

State of Iowa

1973

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

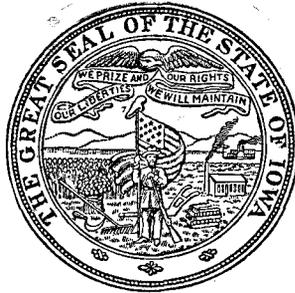
1973 REGULAR SESSION

OF THE

Sixty-fifth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines



CERTIFICATE

STATE OF IOWA
Office of Code Editor

We, Wayne A. Faupel and Phyllis Barry, Editors of the Code of Iowa, do hereby certify that the Acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State and are correct copies of said Acts and are published under the authority of the statutes of this state and constitute the Acts, laws and joint resolutions of the 1973 Regular Session of the Sixty-fifth General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

July 1973.

Section 622.59 of the 1973 Code of Iowa is as follows:

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

EDITORS' NOTE

The Acts and Resolutions of the 1973 Regular Session of the Sixty-fifth General Assembly have been printed in this book exactly as they appear on file in the office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

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

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

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

Some Acts passed by the General Assembly were not approved until after July 1, 1973. These Acts were effective August 15, 1973, except as noted in section 3.7 of the Code.

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STATE OFFICERS

STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1973 Session Laws for the Sixty-fifth General Assembly in accordance with the requirements of Code section 14.10 (4), 1973 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Ray Yenter, Deputy Auditor	Johnson
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	
RICHARD C. TURNER	Pottawattamie
Richard E. Haesemeyer, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
Gary A. Ahrens, Assistant Attorney General	Boone
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Larry Blumberg, Assistant Attorney General	Polk
Gordon G. Bowles, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Joseph Coleman, Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
Kermit L. Dunahoo, Assistant Attorney General	Polk
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	County from which originally chosen
ATTORNEY GENERAL—Continued	
Harry M. Griger, Assistant Attorney General	Polk
Fred H. Haskins, Assistant Attorney General	Polk
Thomas R. Hronek, Assistant Attorney General	Polk
David L. Kohlhammer, Assistant Attorney General	Polk
Gerald Kuehn, Assistant Attorney General	Allamakee
Ronald W. Kuntz, Assistant Attorney General	Polk
Stephen C. Lande, Assistant Attorney General	Polk
Thomas McGrane, Assistant Attorney General	Polk
Larry D. Munsinger, Assistant Attorney General	Story
George W. Murray, Special Assistant Attorney General	Polk
Elizabeth A. Nolan, Assistant Attorney General	Johnson
John R. Perkins, Assistant Attorney General	Polk
Clifford E. Peterson, Assistant Attorney General	Polk
Gary Peterson, Assistant Attorney General	Story
Franklin W. Sauer, Assistant Attorney General	Story
Asher E. Schroeder, Special Assistant Attorney General	Woodbury
Ira Skinner, Assistant Attorney General	Buena Vista
Douglas Smalley, Assistant Attorney General	Polk
William R. Stengel, Jr., Assistant Attorney General	Polk
Gary H. Swanson, Assistant Attorney General	Polk
Raymond W. Sullins, Assistant Attorney General	Polk
Peter E. Voorhees, Assistant Attorney General	Polk
Lorna L. Williams, Special Assistant Attorney General	Polk
Richard N. Winder, Assistant Attorney General	Polk
Garry Woodward, Assistant Attorney General	Muscatine
Robert G. Tangeman, Assistant Attorney General	Polk

APPOINTIVE OFFICERS

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

Ch. 116

Fred Kouri	West Des Moines	June 30, 1975
Leo E. Burger	Cedar Rapids	June 30, 1976
Harry Carlson	Des Moines	June 30, 1974

ADJUTANT GENERAL

Ch. 29A

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

AERONAUTICS COMMISSION

Ch. 328

Verne Lawyer	Des Moines	June 30, 1979
Roger Jensen	Eldora	June 30, 1979
Bruce H. Van Druff	Red Oak	June 30, 1975
Norbert D. Baltes	Charles City	June 30, 1975
Forrest F. McDonald	Jefferson	June 30, 1977

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
COMMISSION ON THE AGING		
Ch. 249B		
Robert D. Blue, Director	Eagle Grove	June 30, 1975
Mrs. Frances Schramper	Ames	June 30, 1975
W. W. Morris	Iowa City	June 30, 1975
Louise M. Rosenfeld	Ames	June 30, 1977
Colleen Shaw	Corning	June 30, 1977
Harry I. Prugh	Des Moines	June 30, 1977
<i>House Members</i>		
George J. Knoke	Council Bluffs	June 30, 1977
Gregory D. Cusack	Davenport	June 30, 1975
<i>Senate Members</i>		
Leonard C. Andersen	Sioux City	June 30, 1977
Joan Y. Orr	Grinnell	June 30, 1975

AGRICULTURE MARKETING BOARD

§159.25

Robert H. Lounsberry, Secretary of Agriculture		
Dr. John Pesek, Jr., Iowa State University		
Gail K. Danilson, Director of Marketing Division		
Roscoe Marsden, Chairman	Ames	June 30, 1974
Wallace McKee, Vice Chairman	Carlisle	June 30, 1974
Orville Kalsem	Huxley	June 30, 1973
Jerry Naylor	Scotch Grove	June 30, 1974
Jud Seeley	Donnellson	June 30, 1974
Corwyn Hicks	Des Moines	June 30, 1973
Walter Hamm	Sac City	June 30, 1973
Marion Steddum	Granger	June 30, 1973
Robert Doolittle	Webster City	June 30, 1974

AGRICULTURE PROMOTION BOARD

By Executive Order

Keith Kirkpatrick	Des Moines	Pleasure of the Governor
Ralph Blackford	Marion	
John Megown, Chairman	Marion	
Max Naylor	Jefferson	
Karl Nolin	Ralston	
Thomas R. Smith	Perry	
Arnold Waldstein	Storm Lake	
D. R. Davidson	Chariton	
E. Thurman Gaskill	Corwith	
Kenneth Joslin	Minburn	

ALCOHOLISM ADVISORY COUNCIL

F. William Bennett, M.D.	Marion
A. B. Crouch	Des Moines
Perry Greenwood	Des Moines
Rev. Robert B. Hedges	West Des Moines
Earl Hutchinson	Des Moines
Edward Moses	Huxley
William P. Mosley	Waterloo
Herbert Notch	Newton
Keith Simpson, D.O.	Des Moines
Kenneth Vanous	Cedar Rapids
Jeff Voskans	Spencer
Richard J. Zunker	Sioux City
Donald Cox, Ph.D.	Des Moines
Warren Erickson	Newton

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
ALCOHOLISM ADVISORY COUNCIL—Continued		
Judge Louis F. Fautsch	Dubuque	
Rolland Gallagher	Des Moines	
Robert C. Hardin, M.D.	Iowa City	
John Nielsen	Des Moines	
Don Perkins	Des Moines	
Norman Pawlewski	Des Moines	
James R. Rowen	Des Moines	
Wayne Wright	Independence	

ALCOHOLISM, COMMISSION ON
§123A.2

Norman Pawlewski, Acting Commissioner of Public Health		
Judge Louis Fautsch	Dubuque	June 30, 1975
K. George Shimoda, D.O.	Marshalltown	June 30, 1973
Rev. Robert A. Roof	Cedar Falls	June 30, 1973
Kenneth Seeley	Afton	June 30, 1975
Dr. George F. Fieselmann	Spencer	June 30, 1975
Senator William N. Plymat	Des Moines	June 30, 1975
Frank T. Harrison	Des Moines	June 30, 1977
Frank J. Delaney	Burlington	June 30, 1977

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

63 G. A., Ch. 1286

Melvin D. Synhorst, Secretary of State		
Dr. Peter Harstad, Director, Historical Society		
Jack W. Musgrove, Curator, Department of History and Archives		
Fred A. Priedwert, Director, Conservation Commission		
W. Robert Parks, President, Iowa State University		
Willard Boyd, President, State University of Iowa		
Dr. John J. Komerick, President, University of Northern Iowa		
Chad A. Wymer, Director, Iowa Development Commission		
C. Joseph Coleman, Chairman, Iowa State Fair and World Food Exposition Study Committee		
Kenneth R. Fulk, Fair Board Secretary		
C. Robert Brenton	Des Moines	
Robert W. Dillon, Chairman	Des Moines	
Don N. Kersten	Fort Dodge	
Dr. William G. Murray	Ames	
Don C. Muhm	West Des Moines	
Mrs. Edwin W. Bruere	Cedar Rapids	
Robert M. Stone	Chariton	
James W. Hubbell, Jr. (Honorary Member)	Des Moines	
Steve Zumbaugh (Honorary Member)	Ames	
Forrest V. Schwengels	Fairfield	
Norman G. Rodgers	Adel	
Quentin V. Anderson	Ellston	
Richard L. Byerly	Ankeny	

APPEAL BOARD

(Public Contracts and Bonds)

Ch. 28

Maurice E. Baringer, Chairman	Treasurer of State
Lloyd R. Smith	Auditor of State
Marvin R. Selden, Jr.	Comptroller

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
APPEAL BOARD ON STATE INSTITUTION CONSTRUCTION CONTRACTS		
Ch. 22		
Donald Ossian	Denison	June 30, 1977
Albert A. Augustine	Des Moines	June 30, 1975
Marvin R. Selden, Jr., Comptroller	Des Moines	Ex Officio Chairman

ARCHAEOLOGIST

Ch. 305A

Marshall McKusick

ARCHITECTURAL EXAMINERS

Ch. 118

Edward H. Healey	Cedar Rapids	June 30, 1975
Richard H. Brom	Waterloo	June 30, 1978
Harold J. Stewart	Davenport	June 30, 1974
James A. Lynch	Des Moines	June 30, 1977
James M. Duffy	Sioux City	June 30, 1976
Lois Kalleen, Executive Secretary		

ARMORY BOARD

§29A.57

Major General Joseph G. May	Adjutant General	
Col. Keith E. McWilliams	Des Moines	
W. K. Backman	Des Moines	Pleasure of the Governor
Major General Robert L. Gamrath	Fairfield	
Brig. General Roger W. Gilbert	Des Moines	
Brig. General Joseph B. Flatt	Winterset	
Lt. General Frank P. Williams	Cedar Falls	

ARTS COUNCIL

Ch. 304A

Mrs. Richard F. Drake	Muscatine	June 30, 1975
David E. Archie	Des Moines	June 30, 1975
Wayne A. Norman	Dubuque	June 30, 1976
Richard E. Leet	Mason City	June 30, 1976
Richard Williams	Cedar Rapids	June 30, 1976
Dr. Lawrence F. Mills	Pella	June 30, 1976
Mrs. Elizabeth Bornholdt	Avoca	June 30, 1974
Donald J. Maiwurm, Vice Chairman	Fort Dodge	June 30, 1974
Raymond Forsberg	Waterloo	June 30, 1974
Dr. Frank Summerside	LeMars	June 30, 1974
Stanley Wiederspan	Mount Pleasant	June 30, 1974
Miss Patricia Cauch	Des Moines	June 30, 1975
Mrs. Phyllis Lepke	Ames	June 30, 1975
Mrs. Marlyn Jorgensen	Garrison	June 30, 1976
Vacancy		
Jack E. Olds, Director	Cedar Falls	Pleasure of the Governor

ATHLETICS COMMISSIONER

§727A.2

Melvin D. Synhorst	Des Moines	Pleasure of the Governor
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STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

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

BANKING BOARD

§524.205

Cecil Dunn, Superintendent	Eagle Grove	June 30, 1977
Francis Price	Des Moines	June 30, 1977
John B. Rigler	Muscatine	June 30, 1977
James W. Cravens	Sanborn	June 30, 1977
Joseph G. Knock	Creston	June 30, 1977
Julia Anderson	Ames	June 30, 1977
Ed H. Spetman, Jr.	Council Bluffs	June 30, 1977

BEEF PRODUCERS TASK FORCE

Executive Order

Holmes Pedelty	Clear Lake	
John Airy	Des Moines	
Gary Frankl	South Sioux City, Nebr.	
Dave Grismore	Corydon	
Durwood Mommsen	Goose Lake	
Gaylen Winterhof	Galva	
Delmar Van Horn	Des Moines	Pleasure of the Governor
G. L. "Bud" Pearson	Spencer	
LaVerne Gustafson	Cherokee	
Charles Phelps	Hastings	
Severt Van Berkle	Sioux Center	
Hugh Septer	Ida Grove	
C. Hugh Brenton	Des Moines	
Dave Mitchell	Sioux City	

BLIND, COMMISSION FOR THE

Ch. 93

Mrs. Wayne Bonnell	Fort Dodge	June 30, 1975
Elwyn Hemken	Blairsburg	June 30, 1976
Mrs. Thelma Johnson	Charles City	June 30, 1974

BONUS BOARD

Ch. 35

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

BUILDING CODE ADVISORY COUNCIL

§103A.14

Jack Bloodgood	Des Moines	June 30, 1976
Herman T. Wideman	Des Moines	June 30, 1974
Robert Williams	Des Moines	June 30, 1974
Glen E. Lundblad	Sioux City	June 30, 1974
Earl Yoder	Iowa City	June 30, 1976
Francis Messerly	Cedar Falls	June 30, 1976
Robert Ernster	Guttenberg	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
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BUILDINGS AND GROUNDS SUPERINTENDENT

Ch. 18

John Drummond.....At the Pleasure of General Services Administration

CAMPAIGN FINANCE DISCLOSURE COMMISSION

Ch. 138, §10, 65th G. A.

Larry Scalise	Des Moines	June 30, 1979
Charles W. Wiggins	Ames	June 30, 1977
Russell M. Ross	Iowa City	June 30, 1977
Miss Jolene Stevens	Sioux City	June 30, 1975
Charles G. Rehling	Davenport	June 30, 1979

CAPITOL PLANNING COMMISSION

Ch. 18A

William J. Wagner	Dallas Center	April 30, 1973
James W. Hubbell	Des Moines	April 30, 1975
Mrs. Polly Moore	Des Moines	April 30, 1975
<i>House Members</i>		
Glenn F. Brockett	Marshalltown	April 30, 1977
Norman Roorda	Monroe	April 30, 1975
<i>Senate Members</i>		
Warren E. Curtis	Cherokee	April 30, 1977
William N. Plymat	Des Moines	April 30, 1975

CHILD LABOR COMMITTEE

§92.21

Jerry Addy, Chairman
 Giles J. Smith, Superintendent of Public Instruction
 John Spear, Employment Security Commission
 Mrs. Forrest K. Binger

Cedar Rapids	June 30, 1974	
Patrick E. Glenn	Granger	June 30, 1974

CITIZENS' AIDE

Ch. 601G

Thomas A. Mayer

Clinton

CITY DEVELOPMENT BOARD

64th G. A., ch. 1088, §33

Michael Vincent Dunn	Keokuk	June 30, 1974
Mrs. Sharon Nail	Webster City	June 30, 1976
Gregory Owen Haggood	Marion	June 30, 1978

CITY FINANCE COMMITTEE

64th G. A., ch. 1088, §94

E. Newell Foust	Des Moines	June 30, 1976
Charles O'Connor	Des Moines	June 30, 1974
Loren Hickerson	Iowa City	June 30, 1974
David A. Smith	Algona	June 30, 1976
James E. Lindsay	Ida Grove	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
CIVIL DEFENSE ADVISORY COUNCIL		
Ch. 29C		
Edward W. Collins	Red Oak	July 4, 1971
Samuel J. Mazziotti	Oelwein	July 4, 1971
Sheriff F. O. Rosenberger	Sioux City	July 4, 1971
Richard L. Grove	Barnum	July 4, 1972
Richard C. Morgan, Vice Chairman	Des Moines	July 4, 1972
Floyd Nelson	Ames	July 4, 1972
Rex R. Gross	Colo	July 4, 1973
Mayor Lloyd Turner, Chairman	Waterloo	July 4, 1973
Ira M. Kiser	Davenport	July 4, 1973
Albert R. Maricle, Director	Waterloo	July 3, 1973

CIVIL RIGHTS COMMISSION

Ch. 105A

George F. Garcia	Coralville	June 30, 1977
Mrs. Frances H. Louder	Mason City	June 30, 1977
Mrs. Elizabeth Kruidenier	Des Moines	June 30, 1975
Dr. Gary H. Koerselman	Sioux City	June 30, 1975
DeEdwin F. White	Burlington	June 30, 1975
James N. Gillman	Des Moines	June 30, 1977
Vacancy		

CODE EDITOR

Ch. 14

Wayne A. Faupel	Clear Lake	Pleasure of the Supreme Court
Phyllis Barry, Deputy	Des Moines	

COMMERCE COMMISSION

Ch. 474

Fred Moore	Des Moines	June 30, 1979
Maurice Van Nostrand, Chairman	Des Moines	June 30, 1977
Howard Bell	Ames	June 30, 1975
Dean A. Briley, Executive Secretary		

COMPTROLLER

Ch. 8

Marvin R. Selden, Jr.	Des Moines	Pleasure of the Governor
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COMPUTERS FOR SCHOOLS, ADVISORY COMMITTEE

§257.10

C. C. Mosier	Ames	Pleasure of the Governor
John G. Helkenn	Des Moines	
Robert Benton, Superintendent, Department of Public Instruction		
Stanley McCausland, Director, General Services Administration		
Marvin R. Selden, Jr., Comptroller		

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
CONFIDENTIAL RECORDS COUNCIL		
Ch. 294, 65th G. A.		
Honorable Robert D. Ray, Governor		
Donald H. Zarley	Des Moines	Pleasure of the Governor
George J. Matias	Cedar Rapids	
Mrs. Jack D. Levin	Newton	
Anthony M. Critelli	Des Moines	Pleasure of the Supreme Court
Michael M. Sellers, Commissioner of Public Safety.....	Des Moines	
<i>House Members</i>		
Laverne W. Schroeder	McClelland	Pleasure of the Speaker
Arthur A. Small, Jr.	Iowa City	
<i>Senate Members</i>		
George F. Milligan	Des Moines	Pleasure of the Lieutenant Governor
Gene V. Kennedy	Dubuque	

CONSERVATION COMMISSION

Ch. 107

Leslie L. Licklider	Cherokee	June 30, 1975
James D. Bixler	Council Bluffs	June 30, 1975
Thomas A. Bates	Bellevue	June 30, 1975
Carolyn Lumbard	Des Moines	June 30, 1977
John Link	Burlington	June 30, 1975
John C. Thompson	Forest City	June 30, 1979
Herb Reed	Winterset	June 30, 1979
Fred A. Priewert, Director		

CRIME COMMISSION

Ch. 80C

Forrest V. Schwengels	Fairfield	
Reynold P. Jurgensen	Clinton	
David Dutton	Waterloo	
James Van Ginkel	Atlantic	
F. O. Rosenberger	Sioux City	
Al Vogt	Dubuque	
George J. Matias	Cedar Rapids	
Leo Oxberger	Ankeny	
Watson Powell, Jr.	Des Moines	Pleasure of the Governor
Wardell Greer	Sioux City	
David Nelson	Mason City	
Ray Robinson	State Center	
Robert Jacobson	Iowa City	
Father Thomas Rhomberg	Dubuque	
Mrs. W. D. Edgerton	Davenport	
Mrs. A. M. Strohbehn	Council Bluffs	
John D. Scarlett	Des Moines	
Richard Turner, Attorney General		
Michael Sellers, Commissioner of Public Safety		
Craig Beek, Director, Bureau of Criminal Investigation		
John F. Callaghan, Director, Iowa Law-Enforcement Academy		
Nolan Ellandson, Director, Bureau of Adult Correction Services		
Dean Arbuckle	Jefferson	
Robert M. Kreamer	Des Moines	
George L. Paul	Brooklyn	
Justice W. Ward Reynoldson	Osceola	
Colonel Howard S. Miller	Ames	
George W. Orr, Executive Director		
Charles W. Larson, Deputy Director		

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
DENTISTRY BOARD		
Ch. 153		
William A. Miller	Des Moines	June 30, 1977
Dr. Robert L. Moore	Hampton	June 30, 1978
Harold W. Sidwell, D.D.S.	Villisca	June 30, 1974
A. Miles Olson, D.D.S.	Laurens	June 30, 1975
David Wolf, D.D.S.	Cedar Rapids	June 30, 1976

DEPARTMENTAL RULES REVIEW COMMITTEE

Ch. 17A

House Members

Floyd H. Millen, Chairman	Farmington	April 30, 1977
W. H. Monroe, Jr.	Burlington	April 30, 1977
Laverne W. Schroeder	McClelland	April 30, 1975

Senate Members

Barton L. Schwieger	Waterloo	April 30, 1977
E. Kevin Kelly, Vice Chairman	Sioux City	April 30, 1975
Berl E. Priebe	Algona	April 30, 1975

Phyllis Barry, Secretary

DEVELOPMENT COMMISSION

Ch. 28

John P. Tinley	Shenandoah	June 30, 1976
Frank W. Griffith	Sioux City	June 30, 1976
Robert K. Beck	Centerville	June 30, 1977
James W. Callison, Vice Chairman	Des Moines	June 30, 1973
Forrest J. Mitchell, Jr.	Grinnell	June 30, 1976
John P. Bickel	Cedar Rapids	June 30, 1974
E. A. Hayes, Chairman	Mount Pleasant	June 30, 1974
Kenneth H. Jolsin	Minburn	June 30, 1975

Vacancy

Vacancy

Vacancy

Chad A. Wymer, Director

Pleasure of
the Governor

DEVELOPMENTAL DISABILITIES COUNCIL

Stat. L.

Margaret G. Westerhof	Carlisle	December 31, 1973
John C. MacQueen, M.D.	Iowa City	December 31, 1973
Jack Harvey	Urbandale	December 31, 1973
Jerry L. Starkweather	Norwalk	December 31, 1973
Richard E. Fischer	Des Moines	December 31, 1973
Elizabeth D. Procter, M.D.	Des Moines	December 31, 1973
Rolfe B. Karlsson	Des Moines	December 31, 1973
Mrs. Eva Teppert	Des Moines	December 31, 1973
Mrs. Elodie A. Manternach	Watkins	December 31, 1973
Mrs. Betty W. (Leslie) Bader	Des Moines	December 31, 1973
Paul C. Vance, Ed.C.	Des Moines	December 31, 1973
Mrs. Florence Bear	Tama	December 31, 1973
Marshall Smith, Jr.	Des Moines	December 31, 1973
Ronald D. Eckoff, M.D.	Cumming	December 31, 1973
Reverend Maurice O. Smith	Washington	December 31, 1973
Mrs. Evelyne Villines	Des Moines	December 31, 1973
Joseph P. Deeney	Waukon	December 31, 1973
Mrs. Wanda Schnebly	Forest City	December 31, 1973
Howard F. Garton	West Bend	December 31, 1973

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
DEVELOPMENT DISABILITIES COUNCIL—Continued		
William Jackson, M.D.	Sioux City	December 31, 1973
Mrs. Elizabeth McTigue	Fort Dodge	December 31, 1973
Richard Ploeger, Ed.D.	Marshalltown	December 31, 1973
Rodney H. Dawson	Waterloo	December 31, 1973
Mrs. Mary Hickey	Dubuque	December 31, 1973
Harold R. Bridges	Muscatine	December 31, 1973
Ira E. Larson	Cedar Rapids	December 31, 1973
Mrs. Jewell Snider	Des Moines	December 31, 1973
Everett M. Crane	Vail	December 31, 1973
Einer M. Juel, M.D.	Atlantic	December 31, 1973
Richard T. Owens, Ed.D.	Creston	December 31, 1973
Thomas R. Johnson	Ottumwa	December 31, 1973
Mrs. Hazel Linquist	Keokuk	December 31, 1973
William C. Ketch	Des Moines	December 31, 1973
Frank Fair	Des Moines	December 31, 1973
Dr. Herbert Nelson	Iowa City	December 31, 1973
Dr. Elmer M. Smith	Des Moines	December 31, 1973
Dover V. Donnelly	Des Moines	December 31, 1973

ECONOMIC OPPORTUNITY OFFICE

Robert F. Tyson, Director Shenandoah Pleasure of
the Governor

EDUCATION COMMISSION OF THE STATES

Ch. 198, 65th G. A.

Honorable Robert D. Ray, Governor

House Members

Sonja Egenes Story City June 30, 1977
James D. Wells Cedar Rapids June 30, 1975

Senate Members

Elizabeth O. Shaw Davenport June 30, 1977
Minnette F. Doderer Iowa City June 30, 1975

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

§8A.7

William B. Quarton Cedar Rapids June 30, 1974
Dr. Louis E. Smith Indianola June 30, 1975
Paul Johnston Des Moines June 30, 1974
John E. van der Linden Sibley June 30, 1973
Mrs. Earl G. Sievers Avoca June 30, 1975
John Baldrige Chariton June 30, 1974
Dr. Robert F. Ray, Chairman Iowa City June 30, 1976
Dr. Ralph H. Wallace, Vice Chairman Mason City June 30, 1976
S. J. Brownlee Emmetsburg June 30, 1976

COMMISSIONER OF ELECTIONS, STATE

§47.1

Melvin D. Synhorst, Commissioner of Elections
J. Herman Schweiker, Deputy Commissioner of Elections
Louise A. Whitcome, Director

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
EMPLOYEE DEVELOPMENT, POLICY COMMITTEE ON STATE		
Maurice Baringer	Des Moines	
Clayton Ringenberg	Iowa City	
Marvin R. Selden, Jr.	Des Moines	
George Lundberg	Des Moines	
Joseph R. Coupal	Ames	
Norman Pawlewski	Des Moines	
Richard N. Smith	Des Moines	
Mrs. Evelyne R. Villines	Des Moines	
Wallace L. Keating	Des Moines	
William L. Smith	Des Moines	
Donald G. Briggs	Des Moines	

EMPLOYMENT AGENCY LICENSING COMMISSION

Ch. 95

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

EMPLOYMENT OF THE HANDICAPPED

Ch. 93A

James N. Bethel	Des Moines	June 30, 1974
Mrs. Ferne G. Bonomi	Des Moines	June 30, 1974
Hugh D. Clark	Des Moines	June 30, 1974
Keith Dunton	Thornburg	June 30, 1974
K. R. Ernst, O.D.	Waterloo	June 30, 1974
Ron Grooms	Ames	June 30, 1974
Merill E. Hunt	Des Moines	June 30, 1974
Rolfe B. Karlsson	Des Moines	June 30, 1974
Edward K. Kelley	Des Moines	June 30, 1974
Edward F. McCartan	Des Moines	June 30, 1974
Ralph G. Neppel	Iowa City	June 30, 1974
H. S. Palmer	Oskaloosa	June 30, 1974
Lou Pomerantz	Des Moines	June 30, 1974
Julian Torgerson	Sioux City	June 30, 1974
Mrs. Carrol M. Ungs	Clear Lake	June 30, 1974
Hugh Doty	Mechanicsville	June 30, 1975
Richard V. Hopkins	Davenport	June 30, 1975
Fran H. Lowder	Mason City	June 30, 1975
Sister Mary Miguel	Council Bluffs	June 30, 1975
George T. Nickolas	Davenport	June 30, 1975
Nate Ruben	Des Moines	June 30, 1975
Paul D. Reese	Knoxville	June 30, 1974
Robert Brown	Waterloo	June 30, 1974
Bill Wagner	Des Moines	June 30, 1974
James Johnson	Clemens	June 30, 1974
Charles Ashman	Elkader	June 30, 1974
Mrs. Ann Copec	G. C. Employment of the Handicapped	June 30, 1974
Edward F. Winter	Cedar Rapids	June 30, 1975
James Albert	Cedar Rapids	June 30, 1975
Mrs. Helen Settle	Marshalltown	June 30, 1975

EMPLOYMENT SECURITY COMMISSION

§96.10

Abe D. Clayman	West Des Moines	June 30, 1977
George A. Lundberg	Des Moines	June 30, 1975
Colleen Shearer	Carlisle	June 30, 1979

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
FAIR BOARD—Continued		
Don Greiman	Garner	
Howard Waters	Danville	
Joe Deeney	Waukon	
W. L. Yount, Vice President	Altoona	
Jean M. Kleve	Humboldt	
G. W. Prince	Guthrie Center	
Robert D. Ray, Governor of the State of Iowa		
W. Robert Parks, President, Iowa State University, Ames		
Robert H. Lounsberry, Secretary of Agriculture		
H. M. Duncan, Director	Columbus Junction	

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

Ch. 486, 61st G. A.
House Member

Norman G. Rodgers	Adel
	<i>Senate Member</i>
C. Joseph Coleman	Clare

Robert H. Lounsberry, Secretary of Agriculture
 Lyle Kreps, Director, Marketing Division, Department of Agriculture
 W. Robert Parks, President, Iowa State University
 Chad A. Wymer, Director, Iowa Development Commission
 C. J. Matthiessen, President, Iowa State Fair Board
 Kenneth R. Fulk, Secretary, Iowa State Fair Board

FIRE MARSHAL

Ch. 100

Wilbur R. Johnson	Ottumwa
Reynold Hentges, Assistant Fire Marshal	

FORT DODGE RIVER FRONT COMMISSION

John Simpson	Fort Dodge	December 31, 1977
Richard Mulronev	Fort Dodge	December 31, 1973
Robert Gunderson	Fort Dodge	December 31, 1975

FUTURE OF IOWA INTERIM PLANNING COMMITTEE

Kitty Ellsworth	West Des Moines
Mrs. Jean Lloyd-Jones	Iowa City
Dr. Eddie V. Easley	Des Moines
Robert Buck	Waukee
Bruce Anderson	Cedar Rapids
John P. Millhone	Des Moines
Ralph Schlenker	Des Moines
Maurice TePaske	Sioux Center
William F. Turner	Sioux City
Wayne E. Laufenberg	Des Moines
Dr. Willard L. Boyd	Iowa City

Pleasure of
the Governor

GENERAL SERVICES

Ch. 19B

Stanley McCausland, Director

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

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

Ch. 305

Robert D. Ray, Governor, Chairman
 Lloyd R. Smith, Auditor of State
 Willard L. Boyd, President, State University of Iowa
 W. Robert Parks, President, Iowa State University of Science and Technology
 Robert E. Yager, President, Iowa Academy of Science
 Dr. Samuel J. Tuthill, Director

GEOLOGIST

Ch. 305

Dr. Samuel J. Tuthill.....Pleasure of the Geological Board
 Orville J. Baneck, Assistant

HEALTH, BOARD OF

Ch. 136

Ex Officio Members:

Robert D. Ray, Governor
 Melvin D. Synhorst, Secretary of State
 Lloyd R. Smith, Auditor of State
 Maurice E. Baringer, Treasurer of State
 Robert H. Lounsberry, Secretary of Agriculture

Members:

Harry C. Rasdal, O.D.	Spencer	June 30, 1975
Albert J. Soucek, D.D.S.	Iowa City	June 30, 1975
Mrs. Richard Maas, R.N.	Liscomb	June 30, 1975
Charles D. Mullinex	Cedar Rapids	June 30, 1976
E. E. Gamet, M.D.	Lamoni	June 30, 1976
John C. Edgerton, D.O.	Manning	June 30, 1976
Dr. Paul Seebohm	Iowa City	June 30, 1974
Dr. Vaughn Seaton	Ames	June 30, 1974
P. J. Leehey, M.D.	Independence	June 30, 1974

HEALTH, COMMISSIONER OF

Ch. 135

Norman Pawlewski, Acting CommissionerDes Moines
 R. J. Schliekelman, Chief of Environmental Engineering Service

HEALTH DEPARTMENT

Ch. 147

Practice Acts Examining Boards

Barber Examiners

Leslie W. Jones	Burlington	June 30, 1975
Alfred D. Wilson	Des Moines	June 30, 1976
Merlyn V. Boyken	Waterloo	June 30, 1974

Chiropractic Examiners

Dr. Anthony P. Untz	Dyersville	June 30, 1974
E. C. Vorland, D.C.	Cedar Falls	June 30, 1975
Gerald Whitten, D.C.	Des Moines	June 30, 1976

Cosmetology Examiners

Carole Tracy	Dubuque	June 30, 1975
Mrs. Betty J. Tull	Creston	June 30, 1976
Mrs. Marian Lokken	Ames	June 30, 1974

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
HEALTH DEPARTMENT—Continued		
<i>Funeral Director and Embalmer Examiners</i>		
George F. Murdoch	Marion	June 30, 1975
Dwight K. Wagler	Griswold	June 30, 1976
Maurice J. Tierney	Dubuque	June 30, 1974
<i>Medical Examiners</i>		
Kenneth E. Lister, M.D.	Ottumwa	June 30, 1974
Howard G. Ellis, M.D.	Des Moines	June 30, 1977
Frank R. Peterson, M.D.	Cedar Rapids	June 30, 1972
John K. MacGregor, M.D.	Mason City	June 30, 1973
Kenneth R. Carrell, D.O.	Columbus Junction	June 30, 1974
Roger B. Anderson, D.C.	Davenport	June 30, 1975
John M. Rhodes, M.D.	Pocahontas	June 30, 1975
John W. Billingsley, M.D.	Newton	June 30, 1976
<i>Optometry Examiners</i>		
H. Ray Wilson, O.D.	Forest City	June 30, 1975
C. E. Nichols, O.D.	Clarinda	June 30, 1976
K. O. McMaster, O.D.	Oelwein	June 30, 1974
<i>Pharmacy Examiners</i>		
Dwight E. Fry	Greenfield	June 30, 1975
Thomas W. Kenefick	Eagle Grove	June 30, 1973
Charles A. Hughes	Emmetsburg	June 30, 1974
<i>Physical Therapy Examiners</i>		
Nancy Thompson	Des Moines	June 30, 1974
William R. Whitmore, M.D.	Davenport	June 30, 1974
Joyce Johnson	Decorah	June 30, 1975
William R. Schober	Mason City	June 30, 1973
<i>Podiatry Examiners</i>		
Russell R. Schivley	Fort Madison	June 30, 1975
Dr. Paul A. Johns	Des Moines	June 30, 1976
W. L. Franson, D.S.C.	Perry	June 30, 1974

HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE

Stat. L. 89-749

James A. Cox	Fort Dodge	June 30, 1974
Elmer H. Den Herder	Sioux Center	June 30, 1974
Donald French	Fairfield	June 30, 1975
Mrs. B. R. (Louise) Goldman	Davenport	June 30, 1974
Mrs. Georgia Hutchison	Oelwein	June 30, 1976
Mrs. Matt (Edna) Lawrence	Ottumwa	June 30, 1976
Rufus Moellers	Ridgeway	June 30, 1975
Mrs. Joyce Montag	Creston	June 30, 1975
Perry Ross	Mount Pleasant	June 30, 1975
A. L. Smulekoff	Cedar Rapids	June 30, 1974
Roger Stetson	Des Moines	June 30, 1976
Philip Stillman	Emmetsburg	June 30, 1975
Maurice TePaske	Sioux Center	June 30, 1974
Mrs. Wilma Watters	Dubuque	June 30, 1975
Mrs. Jo Ann Luddington	Pacific Junction	June 30, 1976
Allan Lee	Keokuk	June 30, 1976
Judy McDonough	Ames	June 30, 1976
Mrs. Marilyn Marsh	Hornick	June 30, 1976
Clive Ayers	Atlantic	June 30, 1974
Kenneth Barrows	Des Moines	June 30, 1974
B. F. Brown	Iowa City	June 30, 1975
Julius S. Conner, M.D.	Des Moines	June 30, 1974
Glen Haydon	Mason City	June 30, 1976
Mrs. Helen Henderson	Des Moines	June 30, 1974
John B. Herrick, D.V.M.	Ames	June 30, 1974

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE—Continued		
Dr. David E. McAreavy	Maquoketa	June 30, 1976
John C. MacQueen, M.D.	Iowa City	June 30, 1974
Mrs. Janet K. Specht	Marshalltown	June 30, 1975
Donald Soll, M.D.	Denison	June 30, 1974
Dr. Tom Stonebrook	Eldora	June 30, 1976
Dr. Donald Trefz	Charles City	June 30, 1975
Dr. John Tyrrell	Manchester	June 30, 1976
Donald W. Dunn	Des Moines	June 30, 1976
Dave Nugent	West Des Moines	June 30, 1976
Charles Caldwell	Iowa City	June 30, 1975

HIGHER EDUCATION FACILITIES COMMISSION

Ch. 261

Robert Benton, Superintendent of Public Instruction		
Ray Bailey, Executive Secretary	Clarion	June 30, 1972
Robert H. Kaiser	Sioux City	June 30, 1973
John N. Nystrom	Boone	June 30, 1975
Richard W. Welden	Iowa Falls	June 30, 1975
Robert Williams	Des Moines	June 30, 1975
Keith S. Noah	Charles City	June 30, 1977
Norman W. Kladstrup, Executive Director		
Willis Ann Wolff, Director, Student Aid Programs		
Richard D. Zwemke, Director, Federal Programs		
Vacancy		
Dr. Kenneth Weller	Pella	June 30, 1975

HIGHWAY COMMISSION

Ch. 307

David O. Shaff	Clinton	June 30, 1977
Stephen Garst	Coon Rapids	June 30, 1977
Robert R. Rigler, Chairman	New Hampton	June 30, 1975
Harry F. Reed	Winterset	June 30, 1975
Jules M. Busker	Sioux City	June 30, 1975
Joseph R. Coupal, Jr., Director of Highways		
Howard E. Gunderson, Chief Engineer		

HISTORICAL SOCIETY

Ch. 304

(Board of Curators)

Herbert V. Hake	Cedar Falls	June 30, 1974
Mrs. David O. Shaff	Clinton	June 30, 1974
Dr. Dean Zenor	Iowa City	June 30, 1974
Mrs. Dorothy Schweider	Ames	June 30, 1974
Dr. Phillip Jordan	Burlington	June 30, 1974
George Mills	Des Moines	June 30, 1974
Professor Russell M. Ross	Iowa City	June 30, 1974
W. O. Weaver	Wapello	June 30, 1974
Mrs. Gaillard Heflin	Harlan	June 30, 1974
A. W. Allen	Cedar Rapids	June 30, 1975
Charlene Conklin	Waterloo	June 30, 1975
Dr. Robert Dykstra	Iowa City	June 30, 1975
Dr. Margaret Keys	Iowa City	June 30, 1975
Justice Robert L. Larson	Iowa City	June 30, 1975
Edward W. Lucas	Iowa City	June 30, 1975
Marion R. Neely	Iowa City	June 30, 1975
Dean Oakes	Iowa City	June 30, 1975
Richard Thomas	Mount Vernon	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
HISTORY AND ARCHIVES DEPARTMENT		
§303.3		
Jack W. Musgrove, Curator	Des Moines	July 1, 1972
Judith Gildner, Editor Annals	Des Moines	

**HOSPITAL AND OTHER HEALTH FACILITIES
ADVISORY COUNCIL**

§135A.5

Ken Hobsen	Cherokee	June 30, 1975
Richard G. Schreiber	Ottumwa	June 30, 1972
Bernard M. Graheck	Cedar Rapids	June 30, 1973
Charles Ingersoll	Des Moines	June 30, 1974
Meily A. Scheldorf	Manning	June 30, 1973
Dr. Terry F. Dynes	Decorah	June 30, 1975
K. E. Lister, M.D.	Ottumwa	June 30, 1972
John E. Tyrrell, M.D.	Manchester	June 30, 1973
Dr. William C. Keettel	Iowa City	June 30, 1974
Myron N. Bos, D.O.	Albia	June 30, 1975
Jerry Starkweather	Des Moines	June 30, 1972
Alan D. Hathaway, D.D.S.	Davenport	June 30, 1971
Sister Mary Clarence McDonald	Cedar Rapids	June 30, 1974
Harold Godberson	Ida Grove	June 30, 1975
Mrs. William Stillman	Emmetsburg	June 30, 1975
Mrs. Linda Garten	Des Moines	June 30, 1975
George Christensen	Marne	June 30, 1972
Mrs. Donald L. Dugloch	Storm Lake	June 30, 1972
Howard W. Greiner	Wellman	June 30, 1972
Mrs. Velma L. Bledsoe	Avoca	June 30, 1973
Mrs. June Goldman	Forest City	June 30, 1973
Darrel L. Rensink	Sioux Center	June 30, 1973
Robert E. Roberts	West Des Moines	June 30, 1973
Mrs. Bernice Wolf	Mason City	June 30, 1974
Elmer H. Den Herder	Sioux Center	June 30, 1974
Mrs. Jean McMurray	Webster City	June 30, 1974

INDUSTRIAL COMMISSIONER

Ch. 86

Robert C. Landess	West Des Moines	June 30, 1979
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INSURANCE COMMISSIONER

Ch. 505

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

Ch. 28B

Robert D. Ray, Governor		
Arthur A. Neu, President of the Senate		
Andrew Varley, Speaker of the House		
Maurice Baringer, Treasurer of State	West Des Moines	April 30, 1975
Marvin R. Selden, Jr., Comptroller of State	West Des Moines	April 30, 1975
Clayton L. Ringgenberg	Iowa City	April 30, 1975

House Members

Richard F. Drake	Muscataine	April 30, 1975
Dennis L. Freeman	Storm Lake	April 30, 1975
Philip B. Hill	Des Moines	April 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
INTERSTATE CO-OPERATION COMMISSION—Continued		
Robert M. Kreamer	Des Moines	April 30, 1975
James T. Caffrey	Des Moines	April 30, 1975

Senate Members

James W. Griffin, Sr.	Council Bluffs	April 30, 1975
John S. Murray	Ames	April 30, 1975
William D. Palmer	Des Moines	April 30, 1975
W. R. Rabedeaux	Wilton	April 30, 1975
James F. Schaben	Dunlap	April 30, 1975

IOWA OFFICIAL REGISTER

L. Dale Ahern, Editor	Decorah	Pleasure of the Printing Division
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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ADVISORY INVESTMENT BOARD

§97B.8

Dale K. Dekoster	Waterloo	June 30, 1979
Vacancy .....	.....	June 30, 1975
Keith Gunzenhauser	West Des Moines	June 30, 1977

House Member

Willis E. Junker	Sioux City	June 30, 1975
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Senate Member

James W. Griffin, Sr.	Council Bluffs	June 30, 1975
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STATE JUDICIAL NOMINATING COMMISSION

§§46.1, 46.2

APPOINTIVE

Edris H. Owens	Newton	June 30, 1973
John M. Downey	Des Moines	June 30, 1973
Mrs. Wm. Robinson	Hampton	June 30, 1975
Wm. Sorenson	Jefferson	June 30, 1975
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. Beck	Spirit Lake	June 30, 1977

ELECTIVE

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

JUDICIAL NOMINATING COMMISSION

Ch. 46

APPOINTIVE

Election District 1A

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

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION—Continued		
<i>Election District 1B</i>		
Mrs. Georgia Hutchison	Oelwein	Jan. 31, 1976
Keith Burbridge	Cedar Falls	Jan. 31, 1974
Vail H. Hess	Grundy Center	Jan. 31, 1974
Robert W. Giertz	Waterloo	Jan. 31, 1976
John J. Burgess	Cresco	Jan. 31, 1978
<i>Election District 2A</i>		
Dr. H. G. Marinos	Mason City	Jan. 31, 1974
Dean Kline	Charles City	Jan. 31, 1974
Frank Jeffrey	Mason City	Jan. 31, 1976
Charles H. Dick	Hampton	Jan. 31, 1976
Max Eggleston	Waverly	Jan. 31, 1978
<i>Election District 2B</i>		
Dr. Paul Ferguson	Lake City	Jan. 31, 1974
Jon E. McClure	Fort Dodge	Jan. 31, 1974
Chase McLaughlin	Humboldt	Jan. 31, 1976
Frank Cervetti	Marshalltown	Jan. 31, 1976
Mrs. Carolyn Houk	Jefferson	Jan. 31, 1978
<i>Election District 3A</i>		
Tom Howe	Spencer	Jan. 31, 1974
Mrs. Elizabeth Vanden Heuvel	Rock Rapids	Jan. 31, 1974
John B. Anderson	Storm Lake	Jan. 31, 1976
Blaine Hoiem	Spirit Lake	Jan. 31, 1976
Kirk Hayes	Algona	Jan. 31, 1978
<i>Election District 3B</i>		
Mrs. Val Moeller	LeMars	Jan. 31, 1974
Richard P. Sulzbach	Sioux City	Jan. 31, 1974
Mrs. John Kelly	Sioux City	Jan. 31, 1976
Norton D. Obrecht	Holstein	Jan. 31, 1976
Roger Linn	Correctionville	Jan. 31, 1978
<i>Election District 4</i>		
Leo Kessler	Audubon	Jan. 31, 1974
Mrs. MaryAnn Emerine	Council Bluffs	Jan. 31, 1974
Lewis W. Ross, Jr.	Oakland	Jan. 31, 1976
Mrs. Virginia Deardorff	Atlantic	Jan. 31, 1976
Hale C. Greenleaf	Shenandoah	Jan. 31, 1978
<i>Election District 5A</i>		
Eugene T. Smith	Indianola	Jan. 31, 1974
Ray Murphy	Des Moines	Jan. 31, 1974
Max Kreager	Newton	Jan. 31, 1976
Donald Willis	Des Moines	Jan. 31, 1976
Mrs. Betty Schwartzkopf	Stuart	Jan. 31, 1978
<i>Election District 5B</i>		
B. L. Cunning	Mount Ayr	Jan. 31, 1974
T. M. Thompson	Creston	Jan. 31, 1974
Mrs. Judith Carlson	Greenfield	Jan. 31, 1976
Mrs. Janet Winslow	Corydon	Jan. 31, 1976
Kenneth Olive	Chariton	Jan. 31, 1978
<i>Election District 6</i>		
John B. Turner	Cedar Rapids	Jan. 31, 1974
Dr. Robert Savage	Monticello	Jan. 31, 1974
Rev. John Woods	Cedar Rapids	Jan. 31, 1976
Mrs. Marsha Thudium	Vinton	Jan. 31, 1976
Mrs. Jean Swisher	Iowa City	Jan. 31, 1978
<i>Election District 7</i>		
John Axel	Muscatine	Jan. 31, 1974
Herbert A. Iossi	Davenport	Jan. 31, 1974

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION—Continued		
Mrs. Odetta C. Moore	Davenport	Jan. 31, 1976
Dr. Donald E. McAreavy	Maquoketa	Jan. 31, 1976
Marvin D. Ohsann	Clinton	Jan. 31, 1978
<i>Election District 8A</i>		
Milford R. Wonderlich	Ollie	Jan. 31, 1974
Julian Campbell	Bloomfield	Jan. 31, 1974
Max Smith	Grinnell	Jan. 31, 1976
Leon Yates	Ottumwa	Jan. 31, 1976
Logan Heilman	Washington	Jan. 31, 1978
<i>Election District 8B</i>		
Mrs. Ada Waters	Danville	Jan. 31, 1974
Jewell Jury	Farmington	Jan. 31, 1974
Keith Garretson	Mount Pleasant	Jan. 31, 1976
Mrs. Nell Weber	Columbus Junction	Jan. 31, 1976
Edward K. Johnstone	Keokuk	Jan. 31, 1978
ELECTIVE		
<i>Election District 1A</i>		
Donald R. Breitbach	Dubuque	Jan. 31, 1976
James Hart	Elkader	Jan. 31, 1974
Alfred Hughes	Dubuque	Jan. 31, 1978
Arthur H. Jacobson	Waukon	Jan. 31, 1976
Charles A. Kintzinger	Dubuque	Jan. 31, 1978
<i>Election District 1B</i>		
Henry L. Elwood	Cresco	Jan. 31, 1976
Upton B. Kepford	Waterloo	Jan. 31, 1978
John W. Rathert	Waterloo	Jan. 31, 1976
Leroy H. Redfern	Cedar Falls	Jan. 31, 1978
Carl A. Greif	Independence	Jan. 31, 1974
<i>Election District 2A</i>		
B. C. Berge	Garner	Jan. 31, 1974
W. K. Carr	Charles City	Jan. 31, 1976
A. G. Dunkelberg	Osage	Jan. 31, 1978
Wm. H. Engelbrecht	Waverly	Jan. 31, 1976
Walter C. Schroeder	Mason City	Jan. 31, 1978
<i>Election District 2B</i>		
W. K. Doran	Boone	Jan. 31, 1974
Whitley M. Hemingway	Webster City	Jan. 31, 1976
Craig L. Johnson	Marshalltown	Jan. 31, 1978
Thomas L. McCullough	Sac City	Jan. 31, 1978
Edward S. White	Carroll	Jan. 31, 1976
<i>Election District 3A</i>		
Gordon J. Forsyth	Estherville	Jan. 31, 1976
Joe E. Lynch, Jr.	Algona	Jan. 31, 1976
Edgar E. Mack	Storm Lake	Jan. 31, 1978
Frank B. Nelson	Spencer	Jan. 31, 1978
K. B. Welty	Spirit Lake	Jan. 31, 1974
<i>Election District 3B</i>		
Keith A. Beekley	Sioux City	Jan. 31, 1976
Frank J. Margolin	Sioux City	Jan. 31, 1978
Edwin L. Mitchell	Alton	Jan. 31, 1974
William J. Rawlings	Sioux City	Jan. 31, 1978
Robert C. Reimer	Denison	Jan. 31, 1976
<i>Election District 4</i>		
John F. Boeye	Red Oak	Jan. 31, 1976
J. C. Irvin	Clarinda	Jan. 31, 1974
J. R. Larson	Atlantic	Jan. 31, 1978

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
JUDICIAL NOMINATING COMMISSION—Continued		
Jake S. More	Harlan	Jan. 31, 1976
Raymond A. Smith	Council Bluffs	Jan. 31, 1978
<i>Election District 5A</i>		
Robert G. Allbee	Des Moines	
John N. Diehl	Newton	
Hubert C. Jones	Des Moines	
Clyde Putnam, Jr.	Des Moines	
Dale E. Spencer	Des Moines	
<i>Election District 5B</i>		
William Don Carlos	Greenfield	Jan. 31, 1978
James Harsh	Creston	Jan. 31, 1978
G. F. Hoffman	Leon	Jan. 31, 1976
Richard D. Morr	Chariton	Jan. 31, 1976
Richard L. Wilson	Lenox	Jan. 31, 1974
<i>Election District 6</i>		
James W. Crawford	Cedar Rapids	Jan. 31, 1974
Caryl W. Garberson	Cedar Rapids	Jan. 31, 1976
William L. Meardon	Iowa City	Jan. 31, 1978
James F. Pickens	Cedar Rapids	Jan. 31, 1976
Robert C. Tilden	Cedar Rapids	Jan. 31, 1978
<i>Election District 7</i>		
Elmer E. Bloom	Muscatine	Jan. 31, 1978
John E. Nagle	Davenport	Jan. 31, 1978
David O. Shaff	Clinton	Jan. 31, 1974
Erwin E. Stamp	Bellevue	Jan. 31, 1976
Charles E. Wittenmeyer	Davenport	Jan. 31, 1976
<i>Election District 8A</i>		
Marvin V. Colton	Centerville	Jan. 31, 1976
Albert F. Goeldner	Sigourney	Jan. 31, 1978
Scott Jordan	Fairfield	Jan. 31, 1978
Charles M. Manley	Grinnell	Jan. 31, 1974
Richard H. Wright	Bloomfield	Jan. 31, 1976
<i>Election District 8B</i>		
Kenneth A. Aspelmeier	Burlington	Jan. 31, 1974
Henry L. Hirsch	Burlington	Jan. 31, 1978
Harold F. McLeran	Mount Pleasant	Jan. 31, 1976
Russell R. Newell	Columbus Junction	Jan. 31, 1976
R. Buell Smith	Keokuk	Jan. 31, 1978

LABOR COMMISSIONER

Ch. 91

Jerry L. Addy

Des Moines

June 30, 1975

LAND REHABILITATION ADVISORY BOARD

§83A.3

Marvin J. Nelson	Cedar Rapids	June 30, 1974
G. H. Hertel	Des Moines	June 30, 1974
William W. Fall	Knoxville	June 30, 1975
Frank W. Schaller	Ames	June 30, 1975
William H. Greiner	Ankeny	June 30, 1975
Dr. Samuel J. Tuthill	Iowa City	June 30, 1973
James D. Bixler	Council Bluffs	June 30, 1973
Hugh A. Templeton	Knoxville	June 30, 1973

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
LAW ENFORCEMENT ACADEMY COUNCIL		
Ch. 80B		
George J. Matias	Cedar Rapids	August 14, 1973
Frank O'Keefe, Vice Chairman	Sioux City	August 14, 1974
Warren J. Kruck, Chairman	Boone	August 14, 1975
Gerald D. Allen	Mason City	August 14, 1975
Richard R. Ramsey	Osceola	August 14, 1975
Arthur R. Kitner	Independence	August 14, 1973
Rollin C. Edelen	Estherville	August 14, 1977
Michael Laughlin, Attorney General's Office.....	Pleasure of the Attorney General	
Fletcher D. Thompson	Ex officio member	

LAW EXAMINERS

Ch. 610

Richard C. Turner, Attorney General, Chairman	Jefferson	June 30, 1974
Francis L. Cudahy	Des Moines	June 30, 1974
S. David Peshkin	Sioux City	June 30, 1974
Ralph W. Crary	Ottumwa	June 30, 1975
Wilbur R. Dull	Decorah	June 30, 1975
Frank R. Miller		

LEGISLATIVE COUNCIL

§2.49

Senate Members

Arthur A. Neu, President of the Senate		
Vernon H. Kyhl	Parkersburg	
Clifton C. Lamborn, Chairman	Maquoketa	
James F. Schaben	Dunlap	
Lucas J. DeKoster	Hull	
Eugene M. Hill	Newton	
James E. Briles	Corning	
Karl Nolin	Ralston	
Willard R. Hansen	Cedar Falls	
Roger J. Shaff	Camanche	
Earl M. Willits	Des Moines	

These legislators will
serve two-year terms
ending upon conven-
ing of the following
General Assembly.

House Members

Andrew Varley, Speaker of the House		
Edgar H. Holden, Vice Chairman	Davenport	
Dale M. Cochran	Eagle Grove	
Charles E. Grassley	New Hartford	
Arthur A. Small, Jr.	Iowa City	
Joan Lipsky	Cedar Rapids	
Delwyn Stromer	Garner	
David M. Stanley	Muscatine	
Donald V. Doyle	Sioux City	
James I. Middleswart	Indianola	

LEGISLATIVE COUNCIL COMMITTEES

§2.49, amended by 65th G. A., ch. 120

LEGISLATIVE ADMINISTRATION COMMITTEE

Senate Members

Roger J. Shaff	Camanche	
Karl Nolin	Ralston	
Vernon H. Kyhl	Parkersburg	

These legislators will
serve two-year terms
ending upon conven-
ing of the following
General Assembly.

House Members

Andrew Varley, Chairman	Stuart	
Dale M. Cochran	Eagle Grove	
Edgar H. Holden	Davenport	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
LEGISLATIVE FISCAL COMMITTEE		
<i>Senate Members</i>		
Lucas J. DeKoster	Hull	These legislators will serve two-year terms ending upon conven- ing of the following General Assembly.
Eugene M. Hill	Newton	
Ralph F. McCartney	Charles City	
Bass Van Gilst	Oskaloosa	
Willard R. Hansen	Cedar Falls	
<i>House Members</i>		
Charles E. Grassley	New Hartford	
Arthur A. Small, Jr.	Iowa City	
Joan Lipsky	Cedar Rapids	
Elmer H. Den Herder	Sioux Center	
Keith H. Dunton	Thornburg	

LEGISLATIVE SERVICE COMMITTEE			
<i>Senate Members</i>			
James E. Briles, Chairman	Corning	These legislators will serve two-year terms ending upon conven- ing of the following General Assembly.	
Clifton C. Lamborn	Maquoketa		
James F. Schaben	Dunlap		
<i>House Members</i>			
Donald V. Doyle	Sioux City		
David M. Stanley	Muscatine		
Delwyn Stromer	Garner		

LEGISLATIVE SERVICE BUREAU

\$2.58

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

LEWIS AND CLARK TRAIL COMMITTEE

Executive Order

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

LIBRARY COMMISSION, STATE

S. F. 196, 65th G. A.

Dr. Lawrence Staples	Des Moines	June 30, 1975
Thomas Muller	Coralville	June 30, 1976
Mrs. Charles R. Gee	Shenandoah	June 30, 1974
Richard O. Shirk	Oelwein	June 30, 1977
Mrs. Frances T. Desmond, Law Librarian	Des Moines	
Vacancy, Medical Librarian		
Vacancy, Supreme Court Administrator		
Barry L. Porter, Administrator		

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
IOWA BEER AND LIQUOR CONTROL COUNCIL		
§123.6		
J. Stuart Kirk, Chairman	Des Moines	Dec. 31, 1976
Harlan Lowe	Toledo	Dec. 31, 1977
Joan Ballantyne	Cherokee	Dec. 31, 1974
Don Bell	New London	Dec. 31, 1975
James Mulqueen	Council Bluffs	Dec. 31, 1973

MANPOWER PLANNING COUNCIL

Stat. L.

