providing child day care as a child care center, as defined in section 237A.1, subsection 8, and has its registered and principal office in Sioux City, Iowa, for one dollar and other valuable consideration. The department of social services may reject any or all bids for the property. The purchaser shall pay all costs incurred in the sale, including but not limited to legal fees, appraisals, title opinions, and recording fees. The transfer of title shall include a restrictive covenant requiring the property to be used solely for the provision of child day care for at least seven years.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Storm Lake Register, a newspaper published in Storm Lake, Iowa, and in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved May 19, 1981

I hereby certify that the foregoing Act, Senate File 546, was published in the Storm Lake Register, Storm Lake, Iowa on May 23, 1981 and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 29, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 213
COMPACT AMONG STATES BORDERING THE MISSOURI RIVER

S. J. R. 10

A JOINT RESOLUTION proposing a compact between the states of Iowa, Kansas, Missouri and Nebraska regarding the Missouri river.

WHEREAS, efforts have been initiated in the legislatures of Nebraska, Missouri, and Kansas to establish a compact between those states and this state for the purpose of promoting barge traffic on the Missouri river as it flows between and within those states; and

WHEREAS, the general assembly of this state desires to support the efforts to establish the compact; NOW THEREFORE,

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

That the governor is requested to negotiate on behalf of the state of Iowa with the states of Nebraska, Missouri, and Kansas, and present a compact with those states to the next general assembly in form substantially as follows:

ARTICLE I

The purposes of this compact are to provide for planning for the most efficient use of the waters of the segment of the Missouri river below Sioux City, Iowa, to increase the amount of barge traffic on that segment of the Missouri river which flows between and within the compact states, to take necessary steps to develop that segment of the Missouri river and its banks to handle more barge traffic than is presently handled, to encourage the use of barges on that segment of the Missouri river for transporting bulk goods, especially farm commodities, to ensure that the intended increase in barge traffic does not impose unacceptable damage on the Missouri river in all its various uses, including agriculture, wild life management, and recreational opportunities, and to promote joint action between the compact parties to accomplish these purposes.

ARTICLE II

It is the responsibility of the four states to accomplish the purposes in article I through the official in each state who is charged with the duty of administering the public waters and to collect and correlate through those officials the data necessary for the proper administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact.

ARTICLE III

The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the

necessary steps to promote the use of barges and develop the Missouri river as it flows between and within the compact states for greater amounts of barge traffic.

ARTICLE IV

This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri river flowing between and within the compact states, alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to those waters of the Missouri river. The adoption of this compact by the general assembly shall not require the state of Iowa to adopt any legislation or to appropriate funds for its implementation.

ARTICLE V

Unless this compact is entered into on or before July 1, 1984, the governor shall take no further action to secure the compact.

Approved May 4, 1981

RULES OF CIVIL PROCEDURE
CHAPTER 214
RULES OF CIVIL PROCEDURE

IN THE MATTER OF THE
 RULES OF CIVIL PROCEDURE

}

REPORT OF THE
 SUPREME COURT

TO THE 1981 REGULAR SESSION OF THE SIXTY-NINTH 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 a change in existing Rules of Civil Procedure as follows:

Rule 327.

That rule 327 be amended as follows:

"327. BOND. The order directing a temporary injunction must require that before the writ issues, a bond be filed, with a penalty to be specified in the order, which shall be one hundred twenty-five percent of the probable liability to be incurred. Such bond with sureties to be approved by the clerk, shall be conditioned to pay all damages which may be adjudged against the petitioner by reason of the injunction. But in actions for dissolution of marriage, separate maintenance ~~or~~, annulment of marriage, or domestic abuse, the court in its discretion may waive any bond, or fix its penalty in any amount deemed just and reasonable."

Respectfully submitted,
 THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
 W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
 January 29, 1981

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ Linda Howarth Mackay
Secretary of the Senate, 1981
Regular Session of the Sixty-
ninth 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-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ Pat H. Harper
Chief Clerk of the House of
Representatives, 1981 Regular
Session of the Sixty-ninth
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 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Linda Howarth Mackay, do hereby certify that I am the Secretary of the Senate of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-ninth day of January, 1981, 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 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth 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 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Linda Howarth Mackay

LINDA HOWARTH MACKAY

Secretary of the Senate, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

CERTIFICATE

I, Delwyn Stromer, do hereby certify that I am the Speaker of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Pat H. Harper, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-ninth day of January, 1981, 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 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth 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 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Delwyn Stromer

DELWYN STROMER

Speaker of the House

/s/ Pat H. Harper

PAT H. HARPER

Chief Clerk of the House of Representatives, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

RULES OF CRIMINAL PROCEDURE

CHAPTER 215

RULES OF CRIMINAL PROCEDURE

[See also ch 117, §1241, 1242; ch 206, §16]

IN THE MATTER OF THE
RULES OF CRIMINAL
PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO THE 1981 REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 813.4 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Rules of Criminal Procedure as follows:

Rule 1(2)(b).

That rule 1(2)(b) be amended as follows:

"b. 'Judicial officer' means justices of the supreme court, justices judges of the court of appeals and committing magistrates."

Rule 10(4).

That rule 10(4) be amended as follows:

"4. TIME OF FILING. Motions hereunder, except a motion for a bill of particulars, shall be filed ~~either~~ within forty days after arraignment, unless the period for filing is extended by the court for good cause shown."

Rule 10(10).

That rule 10(10) be amended as follows:

"10. PLEADINGS NOTICES OF DEFENDANT.

a. Alibi.

~~(1)---Notice-~~ A defendant who intends to offer evidence of an alibi defense shall, within the time provided for the making of pretrial motions or at such later time as the court shall direct, file written notice of such intention. The notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. In the event that a defendant shall file such notice the prosecuting attorney shall file written notice of the names and

addresses of the witnesses the state proposes to offer in rebuttal to discredit the defendant's alibi. Such notice shall be filed not less than ten days after filing of defendant's witness list, or within such other time as the court may direct.

~~(2)---Failure--to-comply,--if-either-party-shall-fail-to-abide-by-the-time periods-heretofore-described,--such-party-may-not-offer-evidence-on-the--issue of-alibi-without-leave-of-court-for-good-cause-shown,--in-granting-leave,--the court--may--impose--terms--and-conditions-including-a-delay-or-continuance-of trial,--The-right-of-a-defendant--to--give--evidence--of--alibi--in--his--own testimony-is-not-limited-by-the-provisions-of-this-rule.~~

b. Insanity and diminished responsibility.

(1) Defense of insanity and diminished responsibility. If a defendant intends to rely upon the defense of insanity or diminished responsibility at the time of the alleged crime, the defendant shall, within the time provided for the filing of pretrial motions, file written notice of such intention. The court may for good cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.

(2) State's right to expert examination. Where a defendant has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial the defendant shall, within the time provided for the filing of pretrial motions, file written notice of the name of each such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the defendant by a state-named expert or experts whose names shall be disclosed to the defendant prior to examination.

c. Intoxication, entrapment, and self-defense. If defendant intends to rely upon the defense of intoxication by drugs or alcohol, entrapment, or self-defense, the defendant shall, within the time for filing pretrial motions, file written notice of such intention. The court may for good cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.

d. Failure to comply. If either party fails to abide by the time periods heretofore described, such party may not offer evidence on the issue of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a defendant to give evidence of alibi, insanity, diminished responsibility, intoxication, entrapment, or self-defense in his own testimony is not limited by this rule."

Rule 12(3).

That rule 12(3) be amended as follows:

"3. BY STATE. At or before the time of the taking of a deposition by a defendant under subsection 1 or 2 of this rule, the defendant shall file a written list of the names and addresses of all witnesses expected to be called for the defense. There shall be a continuing duty before and throughout trial to promptly disclose additional defense witnesses, and such witnesses shall be subject to being deposed by the state."

Rule 13(3)(b).

That rule 13(3)(b) be amended as follows:

"b. Reports of examinations and tests. If the court grants relief sought by the defendant under subsection 2, paragraph "b", subparagraph (~~1~~ 2), of this rule, the court may, upon motion of the state, order the defendant to permit the state to inspect and copy the results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when such results or reports relate to his or her testimony."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 29, 1981

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ Linda Howarth Mackay
Secretary of the Senate, 1981
Regular Session of the Sixty-
ninth 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-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ Pat H. Harper
Chief Clerk of the House of
Representatives, 1981 Regular
Session of the Sixty-ninth
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 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Linda Howarth Mackay, do hereby certify that I am the Secretary of the Senate of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-ninth day of January, 1981, 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 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth 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 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Linda Howarth Mackay

LINDA HOWARTH MACKAY

Secretary of the Senate, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

CERTIFICATE

I, Delwyn Stromer, do hereby certify that I am the Speaker of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Pat H. Harper, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-ninth day of January, 1981, 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 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth 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 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Delwyn Stromer

DELWYN STROMER

Speaker of the House

/s/ Pat H. Harper

PAT H. HARPER

Chief Clerk of the House of Representatives, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

RULES OF APPELLATE PROCEDURE
CHAPTER 216
RULES OF APPELLATE PROCEDURE

IN THE MATTER OF THE
 RULES OF APPELLATE PROCEDURE

}

REPORT OF THE
 SUPREME COURT

TO THE 1981 REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(2) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing rules of Appellate Procedure as follows:

Rule 3.