Robert D. Benton	Des Moines	
Norman Pawlewski	Des Moines	
James T. Klein	Des Moines	
Robert Tyson, Chairman	Des Moines	
Dr. Marvin Anderson	Ames	
Jerry L. Starkweather	Des Moines	
Russell V. Kelso	Des Moines	
Lambert Burkhalter	Des Moines	
Don Hauser	Des Moines	
Maurice TePaske	Sioux Center	Pleasure of the Governor
Chad Wymer	Des Moines	
Robert L. Walton	Des Moines	
Mrs. Madge Hunt	Des Moines	
Mrs. Margo Bradley	Des Moines	
Jack P. Brown	Des Moines	
Harold Williams	Des Moines	
Dallas Dickson	Des Moines	
Margaret Trimble	Des Moines	
Pam Paul	Des Moines	
Mrs. Betty Darla Ogden	Knoxville	

MAP ADVISORY COUNCIL (TOPOGRAPHICAL)

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

MEDICAL ASSISTANCE ADVISORY COUNCIL

§249A.4(8)

Don McGrath	Eagle Grove	June 30, 1972
Vacancy		June 30, 1972
Mrs. Carl Rundberg	Ogden	June 30, 1973
Mrs. Sue M. Reed	Des Moines	June 30, 1973
<i>Senate Members</i>		
Barton L. Schwieger	Waterloo	June 30, 1975
C. Joseph Coleman	Clare	June 30, 1975
<i>House Members</i>		
C. Raymond Fisher	Grand Junction	June 30, 1975
Harold C. McCormick	Manchester	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
ADVISORY COUNCIL FOR THE CONSTRUCTION OF MENTAL HEALTH FACILITIES		
§135.44		
Norman Pawlewski, Acting Commissioner of Public Health		
Alvin Hayes, Jr.	Des Moines	June 30, 1975
Mrs. Max W. Lyon	Clinton	June 30, 1975
Drexel Lange	Des Moines	June 30, 1975
J. T. May, M.D.	Cherokee	June 30, 1975
Herbert L. Nelson, M.D.	Iowa City	June 30, 1975
Vera Franch, M.D.	Bettendorf	June 30, 1975
Floyd Dunn, D.O.	Knoxville	June 30, 1975
James Campbell	Decorah	June 30, 1975
Mrs. Jean McMurray	Webster City	June 30, 1975

MENTAL HYGIENE COMMITTEE

Ch. 225B

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

MERIT EMPLOYMENT COMMISSION

Ch. 19A

Clifford M. White	Pella	June 30, 1979
W. A. Krause	Hampton	June 30, 1979
James B. Morris	Des Moines	June 30, 1975
Julian Torgerson	Sioux City	June 30, 1975
Mrs. Thelma Heitsman	Corning	June 30, 1977
W. L. Keating, Director		

MIDWEST NUCLEAR BOARD

Ch. 8B

William E. Twaler	Iowa City
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MISSISSIPPI PARKWAY PLANNING COMMISSION

Ch. 308

Harry G. McKee	Muscatine	June 30, 1977
Ivan E. Dull	Dubuque	June 30, 1977
Gary D. Engebretson	Decorah	June 30, 1977
A. Fred Berger, Sr.	Davenport	June 30, 1977
George C. Aschom	Lansing	June 30, 1973
Charles B. Millham	Guttenberg	June 30, 1975
Harold Clausen	Clinton	June 30, 1975
John McCormally	Burlington	June 30, 1975
Lynn Battles	Maquoketa	June 30, 1975
Mrs. Carl Majors	Keokuk	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
NATURAL RESOURCES COUNCIL		
Ch. 455A		
J. Justin Rogers, Chairman	Spirit Lake	June 30, 1975
Hugh A. Templeton	Knoxville	June 30, 1975
Mrs. Mabel Miller	Keosauqua	June 30, 1975
Leslie C. Klink	Elkader	June 30, 1977
Dr. Merwin D. Dougal	Ames	June 30, 1977
Lee Feil	Riverton	June 30, 1977
Perry L. Christensen	Kent	June 30, 1979
Dr. M. A. Dalchow	Maquoketa	June 30, 1979
Leigh R. Curran	Mason City	June 30, 1979
Othie R. McMurry, Director		

NURSING BOARD

Ch. 147

Virginia R. Lawrence, R.N.	Mason City	June 30, 1977
Nellie Osterlund	Des Moines	June 30, 1978
Mrs. Sara Fishel, R.N., Vice Chairman	Marion	June 30, 1974
Mary Suzanne Wickenkamp, Chairman	Ottumwa	June 30, 1975
Mildred I. Freel	Iowa City	June 30, 1976
Mrs. Lynne M. Illes, Executive Director		

NURSING HOME ADMINISTRATORS EXAMINERS BOARD

Ch. 147

James Gannon, M.D.	Laurens	June 30, 1975
Ezra William Shenk	Wellman	June 30, 1975
Mrs. Eloise I. Shaffer	Centerville	June 30, 1973
Robert V. Campbell	Oskaloosa	June 30, 1973
Jerry C. Helfenstine	Des Moines	June 30, 1974
Rev. Arlin H. Adams	Waukon	June 30, 1974
J. D. Shepherd	Newton	June 30, 1974
Nadine Lindsay	Lake City	June 30, 1975
Vacancy		

COMMISSION TO STUDY NURSING IN IOWA

Jane Alexander	Des Moines	
Patricia Klopfenstein	Marion	
Joan Lipsky	Cedar Rapids	
Phyllis J. Peters, R.N.	Sioux City	
Elizabeth Kerr	Iowa City	
La Nelle Bentz	Winterset	
Mildred Freel, R.N.	Iowa City	Will of the Governor
Geraldine Mahnke, R.N.	Waterloo	
Suzanne Mains, R.N.	Des Moines	
Dr. Lawrence F. Staples	Des Moines	
Mrs. Gwendolyn Hickey, L.P.N.	Waterloo	
John McDonough	Corning	
Sister James Marie Donahue	Cedar Rapids	
Mrs. Kathleen Sauer	Mechanicsville	
Bert R. Livingston, P.E.	Newton	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
NUTRITION PROGRAM TEAM		

Frank Fair	Des Moines	
Frances Shambaugh	Des Moines	
Peter G. Canakes	Des Moines	
Dr. Wilma Brewer	Ames	
Mrs. Margaret K. Yoder	Ames	
Walter Pickett	Des Moines	
Mrs. Mary Louise Filk	Des Moines	Pleasure of the Governor
Frank O. Moosberg	Des Moines	
William J. Turner	Des Moines	
George W. Shove	Des Moines	
Lavern E. Carpenter	Des Moines	
Thelma Luther	Des Moines	
Mrs. Anna K. Jernigan	Des Moines	
Earl V. Nelson	Des Moines	

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

§88.10

I. John Rossi	West Des Moines	June 30, 1976
Charles H. Pelton	Clinton	June 30, 1978
Allen J. Meier	Cedar Rapids	June 30, 1974

PAROLE BOARD

Ch. 247

Lawrence Carstensen	Des Moines	June 30, 1979
Jack Bedell	Spirit Lake	June 30, 1975
Silas S. Ewing	Des Moines	June 30, 1977

PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL ON

Dr. Robert W. Anderson	Des Moines	
Dr. Enfred E. Linder	Ogden	
Dr. James E. Kelsey	Des Moines	
Dr. Donald V. Cox	Des Moines	
Dr. Betty A. Hoff	Decorah	
Dr. Donald Cassidy	Iowa City	
Dolph Pulliam	West Des Moines	
Gary Thompson	Ames	
Rick Wannamaker	Marengo	
Bernie Saggau	Boone	Pleasure of the Governor
E. Wayne Cooley	Des Moines	
Maury John	Ames	
Chalmers Elliott	Iowa City	
Monsignor J. E. Tolan	Humboldt	
Bill Sorenson	Jefferson	
Dr. Paul C. Vance	Des Moines	
Frank Morlan	Brooklyn	
Craig Hunter	Atlantic	
Judy Merritt	Guthrie Center	
Al Lewis	Storm Lake	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
PHYSICIANS ASSISTANT PROGRAMS, ADVISORY COMMITTEE ON §148B.4		
Dr. Thornton Bryan	Iowa City	
Dr. John K. MacGregor	Mason City	
Virginia Lawrence, R.N.	Mason City	
Dr. Robert S. Eicher	Ankeny	
Edward R. Lynn	Council Bluffs	None
Dr. Elizabeth Burrows	Des Moines	
Dr. Byron M. Merkel	Des Moines	
Dr. Robert L. Gustafson	Dallas Center	

POLICE COMMUNICATIONS REVIEW COMMITTEE

Ch. 104, 65th G. A.

Senate Members

Ralph F. McCartney	Charles City	Term ends upon
James V. Gallagher	Jesup	convening of
William P. Winkelman	Lohrville	66th G. A.

House Members

Donald V. Doyle	Sioux City
Glen E. Bortell	St. Charles
John H. Clark	Keokuk

PRESERVES ADVISORY BOARD

Ch. 111B

William J. Petersen, Ph.D.	Iowa City	June 30, 1971
Marshall McKusick	Iowa City	June 30, 1971
Dr. John D. Dodd	Ames	June 30, 1972
Sylvan T. Runkel	Des Moines	June 30, 1972
Dr. Edward Cawley	Dubuque	June 30, 1973
Dr. George Knudson	Decorah	June 30, 1973
Fred A. Priewert, Director		

PRINTING DIVISION OF GENERAL SERVICES

Ch. 15

Vernon Lundquist, Superintendent
Dennis Groe, Assistant Superintendent

PUBLIC INSTRUCTION, BOARD OF

Ch. 257

Earl G. Sievers	Avoca	January 2, 1978
Robert J. Beecher	Creston	January 2, 1978
Ron Hallock	West Des Moines	January 2, 1978
Virginia Harper	Fort Madison	January 2, 1974
Jolly Davidson	Clarinda	January 2, 1974
Mrs. Richard Cole	Decorah	January 2, 1974
Mrs. Virgil Shepard	Allison	January 2, 1976
John E. van der Linden	Sibley	January 2, 1976
T. J. Heronimus	Grundy Center	January 2, 1976

PUBLIC INSTRUCTION SUPERINTENDENT

Ch. 257

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

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
PUBLIC SAFETY COMMISSIONER		
Ch. 80		
Michael M. Sellers	Des Moines	Pleasure of the Governor

REAL ESTATE COMMISSION

Ch. 117

Melvin D. Synhorst, Secretary of State, Chairman		
N. E. Brear	Garner	June 30, 1977
Lester E. Calvert	Des Moines	June 30, 1977
Stephen G. Darling	Iowa City	June 30, 1975
Donald Knudsen	Eagle Grove	June 30, 1975
Cecil Galvin, Director		

RECIPROCITY BOARD

§326.3

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

REGENTS, BOARD OF

§262.1

Mrs. Margaret Collison	Oskaloosa	June 30, 1977
Ray V. Bailey	Clarion	June 30, 1975
Donald H. Shaw	Davenport	June 30, 1975
Mrs. H. Rand Petersen	Harlan	June 30, 1975
John Baldrige	Chariton	June 30, 1977
Steve Zumbaugh	Ames	June 30, 1977
Stanley Barber	Wellman	June 30, 1979
Harry Slife	Waterloo	June 30, 1979
S. J. Brownlee	Emmetsburg	June 30, 1979
R. Wayne Richey, Executive Secretary		
Paul V. Porter, Director of Research and Information		

RENAL DISEASE ADVISORY COMMITTEE

§135.46

Catherine J. Condon, M.D.	Des Moines	June 30, 1975
Lou Crist	Iowa City	June 30, 1977
John Davis	Des Moines	June 30, 1976
Kennedy C. Fawcett, M.D.	Ames	June 30, 1976
Mrs. Margery Fearing, R.N.	Iowa City	June 30, 1975
Richard M. Freeman, M.D.	Iowa City	June 30, 1974
William R. Hornaday, Jr., M.D.	Des Moines	June 30, 1974
Thomas B. Reed	Dubuque	June 30, 1975
U. H. Bunkers	Sioux City	June 30, 1977
John E. McClure	Fort Dodge	June 30, 1977
Vacancy		

REVENUE, DIRECTOR OF

Ch. 421

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

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
RURAL POLICY COUNCIL		
Executive Order		
Governor Robert D. Ray, Serving as Chairman		
Robert H. Lounsberry, Secretary of Agriculture		
Robert F. Tyson, Director, Office for Planning and Programming		
Chad Wymer, Director, Iowa Development Commission		
Robert F. Tyson, Director, State Office of Economic Opportunity		
Fred Prierwert, Director, State Conservation Commission		
Bill Greiner, Director, Department of Soil Conservation		
Marvin A. Anderson, Director, Cooperative Extension Service, I. S. U.		
Norman Pawlewski, Acting Commissioner, Department of Public Health		
Kenneth M. Karch, Department of Environmental Quality		

SALARY REVIEW COMMISSION

Ch. 2A

Mrs. Delbert Smith	Clarinda	June 30, 1978
Robert Newberg	West Des Moines	June 30, 1977
Hugh Clark	Des Moines	June 30, 1974
Donald Arnold	Des Moines	June 30, 1975
Howard Hill	Minburn	June 30, 1976
Harriett Chambers	LeClaire	June 30, 1973
Donald Kelsey	Sioux City	June 30, 1974
William D. Severin	Cedar Falls	June 30, 1975
Duane Mortensen	Dubuque	June 30, 1976
Harold W. Booth	Council Bluffs	June 30, 1977
Robert Buck	Waukee	June 30, 1978
Edward Breen	Fort Dodge	June 30, 1974
Ann Miletich	Albia	June 30, 1975
James Lynch	Des Moines	June 30, 1976
Tom Miller	Cherokee	June 30, 1977

SCHOOLS ADVISORY COMMITTEE, AREA

Ch. 280A

James Robinson	Indianola	June 30, 1977
Gordon Bennett	Ottumwa	June 30, 1977
Ned Willis	Perry	June 30, 1977
Mrs. Irene Hood	Mount Ayr	June 30, 1977
Michael G. Vincent	Keota	June 30, 1977
Donald H. Shaw	Davenport	June 30, 1975
Earl M. Yoder	Iowa City	June 30, 1975
Hugh Clark	Des Moines	June 30, 1975
James J. Muto	Des Moines	June 30, 1975

SCHOOL ADVISORY COMMITTEE, PRIVATE

§257.30

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

SCHOOL BUDGET REVIEW COMMITTEE

§442.21

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

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
SOCIAL SERVICES COUNCIL		
Ch. 217		
Kevin Burns, Acting Commissioner	Pleasure of the Governor	
Fernice W. Robbins	Waterloo	June 30, 1977
David F. McCann	Council Bluffs	June 30, 1977
Mrs. Meredith U. Deevers	Bettendorf	June 30, 1979
Lois Emanuel, Chairman	Marion	June 30, 1979
Dolph Pulliam	West Des Moines	June 30, 1975

SOIL CONSERVATION COMMITTEE

Ch. 467A

Robert Welp	Fort Dodge	June 30, 1979
Donald L. Johnson	Fairfield	June 30, 1977
J. Thomas Kenny	Akron	June 30, 1977
George K. Annan	Clarinda	June 30, 1979
Sherry R. Fisher	Des Moines	June 30, 1975
Walter Hagen	Waterville	June 30, 1979
Carroll J. Hobson	Eldora	June 30, 1975
Gerald Norland	Cylinder	June 30, 1975

Ex Officio Members:

Dr. Marvin A. Anderson, Iowa State University
 Robert H. Lounsberry, Secretary of Agriculture
 Othie McMurry, Director, Iowa Natural Resources Council
 Fred A. Prievert, Director, Iowa Conservation Commission
 Kenneth M. Karch, Executive Director, Department of Environmental Quality

Advisors:

Wilson T. Moon, State Conservationist, U. S. Soil Conservation Service
 Carl Schnoor, Iowa County Engineers Association

STATUS OF WOMEN, COMMISSION ON

Ch. 601

Ralph Brown	Davenport	June 30, 1976
Mrs. Edith Sackett	Spencer	June 30, 1976
Mrs. Jacqueline Day	Des Moines	June 30, 1976
Cheryl Arvidson	Des Moines	June 30, 1974
Mrs. Roxanne Conlin	Des Moines	June 30, 1974
Kathleen Neylan	Elkader	June 30, 1976
B. Frances Van Winkle	Des Moines	June 30, 1974
Sister Madeleine Marie Schmidt	Ottumwa	June 30, 1974
Mrs. Ruth Hoover	Newton	June 30, 1974
Anita M. Northup	Lenox	June 30, 1974
Mrs. Arlene Dayhoff	Cedar Rapids	June 30, 1976
Mrs. Ann Copic	Des Moines	June 30, 1974
Mrs. Betty Durden	Des Moines	June 30, 1976
Mrs. Dorothy Cain	Norwalk	June 30, 1974
Mrs. Robert Davidson	Cedar Rapids	June 30, 1976
George Lundberg	Des Moines	June 30, 1974
Mrs. Mary M. Majors	Keokuk	June 30, 1974
Mrs. Alice Van Wert	Hampton	June 30, 1974
Mrs. Clay Morain	Jefferson	June 30, 1976
Mrs. Christien Wilson	Des Moines	June 30, 1976
Mrs. Jo Soper	Sioux City	June 30, 1974
Patricia Geadelmann	Cedar Falls	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
SUPREME COURT		
Ch. 684		
G. K. Sappenfield, Clerk	Des Moines	Pleasure
William O'Brien, Acting Court Administrator	Des Moines	of the
Clarence A. Kading, Judicial Statistician	Knoxville	Supreme Court

SUPREME COURT ADVISORY COMMITTEE ON RULES

Philip Willson, Chairman	Council Bluffs	July 1, 1975
Robert C. Tilden	Cedar Rapids	July 1, 1975
Francis H. Becker	Des Moines	July 1, 1975
John Greer	Spencer	July 1, 1974
Robert Waterman	Davenport	July 1, 1974
David M. Elderkin	Cedar Rapids	July 1, 1974
Albert L. Harvey	Des Moines	July 1, 1974
Dwight W. James	Des Moines	July 1, 1976
Judge Thomas S. Bown	Corydon	July 1, 1976
William C. Fuerste	Dubuque	July 1, 1976
J. Michael Dull	LeMars	July 1, 1976

TAX REVIEW BOARD

§421.1

Laro L. Peirce	Newton	June 30, 1973
Edwin A. Hicklin	Wapello	June 30, 1975
Louis I. Nussbaum	Des Moines	June 30, 1977

PROFESSIONAL TEACHING PRACTICES COMMISSION

§272A.3

Dr. Roderick N. Bickert	Mason City	June 30, 1974
Darold D. Faulkner	Sumner	June 30, 1974
Don Gunderson	Red Oak	June 30, 1973
Dr. Duane Anderson	Iowa City	June 30, 1973
Mrs. Billiejean Morrow	Des Moines	June 30, 1973
Duane L. Vande Berg	Sioux City	June 30, 1975
Ruth I. Foster	Des Moines	June 30, 1975
Donna J. Coffman	Chariton	June 30, 1975
Paul F. Johnston	Des Moines	June 30, 1975

TERRACE HILL PLANNING COMMISSION

64th G. A., Ch. 1132

George Mills	Des Moines
Mrs. Robert D. Ray	Des Moines
Jack Musgrove	Des Moines
Mrs. Charles Carlburg	Des Moines
Mrs. Julie McDonald	Davenport
William J. Wagner	Dallas Center
Mrs. Colin Jensen	Sioux City
Simpson Smith	Des Moines
William E. Darrington, Sr.	Persia
A. W. Allen	Cedar Rapids
Mrs. Madge E. Corey	Marion
John T. Ward	West Des Moines
Keith Dunton	Thornburg
James Schaben	Dunlap
Don Alt	West Des Moines
Maurice Baringer	Des Moines

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
TERRACE HILL PLANNING COMMISSION—Continued		
Melvin D. Synhorst	Des Moines	
Fred Schwengel	Davenport	
John D. Bloodgood	Des Moines	
Fred Moore	Spencer	
John Zickefoose	Waterloo	
Charlene Conklin	Waterloo	
Robert Spiegel	Mason City	
Richard B. Graeme	Council Bluffs	
Mrs. Otha Wearin	Hastings	
Mrs. L. L. Fry	Corydon	
William Talbot	Keokuk	
Mrs. Dean B. Collins	Des Moines	
Burdette Cochran	Des Moines	
Dr. Margaret Keyes	Iowa City	
John Chrystal	Coon Rapids	
Mrs. John Estes	Des Moines	
Robert Sullivan	Dubuque	
Clifton C. Lamborn	Maquoketa	
Terrence L. Elsberry	West Des Moines	

**IOWA JOLIET-FATHER MARQUETTE TRICENTENNIAL
COMMISSION**

Stat. L. 89-187

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

UNIFORM STATE LAWS COMMISSION

Ch. 5

Allan Vestal	Iowa City	June 30, 1976
Richard F. Dole	Iowa City	June 30, 1976
William C. Ball	Waterloo	June 30, 1976

VEHICLE DISPATCHER

§21.2

Milford L. Juhl	Boone	Pleasure of General Services Administration
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VETERINARY MEDICAL EXAMINERS, BOARD OF

§169.15

E. A. Butler, D.V.M., Secretary—Chief, Division of Animal Industry		
James R. Rosdail, D.V.M.	Pomeroy	June 30, 1974
August W. Krause, D.V.M.	Cherokee	June 30, 1976
Samuel D. Linn, D.V.M.	Humboldt	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City or Town from which originally chosen	Term Ending
VOCATIONAL EDUCATION ADVISORY COUNCIL		
§258.7		
Robert L. Skinner	Des Moines	June 30, 1974
Walter Cunningham	Waterloo	June 30, 1975
Gordon Bennett	Des Moines	June 30, 1975
Dr. Robert Benton	Council Bluffs	June 30, 1972
Kenneth R. Lewis	Des Moines	June 30, 1972
Mrs. Evelyn Villines	Des Moines	June 30, 1975
Dr. Rodrick Bickert	Mason City	June 30, 1973
James E. Bowman, Chairman	Des Moines	June 30, 1976
Dr. Robert Kiser	Sioux City	June 30, 1973
Dr. Marvin Lind	Des Moines	June 30, 1973
John Reeves	Ottumwa	June 30, 1974
Joe White	Iowa Falls	June 30, 1974
Robert G. Koons	Clinton	June 30, 1974
Mrs. R. L. Treadway	Harlan	June 30, 1976
Richard Powell	Des Moines	June 30, 1976
Robert Rice	Estherville	June 30, 1976
Harlan Giese, Executive Secretary		

VOTING MACHINE COMMISSIONERS

§52.4

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

WATCHMAKING BOARD OF EXAMINERS

§120.3(1)

Willa J. Dickens	Iowa City	June 30, 1974
Donald C. Spaight	Cedar Rapids	June 30, 1974
Vacancy .....	.....	June 30, 1975
Delmar D. Conklin	Perry	June 30, 1975
Paul L. Wirth	Vinton	June 30, 1973
Ray A. Wiley, Executive Secretary		

YOUTH OPPORTUNITY COUNCIL

Executive Order

YOUTH

Elizabeth Clough	Mason City	June 30, 1974
Cristy Cobb	Cedar Rapids	June 30, 1975
Bill Crews	Iowa City	June 30, 1975
Robert Deaver	Des Moines	June 30, 1975
Jeff Ehrman	Main Amana	June 30, 1975
Bill Gandy	Sioux City	June 30, 1974
Ryan Lynch	Algona	June 30, 1974
Nancy Willis	Des Moines	June 30, 1974
Monica Dean	Mount Pleasant	June 30, 1975

ADULTS

John Ayers	Des Moines	June 30, 1974
Pete Buffer	Fairfield	June 30, 1974
Pat Conlon	Dubuque	June 30, 1975
C. J. Gauger	Ames	June 30, 1975
Kay Kneller	Des Moines	June 30, 1975
Mrs. Nancy Pettet	Atlantic	June 30, 1974
Walter Sledge	Waterloo	June 30, 1974
Dennis Jontz	Des Moines	June 30, 1974
Dr. Marty Miller	Ames	June 30, 1975
Lee Halverson	Colo	June 30, 1974

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice	Des Moines	June 30, 1981
M. L. Mason	Mason City	Dec. 31, 1974
Maurice E. Rawlings	Sioux City	Dec. 31, 1974
Clay LeGrand	Davenport	Dec. 31, 1976
Warren J. Rees	Anamosa	Dec. 31, 1978
Harvey Uhlenhopp	Hampton	Dec. 31, 1980
W. Ward Reynoldson	Osceola	Dec. 31, 1980
K. David Harris	Jefferson	Dec. 31, 1974
Mark McCormick	Des Moines	Dec. 31, 1974

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

Election District 1A

Thomas H. Nelson	Dubuque	Dec. 31, 1978
Joseph C. Keefe	Decorah	Dec. 31, 1978
Karl Kenline	Dubuque	Dec. 31, 1974

Election District 1B

Blair C. Wood	Waterloo	June 30, 1977
Peter Van Metre	Waterloo	June 30, 1977
Carroll E. Engelkes, C.J.	Waterloo	June 30, 1977
Roger F. Peterson	Waterloo	Dec. 31, 1974
Charles W. Antes	West Union	Dec. 31, 1974
Dennis D. Damsgaard	Waterloo	Dec. 31, 1974
Frank D. Elwood	Cresco	Dec. 31, 1974

Election District 2A

C. H. Wild, C.J.	Waverly	June 30, 1977
L. E. Plummer	Northwood	June 30, 1977
John F. Stone	Mason City	Dec. 31, 1978
B. C. Sullivan	Rockford	Dec. 31, 1978
Jack W. Frye	Charles City	Dec. 31, 1974

Election District 2B

E. J. Kelley	Ames	June 30, 1977
A. J. Braginton	Fort Dodge	June 30, 1977
Paul E. Hellwege	Boone	Dec. 31, 1978
Edward J. Flattery	Fort Dodge	Dec. 31, 1978
Arthur F. Draheim, Jr.	Clarion	Dec. 31, 1978
James C. Smith	Carroll	Dec. 31, 1974
George G. Fagg	Marshalltown	Dec. 31, 1974
Russell J. Hill	Webster City	Dec. 31, 1974
Robert K. Richardson	Jefferson	Dec. 31, 1974

Election District 3A

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

Election District 3B

Lawrence W. McCormick	Sioux City	June 30, 1977
R. K. Brannon	Denison	June 30, 1977
James P. Kelley, C.J.	LeMars	Dec. 31, 1976
Donald M. Pendleton	Sioux City	Dec. 31, 1978
C. F. Stilwill	Sioux City	Dec. 31, 1974

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

JUDGES OF THE DISTRICT COURT—Continued

Election District 4

Name	Office Address	Term Ending
R. Kent Martin	Atlantic	June 30, 1977
Bennett Cullison, C.J.	Harlan	June 30, 1977
Leroy H. Johnson	Red Oak	June 30, 1977
Harold L. Martin	Hamburg	Dec. 31, 1974
Paul H. Sulhoff	Council Bluffs	Dec. 31, 1976

Election District 5A

Wade Clarke	Des Moines	June 30, 1977
Don L. Tidrick	Des Moines	June 30, 1977
Gibson C. Holliday, C.J.	Des Moines	June 30, 1977
Maurice C. Herrick	Indianola	Dec. 31, 1978
John N. Hughes, Jr.	Des Moines	Dec. 31, 1978
Harry Perkins, Jr.	Des Moines	Dec. 31, 1978
Waldo F. Wheeler	Des Moines	Dec. 31, 1978
Dale S. Missildine	Des Moines	Dec. 31, 1978
Robert O. Frederick	Winterset	Dec. 31, 1974
James P. Denato	Des Moines	Dec. 31, 1974
A. B. Crouch	Des Moines	Dec. 31, 1976
Leo Oxberger	Des Moines	Dec. 31, 1976
Van Wifvat	Perry	Dec. 31, 1978
Anthony M. Critelli	Des Moines	Dec. 31, 1974
Maynard Hayden	Indianola	Dec. 31, 1974

Election District 5B

A. V. Hass	Chariton	Dec. 31, 1978
Thomas S. Bown	Corydon	Dec. 31, 1978
James E. Hughes	Lenox	Dec. 31, 1978

Election District 6

William R. Eads	Cedar Rapids	Dec. 31, 1976
Harold D. Vietor, C.J.	Cedar Rapids	Dec. 31, 1978
Ansel J. Chapman	Iowa City	Dec. 31, 1976
Robert Osmundson	Iowa City	Dec. 31, 1978
Clinton E. Shaeffer	Cedar Rapids	Dec. 31, 1978
John L. Hyland	Toledo	Dec. 31, 1978
Louis W. Schultz	Marengo	Dec. 31, 1974
James H. Carter	Cedar Rapids	Dec. 31, 1974
A. Frederick Honsell, Jr.	Cedar Rapids	Dec. 31, 1974

Election District 7

M. L. Sutton	Clinton	June 30, 1977
Nathan Grant, C.J.	Davenport	June 30, 1977
Lowell D. Phelps	Davenport	Dec. 31, 1976
Robert K. Stohr	Muscatine	Dec. 31, 1978
James R. Havercamp	Davenport	Dec. 31, 1974
Allan Keck	Maquoketa	Dec. 31, 1978
Max R. Werling	Tipton	Dec. 31, 1974

Election District 8A

L. R. Carson	Oskaloosa	June 30, 1977
Charles N. Pettit, C.J.	Bloomfield	June 30, 1977
Edward P. Powers	Centerville	Dec. 31, 1976
Arthur A. McGiverin	Ottumwa	Dec. 31, 1978
Ira Morrison	Washington	Dec. 31, 1978
Michael Enich	Grinnell	Dec. 31, 1974

Election District 8B

J. R. Leary	Fort Madison	June 30, 1977
William S. Cahill	Burlington	Dec. 31, 1974
Harlan W. Bainter	Mount Pleasant	Dec. 31, 1978
David B. Hendrickson	Keokuk	Dec. 31, 1974

JUDICIAL DEPARTMENT

 PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

DISTRICT ASSOCIATE JUDGES

Ames	John L. McKinney
Burlington	Gary J. Snyder
Cedar Falls	Forest E. Eastman
Cedar Rapids	Lynne E. Brady Anthony R. Scolaro John F. Siebenmann
Clinton	David F. Halbach
Council Bluffs	Allan Ardell Ross F. Caniglia
Davenport	Jack F. Broderick Don Petrucelli Phillip T. Steffen, Jr.
Des Moines	Howard W. Brooks Luther T. Glanton, Jr. Norman D. Elliott Thomas A. Renda
Dubuque	Frank D. Gilloon, Jr. Wayne A. Norman, Jr.
Marshalltown	Roger R. Halleck
Muscatine	Jack L. Burns
Ottumwa	Charles C. Ayres, Jr.
Sioux City	John M. Fachman John E. Hutchinson
Waterloo	Edward F. Kolker Everett H. Scott

CONGRESSIONAL DIRECTORY

UNITED STATES SENATORS

Harold E. Hughes	Ida Grove	Dec. 31, 1974
Dick Clark	Marion	Dec. 31, 1978

REPRESENTATIVES IN CONGRESS

District

1 Edward Mezvinsky	Iowa City	Dec. 31, 1974
2 John C. Culver	Cedar Rapids	Dec. 31, 1974
3 H. R. Gross	Waterloo	Dec. 31, 1974
4 Neal Smith	Altoona	Dec. 31, 1974
5 William J. Scherle	Henderson	Dec. 31, 1974
6 Wiley Mayne	Sioux City	Dec. 31, 1974

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Andersen, Leonard C.	Sioux City	61	Insurance, Real Estate	26—Woodbury, Monona	59, 60, 60X, 62, 63, 64
Bergman, Irvin L.	Harris	61	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64
Blouin, Michael T.	Dubuque	27	Specialty Advertising	10—Dubuque	63, 64
Briles, James E.	Corning	46	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Union, Montgomery, Page, Ringgold, Taylor	56, 58, 59, 60, 60X, 61, 62, 63, 64
Coleman, C. Joseph	Clare	49	Farmer	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64
Curtis, Warren E.	Cherokee	58	Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Pochontas, Plymouth	64
DeKoster, Lucas J.	Hull	54	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64
Doderer, Minnette F.	Iowa City	49	Legislator	37—Johnson	60X, 61, 62, 63, 64
Gallagher, James V.	Jesup	39	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62
Glenn, Gene W.	Ottumwa	44	Lawyer	45—Wapello, Davis, Appanoose, Mahaska, Monroe	61, 62, 63, 64
Gluba, William E.	Davenport	30	Realtor	41—Scott	64
Griffin, James W., Sr.	Council Bluffs	37	Insurance Executive	50—Pottawattamie	63, 64
Hansen, Willard R.	Cedar Falls	41	Insurance Executive	18—Black Hawk	63, 64
Heying, Hilarius L.	West Union	58	Businessman, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	61, 62
Hill, Eugene M.	Newton	59	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64
Hultman, Calvin O.	Red Oak	31	Retail Lumberman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	None
Junkins, Lowell L.	Montrose	28	Real Estate, Home Building	43—Lee, Des Moines, Henry	None

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Kelly, E. Kevin.....	Sioux City.....	29	Lawyer.....	25—Woodbury, Cherokee, Plymouth.....	64
Kennedy, Gene V.....	Dubuque.....	45	Specialty Advertising.....	11—Dubuque, Delaware, Jackson, Jones.....	63, 64
Kinley, George R.....	Des Moines.....	35	Owner, Recreational Business.....	34—Polk, Warren.....	64
Kyhl, Vernon H.....	Parkersburg.....	64	Auto Dealer, Farm Fleet Store, Farmer.....	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama.....	60, 60X, 61, 62, 63, 64
Lamborn, Clifton C.....	Maquoketa.....	53	Road Contractor.....	12—Jackson, Cedar, Clinton, Jones, Johnson, Scott.....	62, 63, 64
McCartney, Ralph F.....	Charles City.....	47	Lawyer.....	7—Floyd, Cerro Gordo, Chicka- saw, Howard, Mitchell.....	62, 63
Miller, Charles P.....	Burlington.....	54	Chiropractor.....	42—Des Moines, Henry, Louisa.....	60, 60X, 61, 62, 63, 64
Miller, Elizabeth R.....	Marshalltown.....	67	Housewife.....	20—Marshall, Grundy, Hardin, Jasper, Story.....	63, 64
Milligan, George F.....	Des Moines.....	38	Banker.....	33—Polk.....	63, 64
Murray, John S.....	Ames.....	33	Attorney.....	21—Story, Boone, Polk.....	None
Nolin, Karl.....	Ralston.....	65	Consultant.....	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby.....	62
Nystrom, John N.....	Boone.....	39	Auto Dealer.....	22—Boone, Greene, Hamilton, Story, Webster.....	64
Orr, Joan Y.....	Grinnell.....	49	Legislator, Housewife.....	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama.....	63(2)
Palmer, William D.....	Des Moines.....	37	Pres., Insurance Company.....	32—Polk.....	61, 62, 63, 64
Plymat, William N.....	Des Moines.....	61	Insurance Company Exec.....	30—Polk.....	None
Potter, Ralph W.....	Marion.....	52	Real Estate Broker.....	15—Linn.....	63, 64
Priebe, Berl E.....	Algona.....	54	Farmer, Businessman.....	4—Kossuth, Palo Alto, Emmet, Hancock, Humboldt, Poca- hontas, Winnebago.....	63, 64

MEMBERS OF THE SENATE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Rabedeaux, W. R.	Wilton	53	Pres., Publishing Co., Director, Power Co.	38—Muscatine, Johnson, Louisa, Scott	63 (2), 64
Ramsey, Richard R.	Osceola	32	Lawyer	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	None
Riley, Tom	Cedar Rapids	43	Lawyer	13—Linn, Johnson	59, 60, 60X, 61, 62, 64
Robinson, Cloyd E.	Cedar Rapids	34	Production Line Foreman	14—Linn, Benton	64
Rodgers, Norman G.	Adel	45	Farmer, Businessman	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64
Schaben, James F.	Dunlap	46	Livestock Auction Mkt. Operator	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	62, 63, 64
Schwengels, Forrest V.	Fairfield	57	College Administrator	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	None
Schwieger, Barton L.	Waterloo	31	Attorney	17—Black Hawk	64
Scott, Kenneth D.	Thornton	42	Farmer, Auctioneer, Real Estate	6—Cerro Gordo, Worth	64
Shaff, Roger J.	Camanche	61	Farmer	39—Clinton, Scott	62, 63, 64
Shaw, Elizabeth	Davenport	49	Lawyer, Housewife	40—Scott	62, 63, 64
Taylor, Ray	Steamboat Rock	49	Farmer	5—Hardin, Cerro Gordo, Frank- lin, Hancock, Wright	None
Tieden, Dale L.	Elkader	50	Farmer	9—Clayton, Allamakee, Dela- ware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64
Van Gilst, Bass	Oskaloosa	61	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64
Willits, Earl M.	Des Moines	26	Teacher	31—Polk	64
Winkelman, William P.	Lohrville	39	Farmer	24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac	60, 60X, 61, 62, 63, 64

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Quentin V.	Beaconsfield	40	Farmer, Businessman	94th—Clarke-Decatur-Madison-Ringgold-Union-Wayne	60, 60X, 61, 63, 64
Avenson, Donald D.	Oelwein	28	Office Manager	15th—Bremer-Chickasaw-Fayette-Howard-Winneshiek	None
Bennett, Wayne	Galva	45	Farmer	48th—Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac	None
Bittle, Edgar	West Des Moines	30	Attorney	66th—Polk	None
Bortell, Glen E.	St. Charles	58	Owner-Operator, Summer Camp	58th—Adair-Clarke-Dallas-Madison-Warren	63(2-S)
Branstad, Terry E.	Leland	25	Farmer	8th—Emmet-Hancock-Kossuth-Winnebago	None
Brinck, Adrian	West Point	59	Mgr., Outdoor Adv.	85th—Des Moines-Lee	58, 61, 63
Brockett, Glenn F.	Marshalltown	62	Sales Consultant	39th—Marshall	None
Brunow, John B.	Centerville	23	Railway Employee	93rd—Appanoose-Clarke-Lucas-Monroe-Wayne	None
Butler, Dennis E.	Council Bluffs	32	Teacher	99th—Pottawattamie	None
Byerly, Richard L.	Ankeny	34	College Administrator	61st—Polk	None
Caffrey, James T.	Des Moines	63	Production Worker	67th—Polk	61, 62, 63
Carr, Robert M.	Dubuque	35	Investment Company	20th—Dubuque	None
Clark, John H.	Keokuk	26	Insurance Agent	86th—Henry-Lee	64
Clark, Joseph W.	Dubuque	60	Supt., Blacktop Company	19th—Dubuque	None
Cochran, Dale M.	Eagle Grove	44	Farmer	45th—Humboldt-Webster	61, 62, 63, 64
Connors, John H.	Des Moines	49	Fire Department Captain	64th—Polk	None
Crabb, Frank	Denison	69	Retired	53rd—Crawford-Harrison-Monona	63
Crawford, Reid W.	Ames	21	Student	42nd—Boone-Polk-Story	None
Cusack, Gregory D.	Davenport	29	Realtor	81st—Scott	None
Daggett, Horace	Kent	41	Farmer	96th—Adams-Montgomery-Page-Ringgold-Taylor	None
Danker, Arlyn E.	Minden	45	Farmer	54th—Harrison-Pottawattamie-Shelby	None
De Jong, Russel	Pella	31	Educator	70th—Jasper-Mahaska-Marion-Poweshiek	None
Den Herder, Elmer H.	Sioux Center	64	Farmer	1st—Lyon-Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64
Doyle, Donald V.	Sioux City	47	Lawyer	51st—Woodbury	57, 58, 61, 63, 64
Drake, Richard F.	Muscatine	45	Farmer	76th—Muscatine-Scott	63, 64

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Dunlap, Norman P.	Ames	55	Retired	41st—Story	None
Dunton, Keith H.	Thornburg	57	Farmer and Businessman	88th—Keokuk-Washington	58, 59, 60, 60X, 61, 62, 63, 64
Edelen, Rollin C.	Estherville	64	Investments-Security	4th—Clay-Dickinson- Emmet-Palo Alto	64
Egenes, Sonja	Story City	42	Housewife	43rd—Boone-Hamilton- Story-Webster	64
Ewing, William E.	Cedar	48	Farmer, Real Estate	91st—Keokuk-Lucas-Mahaska- Marion-Monroe-Poweshiek	None
Ferguson, William R.	Glidden	55	Newspaper Publisher	55th—Audubon-Carroll- Crawford-Greene-Guthrie	None
Fischer, Harold O.	Wellsburg	55	Real Estate-Insurance	38th—Black Hawk-Butler-Frank- lin-Grundy-Marshall-Tama	58, 59, 60, 60X, 61, 62, 63, 64
Fisher, C. Raymond	Grand Junction	65	Farmer	44th—Boone-Greene	58, 59, 60, 60X, 61, 62, 63, 64
Fitzgerald, Jerome	Fort Dodge	31	Administrative and Political Consultant	46th—Webster	None
Freeman, Dennis L.	Storm Lake	33	Insurance Salesman	6th—Buena Vista-Cherokee- Clay-O'Brien-Palto Alto- Pocahontas	63, 64
Fullerton, Bert	Correctionville	70	Farmer	49th—Cherokee-Plymouth- Woodbury	62
Grassley, Charles E.	New Hartford	39	Agripolitician	37th—Black Hawk-Bremer- Butler-Floyd	58, 59, 60, 60X, 61, 62, 63, 64
Griffee, William B.	Nashua	35	Public Relations	14th—Chickasaw-Floyd- Howard-Mitchell	None
Hansen, Ingwer L.	Hartley	60	Retired	3rd—Clay-Dickinson-Lyon- O'Brien-Osceola-Sioux	None
Hargrave, William J., Jr.	Iowa City	42	Self-Employed	74th—Johnson	None
Harper, Mattie	West Grove	48	Homemaker	90th—Appanoose-Davis-Wapello	None
Harvey, LaVern R.	Bettendorf	23	Contractor	79th—Scott	None
Hennessey, Maurice	Ryan	45	Salesman	22nd—Delaware-Dubuque- Jackson-Jones	None
Higgins, Thomas J.	Davenport	27	Community Organizer	82nd—Scott	None
Hill, Philip B.	Des Moines	41	Lawyer	65th—Polk	64
Holden, Edgar H.	Davenport	56	Real Estate Broker	24th—Cedar-Clinton- Johnson-Scott	62, 63, 64

MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Horn, Wally E.	Cedar Rapids	39	Teacher	28th—Linn	None
Howell, Rollin	Rockford	44	Farmer	13th—Cerro Gordo-Floyd-Mitchell	None
Husak, Emil J.	Toledo	42	Farmer	71st—Benton-Iowa-Poweshiek-Tama	64
Hutchins, C. W. "Bill"	Guthrie Center	41	Dry Cleaner and Laundromat Owner	56th—Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby	None
Jesse, Norman G.	Des Moines	35	Lawyer	62nd—Polk	63, 64
Jordan, James D.	Marion	52	Farmer	30th—Linn	None
Junker, Willis E.	Sioux City	47	Investor	50th—Woodbury	None
Kiser, E. Jean	Davenport	47	Housewife	80th—Scott	None
Knocke, George J.	Council Bluffs	42	Lawyer	100th—Pottawattamie	64
Krause, Robert A.	Fenton	22	Farmer	7th—Hancock-Humboldt-Kosuth-Palo Alto-Pocahontas	None
Kreamer, Robert M.	Des Moines	31	Attorney	60th—Polk	63, 64
Lippold, Donald L.	Waterloo	57	Education	35th—Black Hawk	63
Lipsky, Joan	Cedar Rapids	53	Homemaker	26th—Linn	62, 63, 64
Logue, Rayman D.	Marengo	52	Right-of-Way Agent	72nd—Benton-Iowa-Johnson-Keokuk-Poweshiek	63
McCormick, Harold C.	Manchester	62	Furniture Store Owner	18th—Clayton-Delaware-Dubuque-Fayette	63, 64
McElroy, Lillian	Percival	55	Farm Owner	97th—Fremont-Mills-Montgomery-Page	64
Mendenhall, John C.	New Albin	68	Retired	17th—Allamakee-Clayton-Winneshiek	63, 64
Menke, Lester D.	Calumet	53	Farmer, Insurance	5th—Buena Vista-Cherokee-Clay-O'Brien-Plymouth	None
Mennenga, Jay	Clinton	29	Teacher	77th—Clinton	None
Middleswart, James I.	Indianola	60	Food Producer	92nd—Lucas-Marion-Warren	62, 63, 64
Millen, Floyd H.	Farmington	52	Contractor	87th—Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington	60, 60X, 61, 62, 63, 64
Miller, Alvin V.	Ventura	51	Farm Service	11th—Cerro Gordo	None
Miller, Kenneth D.	Independence	46	Farm Owner	32nd—Buchanan-Black Hawk	None
Miller, R. G. (Hap)	Rockwell City	63	Land Owner	47th—Calhoun-Carroll-Greene-Pocahontas-Sac	None

GENERAL ASSEMBLY—Continued

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MEMBERS OF THE HOUSE—SIXTY-FIFTH GENERAL ASSEMBLY—1973 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Monroe, W. R. (Bill), Jr.	Burlington	34	Pharmacist	84th—Des Moines	64
Newhard, Scott D.	Anamosa	21	Student	23rd—Cedar-Clinton-Jackson-Jones	None
Nielsen, Carl V.	Altoona	40	Lawyer	63rd—Polk	None
Norland, Lowell E.	Kensett	41	Farmer	12th—Cerro Gordo-Worth	None
Norpel, Richard J., Sr.	Bellevue	54	Insurance-Real Estate	21st—Dubuque-Jackson	64
Oakley, Brice C.	Clinton	35	Lawyer	78th—Clinton-Scott	None
O'Halloran, Mary T.	Cedar Falls	29	Teacher	36th—Black Hawk	None
Patchett, John E.	North Liberty	23	Legislator	25th—Johnson-Linn	None
Pellet, Wendell C.	Atlantic	55	Farmer	95th—Adair-Adams-Cass-Guthrie-Union	64
Peterson, Louis A.	Lawton	63	Farmer	52nd—Monona-Woodbury	59, 60, 60X, 62, 63
Poney, Charles N.	Ottumwa	50	School Employee	89th—Mahaska-Monroe-Wapello	62, 63
Rapp, Stephen J.	Cedar Falls	23	Law Clerk	34th—Black Hawk	None
Readinger, David M.	Urbandale	36	Salesman	59th—Polk	None
Rinas, B. Joseph	Marion	25	Machinist	29th—Linn	None
Roorda, Norman	Monroe	44	Farmer	69th—Jasper-Marion-Polk-Warren	62, 63, 64
Schroeder, Laverne W.	McClelland	38	Farmer	98th—Mills-Pottawattamie	62, 63, 64
Small, Arthur A., Jr.	Iowa City	39	Business Exec., Educator	73rd—Johnson	64
Stanley, David M.	Muscatine	44	Lawyer	75th—Johnson-Louisa-Muscatine	58, 59, 60, 60X, 61, 62, 63
Stephens, Lyle R.	LeMars	61	Farmer	2nd—Plymouth-Sioux	None
Stromer, Delwyn	Garner	41	Farmer	9th—Cerro Gordo-Franklin-Hancock-Wright	62, 63, 64
Strothman, Charles	New London	71	Farmer	83rd—Des Moines-Henry-Louisa	60, 60X, 61, 62, 63, 64
Tofte, Semor C.	Decorah	61	Mgr., Diversified Services	16th—Fayette-Howard-Winneshiek	None
Varley, Andrew	Stuart	38	Farmer	57th—Adair-Dallas-Guthrie	62, 63, 64
Welden, Richard W.	Iowa Falls	64	Retired	10th—Franklin-Hardin-Wright	62, 63, 64
Wells, James D.	Cedar Rapids	44	Factory Worker	27th—Benton-Linn	63, 64
West, James C.	State Center	40	Businessman-Furniture	40th—Grundy-Hardin-Jasper-Marshall-Story	None
Woods, Jack E.	Des Moines	36	Self-Employed	68th—Polk-Warren	None
Wulff, Henry C.	Waterloo	29	Teacher	33rd—Black Hawk	None
Wyckoff, Russell L.	Vinton	47	Farmer	31st—Benton-Black Hawk-Buchanan-Linn-Tama	64

(2-S) Indicates second regular session.

GENERAL ASSEMBLY—Continued

OFFICERS OF THE SIXTY-FIFTH GENERAL ASSEMBLY

1973 REGULAR SESSION

OFFICERS OF THE SENATE

<i>President</i> —Lieutenant Governor Arthur A. Neu.....	Carroll
<i>President Pro Tempore</i> —Vernon H. Kyhl.....	Parkersburg
<i>Majority Floor Leader</i> —Clifton C. Lamborn.....	Maquoketa
<i>Assistant Majority Floor Leader</i> —Lucas J. DeKoster.....	Hull
<i>Assistant Majority Floor Leader</i> —Ralph W. Potter.....	Marion
<i>Minority Floor Leader</i> —James F. Schaben.....	Dunlap
<i>Assistant Minority Floor Leader</i> —Gene V. Kennedy.....	Dubuque
<i>Minority Whip</i> —Bass Van Gilst.....	Oskaloosa
<i>Secretary of the Senate</i> —Ralph R. Brown.....	Davenport
<i>Legislative Counsel</i> —Ruth E. Fisher.....	Des Moines
<i>Law and Bill Clerk</i> —William B. Trent, Jr.....	Muscatine
<i>Administrative Assistant to Lieutenant Governor</i> —George Wittgraf.....	Des Moines
<i>Executive Secretary to Lieutenant Governor</i> —Jane Warren.....	Des Moines
<i>Majority Law Clerk</i> —Ford Chester June III.....	Des Moines
<i>Minority Law Clerk</i> —Bart Rule.....	Dunlap
<i>Assistant Law Clerk</i> —Tom R. Thoren.....	Des Moines
<i>Assistant Law Clerk</i> —Thomas M. Fitzgerald.....	Fort Dodge
<i>Journal Clerk</i> —Dorothy F. Nepstad.....	Des Moines
<i>Assistant Journal Clerk</i> —Roberta Hickerson.....	Des Moines
<i>Engrossing Clerk</i> —Ardith B. Martin.....	Des Moines
<i>Executive Secretary to the Secretary</i> —K. Marie Thayer.....	Ankeny
<i>Secretary to the Secretary</i> —Joyce M. Horner.....	Des Moines
<i>Secretary and Enrolling Clerk</i> —Colleen Dillon.....	Des Moines
<i>Payroll Clerk</i> —Mary Ann Abbott.....	Des Moines
<i>Supply Clerk</i> —Marjorie H. Helkenn.....	Des Moines
<i>Special Clerk</i> —Elizabeth Ligouri.....	Des Moines
<i>Bill Clerk</i> —Caryll Wilbur.....	Indianola
<i>Assistant Bill Clerk</i> —Nancy L. Rathert.....	Des Moines
<i>Assistant Bill Clerk</i> —Robert D. Bonomi.....	Des Moines
<i>Control Board Operator</i> —Roger Wm. Hughes.....	Stanhope
<i>Sergeant-at-Arms</i> —R. K. Shawhan.....	Des Moines
<i>Acting Sergeant-at-Arms</i> —Romayne E. Huffman.....	Carroll
<i>Assistant Sergeant-at-Arms</i> —Byron Marshall.....	Indianola
<i>Chief Doorkeeper</i> —Coldren C. Glenn.....	Mitchellville
<i>Doorkeeper</i> —George R. Chastain.....	Des Moines
<i>Doorkeeper</i> —Richard W. Dunker.....	Des Moines
<i>Doorkeeper</i> —Lowell Rasmussen.....	Mitchellville
<i>Doorkeeper</i> —B. W. Rulon.....	Des Moines
<i>Doorkeeper</i> —Holt Schiefer.....	Des Moines
<i>Postmaster</i> —Kermit J. Haun.....	Des Moines

GENERAL ASSEMBLY—Continued

OFFICERS OF THE HOUSE

<i>Speaker of the House</i> —Andrew Varley.....	Stuart
<i>Speaker Pro Tempore</i> —Robert M. Kreamer.....	Des Moines
<i>Majority Floor Leader</i> —Edgar H. Holden.....	Davenport
<i>Assistant Majority Floor Leader</i> —Norman Roorda.....	Monroe
<i>Assistant Majority Floor Leader</i> —Delwyn Stromer.....	Garner
<i>Minority Floor Leader</i> —Dale M. Cochran.....	Eagle Grove
<i>Assistant Minority Floor Leader</i> —Arthur A. Small, Jr.....	Iowa City
<i>Minority Whip</i> —James D. Wells.....	Cedar Rapids
<i>Chief Clerk of the House</i> —William H. Harbor.....	Henderson
<i>Assistant Chief Clerk and Reading Clerk</i> —Burl B. Beam.....	Martensdale
<i>Legislative Counsel</i> —Lillian Leffert.....	Des Moines
<i>Chief Journal Clerk</i> —Sue M. Reed.....	Des Moines
<i>Journal Clerk</i> —Elizabeth A. Isaacson.....	Des Moines
<i>Finance Clerk</i> —Billie Jean Walling.....	Des Moines
<i>Engrossing Clerk</i> —Alyce M. Elmitt.....	West Des Moines
<i>Administrative Assistant to Chief Clerk</i> —Dolores Abels.....	Des Moines
<i>Executive Secretary to Chief Clerk</i> —Maryjo F. Welch.....	Des Moines
<i>Executive Secretary to Speaker</i> —Roberta M. Chapman.....	Des Moines
<i>Supervisor of Clerks</i> —Elizabeth J. O'Connor.....	Des Moines
<i>Assistant to Legislative Counsel</i> —Pauline E. Kephart.....	Des Moines
<i>Research Assistant to Speaker</i> —Sandra L. Githens.....	Des Moines
<i>Clerk to Chief Clerk</i> —Bettie J. Wentz.....	Des Moines
<i>Supply Clerk</i> —Ann McCarty.....	Des Moines
<i>Swing Clerk</i> —Rosemarie D. Puntenney.....	Des Moines
<i>Sergeant-at-Arms</i> —Ralph A. Lancaster.....	Des Moines
<i>Assistant Sergeant-at-Arms</i> —Clarence O. Anderson.....	Des Moines
<i>Bill Clerk</i> —Phyllis J. Frazier.....	Des Moines
<i>Assistant Bill Clerk</i> —Madeline E. James.....	Des Moines
<i>File Clerk</i> —John K. Rehmann.....	Des Moines
<i>Chief Electrician</i> —Elmer E. Pennington.....	Des Moines
<i>Assistant Electrician</i> —John G. Fribourgh.....	Des Moines
<i>Control Board Operator</i> —Craig T. Reutter.....	Boxholm
<i>Assistant Voting Machine Operator</i> —Gustaf W. Adamson.....	Des Moines
<i>Postmaster</i> —Nina A. Edelen.....	Estherville
<i>Chief Doorkeeper</i> —Frank L. Christen.....	Des Moines
<i>Doorkeeper</i> —Leonard A. Borg.....	Des Moines
<i>Doorkeeper</i> —Roy C. Carlson.....	Des Moines
<i>Doorkeeper</i> —Arthur C. Henderson.....	West Des Moines
<i>Doorkeeper</i> —Maurice W. Johnson.....	Ankeny
<i>Doorkeeper</i> —Arvid B. Lundberg.....	Des Moines
<i>Doorkeeper</i> —John W. Russell.....	Des Moines

CONDITION OF THE STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For Each Year of the Biennial Period Ending June 30, 1972.

Fiscal Year Ending June 30, 1972

	Balance July 1, 1971	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1972
General Revenue	\$ 28,933,370	\$ 686,436,247	\$ 715,369,617	\$ 570,911,478	\$ 64,306,003
Transfers				80,152,136	
Trust Funds	139,373,094	265,552,058	535,938,421	431,829,054	104,109,367
Transfers		131,013,269			
Special Funds (Comptroller's Warrants) ..	445,601,567	594,566,483	1,156,872,502	650,095,545	506,776,957
Transfers		116,704,452			
Special Funds (Treasurer's Warrants)	8,493,788	-0-	8,493,788	1,481,963	7,011,825
TOTALS	<u>\$ 622,401,819</u>	<u>\$1,794,272,509</u>	<u>\$2,416,674,328</u>	<u>\$1,734,470,176</u>	<u>\$ 682,204,152</u>

Balance July 1, 1971	\$ 622,401,819
Receipts and Transfers	1,794,272,509
TOTAL	<u>\$2,416,674,328</u>
Disbursements and Transfers	1,734,470,176
Balance June 30, 1972	<u>\$ 682,204,152</u>

LAWS

OF THE

1973 Regular Session

OF THE

Sixty-fifth General Assembly

OF THE

STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE EIGHTH DAY OF JANUARY, AND ENDED ON THE TWENTY-FOURTH DAY OF JUNE, A. D. 1973, IN THE ONE HUNDRED TWENTY-SEVENTH YEAR OF THE STATE.

APPROPRIATIONS

For additional appropriations, see chapters 139, 146, 162, 168, 186, 194, 200, 251 and 312.

CHAPTER 1

STATE OFFICIALS

S. F. 590

AN ACT setting the salary rate for state officials and designated employees of the state.

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

1 SECTION 1. The salary rates specified in this Act shall be in effect
2 for the fiscal biennium commencing July 1, 1973 and ending June 30,
3 1975 and for each fiscal year after the fiscal year ending June 30,
4 1975 the salary rate shall be the same as the rate specified for the
5 fiscal year commencing July 1, 1974 until otherwise provided by the
6 general assembly. Salaries provided for in this Act shall be paid
7 from funds appropriated to the department, agency, office, division,
8 commission, board, or other entity specified in this Act, and pursu-
9 ant to any Act of the general assembly making such an appropria-
10 tion.

11 The following annual salary rates shall be paid to the person hold-
12 ing the position indicated from funds appropriated by the general
13 assembly for such purpose:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
14		
15		
16	1. IOWA AERONAUTICS COMMISSION.	
17	Salary of the director of aeronautics not exceeding:	
18	\$18,000	\$18,000
19	2. COMMISSION ON AGING.	
20	Salary of executive secretary not exceeding:	
21	\$14,000	\$14,500
22	3. IOWA COMMISSION ON ALCOHOLISM.	
23	Salary of the director not exceeding:	
24	\$14,200	\$15,000
25	4. IOWA STATE ARTS COUNCIL.	
26	Salary of the director not exceeding:	
27	\$15,500	\$16,500
28	5. DEPARTMENT OF BANKING.	
29	Salary of the superintendent of banking not exceeding:	
30	\$23,500	\$25,500
31	6. BEER AND LIQUOR CONTROL DEPARTMENT.	
32	Salary of the director not exceeding:	
33	\$23,500	\$24,000
34	7. COMMISSION FOR THE BLIND.	
35	Salary of the director not exceeding:	
36	\$21,400	\$24,000
37	8. CIVIL RIGHTS COMMISSION.	
38	Salary of the executive secretary not exceeding:	
39	\$16,500	\$17,500
40	9. IOWA STATE COMMERCE COMMISSION.	
41	Salary of the executive secretary not exceeding:	
42	\$14,000	\$15,500
43	Salary of each member of the Iowa state commerce commission not	
44	exceeding:	
45	\$22,000	\$24,000
46	10. OFFICE OF THE STATE COMPTROLLER.	
47	Salary of the state comptroller:	
48	\$27,000	\$28,400
49	11. STATE CONSERVATION COMMISSION.	
50	Salary of the state conservation director:	
51	\$21,000	\$22,000
52	12. IOWA CRIME COMMISSION.	
53	Salary of the executive director not exceeding:	
54	\$18,000	\$19,000
55	13. IOWA DEVELOPMENT COMMISSION.	
56	Salary of the director not exceeding:	
57	\$25,000	\$25,000
58	14. DRUG ABUSE AUTHORITY.	
59	Salary of the director not exceeding:	
60	\$17,700	\$18,500
61	15. OFFICE OF ECONOMIC OPPORTUNITY.	
62	Salary of the director not exceeding:	
63	\$15,000	\$16,000
64	16. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.	
65	Salary of the director not exceeding:	
66	\$20,000	\$21,000
67	17. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.	
68	Salary of the executive secretary not exceeding:	
69	\$14,500	\$16,000
70	18. EMPLOYMENT SECURITY COMMISSION.	
71	Salary of each commissioner:	
72	\$18,500	\$20,000
73	19. DEPARTMENT OF ENVIRONMENTAL QUALITY.	
74	Salary of executive director:	
75	\$24,000	\$24,000
76	20. EXECUTIVE COUNCIL.	
77	Salary of the secretary not exceeding:	
78	\$15,000	\$15,000

CH. 1] LAWS OF THE SIXTY-FIFTH G. A., 1973 SESSION

65	21. STATE FAIR BOARD.		
66	Salary of the secretary:	\$16,000	\$17,000
67	22. DEPARTMENT OF GENERAL SERVICES.		
68	Salary of the director not exceeding:	\$24,000	\$24,000
69	23. OFFICE OF THE STATE GEOLOGIST.		
70	Salary of the state geologist not exceeding:		
71	.....	\$21,500	\$22,400
72	24. STATE DEPARTMENT OF HEALTH.		
73	Salary of the commissioner of health:	\$23,000	\$25,000
74	25. HIGHER EDUCATION FACILITIES COMMISSION.		
75	Salary of the executive director not exceeding:		
76	.....	\$17,500	\$17,500
77	26. STATE HIGHWAY COMMISSION.		
78	Salary of the director of highways not exceeding:		
79	.....	\$30,000	\$31,000
80	The salary of each state highway commissioner not exceeding:		
81	.....	\$ 8,500	\$ 9,000
82	27. STATE HISTORICAL SOCIETY.		
83	Salary of the director not exceeding:	\$12,500	\$12,500
84	28. IOWA STATE DEPARTMENT OF HISTORY AND ARCHIVES.		
85	Salary of the curator not exceeding:	\$13,000	\$14,000
86	29. OFFICE OF THE INDUSTRIAL COMMISSIONER.		
87	Salary of the industrial commissioner not exceeding:		
88	.....	\$20,000	\$22,000
89	30. INSURANCE DEPARTMENT OF IOWA.		
90	Salary of the commissioner of insurance:	\$22,100	\$24,600
91	31. BUREAU OF LABOR.		
92	Salary of labor commissioner:	\$16,500	\$18,000
93	32. IOWA LAW-ENFORCEMENT ACADEMY.		
94	Salary of the director of the academy not exceeding:		
95	.....	\$20,500	\$21,500
96	33. IOWA STATE TRAVELING LIBRARY.		
97	Salary of the director not exceeding:	\$15,800	\$16,500
98	34. IOWA MERIT EMPLOYMENT COMMISSION.		
99	Salary of the director of merit employment not exceeding:		
100	.....	\$20,500	\$22,500
101	35. DEPARTMENT OF MINES AND MINERALS.		
102	Salary of state mine inspector not exceeding:		
103	.....	\$ 9,500	\$ 9,500
104	36. IOWA NATURAL RESOURCES COUNCIL.		
105	Salary of the director not exceeding:	\$18,500	\$19,000
106	37. BOARD OF PAROLE.		
107	Salary of members of the board of parole not exceeding:		
108	.....	\$ 9,500	\$ 9,500
109	38. OFFICE FOR PLANNING AND PROGRAMMING.		
110	Salary of the director not exceeding:	\$20,500	\$23,000
111	39. DEPARTMENT OF PUBLIC INSTRUCTION.		
112	Salary of the superintendent of public instruction:		
113	.....	\$28,500	\$29,000
114	40. DEPARTMENT OF PUBLIC DEFENSE.		
115	Salary of the director of civil defense not exceeding:		
116	.....	\$11,500	\$11,500

117	41. DEPARTMENT OF PUBLIC SAFETY.		
118	Salary of the commissioner of public safety not exceeding:		
119	-----	\$20,500	\$25,000
120	42. IOWA REAL ESTATE COMMISSION.		
121	Salary of the director:	\$14,000	\$15,000
122	43. IOWA RECIPROCITY BOARD.		
123	Salary of the executive secretary not exceeding:		
124	-----	\$15,000	\$15,500
125	44. BOARD OF REGENTS.		
126	Salary of the executive secretary not exceeding:		
127	-----	\$24,000	\$25,000
128	45. DEPARTMENT OF REVENUE.		
129	Salary of the director of revenue not exceeding:		
130	-----	\$25,000	\$27,000
131	46. DEPARTMENT OF SOCIAL SERVICES.		
132	Salary of the commissioner of social services not exceeding:		
133	-----	\$30,000	\$31,000
134	47. DEPARTMENT OF SOIL CONSERVATION.		
135	Salary of the director not exceeding:	\$19,000	\$20,000
136	48. SUPREME COURT.		
137	Salaries of nine legal assistants each not exceeding:		
138	-----	\$10,500	\$10,500
139	Salary of the clerk of the supreme court not exceeding:		
140	-----	\$ 9,250	\$ 9,250
141	Salary of the code editor not exceeding: ..	\$16,000	\$17,000
142	Salary of the court administrator of the supreme court not exceed-		
143	ing:	\$15,500	\$16,000
144	49. DEPARTMENT OF AGRICULTURE.		
145	Salary of the secretary of agriculture:	\$22,500	\$22,500
146	50. OFFICE OF THE ATTORNEY GENERAL.		
147	Salary of the attorney general:	\$28,000	\$29,000
148	51. OFFICE OF THE AUDITOR OF STATE.		
149	Salary of the auditor of state:	\$22,500	\$22,500
150	52. OFFICE OF THE GOVERNOR.		
151	Salary of the governor:	\$40,000	\$40,000
152	53. OFFICE OF THE SECRETARY OF STATE.		
153	Salary of the secretary of state:	\$22,500	\$22,500
154	54. OFFICE OF THE TREASURER OF STATE.		
155	Salary of the treasurer of state:	\$22,500	\$22,500

1 SEC. 2. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 29, 1973.

CHAPTER 2

SUPREME COURT DIVISIONS

H. F. 782

AN ACT relating to financing the supreme court and its divisions and making an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each year of the fiscal biennium beginning July 1, 1973 and
3 ending June 30, 1975 to the supreme court and divisions of the supreme
4 court specified in this Act, the following amounts, or so much thereof
5 as may be necessary, to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 1. SUPREME COURT

9 a. For salaries of judges of the supreme court of Iowa and a state
10 contribution to the judicial retirement system provided for in chapter
11 six hundred five A (605A) of the Code in the amount of three percent
12 of such salaries and an additional state contribution of thirty-eight
13 thousand (38,000) dollars for the fiscal year ending June 30, 1974 and
14 forty-six thousand (46,000) dollars for the fiscal year ending June 30,
15 1975, and for other salaries, support, maintenance and miscellaneous
16 purposes, including cost of judicial conferences as provided in section
17 six hundred eighty-four point twenty (684.20) of the Code:

18	\$ 473,872	\$ 496,169
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19 b. For rules of procedure:	250	250
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20 2. CLERK OF SUPREME COURT

21 For salaries, support, maintenance and miscellaneous purposes:

22	32,350	33,370
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23 3. CODE EDITOR

24 For salaries, support, maintenance and miscellaneous purposes:

25	44,502	46,319
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26 4. COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT

27 For salaries, support, maintenance and miscellaneous purposes:

28	92,750	149,745
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1 SEC. 2. Section six hundred six point fifteen (606.15), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. For filing any petition, appeal, or writ of error and docketing the
4 same, four dollars. Three dollars of such fee shall remain in the county
5 treasury for the use of the county, and one dollar of such fee shall be
6 paid into the state treasury *and deposited in a the general fund of the*
7 *state to be known as the court administrator fund. Any balance re-*
8 *maining at the end of each biennium in excess of ten thousand dollars,*
9 *shall revert to the general fund of the state. In counties having a*
10 *population of one hundred thousand or over, an additional one dollar*
11 *shall be charged and collected, to be known as the journal publication*
12 *fee and to be used for the purposes provided for in section 618.13.*

1 SEC. 3. Section six hundred eighty-five point six (685.6), Code
2 1973, is amended to read as follows:

3 **685.6 Court administrator appointed.** There is hereby established
 4 the position of court administrator of the judicial department. The
 5 court administrator shall be appointed by the supreme court and shall
 6 hold office at the pleasure of such court.

7 ~~The expense of operating the court administrator office shall be paid~~
 8 ~~from the court administrator fund created by section 606.15 and the~~
 9 court shall fix the compensation of the administrator and the em-
 10 ployees of the office. The supreme court is authorized to accept federal
 11 funds to supplement the ~~court administrator fund~~ *funds appropriated*
 12 *to the court.*

1 SEC. 4. All federal grants to and the federal receipts of the courts
 2 receiving funds under this Act are appropriated for the purpose set
 3 forth in the federal grants or receipts.

1 SEC. 5. No moneys appropriated by this Act shall be used for cap-
 2 ital improvements.

1 SEC. 6. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 7. When any of the laws of this state are in conflict with
 2 this Act, the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 3

IMPLEMENTATION OF STATE OFFICIALS SALARIES

H. F. 806

AN ACT appropriating funds to finance increased salaries for state officials and design-
 ated employees of the state and to finance increased costs for contributions to the
 judicial retirement system.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state, unless otherwise specified, for each fiscal year of the biennium
 3 beginning July 1, 1973 and ending June 30, 1975, the following
 4 amounts, or so much thereof as may be necessary, to the agencies
 5 designated, for the purpose of providing funds to finance increased
 6 salaries of officials of such agencies.

		1973-74	1974-75
		Fiscal Year	Fiscal Year
7			
8			
9	1. Commission on aging:	\$ 2,500	\$ 3,000
10	2. Iowa commission on alcoholism:	\$ 2,200	\$ 3,000
11	3. Iowa state arts council:	—0—	\$ 1,000
12	4. Beer and liquor control department: ..	—0—	\$ 500
13	5. Commission for the blind:	\$ 3,900	\$ 6,500
14	6. Civil rights commission:	\$ 1,500	\$ 2,500
15	7. Iowa state commerce commission:	\$ 21,500	\$ 29,000
16	8. Office of the state comptroller:	\$ 3,000	\$ 4,400
17	9. State conservation commission:	\$ 3,000	\$ 4,000
18	10. Iowa crime commission:	\$ 1,500	\$ 2,500
19	11. Drug abuse authority:	\$ 700	\$ 1,500
20	12. Educational radio and television facility board:		
21	.....	\$ 500	\$ 1,500
22	13. Committee on employment of the handicapped:		
23	.....	\$ 1,250	\$ 2,750
24	14. Employment security commission:	\$ 12,000	\$ 16,500
25	15. State fair board:	\$ 500	\$ 1,500
26	16. Office of the state geologist:	—0—	\$ 900
27	17. Higher education facilities commission: \$	1,500	\$ 1,500
28	18. State highway commission, from the primary road fund:		
29	.....	\$ 1,500	\$ 6,500
30	19. Iowa state department of history and archives:		
31	.....	—0—	\$ 1,000
32	20. Office of the industrial commissioner: \$	3,500	\$ 5,500
33	21. Insurance department of Iowa:	\$ 5,100	\$ 7,600
34	22. Bureau of labor:	\$ 3,000	\$ 4,500
35	23. Iowa law-enforcement academy:	\$ 2,500	\$ 3,500
36	24. Iowa state traveling library:	\$ 300	\$ 1,000
37	25. Iowa merit employment commission: ..	\$ 2,000	\$ 4,000
38	26. Iowa natural resources council:	\$ 2,500	\$ 3,000
39	27. Office for planning and programming: \$	2,500	\$ 5,000
40	28. Department of public instruction:	\$ 2,500	\$ 3,000
41	29. Department of public safety:	\$ 4,000	\$ 8,500
42	30. Iowa real estate commission:	\$ 250	\$ 1,250
43	31. Iowa reciprocity board:	\$ 500	\$ 1,000
44	32. Board of regents:	\$ 1,000	\$ 2,000
45	33. Department of revenue:	\$ 1,000	\$ 3,000
46	34. Department of social services:	\$ 5,000	\$ 6,000
47	35. Department of soil conservation:	\$ 4,000	\$ 5,000
48	36. Supreme court:	\$ 73,000	\$100,000
49	37. Clerk of the Supreme court:	\$ 250	\$ 250
50	38. Code editor:	\$ 2,000	\$ 3,000
51	39. Court administrator:	\$ 2,500	\$ 3,000
52	40. Department of Agriculture:	\$ 4,000	\$ 4,000
53	41. Office of the attorney general:	\$ 5,500	\$ 6,500
54	42. Office of the auditor of state:	\$ 4,000	\$ 4,000
55	43. Office of the governor:	\$ 5,000	\$ 5,000
56	44. Office of the secretary of state:	\$ 4,000	\$ 4,000
57	45. Office of the treasurer of state:	\$ 4,000	\$ 4,000
58	46. Law library:	\$ 800	\$ 1,475

59	47. Medical library:	\$ 800	\$ 1,475
60	48. District court:	\$483,500	\$691,000

1 SEC. 2. There is appropriated from the general fund of the state
 2 to the Iowa supreme court and Iowa district courts for each fiscal year
 3 of the biennium commencing July 1, 1973 and ending June 30, 1975, the
 4 following amounts, or so much thereof as may be necessary, to be used
 5 in the manner designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 1. DISTRICT COURT

9 For a state contribution to the judicial retirement system provided
 10 for in chapter six hundred five A (605A) of the Code because of in-
 11 creased salaries of the district court judges, in the amount of three
 12 percent of such increased salaries:

	\$ 14,505	\$ 20,739
--	-----------	-----------

13 2. SUPREME COURT

14 For a state contribution to the judicial retirement system provided
 15 for in chapter six hundred five A (605A) of the Code because of in-
 16 creased salaries of the supreme court judges in the amount of three
 17 percent of such increased salaries:

	\$ 1,380	\$ 2,190
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1 SEC. 3. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973, shall, on August 31, 1974, revert
 5 to the state treasury and to the credit of the funds from which appro-
 6 priated. In all other respects the provisions of section eight point
 7 thirty-three (8.33) of the Code shall apply to appropriations made for
 8 the first fiscal year of the biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 4
 DISTRICT COURT
 H. F. 792

AN ACT making an appropriation to the district courts.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the Iowa district courts for each fiscal year of the biennium
 3 commencing July 1, 1973 and ending June 30, 1975, the following

4 amounts, or so much thereof as may be necessary, to be used in the
5 manner designated:

6	1973-74	1974-75
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 DISTRICT COURT, IOWA

9 1. For the salaries of the district judges, district court associate
10 judges and judicial magistrates, and a state contribution to the judi-
11 cial retirement system provided for in chapter six hundred five A
12 (605A) of the Code, in the amount of three percent of such salaries
13 and an additional contribution of one hundred sixty-four thousand six
14 hundred twenty-five (164,625) dollars for each year of the biennium:
15 ----- \$3,676,373 \$3,695,805

16 2. For expenses of judges in accordance with section six hundred
17 five point two (605.2) of the Code including those designated by order
18 of the chief justice to attend judicial conferences, seminars or training
19 sessions: ----- \$ 120,350 \$ 120,450

1 SEC. 2. Section six hundred five point two (605.2), Code 1973, is
2 amended to read as follows:

3 **605.2 Expenses.** Where a judge of the district or supreme court is
4 required, in the discharge of his official duties, to leave the county of
5 his residence or leave the city or town of his residence to perform such
6 duties, he shall be paid such actual and necessary expenses for living
7 quarters and living expenses not to exceed the sum of ~~fifteen~~ *twenty*
8 dollars per day and transportation expenses as shall be incurred.

1 SEC. 3. All federal grants to and the federal receipts of the courts
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 6. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 5

LEGISLATIVE STAFF AGENCIES

H. F. 784

AN ACT making appropriations to legislative staff agencies and making an appropriation to the legislative council for a comprehensive study of mental health delivery systems in the state.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, for the following legislative agencies, the follow-
 4 ing amounts, or so much thereof as may be necessary, to be used in the
 5 manner designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 1. LEGISLATIVE SERVICE BUREAU		
9 a. For salaries, support, maintenance and miscellaneous purposes:		
10 -----	\$ 394,494	\$ 435,352
11 b. For construction of office mezzanines above the north and south		
12 office areas of the legislative service bureau under the direction of the		
13 legislative council in consultation with the capitol planning commis-		
14 sion: -----	\$ 92,700	\$ —0—
15 c. For incorporating the Acts of the Sixty-fifth General Assembly		
16 into the Code of Iowa on magnetic tape and to update and revise the		
17 related vocabulary concordance, which shall be accomplished in the		
18 manner approved by the legislative council: ..	\$ 8,000	\$ —0—
19 2. OFFICE OF LEGISLATIVE FISCAL DIRECTOR		
20 For salaries, support, maintenance and miscellaneous purposes:		
21 -----	\$ 105,600	\$ 124,100

1 SEC. 2. There is appropriated from the general fund of the state
 2 to the legislative council the sum of fifty thousand (50,000) dollars,
 3 or so much thereof as may be necessary, which the council may
 4 at its discretion use for the purpose of conducting a comprehensive
 5 study of all of the mental health delivery systems in the state, both
 6 public and private, the results of which may be used as a basis for
 7 planning of needed changes in and expansion of mental health serv-
 8 ices in Iowa. The legislative council may conduct the study, or it may
 9 arrange with the committee on mental hygiene created by section two
 10 hundred twenty-five B point two (225B.2) of the Code to conduct the
 11 study under such arrangements for oversight and monitoring of the
 12 study by members of the general assembly as are satisfactory to the
 13 council. If the legislative council elects to conduct or arrange to
 14 have conducted the study authorized by this section, a report of the
 15 study shall be submitted to the council not later than December 15,
 16 1974 for transmission to the Sixty-sixth General Assembly.

17 If the legislative council has not taken affirmative action to conduct
 18 or arrange to have conducted the study authorized by this section by
 19 December 31, 1973, the appropriation made by this section shall revert
 20 to the general fund as of that date. Otherwise, any portion of the
 21 appropriation made by this section remaining unencumbered as of
 22 June 30, 1975 shall revert to the general fund on September 30, 1975.

1 SEC. 3. All federal grants to and the federal receipts of the de-
2 partments and divisions receiving funds under this Act are appropri-
3 ated for the purpose set forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 6

BUDGET AND FINANCIAL CONTROL COMMITTEE

H. F. 797

AN ACT making an appropriation to the budget and financial control committee or its successor committee.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium commencing July 1, 1973 and
3 ending June 30, 1975 to the budget and financial control committee or
4 its successor committee, the following amounts, or so much thereof as
5 may be necessary, to be used for the following purposes:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8	For members' per diem and expenses in the amounts provided for		
9	in chapter two (2) of the Code, and for carrying out the duties of the		
10	committee, as well as other administrative expense, as authorized by		
11	law, not otherwise provided by an enactment of the Sixty-fifth General		
12	Assembly, 1973 Session:	\$50,000	\$50,000

1 SEC. 2. All federal grants to and the federal receipts of the depart-
2 ment are appropriated for the purpose set forth in such federal grants
3 or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which

6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 7
COMPTROLLER

H. F. 800

AN ACT to appropriate from the general fund of the state for the office of the state comptroller and its divisions.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the office of the state comptroller and its divisions for each
3 year of the biennium beginning July 1, 1973 and ending June 30, 1975,
4 the following amounts, or so much thereof as may be necessary, to be
5 used for the following purposes:

	1973-74 Fiscal Year	1974-75 Fiscal Year
8 1. GENERAL OFFICE		
9 For salaries, support, maintenance and miscellaneous purposes:		
10	\$ 487,905	\$ 513,093
11 2. CITY FINANCE COMMITTEE		
12 For compensation and expenses:	\$ 7,500	\$ 7,500
13 3. DATA PROCESSING		
14 For salaries, support, maintenance and miscellaneous purposes:		
15	\$2,980,921	\$3,242,556
16 4. TRAFFIC RECORDS AND CRIMINAL INFORMATION SYSTEM		
17 For salaries, support, maintenance and miscellaneous purposes:		
18	\$ 431,970	\$ 394,610
19 Total state comptroller:	\$3,908,296	\$4,157,759

1 SEC. 2. All federal grants to and the federal receipts of the
2 commission are appropriated for the purpose set forth in such federal
3 grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,

5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 5. Section eight point thirty-nine (8.39), Code 1973, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Any transfer made under the pro-
4 visions of this section shall be reported to the budget and financial con-
5 trol committee or its successor committee on a monthly basis. The
6 report shall cover each calendar month and shall be due the tenth day
7 of the following month. The report shall contain the following: the
8 amount of each transfer; the date of each transfer; the department to
9 which the transfer was made; the department and fund from which
10 the transfer was made; a brief explanation of the reason for the trans-
11 fer; and such other information as may be required by the committee.
12 A summary of all transfers made under the provisions of this section
13 shall be included in the annual report of the budget and financial con-
14 trol committee or its successor committee to the general assembly.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 8

REPLACEMENT FOR FEDERAL FUNDS

S. F. 513

AN ACT making an appropriation from the general fund to the state comptroller for the substitution or replacement, in whole or in part, of any federal funds which are not available to the state for previously existing federal programs relating to youth opportunity and day care facilities programs.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal biennium beginning July 1, 1973 and ending June
3 30, 1975 to the state comptroller the following amounts, or so much
4 thereof as may be necessary, for the following purposes:

5 1. For the governor's youth opportunity program:\$1,234,000
6 2. For the day care facilities program:\$ 579,000

1 SEC. 2. Funds appropriated by section one (1) of this Act shall be
2 used solely as a substitute for or replacement of, in whole or in part,
3 any federal funds which are not currently appropriated by the federal
4 government to the state, or otherwise not available to the state by
5 reason of federal executive action during the period of this Act. The

6 funds substituted or replaced must be for previously existing federal
7 programs financed in whole or in part by federal funds during the
8 period beginning July 1, 1972, and ending March 31, 1973. If federal
9 funds are made available for the purposes in section one (1) of this
10 Act but in amounts less than specified by section one (1) of this Act,
11 the amount of federal funds available shall be subtracted from the
12 amounts specified in this Act and only the remainder shall be expended
13 for the purposes specified in this Act.

1 SEC. 3. Unencumbered funds as of June 30, 1975 shall revert to the
2 general fund of the state as of August 31, 1975.

1 SEC. 4. All federal grants to and the federal receipts for the pur-
2 poses for which funds are appropriated by this Act are appropriated
3 for the purposes set forth in the federal grants or receipts.

1 SEC. 5. No allocation shall be made from this Act without the
2 written certification of the state department head of the department
3 responsible for the federal funds affected. The certification shall be
4 made to the state comptroller stating all information relative to the
5 federal funds previously received, the status of existing federal fund-
6 ing statutes or executive impoundments, the express purpose of the
7 programs and the effect on state funding and any other pertinent
8 information which may be requested by the state comptroller. Copies
9 of all such information and the certification shall be simultaneously
10 filed with the legislative fiscal director, and no funds shall be allocated
11 by the comptroller for ten days following the receipt of the certifica-
12 tion.

1 SEC. 6. Before any of the funds appropriated by this Act shall be
2 expended, it shall be determined in writing by the governor to the
3 comptroller that such expenditures are in the best interest of the state.

1 SEC. 7. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the
3 Waterloo Daily Courier, a newspaper published in Waterloo, Iowa,
4 and in the Iowa City Press-Citizen, a newspaper published in Iowa
5 City, Iowa.

Approved June 19, 1973.

I hereby certify that the foregoing Act, Senate File 513, was published in the Waterloo Daily Courier, Waterloo, Iowa, June 27, 1973, and in the Iowa City Press-Citizen, Iowa City, Iowa, June 27, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 9

CONSTITUTIONAL OFFICERS

H. F. 783

AN ACT making an appropriation from the general fund of the state of Iowa to constitutional state officials and departments and the executive council and relating to the expenses of the office of auditor of state.

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

1 SECTION. 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, for the following constitutional state officers and
 4 departments, the following amounts, or so much thereof as may be
 5 necessary, to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	1. ATTORNEY GENERAL	
9	For salaries, support, maintenance and miscellaneous purposes:	
10	\$ 630,980	\$ 668,160
11	2. AUDITOR OF STATE	
12	a. General office	
13	For salaries, support, maintenance and miscellaneous purposes:	
14	\$ 840,910	\$ 815,064
15	b. Savings and loan division	
16	For salaries, support, maintenance and miscellaneous purposes:	
17	\$ 24,490	—0—
18	3. GOVERNOR	
19	a. General office	
20	For salaries, support, maintenance and miscellaneous purposes:	
21	\$ 276,620	\$ 284,290
22	b. For governor's expenses incurred by him in connection with the	
23	duties of governor:	
24	\$ 5,000	\$ 5,000
25	4. LIEUTENANT GOVERNOR	
26	For the lieutenant governor's compensation and expenses as provided in subsection two (2) of section two point twelve (2.12) of the	
27	Code, including service as a member of the legislative council, and for	
28	per diem and expenses incurred by him while performing duties of the	
29	lieutenant governor when the general assembly is not in session, including travel, postage, and staff assistance: \$ 48,934 \$ 49,282	
30		
31	5. SECRETARY OF STATE	
32	For salaries, support, maintenance and miscellaneous purposes:	
33	\$ 308,206	\$ 312,746
34	6. TREASURER OF STATE	
35	For salaries, support, maintenance and miscellaneous purposes:	
36	\$ 210,349	\$ 217,120
37	7. EXECUTIVE COUNCIL	
38	For salaries, support, maintenance and miscellaneous purposes:	
39	\$ 10,959	\$ 10,959

1 SEC. 2. Section eleven point nine (11.9), Code 1973, is amended to
 2 read as follows:

3 11.9 County, municipal and school auditors' salaries. County, municipal and school auditors and their assistants shall, in addition to

5 salary, be reimbursed for their actual and necessary expenses. Salary
6 payments ~~pertaining to~~ shall include a prorated amount for vacation
7 ~~or and~~ sick leave shall be paid from the appropriation made to the
8 auditor's office. All other payments shall be paid from funds in the
9 state treasury upon certification of the auditor of state, and the general
10 fund shall be reimbursed as provided in sections 11.20 and 11.21.

1 SEC. 3. Section eleven point twenty (11.20), Code 1973, is amended
2 to read as follows:

3 **11.20 Bills—audit and payment.** Where the examination is made
4 by the state auditor under the provisions of this chapter, each auditor
5 shall file with the auditor of state an itemized, certified and sworn
6 voucher of his expense for the time such auditor is actually engaged
7 in such examination. On the fifteenth and last days of each month each
8 auditor shall file in triplicate with the auditor of state a certified state-
9 ment of the actual days engaged in each such examination. The salaries
10 shall be included in a semimonthly payroll. Upon approval of the
11 auditor of state the state comptroller is hereby authorized to issue
12 warrants for the payment of said vouchers and salary payments, ~~other~~
13 ~~than~~ including a prorated amount for vacation ~~or and~~ sick leave, from
14 any unappropriated funds in the state treasury. Repayment to the
15 state shall be made as provided by section 11.21.

1 SEC. 4. The provisions of sections two (2) and three (3) of this
2 Act shall become effective July 1, 1974.

1 SEC. 5. All federal grants to and the federal receipts of the de-
2 partments and divisions receiving funds under this Act are appropri-
3 ated for the purpose set forth in the federal grants or receipts.

1 SEC. 6. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 7. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974, re-
5 vert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal
10 year of such biennium shall be subject to section eight point thirty-
11 three (8.33) of the Code.

1 SEC. 8. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 10

PUBLIC INSTRUCTION

S. F. 586

AN ACT making an appropriation from the general fund of the state of Iowa to the department of public instruction.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973, and ending June 30,
3 1975, to the department of public instruction, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner
5 designated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
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1. GENERAL OFFICE ADMINISTRATION

For salaries, support, maintenance and miscellaneous purposes:

\$ 1,270,200 \$ 1,331,000

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance and miscellaneous purposes:

\$ 431,600 \$ 452,150

3. VOCATIONAL EDUCATION

For vocational education aid to secondary schools.

Funds appropriated are to be used for aid to school districts for development and the conduct of programs, services and activities of vocational education through secondary schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, and further to purchase instructional equipment for vocational and technical courses of instruction in such schools.

a. Matching federal reimbursement for continuing programs:

\$ 2,000,000 \$ 2,125,000

b. Matching federal reimbursement for new vocational programs: ..

\$ 250,000 \$ 500,000

4. VOCATIONAL REHABILITATION

For salaries, support, maintenance and miscellaneous purposes:

\$ 1,500,000 \$ 1,500,000

5. SPECIAL EDUCATION

For reimbursement to school districts or county boards of education in accordance with the provisions of chapter two hundred eighty-one (281) of the Code, and school districts or county boards of education operating education programs for migratory workers and children of migratory workers:

\$ 3,700,000 \$ 3,700,000

6. DRIVER'S TRAINING AID

For driver's training aid to such school districts of the state as qualified under provisions of section three hundred twenty-one point one hundred seventy-eight (321.178) of the Code:

\$ 1,700,000 \$ 1,700,000

7. UNIVERSITY OF NORTHERN IOWA

MALCOM PRICE LABORATORY SCHOOL

43 For reimbursement of claims for students attending the laboratory
 44 school not to exceed the amount per pupil in foundation aid received
 45 by the resident district of the pupil attending:

46\$ 300,000 \$ 350,000

47 8. FOR LOCAL SCHOOL DISTRICTS, COUNTY SCHOOL SYSTEMS, JOINT
 48 COUNTY SYSTEMS, AND COUNTY BOARDS OF EDUCATION

49 For reimbursement of claims for the cost of IPERS above \$7,800
 50 per year for employees of the school districts, county school systems,
 51 joint county systems, and county boards of education:

52\$ 2,230,000 \$ 2,250,000

53 9. MANPOWER DEVELOPMENT AND TRAINING

54 For participating in the manpower development and training Act.
 55 Funds are to be used for the conduct of local programs and state ad-
 56 ministration, to the extent required, to match federal funds to be ex-
 57 pended by the United States treasury for this purpose:

58\$ 180,000 \$ 180,000

59 10. NATIONAL DEFENSE EDUCATION

60 For the purpose of accepting federal funds currently referred to as
 61 the National Defense Education Act of 1958, as amended by vocational
 62 amendments 1968, for administration and extension of supervisory
 63 and related services by the department for financial assistance for
 64 strengthening sciences, mathematics, modern foreign language in-
 65 struction and other critical subjects; administration by the depart-
 66 ment and the several school districts of the state for guidance, coun-
 67 seling and testing; and improvement and expansion of the statistical
 68 services of the state department:\$ 193,500 \$ 202,500

1 SEC. 2. There is appropriated to the department of public instruc-
 2 tion from the general fund of the state for each year of the biennium
 3 beginning July 1, 1973 and ending June 30, 1975, the sum of twenty
 4 thousand (20,000) dollars, or so much thereof as may be necessary,
 5 for the use of the professional teaching practices commission to carry
 6 out the provisions of chapter two hundred seventy-two A (272A) of
 7 the Code.

1 SEC. 3. There is appropriated from the general fund of the state
 2 to the department of public instruction, the sum of ten thousand
 3 (10,000) dollars, or so much thereof as may be necessary, for each
 4 year of the fiscal biennium commencing July 1, 1973, such monies to
 5 be deposited in the vocational youth organization fund created in sec-
 6 tion two hundred fifty-eight point fourteen (258.14) of the Code to
 7 be used to carry out the provisions of such section.

1 SEC. 4. Section two hundred fifty-eight point fourteen (258.14),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. The board for vocational education is authorized to award grants
 4 from the vocational youth organization fund to ~~any vocational organi-~~
 5 ~~zation which is an integral part of the instructional program in occu-~~
 6 ~~pational vocational areas which includes, but is not limited to, agri-~~
 7 ~~culture, business and office occupations, distributive education, home~~
 8 ~~economics, and trade and industrial education~~ *the following organiza-*
 9 *tions: distributive education clubs of America, future farmers of*
 10 *America, future homemakers of America, office education clubs of*

11 *America, and vocational industrial clubs of America.* No moneys shall
12 be used for salaries and travel of state or local advisors of vocational
13 educational organizations. No vocational organization shall receive
14 more than one-fifth of the moneys appropriated to the vocational youth
15 organization fund in any year.

1 SEC. 5. There is appropriated from the general fund of the state
2 to the department of public instruction, the sum of twelve thousand
3 (12,000) dollars or so much thereof as may be necessary, for each year
4 of the fiscal biennium commencing July 1, 1973, to be distributed to
5 the merged area XII resource center to be used for special instruc-
6 tional television programs.

1 SEC. 6. Section two hundred fifty-seven point twenty-nine
2 (257.29), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:

4 257.29 Permanent revolving fund.

5 1. There is established a permanent revolving fund for the depart-
6 ment of public instruction. From this fund shall be paid expenses
7 incurred by the department of public instruction subject to reimburse-
8 ment by the federal government.

9 2. There is hereby appropriated from the general fund of the state
10 to the department of public instruction the sum of one hundred
11 twenty-five thousand (125,000) dollars for the purpose of establishing
12 the fund created by subsection one (1) of this section. If any surplus
13 accrues to said revolving fund in excess of the original appropriation
14 for which there is no anticipated need or use, the governor shall order
15 such surplus to be deposited in the general fund.

16 3. Any unencumbered funds remaining in the veterans education
17 administration revolving fund on June 30, 1973 shall revert to the
18 general fund of the state.

1 SEC. 7. Section two hundred eighty-three A point six (283A.6).
2 Code 1973, is repealed. Unencumbered funds deposited in the school
3 lunch revolving fund on June 30, 1973 shall revert to the general fund
4 of the state.

1 SEC. 8. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act, except funds appropriated
4 by section four (4) of this Act, for the first fiscal year of the biennium
5 commencing July 1, 1973 shall, on August 31, 1974, revert to the state
6 treasury and to the credit of the fund from which appropriated. In
7 all other respects the provisions of section eight point thirty-three
8 (8.33) of the Code shall apply to appropriations made for the first fis-
9 cal year of such biennium. Unencumbered or unobligated balances of
10 appropriations made for the second fiscal year of such biennium shall
11 be subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 9. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

1 SEC. 10. All federal grants to and the federal receipts of this
2 department and divisions thereof are hereby appropriated for the
3 purpose set forth in the federal grants or receipts.

1 SEC. 11. No moneys appropriated by this Act shall be used for
2 capital improvements.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 11

PUBLIC SAFETY

S. F. 603

AN ACT to appropriate from the general fund of the state to the department of public safety and various divisions thereof.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975, for the department of public safety and various
4 divisions thereof, the following amounts, or so much thereof as may
5 be necessary, to be used for the following purposes:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 1. DIVISION OF ADMINISTRATION

9	For salaries, support, maintenance, and miscellaneous purposes:		
10	.....	\$ 331,470	\$ 378,920
11	For matching federal funds with approval of the governor.		
12	.....	\$ 100,000	\$ 100,000

13 2. DIVISION OF CRIMINAL INVESTIGATION
14 AND BUREAU OF IDENTIFICATION

15	For salaries, support, maintenance and miscellaneous purposes and		
16	for the state's contribution to the peace officers' retirement, accident,		
17	and disability system provided in chapter ninety-seven A (97A) of the		
18	Code, in the amount of sixteen percent of the salaries of personnel in-		
19	cluded in the system:	\$ 788,090	\$ 904,510

20 3. DIVISION OF FIRE PROTECTION

21	a. For salaries, support, maintenance, and miscellaneous purposes:		
22	.....	\$ 178,740	\$ 181,200

23 4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

24	For salaries, support, maintenance, and miscellaneous purposes and		
25	for the state's contribution to the peace officers' retirement, accident		
26	and disability system provided in chapter ninety-seven A (97A) of the		
27	Code, in the amount of sixteen percent of the salaries of personnel in-		
28	cluded in the system:	\$ 7,640,690	\$ 7,881,800

29 5. DIVISION OF DRIVER'S LICENSE

30	Including motor vehicle financial and safety responsibility.		
31	For salaries, support, maintenance and miscellaneous purposes:		
32	.....	\$1,447,440	\$1,474,350

33 6. DIVISION OF DRUG LAW ENFORCEMENT

34	For salaries, support, maintenance, and miscellaneous purposes and		
35	for the state's contribution to the peace officers' retirement, accident,		

36 and disability system provided in chapter ninety-seven A (97A) of the
 37 Code, in the amount of sixteen percent of the salaries of personnel in-
 38 cluded in the system: \$ 181,510 \$ 237,690
 39 7. DIVISION OF MOTOR REGISTRATION
 40 For salaries, support, maintenance, and miscellaneous purposes:
 41 \$ 924,300 \$ 827,920
 42 8. DIVISION OF RADIO COMMUNICATION
 43 For salaries, support, maintenance, and miscellaneous purposes:
 44 \$1,014,080 \$1,095,010
 45 9. DIVISION OF BEER AND LIQUOR LAW ENFORCEMENT
 46 For salaries, support, maintenance, and miscellaneous purposes and
 47 for the state's contribution to the peace officers' retirement, accident,
 48 and disability system provided in chapter ninety-seven A (97A) of the
 49 Code, in the amount of sixteen percent of the salaries of personnel in-
 50 cluded in the system: \$ 259,150 \$ 279,180

1 SEC. 2. There is appropriated from the general fund of the state
 2 to the department of public safety, excluding the Division of Highway
 3 Safety and Uniformed Force, the sum of seventy-eight thousand eight
 4 hundred (78,800) dollars for each year of the biennium beginning
 5 July 1, 1973, and ending June 30, 1975, in order to implement on
 6 July 1, 1973 the peace officers pay plan recommended by the governor
 7 for the second year of the biennium.

1 SEC. 3. Section three hundred twenty-one point one hundred
 2 eighty-seven (321.187), Code 1973, is amended to read as follows:

3 **321.187 Appointment of examiners.** The department is hereby
 4 authorized to appoint persons from the members of the department or
 5 may designate the county sheriff for the purpose of examining appli-
 6 cants for operators' and chauffeurs' licenses. It shall be the duty of
 7 any such person so appointed to conduct examinations of applicants
 8 for operators' and chauffeurs' licenses under the provisions of this
 9 chapter to make a written report of findings and recommendations
 10 upon such examination to the department. Examiners appointed by
 11 the department when on duty shall wear a ~~uniform~~ and proper iden-
 12 tifying badge or badges as prescribed by the commissioner which shall
 13 be purchased by the department and paid for from the department
 14 maintenance fund.

1 SEC. 4. All federal grants to and the federal receipts of this
 2 department and divisions thereof are appropriated for the purpose set
 3 forth in such federal grants or receipts.

1 SEC. 5. No moneys appropriated by this Act shall be used for cap-
 2 ital improvements.

1 SEC. 6. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal

10 year of such biennium shall be subject to section eight point thirty-
11 three (8.33) of the Code.

1 SEC. 7. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 8. Section eighty point thirty-two (80.32), Code 1973, is
2 repealed.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 12

MERIT SYSTEM FUNDING

S. F. 618

AN ACT relating to funding for an adjustment to the merit system and executive council exempt pay plans and other exempt positions included in the state comptroller's centralized payroll system and to positions under the jurisdiction of the state board of regents and providing an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the "salary adjustment fund" within the general fund of the
 3 state, herein created, for each year of the biennium commencing
 4 July 1, 1973 and ending June 30, 1975, the following amounts, or so
 5 much thereof as may be necessary, to be used in the manner designated:

6	1973-74	1974-75
7	Fiscal Year	Fiscal Year

8 To supplement the appropriations of the various state departments
 9 and the state board of regents and institutions under its jurisdiction
 10 in implementing an adjustment to the July 1, 1973 pay plans as pro-
 11 vided in their appropriations for the biennium beginning July 1, 1973
 12 and ending June 30, 1975 and in accordance with section two (2) of
 13 this Act. \$5,000,000 \$5,000,000*

1 SEC. 2. The merit system and the executive council exempt pay
2 plan, provided for in section nineteen A point nine (19A.9), subsection
3 two (2) of the Code to be effective July 1, 1973, shall be increased on
4 a full-time annual basis, such increase to be in addition to the salary
5 and wages previously scheduled to be effective July 1, 1973, as follows:

6 As near as practical, the first step of Grade five (5) shall be in-
7 creased three hundred and twelve dollars and progress inversely to
8 those steps and grades up through step one of Grade twenty-six (26),
9 and all like steps.

10 All exempt positions provided for in section nineteen A point nine
11 (19A.9), subsection two (2), of the Code which are included in the
12 state comptroller's central payroll system shall be adjusted in a like
13 amount on a basis consistent with the appropriations provided by the
14 general assembly.

*According to enrolled Act.

1 SEC. 3. The salaries and wages of positions under the jurisdiction
 2 of the board of regents, shall be increased as far as practical in a
 3 manner consistent with the salaries and wages for positions under
 4 section two (2) of this Act.

1 SEC. 4. The allocation of the funds appropriated in sections one
 2 (1) and seven (7) of this Act shall be subject to approval of the state
 3 comptroller.

1 SEC. 5. This appropriation is for the purpose of providing pay
 2 increases to offset the unusual inflationary increases in the cost of
 3 living during the interim between the last merit pay study and the
 4 enactment of the salary schedule of the pay plan.

1 SEC. 6. Funds provided in section one (1) of this Act shall relate
 2 to salaries supported from general fund appropriations and shall not
 3 be construed to replace revolving, federal, trust or special funds where
 4 applicable.

1 SEC. 7. To departmental revolving, trust or special funds for
 2 which the general assembly has established an operating budget, a
 3 supplemental authorization is hereby provided from those funds in an
 4 amount necessary to fund the salary adjustment provided in section
 5 two (2) of this Act.

1 SEC. 8. The allocation of the funds appropriated in sections one
 2 (1) and seven (7) of this Act shall be subject to the approval of the
 3 governor and the state comptroller.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 13

STATE LIBRARIES APPROPRIATIONS

H. F. 777

AN ACT making an appropriation to certain state libraries.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state of Iowa for the following libraries for each fiscal year of the
 3 biennium commencing July 1, 1973 and ending June 30, 1975, the
 4 following amounts, or so much thereof as may be necessary, to be used
 5 in the manner designated:

	<u>1973-74</u>	<u>1974-75</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 1. IOWA STATE LAW LIBRARY		
9 For salaries, support, maintenance and miscellaneous purposes:		
10	\$107,515	\$115,616

11	2. IOWA STATE MEDICAL LIBRARY		
12	For salaries, support, maintenance and miscellaneous purposes:		
13	-----	\$ 72,952	\$ 74,857
14	3. IOWA STATE TRAVELING LIBRARY		
15	For salaries, support, maintenance and miscellaneous purposes:		
16	-----	\$437,944	\$446,059
17	4. For binding and rebinding of books and periodicals housed in the		
18	Iowa state law library, Iowa state medical library and the Iowa state		
19	traveling library, to be administered by the director of the Iowa state		
20	traveling library:	\$ 15,000	\$ —0—

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 19, 1973.

CHAPTER 14

HISTORY AND ARCHIVES DEPARTMENT

H. F. 742

AN ACT to make an appropriation to the department of history and archives.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of history and archives for each fiscal year of
3 the biennium commencing July 1, 1973 and ending June 30, 1975, the
4 following amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For salaries, support, maintenance and miscellaneous purposes.		
9	-----	\$ 228,780	\$ 242,940

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 4. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 5. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 15

VEHICLE DISPATCHER

S. F. 532

AN ACT to appropriate and authorize expenditures from the vehicle dispatcher revolving fund.

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

1 SECTION 1. There is appropriated, and the state vehicle dispatcher
2 is authorized to expend, from the vehicle dispatcher revolving fund
3 established under section twenty-one point six (21.6) of the Code, for
4 each fiscal year of the biennium commencing July 1, 1973 and ending
5 June 30, 1975, the following amounts, or so much thereof as may be
6 necessary, to be used in the manner designated:

7		1973-74	1974-75
8		Fiscal Year	Fiscal Year
9	For salaries, support, maintenance, equipment and miscellaneous		
10	purposes:	\$161,730	\$165,730

1 SEC. 2. The remainder of the fund is appropriated for the pur-
2 chase of gasoline, oil, tires, repairs and all other maintenance expenses
3 incurred in the operation of state-owned motor vehicles and for con-
4 tingencies arising during the biennium which are legally payable from
5 this fund.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-

3 tee or subcommittee of a standing committee by any person by way of
 4 a bill, proposed bill, amendment to a bill, written document, or a pro-
 5 posal which is documented by the minutes, records, or reports of a
 6 committee or subcommittee, and which failed to be enacted into law.
 7 For the purpose of this Act a necessity of additional operating funds
 8 may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
 10 be allocated for contingencies, it shall be determined by the executive
 11 council that a contingency exists and that the contingency was neither
 12 existent while the general assembly was in session nor reasonably fore-
 13 seeable at that time, and that the proposed allocation shall be for the
 14 best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
 16 time the general assembly is in session, expenditures for the contin-
 17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 16

VEHICLE DISPATCHER

H. F. 748

AN ACT appropriating funds to the vehicle dispatcher's depreciation fund.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for deposit in the vehicle dispatcher's depreciation fund, created
 3 under section twenty-one point seven (21.7) of the Code, the sum of
 4 eighty thousand (80,000) dollars, to be used for the purposes provided
 5 for in section twenty-one point seven (21.7) of the Code.

Approved June 13, 1973.

CHAPTER 17

INTERGOVERNMENTAL AGENCIES

S. F. 519

AN ACT appropriating funds to certain intergovernmental agencies.

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

1 SECTION 1. For the following agencies there is appropriated from
 2 the general fund of the state for each fiscal year of the biennium com-
 3 mencing July 1, 1973 and ending June 30, 1975, the following amounts,
 4 or so much thereof as is necessary to be used in the manner desig-
 5 nated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
6		
7		
8	1. INTERSTATE COOPERATION, COMMISSION ON	
9	For expenses of commission members in carrying out their obliga-	
10	tions under chapter twenty-eight B (28B) of the Code:	
11	\$ 7,500	\$ 7,500
12	2. COUNCIL OF STATE GOVERNMENTS	
13	For support of the council of state governments:	
14	\$27,130	\$27,130
15	3. UNIFORM STATE LAWS, COMMISSION ON	
16	For support of the conference of commissioners on uniform state	
17	laws:	
18	\$ 3,500	\$ 3,500
19	For traveling expenses of members of the commission on uniform	
19	state laws:	
19	\$ 1,500	\$ 2,400
20	Total for commission on uniform state laws: \$ 5,000 \$ 5,900	

1 SEC. 2. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 3. Where any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 18

IOWA CRIME COMMISSION

S. F. 581

AN ACT making an appropriation from the general fund to the Iowa crime commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa crime commission for the biennium beginning July 1,
3 1973 and ending June 30, 1975, the following amounts, or so much
4 thereof as may be necessary, to be used in the manner designated:

5		1973-74	1974-75
6		<u>Fiscal Year</u>	<u>Fiscal Year</u>

7 IOWA CRIME COMMISSION

8	For salaries, support, maintenance and miscellaneous purposes:		
9	.....	\$38,900	\$40,210

1 SEC. 2. The legislative council shall appoint a liaison committee
2 consisting of members who serve on the joint subcommittee on trans-
3 portation and law enforcement of the committees on appropriations, to
4 review the operations of the Iowa crime commission. The legislative
5 council shall authorize the meetings of the liaison committee. The
6 liaison committee may require reports from the Iowa crime commis-
7 sion and shall meet with the Iowa crime commission or with any
8 person for the purpose of obtaining information. A report of the
9 findings and recommendations of the liaison committee shall be made
10 to the legislative council and to the members of the general assembly.
11 Per diem and expenses of the liaison committee shall be paid in the
12 same amounts and in the same manner that subcommittees of standing
13 committees are paid, from funds available under section two point
14 twelve (2.12) of the Code.

1 SEC. 3. All federal grants to and the federal receipts of the Iowa
2 crime commission are appropriated for the purpose set forth in the
3 federal grants or receipts.

1 SEC. 4. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 6. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 19, 1973.

CHAPTER 19

IOWA STATE ARTS COUNCIL

S. F. 580

AN ACT to make an appropriation from the general fund of the state to the Iowa state arts council.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state of Iowa for each fiscal year of the biennium beginning July 1,
 3 1973 and ending June 30, 1975, to the Iowa state arts council the fol-
 4 lowing amounts, or so much thereof as may be necessary, to be used
 5 for the following purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 ARTS COUNCIL, IOWA STATE		
9 1. For salaries, support, maintenance and miscellaneous purposes:		
10 -----	\$ 28,600	\$ 28,690
11 2. For special projects to match federal grants: -----		
12 -----	\$ 20,300	\$ 19,000
13 3. For direct expense for programs: -----	\$ 1,500	\$ 1,500
14 Total for Iowa state arts council -----	\$ 50,400	\$ 49,190

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 3. All federal grants to and the federal receipts of the Iowa
 2 state arts council are appropriated for the purpose set forth in the
 3 federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert
 5 to the state treasury and to the credit of the fund from which appro-
 6 priated. In all other respects the provisions of section eight point
 7 thirty-three (8.33) of the Code shall apply to appropriations made for
 8 the first fiscal year of such biennium. Unencumbered or unobligated
 9 balances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 19, 1973.

CHAPTER 20

PIONEER LAWMAKERS

S. F. 563

AN ACT to make an appropriation from the general fund of the state to the pioneer lawmakers, the Spanish-American war veterans, and the commission on the status of women.

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

SECTION 1. There is appropriated from the general fund of the state of Iowa for each fiscal year of the biennium beginning July 1, 1973 and ending June 30, 1975, to the following state agencies the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. Pioneer lawmakers		
For salaries, support, maintenance and miscellaneous purposes:	\$ 50	\$ 340
2. Spanish-American war veterans		
For salaries, support, maintenance and miscellaneous purposes:	\$ 3,490	\$ 3,490
The director of the department of general services shall provide appropriate desk space for the Spanish-American war veterans in the capitol building.		
3. Status of women, commission on		
For salaries, support, maintenance and miscellaneous purposes:	\$ 27,278	\$ 27,917

SEC. 2. No moneys appropriated by this Act shall be used for capital improvements.

SEC. 3. All federal grants to and the federal receipts of the agency receiving funds under this Act are appropriated for the purpose set forth in the federal grants or receipts.

SEC. 4. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations made by this Act for the first fiscal year of the biennium commencing July 1, 1973 shall, on August 31, 1974, revert to the state treasury and to the credit of the fund from which appropriated. In all other respects the provisions of section eight point thirty-three (8.33) of the Code shall apply to appropriations made for the first fiscal year of such biennium. Unencumbered or unobligated balances of appropriations made for the second fiscal year of such biennium shall be subject to section eight point thirty-three (8.33) of the Code.

SEC. 5. When any of the laws of this state are in conflict with this Act, the provisions of this Act shall govern for the biennium.

Approved June 19, 1973.

CHAPTER 21

EMPLOYMENT SECURITY COMMISSION

H. F. 755

AN ACT making an appropriation from the general fund of the state to the Iowa employment security commission for the administration of the old-age and survivors' insurance system, federal social security system, and the pension and annuity retirement system for public school teachers.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal biennium commencing July 1, 1973 and ending June
3 30, 1975 to the Iowa employment security commission the following
4 amounts, or so much thereof as are necessary, to be used in the manner
5 designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For salaries, support, maintenance and miscellaneous purposes for		
9	the administration of chapters ninety-seven (97) and ninety-seven C		
10	(97C) and section two hundred ninety-four point fifteen (294.15) of		
11	the Code:	\$ 100,880	\$ 100,970

1 SEC. 2. All federal grants to and the federal receipts of the Iowa
2 employment security commission are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 22

MERIT EMPLOYMENT DEPARTMENT

H. F. 736

AN ACT making an appropriation to the Iowa merit employment department and relating to the method of funding the Iowa merit employment department.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975, to the Iowa merit employment department, the
4 following amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	For salaries, support, maintenance and miscellaneous purposes:	
9	\$ 460,253	\$ 481,053

1 SEC. 2. Section nineteen A point eight (19A.8), the last unnum-
2 bered paragraph, Code 1973, is amended to read as follows:

3 The director shall quarterly render a statement to those covered
4 departments which operate in whole or in part from other than gen-
5 eral fund appropriations for a pro rata share of the cost of adminis-
6 tration of the merit employment department. Such expense shall be
7 paid by the state departments or agencies in the same manner as other
8 expenses of such department are paid and *the moneys received shall*
9 ~~constitute a "repayment receipt" to the merit employment department~~
10 *be deposited in the general fund of the state.*

1 SEC. 3. All federal grants to and the federal receipts of the Iowa
2 merit employment department are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 6. When any of the laws of this state are in conflict with sec-
2 tions one (1), three (3) and four (4) of this Act, the provisions of this
3 Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 23

BOARD OF PAROLE

S. F. 538

AN ACT making an appropriation from the general fund of the state of Iowa to the board of parole.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975, to the board of parole, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner
5 designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8		
9		
10		
	PAROLE, BOARD OF	
	For salaries, support, maintenance and miscellaneous purposes:	
	..... \$105,960	\$108,950

1 SEC. 2. All federal grants to and the federal receipts of the depart-
2 ments and divisions receiving funds under this Act are appropriated
3 for the purpose set forth in the federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 31, 1973.

CHAPTER 24

REVENUE DEPARTMENT

S. F. 559

AN ACT appropriating funds from the general fund of the state to the department of revenue for administrative purposes.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the department of revenue for the fiscal biennium commencing
 3 July 1, 1973 and ending June 30, 1975 the following amounts, or so
 4 much thereof as are necessary, to be used for the purposes designated:
 5
 6

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

7 For salaries, support, maintenance and miscellaneous purposes:

8	\$5,990,403	\$6,298,166
---------	-------------	-------------

1 SEC. 2. All federal grants to and the federal receipts of the depart-
2 ment of revenue are appropriated for the purpose set forth in the fed-
3 eral grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bienn-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 25

TRUST FUNDS ALLOCATED

S. F. 232

AN ACT to appropriate from moneys received by certain commissions, boards, and departments.

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

1 SECTION 1. For the following commissions, boards, and depart-
2 ments, there is appropriated all funds received under authority of the

3 designated chapters or sections of the Code for each fiscal year of the
4 biennium beginning July 1, 1973 and ending June 30, 1975. The follow-
5 ing amounts, or so much thereof as may be necessary, are authorized
6 to be expended from said receipts to be used for the following pur-
7 poses:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
10 1. BOARD OF ACCOUNTANCY—chapter one hundred sixteen (116) of 11 the Code:		
12 For salaries, support, maintenance, equipment and miscellaneous 13 purposes	\$ 53,900	\$ 56,840
14 2. BOARD OF ARCHITECTURAL EXAMINERS—chapter one hundred eigh- 15 teen (118) of the Code:		
16 For salaries, support, maintenance, equipment and miscellaneous 17 purposes	\$ 20,060	\$ 20,530
18 3. DEPARTMENT OF BANKING—chapter five hundred twenty-four 19 (524) of the Code:		
20 For salaries, support, maintenance, equipment and miscellaneous 21 purposes	\$1,391,760	\$1,484,030
22 4. STATE BOARD OF ENGINEERING EXAMINERS—chapter one hundred 23 fourteen (114) of the Code:		
24 For salaries, support, maintenance, equipment and miscellaneous 25 purposes	\$ 54,910	\$ 56,680
26 5. BOARD OF EXAMINERS IN WATCHMAKING—chapter one hundred 27 twenty (120) of the Code:		
28 For salaries, support, maintenance, equipment and miscellaneous 29 purposes	\$ 6,900	\$ 7,000

1 SEC. 2. The remainder of each of the various funds referred to in
2 section one (1) of this Act is appropriated for contingencies arising
3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way of
4 a bill, proposed bill, amendment to a bill, written document, or a pro-
5 posal which is documented by the minutes, records, or reports of a
6 committee or subcommittee, and which failed to be enacted into law;
7 however, for the purpose of this Act, a necessity of additional operat-
8 ing funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
10 be allocated for contingencies, it shall be determined by the executive
11 council that a contingency exists and that the contingency was neither
12 existent while the general assembly was in session nor reasonably
13 foreseeable at that time, and that the proposed allocation shall be for
14 the best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974 revert

5 to the state treasury and to the credit of the fund from which appro-
 6 priated. The commissions, boards and departments to which this
 7 appropriation is made may make application to the appropriation
 8 committee for the reappropriation of any funds that do revert, or
 9 probably will revert upon the dates herein set and the respective ap-
 10 propriation committee or a subcommittee thereof shall hold a hearing
 11 upon such application while the general assembly is in regular session.
 12 In all other respects the provisions of section eight point thirty-three
 13 (8.33) of the Code shall apply to appropriations made for the first
 14 fiscal year of the biennium. Unencumbered or unobligated balances of
 15 appropriations made for the second fiscal year of such biennium shall
 16 be subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 5. Where any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved May 7, 1973.

CHAPTER 26

GENERAL SERVICES REVOLVING FUND

S. F. 535

AN ACT to appropriate and authorize expenditures from moneys received by the depart-
 ment of general services revolving fund.

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

1 SECTION 1. There is appropriated, and the director of general ser-
 2 vices is authorized to expend, from the general services revolving fund,
 3 established under section nineteen B point nine (19B.9) of the Code,
 4 for each fiscal year of the biennium commencing July 1, 1973 and end-
 5 ing June 30, 1975, the following amounts, or so much thereof as may
 6 be necessary, to be used in the manner designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
9 For salaries, support, maintenance and miscellaneous purposes:		
10	\$211,990	\$219,160

1 SEC. 2. The remainder of the general services revolving fund is
 2 appropriated for the payment of expenses incurred through purchases
 3 by various state departments and for contingencies arising during the
 4 biennium which are legally payable from this fund.

1 SEC. 3. A contingency shall not include any purpose or project
 2 which was presented to the general assembly or any standing commit-
 3 tee or subcommittee of a standing committee by any person by way of
 4 a bill, proposed bill, amendment to a bill, written document, or a pro-
 5 posal which is documented by the minutes, records, or reports of a
 6 committee or subcommittee, and which failed to be enacted into law.
 7 For the purpose of this Act a necessity of additional operating funds
 8 may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
 10 be allocated for contingencies, it shall be determined by the executive
 11 council that a contingency exists and that the contingency was neither
 12 existent while the general assembly was in session nor reasonably fore-
 13 seeable at that time, and that the proposed allocation shall be for the
 14 best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
 16 time the general assembly is in session, expenditures for the contin-
 17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances or appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 27

CENTRALIZED PRINTING

S. F. 534

AN ACT to appropriate and authorize expenditures from moneys received by the depart-
 ment of general services centralized printing permanent revolving fund.

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

1 SECTION 1. There is appropriated, and the director of the depart-
 2 ment of general services is authorized to expend from the centralized
 3 printing permanent revolving fund established under section fifteen
 4 point thirty-six (15.36) of the Code, for each fiscal year of the bien-
 5 niem commencing July 1, 1973 and ending June 30, 1975, the following
 6 amounts or so much thereof as may be necessary, to be used in the
 7 following manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
10 For salaries, support, maintenance equipment and miscellaneous		
11 purposes:	\$ 265,115	\$ 273,840

1 SEC. 2. The remainder of the permanent revolving fund is appro-
 2 priated for the expense incurred in supplying paper stock, offset print-
 3 ing, copy preparation, binding, original payment of printing and bind-

4 ing claims, and contingencies arising during the biennium which are
5 legally payable from this fund.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way of
4 a bill, proposed bill, amendment to a bill, written document, or a pro-
5 posal which is documented by the minutes, records, or reports of a
6 committee or subcommittee, and which failed to be enacted into law.
7 For the purpose of this Act a necessity of additional operating funds
8 may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
10 be allocated for contingencies, it shall be determined by the executive
11 council that a contingency exists and that the contingency was neither
12 existent while the general assembly was in session nor reasonably fore-
13 seeable at that time, and that the proposed allocation shall be for the
14 best interests of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973, shall on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

Approved June 13, 1973.