That rule 3 be amended as follows:

"Rule 3. AMOUNT IN CONTROVERSY. ~~Subject to section 631.16 of the Code and except~~ Except where the action involves an interest in real estate, no appeal shall be taken in any case, not originally tried as a small claim, where the amount in controversy, as shown by the pleadings, is less than three thousand dollars unless the ~~trial judge, within thirty days after the judgment or order is entered,~~ supreme court or a justice thereof certifies that the cause is one in which appeal should be allowed. An application to certify an appeal shall comply with rule 16(b), rules of appellate procedure, be filed with the clerk of the supreme court and served pursuant to rule 30, rules of appellate procedure, and, unless otherwise ordered by the supreme court or a justice or the clerk thereof, may be resisted and will be ruled upon pursuant to rules 22(c) and 22(d), rules of appellate procedure. The right of appeal is not affected by any remission of any part of the verdict or judgment. An action originally tried as a small claim may be reviewed by the supreme court only as provided in section 631.16, The Code, and rules 201-203, rules of appellate procedure."

Rule 5(a)

That rule 5(a) be amended as follows:

"(a) Appeals to the supreme court must be taken within, and not after, thirty days from the entry of the order, judgment or decree, unless a motion for new trial or judgment notwithstanding the verdict as provided in rule 247, rules of civil procedure, or a motion as provided in rule 179(b), rules

of civil procedure, is filed, and then within thirty days after the entry of the ruling on such motion; provided however that where an application to the supreme court or any justice thereof to grant or certify an appeal under rule 2 or 3, rules of appellate procedure, is made within thirty days from the date of ~~such~~ the ruling or, decision, or judgment sought to be reviewed, any appeal allowed or certified upon such application shall be deemed timely taken.

Provided further that if the supreme court or any justice determines that the order or decision from which application to appeal under rule 2, rules of appellate procedure, is timely made is a final judgment or decision from which appeal would lie under rule 1, rules of appellate procedure, an appeal therefrom shall also be deemed timely taken and perfected when the order making such determination is filed with the clerk of the supreme court, and rule 6(b), rules of appellate procedure, shall apply.

Provided further that if the supreme court or any justice thereof determines that a case, for which a timely application has been made for certification under rule 3, rules of appellate procedure, is appealable as a matter of right without such certification, the appeal shall be deemed timely and perfected when the order making such determination is filed with the clerk of the supreme court. Rule 6(b), rules of appellate procedure, shall then apply.

A cross-appeal may be taken within the thirty days for taking an appeal or in any event within five days after the appeal is taken."

Rule 6.

That rule 6 be amended as follows:

"Rule 6. HOW TAKEN.

(a) An appeal other than those allowed or certified by order under rule 2, rule 3 or rule 5(a), rules of appellate procedure, is taken and perfected by filing a notice with the clerk of the court where the order, judgment or decree was entered, signed by appellant or his attorney. It shall specify the parties taking the appeal and the decree, judgment, order or part thereof appealed from. The appellant shall serve a copy of the notice on each other party or his counsel in the manner prescribed in rule 82(b), rules of civil procedure. The notice presented to the clerk of the trial court for filing shall be accompanied by a proof of service in the form prescribed in rule 82(g), rules of civil procedure. Promptly after filing the notice of appeal with the clerk of the trial court appellant shall mail or deliver to the clerk of the supreme court a copy of such notice for his information.

(b) An interlocutory appeal under rule 2, rules of appellate procedure, or an appeal certified under rule 3, rules of appellate procedure, shall be deemed taken and perfected when the order allowing or certifying it is filed with the clerk of the supreme court. No notice of such appeal is necessary. The time for any further proceeding on such appeal which would run from the notice of appeal shall run from the date such order is so filed. The clerk of the supreme court shall promptly transmit a copy of such order to the

attorneys of record and the clerk of the trial court. The clerk of the trial court shall timely comply with rule 11(a), rules of appellate procedure."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 29, 1981

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Appellate Procedure.

/s/ Linda Howarth Mackay
Secretary of the Senate, 1981
Regular Session of the Sixty-
ninth 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-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Appellate Procedure.

/s/ Pat H. Harper
Chief Clerk of the House of
Representatives, 1981 Regular
Session of the Sixty-ninth
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 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Linda Howarth Mackay, do hereby certify that I am the Secretary of the Senate of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-ninth day of January, 1981, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Appellate Procedure;

THAT the date of making said report to the 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth General Assembly;

THAT no other report pertaining to the Rules of Appellate Procedure was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Appellate Procedure were made or enacted at such 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Linda Howarth Mackay

LINDA HOWARTH MACKAY

Secretary of the Senate, 1981
Regular Session of the Sixty-
ninth General Assembly of the
State of Iowa.

CERTIFICATE

I, Delwyn Stromer, do hereby certify that I am the Speaker of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Pat H. Harper, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-ninth day of January, 1981, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Appellate Procedure;

THAT the date of making said report to the 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth General Assembly;

THAT no other report pertaining to the Rules of Appellate 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 Appellate Procedure were made or enacted at such 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Delwyn Stromer

DELWYN STROMER
Speaker of the House

/s/ Pat H. Harper

PAT H. HARPER
Chief Clerk of the House of
Representatives, 1981 Regular
Session of the Sixty-ninth
General Assembly of the State
of Iowa.

RULES FOR HOSPITALIZATION OF MENTALLY ILL

CHAPTER 217 INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL

IN THE MATTER OF FORMS FOR THE INVOLUNTARY HOSPITALIZATION OF THE MENTALLY ILL

}

REPORT OF THE SUPREME COURT

TO THE 1981 REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 229.40 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Forms for the Involuntary Hospitalization of the Mentally Ill as follows:

Form 1.

That form 1 be amended by adding below the word "Applicant" the following new paragraphs:

"State of Iowa)ss _____ County)

I, the undersigned, do solemnly swear or affirm that the matters alleged in the above application to which my name is affixed, are true as stated, as I verily believe.

Applicant

Subscribed and sworn to (or affirmed) before the undersigned this _____ day of _____, 19__.

Notary Public in and for the State of Iowa"

Form 7.

That the final paragraph of form 7 be amended as follows:

"NOTE TO EXAMINING PHYSICIAN:

If you-have-been-appointed-under respondent has been detained pursuant to section 229.11(2), The Code, your examination must be conducted within 24 hours. If respondent has been detained pursuant to section 229.11(1) or (3) your examination must be conducted within 48 hours."

Form 8.

That item 8 of form 8 be amended as follows:

"8. Number of Children, and Names _____"

Form 13.

That the first paragraph of the text of form 13 be amended as follows:

"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 sustained by clear and convincing evidence to wit:"

Form 23.

That the text of form 23 be amended as follows:

"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 as set forth on the attached itemized statement 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."

Form 24.

That form 24 be amended by adding the following new language at the top of the form:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA."

New form 27.

That the following new form 27 be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

No. _____
QUARTERLY REPORT OF PATIENT
ADVOCATE PURSUANT TO SECTION
229.19(6), THE CODE

Date _____.

Date of last previous report (if one) _____.

Date of respondent's commitment _____.

Is respondent still committed _____ . If not, date of
release _____.

Actions I have taken with respect to the above named respondent and the
amount of time I have spent regarding the above named respondent since (I
became the patient's advocate) (the last report was filed):

Action Taken	Time Spent
--------------	------------

Total Time Spent:

Other comments:

Patient Advocate

New form 28.

That the following new form 28 be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

No. _____
NOTICE TO PATIENT OF NAME
OF ADVOCATE PURSUANT TO
SECTION 229.19, THE CODE

To: _____

You are hereby notified that _____ is now your patient advocate. This advocate will be communicating with you and representing your interests in any matter relating to your hospitalization and treatment.

Clerk of District Court

Form 28"

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 29, 1981

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ Linda Howarth Mackay
Secretary of the Senate, 1981
Regular Session of the Sixty-
ninth 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-ninth day of January, 1981, of the foregoing report of the Supreme Court of Iowa pertaining to the Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ Pat H. Harper
Chief Clerk of the House of Rep-
resentatives, 1981 Regular Ses-
sion of the Sixty-ninth 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 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Linda Howarth Mackay, do hereby certify that I am the Secretary of the Senate of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-ninth day of January, 1981, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth General Assembly;

THAT no other report pertaining to the 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 Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Linda Howarth Mackay

LINDA HOWARTH MACKAY

Secretary of the Senate, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

CERTIFICATE

I, Delwyn Stromer, do hereby certify that I am the Speaker of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Pat H. Harper, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-ninth day of January, 1981, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1981 Regular Session of the Sixty-ninth General Assembly was within the twenty days subsequent to the convening of the 1981 Regular Session of the Sixty-ninth General Assembly;

THAT no other report pertaining to the 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 Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1981 Regular Session of said Sixty-ninth General Assembly.

Signed this 22nd day of May, 1981, being the sine die adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly.

/s/ Delwyn Stromer

DELWYN STROMER

Speaker of the House

/s/ Pat H. Harper

PAT H. HARPER

Chief Clerk of the House of Representatives, 1981 Regular Session of the Sixty-ninth General Assembly of the State of Iowa.

RESOLUTIONS

SENATE CONCURRENT RESOLUTION 35

A Concurrent Resolution relating to the board of regents ten-year building program.