CHAPTER 28

CAPITOL PLANNING COMMISSION

H. F. 763

AN ACT to make an appropriation from the general fund of the state to the capitol planning commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa for each fiscal year of the biennium beginning July 1,
3 1973 and ending June 30, 1975, to the capitol planning commission the
4 following amounts, or so much thereof as may be necessary, to be used
5 for the following purposes:

6	1973-74	1974-75
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 9 10	For per diem of \$40 per day and expenses of the commission mem- bers in carrying out their duties under chapter eighteen A (18A) of the Code:	
	\$ 3,650	\$ 3,650

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 29

GENERAL SERVICES DEPARTMENT

S. F. 533

AN ACT making an appropriation from the general fund of the state to the various divi-
sions of the department of general services.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975, for the following divisions of the department of
4 general services, the following amounts, or so much thereof as may be
5 necessary, to be used in the manner designated:

6	1973-74	1974-75
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	1. OFFICE OF THE DIRECTOR	
9	For salaries, support, maintenance and miscellaneous purposes:	
10	\$ 56,100	\$ 55,870
11	2. PRINTING DIVISION—GENERAL OFFICE	
12	For salaries, support, maintenance and miscellaneous purposes:	
13	\$ 120,730	\$ 77,390

14	3. GENERAL ADMINISTRATION		
15	For salaries, support, maintenance and miscellaneous purposes:		
16	.....	\$ 976,030	\$1,040,570
17	4. PUBLIC BUILDINGS AND GROUNDS		
18	For salaries, support, maintenance and miscellaneous purposes, and		
19	also for maintenance repairs, replacements, alterations, or equipment		
20	of public buildings and grounds subject to approval of the executive		
21	council:	\$1,319,796	\$1,363,741
22	5. COMMUNICATIONS DIVISION		
23	For salaries, support, maintenance and miscellaneous purposes:		
24	.....	\$ 54,110	\$ 55,300
25	Total	\$2,526,766	\$2,592,871

1 SEC. 2. All federal grants to and the federal receipts of the depart-
2 ments and divisions receiving funds under this Act are appropriated
3 for the purpose set forth in the federal grants or receipts.

1 SEC. 3. No monies appropriated by this Act shall be used for capi-
2 tal improvements, except such expenditures from funds appropriated
3 to the division of public buildings and grounds when approved by the
4 executive council.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 30

VALLEY BANK BUILDING

S. F. 575

AN ACT appropriating moneys to the department of general services for renovation of the Valley Bank building.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of general services for the fiscal biennium
3 commencing July 1, 1973 and ending June 30, 1975 the sum of two

4 hundred thirteen thousand seven hundred fifty (213,750) dollars, or
 5 so much thereof as is necessary, to be used for the purposes of repair-
 6 ing and renovating the Valley Bank building.

1 SEC. 2. Before any of the funds appropriated by this Act shall be
 2 expended it shall be determined by the director of general services,
 3 with the approval of the executive council, that the expenditure shall
 4 be for the best interest of the state.

1 SEC. 3. If there exists any unforeseen condition relating to the
 2 repair and renovation of the Valley Bank building, which condition is
 3 not included in the contract executed for the repair and renovation,
 4 such unforeseen condition may be considered a contingency by the
 5 executive council and funds to correct the unforeseen condition may
 6 be expended from the contingency fund appropriated to the executive
 7 council.

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

Approved June 19, 1973.

I hereby certify that the foregoing Act, Senate File 575, was published in the Times-
 Democrat, Davenport, Iowa, June 25, 1973, and in The Denison Bulletin, Denison, Iowa,
 June 26, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 31

IOWA AERONAUTICS COMMISSION APPROPRIATION

S. F. 499

AN ACT to appropriate from moneys received by the Iowa aeronautics commission.

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

1 SECTION 1. For the Iowa aeronautics commission, there is appro-
 2 priated all funds received in the state aviation fund under authority
 3 of chapter three hundred twenty-eight (328) of the Code, for each
 4 fiscal year of the biennium, beginning July 1, 1973 and ending June 30,
 5 1975. The following amounts, or so much thereof as may be necessary,
 6 are authorized to be expended from said receipts to be used for the
 7 following purposes, to wit:

8		1973-74	1974-75
9		<u>Fiscal Year</u>	<u>Fiscal Year</u>
10	AERONAUTICS COMMISSION, IOWA		
11	For salaries, support, maintenance, equipment and miscellaneous		
12	purposes:	\$222,978	\$217,886

1 SEC. 2. The remainder of the state aviation fund is appropriated
 2 for contingencies arising during the biennium which are legally pay-

3 able from the fund and for aeronautical purposes authorized by section
4 three hundred twenty-eight point twelve (328.12) of the Code.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way of
4 a bill, proposed bill, amendment to a bill, written document, or a pro-
5 posal which is documented by the minutes, records, or reports of a
6 committee or subcommittee, and which failed to be enacted into law;
7 however, for the purpose of this Act a necessity of additional operat-
8 ing funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
10 be allocated for contingencies, it shall be determined by the executive
11 council that a contingency exists and that the contingency was neither
12 existent while the general assembly was in session nor reasonably
13 foreseeable at that time, and that the proposed allocation shall be for
14 the best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such
10 biennium shall be subject to section eight point thirty-three (8.33) of
11 the Code.

1 SEC. 5. All federal grants to and the federal receipts of the aero-
2 nautics commission are appropriated for the purpose set forth in the
3 federal grants or receipts.

1 SEC. 6. Where any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved May 15, 1973.

CHAPTER 32

COMMERCIAL FEED FUND APPROPRIATION

H. F. 743

AN ACT increasing an appropriation from the commercial feed fund.

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

1 SECTION 1. Acts of the Sixty-fourth General Assembly, 1971 Ses-
2 sion, chapter eleven (11), section one (1), subsection one (1), is
3 amended to read as follows:

4 1. Department of agriculture—commercial feed fund—chapter one
 5 hundred ninety-eight (198) of the Code:
 6 For salaries, support, maintenance, equipment and miscellaneous
 7 purposes: \$ 319,831 \$ ~~333,191~~
 8 \$ 354,391

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Greene
 3 Recorder, a newspaper published in Greene, Iowa, and in the Hampton
 4 Chronicle, a newspaper published in Hampton, Iowa.

Approved May 24, 1973.

I hereby certify that the foregoing Act, House File 743, was published in The Greene Recorder, Greene, Iowa, May 30, 1973, and in the Hampton Chronicle, Hampton, Iowa, May 31, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 33

SOIL CONSERVATION

H. F. 737

AN ACT to appropriate from the general fund of the state to the department of soil conservation.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, for the department of soil conservation, the
 4 following amounts, or so much thereof as may be necessary, to be used
 5 for the following purposes:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 DEPARTMENT OF SOIL CONSERVATION

9 1. General office.

10 For salaries, support, maintenance and miscellaneous purposes in-
 11 cluding expenses necessary to discharge duties under chapter four
 12 hundred sixty-seven D (467D) of the Code. .. \$ 155,320 \$ 158,790

13 2. Soil Conservation Committee.

14 a. To carry on soil conservation work in soil conservation districts
 15 organized under the soil conservation districts laws of the state of
 16 Iowa; for aid to soil conservation districts for district commissioners'
 17 expenses, stationery, postage and other uses as they may be authorized
 18 by the state soil conservation committee, to be allocated on a needs
 19 basis. \$ 125,000 \$ 125,000

20 b. For personnel, technicians and clerical salaries and their neces-
 21 sary expenses, equipment, and materials to be assigned to the soil con-
 22 servation districts by the soil conservation committee on a need basis.
 23 \$1,009,735 \$ 1,053,722

24 c. For participation in and conjunction with the federal government
 25 or any of its agencies in joint operations of watershed planning and
 26 development within the state of Iowa. \$ 60,000 \$ 60,000

27	d. For use and expenditures in participation and conjunction with		
28	the soil conservation service, United States department of agriculture,		
29	and state agencies in joint operations in conducting soil surveys on		
30	lands within the state of Iowa.	\$ 215,000	\$ 215,000
31	Grand total	<u>\$1,565,055</u>	<u>\$1,612,512</u>

1 SEC. 2. All federal grants to and the federal receipts of the agency
2 and its divisions receiving funds under this Act are appropriated for
3 the purpose set forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements of the department.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 34

DAIRY INDUSTRY COMMISSION APPROPRIATION

S. F. 489

AN ACT to appropriate money from the dairy industry fund to the Iowa dairy industry commission.

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

1 SECTION 1. There is appropriated from the dairy industry fund
2 to the Iowa dairy industry commission under chapter one hundred
3 seventy-nine (179) of the Code for each year of the biennium begin-
4 ning July 1, 1973 and ending June 30, 1975, the following amounts,
5 or so much thereof as may be necessary, to be used for the following
6 purposes:

7		1973-74	1974-75
8		Fiscal Year	Fiscal Year
9	For salaries, support, maintenance, equipment and miscellaneous		
10	purposes	\$289,600	\$289,480

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-

3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on September 30, 1974, revert
 5 to the state treasury and to the credit of the dairy industry fund from
 6 which appropriated. The department of agriculture and Iowa dairy
 7 industry commission may make application to the committees on
 8 appropriations for the reappropriation of any funds that do revert,
 9 or probably will revert upon the dates herein set and the respective
 10 committees on appropriations or a subcommittee thereof shall hold a
 11 hearing upon the application while the general assembly is in regular
 12 session. In all other respects the provisions of section eight point
 13 thirty-three (8.33) of the Code shall apply to appropriations made for
 14 the first fiscal year of such biennium. Unencumbered or unobligated
 15 balances of appropriations made for the second fiscal year of such
 16 biennium shall be subject to section eight point thirty-three (8.33) of
 17 the Code.

1 SEC. 3. Where any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved May 15, 1973.

CHAPTER 35

GEOLOGICAL SURVEY AND NATURAL RESOURCES COUNCIL

S. F. 553

AN ACT making appropriations to and relating to the financing of certain state agencies whose duties relate to the use of natural resources of this state.

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

1 SECTION 1. For the following state agencies there is appropriated
 2 from the general fund of the state for each fiscal year of the biennium
 3 commencing July 1, 1973 and ending June 30, 1975, the following
 4 amounts, or so much thereof as is necessary to be used in the manner
 5 designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 1. GEOLOGICAL SURVEY		
9 a. General office		
10 For salaries, support, maintenance and miscellaneous purposes and		
11 stream gauging:	\$595,362	\$580,928
12 b. Iowa coal research project:	\$148,068	\$ 95,712
13 2. NATURAL RESOURCES COUNCIL, IOWA		
14 For salaries, support, maintenance and miscellaneous purposes:		
15	\$278,336	\$287,068

1 SEC. 2. Section four hundred fifty-five A point nineteen (455A.19),
 2 subsection five (5), Code 1973, is amended to read as follows:

3 5. The applicant for a permit shall pay a fee to the council in the
 4 amount of ~~fifteen~~ *twenty-five* dollars at the time of filing his applica-
 5 tion which fee shall include the cost of publishing notice and which
 6 publication shall then be paid for by the council. Such fee shall be

7 used by the council for administering this chapter, including the pay-
8 ment of expenses incurred in publishing legal notice.

1 SEC. 3. Notwithstanding the provisions of section four hundred
2 fifty-five A point seventeen (455A.17) of the Code, the Iowa natural
3 resources council may perform its statutory duties relating to uses and
4 developments of water resources of this state without meeting the pro-
5 visions of a comprehensive statewide plan for the control, utilization
6 and protection of the water resources of the state until such time as
7 the plan is prepared and completed.

1 SEC. 4. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of the biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of the bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 6. All federal grants to and the federal receipts of the agen-
2 cies receiving funds under this Act are appropriated for the purpose
3 set forth in the federal grants or receipts.

1 SEC. 7. Where any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 36

COMMERCE COMMISSION

S. F. 524

AN ACT making an appropriation from the general fund of the state to the Iowa state
commerce commission and its divisions.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa state commerce commission and its divisions for the
3 biennium beginning July 1, 1973 and ending June 30, 1975, the follow-
4 ing amounts, or so much thereof as may be necessary, to be used in the
5 manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	1. GENERAL ADMINISTRATION	
9	For salaries, support, maintenance and miscellaneous purposes:	
10	..... \$ 234,940	\$ 239,270

11	2. MOTOR TRANSPORTATION DIVISION		
12	For salaries, support, maintenance and miscellaneous purposes:		
13	-----	\$ 522,140	\$ 536,310
14	3. WAREHOUSE DIVISION		
15	For salaries, support, maintenance and miscellaneous purposes:		
16	-----	\$ 154,720	\$ 156,610
17	4. UTILITIES DIVISION		
18	For salaries, support, maintenance and miscellaneous purposes:		
19	-----	\$ 991,350	\$ 987,620
20	Grand total of all appropriations for each fiscal year of the biennium		
21	of the Iowa state commerce commission:	\$1,903,150	\$1,919,810

1 SEC. 2. All federal grants to and the federal receipts of the Iowa
 2 state commerce commission and its divisions are appropriated for the
 3 purpose set forth in the federal grants or receipts.

1 SEC. 3. No funds appropriated by this Act shall be used for capital
 2 improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 37

CONSERVATION COMMISSION

S. F. 521

AN ACT to appropriate from the general fund of the state of Iowa to the state conser-
 vation commission.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state of Iowa to the state conservation commission for the biennium
 3 beginning July 1, 1973 and ending June 30, 1975, the following
 4 amounts, or so much thereof as may be necessary, to be deposited in
 5 the state conservation fund and used for the following purposes, to
 6 wit:

7	1973-74	1974-75
8	<u>Fiscal Year</u>	<u>Fiscal Year</u>
9	1. Division of lands and waters.	
10	For salaries, support, maintenance and miscellaneous purposes of	
11	the division, maintenance of state parks, waters, and forests, prison	
12	labor programs and including not more than seven hundred twenty-	
13	three thousand four hundred and eighty (723,480) dollars for the	
14	fiscal year ending June 30, 1974 and not more than seven hundred	
15	forty-four thousand three hundred (744,300) dollars for the fiscal	
16	year ending June 30, 1975 which shall be available for the administra-	
17	tion fund in compliance with the provisions of section one hundred	
18	seven point seventeen (107.17) of of* the Code:	
19	\$2,024,490	\$2,157,310
20	2. State advisory board for preserves.	
21	For salaries, support, maintenance and miscellaneous purposes for	
22	carrying out the duties of the board: \$ 20,750 \$ 22,040	
23	3. For land surveys to establish and identify the boundaries to	
24	state owned land along the Missouri and Mississippi rivers:	
25	\$ 20,000	\$ 40,000

1 SEC. 2. All federal grants to and the federal receipts of these de-
 2 partments and divisions thereof are appropriated for the purpose set
 3 forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974 revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of the biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

*According to enrolled Act.

CHAPTER 38

CONSERVATION COMMISSION

S. F. 518

AN ACT relating to the administration fund of the state conservation commission.

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

1 SECTION 1. The transfer of funds to the administration fund of
2 the state conservation commission in compliance with the provisions
3 of section one hundred seven point seventeen (107.17) of the Code
4 shall not exceed the following stated amounts for each year of the
5 biennium:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 From the state conservation fund:	\$723,480	\$744,300
9 From the state fish and game protection fund:		
10 -----	\$723,480	\$744,300

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of transfers or appropriations made by this Act for the first
4 fiscal year of the biennium commencing July 1, 1973 shall on August
5 31, 1974 revert to the state treasury and to the credit of the fund from
6 which transferred or appropriated. In all other respects the provisions
7 of section eight point thirty-three (8.33) of the Code shall apply to
8 appropriations made for the first fiscal year of the biennium. Unen-
9 cumbered or unobligated balances of transfers or appropriations made
10 for the second fiscal year of such biennium shall be subject to section
11 eight point thirty-three (8.33) of the Code.

1 SEC. 3. All receipts and all refunds and reimbursements related to
2 activities funded by the administration fund are appropriated to the
3 administration fund.

1 SEC. 4. The functions of county conservation board activities,
2 planning and coordination, and the conservation education center near
3 Springbrook state park shall be included within the division of admin-
4 istration of the state conservation commission in addition to the cur-
5 rent functions.

1 SEC. 5. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 39

FISH AND GAME PROTECTION FUND

S. F. 520

AN ACT to appropriate the fish and game protection fund for use by the state conservation commission.

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

SECTION 1. There is appropriated all funds in the state fish and game protection fund for use by the state conservation commission for the biennium beginning July 1, 1973 and ending June 30, 1975. The following amounts, or so much thereof as may be necessary, are authorized to be expended from said fund to be used for the following purposes, to wit:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

DIVISION OF FISH AND GAME

For salaries, support, maintenance, equipment and miscellaneous purposes, including not more than seven hundred twenty-three thousand four hundred eighty (723,480) dollars for the fiscal year ending June 30, 1974 and seven hundred forty-four thousand three hundred (744,300) dollars for the fiscal year ending June 30, 1975 which shall be available from the state fish and game protection fund for the administration fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code:		
.....	\$4,290,760	\$4,409,140

SEC. 2. For capital improvements and contingencies arising during the biennium which are legally payable from the fish and game protection fund there is appropriated from the fish and game protection fund a sum not to exceed three million eight hundred ninety-one thousand (3,891,000) dollars, or so much thereof as is necessary.

SEC. 3. A contingency shall not include any purpose or project which was presented to the general assembly or any standing committee or subcommittee of a standing committee by any person by way of a bill, proposed bill, amendment to a bill, written document, or a proposal which is documented by the minutes, records, or reports of a committee or subcommittee, and which failed to be enacted into law; however, for the purpose of this Act a necessity of additional operating funds may be construed as a contingency.

Before any of the funds authorized to be expended by this Act shall be allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was neither existent while the general assembly was in session nor reasonably foreseeable at that time, and that the proposed allocation shall be for the best interest 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.

SEC. 4. All refunds and reimbursements, including federal moneys, received during the biennium shall be credited to the state fish and game protection fund.

1 SEC. 5. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of the biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 6. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 40

AMUSEMENT RIDES INSPECTION

S. F. 346

AN ACT appropriating funds to the bureau of labor for deposit in the amusement inspection fund to finance amusement ride inspections.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the fiscal period commencing January 1, 1973 and ending
 3 June 30, 1973 to the bureau of labor for deposit in the amusement
 4 inspection fund, the sum of twenty-two thousand six hundred forty-six
 5 (22,646) dollars, or so much thereof as may be necessary, to carry out
 6 the provisions of chapter eighty-eight A (88A) of the Code.

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Betten-
 3 dorf News, a newspaper published in Bettendorf, Iowa, and in the
 4 LeMars Daily Sentinel, a newspaper published in LeMars, Iowa.

Approved May 7, 1973.

I hereby certify that the foregoing Act, Senate File 346, was published in the Bettendorf News, Bettendorf, Iowa, May 10, 1973, and in the LeMars Daily Sentinel, LeMars, Iowa, May 10, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 41

MOTOR VEHICLE FUEL TAX ADMINISTRATION

S. F. 562

AN ACT to make an appropriation from the motor vehicle fuel tax fund to the department of revenue.

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

1 SECTION 1. There is appropriated from the motor vehicle fuel tax
2 fund for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975 to the department of revenue the following
4 amounts, or so much thereof as may be necessary, to be used for the
5 following purposes:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	DEPARTMENT OF REVENUE		
9	For salaries, support, maintenance and miscellaneous purposes for		
10	the administration and enforcement of the provisions of chapter three		
11	hundred twenty-four (324) of the Code.	\$966,409	\$991,837

1 SEC. 2. The funds appropriated by this Act shall be segregated
2 and maintained in a separate account and used only for the purposes
3 of administering the provisions of chapter three hundred twenty-four
4 (324) of the Code.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 42

MOTOR FUEL TAX REFUNDS

S. F. 561

AN ACT to make an appropriation from the motor vehicle* fuel tax fund to the state comptroller.

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

1 SECTION 1. There is appropriated from the motor vehicle* fuel tax
2 fund for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975 to the state comptroller the following amounts,
4 or so much thereof as may be necessary to be used for the following
5 purpose:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8	For salaries, support, maintenance and defraying other expenses in		
9	writing motor vehicle* fuel tax refund warrants and keeping neces-		
10	sary records:	\$ 8,300	\$ 8,300

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973, shall on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

Approved June 13, 1973.

*According to enrolled Act.

CHAPTER 43

NURSING EXAMINERS APPROPRIATION

S. F. 231

AN ACT to make a supplemental appropriation from moneys received by the board of nursing examiners.

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

1 SECTION 1. Acts of the General Assembly, 1971 Session of the
2 Sixty-fourth General Assembly, Chapter twenty-four (24), Section
3 one (1), Subsection seven (7), is amended to read as follows:

4		1971-72	1972-73
5		<u>Fiscal Year</u>	<u>Fiscal Year</u>

6 7. Board of nurse examiners—nurses fund
7 —section one hundred forty-seven point one
8 hundred seven (147.107) of the Code:

9	For salaries, support, maintenance, equip-		
10	ment and miscellaneous purposes	\$129,460.00	\$136,640.00
11			\$147,475.00
12	<i>For salaries, support, maintenance, equipment and miscellaneous</i>		
13	<i>expenses for employees of a governor's commission to study nursing in</i>		
14	<i>Iowa and for travel and related expenses of the commission members</i>		
15	.....	0	\$ 17,600.00
16	<i>Total for board of nurse examiners</i>	<i>\$129,460.00</i>	<i>\$165,075.00</i>

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, the unencumbered or unobligated bal-
3 ances of moneys appropriated by this Act for the governor's commis-
4 sion to study nursing in Iowa shall revert to the nurses' fund under
5 section one hundred forty-seven point one hundred seven (147.107)
6 of the Code on July 1, 1974.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Times-
3 Democrat, a newspaper published in Davenport, Iowa, and in The
4 Maquoketa Community Press, a newspaper published in Maquoketa,
5 Iowa.

Approved April 2, 1973.

I hereby certify that the foregoing Act, Senate File 231, was published in the Times-
Democrat, Davenport, Iowa, April 6, 1973, and in The Maquoketa Community Press,
Maquoketa, Iowa, April 10, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 44

COMMISSION ON AGING APPROPRIATION

H. F. 291

AN ACT making an appropriation to the commission on aging.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa for the commission on aging for each fiscal year of the
3 biennium commencing July 1, 1973 and ending June 30, 1975, the
4 following amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For salaries, support, maintenance, and miscellaneous purposes:		
9	.....	\$35,650	\$38,830

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 8, 1973.

CHAPTER 45

DRUG ABUSE AUTHORITY

S. F. 537

AN ACT making an appropriation from the general fund of the state to the Iowa drug abuse authority.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the biennium beginning July 1, 1973 and ending June 30,
 3 1975, for the Iowa drug abuse authority, the following amounts, or
 4 so much thereof as may be necessary, to be used in the manner desig-
 5 nated:

	<u>1973-74</u>	<u>1974-75</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
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20		

1 1. General Office
 2 For salaries, support, maintenance and miscellaneous purposes:

3	\$ 62,990	\$ 63,476
4	.....
5	\$116,750	\$116,500

6 2. For grants to community groups, local government, and district
 7 or regional bodies for programs to combat drug abuse:

8	\$116,750	\$116,500
---	-----------	-----------

9 3. The Iowa drug abuse authority shall submit a report to the joint
 10 subcommittees on human resources of the committees on appropria-
 11 tions of the general assembly on or before January 7, 1974 which
 12 report shall include, but not necessarily be limited to, the amounts
 13 granted to each community group, local government, district, or re-
 14 gional body, the number of people served, and the potential needs of
 15 each community group, local government, district, or regional body.

1 SEC. 2. All federal grants to and the federal receipts of the Iowa
 2 drug abuse authority are appropriated for the purpose set forth in the
 3 federal grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 4. Where any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved May 31, 1973.

CHAPTER 46

COMMISSION FOR THE BLIND

S. F. 543

AN ACT to appropriate from the general fund of the state for the Iowa commission for the blind.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the Iowa commission for the blind for each year of the bien-
 3 nium beginning July 1, 1973 and ending June 30, 1975, the following
 4 amounts, or so much thereof as may be necessary, to be used for the
 5 following purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 IOWA COMMISSION FOR THE BLIND		
9 For salaries, support, maintenance and miscellaneous purposes:		
10	\$470,500	\$492,500
11 For the training and education of multiple handicapped blind chil-		
12 dren:	\$ 7,500	\$ 7,500
13 Total Iowa commission for the blind:	\$478,000	\$500,000

1 SEC. 2. All federal grants to and the federal receipts of the com-
 2 mission are appropriated for the purpose set forth in such federal
 3 grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-

7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 47

HIGHWAY COMMISSION APPROPRIATION

S. F. 508

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

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

1 SECTION 1. There is appropriated from the primary road fund to
2 the state highway commission the sum of two million nine hundred
3 ten thousand (2,910,000) dollars, or so much thereof as may be neces-
4 sary, to be used in the following manner:

- 5 1. Land and improvements for field operation facilities: ..\$2,500,000
- 6 2. Ames area improvements: remodel old main office building and a
7 second elevator in new administration building: 410,000

8 Grand total of all appropriations for all purposes of this Act for the
9 state highway commission:\$2,910,000

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

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1977
2 of the appropriation made by this Act shall revert to the primary road
3 fund as of such date.

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

Approved May 15, 1973.

CHAPTER 48

WORKMEN'S COMPENSATION CLAIMS

S. F. 503

AN ACT making an appropriation from the primary road fund to the industrial commission for payment of workmen's compensation claims of employees of the state highway commission.

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

1 SECTION 1. There is appropriated from the primary road fund to
2 the industrial commission for each year of the biennium beginning
3 July 1, 1973 and ending June 30, 1975 the following amounts, or so
4 much thereof as may be necessary, to be used in the manner desig-
5 nated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

6			
7			
8			
9			
10			
11	For the purpose of paying properly established claims under the provisions of chapter eighty-five (85) of the Code, of employees or on behalf of employees or dependents of employees of the state highway commission:	\$150,000	\$150,000

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 3. When any provision of the laws of this state are in conflict
2 with this Act, the provisions of this Act shall govern for the biennium.

Approved May 24, 1973.

CHAPTER 49

HISTORICAL SOCIETY

S. F. 558

AN ACT to appropriate funds from the general fund of the state to the state historical society.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state historical society for each fiscal year of the biennium
3 commencing July 1, 1973 and ending June 30, 1975, the following

4 amounts, or so much thereof as may be necessary, to be used in the
5 manner designated:

6	1973-74	1974-75
7	Fiscal Year	Fiscal Year
8	For salaries, support, maintenance and miscellaneous purposes:	
9	\$ 170,983	\$ 177,822

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 50

HERBERT HOOVER BIRTHPLACE AND MISSISSIPPI RIVER PARKWAY APPROPRIATIONS

S. F. 488

AN ACT making appropriations to certain state agencies.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the Herbert Hoover Birthplace Foundation, Incorporated,
3 and the Mississippi river parkway commission for each fiscal year of
4 the biennium commencing July 1, 1973 and ending June 30, 1975, the
5 following amounts, or so much thereof as may be necessary, to be used
6 in the manner designated:

7	1973-74	1974-75
8	Fiscal Year	Fiscal Year
9	1. HERBERT HOOVER BIRTHPLACE FOUNDATION, INCORPORATED.	
10	For support, maintenance and miscellaneous purposes:	
11	\$2,730	\$2,730
12	2. MISSISSIPPI RIVER PARKWAY COMMISSION.	
13	For support, maintenance and miscellaneous purposes:	
14	\$8,500	\$5,800

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements. Any balance remaining in the funds for which
 3 appropriations are made by this Act at the end of the first fiscal year
 4 of the biennium shall carry forward to the second fiscal year of the
 5 biennium.

1 SEC. 3. All federal grants to and the federal receipts of the agen-
 2 cies receiving funds under this Act are appropriated for the purpose
 3 set forth in the federal grants or receipts.

Approved May 15, 1973.

CHAPTER 51

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

H. F. 572

AN ACT to make appropriations to members of the advisory investment board of the Iowa public employees' retirement system.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the following named persons the amounts set opposite their
 3 respective names in full settlement of all per diem claims they may
 4 have against the state for services rendered as members of the advi-
 5 sory investment board of the Iowa public employees' retirement system
 6 appointed in accordance with section ninety-seven B point eight
 7 (97B.8) of the Code:

8 James W. Griffin, Sr.	\$200
9 Leonard C. Andersen	\$240

1 SEC. 2. The state comptroller is authorized to issue his warrants
 2 to the persons named in this Act in the amounts stated, and the trea-
 3 surer of state is directed to pay the same from the general fund of the
 4 state of Iowa.

1 SEC. 3. The acceptance of said sums by the persons named in this
 2 Act shall be in full settlement of all claims against the state of Iowa
 3 growing out of the claims described.

1 SEC. 4. Section ninety-seven B point eight (97B.8), Code 1973, is
 2 amended to read as follows:

3 **97B.8 Advisory investment board.** A board shall be established
 4 to be known as the "Advisory Investment Board of the Iowa Public
 5 Employees' Retirement System", hereinafter called the "board", whose
 6 duties shall be to advise and confer with the commission in matters
 7 relating to the investment of the trust funds of the Iowa public em-
 8 ployees' retirement system. The powers of the board shall be purely
 9 advisory and the commission shall not be bound in the making of any
 10 investment by the recommendations of the board. The board shall con-

11 sist of five* members. Three* of the members shall be appointed by the
 12 governor, one of whom shall be an executive of a domestic life insur-
 13 ance company, one an executive of a state or national bank operating
 14 within the state of Iowa, and the third shall be an executive of a major
 15 industrial corporation located within the state of Iowa.* The president
 16 of the senate shall appoint one member from the membership of the
 17 senate and the speaker of the house of representatives shall appoint
 18 one member from the membership of the house. The two members
 19 appointed by the president of the senate and the speaker of the house
 20 of representatives* shall be ex officio members of the board. Members
 21 appointed by the governor* shall be paid their actual expenses incurred
 22 in performance of their duties and shall receive in addition thereto the
 23 sum of twenty-five* dollars for each day of service not exceeding forty
 24 days per year. ~~Ex officio~~ *Legislative* members shall receive *the sum of*
 25 *forty dollars for each day of service and their acutal*** expenses in-
 26 curred in the performance of their duties.* *The per diem and expenses*
 27 *of the legislative members shall be paid from funds appropriated*
 28 *under section two point twelve (2.12) of the Code.* The appointive
 29 terms of the members appointed by the governor shall be for a period
 30 of six years dating from July 1 of the year in which they are appointed,
 31 but the governor shall designate, in the case of the original appointees,
 32 one who shall serve for a period of two years, a second who shall serve
 33 for a period of four years, and a third who shall serve for a period of
 34 six years.* In the event of vacancy, through resignation or any other
 35 cause, in the membership of the board, the governor shall have the
 36 power of appointment. Appointees to this board shall be subject to
 37 confirmation by a two-thirds vote of the senate, but in the event of
 38 interim appointments, such confirmation shall be necessary at the next
 39 session of the senate.

Approved May 25, 1973.

*See earlier amendments by ch. 149 herein.

**According to enrolled Act.

CHAPTER 52

I.P.E.R.S. APPROPRIATION

H. F. 403

AN ACT to appropriate from the Iowa Public Employees' Retirement System fund to the employment security commission for costs of the administration of the Iowa Public Employees' Retirement System.

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

1 SECTION 1. There is appropriated from the Iowa public employees'
 2 retirement system fund for each fiscal year of the biennium beginning
 3 July 1, 1973 and ending June 30, 1975 for the employment security
 4 commission, the following amounts, or so much thereof as may be
 5 necessary, to be used for the following purposes:

6		1973-74	1974-75
7		Fiscal Year	Fiscal Year
8	For salaries, support, maintenance, and miscellaneous purposes to		
9	pay the costs of the administration of the Iowa public employees' re-		
10	irement system.	\$613,000	\$630,090

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

Approved May 8, 1973.

CHAPTER 53

MOTOR VEHICLE INSPECTION FUND

H. F. 765

AN ACT to appropriate from moneys received by the department of public safety motor vehicle inspection fund.

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

1 SECTION 1. There is appropriated and the commissioner of public
2 safety may expend from the money received by the department of
3 public safety under section three hundred twenty-one point two hun-
4 dred thirty-eight (321.238) of the Code, known as the motor vehicle
5 inspection fund, for each year of the biennium beginning July 1, 1973
6 and ending June 30, 1975, the following amounts, or so much thereof
7 as may be necessary to be used for the following purposes:

8		1973-74	1974-75
9		Fiscal Year	Fiscal Year
10	For salaries, support, maintenance and miscellaneous purposes:		
11	.....	\$ 178,450	\$ 180,800

1 SEC. 2. The remainder of the fund referred to in section one (1)
2 of the Act is appropriated and may be expended by the commissioner
3 of public safety for contingencies arising during the biennium which
4 are legally payable from the fund.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way of
4 a bill, proposed bill, amendment to a bill, written document, or a pro-

5 posal which is documented by the minutes, records, or reports of a
6 committee or subcommittee, and which failed to be enacted into law;
7 however, for the purpose of this Act a necessity of additional operating
8 funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
10 be allocated for contingencies, it shall be determined by the executive
11 council that a contingency exists and that the contingency was neither
12 existent while the general assembly was in session nor reasonably fore-
13 seeable at that time, and that the proposed allocation shall be for the
14 best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 54

IOWA LAW ENFORCEMENT ACADEMY

S. F. 525

AN ACT making an appropriation from the general fund to the Iowa law enforcement academy.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the Iowa law enforcement academy for the biennium begin-
3 ning July 1, 1973 and ending June 30, 1975, the following amounts, or
4 so much thereof as may be necessary, to be used in the manner desig-
5 nated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6 IOWA LAW ENFORCEMENT ACADEMY		
7 For salaries, support, maintenance and miscellaneous purposes:		
8	\$255,300	\$259,850

1 SEC. 2. All federal grants to and the federal receipts of the Iowa
2 law enforcement academy are appropriated for the purpose set forth
3 in the federal grants or receipts.

1 SEC. 3. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-

7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 55

MIDWEST NUCLEAR COMPACT

S. F. 560

AN ACT making an appropriation for membership in the midwest nuclear compact.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the midwest nuclear compact for payment of the state's mem-
 3 bership, as provided in chapter eight B (8B) of the Code, for each year
 4 of the fiscal biennium beginning July 1, 1973 and ending June 30, 1975,
 5 the sum of ten thousand eight hundred fifty-three (10,853) dollars, or
 6 so much thereof as may be necessary.

Approved June 13, 1973.

CHAPTER 56

INAUGURAL APPROPRIATION

H. F. 612

AN ACT to appropriate funds to defray expenses of the inaugural ceremonies.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state the sum of ten thousand two hundred two dollars and ninety-
 3 seven cents (\$10,202.97), or so much thereof as may be necessary, to
 4 pay the expenses incurred on account of the inaugural ceremonies and
 5 reception.

6 Warrants for payment of expenses authorized under this Act shall
 7 be drawn in favor of the adjutant general upon the filing of vouchers
 8 therefor with the state comptroller.

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The

- 3 Nashua Reporter, a newspaper published in Nashua, Iowa, and in the
- 4 Onawa Democrat, a newspaper published in Onawa, Iowa.

Approved May 15, 1973.

I hereby certify that the foregoing Act, House File 612, was published in The Nashua Reporter, Nashua, Iowa, May 23, 1973, and in the Onawa Democrat, Onawa, Iowa, May 24, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 57

IOWA RECIPROCITY BOARD

H. F. 721

AN ACT making an appropriation from the general fund of the state to the Iowa reciprocity board.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium commencing July 1, 1973 and
 3 ending June 30, 1975 for the Iowa reciprocity board, the following
 4 amounts, or so much thereof as may be necessary, to be used for the
 5 following purposes, to wit:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 IOWA RECIPROCITY BOARD.

9 1. For salaries, support, maintenance and miscellaneous purposes.
 10 \$227,700 \$231,450

1 SEC. 2. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 3. Where any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 58

HIGHER EDUCATION FACILITIES COMMISSION

H. F. 683

AN ACT to appropriate from the general fund of the state to the higher education facilities commission administrative funds and funds for the medical student tuition loan program.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa to the higher education facilities commission for each
3 fiscal year of the biennium beginning July 1, 1973 and ending June 30,
4 1975, the following amounts, or so much thereof as may be necessary
5 to be used for the following designated purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

6		
7		
8	1. HIGHER EDUCATION FACILITIES COMMISSION. For salaries, sup-	
9	port, maintenance and miscellaneous purposes:	
10	.....	\$115,040 \$118,520

11	2. MEDICAL STUDENT TUITION LOAN PROGRAM. For each year of the	
12	biennium commencing July 1, 1973 and ending June 30, 1975, to con-	
13	tinue finance loans to Iowa resident medical students under the provi-	
14	sions of section two hundred sixty-one point two (261.2) of the Code,	
15	the following amounts:	\$ 95,560 \$ _____

16 Funds appropriated pursuant to subsection two (2) of this section
17 to finance loans to Iowa resident medical students during the 1973-1974
18 fiscal year shall be made available only to those students who receive
19 funds under such program from funds appropriated for the 1971-1973
20 fiscal biennium.

1 SEC. 2. All federal grants to and the federal receipts of the com-
2 mission are appropriated for the purpose set forth in such federal
3 grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the
8 first fiscal year of such biennium. Unencumbered or unobligated bal-
9 ances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 14, 1973.

CHAPTER 59

HIGHER EDUCATION FACILITIES APPROPRIATION

S. F. 345

AN ACT appropriating funds to the higher education facilities commission to finance tuition grants.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa to the higher education facilities commission for the bien-
3 nium beginning July 1, 1973 and ending June 30, 1975, the following
4 amounts, or so much thereof as may be necessary, to be used for the
5 following purpose:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

8 TUITION GRANT PROGRAM

9 To finance tuition grants to full-time resident students attending
10 accredited private institutions of higher education in Iowa under sec-
11 tions two hundred sixty-one point nine (261.9) to two hundred sixty-
12 one point sixteen (261.16), inclusive, of the Code:

13	\$6,000,000	\$6,000,000
----------	-------------	-------------

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the general fund of the state. The higher education facilities commis-
6 sion may make application to the committees on appropriations for the
7 reapportionment of any funds that do revert, or probably will revert
8 upon the dates herein set and the respective committees on appropria-
9 tions or a subcommittee thereof shall hold a hearing upon such appli-
10 cation while the general assembly is in regular session. In all other
11 respects the provisions of section eight point thirty-three (8.33) of the
12 Code shall apply to appropriations made for the first fiscal year of such
13 biennium. Unencumbered or unobligated balances of appropriations
14 made for the second fiscal year of such biennium shall be subject to
15 section eight point thirty-three (8.33) of the Code.

1 SEC. 3. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved May 17, 1973.

CHAPTER 60

WAR ORPHANS' FUND APPROPRIATION

H. F. 625

AN ACT relating to war orphans' educational aid fund and making an appropriation to the bonus board.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the bonus board for each fiscal year of the biennium commencing
3 July 1, 1973 and ending June 30, 1975, the following amounts, or
4 so much thereof as may be necessary, to be used in the manner designated:
5

6	1973-74	1974-75
7	Fiscal Year	Fiscal Year

8	BONUS BOARD, WAR ORPHANS' EDUCATIONAL AID FUND	
9	For the purpose of administration and aiding in the education of	
10	children of honorably discharged soldiers, sailors, marines, nurses, or	
11	other component part of the military forces of this state or nation as	
12	specified in section thirty-five point nine (35.9), Code 1973:	
13	.....\$55,000	\$55,000

1 SEC. 2. All federal grants to and the federal receipts of the bonus
2 board are appropriated for the purpose set forth in the federal grants
3 or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements. Any balance remaining in the funds for which
3 appropriations are made by this Act at the end of the first fiscal year
4 of the biennium shall carry forward to the second fiscal year of the
5 biennium.

Approved May 8, 1973.

CHAPTER 61

MONEYS AND CREDITS REPLACEMENT FUND

H. F. 750

AN ACT making an appropriation to the moneys and credits replacement fund.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the moneys and credits replacement fund established in section
3 four hundred twenty-two point seventy-eight (422.78) of the Code,
4 the following amounts, or so much thereof as may be necessary to be
5 used for the following purpose:

6	1973-74	1974-75
7	Fiscal Year	Fiscal Year
8	For payments to counties as provided in section four hundred	
9	twenty-two point seventy-eight (422.78) of the Code:	
10	.....\$2,500,000	\$2,500,000

1 SEC. 2. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 3. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

CHAPTER 62

MUNICIPAL ASSISTANCE FUND

S. F. 552

AN ACT to appropriate from the general fund of the state to the municipal assistance fund.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the municipal assistance fund, established in section four hun-
 3 dred five point one (405.1) of the Code, for each fiscal year of the
 4 biennium beginning July 1, 1973 and ending June 30, 1975, the follow-
 5 ing amounts, or so much thereof as may be necessary, to be used for
 6 the following purposes:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
9 For state assistance to municipalities, with distribution in accord-		
10 ance with section four hundred five point one (405.1) of the Code:		
11	\$5,000,000	\$5,000,000

1 SEC. 2. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973, shall on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

Approved May 24, 1973.

CHAPTER 63

CLAIMS SETTLEMENTS

H. F. 735

AN ACT to make appropriations to certain persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa to the following persons the amount set opposite their
3 respective names in full settlement of all claims which they may have
4 against the state of Iowa.

5	Claimant	Claim No.	Nature of Claim	Amount
6	Allamakee County			
7	Department of Social			
8	Services			
9	Waukon, Iowa	2475-64-25	Foster Care	\$2,544.63
10	Larry Wayne Ross		Registration	
11	Des Moines, Iowa	2905-64-25	Fee Refund	\$ 387.00
12	Allmakee* County			
13	Department of Social			
14	Services			
15	Waukon, Iowa	50-65-25	Foster Care	\$3,538.50
16	Allamakee County			
17	Department of Social			
18	Services			
19	Waukon, Iowa	185-65-25	Foster Care	\$3,015.87
20	Buchanan County			
21	Department of Social			
22	Services			
23	Independence, Iowa	222-65-25	Foster Care	\$4,804.53
24	Morrell Employees'			
25	Credit Union		License Fee	
26	Ottumwa, Iowa	385-65-25	Refund	\$ 52.90
27	Rodney Laverne Kroemer		License Fee	
28	Ft. Collins, Colorado	832-65-25	Refund	\$ 13.00

Approved May 24, 1973.

*According to enrolled Act.

CHAPTER 64

VIETNAM VETERANS

H. F. 656

AN ACT creating a veterans' service compensation fund, appropriating moneys from the general fund of the state for deposit in the service compensation fund, providing administrative procedures, and providing a penalty.

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

1 SECTION 1.

2 1. There is appropriated from the general fund of the state for
3 the fiscal year beginning July 1, 1973 and ending June 30, 1974 the
4 sum of eighteen million (18,000,000) dollars and for the fiscal year
5 beginning July 1, 1974, and ending June 30, 1975 the sum of ten mil-
6 lion (10,000,000) dollars, or so much thereof as may be necessary, for
7 deposit in a service compensation fund, hereby created, to be used in
8 the manner provided in this Act.

9 2. If during the fiscal year beginning July 1, 1973 there are on file
10 with the service compensation board approved applications which
11 result in a total valid claim of in excess of eighteen million dollars,
12 the service compensation board shall certify such fact to the state
13 comptroller who shall transfer funds sufficient to satisfy all valid
14 applications to the service compensation fund. Such funds trans-
15 ferred shall be deducted from the appropriation for the fiscal year
16 beginning July 1, 1974.

17 3. Unencumbered funds appropriated by this Act which are avail-
18 able on June 30, 1977 shall on that date revert to the general fund
19 of the state.

1 SEC. 2. NEW SECTION. **Persons entitled to receive compensation.**

2 Every person who served not less than one hundred twenty days on
3 active duty, in the armed forces of the United States, at any time
4 between July 1, 1958 and ending on August 4, 1964, both dates inclu-
5 sive, and who at the time of entering into service was a legal resident
6 of the state of Iowa, and who had maintained such residence for a
7 period of at least six months immediately prior thereto, and was hon-
8 orably separated or discharged from such service, or is still in active
9 service in an honorable status, or has been retired, or has been fur-
10 loughed to a reserve, or has been placed on inactive status, shall be
11 entitled to receive from the service compensation fund seventeen dol-
12 lars and fifty cents, if he earned either a Vietnam service medal or an
13 armed forces expeditionary medal-Vietnam, or can otherwise estab-
14 lish service in Vietnam during that period, for each month that such
15 person was in the Vietnam service area, between July 1, 1958 and
16 August 4, 1964, both dates inclusive, not to exceed a total sum of five
17 hundred dollars.

18 Every person otherwise qualified under this section and who earned
19 either a Vietnam service medal or an armed forces expeditionary
20 medal-Vietnam for service between the period commencing August 5,
21 1964 and ending June 30, 1973, or can otherwise establish service in
22 the Vietnam service area during that period, shall be entitled to re-
23 ceive from the service compensation fund seventeen dollars and fifty
24 cents for each month that such person was in the Vietnam service
25 area and twelve dollars and fifty cents for each month that such per-

26 son was not in the Vietnam service area, not to exceed a total sum of
27 five hundred dollars.

28 Every person otherwise qualified under this section, except that he
29 did not earn either the Vietnam service medal or the armed forces
30 expeditionary medal-Vietnam, and did not serve in the Vietnam ser-
31 vice area, shall be entitled to receive from the service compensation
32 fund twelve dollars and fifty cents for each month that such person
33 was in active service during the time between August 5, 1964 and
34 June 30, 1973, both dates inclusive, not to exceed a total sum of three
35 hundred dollars.

36 Compensation under this Act shall not be paid for a fraction of a
37 month unless it be sixteen days or more in which event it shall be
38 computed as a full month.

39 No person shall be entitled to such compensation who received a
40 bonus or compensation of like nature, as provided in this Act, from
41 another state. A person shall not be entitled to such compensation
42 who being in the service of the armed forces of the United States,
43 subsequent to July 1, 1958 refused on conscientious, political, reli-
44 gious, or other grounds to subject himself to military discipline. Ser-
45 vice in the merchant marine shall not be considered for the purposes
46 of this Act. Service for six months or less for the sole purpose of
47 training shall not be considered for the purposes of this Act. The
48 surviving widow or widower, child or children, mother, father, or
49 person standing in loco parentis, in the order named and none other,
50 of any deceased person, shall be paid the compensation that such de-
51 ceased person would be entitled to under this Act, if living; but, if
52 any person has heretofore died or shall hereafter die, or is disabled,
53 from service-connected causes incurred during the period and in the
54 area for which he is able to receive compensation under this Act, and
55 who has not received the benefits of this Act, he or the first of surviv-
56 ors as designated by this Act and in the order named, shall be paid
57 five hundred dollars or three hundred dollars, whichever maximum
58 rate he would have been entitled to receive, regardless of the length
59 of such service. If an eligible beneficiary is a minor at the time com-
60 pensation is payable, the same may be paid to a custodian duly recog-
61 nized by the United States veterans administration.

1 **SEC. 3. NEW SECTION. Definition of active duty.** "Active duty"
2 in the armed forces of the United States means full-time duty in the
3 armed forces of the United States, excluding active duty for training
4 purposes only and excluding any period a person was assigned by the
5 armed forces to a civilian institution for a course of education or
6 training which was substantially the same as established courses
7 offered to civilians, or as a cadet or midshipman, however enrolled,
8 at one of the service academies.

1 **SEC. 4. NEW SECTION. Service compensation board.** There is
2 created a board to be known as the "service compensation board" to
3 consist of the persons who serve on the bonus board created by chap-
4 ter thirty-five (35) of the Code.

1 **SEC. 5. NEW SECTION. Applications for compensation—approval.**
2 It is the duty of the service compensation board to administer the
3 provisions of this Act, to examine all applications and approve or dis-

4 approve the same and make any investigation necessary to establish
5 facts. In the event an application is disapproved by the board, the
6 claimant may appeal to the district court of the state of Iowa in and
7 for the county of his legal residence within a period of thirty days
8 from date of mailing by registered mail of notice of such disapproval.
9 The appeal shall be perfected by filing in the office of the board, a
10 written notice of appeal setting forth the order or finding appealed
11 from and the grounds of the appeal. Within thirty days after the fil-
12 ing of such notice of appeal the board shall make, certify, and file in
13 the office of the clerk of the district court to which the appeal is taken,
14 a full and complete transcript of all documents in the proceeding, in-
15 cluding any depositions, a transcript or certification of the evidence,
16 if reported, including the notice of appeal. The clerk shall immedi-
17 ately docket such appeal. The appeal shall be heard in such district
18 court as in equity de novo. Appeal may be taken to the supreme
19 court from any final order or judgment or decree of the district court.
20 A claimant who successfully appeals the disapproval of an applica-
21 tion shall be paid such amount as he is entitled to as determined by
22 the court from the service compensation fund and, in addition, he shall
23 be paid the actual amount of legal fees incurred which legal fees shall
24 be paid in the same manner as administrative costs. When any appli-
25 cation has been approved by the board, payment shall be made to
26 the applicant in accordance with the provisions of this Act. It is the
27 duty of the board to prepare vouchers and transmit the same to the
28 state comptroller in payment of the compensation claims provided
29 for in this Act and other necessary administrative expenses. The
30 state comptroller shall issue a warrant for the amount stated therein
31 and the treasurer of state shall pay such warrants out of said service
32 compensation fund. The board may employ such assistants and incur
33 such other expenses as may be necessary for such administration and
34 the carrying out of the provisions of this Act, and the funds necessary
35 for such administration and carrying out the provisions of this Act
36 shall be expended from the service compensation fund. Such assist-
37 ants as the board may determine shall be exempt from the provisions
38 of chapter nineteen A (19A) of the Code and shall give bond in an
39 amount as may be fixed by the board, and shall, whenever practicable,
40 be persons within the classes as defined in section two (2) of this Act.
41 The board may make, adopt and promulgate rules and regulations for
42 the carrying out of the provisions of this Act as it deems necessary
43 and expedient and which are not inconsistent with any provisions of
44 this Act.

1 **SEC. 6. NEW SECTION. Time for making applications.** Before
2 receiving any compensation under the provisions of this Act, the
3 claimant, or his successor in interest, shall file with the service com-
4 pensation board, application on forms provided by the board. The
5 application shall be filed within four years subsequent to June 30,
6 1973.

1 **SEC. 7. NEW SECTION. False statement — penalty.** Whoever
2 knowingly makes a false statement, oral or written, relating to a
3 material fact in supporting a claim under the provisions of this Act,
4 shall be punished by a fine of not more than one thousand dollars or
5 be imprisoned for not more than one year, or punished by both such

6 fine and imprisonment, and shall forfeit all benefits he or she might
7 have been entitled to under this Act.

1 SEC. 8. NEW SECTION. **Tax exemption.** All payments and allow-
2 ances made under this Act shall be exempt from taxation and from
3 levy and sale on execution.

Approved July 3, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 65

HEALTH DEPARTMENT

H. F. 752

AN ACT making an appropriation from the general fund of the state for the state department of health and its divisions.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30,
3 1975, to the state department of health and its divisions the following
4 amounts, or so much thereof as may be necessary, to be used in the
5 manner designated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
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7		
8		
9		
10		
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1 SEC. 2. All federal grants to and the federal receipts of the state
2 department of health and its divisions are appropriated for the pur-
3 pose set forth in the federal grants or receipts.

1 SEC. 3. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 5. When any provisions of the laws of this state are in con-
2 flict with this Act in designating certain fund accounts to be used for
3 certain purposes, the provisions of this Act shall govern for the bien-
4 nium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 66

PUBLIC SAFETY DEPARTMENT

H. F. 764

AN ACT to appropriate from moneys received by the department of public safety motor vehicle dealers license fee fund.

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

1 SECTION 1. There is appropriated and the commissioner of public
2 safety may expend from the money received by the department of
3 public safety under section three hundred twenty-two point twelve
4 (322.12) of the Code, known as the motor vehicle dealers license fee
5 fund, for each year of the biennium beginning July 1, 1973 and ending
6 June 30, 1975 the following amounts, or so much thereof as may be
7 necessary, to be used for the following purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year

10	For salaries, support, maintenance and miscellaneous purposes:		
11	.....	\$ 114,040	\$ 118,590

1 SEC. 2. The remainder of the fund referred to in section one (1)
2 of this Act is appropriated and may be expended by the commissioner
3 of public safety for contingencies arising during the biennium which
4 are legally payable from the fund.

1 SEC. 3. A contingency shall not include any purpose or project
 2 which was presented to the general assembly or any standing com-
 3 mittee or subcommittee of a standing committee by any person by
 4 way of a bill, proposed bill, amendment to a bill, written document, or
 5 a proposal which is documented by the minutes, records, or reports
 6 of a committee or subcommittee, and which failed to be enacted into
 7 law; however, for the purpose of this Act a necessity of additional
 8 operating funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
 10 be allocated for contingencies, it shall be determined by the executive
 11 council that a contingency exists and that the contingency was neither
 12 existent while the general assembly was in session nor reasonably for-
 13 seeable at that time, and that the proposed allocation shall be for the
 14 best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
 16 time the general assembly is in session, expenditures for the contin-
 17 gency must be authorized by the general assembly.

1 SEC. 4. The reversion of funds appropriated by this Act which
 2 are unexpended and unencumbered shall be governed by the provi-
 3 sions of section three hundred twenty-two point twelve (§22.12) of
 4 the Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 67

REGULATORY DEPARTMENTS

H. F. 758

AN ACT making an appropriation from the general fund of the state to various regu-
 latory state departments and their divisions.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, for the following state regulatory departments
 4 and their divisions, the following amounts, or so much thereof as may
 5 be necessary, to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8		
9		
10		
11		
12		
13		

1. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries, support, maintenance and miscellaneous purposes:

\$7,105,955 \$7,283,960

2. INDUSTRIAL COMMISSIONER

For salaries, support, maintenance and miscellaneous purposes:

\$ 182,330 \$ 191,610

14	3. INSURANCE DEPARTMENT OF IOWA		
15	For salaries, support, maintenance and miscellaneous purposes:		
16	-----	\$ 864,264	\$ 899,619
17	4. PHARMACY EXAMINERS		
18	For salaries, support, maintenance and miscellaneous purposes:		
19	-----	\$ 148,183	\$ 148,022
20	5. IOWA REAL ESTATE COMMISSION		
21	For salaries, support, maintenance and miscellaneous purposes:		
22	-----	\$ 105,140	\$ 99,780

1 SEC. 2. All federal grants to and the federal receipts of the de-
2 partments and divisions receiving funds under this Act are appropri-
3 ated for the purpose set forth in the federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 68

BEER AND LIQUOR CONTROL

S. F. 494

AN ACT making an appropriation from the general fund of the state of Iowa to the Iowa beer and liquor control department for capital improvements.

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

1 SECTION 1. There is appropriated to the Iowa beer and liquor
2 control department from the general fund of the state for the fiscal
3 year beginning July 1, 1973 the sum of one hundred thousand
4 (100,000) dollars and for the fiscal year beginning July 1, 1974 the sum
5 of one hundred thousand (100,000) dollars or so much thereof as may
6 be necessary, to be used for renovation of stores and equipment which
7 includes new stores and converting to self-service stores.

1 SEC. 2. Before any of the funds appropriated by this Act shall be
2 expended, the Iowa beer and liquor control department with the

3 approval of the governor and the state comptroller shall determine
4 that the expenditures shall be in the best interests of the state.

1 SEC. 3. Any unencumbered or unobligated balances of appropri-
2 ations made by this Act shall, on June 30, 1975, revert to the state
3 treasury and to the credit of the fund from which appropriated.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 69

TRUST FUNDS APPROPRIATED

H. F. 574

AN ACT to appropriate from moneys received by certain commissions, boards and departments.

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

1 SECTION 1. For the following commissions, boards, and depart-
2 ments, there is appropriated all funds received under authority of the
3 designated chapters or sections of the Code, for the biennium begin-
4 ning July 1, 1973 and ending June 30, 1975. The following amounts,
5 or so much thereof as may be necessary, are authorized to be expended
6 from said receipts for each year of the biennium to be used for the
7 following purposes, to wit:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
10 1. Board of funeral directing and embalming examiners fund—sec- 11 tion one hundred forty-seven point one hundred one (147.101) of the 12 Code: 13 For support, maintenance, equipment and miscellaneous purposes. .. 14	\$ 5,740	\$ 6,270
15 2. Board of dentistry fund—section one hundred fifty-three point 16 four (153.4) of the Code: 17 For salaries, support, maintenance, equipment and miscellaneous 18 purposes.	\$ 34,750	\$ 35,220
19 3. State board of optometry examiners fund—section one hundred 20 forty-seven point one hundred seventeen (147.117) of the Code: 21 For salaries, support, maintenance, equipment and miscellaneous 22 purposes.	\$ 9,380	\$ 9,510
23 4. State board of medical examiners fund—section one hundred 24 forty-seven point one hundred three (147.103) of the Code: 25 For salaries, support, maintenance, equipment and miscellaneous 26 purposes.	\$ 81,920	\$ 83,230
27 5. State board of examiners for nursing home administrators fund 28 —section one hundred forty-seven point one hundred twenty-three 29 (147.123) of the Code: 30 For salaries, support, maintenance, equipment and miscellaneous 31 purposes.	\$ 19,230	\$ 19,430

32 6. Chiropractic examining board fund—section one hundred forty-
33 seven point one hundred three (147.103) of the Code:

34 For salaries, support, maintenance, equipment and miscellaneous
35 purposes. \$ 11,570 \$ 12,130

36 7. Board of nurse examiners—nurses fund—section one hundred
37 forty-seven point one hundred seven (147.107) of the Code:

38 For salaries, support, maintenance, equipment and miscellaneous
39 purposes. \$ 202,790 \$ 174,560

40 8. State board of physical therapy examiners fund—section one
41 hundred forty-seven point one hundred fifteen (147.115) of the Code:

42 For salaries, support, maintenance, equipment and miscellaneous
43 purposes. \$ 2,630 \$ 2,690

1 SEC. 2. The remainder of each of the various funds referred to in
2 section one (1) of this Act is appropriated for contingencies arising
3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way
4 of a bill, proposed bill, amendment to a bill, written document, or a
5 proposal which is documented by the minutes, records, or reports of
6 a committee or subcommittee, and which failed to be enacted into law;
7 however, for the purpose of this Act a necessity of additional operat-
8 ing funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act
10 shall be allocated for contingencies, it shall be determined by the exec-
11 utive council that a contingency exists and that the contingency was
12 neither existent while the general assembly was in session nor reason-
13 ably foreseeable at that time, and that the proposed allocation shall
14 be for the best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974 revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made
8 for the first fiscal year of the biennium. Unencumbered or unobli-
9 gated balances of appropriations made for the second fiscal year of
10 such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 5. Where any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

1 SEC. 6. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand forty-five (1045), section two (2), is amended to
3 read as follows:

4 Sec. 2. There is appropriated from the state board of medical
5 examiners fund for the fiscal ~~year~~ years beginning July 1, 1972 and

6 ending June 30, ~~1973~~ 1975 the sum of twelve thousand five hundred
 7 (12,500) dollars, or so much thereof as may be necessary, which sum
 8 shall be deposited in the physicians' assistants fund and used to carry
 9 out the provisions of chapter one hundred thirty-seven (137), Acts
 10 of the Sixty-fourth General Assembly, First Session. Fees collected
 11 pursuant to section seven (7) of chapter one hundred thirty-seven
 12 (137), Acts of the Sixty-fourth General Assembly, First Session, shall
 13 be held in trust during the fiscal year commencing July 1, 1972 for the
 14 purpose of reimbursing the board of medical examiners fund for funds
 15 appropriated by this section. The board of medical examiners in
 16 making its report to the governor and the general assembly as re-
 17 quired by section six (6) of chapter one hundred thirty-seven (137),
 18 Acts of the Sixty-fourth General Assembly, First Session, shall include
 19 within the report a complete accounting of all fees collected and funds
 20 expended. This information shall be forwarded to the committees on
 21 appropriations of each house of the general assembly for review and
 22 for the purpose of aiding such committees in determining the proper
 23 appropriation required to carry out the physicians' assistants pro-
 24 gram.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 70

LABOR BUREAU

H. F. 799

AN ACT to appropriate funds from the general fund of the state to the bureau of labor and to the occupational safety and health review commission.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, to the bureau of labor the following amounts, or
 4 so much thereof as may be necessary, to be used for the following
 5 purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
6		
7		
8		
9		
10		
11		
12		
13		
14		
	For salaries, support, maintenance and miscellaneous purposes: .....	.....
	..... \$ 470,290	\$ 472,250

10 The bureau of labor may sell documents printed by the bureau of
 11 labor at cost according to rules established by the bureau, which rules
 12 shall be subject to chapter seventeen A (17A) of the Code. Receipts
 13 from such sale shall be deposited to the credit of the bureau of labor
 14 and may be used by the bureau for administrative expenses.