WHEREAS, section 262A.3 provides that the state board of regents shall prepare and submit to the general assembly for approval no later than seven days after the convening of each regular annual session of the general assembly a proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, the program to contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, with an estimate of the cost of each of the buildings and facilities referred to and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A during each year of the ensuing biennium; and

WHEREAS, the state board of regents prepared and within seven days after the convening of the Sixty-ninth General Assembly of the State of Iowa, First Session, submitted to the Sixty-ninth General Assembly, First Session, for approval the proposed ten-year building program for each institution containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities referred to and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out the projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out certain of the projects at this time and to finance their cost by borrowing money and issuing negotiable bonds under chapter 262A, in a total amount not

RESOLUTIONS—Continued

to exceed fifty-eight million (58,000,000) dollars, the remaining cost of the projects to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, including the estimate of the maximum amount of bonds which the board expects to issue under chapter 262A, is approved as follows:

STATE BOARD OF REGENTS
PROPOSED TEN-YEAR BUILDING PROGRAM
1981-1991

State University of Iowa	\$127,112,000
Iowa State University of Science and Technology	109,219,000
University of Northern Iowa	<u>48,965,000</u>
Total ten-year program 1981-1991	\$285,296,000

BE IT FURTHER RESOLVED, That during the fiscal biennium which commences July 1, 1981, and which ends June 30, 1983, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A is fifty-eight million (58,000,000) dollars, of which thirty million (30,000,000) dollars shall be issued during the fiscal year ending June 30, 1982 and twenty-eight million (28,000,000) dollars shall be issued during the fiscal year ending June 30, 1983, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized, subject to review by the joint appropriations subcommittee on education, to undertake and carry out projects involving construction of new buildings that can be completed within the limits of funds obtained from the issuance of bonds authorized during the fiscal year ending June 30, 1983 from the following list: A communications facility, an addition to the university theatre, and a law building at the State University of Iowa, a mechanical engineering building at Iowa State University, and a communication arts center at the University of Northern Iowa; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed fifty-eight million (58,000,000) dollars:

State University of Iowa

West campus utility improvements

Fire safety deficiencies

Chilled water plant--phase IV

Handicapped accessibility program

Sanitary and storm sewer system replacements--west campus

Planning new buildings

Replacement of old armory through construction of a communications facility and an addition to the university theatre

Law building

Energy management program

Cost of issuance of bonds

RESOLUTIONS—Continued

Iowa State University of Science and Technology

Library addition construction and equipment

Heating plant improvements

Campus utility improvements

North campus storm sewer

Fire safety deficiencies

Equipment and utilities for renovated quadrangle

Gilman hall renovations

Mechanical engineering building--construction, utilities, and equipment

Planning old veterinary clinic conversion

Energy management program

Cost of issuance of bonds

University of Northern Iowa

Turbine generator

Electrical system improvements

Fire safety deficiencies

Russell hall renovation

Steam distribution system improvements

Communication arts center--planning and construction

Energy management program

Cost of issuance of bonds

Adopted S.J. 1787; H.J. 2237

Approved June 19, 1981

RESOLUTIONS

SENATE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, SCR 30]

- SCR 1 Journals, bills and clip sheets furnished free to county auditors and to Iowa's congressional delegation, Adopted, S.J. 15, 16, 211; Adopted, H.J. 76, 190.
- SCR 2 Joint rules, Senate and House, Sixty-ninth General Assembly. Adopted, S.J. 93-102, 131, 176, 210, 247, 617; Adopted, H.J. 204-213, 293, 294, 579.
- SCR 3 American hostage release, from Iran. Adopted, S.J. 158, 159, 161, 165, 189; Adopted, H.J. 144, 145, 155, 156. [See HCR 10]
- SCR 4 Compensation of chaplains, officers and employees of the General Assembly. Adopted, S.J. 179-189, 202; Adopted, H.J. 156-168.
- SCR 5 State tort law, joint subcommittee established to study comparative and contributory negligence. Introduced, S.J. 339, 340, 365, 458.
- SCR 6 Year 1981 designated as "International Year of Disabled Persons". Adopted, S.J. 352, 353, 383, 524, 1602, 1664, 1776; Adopted, H.J. 1945, 1946, 2016.
- SCR 7 Iowa Commerce Commission, evaluation. Introduced, S.J. 363, 364, 383, 524. [See HCR 17]
- SCR 8 Alcohol, warning label on bottles. Introduced S.J. 455, 456, 481, 524. [See HCR 35]
- SCR 9 Coal severance taxes, U.S. Congress urged to act favorably on ceiling. Adopted, S.J. 499, 500, 526, 588, 849; Introduced, H.J. 1601.
- SCR 10 State unemployment compensation trust fund, U.S. Congress urged to allow state to control. Adopted, S.J. 583, 584, 596, 710; Introduced, H.J. 706, 707. [See HCR 18]
- SCR 11 Federal Unemployment Tax Act, Congress urged to take prompt action to exempt from federal unemployment taxation the wages of corporate officers who are corporate employees. Adopted, S.J. 584, 585, 596, 710; Introduced, H.J. 706, 707. [See HCR 19]
- SCR 12 Vietnam conflict, establishment of official symbol in memory of those Americans still missing. Adopted, S.J. 670, 671, 701, 723, 810; Adopted, H.J. 698, 699, 727, 728, 784.
- SCR 13 State-owned oil recycling plant, joint subcommittee to determine feasibility of establishing. Introduced, S.J. 772, 773, 813, 907.
- SCR 14 El Salvador, Iowa's Congressional delegation and President Reagan urged to halt military aid. Introduced, S.J. 928, 929, 941, 1103. [See HCR 24]
- SCR 15 Peace officers' retirement system, committee study. Introduced, S.J. 1007, 1008, 1040, 1103.
- SCR 16 State school foundation aid program, inequities, interim study committee established. Introduced, S.J. 1027, 1028, 1069, 1222. [See HCR 23]
- SCR 17 Easter recess, April 16 — April 21, 1981. Adopted, S.J. 1119, 1121, 1208, 1305; Adopted, H.J. 1173, 1174, 1255.
- SCR 18 Civil service for cities (Code Chapter 400 revision), joint subcommittee to conduct study during 1981 interim. Introduced, S.J. 1227, 1228, 1268, 1307. [See SCR 37, HCR 33]
- SCR 19 Citizens' privacy task force, report, legislative interim study authorized to examine recommendations regarding statute changes. Introduced, S.J. 1235, 1236, 1268, 1307.
- SCR 20 Co-ordination of services for elderly, joint interim study committee authorized. Introduced, S.J. 1247, 1248, 1252, 1334, 1429.
- SCR 21 State renal disease program, interim study committee authorized to develop and draft legislation concerning purposes and goals. Introduced, S.J. 1248, 1249, 1252, 1334, 1429.
- SCR 22 Iowa Water Plan 1978, study committee established to examine state's present and future problems as to water use and supply. Introduced, S.J. 1290, 1291, 1310, 1429. [See SCR 25, HCR 22]
- SCR 23 Dairy industry, Code update, joint interim committee to examine and make revision recommendations. Introduced, S.J. 1291, 1311, 1334, 1429.
- SCR 24 Worker's compensation insurance coverage, joint interim study committee authorized to study problems, costs and recommend necessary legislative changes. Introduced, S.J. 1305, 1306, 1315, 1334, 1429.
- SCR 25 State's water supply and distribution systems, diffusion of responsibilities among agencies, interim study committee established. Introduced, S.J. 1320, 1321, 1379, 1429. [See SCR 22, HCR 22]

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- SCR 26 Rural crime rise, prevention, joint subcommittee appointed to conduct interim study and report recommendations. Introduced, S.J. 1518, 1536, 1612.
- SCR 27 Rail carriers in state, bids on purchase and right to operate railway lines and facilities of the bankrupt rail carriers, committee appointed to study. Introduced, S.J. 1641, 1642, 1666. [See HCR 31]
- SCR 28 State prison system, existing conditions, joint subcommittee appointed to review proposals on the creation of a training academy for state correctional officers. Introduced, S.J. 1652, 1653, 1687. [See SCR 38]
- SCR 29 Money market funds, interim committee to study and make report. Introduced, S.J. 1662, 1663, 1687. [See SR 19]
- SCR 30 Legislative council to determine priorities of study committees not approved. Adopted, S.J. 1701, 1702, 1704, 1826, 1827, 1880; Adopted, H.J. 2263, 2271, 2272.
- SCR 31 Obscene materials, regulation, study committee created. Introduced, S.J. 1725, 1726, 1749. [See HCR 40]
- SCR 32 Extraordinary session, subjects to be considered. Adopted, S.J. 1736, 1750, 1751, 1773, 1794-1796, 1817, 1880; Adopted, H.J. 2174, 2272, 2273.
- SCR 33 Establishment of price minimum for all agricultural products produced in the state, joint subcommittee to study feasibility. Introduced, S.J. 1736, 1737, 1770.
- SCR 34 Problems of mortgage investment and mortgage investment of moneys in the IPERS Fund, interim study committee to recommend legislative changes. Introduced, S.J. 1737, 1738, 1770.
- SCR 35 State board of regents proposed ten-year building program. Adopted, S.J. 1743-1746, 1751, 1786, 1787, 1789, 1849, 1853, 1854, 1875, 1879; Adopted, H.J. 2135-2138, 2197, 2230-2237. [Approved by Governor June 19, 1981]
- SCR 36 Incentives for employment in Iowa, interim committee appointed to study. Introduced, S.J. 1788, 1875.
- SCR 37 City civil service, interim subcommittee appointed to study and recommend revisions. Introduced, S.J. 1830. [See SCR 18, HCR 33]
- SCR 38 State correctional system, overcrowding, interim study committee created to study problems. Introduced, S.J. 1833. [See SCR 28]
- SCR 39 School enrollments, consolidation of currently independent administrative functions of school districts, reorganization committee appointed. Introduced, S.J. 1855, 1856, 1875.
- SCR 40 Sulfur dioxide, allowable emission standards, interim subcommittee authorized to examine possible interim solutions to the dual standards problem. Introduced, S.J. 1869, 1870.
- SCR 41 Final adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly, Friday, May 22, 1981. Adopted, S.J. 1874, 1880; Adopted, H.J. 2273.

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- SCR 42 Drafting of legislative redistricting plan III if either the Senate or House rejects plan II. Adopted, S.J. 13-16, 19, 27, 28; Adopted, H.J. 56-62.
- SCR 43 Final adjournment, Friday, June 26, 1981, of the 1981 First Extraordinary Session, Sixty-ninth General Assembly. Adopted, S.J. 26-28; Adopted, H.J. 62, 63, 65.

HOUSE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, SCR 30, page 664]

- HCR 1 Joint convention, January 13, 1981, 10:00 a.m., Governor Ray's condition of the state message. Adopted, H.J. 12, 13; Adopted, S.J. 45.
- HCR 2 Early prediction of election returns in a presidential election; Congress urged to enact legislation. Adopted, H.J. 68, 650; Introduced, S.J. 705, 729, 908.
- HCR 3 Designation of the channel catfish as official state fish. Introduced, H.J. 69.
- HCR 4 Adoption by U.S. of a national strategy of peace through strength. Introduced, H.J. 101, 102.
- HCR 5 Election of U.S. President and Vice President by popular vote, amendment to U.S. Constitution. Introduced, H.J. 143, 144.
- HCR 6 Litigation, Wilson et al v. Omaha Indian Tribe et al, support efforts of Monona County Land Association. Adopted, H.J. 145, 276; Introduced, S.J. 337, 338, 365, 458, 484, 485, 557, 558, 588, 1178.
- HCR 7 Joint convention, Governor Ray's budget message, January 29, 1981, 10:00 a.m. Adopted, H.J. 186, 187, 198; Adopted, S.J. 210, 211, 218, 231, 232.
- HCR 8 Bird Day designation — March 21 each year. Adopted, H.J. 228, 229, 486. Adopted, S.J. 581, 582, 615, 793, 1325, 1348.
- HCR 9 Jurisdictional transfers of roads and streets as required by Chapter 1108, Acts of Sixty-seventh General Assembly. Adopted, H.J. 242, 243, 257, 419; Introduced, S.J. 497, 498, 526, 588, 658, 1055.
- HCR 10 Joint convention, February 4, 1981, 11:45 a.m., honoring Kathryn Koob, former hostage in Iran. Adopted, H.J. 262, 286; Adopted, S.J. 292, 322-329. [See SCR 3]
- HCR 11 Joint convention, February 11, 1981, 11:00 a.m., message by Supreme Court Chief Justice W. Ward Reynoldson, on the condition of the judicial department. Adopted, H.J. 262, 345, 357; Adopted, S.J. 375, 376, 387.
- HCR 12 Joint memorial session in recognition of the public service of departed members of the General Assembly, March 31, 1981, 7:30 p.m. Adopted, H.J. 366, 380; Adopted, S.J. 488, 489, 509, 588, 701, 727, 728, 1091.
- HCR 13 "Year of the Tree", recommended designation July 1, 1981 to June 30, 1982. Adopted, H.J. 366, 367, 1413; Introduced, S.J. 1452, 1453, 1471, 1496, 1612.
- HCR 14 Federal food stamp program, U.S. Congress urged to adopt legislation to prohibit purchase of non-nutritional foods with food coupons. Introduced, H.J. 376, 377.
- HCR 15 State board of regents, audit and review. Adopted, H.J. 425, 426, 727, 828, 883, 884, 903; Introduced, S.J. 5, First Ex. Session.
- HCR 16 Pioneer Lawmakers Association meeting and program presentation in joint session of the General Assembly — April 22, 1981, 1:30 p.m. Adopted, H.J. 570, 863, 1170; Adopted, S.J. 938, 957, 1103, 1209.
- HCR 17 Iowa Commerce Commission, evaluation. Introduced, H.J. 618, 619. [See SCR 7]
- HCR 18 State unemployment compensation trust fund; U.S. Congress urged to allow state to control. Introduced, H.J. 690, 694, 777. [See SCR 10]
- HCR 19 Federal Unemployment Tax Act, Congress urged to take prompt action to exempt from federal unemployment taxation the wages of corporate officers who are corporate employees. Introduced, H.J. 690, 691, 694, 777. [See SCR 11]
- HCR 20 State penal systems and institutions, federal court decision, General Assembly urges amendment to U.S. Constitution that would restore jurisdiction to states. Introduced, H.J. 780, 781.
- HCR 21 Nation of Nigeria, legislative leaders' exchange program, welcome to Nigerian delegation upon their visit to Iowa. Adopted, H.J. 825, 826, 829, 834; Adopted, S.J. 826, 827, 846, 856, 861.
- HCR 22 Water source, pollution of underground aquifers by sanitary landfill leachates, interim committee to study. Adopted, H.J. 842, 843, 872. Introduced, S.J. 997, 998, 1040, 1103. [See SCR 22, SCR 25]
- HCR 23 State school foundation plan, inequities, interim study committee established. Introduced, H.J. 843, 844. [See SCR 16]
- HCR 24 El Salvador, Iowa's Congressional delegation and President Reagan urged to halt military aid. Introduced, H.J. 857, 912, 1260. [See SCR 14]

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- HCR 25 Department of transportation's acquisition of private property for highway right of way, review of current practices. Introduced, H.J. 891.
- HCR 26 Community Services Administration, General Assembly urges continuance of programs. Adopted, H.J. 1026, 1413; Introduced, S.J. 1453, 1454, 1496, 1612.
- HCR 27 District Court sentencing, study committee appointed to study mandatory, determinate and minimum sentencing and use of deferred sentences. Introduced, H.J. 1044.
- HCR 28 Missouri river water diversion, General Assembly expresses concern and opposition to plans. Introduced, H.J. 1091, 1092.
- HCR 29 Designation of April 26, 1981, as "Day of Recognition for Veterans of the Vietnam Era", and observation by Iowans with appropriate ceremonies. Adopted, H.J. 1099, 1330; Introduced, S.J. 1401, 1402, 1446, 1535.
- HCR 30 "National Victims Right Week", April 20-26, 1981, endorsement by General Assembly. Adopted, H.J. 1148, 1149, 1414; Introduced, S.J. 1454, 1496, 1612.
- HCR 31 Railroad transportation, preservation of core system. Adopted, H.J. 1188, 1189, 1249, 1254, 1255; Introduced, S.J. 1353-1355, 1405. [See SCR 27]
- HCR 32 Grain embargo on exportation of all goods and services to Union of Soviet Socialist Republics. Introduced, H.J. 1202, 1203.
- HCR 33 Civil service for cities (Code chapter 400 revision), joint subcommittee to conduct study during 1981 interim. Introduced, H.J. 1238. [See SCR 18, SCR 37]
- HCR 34 Commitment of the mentally ill, mentally retarded, and substance abusers, review of procedures, study committee established. Introduced, H.J. 1314, 1315.
- HCR 35 Alcohol, warning label on bottles. Adopted, H.J. 1547, 1548, 2070; Introduced, S.J. 1819, 1820, 1875. [See SCR 8]
- HCR 36 School operation in state, quality of basic education, joint subcommittee to study. Introduced, H.J. 1634.
- HCR 37 Iowa Department of Transportation, complete audit and review, implementation of Legislative Fiscal Bureau's recommendation. Introduced, H.J. 1719.
- HCR 38 Wayne A. Faupel, Code Editor, expression of appreciation and thanks for his fifty years of service to the state. Adopted, H.J. 1759, 1760, 1981, 1982; Introduced, S.J. 1714, 1715, 1749, 1814, 1883.
- HCR 39 American service personnel missing in action or believed to be prisoners of war in Southeast Asia, General Assembly requests investigation. Introduced, H.J. 1827.
- HCR 40 Obscene materials, regulation, study committee created. Introduced, H.J. 2010. [See SCR 31]
- HCR 41 Code of Iowa update, contemporary language usage conformance, interim study committee created. Introduced, H.J. 2062, 2063.
- HCR 42 Senate Files 48, 300, 384, 519 and 531, exemption from rule 18 of the Joint Rules of the Senate and House. Adopted, H.J. 2092; Adopted, S.J. 1776, 1785.
- HCR 43 Natural gas prices, deregulation. Introduced, H.J. 2111, 2112.
- HCR 44 Vocational education programs, review, study committee appointed. Introduced, H.J. 2133-2135.
- HCR 45 Elderly persons, abuse, interim study committee to study problem. Introduced, H.J. 2276, 2277.

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SENATE RESOLUTIONS

- SR 1 Codes and Session Laws furnished to press corps. Adopted, S.J. 16.
- SR 2 Permanent rules of the Senate. Adopted, S.J. 19-42, 58, 132, 134-136, 147.
- SR 3 Reports by state agencies to legislators, distribution. Introduced, S.J. 148, 149, 168, 268.
- SR 4 Frank J. Stork, special consultant to Senate, compensation. Adopted, S.J. 242, 248, 286, 287, 318.
- SR 5 Philip E. Burks, Research Supervisor, Legislative Service Bureau, first recipient of the Employee Special Achievement Award for his years of outstanding service to the state. Adopted, S.J. 242, 243, 280, 342, 370, 451, 464. [See HR 5]
- SR 6 Senate rules governing lobbyists for the Sixty-ninth General Assembly. Adopted, S.J. 397-402, 428, 469.
- SR 7 Senate code of ethics for the Sixty-ninth General Assembly. Adopted, S.J. 402-405, 428, 469, 470.
- SR 8 Approved list of gubernatorial appointments requiring Senate confirmation. Adopted, S.J. 433-437, 441, 453.
- SR 9 Confirmation of gubernatorial appointments by Senate; amendment to permanent Senate rules. Adopted, S.J. 477-479, 484, 506.
- SR 10 Tribute to memory of Constance Belin and recognition of her many contributions for betterment of state education systems. Introduced, S.J. 585, 615, 793.
- SR 11 Murders of children in Atlanta, Georgia; appropriations committee directed to draft a bill for consideration by House appropriating \$20,000 toward investigation. Introduced, S.J. 757, 758, 794, 907. [See HR 10]
- SR 12 Study of state's court system by court study committee, continuation approval. Introduced, S.J. 1110, 1111, 1151, 1222.
- SR 13 Designation by President Reagan and Governor Ray of the week of April 26 — May 2, 1981, as a period of remembrance of the victims of the Nazi Holocaust. Adopted, S.J. 1235, 1268, 1307, 1310, 1340, 1341. [See HR 13]
- SR 14 Forrest J. Mitchell, appointment to state judicial nominating commission deferred. Adopted, S.J. 1289, 1290.
- SR 15 Iowa beer and liquor control department, alleged inefficiencies and irregularities. Introduced, S.J. 1403, 1446, 1535. [See HR 16]
- SR 16 State redistricting plan, reasons for rejection to be conveyed to legislative service bureau by Senate resolution. Introduced, S.J. 1662, 1687. [See SR 17, HR 18, HR 19]
- SR 17 Outline of reasons why Senate File 570 (state redistricting plan) was not approved by the Senate. Adopted, S.J. 1677-1681. [See SR 16, HR 18, HR 19]
- SR 18 Senate budgetary plan. Adopted, S.J. 1700, 1701, 1704, 1871, 1872.
- SR 19 Money market funds, interim committee to study and make report. Introduced, S.J. 1708, 1709, 1749. [See SCR 29]
- SR 20 Comprehensive workfare program, social service recipients, special interim study committee appointed. Introduced, S.J. 1836, 1837.