1 SEC. 2. There is appropriated from the general fund of the state
 2 for each fiscal year of the biennium beginning July 1, 1973 and ending
 3 June 30, 1975, to the occupational safety and health review commission
 4 the following amounts, or so much thereof as may be necessary, to be
 5 used for the following purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance and miscellaneous purposes:		
9	\$ 15,900	\$ 16,150

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in such federal grants or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such
10 biennium shall be subject to section eight point thirty-three (8.33) of
11 the Code.

1 SEC. 6. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 71

ENVIRONMENTAL QUALITY DEPARTMENT

H. F. 761

AN ACT making an appropriation from the general fund of the state to the department of environmental quality.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of environmental quality for each year of the
3 biennium commencing July 1, 1973 and ending June 30, 1975, the fol-
4 lowing amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance and miscellaneous purposes:		
9	\$ 1,070,766	\$ 1,113,065

1 SEC. 2. All federal grants to and the federal receipts of the
2 department are appropriated for the purpose set forth in such fed-
3 eral grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal
10 year of such biennium shall be subject to section eight point thirty-
11 three (8.33) of the Code.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 72

STATE FAIR AND LOCAL FAIRS

H. F. 760

AN ACT to appropriate from the general fund of the state of Iowa to the Iowa state fair board for maintenance of buildings and for agricultural societies.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state fair board for each fiscal year of the biennium begin-
3 ning July 1, 1973 and ending June 30, 1975, the following amounts, or
4 so much thereof as may be necessary, to be used in the manner desig-
5 nated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

1 The appropriations for state aid to agricultural societies shall be
2 deemed conditional on full compliance with all other statutes which
3 regulate and prescribe the conditions under which such aid is payable.
4 In no case shall any county receive more than two thousand one hun-
5 dred (2,100) dollars, except that in a county where there are two
6 definitely separate county extension offices, each such society shall
7 receive state aid in such amount as it would be entitled to if it were
8 the only society in the county. In counties having more than one fair
9 entitled to state aid, the state aid available for the county shall be
10 prorated to said fairs on the basis of cash premiums paid by said fairs.

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal year
 10 of such biennium shall be subject to section eight point thirty-three
 11 (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 73

CONSERVATION COMMISSION

S. F. 588

AN ACT making an appropriation to the state conservation commission to carry out certain designated programs.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the state conservation commission for the fiscal biennium
 3 beginning July 1, 1973 and ending June 30, 1975, the following
 4 amounts, or so much thereof as may be necessary, to be used in the
 5 manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8		
9		
10	\$40,000	\$40,000
11		
12	\$40,000	\$40,000

1 SEC. 2. All federal grants to and federal receipts of such program
 2 are appropriated for the purpose set forth in such federal grants or
 3 receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973, shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of the biennium. Unencumbered or un-
 9 obligated balances of appropriations made for the second fiscal year

10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with
2 this Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 74

CONSERVATION COMMISSION

S. F. 577

AN ACT to appropriate from the general fund of the state to the state conservation commission for the open space land acquisition program.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa to the state conservation commission for the biennium
3 beginning July 1, 1973 and ending June 30, 1975, two million
4 (2,000,000) dollars, or so much thereof as may be necessary, to be used
5 for the acquisition of land available from willing sellers, but not includ-
6 ing abandoned railroad right-of-way, which would qualify under the
7 following categories:

- 8 1. Significant river, lake, wetland, prairie, forest or other biologi-
9 cally significant areas within the state.
- 10 2. Lands necessary to consolidate existing public ownership.
- 11 3. In-holdings including abandoned railroad right-of-way within
12 existing public lands.
- 13 4. Lands required for the expansion of existing areas that will re-
14 sult in optimization of management for public recreation opportunities
15 and for the provision of buffer areas to prevent encroachment or con-
16 flicting land uses with that on adjacent public lands.
- 17 5. Lands containing significant archaeological, historical or state
18 preserve values.

1 SEC. 2. The state conservation commission shall acquire by gift
2 or purchase parcels of real property and the improvements thereon
3 or the interests therein for purposes of carrying out the provisions of
4 section one (1) of this Act. Acquisition will follow established con-
5 servation commission policies and procedures for negotiated settle-
6 ments.

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

1 SEC. 4. Any unencumbered balance of the funds appropriated by
2 this Act remaining as of June 30, 1977 shall revert to the general fund
3 of the state as of June 30, 1977.

1 SEC. 5. Where any of the laws of this state are in conflict with
2 this Act, the provisions of this Act shall govern for the biennium.

Approved July 5, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 75

EMPLOYMENT OF HANDICAPPED

S. F. 523

AN ACT making an appropriation to the committee on employment of the handicapped.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa for the committee on employment of the handicapped
3 for each fiscal year of the biennium commencing July 1, 1973 and
4 ending June 30, 1975, the following amounts, or so much thereof as
5 may be necessary, to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	For salaries, support, maintenance, and miscellaneous purposes:	
9	\$ 76,950	\$ 79,650

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 76

SEWAGE WORKS CONSTRUCTION

H. F. 807

AN ACT to appropriate from the general fund of the state to the sewage works construction fund.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30,
3 1975, for the sewage works construction fund under section four hun-
4 dred fifty-five B point sixty-seven (455B.67) of the Code, the following
5 amounts, or so much thereof as may be necessary, to be used for the
6 following purposes:

7		1973-74	1974-75
8		<u>Fiscal Year</u>	<u>Fiscal Year</u>

9 1. For the state's twenty-five percent of the eligible cost of eligible
10 projects as defined under section four hundred fifty-five B point sixty-
11 seven (455B.67), subsection four (4) of the Code, attributable to the
12 period July 1, 1966 through June 30, 1969: .. \$1,500,000 \$1,500,000

13 2. For paying to those municipalities which were eligible for a fifty-
14 five percent grant under the federal Water Pollution Control Act
15 Amendments of 1961, seventy-five (75) stat. two hundred four (204)
16 for which priorities were established by the Iowa water pollution con-
17 trol commission prior to October 18, 1972 and are eligible for seventy-
18 five percent grants under the federal Water Pollution Control Act
19 Amendments of 1972 eighty-six (86) stat. eight hundred sixteen
20 (816), an amount equal to five percent of the amount approved as the
21 estimated cost of the project by the Iowa water pollution control com-
22 mission prior to October 18, 1972: \$3,226,520 \$ —0—

1 SEC. 2. Section four hundred fifty-five B point seventy (455B.70),
2 subsection two (2), Code 1973, is amended by striking the subsection
3 and inserting in lieu thereof the following:

4 2. An agreement by the commission to pay to the municipality, dur-
5 ing the progress of construction or following completion of the con-
6 struction as may be agreed upon by the parties, an amount as deter-
7 mined by appropriation of the general assembly.

1 SEC. 3. Funds appropriated by this Act shall revert under the pro-
2 visions of section eight point thirty-three (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 77

AGRICULTURE DEPARTMENT

S. F. 556

AN ACT to appropriate from moneys received by certain commissions, boards and departments under the jurisdiction of the department of agriculture and raising certain fees of the department of agriculture.

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

1 SECTION 1. For the designated commissions, boards and depart-
2 ments, there is appropriated all funds received under authority of the
3 designated chapters or sections of the Code for the biennium begin-
4 ning July 1, 1973 and ending June 30, 1975. The following amounts,
5 or so much thereof as may be necessary, are authorized to be expended
6 from said receipts to be used for the following purposes, to wit:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

9 1. Department of agriculture—commercial feed fund—chapter one
10 hundred ninety-eight (198) of the Code:

11 For salaries, support, maintenance, equipment and miscellaneous 12 purposes:	\$328,770	\$336,610
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13 2. Department of agriculture—hotel and restaurant fund—chapter
14 one hundred seventy (170) of the Code:

15 For salaries, support, maintenance, equipment and miscellaneous 16 purposes:	\$203,490	\$209,190
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17 3. Department of agriculture—state board of veterinary examiners
18 fund—chapter one hundred sixty-nine (169) of the Code:

19 For salaries, support, maintenance, equipment and miscellaneous 20 purposes:	\$ 4,500	\$ 4,500
--	----------	----------

21 4. Department of agriculture—pesticide fund—chapter two hun-
22 dred six (206) of the Code:

23 For salaries, support, maintenance, equipment and miscellaneous 24 purposes:	\$ 39,980	\$ 41,090
--	-----------	-----------

25 5. Department of agriculture—fertilizer fund—chapter two hun-
26 dred (200) of the Code:

27 For salaries, support, maintenance, equipment and miscellaneous 28 purposes:	\$351,180	\$348,440
--	-----------	-----------

29 6. Department of agriculture—dairy trade practice fund—chapter
30 one hundred ninety-two A (192A) of the Code:

31 For salaries, support, maintenance, equipment and miscellaneous 32 purposes:	\$ 37,440	\$ 38,100
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1 SEC. 2. The remainder of each of the various funds referred to in
2 section one (1) of this Act is appropriated for contingencies arising
3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall not include any purpose or project
2 which was presented to the general assembly or any standing commit-
3 tee or subcommittee of a standing committee by any person by way
4 of a bill, proposed bill, amendment to a bill, written document, or a
5 proposal which is documented by the minutes, records, or reports of
6 a committee or subcommittee, and which failed to be enacted into law;
7 however, for the purpose of this Act a necessity of additional operat-
8 ing funds may be construed as a contingency.

9 Before any of the funds authorized to be expended by this Act shall
10 be allocated for contingencies, it shall be determined by the executive
11 council that a contingency exists and that the contingency was neither
12 existent while the general assembly was in session nor reasonably
13 foreseeable at that time, and that the proposed allocation shall be for
14 the best interest of the state.

15 If a contingency arises or could reasonably be foreseen during the
16 time the general assembly is in session, expenditures for the contin-
17 gency must be authorized by the general assembly.

1 SEC. 4. Section one hundred seventy point five (170.5), subsec-
2 tions eight (8) and nine (9), Code 1973, are amended to read as fol-
3 lows:

4 8. For transient or movable lunch stands to be operated only at
5 fairs, street fairs, and carnivals, five dollars for each location for four-
6 teen days or ~~ten~~ *eighteen* dollars per year, at the option of the appli-
7 cant.

8 9. For each restaurant, tavern, motor inn, or hotel kitchen, ~~ten~~
9 *eighteen* dollars.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 6. Where any laws of this state are in conflict with this Act,
2 provisions of this Act shall govern for the biennium.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 78

BOARD OF REGENTS

S. F. 609

AN ACT to appropriate funds from the general fund of the state of Iowa to the state board of regents for capital improvements and purchases of land for institutions under the state board of regents including construction of new buildings, repairs, improvements, leases, land purchases, equipment, replacements, or alterations, and providing for joint control of the expenditures thereof by the board of regents, the governor, and the state comptroller.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the fiscal biennium beginning July 1, 1973, and ending June

3 30, 1975, to the state board of regents the sum of four million
 4 (4,000,000) dollars, or so much thereof as may be necessary, to be used
 5 to supplement any prior appropriations for capital improvement items
 6 for construction of new buildings and replacement of building space
 7 and equipment lost through fires at the university of northern Iowa.

1 SEC. 2. There is appropriated from the general fund of the state
 2 for the fiscal biennium beginning July 1, 1973, and ending June 30,
 3 1975, to the state board of regents the sum of two million five hundred
 4 thousand (2,500,000) dollars, or so much thereof as may be neces-
 5 sary, to be used to supplement any prior appropriations for capital
 6 improvement items for construction of a steam generator at Iowa
 7 state university of science and technology.

1 SEC. 3. There is appropriated from the general fund of the state
 2 for the fiscal biennium beginning July 1, 1973, and ending June 30,
 3 1975, to the state board of regents the sum of three million five hun-
 4 dred thousand (3,500,000) dollars, or so much thereof as may be nec-
 5 sary, to be used to supplement any prior appropriations for capital
 6 improvement items for construction of new buildings, repairs, im-
 7 provements, purchase of land, leases, equipment, replacements or alter-
 8 ations, or for any other capital expenditures the board of regents may
 9 deem necessary for the proper and necessary function of any institu-
 10 tion under its jurisdiction. Those projects which involve the replace-
 11 ment of buildings, structures, or equipment destroyed by fire or a
 12 natural disaster shall receive highest priority in the expenditure of
 13 funds appropriated under this section.

1 SEC. 4. There is appropriated from the general fund of the state
 2 for the fiscal biennium beginning July 1, 1973, and ending June 30,
 3 1975, to the state board of regents the sum of seven thousand six hun-
 4 dred (7,600) dollars, or so much thereof as may be necessary, to be
 5 used to supplement any prior appropriations for capital improvement
 6 items for replacement of building space and equipment lost through
 7 fires at Iowa state university of science and technology.

1 SEC. 5. There is appropriated from the general fund of the state
 2 for the fiscal biennium beginning July 1, 1973, and ending June 30,
 3 1975, to the state board of regents the sum of seventeen thousand four
 4 hundred (17,400) dollars, or so much thereof as may be necessary, to
 5 be used to supplement any prior appropriations for capital improve-
 6 ment items for replacement of building space and equipment lost
 7 through fires at the state university of Iowa.

1 SEC. 6. Contracts for improvements for which funds are appropri-
 2 ated by this Act shall be submitted by the state board of regents to
 3 the governor and the state comptroller, except that items commonly
 4 known as change orders need not be submitted to the governor and
 5 the state comptroller unless such change orders actually increase the
 6 total cost of that particular project.

1 SEC. 7. The state board of regents, the governor, and the state
 2 comptroller may obtain federal grants for the state to be used in con-
 3 nection with the funds appropriated by this Act.

1 SEC. 8. Following awarding of contract of any project provided in
 2 this Act, the unneeded balance of any appropriation made by this Act

3 for that project may be used to supplement any current, prior, or
4 subsequent appropriation for capital improvements for the board of
5 regents institutions.

1 SEC. 9. Any unencumbered balance of funds appropriated by this
2 Act remaining on June 30, 1977, shall revert to the general fund on
3 June 30, 1977.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 79

BOARD OF REGENTS

S. F. 594

AN ACT to appropriate funds from the general fund of the state to the state board of regents to reimburse state educational institutions for deficiencies in operating revenues resulting from funds pledged to finance academic and administrative buildings and facilities services.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the state board of regents for each year of the biennium
3 beginning July 1, 1973 and ending June 30, 1975, the following
4 amounts, or so much thereof as may be necessary, to be allocated by
5 the board to the state university of Iowa, the Iowa state university of
6 science and technology, and the university of northern Iowa in such
7 amounts as may be necessary to reimburse such institutions for defi-
8 ciencies in their operating funds resulting from the pledging of tui-
9 tions, student fees and charges and institutional income to finance the
10 cost of providing academic and administrative buildings and facilities
11 and utilities services at such institutions of higher learning:

12		1973-74	1974-75
13		<u>Fiscal Year</u>	<u>Fiscal Year</u>
14	STATE BOARD OF REGENTS.		
15	For tuition replacement:	\$3,325,000	\$3,400,000

1 SEC. 2. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

1 SEC. 3. Any balance remaining in the funds to which appropri-
2 ations are made by this Act, at the end of the first fiscal year of the
3 biennium shall carry forward to the beginning of the second fiscal
4 year of the biennium.

1 SEC. 4. All federal grants to and the federal receipts of the state
2 board of regents are hereby appropriated for the purpose set forth in
3 such federal grants or receipts.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 80

SCHOOL AUXILIARY SERVICES

S. F. 554

AN ACT appropriating funds for reimbursing certain school districts for expenditures incurred in providing certain auxiliary services and materials.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for each year of the bien-
3 nium beginning July 1, 1973 and ending June 30, 1975, two million
4 two hundred thousand (2,200,000) dollars or so much thereof as may
5 be necessary for reimbursing public school districts for expenditures
6 incurred in providing services and materials enumerated in section two
7 hundred fifty-seven point twenty-six (257.26) of the Code.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 81

SCHOOL FOOD SERVICE

S. F. 542

AN ACT making an appropriation to the department of public instruction to provide school food service assistance for the purpose of participating in certain federal child nutrition programs.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for the fiscal year com-
3 mencing July 1, 1973, and ending June 30, 1974 the following amount,
4 or so much thereof as may be necessary, to be used in the manner
5 designated:

6
7 1973-74
Fiscal Year

8 DEPARTMENT OF PUBLIC INSTRUCTION FOR SCHOOL FOOD SERVICE AS-
9 SISTANCE.

10 For the purpose of providing assistance to students enrolled in pub-
11 lic school districts of the state for breakfasts, lunches, and minimal
12 equipment programs, the following amount: \$978,000

1 SEC. 2. The funds appropriated by this Act shall be used as state
2 matching funds for federal programs and shall be disbursed according
3 to federal regulations.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on December 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point

7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 82

SCHOOL BUDGET REVIEW COMMITTEE

S. F. 595

AN ACT making an appropriation from the general fund of the state to the department of public instruction for the use of the school budget review committee.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of public instruction for the use of the school
3 budget review committee for the fiscal year commencing July 1, 1973
4 and ending June 30, 1974, the sum of one million (1,000,000) dollars
5 or so much thereof as may be necessary, for supplemental aid to school
6 districts for unusual circumstances pursuant to the provisions of
7 House File three hundred fifty-nine (359), section eleven (11), en-
8 acted by the Sixty-fifth General Assembly, 1973 Session, amending
9 section four hundred forty-two point thirteen (442.13), of the Code
10 by creating subsection six (6).

1 SEC. 2. All unencumbered or unobligated balances of appropriation
2 made by this Act for the first fiscal year of the biennium commencing
3 July 1, 1973 shall carry over for expenditure during the fiscal year
4 commencing July 1, 1974, and, on August 31, 1975 shall revert to the
5 general fund of the state.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 83

MARINE FUEL TAX

H. F. 716

AN ACT appropriating funds transferred to the marine fuel tax fund to the state conservation commission.

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

1 SECTION 1. There is appropriated from the marine fuel tax fund
2 for each fiscal year of the biennium beginning July 1, 1973 and end-
3 ing June 30, 1975 to the state conservation commission, division of
4 lands and waters, such amounts of funds computed as provided in sec-
5 tion three hundred twenty-four point eighty-four (324.84) of the
6 Code, which funds shall be deposited in the state conservation fund
7 for use in the state conservation commission recreational boating pro-

8 gram as provided in subsections one (1) through five (5) of section
9 three hundred twenty-four point seventy-nine (324.79) of the Code.
10 Notwithstanding section two (2) of this Act, the unencumbered or
11 unobligated balances of funds specifically allocated for capital projects
12 shall not revert to the fund from which appropriated until June 30,
13 1977.

14 Not to exceed fifteen percent of the amount appropriated under this
15 section may be spent by the commission for repairs and improve-
16 ments in existing state parks in addition to any specific projects set
17 out in this section.

18 Funds appropriated by this Act for deposit in the state conservation
19 fund, which may be used for administrative purposes, shall be subject
20 to any limitation imposed in any other Act of the general assembly
21 upon the expenditure of funds for administrative purposes, and the
22 provisions of this Act shall not be construed as making available
23 funds for administrative purposes which are in addition to any limi-
24 tation of funds for administrative purposes.

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 3. All federal grants to and the federal receipts of the state
2 conservation commission, division of lands and waters, are appropri-
3 ated for the purpose set forth in the federal grants or receipts.

1 SEC. 4. Where any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 84

TOOLSBORO MOUNDS AND GARDNER LOG CABIN

H. F. 791

AN ACT continuing the appropriation for the development of the Toolsboro mounds and museum area and for development and maintenance of Gardner log cabin.

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

1 SECTION 1. Acts of the Sixty-fourth General Assembly, 1971 Ses-
2 sion, chapter thirty-six (36), section one (1), is amended to read as
3 follows:

4 Section 1. There is appropriated from the general fund of the
 5 state for the ~~biennium~~ *fiscal period* beginning July 1, 1971, and ending
 6 June 30, ~~1973~~ *1974*, to the state historical society the sum of twelve
 7 thousand (12,000) dollars, or so much thereof as may be necessary, to
 8 be used for further development of Toolsboro Mounds and museum
 9 area, and the sum of eight thousand (8,000) dollars, or so much
 10 thereof as may be necessary, to be used for further development and
 11 maintenance of Gardner Log Cabin.

1 SEC. 2. Acts of the Sixty-fourth General Assembly, 1971 Session,
 2 chapter thirty-six (36), section three (3), is amended to read as fol-
 3 lows:

4 Sec. 3. Any unencumbered balance remaining as of June 30, ~~1973~~
 5 *1974*, of the appropriation of this Act shall revert to the general fund
 6 of the state as of June 30, ~~1973~~ *1974*.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 85

CONSERVATION COMMISSION

H. F. 805

AN ACT making an appropriation to the state conservation commission for support of the Missouri River riverfront project.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the state conservation commission for the fiscal year begin-
 3 ning July 1, 1973 and ending June 30, 1974 the sum of thirty thousand
 4 (30,000) dollars, or so much thereof as may be necessary, to be used
 5 for the state's contribution for the support of the Missouri River
 6 riverfront project.

1 SEC. 2. Unencumbered funds as of June 30, 1974 appropriated by
 2 this Act shall revert to the general fund of the state on August 31,
 3 1974.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 86

CAPITOL BUILDINGS

H. F. 778

AN ACT to make an appropriation from the general fund of the state to the department of general services for capital improvements and repairs for certain buildings and facilities.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa for the biennium beginning July 1, 1973 and ending
3 June 30, 1975, to the division of public buildings and grounds of the
4 department of general services the sum of four hundred eight thou-
5 sand (408,000) dollars, or so much thereof as may be necessary, to
6 be used for the following purposes:

7 1. To construct an access for physically-handicapped persons to
8 the historical building.

9 2. To replace exterior doors to the historical building.

10 3. To convert elevators in the Lucas state office building from man-
11 ual to automatic operation.

12 4. To replace sidewalks on the perimeter of the capitol grounds.

13 5. To replace walks at the north steps to the capitol building.

14 6. To restore the ceilings on the first floor of the capitol building.

15 7. To replace dome and roof floodlights.

16 8. To restore the stonefacing ballasters* at the west steps of the
17 capitol building.

18 9. To repair or replace necessary major utilities and equipment.

19 10. To supplement any prior appropriation for capital improve-
20 ments.

21 11. To install appropriate parking stall designations in the parking
22 lot located directly east of the capitol building.

1 SEC. 2. Before any funds appropriated by this Act are expended,
2 it shall be determined by the director of general services that the
3 expenditure is for the best interest of the state.

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

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

*According to enrolled Act.

CHAPTER 87

AGRICULTURE DEPARTMENT

S. F. 555

AN ACT to appropriate from the general fund of the state of Iowa to the department of agriculture and its various divisions.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each year of the biennium beginning July 1, 1973 and ending
 3 June 30, 1975, for the department of agriculture and its divisions, the
 4 following amounts, or so much thereof as may be necessary, to be used
 5 for the following purposes:

	1973-74 Fiscal Year	1974-75 Fiscal Year
6		
7		
8		
9	1. GENERAL ADMINISTRATION.	
10	Main office, plant pest control, sheep promotion, crop pest control,	
11	egg inspection, poultry association—short courses and achievement	
12	shows, vegetable growers association, weather bureau, dairy special-	
13	ists and bacteriologists, entomology, hatchery inspection, disposal of	
14	dead animals, and motor fuel chemists:	
15	For salaries, support, maintenance, and miscellaneous purposes: .....	.....
	\$1,028,793	\$1,056,659
16		
17	2. ANIMAL HEALTH AND VETERINARY.	
18	For salaries, support, maintenance, and miscellaneous purposes; for	
19	control or eradication of contagious and infectious livestock diseases,	
20	including a brucellosis program; indemnities; and assistant state vet-	
	erinarrians' per diem and expenses: .....	.....
	\$ 413,293	\$ 418,961
21	For payment of indemnities for hogs destroyed under the hog chol-	
22	era eradication program in accordance with chapter one hundred sixty-	
23	six B (166B) of the Code:	
	\$ 100,000	\$ 100,000
24		
25	3. AGRICULTURE STATISTICS.	
26	For salaries, support, maintenance, and miscellaneous purposes:	
	\$ 58,600	\$ 58,600
27		
28	4. BEE INSPECTION.	
29	For salaries, support, maintenance, and miscellaneous purposes:	
	\$ 22,343	\$ 22,518
30		
31	5. MARKET NEWS POULTRY.	
32	For support, maintenance, and miscellaneous purposes:	
	\$ 4,600	\$ 4,600
33		
34	6. MOISTURE MEASURING INSPECTION.	
35	For salaries, support, maintenance, and miscellaneous purposes:	
	\$ 40,280	\$ 40,560
36		
37	7. MEAT AND POULTRY INSPECTION.	
38	For salaries, support, maintenance, and miscellaneous purposes:	
	\$ 400,000	\$ 400,000

39	8. STATE HORTICULTURE SOCIETY.		
40	For support, maintenance, and for the purposes and objects for		
41	which the association exists:	\$ 17,325	\$ 17,325
42	9. AGRICULTURE MARKETING DIVISION.		
43	For salaries, support, maintenance, and miscellaneous purposes:		
44	.....	\$ 115,080	—0—
45	Grand total of all divisions of department of agriculture:		
46	.....	\$2,200,314	\$2,119,223

1 SEC. 2. All federal grants to and the federal receipts of these de-
 2 partments and divisions thereof are appropriated for the purpose set
 3 forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 5. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 88
 CIVIL RIGHTS COMMISSION
 H. F. 785

AN ACT to make an appropriation from the general fund of the state to the civil rights commission.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the fiscal year beginning July 1, 1973 and ending June 30,
 3 1974, for the civil rights commission, the following amount, or so much
 4 thereof as may be necessary, to be used in the manner designated:
 5
 6 1973-74
Fiscal Year
 7 For salaries, support, maintenance and miscellaneous purposes:

8	\$ 187,530
---	-------	------------

1 SEC. 2. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 3. All federal grants to and the federal receipts of the agency
2 receiving funds under this Act are appropriated for the purpose set
3 forth in the federal grants or receipts.

1 SEC. 4. The legislative council shall establish a committee com-
2 posed of legislators and such nonlegislative members as the council
3 deems appropriate to study the present statutory duties of the civil
4 rights commission, and what changes, if any, should be made in these
5 duties and the procedures by which these duties are discharged and
6 to determine whether the commission's staff and funding are suffi-
7 cient, excessive or deficient to enable the commission to properly per-
8 form the duties and meet the responsibilities assigned by law. Mem-
9 bers of the study committee shall be subject to the provisions of sec-
10 tion six hundred one A point nine (601A.9), subsection four (4) of
11 the Code, the same as members of the civil rights commission and its
12 staff. The committee is directed to report its conclusions and recom-
13 mendations to the legislative council, and the 1974 Session of the
14 Sixty-fifth General Assembly not later than December 15, 1973.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the fiscal year com-
4 mencing July 1, 1973 shall, on August 31, 1974, revert to the state
5 treasury and to the credit of the fund from which appropriated. In
6 all other respects the provisions of section eight point thirty-three
7 (8.33) of the Code shall apply to appropriations made for the 1973-74
8 fiscal year.

1 SEC. 6. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the 1973-74 fiscal year.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 89

OMBUDSMAN

S. F. 578

AN ACT to appropriate funds to the office of the citizens' aide.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the office of citizens' aide for the fiscal biennium commencing
3 July 1, 1973 and ending June 30, 1975, the following amounts, or so
4 much thereof as is necessary, to be used for the purposes desig-
5 nated:

	1973-74 Fiscal Year	1974-75 Fiscal Year
6		
7		
8		
9		
	1. For salaries, support, maintenance, and miscellaneous purposes:	
	-----	-----
	\$72,250	\$72,710

10 2. To match federal funds available to carry out the provisions of
 11 Senate File 73 of the Sixty-fifth General Assembly, 1973 Session:
 12 ----- \$ 2,640 \$ 2,640
 13 3. Funds appropriated by subsection two (2) of this section shall
 14 only be made available at such time as federal funds are provided to
 15 carry out the provisions of Senate File 73 of the Sixty-fifth General
 16 Assembly, 1973 Session.

1 SEC. 2. All federal grants to and the federal receipts of the office
 2 of citizens' aide are appropriated for the purpose set forth in the fed-
 3 eral grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by subsection one (1) of section one
 4 (1) of this Act for the first fiscal year of the biennium commencing
 5 July 1, 1973 shall, on August 31, 1974, revert to the state treasury
 6 and to the credit of the fund from which appropriated. In all other
 7 respects the provisions of section eight point thirty-three (8.33) of the
 8 Code shall apply to appropriations made by this Act for the first fiscal
 9 year of such biennium. Unencumbered or unobligated balances of
 10 appropriations made for the second fiscal year of such biennium shall
 11 be subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 4. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 90
 PUBLIC DEFENSE
 S. F. 599

AN ACT making an appropriation from the general fund of the state to the department of public defense for various capital improvements, repairs, replacements, alterations, equipment and rehabilitation purposes.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the biennium beginning July 1, 1973 and ending June 30,
 3 1975, to the department of public defense, the sum of five hundred
 4 fifty thousand (550,000) dollars, or so much thereof as may be neces-
 5 sary, to be used for the state's share of the armory construction pro-
 6 gram made available to the state by the federal government for the
 7 acquisition, construction, expansion, rehabilitation and converting
 8 facilities of the administration and training units of the national
 9 guard and state guard; for repairs, replacements, alterations, equip-
 10 ment and rehabilitation of armories in connection with which federal
 11 funds may be accepted; and for repairs, replacements, alterations,

12 equipment and rehabilitation of grounds, buildings and roads at Camp
13 Dodge, Iowa.

14 From the funds appropriated by this section, the sum of one hun-
15 dred ten thousand (110,000) dollars shall be provided for armory con-
16 struction at Iowa Falls, Iowa; however such funds shall not be ex-
17 pended until March 1, 1974.

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

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

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1977,
2 shall revert to the general fund of the state as of June 30, 1977.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 91

IOWA CRIME COMMISSION

S. F. 582

AN ACT to appropriate funds from the general fund to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa crime commission for each year of the biennium com-
3 mencing July 1, 1973 and ending June 30, 1975, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner
5 designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For the purpose of matching federal funds available to the commis-		
9	sion through the Omnibus Crime Control and Safe Streets Act of 1968		
10	as amended by the Omnibus Crime Control Act of 1970:		
11	.....	\$145,000	\$186,000

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

1 SEC. 3. Any allocation of funds from this appropriation shall be
2 approved by the state comptroller and the governor.

1 SEC. 4. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall on June 30, 1977 revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of the bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code, except that all unencumbered or unobligated balances of the
 12 appropriation shall revert to the credit of the fund from which appro-
 13 priated on June 30, 1978.

1 SEC. 5. When any provisions of the laws of this state are in conflict
 2 with this Act, the provisions of this Act shall govern for the biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 92

ACADEMY OF SCIENCE

S. F. 414

AN ACT making an appropriation to the state comptroller for payment of certain pub-
 lication costs of the Iowa academy of science.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each year of the biennium beginning July 1, 1973 and ending
 3 June 30, 1975, to the state comptroller the following amounts, or so
 4 much thereof as may be necessary, to be used in the manner desig-
 5 nated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 STATE COMPTROLLER		
9 For Iowa academy of science publication costs:		
10	\$8,000	\$8,000

1 SEC. 2. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of the
 4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
 5 the state treasury and to the credit of the fund from which appropri-
 6 ated. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to appropriations made for the
 8 first fiscal year of such biennium. Unencumbered or unobligated bal-
 9 ances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

1 SEC. 3. When any provisions of the laws of this state are in con-
2 flict with this Act, the provisions of this Act shall govern for the bien-
3 nium.

1 SEC. 4. No funds appropriated by this Act shall be used for capital
2 improvements.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 93

IOWA DEVELOPMENT COMMISSION

H. F. 757

AN ACT to make an appropriation to the Iowa development commission.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa development commission for each year of the bien-
3 nium commencing July 1, 1973 and ending June 30, 1975, the follow-
4 ing amounts, or so much thereof as may be necessary, to be used in
5 the manner designated:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For salaries, support, maintenance, for agricultural products pro-		
9	motion during the fiscal year commencing July 1, 1973, only, and mis-		
10	cellaneous purposes:	\$ 1,159,000	\$ 1,062,110

1 SEC. 2. From funds appropriated by section one (1) of this Act
2 the Iowa development commission shall allocate not to exceed thirty
3 thousand (30,000) dollars for the seven regional tourism districts, not
4 to exceed five thousand (5,000) dollars per district, if the district
5 which will receive such funds provides on a dollar-to-dollar matching
6 basis funds equal to the amount allocated by the Iowa development
7 commission.

1 SEC. 3. From the funds appropriated by section one (1) of this
2 Act the sum of fifty thousand (50,000) dollars shall be used for aid to
3 cities on a dollar-for-dollar matching basis, which suffer a severe eco-
4 nomic business loss, for the purpose of developing plans and proce-
5 dures to enable cities to study and plan for the restoration of eco-
6 nomic stability within the community.

7 Applications for aid under this section shall be made to the Iowa
8 development commission in the manner determined by the Iowa devel-
9 opment commission. Funds appropriated by this section shall revert
10 to the general fund of the state in the manner provided by section
11 eight point thirty-three (8.33) of the Code, and not as otherwise pro-
12 vided in this Act.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of

4 the biennium commencing July 1, 1973 shall on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal year
 10 of such biennium shall be subject to section eight point thirty-three
 11 (8.33) of the Code.

1 SEC. 5. All federal grants to and the federal receipts of the agency
 2 receiving funds under this Act are appropriated for the purpose set
 3 forth in such federal grants or receipts.

1 SEC. 6. No funds appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 7. When any provisions of the laws of this state are in con-
 2 flict with this Act, the provisions of this Act shall govern for the
 3 biennium.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 94

STATE FAIR CAPITAL IMPROVEMENTS

H. F. 759

AN ACT to appropriate from the general fund of the state to the Iowa state fair board for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the Iowa state fair board for the biennium beginning July 1,
 3 1973 and ending June 30, 1975, the sum of two hundred seventy thou-
 4 sand eight hundred (270,800) dollars, or so much thereof as may be
 5 necessary, to be used for major repairs to buildings and grounds.

6 From the funds appropriated by this section, the sum of seventy
 7 thousand eight hundred (70,800) dollars shall be used for the pur-
 8 chase of real property adjacent to the Iowa state fairgrounds.

1 SEC. 2. Before any of the funds appropriated by this Act shall be
 2 expended it shall be determined by the Iowa state fair board, with
 3 the approval of the executive council, that the expenditure shall be
 4 for the best interest of the state.

1 SEC. 3. Where any of the laws of this state are in conflict with
 2 this Act, the provisions of this Act shall govern for the biennium.

1 SEC. 4. Any unencumbered or unobligated balances of appropria-
 2 tions made by this Act remaining on June 30, 1975 shall revert to the
 3 general fund of the state.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 95

AMERICAN REVOLUTION BICENTENNIAL

H. F. 766

AN ACT continuing the appropriation for the Iowa American revolution bicentennial commission and making an appropriation.

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

1 SECTION 1. Acts of the Sixty-fourth General Assembly, 1971 Ses-
 2 sion, chapter thirty-nine (39), section one (1), is amended to read as
 3 follows:

4 Section 1. There is appropriated from the general fund of the
 5 state to the Iowa American revolution bicentennial commission for
 6 each year of the biennium beginning July 1, 1971 and ending June 30,
 7 1973, the sum of forty thousand (40,000) dollars, or so much thereof
 8 as is necessary for the purpose of carrying out the purposes and duties
 9 of the Iowa American revolution bicentennial commission as provided
 10 in chapter one thousand two hundred eighty-six (1286) of the Acts
 11 of the Sixty-third General Assembly, Second Session. *Unencumbered*
 12 *funds as of June 30, 1973 appropriated by this section shall, notwith-*
 13 *standing the provisions of chapter eight (8) of the Code, be carried*
 14 *over and may be expended during the fiscal biennium commencing*
 15 *July 1, 1973 and ending June 30, 1975. Any unencumbered funds*
 16 *remaining as of June 30, 1975 shall revert to the general fund as of*
 17 *September 30, 1975.*

1 SEC. 2. There is appropriated to the Iowa American revolution
 2 bicentennial commission for each fiscal year of the biennium commenc-
 3 ing July 1, 1973 and ending June 30, 1975, the following amounts, or
 4 so much thereof as may be necessary, to be used in the manner desig-
 5 nated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance, and miscellaneous purposes:		
9	\$ 21,500	\$ 31,500

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal
 10 year of such biennium shall be subject to section eight point thirty-
 11 three (8.33) of the Code.

1 SEC. 4. All federal grants to and the federal receipts of the Iowa
 2 American revolution bicentennial commission are appropriated for
 3 the purpose set forth in the federal grants or receipts.

CHAPTER 97

NEW STATE OFFICE BUILDING AND PLANNING FOR STATE OFFICES

H. F. 770

AN ACT making an appropriation for the planning and constructing of certain state buildings and providing for preliminary planning for space for the general assembly.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state the following amounts, or so much thereof as may be necessary,
3 to be used by the agency and in the manner designated for expenses
4 incurred in the planning and construction of a state office building at
5 the seat of government, and the planning of a state agricultural build-
6 ing:

7 1. For the capitol planning commission for the planning of a state
8 office building according to this Act, including architectural fees
9\$ 100,000

10 2. For the capitol planning commission for the planning of a state
11 agricultural building to be occupied by the department of agriculture
12 and related agencies, including architectural fees\$ 100,000

13 3. For the department of general services for the financing and con-
14 struction of a state office building in accordance with the plans devel-
15 oped under the provisions of this Act\$5,000,000

1 SEC. 2. Plans for the construction of the state office building shall
2 provide for a minimum of one hundred forty thousand square feet
3 with a minimum of seventy-five percent of the net assignable floor
4 space usable by the building occupants. The director of the depart-
5 ment of general services shall cooperate with the capitol planning
6 commission in the preparation of the plans for the state office building.
7 The capitol planning commission shall make periodic reports to the
8 legislative council regarding the development of plans for the con-
9 struction of the state office building and the state agricultural building.
10 The actual construction of the state office building shall commence as
11 soon as possible after approval of the plans by the capitol planning
12 commission.

1 SEC. 3. Fees for architectural services shall be paid only for those
2 services relating to the general contract for the actual construction
3 of a building. It is the intent of this section that no fees shall be paid
4 for architectural services relating to interior furniture, decorating, or
5 other things not a part of the building.

1 SEC. 4. Plans developed by the capitol planning commission shall
2 include recommendations for the relocation of departments now occu-
3 pying space in the capitol in order to make convenient space available
4 for the general assembly including office space, committee rooms, and
5 other facilities. The legislative council may from time to time give
6 directions and make determinations in order to carry out the intent
7 of this section.

1 SEC. 5. The capitol planning commission shall make a report with
2 respect to progress of the state office building and the progress of

3 plans for construction of a state agricultural building to the general
4 assembly meeting in the year 1974. It is the intent of the general
5 assembly in approving this Act that funds will be appropriated for
6 the agricultural office building planned herein in 1974 or as soon there-
7 after as capital funds become available for construction of another
8 building in the capitol complex.

1 SEC. 6. The governor, the director of the department of general
2 services, the capitol planning commission, or the state comptroller
3 are authorized to obtain and accept federal funds available for use in
4 carrying out the projects authorized by this Act.

1 SEC. 7. The capitol planning commission and the department of
2 general services may employ technical assistants in order to carry
3 out the provisions of this Act.

1 SEC. 8. Any unobligated balance of funds as of June 30, 1974
2 appropriated by subsections one (1) and two (2) of section one (1)
3 of this Act shall revert to the credit of the general fund on August
4 31, 1974. Unobligated or unexpended funds appropriated by subsec-
5 tion three (3) of section one (1) of this Act shall not revert to the
6 credit of the general fund but shall be held in trust for use in the con-
7 struction of the agricultural building.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 98

CONSERVATION COMMISSION

H. F. 720

AN ACT to appropriate from the general fund of the state of Iowa to the state conser-
vation commission for carrying out specific projects.

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

1 SECTION 1. There is appropriated to the state conservation com-
2 mission from the general fund of the state of Iowa for the biennium
3 beginning July 1, 1973 and ending June 30, 1975, the sum of three
4 million (3,000,000) dollars, or so much thereof as may be necessary,
5 to be used for construction, replacement, development, and alterations
6 to state parks and preserves, state forests, and state waters includ-
7 ing artificial lake development; erosion and siltation control; river,
8 stream and lake access; and engineering services; or to supplement
9 any prior appropriation for such purposes.

1 SEC. 2. The state conservation commission, the governor, and the
2 state comptroller are authorized to obtain and accept federal grants
3 to the state to be used in connection with the funds appropriated in
4 this Act and federal funds in addition thereto.

1 SEC. 3. When the state conservation commission has approved a
2 project to be financed with funds herein appropriated, a description

3 of said project and estimated cost shall be reported to the governor
4 and state comptroller.

1 SEC. 4. Any unencumbered balance of the funds appropriated by
2 section one (1) of this Act remaining as of June 30, 1977 shall re-
3 vert to the general fund of the state as of June 30, 1977.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 99

IOWA DEVELOPMENT COMMISSION

H. F. 786

AN ACT making an appropriation to the Iowa development commission for the purpose of purchasing certain real property.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the Iowa development commission for the fiscal biennium com-
3 mencing July 1, 1973 and ending June 30, 1975, the sum of three hun-
4 dred thousand (300,000) dollars, or so much thereof as may be nec-
5 essary, for the purchase of real property to be used in the manner
6 and under conditions set forth in this Act.

1 SEC. 2. The moneys appropriated by this Act, or so much thereof
2 as may be necessary, shall be made available to the city of Ames,
3 Iowa, at such time as it is certified to the director of the Iowa devel-
4 opment commission and the state comptroller that the following con-
5 ditions have been met:

6 1. The United States department of agriculture has agreed it will
7 continue and will expand the veterinary biologics facility at Ames,
8 Iowa, on real property purchased through funds appropriated by this
9 Act and pursuant to conditions set forth in this Act.

10 2. The city of Ames, Iowa certifies that the sum of one hundred
11 thousand (100,000) dollars is available from private sources and will
12 be used in purchasing real property to be used by the United States
13 department of agriculture in continuing and expanding the veterinary
14 biologics facility.

15 3. That if the property to be purchased is no longer used as the
16 site for the veterinary biologics facility title to the property will revert
17 to the state of Iowa.

1 SEC. 3. The Iowa development commission shall oversee and be
2 privy to negotiations between the United States department of agri-
3 culture and the city of Ames, Iowa in order to protect the interests

4 of the state. The director of the Iowa development commission shall
5 make periodic reports to the state comptroller and the governor relat-
6 ing to the negotiations and conditions established in this Act.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 100

EDUCATIONAL RADIO AND TELEVISION

H. F. 768

AN ACT to appropriate from the general fund of the state to the department of general services for the state educational radio and television facility board.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of general services for the state educational
3 radio and television facility board for each fiscal year of the bien-
4 nium beginning July 1, 1973 and ending June 30, 1975, the follow-
5 ing amounts, or so much thereof as may be necessary, to be used for
6 the purposes designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
9 1. HEADQUARTERS		
10 For salaries, support, maintenance, and miscellaneous purposes:		
11	\$ 540,825	\$ 558,095
12 2. TRANSMITTERS		
13 For salaries, support, maintenance, and miscellaneous purposes:		
14	\$ 606,579	\$ 980,472
15 3. PRODUCTION		
16 For salaries, support, maintenance, and miscellaneous purposes:		
17	\$ 376,080	\$ 383,250
18 Total:	\$ 1,523,484	\$ 1,921,817

1 SEC. 2. It is the intent of the general assembly in appropriating
2 funds under subsection two (2) of section one (1) of this Act that
3 the sum of two hundred fifty-nine thousand seven hundred fifty-eight
4 (259,758) dollars shall become available for channel 27 in Sioux City,
5 Iowa on July 1, 1974; and the sum of one hundred thirteen thousand
6 two hundred forty-nine (113,249) dollars shall become available for
7 channel 36 in the southwest area of this state on January 1, 1975. If
8 transmitters are not operational upon the dates indicated, the funds
9 available for such transmitters shall become available when the trans-
10 mitters become operational and shall be prorated based upon the
11 period of operation and the funds available as provided in this section.

1 SEC. 3. There is appropriated from the general fund of the state
2 to the department of general services for the state educational radio
3 and television facility board for each year of the fiscal biennium com-
4 mencing July 1, 1973 and ending June 30, 1975 the sum of ten thou-
5 sand (10,000) dollars, or so much thereof as may be necessary, to be

6 used as program acquisition costs to aid in defraying costs of making
7 available programs having educational value to young children to
8 commercial television stations which will carry such programs and
9 which provide television coverage within areas of the state which do
10 not receive coverage from the Iowa educational broadcasting network.

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

1 SEC. 5. NEW SECTION. It is the intent of the general assembly
2 that the state educational radio and television facility board of the
3 department of general services shall not compete with the private sec-
4 tor by actively seeking revenue from its operations. It is not the
5 intent of the general assembly to prohibit the receipt of charitable
6 contributions as defined by section one hundred seventy (170) of the
7 Internal Revenue Code. All monies received after July 1, 1973 by the
8 state educational radio and television facility board of the depart-
9 ment of general services from all sources except amounts appropri-
10 ated by the general assembly or received under section four (4) of
11 this Act shall become the property of the state of Iowa and shall be
12 promptly deposited in the state general fund.

1 SEC. 6. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appropri-
6 ated.

7 In all other respects the provisions of section eight point thirty-three
8 (8.33) of the Code shall apply to appropriations made for the first fis-
9 cal year of such biennium. Unencumbered or unobligated balances of
10 appropriations made for the second fiscal year of such biennium shall
11 be subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 7. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 8. When any of the laws of this state are in conflict with
2 this Act, the provisions of this Act shall govern for the biennium.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 101

HIGHER EDUCATION FACILITIES

H. F. 682

AN ACT to appropriate funds from the general fund of the state to the higher education facilities commission for the state-supported scholarship program and for the vocational-technical tuition grant program which is established.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the higher education facilities commission the following
 3 amounts, or so much thereof as may be necessary, to be used for the
 4 purposes designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
5		
6		
7	SCHOLARSHIP PROGRAM. For each year of the biennium beginning	
8	July 1, 1973, and ending June 30, 1975, to finance scholarships awarded	
9	by the commission under subsection four (4) of section two hundred	
10	sixty-one point two (261.2) of the Code, the following amounts:	
11	\$300,000	\$325,000

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

3 NEW SECTION. Vocational-technical tuition grants.

4 1. A vocational-technical tuition grant may be awarded to any
 5 resident of Iowa who is admitted and in attendance as a full-time
 6 student in a vocational-technical program at an area school in the
 7 state, and who establishes financial need.

8 2. A qualified student may receive vocational-technical tuition
 9 grants for not more than four semesters, eight quarters or the equiva-
 10 lent of two full years of study.

11 3. The amount of a vocational-technical tuition grant shall not
 12 exceed the lesser of four hundred dollars per year or the amount of
 13 the student's established financial need.

14 4. A vocational-technical tuition grant shall be awarded on an an-
 15 nual basis, requiring reapplication by the student for each year. Pay-
 16 ments under the grant shall be allocated equally among the semesters
 17 or quarters of the year upon certification by the institution that the
 18 student is in full-time attendance in a vocational-technical program,
 19 as defined under rules of the department of public instruction. If the
 20 student discontinues attendance before the end of any term after
 21 receiving payment of the grant, the entire amount of any refund
 22 due that student, up to the amount of any payments made under the
 23 annual grant, shall be paid by the institution to the state.

24 5. If a student receives financial aid under any other program, the
 25 full amount of that financial aid shall be considered part of the stu-
 26 dent's financial resources available in determining the amount of his
 27 financial need for that period.

28 6. The higher education facilities commission shall administer this
 29 program and shall:

30 a. Provide application forms for distribution to students by Iowa
 31 high schools and area schools.

32 b. Adopt rules and regulations for determining financial need, de-

33 fining residence for the purposes of this Act, processing and approv-
 34 ing applications for grants and determining priority for grants.

35 c. Approve and award grants on an annual basis.

36 d. Make an annual report to the governor and general assembly.

37 7. Each applicant, in accordance with the rules and regulations
 38 established by the commission, shall:

39 a. Complete and file an application for a vocational-technical tuition
 40 grant.

41 b. Be responsible for the submission of the financial information
 42 required for evaluation of his need for a grant, on forms determined
 43 by the commission.

44 c. Report promptly to the commission any information requested.

45 d. Submit a new application and financial statement for reevalua-
 46 tion of his eligibility to receive a second-year renewal of the grant.

1 SEC. 3. There is appropriated from the general fund of the state of
 2 Iowa, for the fiscal year beginning* July 1, 1974, and ending June 30,
 3 1975, to the higher education facilities commission, the sum of forty
 4 thousand (40,000) dollars, or so much thereof as may be necessary,
 5 to finance the tuition grants awarded under this Act, and the sum of
 6 ten thousand (10,000) dollars, or so much thereof as may be neces-
 7 sary, to provide for administrative costs incurred in the operation of
 8 the vocational-technical tuition grant program.

1 SEC. 4. All federal grants to and the federal receipts of the higher
 2 education facilities commission are appropriated for the purpose set
 3 forth in the federal grants or receipts.

1 SEC. 5. No moneys appropriated by this Act shall be used for cap-
 2 ital improvements.

1 SEC. 6. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal year
 10 of such biennium shall be subject to section eight point thirty-three
 11 (8.33) of the Code.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

*According to enrolled Act.

CHAPTER 102

HIGHWAY COMMISSION

H. F. 703

AN ACT to appropriate from the primary road fund to the state highway commission, and relating to funding of the state highway commission's share for administration of the state merit system and relating to the pay plan for employees under the state merit system.

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

1	SECTION 1. There is appropriated from the primary road fund to		
2	the state highway commission for the biennium beginning July 1, 1973		
3	and ending June 30, 1975, the following amounts, or so much thereof		
4	as may be necessary, to be used in the following manner:		
5		1973-74	1974-75
6		Fiscal Year	Fiscal Year
7	1. ADMINISTRATION:		
8	Salaries including longevity:	\$ 855,007	\$ 878,208
9	Support, maintenance and miscellaneous purposes:		
10	.....	\$ 460,607	\$ 468,525
11	Total administration:	\$ 1,315,614	\$ 1,346,733
12	From the funds provided for administration the members of the state		
13	highway commission may incur actual local office expense not to exceed		
14	five hundred (500) dollars each, except the chairman whose expense		
15	total may not exceed seven hundred fifty (750) dollars.		
16	2. FINANCE AND SUPPORT SERVICES:		
17	Salaries including longevity:	\$ 2,886,776	\$ 2,968,225
18	Support, maintenance and miscellaneous purposes:		
19	.....	\$ 1,704,218	\$ 1,722,320
20	Total support services:	\$ 4,590,994	\$ 4,690,545
21	3. PLANNING:		
22	Salaries including longevity:	\$ 2,225,799	\$ 2,288,910
23	Support, maintenance and miscellaneous purposes:		
24	.....	\$ 581,968	\$ 590,597
25	Total planning:	\$ 2,807,767	\$ 2,879,507
26	4. HEADQUARTERS OPERATION:		
27	Salaries including longevity:	\$ 2,702,338	\$ 2,797,347
28	Support, maintenance and miscellaneous purposes:		
29	.....	\$ 418,051	\$ 426,660
30	Total headquarters operation:	\$ 3,120,389	\$ 3,224,007
31	Total administration, finance and support services, planning and		
32	headquarters operations:	\$11,834,764	\$12,140,792
33	5. DEVELOPMENT:		
34	Salaries including longevity:	\$ 6,074,910	\$ 6,278,109
35	Support, maintenance and miscellaneous purposes:		
36	.....	\$ 1,867,048	\$ 1,862,225
37	Total development:	\$ 7,941,958	\$ 8,140,334

38	6. FIELD OPERATIONS:		
39	Salaries including longevity:	\$30,801,399	\$31,838,495
40	Support, maintenance and miscellaneous purposes:		
41	.....	\$12,254,056	\$12,325,585
42	Total field operations:	\$43,055,455	\$44,164,080
43	7. CONTINGENCY FUND:		
44	General:	\$ 750,000	\$ 250,000
45	To match federal safety funds:	\$ 200,000	\$ 200,000
46	Total contingency fund:	\$ 950,000	\$ 450,000
47	8. ADDITIONAL EQUIPMENT:		
48	Additional equipment is to be purchased to supplement present in-		
49	ventory. All acquisitions, when acquired, will become a part of the		
50	state highway commission materials and equipment revolving fund: ..		
51	.....	\$ 420,000	\$ 250,000
52	9. INVENTORY AND REPLACEMENT EQUIPMENT:		
53	To be deposited in the highway commission materials and equipment		
54	revolving fund established by section three hundred seven point twelve		
55	(307.12) of the Code, for funding the increased replacement cost of		
56	vehicles.	\$ 400,000	\$ 400,000
57	10. UNEMPLOYMENT COMPENSATION:	\$ 485,000	\$ 485,000
58	11. MERIT SYSTEM ADMINISTRATION:		
59	For the purpose of making payments to the Iowa merit employment		
60	department for expenses incurred in administering the merit system		
61	on behalf of the state highway commission, as required by chapter		
62	nineteen A (19A) of the Code:	\$ 125,000	\$ 125,000
63	12. HIGHWAY BEAUTIFICATION FUND:		
64	To be used under provisions of chapter three hundred six C (306C)		
65	of the Code:	\$ —0—	\$ 454,300
66	Grand total of funds appropriated by this Act:		
67	.....	<u>\$65,212,177</u>	<u>\$66,609,506</u>

1 SEC. 2. Unless otherwise provided, the primary road fund is
2 hereby appropriated for highway construction.

1 SEC. 3. All refunds and reimbursements, including federal funds,
2 received during the biennium shall be credited directly to the primary
3 road fund, except the refunds and reimbursements relating to the
4 highway commission materials and equipment revolving fund, the
5 highway safety act funds, the highway beautification fund, and the
6 aircraft revolving fund which shall be credited in the manner provided
7 in section eight point thirty-two (8.32) of the Code.

1 SEC. 4. No moneys appropriated by this Act shall be used for cap-
2 ital improvements, but may be used for overtime pay of employees
3 involved in technical trades.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point

7 thirty-three (8.33) of the Code shall apply to appropriations made
 8 for the first fiscal year of such biennium. Unencumbered or unobli-
 9 gated balances of appropriations made for the second fiscal year of
 10 such biennium shall be subject to section eight point thirty-three
 11 (8.33) of the Code.

1 SEC. 6. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 7. Appropriated funds may be used for the granting of edu-
 2 cational leave upon approval of the commissioners.

1 SEC. 8. It is the intent of the general assembly in making appro-
 2 priations pursuant to this Act, that the moneys available under the
 3 provisions of this Act shall be used to pay salaries and other em-
 4 ployee expenses for four thousand two hundred sixty-six permanent,
 5 full-time persons employed during the 1973-1974 fiscal year, and for
 6 four thousand two hundred seventy permanent, full-time persons em-
 7 ployed during the 1974-1975 fiscal year, and that no more than four
 8 thousand five hundred fifty-four employee positions be created or
 9 authorized during any one of such years. A variance of one percent
 10 in the above filled positions is considered to be reasonable.

1 SEC. 9. Section three hundred thirteen point four (313.4), subsec-
 2 tion three (3), Code 1973, is amended to read as follows:

3 3. It is further provided that there is appropriated from ~~the primary~~
 4 ~~road fund funds appropriated to the state highway commission which~~
 5 ~~would otherwise revert to the primary road fund pursuant to the pro-~~
 6 ~~visions of the Act appropriating the funds or chapter eight (8) of the~~
 7 ~~Code, an amount sufficient to pay the increase in salaries, which~~
 8 ~~increase is not otherwise provided for by the general assembly in an~~
 9 ~~appropriation bill, resulting from the annual review of the merit pay~~
 10 ~~plan as provided in subsection 2 of section 19A.9. The appropriation~~
 11 ~~herein provided shall be in effect from the date of approval by the~~
 12 ~~executive council to the end of the fiscal biennium in which it becomes~~
 13 ~~effective.~~

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 103

SOIL CONSERVATION

S. F. 574

AN ACT to appropriate from the general fund of the state to the department of soil conservation for the soil and water conservation cost-sharing program.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for each fiscal year of the biennium beginning July 1, 1973 and
 3 ending June 30, 1975, for the department of soil conservation, the

4 following amounts, or so much thereof as may be necessary, to be used
5 for the following purpose:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For cost sharing, to provide state funding of not to exceed fifty per-		
9	cent of the approved cost of permanent soil conservation practices		
10	instituted under chapter 467A, Code 1973, with priority given to		
11	projects on watersheds above state-owned lakes, except that not more		
12	than five percent of the amount herein appropriated may be used for		
13	cost sharing to abate complaints filed under sections 467A.47 and		
14	467A.48, Code 1973:	\$ 1,500,000	\$ 1,500,000

1 SEC. 2. All federal grants to and the federal receipts of the agency
2 and its divisions receiving funds under this Act are appropriated for
3 the purpose set forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
2 tal improvements of the department.

1 SEC. 4. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act shall, on August 31, 1977,
4 revert to the state treasury and to the credit of the fund from which
5 appropriated.

1 SEC. 5. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 104

POLICE RADIO

S. F. 600

AN ACT to appropriate from the general fund of the state to the department of public safety for radio equipment for the division of radio communication and relating to radio communications.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state of Iowa, for the biennium beginning July 1, 1973 and ending
3 June 30, 1975, to the department of public safety, division of radio
4 communications, the following amount, or so much thereof as may be
5 necessary, to be used for the following purpose:

6		1973-74	1974-75
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For radio equipment and related items pertaining to the conversion		
9	of stations from low band to high band:	\$166,750	\$174,500

1 SEC. 2. Before any of the funds appropriated by this Act shall be
2 expended, it shall be determined by the department of public safety,

3 with the approval of the governor and the state comptroller, that the
4 expenditure shall be for the best interests of the state.

1 SEC. 3. The department of public safety, the governor, and the
2 state comptroller may obtain federal grants to the state to be used in
3 connection with the funds appropriated by this Act.

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

1 SEC. 5. Chapter seven hundred fifty (750), Code 1973, is amended
2 by adding the following new sections:

3 NEW SECTION. The department of public safety shall maintain
4 law enforcement communications with local enforcement agencies
5 using frequencies in use on July 1, 1973. The Iowa highway safety
6 patrol base stations and all Iowa highway safety patrol cars shall
7 maintain law enforcement communications with local enforcement
8 agencies using transmitting and receiving frequencies in use by the
9 Iowa highway safety patrol on July 1, 1973.

10 NEW SECTION. There is established a police communications review
11 committee which shall consist of three members of the senate ap-
12 pointed by the president of the senate and three members of the house
13 of representatives appointed by the speaker of the house. The com-
14 mittee shall select a chairman and shall meet at the call of the chair-
15 man. The initial members of the committee shall be appointed after
16 the adjournment of the first regular session of the sixty-fifth general
17 assembly and shall serve for terms ending upon the convening of the
18 sixty-sixth general assembly or when their successors are appointed.
19 Thereafter members shall be appointed prior to the adjournment of
20 the first regular session of each general assembly and shall serve for
21 terms ending upon the convening of the following general assembly
22 or when their successors are appointed. Vacancies shall be filled in
23 the same manner as original appointments and shall be for the remain-
24 der of the unexpired term of the vacancy. The members of the com-
25 mittee shall be reimbursed for actual and necessary expenses incurred
26 in the performance of their duties and shall receive forty dollars for
27 each day in which engaged in the performance of such duties. How-
28 ever, such per diem compensation and expenses shall not be paid
29 when the general assembly is actually in session at the seat of govern-
30 ment. Expenses and per diem shall be paid from funds appropriated
31 pursuant to section two point twelve (2.12) of the Code.

32 The police communications review committee shall meet periodi-
33 cally with representatives of the department of public safety and
34 shall review proposed changes of the communications operating pro-
35 cedures of the department which affect operating procedures of local
36 law enforcement agencies.

1 SEC. 6. Section seven hundred fifty point four (750.4), Code 1973,
2 is amended to read as follows:

3 750.4 Duty of supervisors to install—costs. It shall then be the
4 duty of the board of supervisors of each county to ~~forthwith~~ install in
5 the office of the sheriff, such a ~~locked in~~ radio receiving set as ~~may be~~
6 ~~prescribed by the commissioner of public safety,~~ and such a set in at
7 least one motor vehicle used by the sheriff, for use in connection with

8 said state radio broadcasting system. The board of supervisors of any
 9 county may install as many additional such radio receiving sets as may
 10 be deemed necessary. The cost of such radio receiving sets and the cost
 11 of installation thereof shall be paid from the general fund of the
 12 county.

1 SEC. 7. Section seven hundred fifty point five (750.5), Code 1973,
 2 is amended to read as follows:

3 **750.5 Duty of city council to install—costs.** The council of each
 4 city shall, and the council of any town may, install in such place as said
 5 council may determine at least one such locked in radio receiving set
 6 as may be prescribed by the commissioner of public safety for use in
 7 law enforcement and police work. The cost of any such installation
 8 shall be paid from the public safety fund of said city or town.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 105

SOCIAL SERVICES

S. F. 604

AN ACT making an appropriation to the department of social services for certain public assistance programs and contractual services, changing the procedure for handling county claims arising from foster care for veterans' children, and relating to eligibility for assistance under the aid to dependent children program.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the biennium beginning July 1, 1973 and ending June 30,
 3 1975 to the department of social services for the designated public
 4 assistance programs and contractual services the following amounts,
 5 or so much thereof as may be necessary:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 1. Old Age Assistance	\$ 2,770,000	\$
9 2. Aid to the Blind	\$ 178,000	\$ 40,000
10 3. Aid to Dependent Children	\$20,649,000	\$29,172,000
11 4. Work and Training Program	\$ 350,000	\$ 350,000
12 5. Aid to the Disabled	\$ 621,000	\$
13 6. Aid to Indians Residing on a Settlement..	\$ 43,000	\$ 43,000
14 7. Medical Assistance	\$27,522,000	\$33,442,000
15 8. Child Support Recoveries	\$ 75,000	\$ 75,000
16 9. Contractual Services—Medical Carrier	\$ 800,000	\$ 900,000
17 10. Contractual Services—other, including group homes, and child		
18 welfare foster care	\$ 2,750,000	\$ 2,750,000
19 11. Services to the Elderly, Blind and Disabled		
20	\$ 500,000	\$ 500,000
21 12. Homemaker services	\$ 669,600	\$ 740,000
22 13. Adult Assistance Program—Special Situations for December 31,		
23 1973 caseload	\$ 1,100,000	\$ 2,200,000

1 SEC. 2. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, the unencumbered or unobligated bal-
3 ance of the appropriation made by subsection twelve (12) of section
4 one (1) of this Act for the first fiscal year of the biennium commenc-
5 ing July 1, 1973, shall, on August 31, 1974, revert to the state trea-
6 sury, and to the credit of the fund from which appropriated. In all
7 other respects, the provisions of section eight point thirty-three (8.33)
8 of the Code shall apply to appropriations made for the first fiscal year
9 of such biennium by section one (1) of this Act.

1 SEC. 4. All federal grants to and the federal receipts of the agen-
2 cies receiving funds under this Act are appropriated for the purpose
3 set forth in the federal grants or receipts.

1 SEC. 5. The department of social services shall prepare and submit
2 to the appropriations committees of the senate and house of represent-
3 atives of the Sixty-fifth General Assembly, not later than January 15,
4 1974, a report on the exact purposes for which money appropriated
5 by section one (1), subsection six (6) of this Act has been and is
6 then being expended. The report shall also set forth the depart-
7 ment's conclusions as to what is being accomplished by the expendi-
8 ture of that money.

1 SEC. 6. Section two hundred thirty-two point fifty-three (232.53),
2 Code 1973, is amended to read as follows:

3 **232.53 Recovery of costs—from another county or from the state.**
4 The county charged with the cost and expenses under sections 232.51
5 and 232.52 may recover the costs and expenses from the county where
6 the child has legal settlement by filing verified claims which shall be
7 payable as are other claims against the county. A detailed statement
8 of the facts upon which the claim is based shall accompany the claim.
9 Any dispute involving the legal settlement of a child for which the court
10 has ordered payment under authority of this section shall be settled
11 in accordance with sections 252.22 and 252.23. The county charged
12 with the cost of foster home care for a child may recover the cost of
13 such care from the general fund of the state if the child would other-
14 wise have been eligible for admission to the Iowa juvenile home or The
15 Annie Wittenmyer Home under the provisions of subsection 1 of sec-
16 tion 244.3. The county shall make claim to the state department of
17 social services which shall audit the ~~same and forward it to the state~~
18 ~~treasurer~~ *claim and certify it to the state comptroller* for payment.

1 SEC. 7. Section two hundred thirty-nine point one (239.1), sub-
2 section (3), Code 1973, is amended to read as follows:

3 3. A "Dependent child" means a needy child under the age of six-
4 teen years, or under the age of twenty years ~~and~~ who is a student regu-
5 larly attending a high school in pursuance of a course of study lead-
6 ing to a high school diploma or its equivalent, or *who is, in lieu of*
7 *pursuing a course of study leading to a high school diploma or its*
8 *equivalent*, regularly attending a course of vocational or technical
9 training designed to fit him for gainful employment, who has been
10 deprived of parental support and care by reason of death, continued

11 absence from home, ~~or~~ physical or mental incapacity or unfitness of
 12 either parent, *or partial or total unemployment of the father*, and who
 13 is living with his father, *or mother, or both, or with his grandfather,*
 14 *grandmother, brother, sister, stepfather, stepmother, stepbrother,*
 15 *stepsister, uncle or aunt, in a place of residence maintained by one or*
 16 *more of such relatives as his or their home or has been placed in a*
 17 *licensed foster home or with a public or nonprofit child-care agency*
 18 *by the state division or by the county department of social welfare in*
 19 *lieu of living with any relative designated in this subsection.*

1 SEC. 8. Section two hundred thirty-nine point two (239.2), Code
 2 1973, is amended by adding the following new subsection:

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

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

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

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

21 d. Has not registered for work with the state employment service
 22 established pursuant to section ninety-six point twelve (96.12) of the
 23 Code, or thereafter has failed to report at an employment office in
 24 accordance with regulations prescribed pursuant to section ninety-
 25 six point four (96.4), subsection one (1) of the Code.

26 e. Has failed to participate in or to cooperate in any work or train-
 27 ing program made available to him under chapter two hundred forty-
 28 nine C (249C) of the Code, or has without good cause withdrawn from
 29 such program before completion. The department of social services
 30 shall have a program under chapter two hundred forty-nine C (249C)
 31 of the Code for the partially or totally unemployed father under this
 32 subsection.

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

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 106

BOARD OF REGENTS

H. F. 776

AN ACT to appropriate funds from the general fund of the state to the state board of regents and institutions under the control of the board, relating to the number of employees of the institutions, and establishing a unified budget and accounting system for the board.

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

1 SECTION 1. For the state board of regents and institutions under
 2 the board of regents there is appropriated from the general fund of the
 3 state for the biennium beginning July 1, 1973, and ending June 30,
 4 1975, the following amounts, or so much thereof as may be necessary,
 5 to be used for the following purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 1. OFFICE OF STATE BOARD OF REGENTS.		
9 For salaries, support, maintenance, equipment and miscellaneous		
10 purposes, including state board of regents members, receiving a per		
11 diem not to exceed forty dollars per day:	\$ 153,990	\$ 171,650
12 2. STATE UNIVERSITY OF IOWA.		
13 a. General university, including lakeside laboratory.		
14 (1) For salaries, support, maintenance, equipment, and miscellane-		
15 ous purposes:	\$40,551,700	\$42,612,750
16 (2) For repairs, replacement, and alterations there shall be allo-		
17 cated from funds appropriated by subparagraph one (1) of paragraph		
18 a of this subsection the following amounts: ..\$	901,000	\$ 946,000
19 b. University hospitals.		
20 (1) For salaries, support, maintenance, equipment and miscellane-		
21 ous purposes; for medical and surgical treatment of indigent patients		
22 as provided in chapter two hundred fifty-five (255) of the Code:		
23	\$10,459,100	\$10,759,000
24 (2) For repairs, replacement, and alterations there shall be allo-		
25 cated from funds appropriated by subparagraph one (1) of paragraph		
26 b of this subsection the following amounts: ..\$	270,000	\$ 270,000
27 c. Psychopathic hospital.		
28 (1) For salaries, support, maintenance, equipment and miscellane-		
29 ous purposes, and for the care, treatment and maintenance of commit-		
30 ted and voluntary public patients therein:\$	2,457,500	\$ 2,487,400
31 (2) For repairs, replacement, and alterations there shall be allo-		
32 cated from funds appropriated by subparagraph one (1) of paragraph		
33 c of this subsection the following amounts: ..\$	16,000	\$ 17,000
34 d. Bacteriological laboratory.		
35 For salaries, support, maintenance, equipment and miscellaneous		
36 purposes:	\$ 897,800	\$ 894,300
37 e. Hospital school.		
38 (1) For salaries, support, maintenance, equipment and miscellane-		
39 ous purposes:	\$ 1,598,200	\$ 1,638,000
40 (2) For repairs, replacement, and alterations there shall be allo-		
41 cated from funds appropriated by subparagraph one (1) of paragraph		
42 e of this subsection the following amounts: ..\$	14,000	\$ 15,000

43	f. State sanatorium—Oakdale.		
44	(1) For salaries, support, maintenance, equipment and miscellaneous purposes:	\$ 1,895,400	\$ 1,907,700
45			
46	(2) For repairs, replacement, and alterations there shall be allocated from funds appropriated by subparagraph one (1) of paragraph		
47	f of this subsection the following amounts: ..\$	79,000	\$ 83,000
48			
49	Total state university of Iowa:	\$57,859,700	\$60,299,150
50	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.		
51	a. General university.		
52	(1) For salaries, support, maintenance, equipment and miscellaneous purposes:	\$32,876,000	\$33,397,200
53			
54	(2) For repairs, replacement, and alterations there shall be allocated from funds appropriated by subparagraph one (1) of paragraph		
55	a of this subsection the following amounts: ..\$	525,000	\$ 551,000
56			
57	b. Agricultural experiment station.		
58	For salaries, support, maintenance, equipment and miscellaneous purposes:	\$ 4,316,700	\$ 4,402,200
59			
60	c. Cooperative extension service in agriculture and home economics.		
61	For salaries, support, maintenance and miscellaneous purposes:	\$ 3,655,200	\$ 3,764,600
62			
63	Total Iowa state university of science and technology:	\$40,847,900	\$41,564,000
64			
65	4. UNIVERSITY OF NORTHERN IOWA.		
66	a. For salaries, support, maintenance, equipment and miscellaneous purposes:	\$13,023,950	\$13,554,700
67			
68	b. For repairs, replacement, and alterations there shall be allocated from funds appropriated by paragraph a of this subsection the following amounts:	\$ 230,000	\$ 242,000
69			
70	5. IOWA BRAILLE AND SIGHT-SAVING SCHOOL.		
71	a. For salaries, support, maintenance, equipment and miscellaneous purposes:	\$ 983,800	\$ 999,900
72			
73	b. For repairs, replacement, and alterations there shall be allocated from funds appropriated by paragraph a of this subsection the following amounts:	\$ 28,000	\$ 29,000
74			
75	6. STATE SCHOOL FOR THE DEAF.		
76	a. For salaries, support, maintenance, equipment, and miscellaneous purposes:	\$ 1,776,500	\$ 1,804,600
77			
78	b. For repairs, replacement, and alterations there shall be allocated from funds appropriated by paragraph a of this subsection the following amounts:	\$ 37,000	\$ 39,000
79			
80			
81			
82			

1 SEC. 2. The state board of regents may reallocate funds appropriated by paragraph a of subsection two (2) of section one (1); paragraph a of subsection three (3) of section one (1); and paragraph a of subsection four (4) of section one (1) of this Act. However, such
2 reallocation shall not reduce by more than one percent the amount of
3 these individual appropriations.
4
5

1 SEC. 3. The state board of regents, with the approval of the state
2 comptroller, shall establish a unified budgeting and accounting system
3 for the institutions of higher education under its control, and shall
4 require each of the institutions of higher education to begin operating
5 under the unified system not later than July 1, 1974.

1 SEC. 4. It is the intent of the general assembly in making appro-
2 priations pursuant to this Act, that the funds available under the
3 provisions of this Act shall be used to pay salaries and other employee
4 expenses for fifteen thousand two hundred full-time employees in the
5 general program operations of the institutions under the control of the
6 state board of regents for each year of the biennium beginning July 1,
7 1973 and ending June 30, 1975. A variance of one percent in the num-
8 ber of employees is considered to be reasonable.

1 SEC. 5. The basic undergraduate resident student tuition fee for all
2 institutions of higher education under the control of the state board of
3 regents shall not be increased.

1 SEC. 6. If federal action prohibits an increase in nonresident tui-
2 tion under a price freeze policy, there is appropriated to the state
3 board of regents, the sum of two million five hundred eighty-one thou-
4 sand three hundred (2,581,300) dollars, or so much as may be neces-
5 sary, from the general fund of the state for the biennium beginning
6 July 1, 1973 and ending June 30, 1975. No funds shall be allocated
7 under this section without the approval of the governor and the state
8 comptroller.

1 SEC. 7. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall, on August 31, 1974, revert to
5 the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 8. The state board of regents or any institution under its con-
2 trol, or the governor and state comptroller, are authorized to obtain
3 federal grants to be expended in connection with the operation of state
4 board of regents institutions. All federal grants to and the federal
5 receipts of the state board of regents or any of its institutions are
6 appropriated for the purpose set forth in such federal grants and
7 receipts.

1 SEC. 9. When any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

1 SEC. 10. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

Approved July 19, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 107

IOWA SOLDIERS HOME

H. F. 790

AN ACT making an appropriation for operation of the Iowa soldiers home.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30, 1975
3 to the department of social services for the Iowa soldiers home the
4 following amounts, or so much thereof as may be necessary to be used
5 in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 For operation of the Iowa soldiers home, Marshalltown:		
9	\$3,317,400	\$3,421,400

1 SEC. 2. The budget of total expenditures for each institution under
2 the department of social services during the biennium shall not exceed
3 the state appropriation for each institution set forth in this Act,
4 except that the maintenance recovery shall be available to the institu-
5 tions.

6 The maintenance recovery is the rental charged to employees or
7 others for room, apartment or house and meals.

8 Receipts from farm products may be used for farm expenses and
9 repairs as needed with profits deposited in the state general fund.

10 All other institutional receipts shall be deposited to the state gen-
11 eral fund.

1 SEC. 3. The department may use appropriated funds for the grant-
2 ing of educational leave upon approval of the commissioner.

1 SEC. 4. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 5. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973, shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects, the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 6. All federal grants to the Iowa soldiers home are appropri-
2 ated for the purpose set forth in the federal grants.

Approved July 19, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 108

IOWA SOLDIERS HOME

S. F. 184

AN ACT making an appropriation for the construction of a nursing care facility at the Iowa soldiers home.

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

1 SECTION 1. There is appropriated to the department of social serv-
 2 ices from the general fund of the state the sum of two million two
 3 hundred thousand (2,200,000) dollars, or so much thereof as may be
 4 necessary, to be applied to the cost of constructing at the Iowa soldiers
 5 home a one-hundred-eighty bed nursing care facility, and the necessary
 6 preparation of the site for the nursing care facility. The funds appro-
 7 priated to the department by this Act shall be used only to match fed-
 8 eral funds which are or may become available to pay a portion of the
 9 cost of constructing the nursing care facility authorized by this Act.

1 SEC. 2. Fees for architectural services shall be paid only for those
 2 services relating to the general contract for the actual construction of
 3 a building. It is the intent of this section that no fees shall be paid
 4 for architectural services relating to interior furniture, decorating, or
 5 other things not a part of the building.

1 SEC. 3. The appropriation made by this Act shall not be subject
 2 to reversion as provided by section eight point thirty-three (8.33) of
 3 the Code; however, any unencumbered balance of the appropriation
 4 made by this Act remaining as of June 30, 1977 shall revert to the
 5 general fund of the state on that date.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 109

CORRECTIONAL PROGRAMS

S. F. 511

AN ACT to appropriate funds from the general fund of the state for establishing community-based correctional programs and services.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the biennium beginning July 1, 1973 and ending June 30,
 3 1975, to the department of social services the following amounts, or
 4 so much thereof as may be necessary, to provide assistance in the
 5 establishment and operation of community-based correctional pro-
 6 grams and services:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
7		
8		
9	\$350,000	\$500,000

1 SEC. 2. Before any of the funds appropriated by this Act shall be
 2 expended, it shall be determined by the department of social services
 3 that the expenditure shall be pursuant to provisions of law providing
 4 for the establishment of community-based correctional programs and
 5 services.

1 SEC. 3. The department of social services, the governor, and the
 2 state comptroller may obtain federal funds for the state to be used
 3 in connection with the funds appropriated by this Act.

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

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 110

MERGED AREA SCHOOLS

H. F. 775

AN ACT relating to merged area schools, providing for the appropriation and payment of state aid, and providing for the salaries of area superintendents.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state to the department of public instruction for each fiscal year of
 3 the biennium beginning July 1, 1973, and ending June 30, 1975, the
 4 following amounts, or so much thereof as may be necessary, to be used
 5 for the purposes designated:

6 For general state financial aid to merged areas as defined in section
 7 two hundred eighty A point two (280A.2) of the Code.

8 1. For the 1973-74 fiscal year, sixteen million one hundred four
 9 thousand three hundred (16,104,300) dollars to be allocated as fol-
 10 lows:

11	Merged area I	\$ 556,825
12	Merged area II	1,114,265
13	Merged area III	724,350
14	Merged area IV	344,370
15	Merged area V	1,334,440
16	Merged area VI	1,521,630
17	Merged area VII	1,042,945
18	Merged area IX	1,162,505
19	Merged area X	1,952,755
20	Merged area XI	2,190,205
21	Merged area XII	716,725
22	Merged area XIII	1,109,545
23	Merged area XIV	451,405
24	Merged area XV	1,006,320
25	Merged area XVI	876,015
26	Total for the 1973-74 fiscal year.....	\$16,104,300

27 2. For the 1974-75 fiscal year, seventeen million three hundred fifty-
 28 seven thousand three hundred (17,357,300) dollars to be allocated as
 29 follows:

30	Merged area I	\$ 490,605
31	Merged area II	1,222,930
32	Merged area III	794,085
33	Merged area IV	325,135
34	Merged area V	1,427,105
35	Merged area VI	1,645,445
36	Merged area VII	1,114,315
37	Merged area IX	1,321,205
38	Merged area X	2,172,155
39	Merged area XI	2,283,180
40	Merged area XII	750,965
41	Merged area XIII	1,267,650
42	Merged area XIV	455,515
43	Merged area XV	1,121,330
44	Merged area XVI	965,680
45	Total for the 1974-75 fiscal year	\$17,357,300
46	Total for the 1973-75 fiscal biennium	\$33,461,600

1 SEC. 2. The superintendent of public instruction may with the
 2 approval of the state board of public instruction reallocate from line
 3 item appropriations as provided in section one (1) of this Act, funds
 4 as circumstances require among the merged area schools limited to a
 5 reduction of not more than one percent from each of the merged areas.

1 SEC. 3. There is appropriated from the general fund of the state
 2 to the department of public instruction for each year of the fiscal bien-
 3 nium commencing July 1, 1973 and ending June 30, 1975 the sum of
 4 two hundred thousand (200,000) dollars, or so much thereof as may
 5 be necessary, to be allocated to merged area schools for equipment
 6 replacement.

1 SEC. 4. There is appropriated from the general fund of the state
 2 for the biennium beginning July 1, 1973 and ending June 30, 1975,
 3 to the department of public instruction, the following amounts, or so
 4 much thereof as may be necessary, to be used in the manner desig-
 5 nated:

6 For vocational education aid to merged area schools:

7		1973-74	1974-75
8		<u>Fiscal Year</u>	<u>Fiscal Year</u>

9 AREA SCHOOLS:
 10 Matching federal reimbursement for continuing programs and new
 11 approved programs:\$ 6,200,000 \$ 6,656,000

12 Funds appropriated under this section shall be used for aid to area
 13 schools for development and the conduct of programs, services and
 14 activities of vocational education in accordance with the provisions of
 15 chapter two hundred fifty-eight (258) and chapter two hundred eighty
 16 A (280A) of the Code, and further to purchase instructional equip-
 17 ment for vocational and technical courses of instruction in such schools.

1 SEC. 5. The total expenditure for arts and sciences in each area
 2 school in the 1973-1974 fiscal year, computed on the basis consistent

3 with current accounting procedures, shall not exceed one hundred five
4 percent of the budget for arts and sciences during the 1972-1973 fis-
5 cal year, except that this provision shall not apply to those area schools
6 where no expenditures were made for arts and sciences during the
7 1972-1973 fiscal year. Any area school which budgets funds for arts
8 and sciences for the first time in the 1973-1974 fiscal year by contract
9 with other schools or colleges shall limit such a budgetary item to not
10 more than five percent of its total budget.

11 The total expenditure for arts and sciences in each area school in
12 the 1974-1975 fiscal year, computed on the basis consistent with cur-
13 rent accounting procedures, shall not exceed one hundred five percent
14 of the budget for arts and sciences during the 1973-1974 fiscal year,
15 except that this provision shall not apply to those area schools where
16 no expenditures were made for arts and sciences during the 1973-1974
17 fiscal year. Any area school which budgets funds for arts and sciences
18 for the first time in the 1974-1975 fiscal year by contract with other
19 schools or colleges shall limit such a budgetary item to not more than
20 five percent of its total budget.

1 SEC. 6. In exercising its powers under chapter two hundred eighty
2 A (280A) of the Code, the state board shall take all necessary action
3 to assure that each area community college, including a college which
4 was formerly a public community or junior college, shall be allocated
5 a sufficient share of its area budget to provide adequate funding for
6 its existing programs and approved new programs, and shall also take
7 all necessary action to assure that no area vocational school which is
8 not presently qualified as a "junior college" or "community college",
9 as those terms are defined in section two hundred eighty A point two
10 (280A.2), subsections two (2) and three (3), of the Code, shall ex-
11 pand its liberal arts or preprofessional programs, or other instruction
12 partially fulfilling the requirements for a baccalaureate degree, except
13 in cooperation with existing liberal arts facilities, in order to so
14 qualify.

1 SEC. 7. No moneys appropriated by this Act shall be used for cap-
2 ital improvements.

1 SEC. 8. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973 shall on August 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made
8 for the first fiscal year of such biennium. Unencumbered or unob-
9 ligated balances of appropriations made for the second fiscal year of
10 such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 9. Where any of the laws of this state are in conflict with sec-
2 tions one (1) through eight (8) of this Act, the provisions of this Act
3 shall govern for the biennium.

1 SEC. 10. Section two hundred eighty A point eighteen (280A.18),
 2 Code 1973, is amended by striking subsection three (3) and inserting
 3 in lieu thereof the following:

4 3. Tuition in accordance with section two hundred eighty A point
 5 twenty-three (280A.23), subsection three (3), of the Code.

1 SEC. 11. Section two hundred eighty A point twenty-three
 2 (280A.23), subsection three (3), Code 1973, is amended to read as
 3 follows:

4 3. Have authority to determine tuition rates for instruction ~~as~~
 5 ~~authorized under section 280A.18, subsection 3.~~ Tuition for residents
 6 of Iowa shall not exceed the lowest tuition rate per semester, or the
 7 equivalent, charged by an institution of higher education under the
 8 state board of regents for a full-time resident student. *However, if a*
 9 *local school district pays tuition for a resident pupil of high school age,*
 10 *the limitation on tuition for residents of Iowa shall not apply, the*
 11 *amount of tuition shall be determined by the board of directors of the*
 12 *area school with the consent of the local school board, and the pupil*
 13 *shall not be included in the full-time equivalent enrollment of the area*
 14 *school for the purpose of computing general aid to the area school.*
 15 Tuition for nonresidents of Iowa shall be not less than one hundred
 16 fifty percent and not more than two hundred percent of the tuition
 17 established for residents of Iowa. Tuition for resident or nonresident
 18 students may be set at a higher figure with the approval of the state
 19 board. A lower tuition for nonresidents may be permitted under a
 20 reciprocal tuition agreement between a merged area and an educa-
 21 tional institution in another state, if the agreement is approved by the
 22 state board.

1 SEC. 12. Section two hundred eighty A point twenty-three
 2 (280A.23), subsection nine (9), Code 1973, is amended to read as fol-
 3 lows:

4 9. The area board, when setting the salary of the area superintend-
 5 ent, shall take into consideration the salaries of administrators of edu-
 6 cational institutions in the area, and the enrollment of the area
 7 schools; the salary range shall be from seventeen thousand dollars to
 8 ~~twenty-five thousand~~ *twenty-seven thousand five hundred dollars per*
 9 *annum including additional benefits, over and above the additional*
 10 *benefits given all full-time employees.* The superintendent shall not be
 11 required to hold any teacher's certificate.

1 SEC. 13. Section two hundred eighty-two point six (282.6), Code
 2 1973, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. This section shall not apply to
 4 tuition authorized by chapter two hundred eighty A (280A) of the
 5 Code.

Approved July 21, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 111

ALCOHOLISM COMMISSION

S. F. 540

AN ACT making an appropriation from the general fund of the state to the Iowa commission on alcoholism.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30,
3 1975, for the Iowa commission on alcoholism, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner des-
5 ignated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	1. GENERAL OFFICE	
9	For salaries, support, maintenance and miscellaneous purposes:	
10	\$ 47,720	\$ 48,630

11 2. For purposes of carrying out the provisions of section one hun-
12 dred twenty-three A point eight (123A.8) and chapter one hundred
13 twenty-three B (123B) of the Code relating to the treatment of alco-
14 holism, subject to the approval of the governor *[, the following
15 amount not more than fifteen percent of which may be allocated to any
16 one local alcoholism unit or facility]: \$ 500,000 \$ 500,000

17 3. Funds appropriated by subsection two (2) of this section shall
18 not be used for salaries, support, and maintenance of the Iowa com-
19 mission on alcoholism, however such funds may be used for the sal-
20 aries, support, and maintenance of individuals employed by local
21 alcoholism units or facilities.

22 4. The Iowa commission on alcoholism shall submit a report to the
23 joint subcommittees on human resources of the committees on appro-
24 priations of the general assembly on or before January 7, 1974 which
25 report shall include, but not necessarily be limited to, the amounts
26 granted to each local alcoholism unit or facility, the number of people
27 served, and the potential needs of each unit or facility.

1 SEC. 2. All federal grants to and the federal receipts of the com-
2 mission on alcoholism are appropriated for the purpose set forth in
3 the federal grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

*See Governor's message at end of ch.

1 SEC. 4. Where any laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

*Approved July 21, 1973, except the item designated as that portion of Section 1, subsection 2 which reads as follows: ". . . , the following amount not more than fifteen percent of which may be allocated to any one local alcoholism unit or facility" which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 112

MENTAL HEALTH SERVICES

H. F. 747

AN ACT making an appropriation to the department of social services for institutions and programs administered by the divisions of mental health services and mental retardation services.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30,
3 1975 for the department of social services institutions the following
4 amounts, or so much thereof as may be necessary to be used in the
5 manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	1. MENTAL HEALTH SERVICES	
9	For the operation of the following mental health institutes, includ-	
10	ing state matching money for general practitioners residency training,	
11	in-service training, psychiatry basic residency training and the drug	
12	abuse program at the mental health institute at Independence:	
13	Mental Health Institute, Cherokee	\$4,078,500 \$4,214,500
14	Mental Health Institute, Clarinda	\$3,564,000 \$3,679,973
15	Mental Health Institute, Independence	\$4,266,300 \$4,384,900
16	Mental Health Institute, Mt. Pleasant	\$3,297,733 \$3,407,693

17 * [It is the intent of the general assembly in making appropriations
18 pursuant to this mental health services area that the monies available
19 shall be used to pay salaries and other employees' expenses for not
20 more than 1,536 permanent full-time persons employed for each fiscal
21 year of the sixty-fifth biennium, and that no more than 1,679 perma-
22 nent full-time employee positions be created or authorized during any
23 one of such years. A variance of one percent in excess of the number
24 of positions specified is considered to be reasonable.]

25 2. MENTAL RETARDATION SERVICES

26 For the operation of the following state hospital-schools including
27 monies for the Woodward state hospital-school farm operation:

28	Glenwood state hospital-school	\$6,251,600	\$6,460,400
29	Woodward state hospital-school	\$6,339,800	\$6,551,600

30 * [It is the intent of the general assembly in making appropriations
31 pursuant to this mental retardation services area that the monies

*See Governor's message at end of ch.

32 available shall be used to pay salaries and other employee expenses for
 33 not more than 1,381 permanent full-time persons employed for each
 34 fiscal year of the sixty-fifth biennium, including the Woodward farm
 35 operation, and that no more than 1,505 permanent full-time employee
 36 positions be created or authorized during any one of such years. A
 37 variance of one percent in excess of the number of positions is con-
 38 sidered to be reasonable.]

1 SEC. 2. The *[budget of total expenditures for each institution
 2 under the department of social services during the biennium shall not
 3 exceed the state appropriation for each institution set forth in this
 4 Act, except that the] maintenance recovery shall be available to the
 5 institutions *[, and the department may transfer funds pursuant to
 6 section eight point thirty-nine (8.39) of the Code among the four
 7 mental health institutes].

8 The maintenance recovery is the rental charged to employees or
 9 others for room, apartment or house and meals.

10 Receipts from farm products may be used for farm expenses and
 11 repairs as needed with profits deposited in the state general fund.

12 All other institutional receipts shall be deposited in the general fund
 13 of the state.

1 SEC. 3. The department of social services may use appropriated
 2 funds for the granting of educational leave upon approval of the
 3 commissioner.

1 SEC. 4. The mental health institutes daily per diem as determined
 2 by section two hundred thirty point twenty (230.20) of the Code shall
 3 be billed at eighty percent for the biennium.

1 SEC. 5. State hospital-schools per-patient-per-day cost as deter-
 2 mined by section two hundred twenty-two point seventy-three (222.73)
 3 of the Code shall be billed at eighty percent for the biennium.

1 SEC. 6. Because the in-patient population at the mental health
 2 institutes is declining and there is an increasing number of patients
 3 treated on an out-patient basis and because additional funds will be
 4 required for the mental health institutes to comply with the stand-
 5 ards promulgated pursuant to chapter eighty-eight (88) of the Code,
 6 the department of social services shall develop a plan relating to the
 7 following:

8 1. The consolidation of the operations of the present four mental
 9 health institutes and continuation of appropriate services to all citi-
 10 zens of the state.

11 2. Indication as to arrangements that are necessary for providing
 12 appropriate services to areas affected by the proposed consolidation
 13 of the mental health institutes.

14 3. Indication of the most efficient and economical future use of the
 15 mental health institutes.

16 The department of social services shall, not later than December
 17 15, 1973 submit to the legislative council for transmission to the
 18 appropriate subcommittees of the committees on appropriations of
 19 the general assembly a report of its findings and recommendations.

*See Governor's message at end of ch.

1 SEC. 7. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 8. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973, shall, on August 31, 1974,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects, the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 9. All federal grants to and the federal receipts of the agen-
2 cies receiving funds under this Act are appropriated for the purpose
3 set forth in the federal grants or receipts.

*Approved July 21, 1973, except the three items designated as those portions of Section 1, subsection 1, second unnumbered paragraph; Section 1, subsection 2, second unnumbered paragraph; and Section 2, first unnumbered paragraph, all of which are herein bracketed in ink and initialed by me and which are delineated in my item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 113

PLANNING AND PROGRAMMING

H. F. 780

AN ACT to make an appropriation from the general fund of the state to the office for planning and programming and office for economic opportunity.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for each fiscal year of the biennium beginning July 1, 1973 and
3 ending June 30, 1975, to the office for planning and programming the
4 following amounts, or so much thereof as may be necessary, to be
5 used for the following purposes:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
6		
7		
8		
9		
10		
11		
12		
13		
14		

1. For Iowa's future statewide comprehensive conference:

.....	\$ 10,000	\$ 10,000
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2. For municipal planning assistance:

.....	\$ 25,000	\$ 25,000
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Any balance of the appropriation for municipal planning assistance remaining at the end of the biennium shall not revert to the general fund of the state as provided in chapter eight (8) of the Code, but any such unencumbered balance shall revert on June 30, 1977.

15 3. For salaries, support, maintenance, and miscellaneous purposes
 16 * [for not to exceed seventy-two permanent full-time positions], exclud-
 17 ing the state building code, funded by state or federal funds for the
 18 following: the general office, including support of community action
 19 local aid programs including state matching funds; for the commu-
 20 nity affairs division, excluding the state building code; comprehensive
 21 health planning and developmental disabilities; for the manpower ad-
 22 ministration department of labor cooperative area manpower planning
 23 system secretariat and alcoholism project: \$ 435,753 \$ 437,856

24 4. For salaries, support, maintenance, and miscellaneous purposes
 25 for the state building code * [; however, in no event, shall this include
 26 more than three additional employees]: \$ 120,310 \$ 124,810

1 SEC. 2. There is appropriated from the general fund of the state
 2 for fiscal year beginning July 1, 1973 and ending June 30, 1974, to
 3 the office of economic opportunity within the office of the governor
 4 the following amounts, or so much thereof as may be necessary, to be
 5 used for the following purposes:

	1973-74
	<u>Fiscal Year</u>

8 OFFICE OF ECONOMIC OPPORTUNITY

9 For salaries, support, maintenance and miscellaneous purposes:
 10 \$ 20,000

1 SEC. 3. No moneys appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 4. All federal grants to and the federal receipts of the agency
 2 receiving funds under this Act are appropriated for the purpose set
 3 forth in the federal grants or receipts.

4 * [If any federal financial grant to any program funded under this
 5 Act is discontinued, all state matching grants or participation by state
 6 employees in such program shall also be discontinued. Any remaining
 7 state matching funds for such program shall revert to the fund from
 8 which it was appropriated.]

1 SEC. 5. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973 shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects the provisions of section eight point
 7 thirty-three (8.33) of the Code shall apply to appropriations made for
 8 the first fiscal year of such biennium. Unencumbered or unobligated
 9 balances of appropriations made for the second fiscal year of such bien-
 10 nium shall be subject to section eight point thirty-three (8.33) of the
 11 Code.

12 The provisions of this section shall not apply to the appropriation
 13 for municipal planning assistance as provided in subsection two (2)
 14 of section one (1) of this Act.

1 SEC. 6. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

*See Governor's message at end of ch.

*Approved July 21, 1973, except the three items designated as those portions of Section 1, subsection 3; Section 1, subsection 4; and Section 4, second unnumbered paragraph, all of which are herein bracketed in ink and initialed by me and which are delineated in my item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 114

SOCIAL SERVICES DEPARTMENT

H. F. 769

AN ACT to appropriate from the general fund of the state for capital improvements for institutions under the control of the department of social services, including repairs, improvements, replacements or alterations.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state to the department of social services for the biennium commenc-
3 ing July 1, 1973 and ending June 30, 1975, the sum of three million
4 (3,000,000) dollars, or so much thereof as is necessary, to be
5 used to supplement any prior appropriations for capital improvement
6 items for repairs, improvements, replacements, or alterations, or for
7 any capital expenditures the department of social services may deem
8 necessary, except as otherwise provided in this Act, for the proper
9 and necessary function of any institution under its jurisdiction.
10 *[Funds appropriated by this** section shall not be used to supple-
11 ment the construction of new buildings.]

1 SEC. 2. Plans and specifications for improvements for which funds
2 are appropriated by either this Act or previous Acts of the general
3 assembly, shall be submitted by the department of social services to
4 the governor and state comptroller for approval, except that items
5 commonly known as change orders need not be submitted to the gov-
6 ernor and state comptroller unless such change orders increase the
7 total cost of that particular project.

1 SEC. 3. Funds appropriated by this Act shall not be used for any
2 capital improvements at the four mental health institutes, the institu-
3 tion for juveniles located at Davenport, or the institution located at
4 Rockwell City, under control of the department of social services, how-
5 ever such funds may be used for emergency repairs at such institutes
6 and institutions.

1 SEC. 4. The department of social services, the governor and the
2 state comptroller may obtain federal grants to the state to be used
3 in connection with the funds appropriated by this Act.

1 SEC. 5. Funds appropriated by this Act shall not be subject to
2 reversion as provided in section eight point thirty-three (8.33) of

*See Governor's message at end of ch.

**Omitted from veto message.

3 the Code, however, any unencumbered balance of the appropriation
4 made by this Act remaining as of June 30, 1977, shall revert to the
5 general fund of the state as of June 30, 1977.

*Approved July 21, 1973, except the item designated as the final sentence of Section 1 which reads as follows: "Funds appropriated by section shall not be used to supplement the construction of new buildings" which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 115

FAMILY AND CHILD SERVICES

H. F. 739

AN ACT making an appropriation to the department of social services relating to certain institutions administered by the division of family and children services.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30,
3 1975 for the department of social services institutions and for the
4 establishment of community-based pilot programs authorized by this
5 Act the following amounts, or so much thereof as may be necessary to
6 be used in the manner designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year

9 FAMILY AND CHILDREN SERVICES:

10 For the operation of the following institutions:

11 State Juvenile Home, Toledo	\$1,310,525	\$1,353,845
12 Boys Training School, Eldora	\$2,350,074	\$2,428,609
13 Girls Training School, Mitchellville	\$ 832,145	\$ 859,443
14 Annie Wittenmyer Home, Davenport	\$1,638,900	\$ —0—
15 Community-based pilot programs	\$ 100,000	\$ —0—

16 * [It is the intent of the general assembly in making appropriations
17 pursuant to this area of family and children services that the moneys
18 available for this area be used to pay salaries and other employee ex-
19 penses for not more than three hundred and seventy-three permanent
20 full-time persons employed during each fiscal year of the sixty-fifth
21 fiscal biennium and that no more than four hundred and six permanent
22 full-time employee positions be created or authorized during any one
23 of such years. A variance of one percent in excess of the above filled
24 positions is considered to be reasonable. However, the figures on the
25 above filled positions do not apply to the appropriations for the opera-
26 tion of the Annie Wittenmyer Home and the establishment of com-
27 munity-based pilot programs authorized under this Act.]

1 SEC. 2. The *[budget of total expenditures for each institution
2 under the department of social services during the biennium shall not

*See Governor's message at end of ch.

3 exceed the state appropriation for each institution set forth in this Act
4 except that the] maintenance recovery shall be available to the institu-
5 tions.

6 The maintenance recovery is the rental charged to employees or
7 others for room, apartment or house and meals.

8 Receipts from farm products may be used for farm expenses and
9 repairs as needed with profits deposited in the general fund of the
10 state.

11 All other institutional receipts shall be deposited to the credit of the
12 general fund of the state.

1 SEC. 3. The department of social services may use appropriated
2 funds for the granting of educational leave upon approval of the com-
3 missioner of social services.

1 SEC. 4. Because the cost of institutional care continues to increase
2 and the need exists for alternative types of arrangements for the
3 care of children who are residents of the Annie Wittenmyer Home
4 or would be considered for placement at the Home, and because addi-
5 tional funds will be required for the Annie Wittenmyer Home to
6 comply with the standards promulgated pursuant to chapter eighty-
7 eight (88) of the Code, the department of social services shall develop
8 a plan for the closing of the Annie Wittenmyer Home no later than
9 December 31, 1974. Such plan shall include the department's recom-
10 mendations for the future use or disposition of the Annie Wittenmyer
11 Home. In conjunction with the development of the plan, the depart-
12 ment shall cooperate with the department of public instruction in
13 arranging for the establishment of community-based alternatives to
14 the care and education provided children at the Annie Wittenmyer
15 Home, which alternatives shall afford:

16 1. Needed social services for the children enrolled in the alterna-
17 tive programs.

18 2. Group home or intensive foster home living situations for the
19 children enrolled in the alternative programs, where indicated by the
20 needs of the children.

21 3. An educational component specifically designed to meet the spe-
22 cial needs of the children enrolled in the alternative programs.

23 The department of social services shall, not later than December
24 15, 1973, submit to the legislative council for transmission to the
25 standing committees on human resources and the human resources
26 subcommittees of the committees on appropriations of the house of
27 representatives and the senate a report on the arrangements for, cir-
28 cumstances of, experiences with and conclusions reached from the
29 community-based alternatives established under this section as they
30 relate to the possible establishment of such other programs as are
31 likely to be needed to provide appropriate care for children who
32 would be eligible for admission to the Annie Wittenmyer Home. The
33 report shall also include recommendations for the most efficient and
34 economical future use or disposition of the land, buildings and other
35 physical facilities of the Annie Wittenmyer Home.

1 SEC. 5. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 6. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973, shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects, the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal year
 10 of such biennium shall be subject to section eight point thirty-three
 11 (8.33) of the Code.

1 SEC. 7. All federal grants to and the federal receipts of the agen-
 2 cies receiving funds under this Act are appropriated for the purpose
 3 set forth in the federal grants or receipts.

*Approved July 21, 1973, except the two items designated as those
 portions of Section 1, second unnumbered paragraph and Section 2, first
 unnumbered paragraph, both of which are herein bracketed in ink and
 initialed by me and which are delineated in my item veto message pertain-
 ing to this Act to the Secretary of State this same date, a copy of which is
 attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, Governor

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 116

ADULT CORRECTIONS

S. F. 539

AN ACT making an appropriation to the department of social services for use of insti-
 tutions under the bureau of adult corrections.

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

1 SECTION 1. There is appropriated from the general fund of the
 2 state for the biennium beginning July 1, 1973 and ending June 30,
 3 1975 to the department of social services for certain institutions under
 4 the bureau of adult corrections the following amounts, or so much
 5 thereof as may be necessary to be used in the manner designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 ADULT CORRECTION SERVICES		
9 For the operation of the following institutions and facilities:		
10 Luster Heights Camp, McGregor	\$ 103,100	\$ 106,500
11 Iowa State Penitentiary, Ft. Madison	\$4,137,700	\$4,275,700
12 Men's Reformatory, Anamosa	\$3,078,300	\$3,180,400
13 Women's Reformatory, Rockwell City	\$ 487,500	\$ 503,700
14 Iowa Security Medical Facility, Oakdale....	\$1,621,900	\$1,675,500
15 Riverview Release Center, Newton	\$ 611,100	\$ 631,400

1 SEC. 2. The *[budget of total expenditures for each institution
 2 under the department of social services during the biennium shall not

*See Governor's message at end of ch.

3 exceed the state appropriation for each institution set forth in this Act,
4 except that the] maintenance recovery shall be available to the institu-
5 tions.

6 The maintenance recovery is the rental charged to employees or
7 others for room, apartment or house and meals.

8 Receipts from farm products may be used for farm expenses and
9 repairs as needed with profits deposited in the general fund of the
10 state.

11 All other institutional receipts shall be deposited to the general fund
12 of the state.

1 SEC. 3. The department may use appropriated funds for the grant-
2 ing of educational leave upon approval of the commissioner.

1 SEC. 4. No funds appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 5. Because several institutions under the jurisdiction of the
2 bureau of adult corrections have experienced declining populations and
3 new methods for the rehabilitation and treatment of inmates of correc-
4 tional institutions are being instituted and considered, and because of
5 the implementation of programs which have as their goals the treat-
6 ment of offenders outside of institutional barriers and the introduction
7 of such persons into society, the department of social services is
8 directed to develop a plan relating to the following:

9 1. The practical consolidation of operations and programs of the
10 various correctional institutions within the state or the transfer of
11 persons confined in such institutions to other institutions.

12 2. The renovation of one or more institutions to meet the demands
13 for capital improvements and comply with state and federal laws
14 regarding the safety standards which must be met.

15 3. An indication of the most efficient and economical future use of
16 the various correctional institutions.

17 4. An indication as to how the state can best cooperate with local
18 correctional authorities and authorities of other states to carry out
19 correctional programs.

20 5. Alternatives to present correctional programs and institutions
21 and the economical basis and the projected cost of each alternative.

22 The department of social services shall, not later than December 15,
23 1974 submit to the legislative council for transmission to the appro-
24 priate subcommittees of the committees on appropriations of the gen-
25 eral assembly a report of their findings and recommendations.

1 SEC. 6. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of the
4 biennium commencing July 1, 1973, shall, on August 31, 1974, revert
5 to the state treasury and to the credit of the fund from which appro-
6 priated. In all other respects, the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to appropriations made for
8 the first fiscal year of such biennium. Unencumbered or unobligated
9 balances of appropriations made for the second fiscal year of such bien-
10 nium shall be subject to section eight point thirty-three (8.33) of the
11 Code.

1 SEC. 7. All federal grants to the agencies receiving funds under
2 this Act are appropriated for the purpose set forth in the federal
3 grants.

*Approved July 21, 1973, except the item designated as that portion of Section 2, first unnumbered paragraph which reads as follows: “. . . budget of total expenditures for each institution under the department of social services during the biennium shall not exceed the state appropriation for each institution set forth in this Act, except that the . . .” which I hereby disapprove.

s/ ROBERT D. RAY, Governor

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 117

SOCIAL SERVICES DEPARTMENT

H. F. 802

AN ACT making an appropriation to the department of social services and divisions thereof, for area services and for administration.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1973 and ending June 30, 1975
3 to the department of social services, the following amounts, or so much
4 thereof as may be necessary, to be used in the manner designated:
5 1973-74 1974-75
6 Fiscal Year Fiscal Year

7 1. AREA SERVICE AND ADMINISTRATION
8 For the administration of area offices and for county services includ-
9 ing salaries and support *[for a total of not to exceed one thousand six
10 hundred sixty-five authorized full-time positions of which not more
11 than one thousand five hundred sixty are to be filled at any one time]:
12 \$5,510,700 \$5,723,100

13 2. GENERAL ADMINISTRATION AND DEPARTMENTAL OPERATIONS
14 For the administration of the office of the commission of social ser-
15 vices including the council of social services, the office of the deputy
16 commissioner, the office of the bureau of family and children services,
17 the office of the bureau of adult corrections services, the office of the
18 bureau of medical services, the office of the bureau of mental health
19 services, the office of the bureau of mental retardation services, the
20 office of planning and budgeting, the office of administrative services,
21 the office of personnel and staff development, the office of public infor-
22 mation, the office of architectural and engineering services, the depart-
23 mental dietary training school at Woodward, the operation of the
24 central warehouse at Woodward and all divisions thereof:
25 For salaries, support, maintenance and miscellaneous purposes *[for
26 a total of not to exceed five hundred twenty-four authorized full-time
27 positions of which not more than four hundred eighty-one are to be
28 filled at one time]: \$3,213,300 \$3,456,800

*See Governor's message at end of ch.

29 3. STATE UNEMPLOYMENT BENEFITS

30 For the payment of the state's share of unemployment claims for
 31 employees of the department: \$ 588,100 \$ 588,100

32 Notwithstanding the provisions of section eight point thirty-nine
 33 (8.39) of the Code, the amount appropriated by this subsection shall
 34 not to be transferred and any amount not expended for the payment of
 35 unemployment benefits shall revert to the general fund.

1 ***[SEC. 2. A variance of one percent above the number of filled**
 2 **positions specified in subsections one (1) and two (2) of section one**
 3 **(1) of this Act is considered to be reasonable.]**

1 SEC. 3. A trial project shall be developed by the Iowa depart-
 2 ment of social services in cooperation with the department of health
 3 to use personnel from both departments to accomplish in one visit
 4 to a health care facility the responsibilities of the department of social
 5 services in patient utilization review mandated by federal law under
 6 Title nineteen (19) of the United States Social Security Act, section
 7 one thousand nine hundred two (1902), (Title forty-two (42), United
 8 States Code, section one thousand three hundred ninety-six a
 9 (1396a)), as amended, and the responsibilities of the department of
 10 health in licensing of facilities under chapter one hundred thirty-five
 11 C (135C) of the Code.

12 The department of social services shall, not later than December
 13 15, 1973, submit to the legislative council for transmission to the
 14 appropriate subcommittees of the committees on appropriations of
 15 the general assembly a report of its findings and recommendations.

1 SEC. 4. The department may use appropriated funds for the grant-
 2 ing of educational leave upon approval of the commissioner.

1 SEC. 5. No funds appropriated by this Act shall be used for capi-
 2 tal improvements.

1 SEC. 6. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
 3 ances of appropriations made by this Act for the first fiscal year of
 4 the biennium commencing July 1, 1973, shall, on August 31, 1974,
 5 revert to the state treasury and to the credit of the fund from which
 6 appropriated. In all other respects, the provisions of section eight
 7 point thirty-three (8.33) of the Code shall apply to appropriations
 8 made for the first fiscal year of such biennium. Unencumbered or
 9 unobligated balances of appropriations made for the second fiscal
 10 year of such biennium shall be subject to section eight point thirty-
 11 three (8.33) of the Code.

1 SEC. 7. All federal grants to and the federal receipts of the agen-
 2 cies receiving funds under this Act are appropriated for the purpose
 3 set forth in the federal grants or receipts.

*Approved July 21, 1973, except the three items designated as Sec-
 tion 2 and those portions of Section 1, subsection 1, second unnumbered
 paragraph and Section 1, subsection 2, third unnumbered paragraph, all
 of which are herein bracketed in ink and initialed by me and which are
 delineated in my item veto message pertaining to this Act to the Secretary

of State this same date, a copy of which is attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 118

EXECUTIVE COUNCIL CONTINGENT FUND

S. F. 541

AN ACT creating and making an appropriation to the executive council general contingent fund.

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

1 SECTION 1. There is created an executive council general contin-
 2 gent fund. The fund shall be administered by the executive council.
 3 Allocations from the fund may be made only for contingencies arising
 4 during the fiscal biennium commencing July 1, 1973 which are legally
 5 payable from the funds of the state. The executive council shall not
 6 approve allocation of any funds for any purpose or project which was
 7 presented to the general assembly by way of a bill and which failed to
 8 become enacted into law, nor shall the executive council approve allo-
 9 cations from the fund for any purpose which is not a contingency
 10 according to law or is not a contingency for which funds may be allo-
 11 cated according to law.

12 Before any of the funds appropriated by this Act shall be allocated,
 13 a written recommendation shall first be obtained from the state comp-
 14 troller and the executive council shall determine that the proposed
 15 allocation shall be for the best interest of the state. The executive
 16 council shall not spend any money out of the contingent fund while
 17 the general assembly is in session.

18 Any unencumbered balance in the contingent fund as of June 30,
 19 1975, shall revert to the general fund.

1 SEC. 2. There is appropriated from the general fund of the state
 2 for the executive council general contingent fund for each fiscal year
 3 of the biennium commencing July 1, 1973 and ending June 30, 1975,
 4 the following amounts, or so much thereof as may be necessary, to be
 5 used in the manner provided in section one (1) of this Act.

6		1973-74	1974-75
7		Fiscal Year	Fiscal Year
8	For Contingencies	\$ 100,000	\$ 100,000

1 SEC. 3. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 13, 1973.

GENERAL LAWS

GENERAL LAWS

For additional general laws, see chapters 2, 4, 7, 9, 10, 11, 22, 35, 51, 64, 104 and 105

CHAPTER 119

SALARIES OF LEGISLATORS

H. F. 796

AN ACT relating to the salaries and expenses of members of the general assembly.

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

1 SECTION 1. Section two point ten (2.10), unnumbered paragraph
2 one (1), subsections one (1), two (2), three (3), four (4), and six
3 (6), Code 1973, are amended to read as follows:

4 **2.10 Salaries and expenses — members of general assembly and**
5 **lieutenant governor.** ~~Commencing with the Sixty-fourth General As-~~
6 ~~sembly, members~~ *Members* of the general assembly and the lieutenant
7 governor shall receive salaries and expenses as provided by this sec-
8 tion.

9 1. Every member of the general assembly except the speaker of the
10 house and majority and minority floor leaders of the senate and house
11 shall receive an annual salary of ~~five~~ *eight* thousand ~~five~~ *hundred*
12 dollars for each year while serving as a member of the general assem-
13 bly. The majority and minority floor leaders of the senate and house
14 shall receive an annual salary of ~~six~~ *nine* thousand five hundred dollars
15 for each year while serving in such capacity. In addition, each such
16 member shall receive the sum of ~~fifteen~~ *twenty* dollars per day for
17 expenses of office, except travel, for each day the general assembly is
18 ~~actually~~ *in session commencing with the first day of a legislative*
19 *session and ending with the day of final adjournment of each legis-*
20 *lative session as indicated by the journals of the house and senate.*
21 However, members from Polk county shall receive ~~seven and one-half~~
22 *ten* dollars per day. Expenses shall ~~not~~ be paid for more than five days
23 per week. ~~Weekly travel~~ *Travel* expenses shall be paid at the rate of
24 ~~ten cents per mile established by section seventy-nine point nine (79.9)~~
25 *of the Code for employees of the state for actual travel in going to and*
26 *returning from the seat of government by the nearest traveled route*
27 *for not more than one time per week during a legislative session.*

28 2. The lieutenant governor ~~while presiding in the senate~~ shall receive
29 compensation of twice the per diem rate a senator receives determined
30 by dividing the total number of days of each regular session into the
31 total annual salary of a senator ~~an annual salary of twelve thousand~~
32 *dollars.* Personal expense and travel allowances shall be the same for
33 the lieutenant governor as for a senator. ~~When a vacancy occurs and~~
34 ~~the term of the lieutenant governor is not completed, the lieutenant~~
35 ~~governor shall receive compensation of twice the per diem rate a sena-~~

36 ~~ter receives for the number of days which he served as president of~~
 37 ~~the senate.~~

38 The lieutenant governor while performing administrative duties of
 39 the office of lieutenant governor *when the general assembly is not in*
 40 *session* or serving as the president of the senate during special sessions
 41 of the general assembly shall receive ~~eighty~~ *sixty* dollars per diem and
 42 reimbursement for expenses incurred in performing such duties pur-
 43 suant to ~~an~~ *the* appropriation made by the general assembly.

44 3. The speaker of the house shall receive an annual salary of ~~eleven~~
 45 *twelve* thousand dollars for each year while serving as the speaker of
 46 the house. Expense and travel allowances shall be the same for the
 47 speaker of the house as provided for other members of the general
 48 assembly.

49 4. When a vacancy occurs and the term of any member of the gen-
 50 eral assembly is not completed, ~~the member~~ *he* shall receive a salary
 51 or compensation proportional to the length of his service computed
 52 to the nearest whole month. A successor elected to fill such vacancy
 53 shall receive a salary or compensation proportional to his length of
 54 service computed to the nearest whole month commencing with such
 55 time as the successor is officially determined to have succeeded to such
 56 office.

57 6. In addition to the salaries and expenses herein authorized, mem-
 58 bers of the general assembly shall be paid forty dollars per day, *except*
 59 *the speaker of the house who shall be paid sixty dollars per day*, and
 60 necessary travel and actual expenses incurred in attending standing
 61 or interim committee meetings subject to the provisions of section
 62 2.14, or when on official state business, when the general assembly is
 63 not in session. Such salaries or expenses shall be paid promptly from
 64 funds appropriated pursuant to section 2.12, unless otherwise provided
 65 by law.

1 SEC. 2. The provisions of this Act shall become effective on Janu-
 2 ary 13, 1975.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 120

LEGISLATIVE FISCAL BUREAU

S. F. 476

AN ACT to establish the office of the legislative fiscal bureau, to abolish the budget and financial control committee, and to establish committees under the legislative council.

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

1 SECTION 1. Section two point forty-nine (2.49), Code 1973, is
 2 amended to read as follows:

3 2.49 **Legislative council created.** There is hereby created a con-
 4 tinuing legislative council of ~~sixteen~~ *twenty* members which shall be
 5 entitled the legislative council. The council shall be composed of the
 6 president pro tempore of the senate, the speaker of the house of rep-

7 representatives, the majority and minority floor leaders of the senate, *the*
 8 *chairman of the senate committee on appropriations, the minority*
 9 *party ranking member of the senate committee on appropriations,*
 10 five members of the senate appointed by the president of the senate,
 11 the majority and minority floor leaders of the house of representa-
 12 tives, *the chairman of the house committee on appropriations, the*
 13 *minority party ranking member of the house committee on appropria-*
 14 *tions,* and five members of the house of representatives appointed by
 15 the speaker of the house of representatives. The lieutenant governor
 16 shall be an ex officio nonvoting member of the council. Of the five
 17 members appointed by the president of the senate and speaker of the
 18 house, three from each house shall be appointed from the majority
 19 party and two from each house shall be appointed from the minor-
 20 ity party. Members shall be appointed prior to the adjournment of
 21 the first regular session of each general assembly and shall serve for
 22 two-year terms ending upon the convening of the following general
 23 assembly or when their successors are appointed. Vacancies on the
 24 council, including vacancies which occur when a member of the coun-
 25 cil ceases to be a member of the general assembly, shall be filled by the
 26 president of the senate and the speaker of the house respectively.
 27 Insofar as possible, upon appointment of members of the council
 28 during each regular session of the general assembly, at least two
 29 members of the council from each house shall be reappointed. The
 30 council shall hold regular meetings at a time and place fixed by the
 31 council and shall meet at any other time and place as the council may
 32 deem necessary.

1 SEC. 2. Chapter two (2), Code 1973, is amended by adding the
 2 following new sections:

3 **NEW SECTION. Committees of the legislative council.** The legis-
 4 lative council shall be divided into committees, which shall include but
 5 not be limited to:

6 1. The legislative service committee which shall be composed of
 7 six members of the legislative council, consisting of three members
 8 from each house, to be appointed by the legislative council. The
 9 legislative service committee shall select a chairman from its mem-
 10 bership, and shall determine policies relating to the operation of the
 11 legislative service bureau, subject to the approval of the legislative
 12 council.