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- SR 21 Outline of reasons why Senate File 580 (congressional and legislative redistricting), was not approved by the Senate. Adopted, S.J. 22-25, 27, 28.

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HOUSE RESOLUTIONS

- HR 1 Opening sessions with prayer, committee to arrange with ministers of the state. Adopted, H.J. 15.
- HR 2 Appointment of clerks, secretaries and pages. Adopted H.J. 16.
- HR 3 Permanent rules of the House for the Sixty-ninth General Assembly. Adopted, H.J. 117-138, 153, 154, 168-173.
- HR 4 House Code of Ethics. Adopted, H.J. 145-149, 153, 185, 226, 246, 247.
- HR 5 Philip E. Burks, Research Supervisor, Iowa Legislative Service Bureau, first recipient of the Employee Special Achievement Award presented by Governor Ray. Adopted, H.J. 213, 214, 228. [See SR 5]
- HR 6 House guidelines for the expenditure of funds for the Sixty-ninth General Assembly. Introduced, H.J. 299, 300, 304.
- HR 7 Tribute to former Connecticut Governor Ella Grasso on her untimely death. Adopted, H.J. 351, 352, 428.
- HR 8 Missouri River Bank Stabilization and Navigation Project, destruction of fish and wildlife habitat. Adopted, H.J. 449, 450, 526.
- HR 9 House members' expression of appreciation for "Week of Prayer" and special Ecumenical Worship Services. Introduced, H.J. 465, 466.
- HR 10 Murders of children in Atlanta, Georgia; appropriations committee directed to draft a bill for consideration by House appropriating \$20,000 toward investigation. Adopted, H.J. 643, 644, 727, 728, 775, 1551. [See SR 11]
- HR 11 "Agriculture Day" recognition — March 19, 1981 — by President and U.S. Congress. Adopted, H.J. 826, 840.
- HR 12 Standby fuel allocation program, appeal to Congressional delegation and President Reagan to establish. Introduced, H.J. 1069.
- HR 13 Designation by President Reagan and Governor Ray of the week of April 26 — May 2, 1981, as a period of remembrance of the victims of the Nazi holocaust. Adopted, H.J. 1173, 1365, 1366. [See SR 13]
- HR 14 Extension of appreciation for distinguished service to our country and best wishes to the second Battalion of the 133rd Infantry Regiment of the 34th Infantry Division (Red Bull Division) on their reunion in Mason City on July 18, 1981. Adopted, H.J. 1312, 1413, 1414.
- HR 15 Contract awarding procedures and related subject matter concerning construction contracts for the state, study committee created. Adopted, H.J. 1349, 1350, 2071.
- HR 16 Iowa beer and liquor control department, alleged inefficiencies and irregularities. Introduced, H.J. 1350. [See SR 15]
- HR 17 "Special Olympics Day" declaration, May 12, 1981. Introduced, H.J. 1748.
- HR 18 Redistricting plan contained in Senate File 570, rejection by Senate, drafting of resolution. Introduced, H.J. 1946, 1947; Tabled, H.J. 2071, 2072. [See SR 16, SR 17]
- HR 19 Redistricting plan contained in Senate File 570, reconsideration and acceptance by Sixty-ninth General Assembly. Laid over, H.J. 2189-2192. [See SR 16, SR 17]

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- HR 20 Chief Clerk Pat H. Harper, resignation; expression of appreciation by members and staff for a job well done and best wishes for the future. Adopted, H.J. 4.