13 2. The legislative fiscal committee, which shall be composed of the
 14 chairmen and the ranking minority party members of the commit-
 15 tees on appropriations of the house and senate and two members of
 16 the legislative council, one chosen by the president of the senate and
 17 one chosen by the speaker of the house of representatives. In addi-
 18 tion, four members of the committee who are not members of the
 19 legislative council and who are members of a committee on appropria-
 20 tions; one member shall be appointed from each party by the presi-
 21 dent of the senate and the speaker of the house of representatives,
 22 respectively. The legislative fiscal committee shall determine poli-
 23 cies for the legislative fiscal bureau and shall direct the administra-
 24 tion of performance audits and visitations, subject to the approval
 25 of the legislative council.

26 3. The legislative administration committee which shall be com-
 27 posed of six members of the legislative council, consisting of three

28 members from each house, to be appointed by the legislative council.
29 The legislative administration committee shall perform such duties
30 as are assigned it by the legislative council.

31 **NEW SECTION. Duties.** The legislative fiscal committee may, sub-
32 ject to the approval of the legislative council:

33 1. **Budget.** Gather information relative to budget matters for the
34 purpose of aiding the legislature to properly appropriate money for
35 the functions of government, and to report their findings to the leg-
36 islature.

37 2. **Examination.** Examine the reports and official acts of the exec-
38 utive council and of each officer, board, commission, and department
39 of the state, in respect to the conduct and expenditures thereof and
40 the receipts and disbursements of public funds thereby.

41 3. **Reorganization.** Make a continuous study of all offices, depart-
42 ments, agencies, boards, bureaus and commissions of the state gov-
43 ernment and shall determine and recommend to each session of the
44 legislature what changes therein are necessary to accomplish the
45 following purposes:

46 a. To reduce expenditures and promote economy to the fullest ex-
47 tent consistent with the efficient operation of state government.

48 b. To increase the efficiency of the operations of the state govern-
49 ment to the fullest extent practicable within the available revenues.

50 c. To group, coordinate, and consolidate judicial districts, agencies
51 and functions of the government, as nearly as may be according to
52 major purposes.

53 d. To reduce the number of offices, agencies, boards, commissions,
54 and departments by consolidating those having similar functions,
55 and to abolish such offices, agencies, boards, commissions and depart-
56 ments, or functions thereof, as may not be necessary for the efficient
57 and economical conduct of state government.

58 e. To eliminate overlapping and duplication of effort on the part
59 of such offices, agencies, boards, commissions and departments of the
60 state government.

61 4. **Performance audit.** Determine by means of a performance
62 audit whether state offices, departments, agencies, boards, bureaus,
63 and commissions:

64 a. Are conducting authorized activities and programs pursuant
65 to objectives intended by the general assembly.

66 b. Are conducting programs and activities and expending funds
67 appropriated to them in an efficient and effective manner.

68 c. Are conducting programs and activities and expending funds
69 appropriated to them in compliance with the Acts of the general
70 assembly and the Code.

71 **NEW SECTION. Procedure.** The chairmen of the committees on
72 appropriations shall serve as cochairmen of the legislative fiscal com-
73 mittee. The legislative fiscal committee shall determine its own
74 method of procedure and shall meet as often as deemed necessary,
75 subject to the approval of the legislative council. It shall keep a
76 record of its proceedings which shall be open to public inspection,
77 and it shall inform the legislative council in advance concerning the
78 dates of meetings of the committee.

79 **NEW SECTION. Legislative fiscal bureau established.** There is
80 established a legislative fiscal bureau which shall operate under the

81 direction and control of the legislative fiscal committee, subject to the
82 approval of the legislative council. The administrative head of the
83 legislative fiscal bureau shall be the legislative fiscal director. The
84 legislative fiscal bureau shall cooperate with and serve all members
85 of the general assembly, the legislative fiscal committee, and com-
86 mittees of the general assembly.

87 The legislative fiscal director shall be appointed by the legislative
88 council, upon recommendation of the legislative fiscal committee. His
89 compensation, and the compensation of employees of the legislative
90 fiscal bureau, shall be fixed by the legislative council.

91 **NEW SECTION. Functions of legislative fiscal bureau.** The legis-
92 lative fiscal bureau shall:

93 1. By continuous review of state expenditures, revenues and analy-
94 sis of budget through an audit, performance audit, and preaudit, if
95 necessary, or such other means deemed necessary, ascertain the facts,
96 compare cost, workload and other data, and make recommendations
97 to the general assembly concerning the state's budget and revenue of
98 the departments, boards, commissions, and agencies of the state.

99 2. Report to the legislative fiscal committee as required by the
100 legislative fiscal committee and the legislative council and to the
101 general assembly after the convening of each legislative session of a
102 general assembly and make such other reports as may be required by
103 either the legislative council or the general assembly.

104 3. Furnish information and act in an advisory capacity to the com-
105 mittees on appropriations and committees on ways and means of the
106 general assembly and their several subcommittees when so re-
107 quested.

108 4. Assist standing committees and members of the general assem-
109 bly in attaching fiscal notes to legislative bills and resolutions as
110 provided by the rules of the general assembly.

111 5. Submit to each member of the general assembly quarterly a
112 report of the current status of major state funds, a comparison of
113 income with estimates used by the general assembly and other reve-
114 nue and expenditure information which the legislative fiscal com-
115 mittee determines will be informative for members of the general
116 assembly. The state comptroller shall cooperate with the legislative
117 fiscal bureau in the development of the report. The legislative fiscal
118 committee shall approve the style and format of the report.

119 6. Perform such other duties as shall be assigned to the bureau by
120 the legislative fiscal committee or by the general assembly.

121 **NEW SECTION. Duties of legislative fiscal director.** The legisla-
122 tive fiscal director shall:

123 1. Employ and supervise all employees of the legislative fiscal
124 bureau in such positions and at such salaries as shall be authorized
125 by the legislative council.

126 2. Supervise all expenditures of the legislative fiscal bureau with
127 the approval of the legislative council.

128 3. Attend, or designate a representative who shall attend, the
129 budget hearings required by section eight point twenty-six (8.26)
130 of the Code and may offer explanations or suggestions and make
131 inquiries with respect to such budget hearings within the purposes

132 specified in sections two point forty-six (2.46)*, two point forty-seven
133 (2.47)*, and two point forty-eight (2.48)* of the Code.

134 **NEW SECTION. Visitations.** The legislative fiscal committee, with
135 the approval of the legislative council, may direct a subcommittee,
136 which shall be composed of the chairmen and minority party ranking
137 members of the appropriate subcommittees of the committees on
138 appropriations of the senate and the house of representatives and the
139 chairmen of the appropriate standing committees of the general
140 assembly, to visit the offices and facilities of any state office, depart-
141 ment, agency, board, bureau, or commission to review programs
142 authorized by the general assembly and the administration of the
143 programs. When the legislative fiscal committee visits the offices and
144 facilities of any state office, department, agency, board, bureau, or
145 commission to review programs authorized by the general assembly
146 and the administration of the programs, there shall be included the
147 chairmen and minority party ranking members of the appropriate
148 subcommittees of the committees on appropriations of the senate and
149 the house of representatives. The subcommittee and the legislative
150 fiscal committee shall be provided with information by the legislative
151 fiscal bureau concerning budgets, programs, and legislation authoriz-
152 ing programs prior to any visitation. Members of a committee shall
153 be compensated pursuant to section two point ten (2.10), subsection
154 six (6), of the Code. The subcommittee shall make reports and recom-
155 mendations as required by the legislative fiscal committee.

156 **NEW SECTION. Access.** The director and his designated agents
157 and employees shall at all times have access to all state offices, depart-
158 ments, agencies, boards, bureaus, and commissions, and to the books,
159 records, and other instrumentalities and properties used in the per-
160 formance of their statutory duties, and all state offices, departments,
161 agencies, boards, bureaus, and commissions shall cooperate with the
162 director in the performance of the foregoing duty, and shall make
163 available to him such books, records, instrumentalities, and property.

1 **SEC. 3.** Section two point fifty (2.50), Code 1973, is amended by
2 adding the following new subsections:

3 **NEW SUBSECTION.** To establish policies for the operation of the
4 legislative fiscal bureau.

5 **NEW SUBSECTION.** To appoint the director of the legislative fiscal
6 bureau for such term of office as may be set by the council.

1 **SEC. 4.** Section two point fifty-two (2.52), Code 1973, is amended
2 to read as follows:

3 **2.52 Expenses of council and special interim committees.** Mem-
4 bers of the legislative council shall be reimbursed for actual and neces-
5 sary expenses incurred in the performance of their duties, and shall
6 receive a per diem of forty dollars for each day in which engaged in
7 the performance of such duties. However, such per diem compensa-
8 tion and expenses shall not be paid when the general assembly is
9 actually in session at the seat of government. Such expenses and per
10 diem shall be paid in the manner provided for in section 2.66.

11 Members of special interim study committees which may from time
12 to time be created *and members of the legislative fiscal committee*

*See §13 of this Act.

13 *who are not members of the legislative council* shall be entitled to
 14 receive the same expenses and compensation provided for the mem-
 15 bers of the legislative council. Such expenses shall be paid in the
 16 manner provided for in section 2.66 within the limit of available
 17 funds. Upon motion approved by the legislative council, members of
 18 such special interim study committees may be paid for their expenses
 19 and per diem pursuant to the provisions of section 2.12.

1 SEC. 5. Section fifteen point forty-three (15.43), Code 1973, is
 2 amended to read as follows:

3 **15.43 Approval required for printing.** No department or commis-
 4 sion of state located in the city of Des Moines shall expend any funds
 5 for the publication or distribution of books or pamphlets or reports
 6 unless the publication thereof be expressly required by law or ap-
 7 proved by the budget and financial control committee and the direc-
 8 tor. A violation of this section shall constitute misfeasance in office.
 9 ~~The budget and financial control committee may direct the director~~
 10 ~~to may~~ establish a central library and depository from which shall be
 11 distributed all books, pamphlets, documents, reports and publications
 12 not required by law to be otherwise distributed. The director shall
 13 from time to time establish the cost of printing and mailing each book,
 14 pamphlet, report, document and publication. The director shall, there-
 15 after, cause to be delivered, sent, or mailed to anyone requesting a
 16 book, pamphlet, report, document, or publication upon receipt of the
 17 cost thereof plus mailing charges. Anyone may examine a copy of any
 18 book, pamphlet, document, report or publication at the central library
 19 and depository. ~~The committee~~ director may exempt from the provi-
 20 sions of this section any pamphlet or publication which only lists the
 21 services available from a state department or agency.

1 SEC. 6. Section sixteen point twenty-four (16.24), subsection
 2 fifteen (15), paragraph d, Code 1973, is amended by striking the
 3 paragraph and inserting in lieu thereof the following:

4 d. Legislative fiscal bureau.

1 SEC. 7. Section sixteen point twenty-five (16.25), subsection four-
 2 teen (14), Code 1973, is amended to read as follows:

3 14. To the office of the legislative service bureau and to the office
 4 of the legislative fiscal ~~director~~ bureau 1 copy

1 SEC. 8. Section seventeen point twenty-seven (17.27), unnum-
 2 bered paragraph two (2), Code 1973, as amended by House File 209,
 3 enacted by the Sixty-fifth General Assembly, 1973 Session, is further
 4 amended to read as follows:

5 When such publications paid for by public funds furnished by the
 6 state, contain reprints of statutes or departmental rules, or both, they
 7 shall be sold and distributed at cost by the department ordering same
 8 if the cost per publication is one dollar or more, unless a central
 9 library or depository is established by the budget and financial con-
 10 trol committee. Such publications shall be obtained from the super-
 11 intendent of printing on requisition by the department and the selling
 12 price, if any, shall be determined by the superintendent by dividing
 13 the total cost of printing, paper and binding by the number printed.
 14 Said price shall be set at the nearest multiple of ten to the quotient
 15 thus obtained. Distribution of such publications shall be made by the

16 superintendent gratis to public officers, purchasers of licenses from
 17 state departments required by statute, and departments. Funds from
 18 the sale of such publications shall be deposited monthly in the general
 19 fund of the state.

1 SEC. 9. Section nineteen point seven (19.7), unnumbered para-
 2 graph two (2), Code 1973, is amended to read as follows:

3 The proceeds of such loan shall be applied toward the payment of
 4 costs and obligations necessitated by such actual or potential dis-
 5 aster and the reimbursement of local funds from which such ex-
 6 penditures have been made. Any such project for repair, rebuilding
 7 or restoration of state property for which no specific appropriation
 8 has been made, shall, before work is begun thereon, be subject to
 9 approval or rejection by the ~~budget and financial control committee~~
 10 *executive council*.

1 SEC. 10. Section twenty point one (20.1), Code 1973, is amended
 2 to read as follows:

3 **20.1 Board created.** A state war surplus commodities board is
 4 hereby created and established hereinafter referred to as the "board",
 5 to consist of the commissioner of the department of social services or
 6 any division director assigned by him, a member of the state board of
 7 regents, a member of the Iowa state highway commission, a member
 8 of the executive council of the state, a member of the conservation
 9 commission of the state, the commissioner of the Iowa state depart-
 10 ment of health, a member of the department of public instruction, a
 11 member of the Iowa development commission, and ~~the chairman of~~
 12 ~~the budget and financial control committee selected by the budget and~~
 13 ~~financial control committee of each general assembly~~ *the director of*
 14 *the department of general services.*

1 SEC. 11. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088), section ninety-four
 3 (94), subsection six (6), is amended to read as follows:

4 6. One operations research analyst experienced in cost effective-
 5 ness analysis of city services to be selected by, and serve at the plea-
 6 sure of, the ~~budget and financial control committee~~ *legislative council*
 7 of the general assembly.

1 SEC. 12. Notwithstanding the provisions of section two point
 2 fifty-two (2.52) of the Code, for the biennium commencing July 1,
 3 1973 and ending June 30, 1975, the per diem and expenses of mem-
 4 bers of the legislative fiscal committee and of members of subcom-
 5 mittees appointed by the legislative fiscal committee shall be paid
 6 from funds appropriated to the budget and financial control commit-
 7 tee or its successor agency.

1 SEC. 13. Sections two point forty-one (2.41) through two point
 2 forty-eight (2.48), inclusive, and section twenty point three (20.3),
 3 Code 1973, are repealed.

Approved June 29, 1973.

CHAPTER 121

GENERAL SERVICES DEPARTMENT

H. F. 307

AN ACT relating to duties and functions of the department of general services.

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

1 SECTION 1. Section two point fifty-one (2.51), Code 1973, is
2 amended to read as follows:

3 **2.51 General supervision over legislative facilities, equipment, and**
4 **arrangements.** The legislative council in co-operation with the officers
5 of the senate and house shall have the duty and responsibility for pre-
6 paring for each session of the general assembly. Pursuant to such
7 duty and responsibility, the legislative council may assign areas in the
8 state capitol or other state buildings, in consultation with the ~~executive~~
9 ~~council~~ *director of the department of general services* and the capitol
10 planning commission, for use of the general assembly or legislative
11 agencies. The legislative council may authorize the renovation, re-
12 modeling and preparation of the physical facilities used or to be used
13 by the general assembly and award contracts pursuant to such author-
14 ity to carry out such preparation. The legislative council may purchase
15 supplies and equipment deemed necessary for the proper functioning
16 of the legislative branch of government.

17 In carrying out its duties under this section, the legislative council
18 shall consult with the ~~executive council~~ *director of the department of*
19 *general services* and the capitol planning commission, but shall not be
20 bound by any decision of the ~~executive council~~ *director* in respect to the
21 responsibilities and duties provided for in this section. The legislative
22 council may ~~direct the superintendent of buildings and grounds~~ *direct*
23 *the director of the department of general services* or other state
24 employees to carry out its directives in regard to the physical facilities
25 of the general assembly, or may employ other personnel to carry out
26 such functions.

27 The costs of carrying out the provisions of this section shall be paid
28 pursuant to section 2.12.

1 SEC. 2. Section eight A point three (8A.3), Code 1973, is amended
2 to read as follows:

3 **8A.3 Administration—director of general services.** All councils,
4 boards, and commissions created by this chapter shall be placed, for
5 administrative purposes, in the office of the director.

6 Before any obligations for expenditures shall be incurred from ap-
7 propriations made under the provisions of this chapter the same shall
8 be approved by the ~~state comptroller~~ *director*.

1 SEC. 3. Section eight A point four (8A.4), Code 1973, is amended
2 to read as follows:

3 **8A.4 Rules.** The director shall promulgate rules relating to state
4 communications in accordance with the provisions of this chapter. The
5 director shall also adopt and provide for standard communications
6 procedures and policies to be used by all departments and agencies of
7 state government.

8 Communications activities of departments of state government

9 which affect the overall operation of state communications shall fall
10 within the administrative jurisdiction of the ~~division~~ *director* for
11 review and action upon request from any department of state govern-
12 ment.

13 Communications activities which are operational and the responsi-
14 bility of a particular department of state government shall continue
15 to fall within the administrative jurisdiction of that department of
16 state government and be financed through its appropriations.

17 The ~~communications division~~ *director* and the state educational radio
18 and television facility board shall co-ordinate their activities to achieve
19 the maximum possible co-operation and effective use of the available
20 facilities.

1 SEC. 4. Section fourteen point eight (14.8), Code 1973, is amended
2 to read as follows:

3 **14.8 Recommendations—printing and reference.** The recommen-
4 dations of the editor of the Code shall be printed in such numbers as
5 the ~~printing board~~ *director of the department of general services* deems
6 necessary for public use, and when laid before the presiding officers of
7 the respective houses shall be referred in each house to appropriate
8 committees.

1 SEC. 5. Section fifteen point eight (15.8), Code 1973, is amended
2 to read as follows:

3 **15.8 Printing for state institutions.** The power of the director to
4 let contracts shall not embrace printing for any state *penal, correc-*
5 *tional or board of regents* institution, or *area vocational schools, area*
6 *community colleges, or school corporations under the jurisdiction of the*
7 *state department of public instruction* when the institution is able and
8 desires to do its own printing.

1 SEC. 6. Section fifteen point thirty-six (15.36), Code 1973, is
2 amended to read as follows:

3 **15.36 Centralized printing department.** A centralized printing de-
4 partment is hereby established under the jurisdiction of the director.

5 There is hereby appropriated from the general fund of the state to
6 the general services department the sum of seventy-five thousand dol-
7 lars to establish a permanent revolving fund. This fund may be used
8 in supplying paper stock, offset printing, copy preparation, binding,
9 and original payment of printing and binding claims for any of the
10 state departments, bureaus, commissions or institutions. All salaries
11 and expenses properly chargeable thereto shall be paid from this fund.
12 The director may, ~~with the approval of the executive council,~~ also use
13 the fund for the purchase of replacement or additional equipment, if
14 a sufficient balance will remain in the fund to enable the continued
15 operation of the centralized printing department.

16 The director shall periodically render a statement to each state
17 department, bureau, commission or institution for the cost of paper
18 stock, offset printing, copy preparation or binding supplied thereto.
19 The expense shall be paid by the state departments, bureaus, commis-
20 sions or institutions in the same manner as other expenses of the
21 departments are paid, and the sum shall be credited to the centralized
22 printing revolving fund. If a surplus accrues to the fund for which

23 there is no anticipated need or use, the governor shall order the sur-
24 plus turned over to the general fund of the state.

1 SEC. 7. Section eighteen A point five (18A.5), Code 1973, is
2 amended to read as follows:

3 18A.5 Expenses. The members of the commission shall be paid
4 for their actual and necessary expenses while in attendance at any
5 meeting of the commission held at the seat of government and in going
6 to and from the seat of government to attend a meeting of such
7 commission and while attending the same. Service of the ~~superin-~~
8 ~~tendent of buildings and grounds~~ *director of the department of general*
9 *services* and the state architect upon this commission shall be an addi-
10 tional duty conferred by statute.

1 SEC. 8. Section nineteen B point three (19B.3), Code 1973, is
2 amended by striking subsection five (5).

1 SEC. 9. Section nineteen B point six (19B.6), subsection seven (7),
2 Code 1973, is amended by striking the subsection and inserting in lieu
3 thereof the following:

4 7. The director shall furnish a list of specifications, prices, and dis-
5 counts of contract items to any governmental subdivision which shall
6 be responsible for payment to the vendor under the terms and condi-
7 tions outlined in the state contract.

1 SEC. 10. Section nineteen B point eight (19B.8), Code 1973, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. The director shall appoint a superintendent of
4 buildings and grounds, who shall serve at the pleasure of the director
5 and shall not be governed by the provisions of chapter nineteen A
6 (19A) of the Code.

1 SEC. 11. Section nineteen B point eight (19B.8), unnumbered para-
2 graph five (5), Code 1973, is amended to read as follows:

3 The director shall assign office space in the capitol building, other
4 state buildings, except the buildings and grounds referred to in section
5 601B.6, subsection 9, and elsewhere in the city of Des Moines, for all
6 executive and judicial state agencies. Assignments may be changed
7 at any time. The various officers to whom rooms have been so assigned
8 may control the same while the assignment to them is in force. Official
9 apartments shall be used only for the purpose of conducting the busi-
10 ness of the state. The term "capitol" or "capitol building" as used in
11 the Code shall be descriptive of all buildings upon the capitol grounds.
12 The assignment and use of physical facilities for the general assembly
13 shall be pursuant to section ~~2.5~~ *two point fifty-one (2.51) of the Code.*

1 SEC. 12. Section nineteen B point twelve (19B.12), Code 1973, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. Contract, with the approval of the executive
4 council, for the repair, remodeling or, if the condition warrants, demo-
5 lition of all buildings and grounds of the state at the seat of govern-
6 ment for which no specific appropriation has been made, if the cost of
7 repair, remodeling or demolition will not exceed one hundred thousand
8 dollars when completed. The cost of repair projects for which no
9 specific appropriation has been made shall be paid from the fund
10 provided in section nineteen point twenty-nine (19.29) of the Code.

11 NEW SUBSECTION. Dispose of all personal property of the state
12 under his control when it becomes unnecessary or unfit for further use
13 by the state. Proceeds from the sale of personal property shall be
14 deposited in the state general fund.

15 NEW SUBSECTION. Lease all buildings and office space necessary to
16 carry out the provisions of this chapter or necessary for the proper
17 functioning of any state agency at the seat of government, with the
18 approval of the executive council if no specific appropriation has been
19 made and the annual cost of the lease will exceed one hundred thou-
20 sand dollars, inclusive of any necessary remodeling, renovation or
21 repair. The cost of any lease for which no specific appropriation has
22 been made shall be paid from the fund provided in section nineteen
23 point twenty-nine (19.29) of the Code.

1 SEC. 13. Chapter nineteen B (19B), Code 1973, is amended by
2 adding the following new section:

3 NEW SECTION. The governor may by executive order transfer the
4 control and management of any warehouse, except warehouses under
5 the control of the Iowa beer and liquor control department, under the
6 control of any state agency which is in all instances included within
7 centralized purchasing under section nineteen B point three (19B.3)
8 of the Code, to the director of the department of general services.

1 SEC. 14. Section forty-nine point fifty-six (49.56), Code 1973, is
2 amended to read as follows:

3 **49.56 Maximum cost of printing.** The cost of printing the official
4 election ballots and printed supplies for voting machines shall not
5 exceed an amount determined by the ~~state printing board~~ *director of*
6 *the department of general services.*

1 SEC. 15. Chapter one hundred twenty-seven (127), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Other state departments.** Any department of the
4 state government needing a motor vehicle for official use may make
5 written application therefor to the director of the department of gen-
6 eral services. The director shall, if he determines that the department
7 should have a motor vehicle, by written application request the depart-
8 ment of justice to requisition a suitable motor vehicle for the applic-
9 department whenever one is available, in the manner provided in this
10 chapter. Whenever any department receives a motor vehicle under the
11 provisions of this section, the department shall cause the court costs
12 and all other costs incurred in connection with the confiscation and
13 forfeiture of the motor vehicle to be paid to the clerk of the court or
14 the sheriff of the proper county.

1 SEC. 16. Section two hundred eighty-three point two (283.2), Code
2 1973, is amended to read as follows:

3 **283.2 Services and commodities accepted.** The ~~state board of pub-~~
4 ~~lic instruction~~ *director of the department of general services* is also
5 authorized to accept services, commodities and surplus property and
6 make provision for warehousing and distribution to various depart-
7 ments and subdivisions of the state, and such other agencies, institu-
8 tions and authorized recipients within the state as may be from time to
9 time designated in federal statutes and rules.

1 SEC. 17. Section three hundred twenty-one point nineteen (321.19),
2 Code 1973, is amended to read as follows:

3 **321.19 General exemptions.** All vehicles owned by the government
4 and used in the transaction of official business by the representatives
5 of foreign powers or by officers, boards, or departments of the govern-
6 ment of the United States, and by the state of Iowa, counties, municipi-
7 palities and other subdivisions of government including vehicles used
8 by an urban transit company operated by a municipality as authorized
9 under chapter 386C, and such self-propelling vehicles as are used
10 neither for the conveyance of persons for hire, pleasure, or business
11 nor for the transportation of freight other than those used by an
12 urban transit company operated by a municipality, and all fire trucks,
13 providing they are not owned and operated for a pecuniary profit, are
14 hereby exempted from the payment of the fees in this chapter pre-
15 scribed, but shall not be exempt from the penalties herein provided.
16 The department shall furnish, on application, free of charge, distin-
17 guishing plates for vehicles thus exempted, which plates shall bear the
18 word "official", and the department shall keep a separate record thereof.
19 Provided that the ~~executive council~~ *director of general services or the*
20 *commissioner of public safety* may order the issuance of regular regis-
21 tration plates, for any such exempted vehicle, used by peace officers in
22 the enforcement of the law and persons enforcing the drug and nar-
23 cotic laws. For purposes of sale of vehicles exempted as herein indi-
24 cated, the exempted governmental body, upon the sale of the exempted
25 vehicle, may issue for in-transit purposes a pasteboard card bearing
26 the words "Vehicle in Transit", the name of the official body from
27 which the vehicle was purchased, together with the date of the pur-
28 chase plainly marked in minimal of one-inch letters, and other infor-
29 mation which may be required by the department of public safety.
30 The in-transit card shall be valid for use only within forty-eight hours
31 after the purchase date as indicated on the bill of sale which shall be
32 carried by the driver.

1 SEC. 18. Section nineteen point four (19.4), Code 1973, is re-
2 pealed.

1 SEC. 19. All acts and proceedings of the executive council to make
2 repairs or pay expenses under sections nineteen point eighteen (19.18)
3 and nineteen point nineteen (19.19), Code 1971, after the effective
4 date of chapter eighty-four (84), 1971 Session of the Sixty-fourth
5 General Assembly, are declared to be legal, validated, and confirmed.

1 SEC. 20. Section twenty-one point two (21.2), subsection four (4),
2 Code 1973, is amended to read as follows:

3 4. The state vehicle dispatcher shall purchase all new motor vehicles
4 for all branches of the state government, *except the state highway*
5 *commission, institutions under the control of the state board of regents,*
6 *the commission for the blind, and any other agencies exempted by law.*
7 Before purchasing any motor vehicle he shall make requests for public
8 bids by advertisement and he shall purchase the vehicles from the
9 lowest responsible bidder for the type and make of motor vehicle des-
10 ignated. No passenger motor vehicle except the motor vehicle provided
11 by the state for use of the governor, ambulances, buses, trucks, or
12 station wagons shall be purchased for an amount in excess of the sum

13 of three thousand three hundred dollars; provided that if the passenger
 14 motor vehicle is to be used by the highway patrol or the drug law
 15 enforcement division or the division of criminal investigation and
 16 bureau of identification for actual law enforcement, the maximum
 17 amount shall be ~~three thousand eight~~ *four thousand one* hundred dol-
 18 lars. Provided further, that for station wagons the maximum amount
 19 shall be ~~three thousand five~~ *four thousand one* hundred dollars.

1 SEC. 21. Section twenty-one point one (21.1), Code 1973, is
 2 amended to read as follows:

3 **21.1 Authority in department of general services.** The authority
 4 to assign all state-owned motor vehicles to state officers and employ-
 5 ees, or to state offices, departments, bureaus, and commissions, *except*
 6 *the state highway commission, institutions under the control of the*
 7 *state board of regents, the commission for the blind, and any other*
 8 *agencies exempted by law* shall be vested in the department of general
 9 services.

1 SEC. 22. Section nineteen B point thirteen (19B.13), Code 1973, is
 2 hereby amended by adding thereto the following paragraph:

3 **NEW PARAGRAPH. Denial of federal funds.** If it is determined by
 4 the attorney general that any provision of this Act would cause denial
 5 of funds or services from the United States government which would
 6 otherwise be available to an agency of this state, such provision shall
 7 be suspended as to such agency, but only to the extent necessary to
 8 prevent denial of such funds or services.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 122

OMNIBUS CORRECTIONS

H. F. 209

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

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

1 SECTION 1. Section four point one (4.1), subsection twenty-six
 2 (26), Code 1973, is amended to read as follows:

3 26. Population. The word "population", where used in this Code or
 4 any statute hereafter passed, shall be taken to be that as shown by the
 5 last preceding national census, unless otherwise specially provided.
 6 *However, the population figure disclosed for any city or town as the
 7 result of a special federal census as modified as the result of consolida-
 8 tion or annexation in the manner provided in sections 312.3 and ~~123.50~~
 9 *one hundred twenty-three point fifty-three (123.53) of the Code*, shall
 10 be considered for no other purposes than the application of sections
 11 ~~123.50 one hundred twenty-three point fifty-three (123.53) of the Code~~,
 12 312.3 and 405.1.

*See 64 G. A., ch. 1088, §200, effective July 1, 1974.

1 SEC. 2. Section fourteen point six (14.6), unnumbered paragraph
2 four (4) of subsection five (5), Code 1973, is amended to read as
3 follows:

4 The code editor may provide cumulative, semiannual supplements
5 for insertion in the latest published volume and a place shall be pro-
6 vided in the binding of said volume for insertion of such supplements.

1 SEC. 3. Section fourteen point twelve (14.12), subsection nine (9),
2 Code 1973, is amended to read as follows:

3 9. The Code shall be printed upon a good quality of paper in a
4 manner specified by the Code editor in consultation with the legislative
5 council according to the recommendations prepared by the state print-
6 ing board superintendent of printing.

1 SEC. 4. Section seventeen point three (17.3), subsections seven
2 (7) and fifteen (15), Code 1973, are amended to read as follows:

3 7. Printing board Superintendent of printing.

4 15. Superintendent of public buildings and grounds Department of
5 general services.

1 SEC. 5. Section seventeen point fourteen (17.14), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 The annual and biennial reports shall be published, printed, and
4 bound in such number as the board of printing superintendent of
5 printing may order. The officials and heads of departments shall fur-
6 nish the printing board superintendent with information necessary to
7 determine the number of copies to be printed.

1 SEC. 6. Section seventeen point twenty-three (17.23), Code 1973,
2 is amended to read as follows:

3 17.23 Price of departmental reports. The state printing board
4 superintendent of printing shall establish and fix a selling price for
5 all other state departmental reports and any other state publications
6 it may designate, which price per volume shall be the amount charged
7 any person, other than public officials, who may desire to purchase
8 the same; such price shall cover the cost of printing and distribution.
9 The state printing board superintendent may distribute gratis to such
10 state or local public officials, or offices, if he may deem necessary, copies
11 of departmental annual reports.

1 SEC. 7. Section seventeen point twenty-five (17.25), Code 1973, is
2 amended to read as follows:

3 17.25 New editions. New editions of the Code or supplements
4 thereto, book of annotations, and reports of the supreme court may be
5 published by the printing board superintendent of printing when the
6 supply on hand of the last edition becomes exhausted and when a new
7 edition is necessary in order to meet the demand.

1 SEC. 8. Section seventeen point twenty-six (17.26), Code 1973, is
2 amended to read as follows:

3 17.26 Number printed. The number of each edition of the Code
4 or supplements thereto, tables of corresponding sections, and session
5 laws, annotations, and reports of supreme court shall be determined by
6 the printing board superintendent of printing unless expressly deter-
7 mined by presiding officers of the general assembly.

1 SEC. 9. Section seventeen point twenty-seven (17.27), Code 1973,
2 is amended to read as follows:

3 **17.27 Other necessary publications—when necessary to sell.** There
4 may be published other miscellaneous documents, reports, bulletins,
5 books, and booklets that are needed for the use of the various officials
6 and departments of state, or are of value for the information of the
7 general assembly or the public, in form and number most useful and
8 convenient, to be determined by the ~~printing board~~ *superintendent of*
9 *printing*.

10 When such publications paid for by public funds furnished by the
11 state, contain reprints of statutes or departmental rules, or both, they
12 shall be sold and distributed at cost by the department ordering same
13 if the cost per publication is one dollar or more, unless a central library
14 or depository is established by the budget and financial control com-
15 mittee. Such publications shall be obtained from the superintendent
16 of printing on requisition by the department and the selling price, if
17 any, shall be determined by the ~~printing board~~ *superintendent* by
18 dividing the total cost of printing, paper and binding by the number
19 printed. Said price shall be set at the nearest multiple of ten to the
20 quotient thus obtained. Distribution of such publications shall be
21 made by the superintendent of ~~printing~~ gratis to public officers, pur-
22 chasers of licenses from state departments required by statute, and
23 departments. Funds from the sale of such publications shall be depos-
24 ited monthly in the general fund of the state.

1 SEC. 10. Section twenty-four point fourteen (24.14), Code 1973,
2 is amended to read as follows:

3 **24.14 Tax limited.** No greater tax than that so entered upon the
4 record shall be levied or collected for the municipality proposing such
5 tax for the purpose or purposes indicated; and thereafter no greater
6 expenditure of public money shall be made for any specific purpose
7 than the amount estimated and appropriated therefor, except as pro-
8 vided in sections 24.6, 24.15 and ~~subsection 4 of section 343.11, sub-~~
9 ~~section four (4) of the Code.~~ All budgets set up in accordance with
10 the statutes shall take such funds, ~~allocations made by sections 123.50~~
11 ~~one hundred twenty-three point fifty-three (123.53) of the Code,~~
12 ~~324.79 and 405.1,~~ into account, and all such funds, regardless of their
13 source, shall be considered in preparing the budget, all as is provided
14 in this chapter.

1 SEC. 11. Section twenty-six point six (26.6), Code 1973, is amend-
2 ed to read as follows:

3 **26.6 Population of counties, townships, cities, and towns.** When-
4 ever the population of any county, township, city, or town is referred
5 to in any law of this state, it shall be determined by the last certified,
6 or certified and published, official census unless otherwise provided.
7 However, the population figure disclosed for any city or town as the
8 result of a special federal census as modified as the result of consolida-
9 tion or annexation in the manner provided in sections 312.3, and ~~123.50~~
10 ~~one hundred twenty-three point fifty-three (123.53) of the Code,~~ shall
11 be considered for no other purposes than the application of sections
12 ~~123.50 one hundred twenty-three point fifty-three (123.53) of the Code,~~
13 312.3 and 405.1. Whenever a special federal census is ~~hereafter~~ taken
14 by any city or town, the mayor and council shall certify the said census

15 as soon as possible to the secretary of state and to the treasurer of
 16 state as otherwise herein provided, and failing to do so, the treasurer
 17 of state shall, after six months from the date of said special census,
 18 withhold allocation of such moneys from the city, and continue to do
 19 so until such time as certification by said mayor and council is made,
 20 or until the next decennial federal census. If there be a difference
 21 between the original certified record in the office of the secretary of
 22 state and the published census the former shall prevail.

1 SEC. 12. Section twenty-nine A point seventy-four (29A.74), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Except as otherwise provided in this chapter no agency created by a
 5 power of attorney in writing given by a principal who is at the time
 6 of execution, or who after executing such power of attorney becomes,
 7 either a member of the armed forces of the United States, or a person
 8 serving as a merchant seaman outside the limits of the United States
 9 included within the ~~forty-eight~~ *fifty* states and the District of Colum-
 10 bia, or a person outside said limits by permission, assignment or direc-
 11 tion of any department, in connection with any activity pertaining to
 12 or connected with the prosecution of any war in which the United
 13 States is then engaged, shall be revoked or terminated by the death of
 14 the principal, as to the agent or other person who, without actual
 15 knowledge or actual notice of the death of the principal, shall have
 16 acted or shall act, in good faith, under or in reliance upon such power
 17 of attorney or agency, and any action so taken, unless otherwise
 18 invalid or unenforceable, shall be binding on the heirs, devisees, lega-
 19 tees, or personal representatives of the principal.

1 SEC. 13. Section fifty point twenty-five (50.25), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

- 4 **50.25 Abstract of votes.** The abstract of the votes for each of the
 5 following classes shall be made on a different sheet:
 6 1. President and vice-president of the United States.
 7 2. Senator in the Congress of the United States.
 8 3. Representative in the Congress of the United States.
 9 4. Governor and lieutenant governor.
 10 5. A state officer not otherwise provided for.
 11 6. Senator or representative in the general assembly by districts.
 12 7. A county officer.

1 SEC. 14. Section fifty point thirty (50.30), Code 1973, is amended
 2 by striking the section and inserting in lieu thereof the following:

- 3 **50.30 Abstracts forwarded to secretary of state.** The auditor shall,
 4 within ten days after the election, forward to the secretary of state, in
 5 separate, securely sealed envelopes, one of the said duplicate abstracts
 6 of votes for each of the following offices:
 7 1. President and vice-president of the United States.
 8 2. Senator in Congress.
 9 3. Representative in Congress.
 10 4. Governor and lieutenant governor.
 11 5. Senator or representative in the general assembly by districts.
 12 6. A state officer not otherwise specified above.

1 SEC. 15. Section sixty-nine point eight (69.8), subsection three
2 (3), Code 1973, is amended to read as follows:

3 3. Supreme court appointees. In the offices of clerk and ~~reporter~~
4 of the supreme court ~~code editor~~, by the supreme court.

1 SEC. 16. Section one hundred ten point one (110.1), lines seventy-
2 six (76) through seventy-nine (79), Code 1973, are amended to read
3 as follows:

4 All nets not otherwise provided for,
5 each net—
6 Legal residents 1.00
7 Nonresidents or aliens 3.00

1 SEC. 17. Section two hundred thirty-two point fifty-one (232.51),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 Any such sums ordered by the court shall be a judgment against
5 each of the parents and a lien as provided in section 624.23. ~~If juve-~~
6 ~~nile court jurisdiction has been lodged in the municipal court, all such~~
7 ~~orders and judgments made by that court shall be transferred by the~~
8 ~~clerk thereof to the district court as provided in section 602.43.~~ If all
9 or any part of the sums that the parents are ordered to pay, is sub-
10 sequently paid by the county, the judgment and lien shall thereafter
11 be against each of the parents in favor of the county to the extent of
12 such payments.

1 SEC. 18. Section three hundred twenty-four point seventy-seven
2 (324.77), Code 1973, is amended to read as follows:

3 **324.77 Moneys deposited in treasury—refunds.** All fees, taxes,
4 interest, and penalties imposed under this chapter must be paid to
5 the department of revenue in the form of remittances payable to the
6 treasurer of state, and the department of revenue shall transmit each
7 payment daily to the treasurer of state. Such payments shall be
8 deposited by the treasurer of state in a fund, hereby created, within
9 the state treasury which shall be known as the “motor ~~vehicle~~ fuel tax
10 fund”, ~~the net proceeds of which fund, after deductions by lawful~~
11 ~~transfers and refunds, shall be known as the “motor vehicle fuel tax~~
12 ~~fund”.~~ The department of revenue shall certify monthly to the state
13 comptroller amounts of refunds of tax approved or determined by the
14 department during each month, and the state comptroller shall draw
15 warrants in such amounts on the motor ~~vehicle~~ fuel tax fund and
16 transmit them. There is hereby appropriated out of the money re-
17 ceived under the provisions of this chapter and deposited in the motor
18 ~~vehicle~~ fuel tax fund sufficient funds to pay such refunds as may be
19 authorized in this chapter.

20 The general assembly may appropriate from the motor fuel tax fund
21 such amounts as it determines are necessary for administrative ex-
22 penses. Allocations and transfers of fees, taxes, interest, and penalties
23 imposed under this chapter, pursuant to any provision of the Code,
24 shall be made from the motor fuel tax fund.

1 SEC. 19. Section three hundred twenty-four point eighty-four
2 (324.84), unnumbered paragraph one (1), Code 1973, is amended to
3 read as follows:

4 Pursuant to section 324.83, there shall be transferred from the

5 motor ~~vehicle~~ fuel tax fund to the marine fuel tax fund a portion of
 6 moneys collected under this chapter which is attributable to motor
 7 fuel used in watercraft which portion shall be computed as follows:

1 SEC. 20. Section three hundred thirty-six point three (336.3),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **336.3 Absence of county attorney—substitute—compensation.** In
 5 case of absence, sickness, or disability of the county attorney and his
 6 deputies, the court before whom it is his duty to appear, and in which
 7 there may be business requiring his attention, may appoint an attorney
 8 to act as county attorney, by order to be entered upon the records of
 9 the court, and he shall receive out of the compensation allowed to the
 10 county attorney, in proceedings before a judicial magistrate, such sum
 11 as the board of supervisors shall determine to be reasonable for the
 12 services rendered, and, if in proceedings before a district associate
 13 judge or a district judge, such sum as the judge shall determine to be
 14 a reasonable compensation, and, while acting under said appointment,
 15 he shall have all the authority and be subject to all the responsibilities
 16 herein conferred upon county attorneys.

1 SEC. 21. Section six hundred one G point four (601G.4), Code
 2 1973, is amended to read as follows:

3 **601G.4 Citizen of United States and resident of Iowa.** The citi-
 4 zens' aide shall be a citizen *of the United States and a resident* of the
 5 state of Iowa, and shall be qualified to analyze problems of law,
 6 administration and public policy.

1 SEC. 22. Section seven hundred seventy-nine point eleven (779.11),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 If the offense charged in the indictment or information is or may
 5 be punishable with ~~death or~~ imprisonment for life, the state and
 6 defendant shall each have the right to peremptorily challenge eight
 7 jurors and shall strike two jurors.

1 SEC. 23. Section seven hundred eighty point two (780.2), Code
 2 1973, is amended to read as follows:

3 **780.2 Continuances.** The provisions of the ~~Code rules~~ of civil
 4 procedure relative to the continuances of the trial of civil causes shall
 5 apply to the continuance of criminal actions, but no judgment for costs
 6 shall be rendered against a defendant on account thereof, except as in
 7 this Code otherwise provided.

1 SEC. 24. Section four hundred twenty-six A point one (426A.1),
 2 Code 1973, is amended to read as follows:

3 **426A.1 Military service tax credit fund.** There is hereby appro-
 4 priated from any moneys in the state treasury not otherwise appro-
 5 priated, the sum of eight hundred thousand dollars to establish a fund
 6 to be known as "the military service tax credit fund", in which fund
 7 shall also be included the amounts credited to the military service tax
 8 fund provided by subsection 7 of section ~~123.50~~ *one hundred twenty-*
 9 *three point fifty-three (123.53) of the Code.*

1 SEC. 25. Section six hundred twenty-three point one (623.1), Code
 2 1973, is amended to read as follows:

3 **623.1 Jury fees in criminal actions.** Where the place of trial in
 4 any criminal action is changed to any county other than that in which
 5 the same was properly commenced, where the trial thereof takes place
 6 at a regular ~~term~~ *session* and occupies more than one calendar day,
 7 the judge trying it shall certify the number of days so occupied, and
 8 the county in which the action was originally commenced shall be
 9 liable to the county where the same is tried for the sum of three dol-
 10 lars per day, for each jurymen engaged in the trial thereof.

1 SEC. 26. Section forty-eight point nineteen (48.19), Code 1973, is
 2 repealed.

1 SEC. 27. Section twenty-three point one (23.1), Code 1973, un-
 2 numbered paragraph two (2), is amended to read as follows:

3 The word "municipality" as used in this chapter shall mean county,
 4 except in the exercise of its power to make contracts for secondary
 5 road improvements, city, town, township, school corporation, state
 6 fair board, state board of regents, and state ~~board of control~~ *depart-*
 7 *ment of social services.*

Approved May 24, 1973.

CHAPTER 123

BUDGET FORMS

H. F. 498

AN ACT to provide for standard budget request forms.

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

1 SECTION 1. Section eight point twenty-three (8.23), Code 1973, is
 2 amended to read as follows:
 3 **8.23 Biennial departmental estimates.** On, or before, September 1
 4 *first*,* next prior to each biennial legislative session, all departments
 5 and establishments of the government shall transmit to the state comp-
 6 troller, hereinabove provided for, on blanks to be furnished by him,
 7 estimates of their expenditure requirements, including every proposed
 8 expenditure, for each fiscal year of the ensuing biennium, classified so
 9 as to distinguish between expenditures estimated for (1) administra-
 10 tion, operation and maintenance, and (2) the cost of each project
 11 involving the purchase of land or the making of a public improvement
 12 or capital outlay of a permanent character, together with such sup-
 13 porting data and explanations as may be called for by the state comp-
 14 troller, hereinabove provided for. In case of the failure of any depart-
 15 ment or establishment to submit such estimates within the time above
 16 specified, the governor shall cause to be prepared such estimates for
 17 such department or establishment as in his opinion are reasonable and
 18 proper. *The state comptroller shall furnish standard budget request*
 19 *forms to each department or agency of state government.*

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

*According to enrolled Act.

CHAPTER 124

COMPENSATION OF BOARDS AND COMMISSIONS

H. F. 704

AN ACT raising the compensation paid to members of certain boards and commissions.

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

1 SECTION 1. Section eight A point eleven (8A.11), Code 1973, is
2 amended to read as follows:

3 **8A.11 Expenses.** The members of both the council and the board
4 shall ~~serve without compensation but shall be entitled to be paid a~~
5 ~~forty dollar per diem and be reimbursed for travel and actual and~~
6 ~~necessary expenses involved in attending meetings and in the per-~~
7 ~~formance of their duties. All per diem and expense moneys paid to the~~
8 ~~members shall be paid from funds appropriated to the department of~~
9 ~~general services.~~

1 SEC. 2. Section eighteen A point five (18A.5), Code 1973, is
2 amended to read as follows:

3 **18A.5 Compensation and expenses.** The members of the commis-
4 sion shall be ~~paid reimbursed for their actual and necessary expenses~~
5 ~~and shall be paid a forty dollar per diem while in attendance at any~~
6 ~~meeting of the commission held at the seat of government and in shall~~
7 ~~be reimbursed for their expenses for going to and from the seat of~~
8 ~~government to attend a meeting of such commission and while attend-~~
9 ~~ing the same. All per diem and expense moneys paid to the commis-~~
10 ~~sioners shall be paid from funds appropriated to the commission.~~
11 Service of the superintendent of buildings and grounds and the state
12 architect upon this commission shall be an additional duty conferred
13 by statute.

1 SEC. 3. Section twenty-eight point two (28.2), Code 1973, is
2 amended to read as follows:

3 **28.2 Compensation and expenses.** The members of the commis-
4 sion shall ~~receive such compensation as may be allowed by the general~~
5 ~~assembly be paid a forty dollar per diem and they shall be reimbursed~~
6 ~~for their actual and necessary expense actually incurred in performing~~
7 ~~their duties as members of the commission. All per diem and expense~~
8 ~~moneys paid to the members shall be paid from funds appropriated to~~
9 ~~the commission.~~

1 SEC. 4. Section sixty-seven point twelve (67.12), Code 1973, is
2 amended to read as follows:

3 **67.12 Compensation of commissioners.** ~~Said These~~ commissioners
4 shall each ~~receive for the time actually employed in the performancee~~
5 ~~of their duties the sum of ten dollars per day and their be paid a forty~~
6 ~~dollar per diem and be reimbursed for actual and necessary expenses,~~
7 ~~which sum shall be paid out of any unappropriated funds in the state~~
8 ~~treasury.~~

1 SEC. 5. Section eighty B point eight (80B.8), Code 1973, is
2 amended to read as follows:

3 **80B.8 Travel Compensation and expense allowance expenses.** The
4 members of the council shall ~~serve without compensation but be paid~~

5 *a forty dollar per diem and shall be entitled to travel reimbursed for*
 6 *necessary and actual expenses involved incurred in attending meetings*
 7 *and in the performance of their duties. All per diem and expense*
 8 *moneys paid to members shall be paid from funds appropriated to the*
 9 *Iowa law enforcement academy.*

1 SEC. 6. Section eighty-two point two (82.2),* unnumbered para-
 2 graph two (2), Code 1973, is amended to read as follows:

3 Two members of the mining board shall be persons who, by reason
 4 of previous training and experience, may reasonably be considered to
 5 represent the viewpoint of mine workmen, and two members shall be
 6 persons who, by reason of previous training and experience, may
 7 reasonably be considered to represent the viewpoint of mine operators.
 8 One member of the board, who shall be chairman of the board, and
 9 serve as a representative of the public, shall not, within one year of
 10 his appointment as a member of the board, have had a pecuniary
 11 interest in, or engaged in, the mining of coal or other minerals, or have
 12 been an officer or representative of either mine workers or operators.
 13 ~~Each member of the board shall, in addition to necessary traveling and~~
 14 ~~hotel expenses, receive twenty dollars per day while actually engaged~~
 15 ~~in the performance of work of the board. No~~ *The members of the*
 16 *board shall be paid a forty dollar per diem and shall be reimbursed for*
 17 *actual and necessary expenses incurred under the provisions of this*
 18 *chapter. A member of the board shall not receive more than four eight*
 19 *hundred dollars in per diem compensation in any one year. All per*
 20 *diem and expense moneys paid to the members shall be paid from*
 21 *funds appropriated to the department of mines and minerals.*

1 SEC. 7. Section ninety point seven (90.7), Code 1973, is amended
 2 to read as follows:

3 **90.7 Compensation and expenses.** ~~The members of the board shall~~
 4 ~~receive a compensation of five dollars be paid a forty dollar per diem~~
 5 ~~for the time actually employed, together with their traveling and other~~
 6 ~~and shall be reimbursed for actual and necessary expenses, the same~~
 7 ~~these moneys to be payable out of the state treasury upon warrants~~
 8 ~~drawn by the state comptroller.~~

1 SEC. 8. Section one hundred seven point five (107.5), Code 1973,
 2 is amended to read as follows:

3 **107.5 Compensation.** ~~Each member~~ *The members of the commis-*
 4 ~~sion shall receive the sum of twenty-five dollars be paid a forty dollar~~
 5 ~~per diem and be reimbursed for actual and necessary expenses for each~~
 6 ~~day actually and necessarily employed in the discharge of official~~
 7 ~~duties, provided said compensation; however, the per diem shall not~~
 8 ~~exceed one thousand six hundred dollars for each fiscal year. All per~~
 9 ~~diem moneys paid to members shall be paid from funds appropriated~~
 10 ~~to the commission.~~

1 SEC. 9. Section one hundred thirty-five point fourteen (135.14),
 2 Code 1973, is amended to read as follows:

3 **135.14 Compensation and expenses.** ~~The members master plumber~~
 4 ~~and journeyman plumber member of the committee shall receive no~~
 5 ~~compensation for their services, but they be paid a forty dollar per~~
 6 ~~diem and shall receive their be reimbursed for actual and necessary~~

*Repealed by ch. 139, §31, herein.

7 ~~traveling and hotel~~ expenses in discharging the duties prescribed in
8 section 135.13.

1 SEC. 10. Section one hundred thirty-five B point eleven (135B.11),
2 subsection two (2), Code 1973, is amended to read as follows:

3 2. To review and approve such rules, regulations and standards
4 authorized hereunder prior to their promulgation by the department
5 of health as specified herein.

6 The members of the board *shall be paid a forty dollar per diem and*
7 *shall receive no compensation or be reimbursed for actual and neces-*
8 *sary expenses for their services incurred as members thereof. All per*
9 *diem moneys paid to the members shall be paid from funds appropri-*
10 *ated to the state department of health.*

1 SEC. 11. Section one hundred thirty-six point nine (136.9), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **136.9 Compensation and expenses.** The members of the board
5 shall be paid a forty dollar per diem and shall be reimbursed for actual
6 and necessary expenses for each day employed in the discharge of their
7 duties. All per diem and expense moneys paid to the members shall be
8 paid from funds appropriated to the state department of health.

1 SEC. 12. Section two hundred forty-nine B point six (249B.6),
2 Code 1973, is amended to read as follows:

3 **249B.6 Compensation and expenses.** The members of the commis-
4 sion, and noncommission members serving on commission subcommit-
5 tees, shall ~~receive no compensation for their services other than reim-~~
6 ~~bursement~~ *be paid a forty dollar per diem and shall be reimbursed for*
7 *traveling and other actual and necessary expenses actually incurred in*
8 *the performance of their official duties. Commission per diem and*
9 *expenses, including the salary of the executive secretary and any office*
10 *expenses, shall be paid from funds made available to the commission*
11 *by the general assembly.*

1 SEC. 13. Section two hundred fifty-seven point six (257.6), Code
2 1973, is amended to read as follows:

3 **257.6 Per diem of members Compensation and expenses.** The
4 members of the state board shall be ~~allowed~~ *paid a forty dollar per*
5 *diem of thirty dollars and their shall be reimbursed for actual and*
6 *necessary travel and expense expenses incurred while engaged in their*
7 *official duties. All per diem and expense moneys paid to the members*
8 *shall be paid from funds appropriated to the department of public*
9 *instruction.*

1 SEC. 14. Section two hundred sixty-one point four (261.4), Code
2 1973, is amended to read as follows:

3 **261.4 Funds—comptroller—compensation of commission and ex-**
4 **penses.** The state comptroller shall keep an accounting of all funds
5 received and expended by the commission. ~~Commission members not~~
6 ~~regularly paid employees of the state~~ *The members of the commission,*
7 *except those members who are employees of the state, shall be paid a*
8 *forty dollar per diem of twenty dollars and shall be reimbursed for*
9 *actual and necessary expenses which amount is hereby appropriated*
10 *from funds available to the commission and paid upon warrants issued*

11 by the state comptroller. *All per diem and expense moneys paid to*
 12 *members shall be paid from funds appropriated to the commission.*

1 SEC. 15. Section three hundred three point twenty (303.20), Code
 2 1973, is amended to read as follows:

3 **303.20 Compensation and expenses.** *All The members of the board*
 4 *shall be paid a forty dollar per diem and shall be reimbursed for the*
 5 *actual and necessary expenses incurred by them in the discharge of*
 6 *their duties, and the same shall be paid in the same manner as other*
 7 *expenses incurred by the board. They shall receive no compensation*
 8 *for services. All per diem and expense moneys paid to the members*
 9 *shall be paid from funds appropriated to the board.*

1 SEC. 16. Section three hundred twenty-eight point six (328.6),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **328.6 Compensation and expenses.** The members of the commis-
 5 sion shall be paid a forty dollar per diem and shall be reimbursed for
 6 actual and necessary expenses incurred under the provisions of this
 7 chapter; however, a member shall not receive more than one thousand
 8 nine hundred dollars per diem for each fiscal year. All per diem and
 9 expense moneys paid to members shall be paid from funds appropri-
 10 ated to the commission.

1 SEC. 17. Section four hundred fifty-five A point seven (455A.7),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **455A.7 Compensation and expenses.** The members of the council,
 5 except those members who are employees of the state or any political
 6 subdivision, shall be paid a forty dollar per diem and shall be reim-
 7 bursed for actual and necessary expenses incurred under the provisions
 8 of this chapter; however, a member shall not receive more than three
 9 thousand two hundred dollars per diem for each fiscal year. All per
 10 diem and expense moneys paid to members shall be paid from funds
 11 appropriated to the council. A member of the council shall not have a
 12 direct financial interest in, or profit by any of the operations of the
 13 council.

1 SEC. 18. Section four hundred fifty-five B point four (455B.4),
 2 unnumbered paragraph three (3), Code 1973, is amended to read as
 3 follows:

4 Each commission shall meet at least four times a year. Other meet-
 5 ings shall be called by the chairman or upon written request of a
 6 majority of the members of the commission. The chairman shall pre-
 7 side at all meetings or in his absence the vice-chairman shall preside.
 8 The executive director shall attend the meetings of the commissions
 9 and act as secretary for them. The members of each commission shall
 10 be paid a *forty dollar* per diem ~~of thirty dollars~~ while in session, ten
 11 cents a mile for travel, and their ~~reasonable~~ *actual* and necessary
 12 expenses while attending such meetings. *All per diem and expense*
 13 *moneys paid to members shall be paid from funds appropriated to the*
 14 *commission of which they are members.*

1 SEC. 19. Section four hundred fifty-five B point fifty-five
 2 (455B.55), Code 1973, is amended to read as follows:

3 **455B.55 Organization.** The initial board of certification shall or-
 4 ganize and elect a chairman from its membership. Thereafter, a chair-
 5 man shall be elected at the last meeting of the fiscal year which shall
 6 be the annual meeting of the board. The member of the board em-
 7 ployed by the department shall serve as secretary and maintain its
 8 records. Additional meetings may be held at the call of the chairman.
 9 Three members shall constitute a quorum. The members of the board
 10 shall ~~serve without compensation, except~~ *be paid a forty dollar per*
 11 *diem and shall be reimbursed* for actual and necessary expenses in-
 12 curred while discharging their official duties. *All per diem and expense*
 13 *moneys paid to the members shall be paid from funds appropriated to*
 14 *the board.*

1 SEC. 20. Section four hundred sixty-seven A point four (467A.4),
 2 subsection three (3), Code 1973, is amended to read as follows:
 3 3. The committee shall designate its chairman, and may, from time
 4 to time, change such designation. The director of the state agricul-
 5 tural extension service shall hold office so long as he shall retain the
 6 office by virtue of which he shall be serving on the committee. The
 7 members appointed by the governor shall serve for a period of six
 8 years. Members shall be appointed in each odd-numbered year to
 9 succeed members whose terms expire on June 30 of that year.
 10 Appointments may be made at such other times and for such other
 11 periods as are necessary to fill vacancies on the committee, and any
 12 appointment so made while the general assembly is not in session shall
 13 be subject to confirmation by the senate at the next session of the
 14 general assembly thereafter. No members shall be appointed to serve
 15 more than two complete six-year terms. Members designated to repre-
 16 sent the secretary of agriculture, director of the state conservation
 17 commission, or the director of the Iowa natural resources council shall
 18 serve at the pleasure of the officer making such designation. A major-
 19 ity of the voting members of the committee shall constitute a quorum,
 20 and the concurrence of a majority of the voting members of the com-
 21 mittee in any matter within their duties shall be required for its
 22 determination. The chairman and members of the committee, not
 23 otherwise in the employ of the state, or any political subdivision, shall
 24 receive ~~thirty~~ *forty* dollars per diem as compensation for their ser-
 25 vices in the discharge of their duties as members of the committee.
 26 The committee shall determine the number of days for which any
 27 committee member may draw per diem compensation, but the total
 28 number of days for which per diem compensation is allowed for the
 29 entire committee shall not exceed three hundred fifty days per year.
 30 They shall also be entitled to expenses, including traveling expenses,
 31 necessarily incurred in the discharge of their duties as members of such
 32 committee. *The per diem and expenses paid to the committee members*
 33 *shall be paid from funds appropriated to the committee.* The commit-
 34 tee shall provide for the execution of surety bonds for all employees
 35 and officers who shall be entrusted with funds or property, shall pro-
 36 vide for the keeping of a full and accurate record of all proceedings
 37 and of all resolutions, regulations, and orders issued or adopted, and
 38 shall provide for an annual audit of the accounts of receipts and dis-
 39 bursements.