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478.6	159,§1	535A.4	174,§6	572.1	186,§1
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479.8	159,§10	537.1301(14)	177,§3	572.16	186,§3
479.26	159,§11	537.1301(14)“b”	76,§8	573.12	127,§3
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631.6(1)	189,\$5	674.2(1)	201,\$2	692.10	38,\$5
633.108	193,\$1	674.6	201,\$3	693.6	117,\$1097
633.223	194,\$1	674.9	201,\$4	703.3	204,\$1
633.275	195,\$1	679.1	202,\$20	704.1	204,\$2
633.276	195,\$2	679.2	202,\$20	708.2	204,\$3
633.331	196,\$1	679.3	202,\$20	708.3	204,\$4
633.389	193,\$2	679.4	202,\$20	708.6	204,\$5
633.439	193,\$4	679.5	202,\$20	714.2(2)	204,\$9
633.478	193,\$5	679.6	202,\$20	714.2(3)	204,\$9
633.677	193,\$6	679.7	202,\$20	716.7(2)“a”	205,\$1
633.704	197,\$1	679.8	202,\$20	801.4(10)	117,\$1240
635.1	199,\$1	679.9	202,\$20	802.2	204,\$12
635.2(2)	199,\$2	679.10	202,\$20	802.3	204,\$10
635.2(4)	199,\$3	679.11	202,\$20	802.5	204,\$11
635.3	199,\$4	679.12	202,\$20	805.8	109,\$2
635.4	199,\$5	679.13	202,\$20	805.8(2)	49,\$14
635.5	199,\$6	679.14	202,\$20	805.8(2)“b”	103,\$9
635.6	199,\$7	679.15	202,\$20	805.8(2)“k”	103,\$9
635.7	199,\$8	679.16	202,\$20	805.8(2)“l”	110,\$4
635.8	199,\$9	679.17	202,\$20	809.2	206,\$1
635.9	199,\$10	679.18	202,\$20	904.1	11,\$18
642.2(4)	200,\$1	684.18(1)	203,\$2	905.1(1)	207,\$1
648.3	183,\$2	685.1	9,\$9	905.3(1)“a”	117,\$1243
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663A.2(5)	198,\$2	685.7	9,\$11	905.5	207,\$3
663A.7	198,\$3	692.1	38,\$2	905.6(4)	207,\$3
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2.10	97,\$1	29A.14(2)	14,\$20	50.26-50.29	117,\$382
2.10(2)	10,\$4	29A.34	117,\$756	50.30	34,\$34
2.12	1,\$1; 97,\$1	29A.45	117,\$701	50.38	34,\$34
2.32	78,\$5	29C.9	117,\$380, 423,424,652	50.44-50.47	117,\$382
3.15	117,\$701	29C.10	117,\$320,380	51.1	117,\$382
4.1(13)	5,\$4	29C.11	117,\$380	52.2	117,\$382
7A.10	10,\$7	29C.12	117,\$380	52.3	117,\$382
8.2(5)	5,\$9	29C.13	117,\$380	52.8	117,\$382
8.6(4)"c"	94,\$1	37.7	117,\$1007	52.34	117,\$382
8.7	117,\$551	37.8	117,\$1007	56.6(1)	35,\$9
8.8	117,\$551	37.9-37.18	117,\$320	56.11(4)	117,\$756
8.9	117,\$551	37.30	117,\$551	57.6	117,\$652
8.22	17,\$3	39.17	117,\$751,753	62.1	117,\$382
8.23	78,\$7	42.4	117,\$208	62.3	117,\$507
8.31	1,\$1; 2,\$48,49	43.2	35,\$2; 44,\$9	62.4	117,\$652
8.33	10,\$7; 11,\$19; 12,\$9; 75,\$1	43.49	34,\$34; 117,\$382	62.7	117,\$701
8.43	9,\$14	43.50	117,\$382	62.9	117,\$382
11.15	117,\$756	43.51-43.58	117,\$382	62.11	117,\$701
11.18	58,\$10	43.60	34,\$34; 117,\$382	62.19	117,\$652
11.19	58,\$10	43.61	117,\$382	63.10	117,\$500,550, 600,650,700,750
11.21	117,\$400,423	43.62	117,\$382	64.8	117,\$500,600, 650,700,750
12.16	117,\$551	43.63	34,\$34	64.10	117,\$550
13.2(7)	117,\$756	43.67	34,\$3	64.11	117,\$321
14.22	34,\$49	44.7	117,\$504, 551,601,652,701,756	64.19	117,\$701
17A.3	37,\$1	46.8	117,\$701	64.21	117,\$501
17A.4(2)	2,\$36; 7,\$3,21; 80,\$7	46.12	117,\$701	64.23	117,\$501, 551,701
17A.5(2)"b"	2,\$36; 7,\$3,21	46.24	117,\$382	64.24	117,\$507, 701,703
17A.5(2)"b"(1)	80,\$7	47.2	35,\$4	65.2	117,\$322
17A.12(2)	152,\$6	47.2(2)	34,\$34; 117,\$753	65.3-65.8	117,\$322
17A.19(2-8)	117,\$1039	47.3	117,\$382	66.4	117,\$701
17A.20	117,\$1039	48.3	34,\$16	66.11	117,\$756
18.9	10,\$2	48.5(2)"d"	34,\$10,12	66.17	117,\$701
18.57	10,\$2	48.30	117,\$701	66.19	117,\$321, 504,650,700
18.90	117,\$501	49.3	34,\$24; 117,\$382	68.8	117,\$778
18.117	23,\$5	49.4	117,\$382	69.2	117,\$213,904
18.119	10,\$2	49.6-49.8	117,\$382	69.3	117,\$501,701
18.120	26,\$1	49.11	117,\$382	69.5	117,\$509
19.29	10,\$8	49.12	34,\$25	69.8	117,\$321
19A.3(6)	9,\$19	49.13	34,\$25	69.8(5)	117,\$501
19A.9(2)	9,\$19	49.13(2)	34,\$25	69.9-69.11	117,\$321
20.3(11)	9,\$19	49.15	34,\$25	69.12	34,\$46; 117,\$321
20.4(2)	9,\$19	49.16	34,\$25	69.13	117,\$321
20.9	30,\$1	49.19	34,\$25	69.16	117,\$321
23.2	28,\$7	49.20	34,\$25	69.19	78,\$5,52
23.12-23.16	117,\$1077	49.53	117,\$304	73.2	117,\$340
23.18	28,\$7	49.75	34,\$25	73.7	117,\$340
24.6	117,\$421,425	49.125	34,\$25	76.2	117,\$420,511
24.14	94,\$18	50.13	117,\$382	76.3	117,\$511
24.48	117,\$421	50.24	34,\$34; 117,\$382	77.4(2)	117,\$701
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79.10-79.13	117,§323	110.13-110.15	117,§601	135D.17	117,§756
79.24	117,§323	110.22	117,§601	135D.22	117,§558
82.2	171,§5	110B.3	117,§604	135D.23	117,§558
84.15	117,§652	111.27	117,§423	135D.24	117,§558,652
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84.24	117,§601	111.60-111.78	117,§381	136C.5	117,§756
85.49	117,§501,701	111A.2	117,§320,380	137.4	117,§320
85.50	117,§701	111A.4	117,§1084	137.10-137.13	117,§424
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91.11	117,§756	112.8	117,§701	143.1	117,§423
92.22	117,§652,756	113.6	117,§511	144.11	117,§501
93.9	116,§5	113.10	117,§601	144.19	64,§12
96.7(3)"a"(3)	19,§3	113.23	117,§701	144.39	64,§12
96.7(8)"c"	19,§4	113.24	117,§601,701	144.40	64,§12
96.8(5)	19,§3	117.3	54,§4	144.46	64,§12
96.11(7)"g"	19,§8	117.15	54,§15	145A.15	117,§551
96.14(3)	117,§601,606	117.34	54,§16	147.66	117,§701
96.17(2)	117,§756	117.34(4)	54,§16	147.92	117,§756
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98.8	43,§3.4	117.34(6)	54,§16	147.112	117,§652
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98.32	117,§652,756	123.14	117,§652,756	160.8	117,§511
98.43	43,§3.4	123.32	117,§302	160.16	117,§506
98.49	117,§756	123.36(6)	55,§2	163A.12	117,§424
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99A.6	117,§756	123.79	117,§701	165.18	117,§1019
99A.7	117,§756	123.80	117,§701	165.23	117,§424
99B.2(3)	44,§12	123.86	117,§756	165.25	117,§424
99B.4	117,§303	123.117	117,§652	169.19	117,§756
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101A.5	117,§652	125.11	58,§2	172C.3	117,§756
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101A.8	117,§652	125.13(2)	58,§9,12	173.2(3)	117,§320
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106.51	117,§601	125.51	117,§400,756	177A.17	117,§558
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106.53	117,§604	127.14-127.17	117,§701	181.14	71,§3
106.54	117,§601	127.19	117,§322	181.15	71,§3
106.55	117,§601	127.21	117,§551	187.10	117,§652
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109.12	117,§652	135.15	2,§15	188.22	117,§701
109.35	117,§756	135.32	117,§501	188.23	117,§701
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188.50	117,\$652	226.28	117,\$652,701	246.43	198,\$1
189A.17	117,\$756	226.30	117,\$756	247.29	117,\$701
191.7	117,\$756	227.2	78,\$33,37	247.30	117,\$701
191A.14	117,\$381	227.2(4)	78,\$37	247.31	117,\$509,701
198.13(3)	117,\$756	227.3	78,\$34	247A.10	11,\$3
199.14	117,\$756	227.6	78,\$37	248.9	117,\$701,756
200.18(4)	117,\$756	227.11	117,\$380	248.12	34,\$39
202.7	117,\$501	227.14	117,\$380	248.17	117,\$701
202.8	117,\$551	227.17	2,\$2; 11,\$10	249.1(1)	7,\$3
203A.7	117,\$756	229.7	117,\$652	249.9	7,\$10
204.406	11,\$3	229.8(3)"b"	78,\$17	249.13	117,\$756
204.412	117,\$701	229.11	117,\$652	249A.10	2,\$31
204.413	11,\$3	229.11(1-3)	217, (Form 7)	249A.12	117,\$401,425
217.2	78,\$52	229.12	117,\$756	249A.14	117,\$756
217.3(6)	78,\$6	229.19	78,\$4;	249B.15-249B.21	5,\$1
217.4	78,\$52		217, (Form 28)	250.1	117,\$1034
217.9	78,\$23	229.19(6)	217, (Form 27)	250.3	117,\$320
217.10-217.12	78,\$50	229.40	217, (Form 27)	250.4	117,\$320
218.74	11,\$19;	229.41	78,\$17	250.6	117,\$501
	74,\$1; 75,\$2	229.42	78,\$17;	250.10	117,\$501,507
218.91	117,\$756		117,\$380,501	250.13	117,\$320
218.94	212,\$1,2	230.3	117,\$501	250.15	117,\$380
218.97	117,\$756	230.11	117,\$501	250.17	117,\$423
219.7	27,\$3	230.15	117,\$501	250.18	117,\$423
220.14	117,\$360	230.20	11,\$4	251.5	117,\$380
222.2(5)	11,\$3	230.20(4)	78,\$38	251.6	117,\$380
222.13	117,\$380,501	230.21	117,\$501,551	252.16	78,\$13
222.14	117,\$380	230.22-230.24	117,\$501	252.17	78,\$13
222.18	117,\$756	230.25	117,\$380,	252.18	117,\$652
222.22	117,\$778		501,756	252.22	117,\$501
222.37	117,\$701	230.26	117,\$507	252.26	117,\$320,423
222.38-222.40	117,\$701	230.27	117,\$380,756	252A.6	117,\$701
222.50	117,\$501	230.35	117,\$380	252A.13	117,\$701
222.57	117,\$701	230A.3	78,\$41	253.6	117,\$1043
222.59	78,\$4;	230A.4	117,\$320	255.2	117,\$652
	117,\$380	230A.6	117,\$320	255.7	117,\$756
222.60	117,\$380	230A.12	78,\$16	255.8	117,\$756
222.61	117,\$380,501	230A.16	78,\$4,6	255.26	117,\$501,551
222.62	117,\$380,501	231.8	117,\$323	257.25(6)	117,\$501
222.63	117,\$380,501	232.50	78,\$45	258.14	8,\$8
222.64	117,\$380,501	232.71	117,\$652	261.9-261.16	8,\$2
222.65	117,\$380,501	232.99	78,\$45	261.17	8,\$2
222.66	117,\$380,501	232.102(1)"b"	11,\$17	261.18	8,\$4
222.67	117,\$380	232.103	11,\$4	261.19	8,\$4,10
222.68	117,\$380	232.141	117,\$400	261.22	8,\$5
222.69	117,\$380,501	232.141(4)	7,\$3	261.23	8,\$5
222.70-222.72	117,\$380	232.142	117,\$381	261.25(1)	8,\$2
222.73	11,\$5;	232.142(4)	7,\$3	261.25(2)	8,\$15
	117,\$380	234.9	117,\$320	261.25(3)	8,\$2
222.74	117,\$380,501	234.12	7,\$6	261.26	8,\$3
222.75-222.81	117,\$380	235.3	117,\$701	261.27	8,\$3
222.82	117,\$380,756	237.1	90,\$1	262A.3	SCR35
225.13	117,\$756	237A.1(8)	212,\$1,2	262A.4	SCR35
225.16	117,\$701	237A.13	2,\$35	263.12	117,\$424
225.23	117,\$501	239.1(3)	7,\$14	267.8	8,\$16
225.24	117,\$501	239.9	7,\$10	269.2	117,\$424,551
225.35	117,\$501	239.18	80,\$2	270.5	117,\$424
225B.4	117,\$381	239.20	117,\$756	270.6	117,\$424,501
225B.5	117,\$381,701	242.11	117,\$756	270.7	117,\$424,
225B.6	117,\$381,701	244.12	117,\$756		501,551
225B.7	117,\$381	246.38	117,\$701	273.6(1)"a-c"	94,\$10

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275.26	117,§551	313.2	117,§361	321A.24	117,§701
277.20	117,§382	313.5	97,§1	321B.7	103,§6
278.1(2)	93,§1	313A.23	117,§424	321F.6	49,§3
280A.2	8,§8; 9,§26	314.1	117,§340	321G.4	117,§601,604
280A.17	88,§1; 117,§511	314.2	117,§340,341	321G.6	117,§601
280A.22	117,§511,558	316.10	117,§381	321G.7	117,§423,425
280A.39	117,§382	316.11	117,§381	321G.9	117,§361
281.2(1)	7,§11	317.3	117,§320	321G.21	117,§601
282.1	89,§1	317.20	117,§558	322.10	117,§701
282.17	89,§1	317.21	117,§501,558	322.24	117,§701
282.21	117,§501,551	317.23	117,§756	324.57(9)	108,§5
285.1(3)"b", "c"	8,§17	319.11	117,§756	324.66	117,§701
285.1(13)	117,§501	320.1-320.8	117,§361	324.67	117,§701
285.2	8,§18	321.5	117,§652	324.76	117,§652
290.4	117,§701	321.6	117,§652	324.79(1-5)	12,§4
291.13	92,§1	321.17-321.19	117,§556	324.84	12,§4
294.15	6,§2	321.19(2)	108,§1	327C.30	117,§756
296.2	91,§1	321.20-321.22	117,§556	327F.29	117,§756
297.17	117,§652	321.23	103,§7; 117,§556	327G.15	117,§361
297.28	117,§652	321.24-321.31	117,§556	327H.18	116,§3,4,5; 117,§423
298.11	117,§501,551	321.32	103,§9; 117,§556	327H.19	116,§3,4,5; 117,§1049
298.13	117,§551,557	321.33	117,§556	327H.20	116,§3,4,5; 117,§423
301.1	8,§8	321.34	103,§9; 117,§556	327H.21	116,§3,4,5
302.2	117,§551	321.34(8)	49,§10	327H.22	116,§3,4,5
302.5	117,§551	321.35	117,§556	327H.23	116,§3,5; 117,§1049
302.31	117,§551	321.36	117,§556	327H.24	116,§3,4,5
302.33	117,§756	321.37	103,§9; 117,§556	327H.25	116,§3,4
302.35	117,§601	321.38-321.52	117,§556	329.9	117,§320
302.40	117,§423	321.72	117,§652	330.17-330.19	117,§380,381
302.41	117,§423	321.105-321.114	117,§556	330.20	117,§320, 380,381
303A.9-303A.11	117,§380	321.115	103,§7; 117,§556	330A.15	117,§421
303B.2	9,§26	321.116-321.132	117,§556	331.8	117,§1203
305.13	117,§756	321.133-321.135	117,§556, 652	331.13	117,§1243
306.4(2)	117,§361	321.136-321.152	117,§556	331.20	117,§1209
306.4(4)"b"	117,§361	321.153	117,§554, 556,557	331.21	117,§1209
306.4(5)"b"	117,§361	321.154-321.156	117,§556	331.25(2)	117,§1202
306.6	117,§320	321.187	117,§652	331.26(4)	117,§1202
306.15	117,§424	321.189(3)	103,§9	332.3(13)	98,§1; 117,§1013,1044,1094
306.19	117,§303	321.192	117,§654	332.3(23)	117,§1076
306.21	117,§501	321.225	6,§12	332.5	117,§1095
306.25	117,§501	321.226	6,§12	332.7	117,§1060
306.28	117,§303	321.230	6,§12	332.17-332.21	117,§1083
306.29-306.31	117,§303,501	321.236-321.238	117,§361	332.44	117,§1003
306.32-306.36	117,§303	321.238(12)	117,§556	333.2	117,§1209
306.37	117,§303,501	321.239-321.250	117,§361	334.1-334.7	117,§1209
306.40	117,§501	321.254	117,§361	334A.1	6,§4
307A.7	14,§8	321.255	117,§361	334A.2	6,§4
309.7	117,§1045,1046	321.281	117,§701	335.14	117,§1205,1220
309.8(1),(3),(4)	117,§1045, 1046	321.285(7)	117,§361	336A.4	117,§1240-1242
309.10	117,§400	321.345	103,§9	339.6	117,§1207
309.17-309.19	117,§320	321.352	117,§361	339.7	5,§4 117,§1207
309.40-309.43	117,§340	321.372-321.379	117,§652	339.8-339.12	117,§1207
309.46-309.49	117,§401	321.415	103,§9	340.8	117,§1219
309.50-309.55	117,§401, 551	321.471-321.473	117,§361	341A.2	117,§320,756
309.93	117,§400,900	321.474	110,§4		
309.94-309.97	117,§400	321.491	117,§701		
310.14	117,§340	321.556	117,§756		
311.24	117,§701	321.559	117,§701		
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341A.16	117,\$756	368.14	117,\$320	426A.4	139,\$1
341A.20	117,\$323,423	372.13(2)	34,\$47	426A.5	117,\$558
343.10	117,\$1058	376.1	117,\$382	426A.8	117,\$558
343.11	117,\$1058	376.7	117,\$382	426A.9	117,\$558
343.11(4)	117,\$1200	376.9	117,\$382	427.1(31)	12,\$6
344.1-344.11	117,\$400	380.11	117,\$601	427.1(33)	117,\$400
345.1	117,\$421,440	384.2	117,\$558	427.3-427.6	117,\$400,511
346.27	117,\$420,1081	384.11	117,\$558	427.8	117,\$401
346A.1	117,\$440,1060	384.19	117,\$501	427.9	117,\$400
347.2	117,\$1006	384.58	127,\$1	427.10	117,\$401
347.7	117,\$421,440,1062	384.65(6)	117,\$558	427.12	117,\$558
347.9	117,\$320	384.95-384.103	117,\$340	427A.3	117,\$511
347.10	117,\$320	405.1	6,\$5	427A.6	117,\$511
347.15	117,\$341	409.9	117,\$701	428.4	117,\$511
347.23	117,\$380	409.11	117,\$701	430A.3	117,\$423
347.27	117,\$1061,1062	409.12-409.17	117,\$510	433.8	117,\$511
347A.1	117,\$320,551	409.22	117,\$701	433.9	117,\$511
349.18	117,\$503	409.32	117,\$510	433.10	117,\$511,558
351.22	117,\$507	409.43	117,\$510	433.14	117,\$511
352.6	117,\$423	411.20	9,\$27	433.15	117,\$511
355.1	117,\$320	414.23	117,\$303,320	434.22	117,\$511,558
356.7	121,\$2	420.220-420.229	117,\$511	436.9-436.11	117,\$511
356.9-356.13	117,\$701,756	421.17(6)	117,\$601	437.10	117,\$511
356.15	117,\$400	421.17(8)	117,\$701	438.14-438.16	117,\$511
356.16-356.19	117,\$302	421.21	117,\$552	441.2	117,\$400
356.30	117,\$302	421.22	117,\$651	441.8	117,\$501
356.36	122,\$1	422.4	44,\$9; 147,\$12	441.16	117,\$558
356.43	117,\$756	422.5	94,\$17; 132,\$3	441.17	117,\$511
356.45	117,\$400	422.12	94,\$17	441.21	117,\$511
357.22	117,\$558	422.12(1)"e"	157,\$2	441.26	117,\$507
357.32	117,\$507	422.23	117,\$701	441.29	117,\$511
357A.2	117,\$381	422.25(4)	152,\$15	441.39	117,\$701
357B.4	124,\$1	422.26	117,\$601,606	441.40	117,\$558,701
358.18	117,\$511	422.27	199,\$8	441.41	117,\$756
358A.1	117,\$1071	422.29(2)	117,\$701	441.65	117,\$510,601
358A.6	117,\$1052	422.30	152,\$15	441.66	117,\$510,601
358A.8	117,\$320,1052	422.48-422.52	152,\$15	441.67	117,\$400,510,601
358A.9	117,\$320	422.54-422.58	152,\$15	441.68	117,\$510,601
358A.10	117,\$320,1053	422.67	152,\$15	441.69	117,\$510,601
358A.11	117,\$320	422.68	152,\$15	441.70	117,\$400,510,601
358A.12-358A.21	117,\$1053	422.69(1)	152,\$15	441.71	117,\$510,601
358B.2	117,\$380	422.70	152,\$15	442.1-442.3	94,\$17
358B.3	117,\$380	422.71	152,\$15	442.4	90,\$1; 94,\$17
358B.4	117,\$320,380	422.71(5)	117,\$558	442.5-442.8	94,\$17
358B.5	117,\$320,380	422.72-422.75	152,\$15	442.9	94,\$16,17
358B.18	117,\$320,380	422.100	6,\$3; 117,\$423	442.10-442.13	94,\$17
359.18	117,\$756	422A.2(4)	117,\$423	442.16	94,\$17
359.30	117,\$401	423.6	117,\$556	442.17	94,\$17
359.33	117,\$401	423.7	117,\$556	442.19	94,\$17
359.42	117,\$421	425.2	117,\$400	442.20	94,\$17
359.43	117,\$1077	425.3	117,\$400	442.25	94,\$6,10,12
359.46	117,\$321	425.4	117,\$558	442.38	94,\$16
359.47	117,\$321	425.5	117,\$558	443.2-443.9	117,\$511
361.2	117,\$320	425.7	117,\$558	443.20	117,\$1082
361.3(4)	117,\$1079	425.9	117,\$558	443.21	117,\$511
361.5	117,\$420	425.10	117,\$558	444.1-444.5	117,\$400
362.2(22)	187,\$1	425.25	117,\$558	444.6	117,\$400,507
362.3	34,\$46; 117,\$340	426.6	117,\$400	444.7	117,\$400
		426.8	117,\$558	444.8	117,\$400
				444.10	117,\$1067,1068

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444.12(2)	117,§1033	472.10-472.13	159,§8	554.9404-554.9407	117,§601,604
445.8	117,§652	472.38	117,§601	554.9408	117,§601
445.16	117,§400	472.52	159,§7	556B.1	117,§652
445.19	117,§400	476.3	156,§3,7,9	557.22	117,§601,606
445.36	144,§1	476.6	156,§3,7,9; 157,§1	557.23	117,§601
445.37	144,§1	476A.1(1)	211,§1	557.24	117,§601,604
445.44	117,§511	476A.14(1)	117,§701	557.25	117,§601
445.45	117,§511	478.29	117,§756	557.26	117,§601,604
445.49	117,§652	479.29(2)	117,§302	558.12	117,§701
445.59	117,§511	479.31	159,§12	558.20	117,§701
445.60	117,§400	491.4	117,§606	558.44	117,§601,756
445.62	117,§400	491.5	117,§606	558.58	117,§601
446.19	117,§360	491.23	117,§601	558.60-558.65	117,§507
446.31	117,§360	491.27	117,§601	558.66	117,§507,701
448.17	117,§601	496A.53	117,§601	558.67	117,§507
449.1-449.3	117,§400	496A.100	117,§701	561.1	186,§1
449.4	117,§511	497.3	117,§601	561.3	186,§1
449.7	117,§701	500.1	162,§1	561.4	117,§606
450.1	117,§756	502.202(12)	163,§1	561.8	117,§652
450.3	199,§1	502.601	171,§1	562A.27(2)	183,§2
450.13	117,§703	502.606	117,§701	562B.25(2)	183,§2
450.37	147,§13	504A.62	117,§701	563.11	117,§701
450.58	199,§8	507A.7	117,§701	565.8	117,§1081
450.81	117,§601	507A.11	117,§701	565.10	117,§551
452.6	117,§554	508.8	166,§1	566.4	117,§701,703
452.7	117,§554	509A.12	117,§323	566.7	117,§701
452.10	117,§554; 149,§1	511.7	117,§756	566.8	117,§701
452.18	117,§501	515.35	169,§1	566.12	117,§501
453.1	117,§701	515.93	117,§756	566.13	117,§501
453.6	127,§2,4	524.1311	117,§701	566.14-566.18	117,§425
453.9	149,§1	533.21(4)	117,§701	567.5	117,§756
453.10	149,§1	533.24	117,§423	567.6	117,§756
455.96-455.105	117,§701	535.2	117,§701	569.2	117,§756
455A.17	12,§11	535.8(2)	76,§6	572.8	117,§701
455B.23	117,§381	535.8(2)"c"	177,§1,3	572.14(2)	186,§3
455B.24	117,§381	535.8(2)"e"	177,§1,3	573.14	127,§2
455B.64	117,§756	537.1301(42)	117,§702	573.16	117,§2,4
455B.75	117,§421, 440,460	537.2401(1)	179,§1	573.24	117,§501
455B.76	117,§380	537.5105	182,§3	582.4	117,§703
455B.79	117,§380	537.5113	117,§701	583.6	117,§551
455B.80	117,§380	538.5	117,§701	595.6	117,§703
455B.115	117,§652	542.3(4)"b"	180,§7,10	601D.2	117,§323
455B.130(2)	152,§2	542.4	180,§4,15	601D.9	117,§360
455B.131(2)	151,§1; 152,§2	542.6	180,§32	601E.1	49,§2
455B.131(3)	152,§8	542.9	180,§4	601E.6	49,§14
455B.132	152,§2,11	542.13	180,§10	601E.6(2)	49,§13
455B.134	152,§2,8,11	543.2	180,§21	601E.8	49,§5
455B.134(2)	152,§3	543.3	117,§701	602.6	117,§360
455B.137(4)	151,§9	543.6(4)"b"	180,§19	602.9	117,§701
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467A.34	117,§551	543.33	180,§26,32	602.42	117,§701
467A.47	12,§12	545.2	117,§601	602.43	117,§320
467A.48	12,§12	546.1	117,§501	602.43(3)	117,§501
467B.13	117,§400	547.3	117,§604	602.50	117,§701
467B.14	117,§400	551A.2	43,§1	602.59	10,§14
472.2	117,§756	553.7	117,§756	602.61	117,§360
		554.9401	117,§601	602.63	117,§701
		554.9402	117,§601	605.9	117,§551; 189,§3
		554.9403	117,§601,604		

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605.11	9,\$29		199,\$5,8,9	692.5	117,\$701
605.35	189,\$6	635.7	117,\$701	692.15	117,\$652,701
605A.4	189,\$4; 10,\$13,15	635.9	117,\$701	693.4	117,\$321,423
606.18	117,\$501	635.11	117,\$701	708.1	206,\$17
607.6	117,\$701	641.1	117,\$756	709.10	5,\$4
608.1	117,\$501,601,701	641.2	117,\$756	714.16	171,\$3,5
608.5	117,\$701	642.21	182,\$3	727.2	117,\$303
609.30	117,\$652	643.7	117,\$701	728.8	117,\$756
609.31	117,\$652	643.12	117,\$701	801.4(7)"a-c"	103,\$3
609.41	117,\$652	644.2	117,\$501	801.4(7)"h"	103,\$3
613A.1(1)	152,\$8	644.4	117,\$501	802.2	204,\$10,11
613A.2	117,\$421	644.7	117,\$501	804.28	117,\$652
613A.7	117,\$426	644.10	117,\$501	805.5	117,\$701
613A.8	117,\$302,421	644.16	117,\$501	805.7	117,\$701
613A.9	117,\$302	646.23	117,\$701	807.5	117,\$701
614.35	117,\$601,606	647.3	117,\$701	809.2	117,\$701
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618.7	117,\$501,551, 601,652,701	655.4	117,\$701	809.6	117,\$551
618.11	117,\$301	655.5	117,\$701	811.4	117,\$701
618.12	117,\$654	658.10	117,\$501	811.6	117,\$652,701
618.13	117,\$704	663.9	117,\$701	811.7	117,\$652
618.14	117,\$304	663.43	117,\$701	812.5	117,\$652
621.1	117,\$701	663.44	117,\$701	813.2	117,\$652,701, 778,1241,1242; 206,\$16
622.44	117,\$606	663A.2(6)	198,\$3	813.4	215
622.63	117,\$701	663A.3	117,\$701	814.8	117,\$756
622.93	117,\$425	666.6	117,\$701	814.14	117,\$652
624.8-624.21	117,\$701	667.2	117,\$701	815.1	117,\$701
624.35	117,\$601	668.3	185,\$11	815.3	117,\$756
624.37	117,\$701	674.2	201,\$3	815.7	117,\$778
625.8	117,\$701	674.14	117,\$601	815.8	117,\$654
625.21	117,\$701	675.19	117,\$756	817.2	117,\$652
628.13	117,\$701	675.36	117,\$701	901.7	11,\$3; 117,\$701
628.18	117,\$701	676.4	117,\$701	902.7	11,\$3
628.20	117,\$701	679.1-679.18	202,\$18	902.8	11,\$3
629.3	117,\$652,701	679.19	202,\$19	903.4	117,\$380
630.7	117,\$652	680.3	117,\$701	905.2	9,\$26
630.9	117,\$652	682.6	117,\$321	905.3(1)"a"	117,\$210,320
631.16	216, rule 3	682.13	117,\$703	906.5	11,\$3
633.31	117,\$704	682.30	117,\$652	906.17	11,\$3
633.197	199,\$9	682.37	117,\$703	907.3	103,\$6
633.223(1)-(3)	194,\$1	684.18(1)	214	907.4	117,\$701
633.230	199,\$12	684.18(2)	216	907.8	117,\$701,756
633.236-633.246	197,\$1	684.19	214,215,216,217	907.12	117,\$701
633.304	199,\$12	686.14	117,\$652		
633.383-633.401	199,\$11	690.1	117,\$652		
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28E	117,§1201	306	96,§1	358	117,§1069
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181	71,§3	338	117,§1244	601E	49,§12
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18A	10,\$1	91A	117,\$323	237A	2,\$30
19A	14,\$6.8; 9,\$19	96	15,\$1; 117,\$323,421	238	2,\$30
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24	117,\$400,501, 1014	97B	31,\$6; 117,\$323,420	244	11,\$2
28A	31,\$6; 117,\$212	97C	6,\$2; 117,\$323,420	249	7,\$10
28D	117,\$323	98	117,\$302,423	249A	7,\$9; 11,\$6,15,16; 60,\$2; 78,\$12; 80,\$4
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28F	31,\$7,8,11,12	104A	49,\$1,10	252	117,\$380
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37	117,\$360, 420,421,440	117	54,\$26; 171,\$1	258	8,\$8
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64	117,\$321	135C	83,\$1; 117,\$381	273	2,\$7
66	117,\$321	142	117,\$803	276	95,\$5
68A	31,\$6; 47,\$1; 64,\$10; 117,\$302; 180,\$13.30	144	117,\$701, 801,802	280A	8,\$8
69	117,\$200, 500,550,600,650,700	145A	117,\$381	281	2,\$7
73	117,\$340	147	5,\$10	300	95,\$6
74	117,\$401,553; 118,\$1	148C	8,\$9	302	117,\$425,501
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75	117,\$443,462	164	12,\$2; 117,\$420	309	117,\$361,501
76	117,\$446	165	117,\$420	310	117,\$361
78	117,\$300	170A	117,\$381	311	117,\$361,551
80D	117,\$381	170B	117,\$381	314	117,\$361
82	171,\$6	172B	117,\$652	317	117,\$361
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356A	117,§380,425	456	117,§381	574	117,§701
357	117,§381	457	117,§381,	580	117,§652,701
357A	117,§381,501		501,551	581	117,§701
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358A	117,§303,	461	117,§381,551	596	117,§701
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358B	117,§424		501,551	598A	117,§701
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409	117,§601	467B	117,§1084	609	117,§501,701
411	9,§27	467C	117,§381	610	117,§701
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428A	117,§601	499B	49,§2	639	117,§652,701
430A	117,§400	504	117,§421,601	640	117,§652
432	161,§2	504A	78,§14;	641	117,§652
433	117,§400		117,§421,601; 162,§1	642	117,§652,701
434	117,§400	514D	167,§1	643	117,§652
436	117,§400	515	161,§1	644	117,§652,701
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438	117,§400	533	117,§601,702	665	117,§653
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443	117,§558	535B	175,§7	681	117,§701
444	117,§511	537	175,§3,8	682	117,§701
445	117,§558	542	180,§6,	691	117,§801,804
446	117,§558		16,21,30	692	47,§1
447	117,§558	542A	180,§6,21	714	180,§11,27
448	117,§558	543	180,§6,13,21	715	180,§11,27
449	117,§558	558	117,§606	724	117,§652
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