1 SEC. 21. Section five hundred sixty-eight point nine (568.9), Code
2 1973, is amended to read as follows:

3 ~~568.9 Commissioners' compensation~~ *Compensation and expenses.*
4 Commissioners, for their services in making such appraisalment shall
5 ~~each be entitled to receive five dollars per day for the actual time~~
6 ~~employed paid a forty dollar per diem and shall be reimbursed for~~
7 ~~actual and necessary expenses. All per diem moneys paid to the com-~~
8 ~~missioners shall be paid from funds appropriated to the secretary of~~
9 ~~state.~~

1 SEC. 22. Section six hundred one A point four (601A.4), Code
2 1973, is amended to read as follows:

3 ~~601A.4 Compensation and expenses—rules.~~ Commissioners shall
4 ~~serve without compensation but be paid a forty dollar per diem and~~
5 shall be reimbursed for ~~necessary travel~~ *actual and other necessary*
6 *expenses incurred while on official commission business. All per diem*
7 *and expense moneys paid to commissioners shall be paid from funds*
8 *appropriated to the commission.* The commission shall adopt, amend,
9 or rescind such rules as shall be necessary for the conduct of its
10 meetings. A quorum shall consist of four commissioners.

1 SEC. 23. Section six hundred one B point four (601B.4), Code
2 1973, is amended to read as follows:

3 ~~601B.4 Compensation and expenses.~~ The members of the commis-
4 sion shall ~~receive no compensation for their services, but be paid a~~
5 ~~forty dollar per diem and shall be entitled to receive reimbursed for~~
6 ~~their traveling~~ *actual and other necessary expenses incurred in the*
7 *performance of their duties as members of the commission. All per*
8 *diem and expense moneys paid to members shall be paid from funds*
9 *appropriated to the commission.*

Approved June 19, 1973.

CHAPTER 125

MIDWEST NUCLEAR BOARD

S. F. 45

AN ACT providing for representation of the federal government on the midwest nuclear board.

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

1 SECTION 1. Section eight B point one (8B.1), Article two (II),
2 paragraph b, Code 1973, is amended by striking the paragraph and
3 inserting in lieu thereof the following:

4 b. The federal government may be represented on the board with-
5 out vote, if provision is made by federal law for such representation.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 126

LAWS OF IOWA DISTRIBUTED

H. F. 28

AN ACT relating to a free copy of the laws of Iowa.

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

1 SECTION 1. Section sixteen point twenty-four (16.24), subsection
2 five (5), Code 1973, is amended to read as follows:

3 5. To each judge of the supreme court and to each judge of the
4 district court including, two copies; and to each district associate
5 judge and each judicial magistrate 1 copy

1 SEC. 2. Section sixteen point twenty-four (16.24), Code 1973, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. To each board of supervisors for each county
4 1 copy.

5 NEW SUBSECTION. To each juvenile referee 1 copy

Approved June 13, 1973.

CHAPTER 127

LAWS DISTRIBUTED TO CITY ASSESSORS

S. F. 39

AN ACT to provide copies of the Iowa Code and Acts of each general assembly to city assessors without cost.

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

1 SECTION 1. Section sixteen point twenty-four (16.24), subsection
2 sixteen (16), Code 1973, is amended to read as follows:

3 16. To the clerk of the district court, the county attorney, the county
4 auditor, the county recorder, county and city assessor, the county
5 treasurer, the sheriff, and the county superintendent of each county
6 in the state and also for use in each courtroom of the district court
7 1 copy

Approved March 23, 1973.

CHAPTER 128

DEPARTMENTAL RULES

S. F. 396

AN ACT relating to departmental regulations affecting local governmental bodies.

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

1 SECTION 1. Chapter seventeen A (17A), Code 1973, is amended by
2 adding the following new section:

3 NEW SECTION. Any agency proposing changes in an existing rule
4 or proposing a new rule affecting a unit of local government shall
5 notify the affected unit of the proposed changes thirty days prior to

6 submission of the rule to the departmental rules review committee.
 7 The notification shall include a copy of the proposed changes in a rule,
 8 or a copy of the new rule.

Approved May 24, 1973.

CHAPTER 129

OUTDATED WARRANTS

H. F. 696

AN ACT relating to the reissuance of outdated warrants.

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

1 SECTION 1. Section twenty-five point two (25.2), Code 1973, is
 2 amended to read as follows:
 3 **25.2 Examination of report—approval or rejection—payment.** The
 4 state appeal board with the recommendation of the special assistant
 5 attorney general for claims may approve or reject claims against the
 6 state of less than ten years covering the following: Outdated war-
 7 rants; outdated sales and use tax refunds; license refunds; additional
 8 agricultural land tax credits; outdated invoices; fuel and gas tax
 9 refunds; outdated homestead and veterans' exemptions; outdated
 10 funeral service claims; tractor fees; registration permits; outdated
 11 bills for merchandise; services furnished to the state; claims by any
 12 county or county official relating to the personal property tax credit;
 13 and refunds of fees collected by the state. Payments authorized by
 14 the state appeal board shall be paid from the appropriation or fund
 15 of original certification of the claim, except, that if such appropriation
 16 or fund has since reverted under section 8.33 then such payment
 17 authorized by the state appeal board shall be out of any money in the
 18 state treasury not otherwise appropriated. *Notwithstanding the pro-*
 19 *visions of this section, the state comptroller may reissue outdated*
 20 *warrants.*

Approved June 19, 1973.

CHAPTER 130

GRAIN ALCOHOL MOTOR FUEL

H. F. 375

AN ACT relating to the development of a grain alcohol motor fuel industry in this state by the Iowa development commission.

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

1 SECTION 1. Section twenty-eight point four (28.4), Code 1973, is
 2 amended to read as follows:
 3 **28.4 Commission employees.** The commission shall be empowered
 4 to employ such assistants, clerks, and stenographers as its business
 5 may require. All said employees shall be paid from the funds herein-
 6 after appropriated to the commission. The director, subject to approval

7 by the governor, may employ administrative assistants or deputies,
 8 *and shall assign sufficient employees for the purpose of pursuing the*
 9 *development of an Iowa grain alcohol motor fuel industry.*

1 SEC. 2. Section twenty-eight point seven (28.7), subsection one
 2 (1), Code 1973, is amended to read as follows:

3 1. Collect and assemble, or cause to have collected and assembled,
 4 all pertinent information available regarding the industrial and agri-
 5 cultural and recreational opportunities and possibilities of the state
 6 of Iowa, including raw materials and products that may be produced
 7 therefrom; power and water resources; transportation facilities;
 8 available markets; the availability of labor; the banking and financing
 9 facilities; the availability of industrial sites; ~~and~~ the advantages of
 10 the state as a whole, and the particular sections thereof, as industrial
 11 locations; *the development of a grain alcohol motor fuel industry and*
 12 *its related products*; and such other fields of research and study as
 13 the commission may deem necessary. Such information, as far as
 14 possible, shall consider both the encouragement of new industrial
 15 enterprises in the state and the expansion of industries now existing
 16 within the state, and allied fields to such industries.

1 SEC. 3. Section twenty-eight point seven (28.7), Code 1973, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. Provide that any inventor whose research is
 4 funded in whole or in part by the state shall assign to the state such a
 5 proportionate part of his rights to a letter patent to the state. Royal-
 6 ties or earnings derived from a letter patent shall be paid to the
 7 treasurer of state and credited by him to the general fund of the state.

Approved June 13, 1973.

CHAPTER 131

JOINT CITY-COUNTY BUILDINGS

S. F. 313

AN ACT relating to bond elections for joint city-county buildings.

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

1 SECTION 1. NEW SECTION. When bonds which require a vote of
 2 the people are to be issued for financing joint facilities of a county
 3 and one or more cities or towns within the county, pursuant to an
 4 agreement made under the authority of chapter twenty-eight E (28E)
 5 of the Code, or pursuant to other provisions of law, the board of super-
 6 visors and the council of each city and town shall arrange for a single
 7 election on the question of issuing the bonds, but if the county and the
 8 cities or towns are proposing to make separate bond issues, the ballot
 9 shall contain separate questions, one to be voted upon by all voters of
 10 the county, and one or more to be voted upon only by the voters of the
 11 city or town which is to make a separate bond issue.

Approved May 15, 1973.

CHAPTER 132

URBAN MASS TRANSIT SYSTEM

S. F. 448

AN ACT relating to the establishment or acquisition of mass transit systems by public agencies.

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

1 SECTION 1. NEW SECTION. It is the public policy of this state to
2 encourage the establishment or acquisition of urban mass transit sys-
3 tems and the equipment, enlargement, extension, improvement, mainte-
4 nance and operation thereof by cities, towns, counties and school dis-
5 tricts as public agencies in cooperation with, and the assistance of, the
6 urban mass transportation administration of the United States depart-
7 ment of transportation, pursuant to the provisions of the federal Urban
8 Mass Transportation Act of 1964, as amended, which requires unifica-
9 tion or official coordination of local mass transportation services on an
10 area-wide basis as a condition of such assistance.

1 SEC. 2. NEW SECTION. Any two or more public agencies, as de-
2 fined in section twenty-eight E point two (28E.2) of the Code, may
3 enter into an agreement pursuant to the provisions of chapter twenty-
4 eight E (28E) of the Code to jointly and cooperatively create a sepa-
5 rate public agency for the purpose of establishing or acquiring any
6 urban mass transit system and to provide for its equipment, enlarge-
7 ment, extension, improvement, maintenance, and operation under the
8 terms of, and subject to, any conditions of such federal assistance. The
9 agreement shall be entered into by the governing body of each partici-
10 pating public agency and may be entered into and implemented without
11 an election.

1 SEC. 3. NEW SECTION. The public agencies creating an urban
2 mass transit system by an agreement under chapter twenty-eight E
3 (28E) of the Code may jointly exercise through a public agency all
4 rights, powers, privileges and immunities granted to municipal corpo-
5 rations, except that a public agency shall not have authority to incur
6 bonded indebtedness. All exemptions from taxation and exceptions
7 from regulation pertaining to the ownership or operation of transit
8 systems by municipal corporations under chapter three hundred
9 eighty-six B (386B)* of the Code shall extend to transit systems cre-
10 ated pursuant to this Act.

1 SEC. 4. NEW SECTION. Upon agreement, the head of the govern-
2 ing body of each public agency which is a party to the agreement shall
3 appoint trustees, pursuant to the provisions of section three hundred
4 eighty-six B point six (386B.6)* of the Code. The number of trustees
5 appointed shall be determined by the agreement. All trustees ap-
6 pointed and qualified shall constitute a joint board of trustees which
7 shall jointly have all the powers, privileges, and immunities prescribed
8 for transit trustees under chapter three hundred eighty-six B (386B)*
9 of the Code and shall jointly carry out those functions and responsi-
10 bilities. However, the authority may be restricted by the terms of the
11 agreement, which in addition to the other requirements contained in
12 chapter twenty-eight E (28E) of the Code may contain such provision

*See 64-1088-9, 199.

13 as may be deemed necessary to give recognition to differentials in
 14 population and public function of the participating public agencies,
 15 and provide for a quorum appropriate to the total membership.

1 SEC. 5. NEW SECTION. The agreement may be amended from time
 2 to time as the parties may agree and may provide for subsequent in-
 3 clusion of other public agencies upon terms which are equitable to
 4 existing parties.

1 SEC. 6. NEW SECTION. A joint board created pursuant to this
 2 Act shall be known and referred to as the joint board of transit trustees
 3 of metropolitan transit authority (inserting in the blank
 4 provided the name chosen for the separate entity).

1 SEC. 7. This Act, being deemed of immediate importance, shall take
 2 effect and be in force from and after its publication in the Council
 3 Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and
 4 in The Des Moines Register, a newspaper published in Des Moines,
 5 Iowa.

Approved May 23, 1973.

I hereby certify that the foregoing Act, Senate File 448, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, May 25, 1973, and in The Des Moines Register, Des Moines, Iowa, May 24, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 133

VETERANS DAY

H. F. 27

AN ACT changing the observance date of Veterans'* Day.

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

1 SECTION 1. Section thirty-one point seven (31.7), Code 1973, is
 2 amended to read as follows:

3 31.7 Veterans'* Day. The governor is hereby authorized and
 4 requested to issue annually a proclamation designating the ~~fourth~~
 5 ~~Monday in October~~ *eleventh day of November* as Veterans'* Day and
 6 calling upon the people of Iowa to observe it as a legal holiday in honor
 7 of those who have been members of the armed forces of the United
 8 States, and urging state officials to display the American flag on all
 9 state and school buildings and the people of the state to display the
 10 flag at their homes, lodges, churches and places of business; that busi-
 11 ness activities be held to the necessary minimum; and that appropriate
 12 services and exercises be had expressive of the public sentiments befit-
 13 ting the occasion.

1 SEC. 2. Section thirty-three point one (33.1), subsection seven (7),
 2 Code 1973, is amended to read as follows:

3 7. Veterans'* Day, the ~~fourth Monday in October~~ *November 11*.

Approved April 18, 1973.

*According to enrolled Act.

CHAPTER 134

HOLIDAYS

S. F. 512

AN ACT relating to holidays for state employees.

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

- 1 SECTION 1. Chapter thirty-three (33), Code 1973, is amended by
 2 adding the following new section:
 3 NEW SECTION. **Paid holidays.** State employees are granted, ex-
 4 cept as provided in unnumbered paragraph three (3) of this section,
 5 the following holidays off from employment with pay:
 6 1. New Years Day, January 1.
 7 2. Washington's Birthday, the third Monday in February.
 8 3. Memorial Day, the last Monday in May.
 9 4. Independence Day, July 4.
 10 5. Labor Day, the first Monday in September.
 11 6. Thanksgiving Day, the fourth Thursday in November.
 12 7. Friday after Thanksgiving, the Friday following Thanksgiving
 13 Day.
 14 8. Christmas Day, December 25.
 15 9. Two other holidays, each to be designated annually by the execu-
 16 tive council.
 17 The executive council may designate days off from employment with
 18 pay in addition to those enumerated in this section for state employees
 19 at its discretion.
 20 If a holiday enumerated in this section falls on Saturday, the preced-
 21 ing Friday shall be granted and if a holiday enumerated in this section
 22 falls on Sunday, the following Monday shall be granted. In those cases,
 23 where by nature of the employment a state employee must be required
 24 to work on a holiday the provisions of unnumbered paragraph one (1)
 25 of this section shall not apply, however he shall be compensated by an
 26 alternative day off from employment with pay.
 27 No holiday granted to a state employee by this section can be con-
 28 sidered as vacation time and shall not be included in the amount of
 29 vacation to which a state employee is entitled.

Approved June 19, 1973.

CHAPTER 135

CITY-TOWNSHIP MEMORIAL BUILDING

S. F. 452

AN ACT permitting a city or a town to join with a township in building and maintain-
 ing a memorial building.

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

- 1 SECTION 1. Section thirty-seven point twenty-one (37.21), Code
 2 1973, is amended to read as follows:
 3 **37.21 Joint memorials.** Any city or town may join with the county
 4 or township in which such city or town is located in the joint erection

5 or purchase of memorial buildings or monuments and suitable ground
 6 and equipment therefor, and the maintenance thereof, providing the
 7 council of such city or town and the board of supervisors of such county
 8 *or the township trustees* can so agree, but in cases where commission-
 9 ers have already been appointed under section 37.9, such agreement
 10 shall be between such commissioners, but if only one of such parties
 11 has appointed commissioners, then such agreement shall be between
 12 the commissioners already appointed and the council of such city or
 13 town or the board of supervisors of such county *or the township*
 14 *trustees*, as the case may be.

1 SEC. 2. Section three hundred sixty point four (360.4), Code 1973,
 2 is amended to read as follows:

3 360.4 **Location.** Any public hall built under the provisions of this
 4 chapter shall be located by the township trustees so as to accommodate
 5 the greatest number of the resident taxpayers, and for such purpose
 6 the trustees may purchase land not to exceed in value five hundred
 7 dollars. They shall also have the power to join with the city or town
 8 authorities of any city or town within their borders and build and
 9 equip said building as a public hall *or as a memorial building as pro-*
 10 *vided in section thirty-seven point twenty-one (37.21) of the Code*
 11 *under such terms and conditions as may be mutually agreed upon.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 136

ELECTION LAWS

H. F. 745

AN ACT to require permanent registration of all voters in the state, to revise and clarify laws prescribing procedures for preparing for, giving notice of, conducting and canvassing elections, and establishing the terms of office of certain elected officers, to more effectively implement previous legislation placing with the county commissioner of elections responsibility for conducting city, school and other elections, and providing penalties.

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

1 SECTION 1. Section thirty-nine point one (39.1), Code 1973, is
 2 amended to read as follows:

3 39.1 **General election.** The general election ~~for state, district,~~
 4 ~~county, and township officers~~ shall be held throughout the state on *the*
 5 *first* Tuesday, ~~next~~ after the first Monday in November of each even-
 6 numbered year.

1 SEC. 2. Section thirty-nine point two (39.2), Code 1973, is
 2 amended to read as follows:

3 39.2 **Special election.** Special elections authorized by law, or held
 4 to fill vacancies in any office to be filled by the vote of the qualified
 5 ~~voters~~ *electors* of the entire state or of any district, county, or town-
 6 ship may be held at the time designated by such law, or by the officer
 7 authorized to order such election. *A special election may be held at*

8 *the same time as a general election, primary election, city election or*
9 *school election.*

1 SEC. 3. Section thirty-nine point three (39.3), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **39.3 Election law definitions.** The definitions established by this
5 section shall apply wherever the terms so defined appear in this
6 chapter and in chapters forty-three (43), forty-four (44), forty-five
7 (45) and forty-seven (47) through fifty-three (53), inclusive, of the
8 Code unless the context in which any such term is used clearly re-
9 quires otherwise.

10 1. "Eligible elector" means a person who possesses all of the qual-
11 ifications necessary to entitle him to be registered to vote, whether
12 or not he is in fact so registered.

13 2. "Qualified elector" means a person who is registered to vote pur-
14 suant to chapter forty-eight (48) of the Code.

15 3. "General election" means the biennial election for national or
16 state officers, members of Congress and of the general assembly,
17 county and township officers, and for the choice of other officers or
18 the decision of questions as provided by law.

19 4. "Primary election" means that election by the members of vari-
20 ous political parties for the purpose of placing in nomination candi-
21 dates for public office held as required by chapter forty-three (43)
22 of the Code.

23 5. "City election" means any election held in a city for nomination
24 or election of the officers thereof.

25 6. "School election" means that election held pursuant to section
26 two hundred seventy-seven point one (277.1) of the Code.

27 7. "Special election" means any other election held for any pur-
28 pose authorized or required by law.

29 8. "Election" means a general election, primary election, city elec-
30 tion, school election or special election.

31 9. "City" means a municipal corporation including a town, but not
32 including a county, township, school district, or any special purpose
33 district or authority. When used in relation to land area, "city"
34 includes only the land area within the city limits.

35 10. "Commissioner" means the county commissioner of elections.

36 11. "State commissioner" means the state commissioner of elec-
37 tions.

38 12. "Absentee ballot" means any ballot authorized by chapter fifty-
39 three (53) of the Code.

1 SEC. 4. Section thirty-nine point four (39.4), Code 1973, is
2 amended to read as follows:

3 **39.4 Proclamation concerning revision of Constitution.** In the
4 years in which the Constitution requires a vote on the question of
5 calling a convention and revising the Constitution, *the governor shall*
6 *at least sixty days before the general election issue a proclamation*
7 *directing that at the general election there be proposed to the people*
8 *the following question shall be included in said proclamation:*

9 "Shall there be a convention to revise the Constitution and amend
10 the same?"

1 SEC. 5. Section thirty-nine point six (39.6), Code 1973, is
2 amended to read as follows:

3 **39.6 Notice of special election.** A ~~similar~~ proclamation shall be
4 issued before any ~~special~~ election ordered by the governor, *designat-*
5 *ing the office to be filled or the public question to be submitted at the*
6 *election and the time at which such ~~special~~ election shall be held; and*
7 *the ~~sheriff~~ commissioner of each county in which such election is to*
8 *be held shall give notice thereof, as provided in section ~~39.5~~ forty-nine*
9 *point fifty-three (49.53) of the Code.*

1 SEC. 6. Section thirty-nine point eight (39.8), Code 1973, is
2 amended to read as follows:

3 **39.8 Term of office.** The term of office of all officers chosen at a
4 general election for a full term shall commence on the ~~second secular~~
5 *first day of January next thereafter following the election which is*
6 *not a Sunday or legal holiday, except when otherwise provided by the*
7 *Constitution or by statute; that of an officer chosen to fill a vacancy*
8 *shall commence as soon as he has qualified therefor.*

1 SEC. 7. Section thirty-nine point nine (39.9), Code 1973, is
2 amended to read as follows:

3 **39.9 State officers—term.** The governor, lieutenant governor,
4 secretary of state, auditor of state, treasurer of state, secretary of
5 agriculture, and attorney general shall ~~hold office~~ *be elected* for a term
6 *of two four years at the general election held in the year 1974 and*
7 *every four years thereafter.*

1 SEC. 8. Section thirty-nine point seventeen (39.17), Code 1973, is
2 amended to read as follows:

3 **39.17 County officers.** There shall be elected in each county at
4 the general election to be held in the year ~~1960~~ 1976 and every four
5 years thereafter, a clerk of the district court, an auditor and a sheriff
6 who shall hold office for a term of four years.

7 There shall be elected in each county a ~~treasurer and a recorder of~~
8 ~~deeds~~ at the general election to be held in ~~1962~~ 1974 and each four
9 years thereafter, *a treasurer, a recorder and a county attorney who*
10 *such officers shall be elected and hold office for a term of four years.*

11 ~~There shall be elected in each county, at the general election, a~~
12 ~~county attorney who shall hold office for a term of four years.~~

1 SEC. 9. Section thirty-nine point eighteen (39.18), Code 1973, is
2 amended to read as follows:

3 **39.18 Board of supervisors and township trustees.** There shall be
4 elected, biennially, in counties and townships, members of the board
5 of supervisors and township trustees, respectively, ~~for a term of four~~
6 ~~years~~ to succeed those whose terms of office will expire on the ~~second~~
7 ~~secular~~ *first day of January following said the election which is not a*
8 *Sunday or legal holiday. The term of office of any each supervisor or*
9 *trustee, taking office for a four-year term one year later than the*
10 *January next succeeding his election, shall, at the general election*
11 *which next precedes by more than one year the expiration of his term,*
12 *be refilled by a member elected to a three-year term or a five-year*
13 *term to be specified on the ballot as determined by the board, so that*
14 *the terms of no more than a bare majority of the board will expire in*
15 *the same year. Thereafter all succeeding members shall be elected to*

16 ~~four-year terms~~ shall be four years, except as otherwise provided by
 17 section three hundred thirty-one point twenty-five (331.25), subsec-
 18 tion two (2), and section three hundred thirty-one point twenty-six
 19 (331.26), subsection four (4).

1 SEC. 10. Chapter thirty-nine (39), Code 1973, is amended by
 2 adding the following new section:

3 NEW SECTION. **Officers of cities.** The times at which officers of
 4 cities shall be elected and their terms of office shall be as provided by
 5 or established pursuant to Acts of the Sixty-fourth General Assem-
 6 bly, 1972 Session, chapter one thousand eighty-eight (1088), sec-
 7 tions sixty-one (61) and sixty-two (62). However, the times at
 8 which officers of cities and towns shall be elected and their terms of
 9 office shall be governed until July 1, 1974 by sections three hundred
 10 sixty-three point eight (363.8), three hundred sixty-three point nine
 11 (363.9), three hundred sixty-three point ten (363.10), three hun-
 12 dred seventy point one (370.1), three hundred seventy-two point
 13 three (372.3) and three hundred eighty point one (380.1), Code
 14 1973, in the respective cities and towns to which these sections are
 15 applicable.

1 SEC. 11. Chapter thirty-nine (39), Code 1973, is amended by add-
 2 ing the following new section:

3 NEW SECTION. **School officers.** Members of county boards of edu-
 4 cation, boards of directors of community and independent school dis-
 5 tricts, and boards of directors of merged areas shall be elected at the
 6 school election. Their respective terms of office shall be three years,
 7 except as otherwise provided by section two hundred eighty A point
 8 twelve (280A.12) of the Code.

1 SEC. 12. Section forty-three point one (43.1), Code 1973, is
 2 amended to read as follows:

3 **43.1 "Primary election" defined construed.** The term "primary
 4 election" as used in required by this chapter shall be construed to
 5 apply to be an election by the members of various political parties for
 6 the purpose of placing in nomination candidates for public office.

1 SEC. 13. Section forty-three point two (43.2), Code 1973, is
 2 amended to read as follows:

3 **43.2 "Political party" defined.** The term "political party" shall
 4 mean a party which, at the last preceding general election, cast for
 5 its candidate for *president of the United States or for governor, as*
 6 *the case may be, at least two percent of the total vote cast for all*
 7 *candidates for that office at said that election. It shall be the respon-*
 8 *sibility of the state commissioner to determine whether any organi-*
 9 *zation claiming to be a political party qualifies as such under the*
 10 *foregoing definition.*

11 A political organization which is not a "political party" within the
 12 meaning of this section may nominate candidates and have the names
 13 of such candidates placed upon the official ballot by proceeding under
 14 chapters 44 and 45.

1 SEC. 14. Section forty-three point five (43.5), Code 1973, is
 2 amended to read as follows:

3 **43.5 Applicable statutes.** The provisions of chapters *thirty-nine*

4 (39), forty-seven (47), forty-eight (48), 49, 50, fifty-one (51), fifty-
 5 two (52), fifty-three (53), fifty-six (56) fifty-seven (57), fifty-eight
 6 (58), fifty-nine (59), sixty-one (61), sixty-two (62) and 738 shall
 7 apply, so far as applicable, to all said primary elections, except as
 8 hereinafter provided.

1 SEC. 15. Section forty-three point eight (43.8), Code 1973, is
 2 amended to read as follows:

3 **43.8 Secretary of state State commissioner to furnish blanks.**
 4 The secretary of state commissioner shall, at state expense, furnish
 5 blank nomination papers, in the form provided in this chapter, to any
 6 qualified elector who desires to petition for the nomination of any
 7 candidate, or to any person who intends to be a candidate, for any
 8 office for which nomination papers are required to be filed in his office.

1 SEC. 16. Section forty-three point nine (43.9), Code 1973, is
 2 amended to read as follows:

3 **43.9 County auditor Commissioner to furnish blanks.** The county
 4 auditor commissioner shall, at county expense, perform the duty
 5 specified in section 43.8, as to all offices for which nomination papers
 6 are required to be filed in his office.

1 SEC. 17. Section forty-three point ten (43.10), Code 1973, is
 2 amended to read as follows:

3 **43.10 Blanks furnished by others.** Blank nomination papers
 4 which are in form substantially as provided by this chapter may be
 5 used even though not furnished by the secretary of state commis-
 6 sioner or county auditor commissioner.

1 SEC. 18. Section forty-three point eleven (43.11), subsection two
 2 (2), Code 1973, is amended to read as follows:

3 2. For United States senator, for an elective state office, for repre-
 4 sentative in Congress, and for member of the general assembly, in
 5 the office of the secretary of state commissioner not more than eighty-
 6 five days nor less than ~~sixty-five~~ sixty-seven days prior to the day
 7 fixed for holding said primary election.

1 SEC. 19. Section forty-three point fourteen (43.14), Code 1973, is
 2 amended to read as follows:

3 **43.14 Form of nomination papers.** All nomination papers shall
 4 be about eight and one-half by thirteen inches in size and in substan-
 5 tially the following form:

6 "I, the undersigned, a ~~qualified~~ an eligible elector of
 7 county or legislative district, and state of Iowa; and a member of
 8 the party, hereby nominate of county
 9 or legislative district, state of Iowa, who has affiliated with and is a
 10 member of the party, as a candidate for the office of
 11 to be voted for at the primary election to be held in June,
 12 19 on"

13 No signatures shall be counted unless they are on sheets each
 14 having such form written or printed at the top thereof. *Nomination*
 15 *papers on behalf of candidates for seats in the general assembly need*
 16 *only designate the number of the senatorial or representative dis-*
 17 *trict, as appropriate, and not the county or counties, in which the*
 18 *candidate and the petitioners reside.*

1 SEC. 20. Section forty-three point seventeen (43.17), Code 1973,
2 is amended to read as follows:

3 43.17 **Affidavit to nomination papers.** The affidavit of a qualified
4 an eligible elector, other than the candidate, shall be appended to each
5 such nomination paper, or papers, if more than one for any candi-
6 date, stating that he is personally acquainted with to the best of his
7 knowledge and belief all the persons who have signed the same; that
8 he knows them to be paper or papers are electors of that county or
9 legislative district and believes them to be affiliated with the party
10 named therein; that he knows that they signed the same with full
11 knowledge of the contents thereof; that their respective residences
12 are truly stated therein; and that each signer signed the same on the
13 date stated opposite his name.

1 SEC. 21. Section forty-three point eighteen (43.18), Code 1973,
2 is amended to read as follows:

3 43.18 **Affidavit by candidate.** Every candidate shall make and
4 file an affidavit in substantially the following form:

5 "I, _____, being duly sworn, say that I reside at _____
6 street, ~~(city or town)~~ city of _____, county of _____ in the
7 state of Iowa; that I am eligible to the office for which I am a candi-
8 date, and that the political party with which I affiliate is the
9 _____ party; that I am a candidate for nomination to the office
10 of _____ to be made at the primary election to be held in June,
11 19____ on _____, and hereby request that my name be printed
12 upon the official primary ballot as provided by law, as a candidate
13 of the _____ that party. I furthermore declare that if I am nomi-
14 nated and elected I will qualify as such officer.

15 (Signed) _____
16 Subscribed and sworn to (or affirmed) before me by _____ on
17 this _____ day of _____, 19____.

18 _____
19 (Name)
20 _____"
21 (Official title)

1 SEC. 22. Section forty-three point twenty (43.20), Code 1973, is
2 amended to read as follows:

3 43.20 **Signatures required—more than one office prohibited.** Nom-
4 ination papers shall be signed as follows:

5 1. If for a state office, or United States senator, by at least one
6 percent of the voters of the party of such candidates, in each of at
7 least ten counties of the state, and in the aggregate not less than one-
8 half of one percent of the total vote of his party in the state, as
9 shown by the last general election.

10 2. If for a representative in Congress, in districts composed of
11 more than one county, by at least two percent of the voters of his
12 party, as shown by the last general election, in each of at least one-
13 half of the counties of the district, and in the aggregate not less
14 than one percent of the total vote of his party in such district, as
15 shown by the last general election. If for a representative in the
16 general assembly, not less than fifty voters of the representative dis-
17 trict; and if for a senator in the general assembly, not less than
18 one hundred voters of the senatorial district.

19 3. If for an office to be filled by the voters of the county, by at least
20 two percent of the party vote in the county, as shown by the last gen-
21 eral election, *or by at least one hundred persons, whichever is less.*

22 In each of the above cases, the vote to be taken for the purpose of
23 computing the percentage shall be the vote cast for *president of the*
24 *United States or for governor, as the case may be.*

25 No candidate for public office shall cause nomination papers to
26 remain filed in the office of the ~~secretary of state~~ *commissioner or*
27 ~~county auditor,~~ *the commissioner* on the last day for filing nomina-
28 tion papers, for more than one office to be filled at the primary
29 election.

30 Any candidate for public office, to be voted for at a primary elec-
31 tion, who has filed nomination papers for more than one office shall,
32 not later than the final date for filing, notify the ~~secretary of state~~
33 ~~commissioner or county auditor~~ *the commissioner* by affidavit, for
34 which office he elects to be a candidate, which in no case shall be more
35 than one. In the event no such election is made by such date by the
36 candidate, the ~~secretary of state~~ *commissioner* shall not certify his
37 name to be placed on the ballot for any office nor shall the ~~county~~
38 ~~auditor~~ *commissioner* place his name on the ballot in any county.

1 SEC. 23. Section forty-three point twenty-one (43.21), Code 1973,
2 is amended to read as follows:

3 **43.21 Township or precinct office.** The name of a candidate for
4 an office to be filled by the voters of any subdivision of a county shall
5 be printed on the official primary ballot of his party:

6 1. If a nomination paper signed by ten qualified voters of said sub-
7 division is filed in his behalf with the ~~county auditor~~ *commissioner* at
8 least fifty-five days prior to such primary election, or

9 2. If the candidate files with the ~~county auditor~~ *commissioner*,
10 fifty-five days prior to such primary election, his personal affidavit as
11 provided by section 43.18.

1 SEC. 24. Section forty-three point twenty-two (43.22), Code 1973,
2 is amended to read as follows:

3 **43.22 Nominations certified.** The ~~secretary of state~~ *commissioner*
4 shall, at least fifty-five days before a primary election, furnish to *the*
5 *commissioner of each county* ~~auditor~~ a certificate under his hand and
6 seal, which certificate shall show:

7 1. The name and post-office address of each person for whom a
8 nomination paper has been filed in his office, and for whom the voters
9 of said county have the right to vote at said election.

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

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

1 SEC. 25. Section forty-three point twenty-five (43.25), Code 1973,
2 is amended to read as follows:

3 **43.25 Correction of errors.** The ~~county auditor~~ *commissioner*
4 shall correct any errors or omissions in the names of candidates and
5 any other errors brought to his knowledge before the printing of the
6 ballots.

1 SEC. 26. Section forty-three point twenty-seven (43.27), Code
2 1973, is amended to read as follows:

3 **43.27 Printing of ballots.** The ballots of each political party shall

4 be printed in black ink, on separate sheets of paper, uniform in color,
 5 quality, texture, and size, with the name of the political party
 6 printed at the head of said ballots, which ballots shall be prepared
 7 by the ~~county auditor~~ *commissioner* in the same manner as for the
 8 general election, except as in this chapter provided.

1 SEC. 27. Section forty-three point twenty-eight (43.28), Code
 2 1973, is amended to read as follows:

3 **43.28 Names of candidates—arrangement.** The names of all can-
 4 didates for offices shall be arranged and printed upon the primary
 5 election ballots ~~in the following manner:~~ *The county auditor shall*
 6 ~~prepare a list of the election precincts of his county, by arranging the~~
 7 ~~various townships, towns, and cities in the county in alphabetical~~
 8 ~~order, and the wards or precincts of each city, town, or township in~~
 9 ~~numerical order under the name of such city, town, or township. He~~
 10 ~~shall then arrange the surnames of all candidates for such offices~~
 11 ~~alphabetically for the respective offices for the first precinct in the~~
 12 ~~list; thereafter, for each succeeding precinct, the names appearing~~
 13 ~~first for the respective offices in the last preceding precinct shall be~~
 14 ~~placed last, so that the names that were second before the change shall~~
 15 ~~be first after the change. The procedure for arrangement of names on~~
 16 ~~ballots provided in this section shall likewise be substantially followed~~
 17 ~~in primary elections in political subdivisions of less than a county~~
 18 ~~under the direction of the commissioner. If there are more candidates~~
 19 ~~for nomination by a political party to an office than the number of~~
 20 ~~persons to be elected to that office at the general election, the names~~
 21 ~~of the candidates of that party for that nomination shall be rotated~~
 22 ~~on the primary election ballot by the commissioner in the manner~~
 23 ~~prescribed by section forty-nine point thirty-one (49.31) of the Code.~~

1 SEC. 28. Section forty-three point thirty (43.30), Code 1973, is
 2 amended to read as follows:

3 **43.30 Sample ballots.** ~~The county auditor~~ *commissioner* shall take
 4 from the official printed ballots of each precinct ~~ten a suitable number~~
 5 ~~of ballots of each political party, and shall write or stamp, in red ink,~~
 6 ~~near the top of each ballot, the words "sample ballot" and shall sign~~
 7 ~~or stamp his official signature thereunder. Said ballots shall be~~
 8 ~~delivered to the judges, but shall not be voted, received, or counted.~~
 9 ~~Said judges shall, before the opening of the polls, cause said sample~~
 10 ~~ballots to be posted in and about the polling places.~~

1 SEC. 29. Section forty-three point thirty-six (43.36), Code 1973,
 2 is amended to read as follows:

3 **43.36 Australian ballot.** The Australian ballot system as now
 4 used in this state, except as herein modified, shall be used at said pri-
 5 mary election. The endorsement of the judges and the facsimile of
 6 the ~~auditor's~~ *commissioner's* signature shall appear upon the ballots
 7 as provided for general elections.

1 SEC. 30. Section forty-three point forty-one (43.41), Code 1973,
 2 is amended to read as follows:

3 **43.41 Change of party affiliation before primary.** Any *qualified*
 4 elector, who, having declared his party affiliation, desires to change
 5 the same, may, ~~not less than ten days prior to the date of any~~ *before*
 6 ~~the close of registration for the primary election, file a written decla-~~

7 ration with the county auditor stating his change of party affiliation,
8 and the auditor with the county commissioner of registration who
9 shall enter a record notation of such change on the pollbooks of the
10 last preceding primary election in the proper column opposite the
11 voter's name and on the voting list registration records.

1 SEC. 31. Section forty-three point forty-two (43.42), Code 1973,
2 is amended to read as follows:

3 **43.42 New voters Change or declaration of party affiliation at polls.**
4 Any qualified elector whose party affiliation has not, for any reason,
5 been registered, or any elector who has changed his residence to
6 another precinct, or a first voter or citizen of this state casting his
7 first vote in this state, may change or declare his party affiliation at
8 the polls on election day and shall be entitled to vote at any primary
9 election by declaring his party affiliation at the time of voting. Each
10 change or declaration of a qualified elector's party affiliation so
11 received shall be reported by the judges of election to the commis-
12 sioner of registration who shall enter a notation of the change on the
13 registration records.

1 SEC. 32. Section forty-three point forty-five (43.45), subsections
2 six (6) and eight (8), Code 1973, are amended to read as follows:

3 6. Seal the pollbooks, containing precinct election register and the
4 tally sheets and certificates of the election judges, in an envelope, on
5 the outside of which are written or printed in perpendicular columns
6 the names of the several political parties with the names of the candi-
7 dates for the different offices under their party name, and opposite
8 each candidate's name enter the number of votes cast for such candi-
9 date in said precinct.

10 8. Communicate the results of the ballots cast for each candidate
11 for office upon the ticket of each political party, by telephone or tele-
12 graph or in person in the manner required by section fifty point eleven
13 (50.11) of the Code, to the county auditor commissioner of the county
14 in which said polls are located; and the county auditor, who shall
15 remain on duty until the results are communicated to him from each
16 polling place in the county.

1 SEC. 33. Section forty-three point forty-six (43.46), Code 1973,
2 is amended to read as follows:

3 **43.46 Delivering returns.** Said judges and clerks shall deliver
4 said pollbooks the election register, tally sheets, certificates, envelopes
5 containing ballots, and all unused supplies to the county auditor,
6 within twenty-four hours after the close of the polls. Said auditor,
7 to the commissioner who shall carefully preserve said the returns
8 and envelopes in the condition in which received and deliver them to
9 the county board of canvassers.

1 SEC. 34. Section forty-three point forty-seven (43.47), Code
2 1973, is amended to read as follows:

3 **43.47 Messenger sent for returns.** If the returns from any pre-
4 cinct are not delivered as provided in section 43.46, the county auditor
5 commissioner shall forthwith send a messenger for any such the
6 missing returns, and said the messenger shall be paid as provided
7 by section fifty point forty-seven (50.47) of the Code for such services
8 in the general election law.

1 SEC. 35. Section forty-three point forty-nine (43.49), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:
3 On the ~~Friday~~ *next Monday* following the primary election, the
4 board of supervisors shall meet, open and canvass the returns from
5 each voting precinct in the county, and make abstracts thereof, stat-
6 ing in words written at length:

1 SEC. 36. Section forty-three point fifty (43.50), Code 1973, is
2 amended to read as follows:

3 **43.50 Signing and filing of abstract.** The members of the board
4 shall sign said abstracts and certify to the correctness thereof, and
5 file the same with the ~~county auditor~~ *commissioner*.

1 SEC. 37. Section forty-three point fifty-two (43.52), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **43.52 Nominees for county office.** The nominee of each political
5 party for any office to be filled by the voters of the county shall be
6 the person receiving the highest number of votes cast in the primary
7 election by the voters of that party for the office, and that person
8 shall appear as the party's candidate for the office on the general
9 election ballot.

10 If no candidate receives thirty-five percent or more of the votes
11 cast by voters of his party for the office he is seeking, the primary is
12 inconclusive and the nomination shall be made as provided by section
13 forty-three point ninety-seven (43.97), subsection one (1) of the
14 Code.

15 **When two or more nominees are required, as in the case of at-large**
16 **elections, the nominees shall likewise be the required number of per-**
17 **sons who receive the greatest number of votes cast in the primary**
18 **election by the voters of the nominating party, but no candidate is**
19 **nominated who fails to receive thirty-five percent of the number of**
20 **votes found by dividing the number of votes cast by voters of the**
21 **candidate's party for the office in question by the number of persons**
22 **to be elected to that office. If the primary is inconclusive under this**
23 **paragraph, the necessary number of nominations shall be made as**
24 **provided by section forty-three point ninety-seven (43.97), subsec-**
25 **tion one (1), of the Code.**

1 SEC. 38. Section forty-three point fifty-three (43.53), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **43.53 Nominees for subdivision office—write-in candidates.** The
5 nominee of each political party for any office to be filled by the voters
6 of any subdivision of the county shall be the person receiving the
7 highest number of votes cast in the primary election by the voters
8 of that party for the office and that person shall appear as the party's
9 candidate for the office on the general election ballot. A person
10 whose name is not printed on the official primary ballot shall not be
11 declared nominated as a candidate in the general election unless he
12 receives the greater of at least five votes or a number of votes equal
13 to at least five percent of the votes cast in the subdivision at the last
14 preceding general election for the party's candidate for president of
15 the United States or for governor, as the case may be.

1 SEC. 39. Section forty-three point fifty-six (43.56), Code 1973, is
2 amended to read as follows:

3 **43.56 Recount.** Any candidate whose name appears upon the offi-
4 cial primary ballot of any voting precinct may require the board of
5 supervisors of the county in which such precinct is situated to re-
6 count the ballots cast in any such precinct as to the office for which
7 he was a candidate, by filing with the ~~county auditor~~ *commissioner*
8 not later than one o'clock p.m. on ~~Wednesday~~ *Friday* after the official
9 canvass made by the board of supervisors is finished, a showing in
10 writing, duly sworn to by such candidate, that fraud was committed,
11 or error or mistake made, in counting or returning the votes cast in
12 any such precinct as to the office for which he was a candidate.

1 SEC. 40. Section forty-three point sixty (43.60), Code 1973, is
2 amended to read as follows:

3 **43.60 Abstracts to ~~secretary of state~~ *commissioner*.** The county
4 board of canvassers shall also make a separate abstract of the canvass
5 as to the following offices and certify to the same and forthwith for-
6 ward it to the ~~secretary of state~~ *commissioner*, viz:
7 1. United States senator.
8 2. All state offices.
9 3. ~~Representative in Congress~~ *United States representative*.
10 4. Senators and representatives in the general assembly.

1 SEC. 41. Section forty-three point sixty-one (43.61), Code 1973,
2 is amended to read as follows:

3 **43.61 Returns filed and abstracts recorded.** When the canvass is
4 concluded, the board shall deliver the original returns to the ~~auditor~~
5 *commissioner*, who shall file the same and record each of the abstracts
6 mentioned in section 43.60, in the election book.

1 SEC. 42. Section forty-three point sixty-three (43.63), Code 1973,
2 is amended to read as follows:

3 **43.63 Canvass by state board.** On the second ~~Wednesday~~ *Friday*
4 after the ~~June~~ primary election, the executive council shall meet as a
5 canvassing board, and open and canvass the abstract returns received
6 from each county in the state. The board shall make an abstract of
7 its canvass, stating in words written at length, the number of ballots
8 cast by each political party, separately, for each office designated in
9 the abstracts forwarded to the ~~secretary of state~~ *commissioner*, the
10 names of all the persons voted for, and the number of votes received
11 by each person for each office, and shall sign and certify thereto.

1 SEC. 43. Section forty-three point sixty-five (43.65), Code 1973,
2 is amended to read as follows:

3 **43.65 Who nominated.** The candidate of each political party for
4 *nomination* for each office to be filled by ~~vote of the people~~ *the voters*
5 *of the entire state, and for each seat in the United States house of*
6 *representatives, the Iowa house of representatives and each seat in*
7 *the Iowa senate which is to be filled,* ~~having received who receives the~~
8 highest number of votes in the state or district of the state, as the
9 ~~case may be, provided he received not less than thirty-five percent of~~
10 ~~all the votes cast by the voters of that party for such office, that~~
11 ~~nomination shall be duly and legally nominated as the candidate of~~
12 ~~his that party for such that office in the general election, except as~~

13 provided in section 43.66. However, if there are more than two can-
 14 didates for any nomination and none of the candidates receives thirty-
 15 five percent or more of the votes cast by voters of his party for that
 16 nomination, the primary is inconclusive and the nomination shall be
 17 made as provided by section forty-three point one hundred one
 18 (43.101), subsection one (1), or section forty-three point one hun-
 19 dred nine (43.109), subsection one (1), of the Code, whichever is
 20 appropriate.

1 SEC. 44. Section forty-three point sixty-six (43.66), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **43.66 Write-in candidates.** The fact that the candidate who
 5 receives the highest number of votes cast for any party's nomination
 6 for an office to which section 43.65 of the Code is applicable is a per-
 7 son whose name was not printed on the official primary election bal-
 8 lot shall not affect the validity of the person's nomination as a can-
 9 didate for that office in the general election.

1 SEC. 45. Section forty-three point seventy (43.70), Code 1973, is
 2 amended to read as follows:

3 **43.70 Delivery of certificates.** The certificate provided in section
 4 43.69 shall be sent:

5 1. To the chairman of the state central committee of said party, in
 6 case of offices to be filled by the voters of the entire state.

7 2. To the chairman, if known, of the district central committee of
 8 said party, and to each ~~county auditor~~ *commissioner*, in case of offices
 9 to be filled by the voters of any district of the state composed of more
 10 than one county.

11 3. To the chairman of the county central committee of said party,
 12 and to the ~~county auditor~~ *commissioner*, in case of offices to be filled
 13 by the voters of a district of the state composed of one county, or a
 14 portion of one county.

15 4. To the chairman of the legislative representative central com-
 16 mittee or senate legislative central committee of said party and to
 17 each ~~county auditor~~ *commissioner* in case of a representative or
 18 senator in the general assembly *elected from districts composed of*
 19 *all or portions of two or more counties.*

1 SEC. 46. Section forty-three point seventy-one (43.71), Code 1973,
 2 is amended to read as follows:

3 **43.71 Messenger sent for abstracts.** If returns of abstracts have
 4 not been received by the state canvassing board from all the counties
 5 by the time fixed for ~~such~~ *the* state canvass, the ~~secretary~~ *of state*
 6 *commissioner* shall immediately send a messenger after ~~said the~~
 7 missing abstracts, and the ~~said~~ board may adjourn from time to time
 8 until ~~said the~~ abstracts are received.

1 SEC. 47. Section forty-three point seventy-two (43.72), Code
 2 1973, is amended to read as follows:

3 **43.72 State returns filed and recorded.** When the canvass is con-
 4 cluded, the board shall deliver the original abstract returns to the
 5 ~~secretary~~ *of state commissioner*, who shall file the same in his office
 6 and record the abstracts of the canvass of the state board and cer-

7 tificates attached thereto in the book kept by him known as the
8 election book.

1 SEC. 48. Section forty-three point seventy-three (43.73), Code
2 1973, is amended to read as follows:

3 **43.73 Secretary of State commissioner to certify nominees.** Not
4 less than fifty-five days before the general election the secretary of
5 state commissioner shall certify to the auditor of each county com-
6 missioner, under separate party headings, the name of each person
7 nominated as shown by the official canvass made by the executive
8 council, or as certified to him by the proper persons when any person
9 has been nominated by a convention or by a party committee, or by
10 petition, his place of residence, the office to which he is nominated,
11 and the order in which the tickets of the several political parties shall
12 appear on the official ballot.

1 SEC. 49. Section forty-three point seventy-four (43.74), Code
2 1973, is amended to read as follows:

3 **43.74 Certificate in case of additional nominations.** If, after the
4 foregoing certificate has been forwarded, other authorized nomina-
5 tions are certified to the secretary of state commissioner, including
6 nominations to be voted on at any time at a special election, said
7 secretary the state commissioner shall at once, in the form provided
8 in section 43.73, certify said nominations to the county auditors
9 commissioners with a statement showing the reason therefor.

1 SEC. 50. Section forty-three point eighty-three (43.83), Code
2 1973, is amended to read as follows:

3 **43.83 Vacancies in office of congressman.** A nomination candi-
4 date to be voted on at a special election and occasioned by a vacancy
5 in the office of representative in Congress United States representa-
6 tive, shall be made nominated by a convention duly called by the
7 district central committee not less than twenty-five days prior to the
8 date set for the special election.

1 SEC. 51. Section forty-three point ninety (43.90), Code 1973, is
2 amended to read as follows:

3 **43.90 Delegates.** The county convention shall be composed of del-
4 gates elected at the last preceding precinct caucus. Delegates shall
5 be persons who are or will by the date of the next general election
6 become eligible voters electors and who are residents of the precinct
7 including persons eighteen years of age or over who are residents of
8 the precinct and who meet all other qualifications of an eligible voter
9 in the precinct. The number of delegates from each voting precinct
10 shall be determined by a ratio adopted by the respective party county
11 central committees, and a statement designating the number from
12 each voting precinct in the county shall be filed by such committee
13 in the office of the county auditor at least fifty-five days before the
14 primary election; if not so done, the auditor in the office of the com-
15 missioner. If the required statement is not filed, the commissioner
16 shall fix the number of delegates from each voting precinct.

1 SEC. 52. Section forty-three point ninety-one (43.91), Code 1973,
2 is amended to read as follows:

3 **43.91 Voter at caucus must be precinct resident.** Any person vot-

4 ing at a precinct caucus must be a person who is or will by the date
5 of the next general election become an eligible voter elector and who
6 is a resident of the precinct, provided that persons eighteen years of
7 age or over who are residents of the precinct and meet all other
8 qualifications of an eligible voter in the precinct shall be entitled to
9 vote. A list of the names and addresses of each person to whom a
10 ballot was delivered or who was allowed to vote in each precinct
11 caucus shall be prepared by the caucus chairman and secretary who
12 shall certify such list to the county auditor commissioner at the same
13 time as the names of those elected as delegates and party committee-
14 men are so certified.

1 SEC. 53. Section forty-three point ninety-six (43.96), Code 1973,
2 is amended to read as follows:

3 **43.96 Proxies prohibited.** If any precinct shall not be fully repre-
4 sented the delegates present from such precinct shall cast the full
5 vote thereof if the rules of the convention, party bylaws or constitu-
6 tion so permit, and there shall be no proxies.

1 SEC. 54. Section forty-three point ninety-seven (43.97), subsection
2 four (4), Code 1973, is amended to read as follows:

3 4. Elect delegates to the next ensuing regular state convention
4 and to all district conventions of that year upon such ratio of repre-
5 sentation as may be determined by the party organization for the
6 state, district or districts of the state, as the case may be. Delegates
7 to district conventions need not be selected in the absence of any
8 apparent reason therefor. Delegates shall be persons who are or
9 will by the date of the next general election become eligible voters
10 electors and who are residents of the county, including persons
11 eighteen years of age or over who are residents of the county and
12 meet all other qualifications of an eligible voter in the county.

1 SEC. 55. Section forty-three point ninety-nine (43.99), Code 1973,
2 is amended to read as follows:

3 **43.99 Party committeemen committee members.** A man member
4 and a woman member Two members of the county central committee
5 for each political party shall, at the precinct caucuses, be elected from
6 each precinct. The term of office of a member shall begin immedi-
7 ately following the adjournment of the county convention and shall
8 continue for two years and until his or her successor is elected and
9 qualified, unless sooner removed by the county central committee for
10 inattention to duty, or incompetency, or failure to support the ticket
11 nominated by the party which elected the member.

1 SEC. 56. Section forty-three point one hundred (43.100), Code
2 1973, is amended to read as follows:

3 **43.100 Central committee—vacancies duties.** The county central
4 committee shall organize on the day of the convention, immediately
5 following the same.

6 Every county central committee shall adopt a constitution and
7 bylaws which shall govern the committee's operation. A copy of the
8 constitution and bylaws so adopted shall be kept on file at the office
9 of the commissioner for the county in which the central committee
10 exists and at the office of the state commissioner. Initial copies of
11 each county central committee's constitution and bylaws shall be filed

12 *in compliance with this section no later than December 31, 1973.*
 13 *Amendments to a county central committee's constitution or bylaws*
 14 *shall upon adoption be filed in the same manner as the original docu-*
 15 *ments.*

16 Vacancies in such committee may be filled by majority vote of the
 17 committee, ~~but no two members thereof from the same precinct shall~~
 18 ~~be of the same sex.~~

1 SEC. 57. Section forty-three point one hundred two (43.102),
 2 Code 1973, is amended to read as follows:

3 **43.102 Call for district convention.** The district central com-
 4 mittee, through its chairman, shall as soon as practicable after the
 5 necessity for such convention is known, issue a call for such congres-
 6 sional convention, and immediately file a copy thereof with each
 7 ~~county auditor commissioner~~ in the district. Said call shall state the
 8 number of delegates to which each county will be entitled, the time
 9 and place of holding the convention, and the purpose thereof.

1 SEC. 58. Section forty-three point one hundred three (43.103),
 2 Code 1973, is amended to read as follows:

3 **43.103 Duty of county auditor commissioner.** The ~~county auditor~~
 4 ~~commissioner~~, in case the district delegates for his county have not
 5 been selected, shall deliver a copy of said call to the chairman of the
 6 convention which selects said delegates.

1 SEC. 59. Section forty-three point one hundred six (43.106).
 2 Code 1973, is amended to read as follows:

3 **43.106 Nominations permitted.** A district convention of a party
 4 may be held to nominate candidates for any office for which no nomi-
 5 nation exists due to the failure of a candidate to file nomination
 6 papers for such office, *or* due to the failure of ~~any candidate to~~
 7 ~~receive the number of votes required for nomination by section 43.66~~
 8 ~~or~~ to place a name on the ballot as authorized under subsection 1 of
 9 section 43.59.

1 SEC. 60. Section forty-three point one hundred eight (43.108),
 2 Code 1973, is amended to read as follows:

3 **43.108 Organization—proxies prohibited.** The convention shall
 4 be called to order by the chairman of the state central committee,
 5 who shall thereupon present a list of delegates, as certified by the
 6 various county conventions, and effect a temporary organization. If
 7 any county shall not be fully represented, the delegates present from
 8 such county shall cast the full vote thereof *if the rules of the con-*
 9 *vention, party bylaws or constitution so allow*, and there shall be no
 10 proxies.

1 SEC. 61. Section forty-three point one hundred ten (43.110), Code
 2 1973, is amended to read as follows:

3 **43.110 Nominations permitted.** The state convention of a party,
 4 if the convention is held following the primary election, may make
 5 nominations for any office for which no nomination exists due to
 6 the failure of a candidate to file nomination papers for such office
 7 ~~or due to the failure of any candidate to receive the number of votes~~
 8 ~~required for nomination by section 43.66.~~ If the state convention was
 9 held preceding the primary election, the party state central committee

10 ~~may make such nominations or may shall~~ reconvene the delegates of
11 the last preceding state convention for such purpose.

1 SEC. 62. Section forty-three point one hundred eleven (43.111),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **43.111 State party platform, constitution, bylaws and central**
5 **committee.** The state convention held by each political party pursu-
6 ant to section forty-three point one hundred seven (43.107) of the
7 Code shall adopt a state platform, adopt or amend a state party con-
8 stitution, and bylaws if desired, and transact other business which
9 may properly be brought before it. A copy of the constitution and
10 any bylaws so adopted or amended shall be kept on file in the office
11 of the state commissioner. Initial copies of each political party's
12 state constitution, and bylaws, if any, shall be filed in compliance
13 with this section not later than August 30, 1974.

14 There shall be selected at or prior to each political party's state
15 convention a state party central committee consisting of an equal
16 number of members from each congressional district, which number
17 shall be determined by the party constitution or bylaws, who shall
18 be elected or nominated by the district convention or caucus.

19 The state central committee so selected may organize at pleasure
20 for political work as is usual and customary with such committees,
21 adopt bylaws, provide for the governing of party auxiliary bodies,
22 and shall continue to act until succeeded by another central committee
23 selected as required by this section. The auditor of state shall annu-
24 ally audit the receipts and disbursements of each political party's
25 state party central committee.

1 SEC. 63. Section forty-three point one hundred twelve (43.112),
2 Code 1973, is amended to read as follows:

3 **43.112 Nominations in certain cities and towns.** This chapter
4 shall, so far as applicable, govern the nominations of candidates by
5 political parties for all offices to be filled by a direct vote of the people
6 in cities acting under a special charter in ~~1959~~ 1973 and having a
7 population of over ~~fifteen~~ fifty thousand, except all such cities as
8 adopt a plan of municipal government which specifically provides for
9 a nonpartisan primary election. *Sections forty-three point one hun-*
10 *dred thirteen (43.113) through forty-three point one hundred eigh-*
11 *teen (43.118) of the Code shall apply only to cities to which this*
12 *chapter is made applicable by this section.*

13 ~~In other cities, and in towns, candidates of a political party which~~
14 ~~at the last preceding general state election east, in such city or town,~~
15 ~~for its candidate for governor at least two percent of the total vote~~
16 ~~east in such city or town, may, under the provisions of chapter 44,~~
17 ~~be nominated by a convention or caucus for city or town offices elec-~~
18 ~~tive by the people.~~

1 SEC. 64. Section forty-three point one hundred thirteen (43.113),
2 Code 1973, is amended to read as follows:

3 **43.113 Duty of city and town officers.** The duties devolving upon
4 the ~~county auditor commissioner~~ and board of supervisors, by this
5 chapter, shall, in municipal elections *authorized by section forty-three*
6 *point one hundred twelve (43.112) of the Code*, devolve upon the city

7 clerk and city council, respectively. Said council shall meet to per-
8 form said duties within two days next following the primary election.

1 SEC. 65. Section forty-three point one hundred fourteen (43.114),
2 Code 1973, is amended to read as follows:

3 43.114 **Time of holding special charter city primary.** In special
4 charter cities holding a municipal primary election under the pro-
5 visions of section 43.112 such primary shall be held on the first
6 ~~Monday~~ Tuesday in October of the year in which general municipal
7 elections are held.

1 SEC. 66. Section forty-three point one hundred fifteen (43.115),
2 Code 1973, is amended to read as follows:

3 43.115 **Nomination papers—Percentage number of signers.** All
4 candidates for nominations to be made in primary elections held pur-
5 suant to section forty-three point one hundred twelve (43.112) of the
6 Code shall file nomination papers with the city clerk not less than
7 thirty days prior to the date of the election as established by section
8 forty-three point one hundred fourteen (43.114) of the Code, except
9 that candidates for precinct committee member shall file affidavits of
10 candidacy as required by section four hundred twenty point one hun-
11 dred thirty (420.130) of the Code. The percentage number of voters
12 eligible electors signing petitions required for printing the name of
13 a candidate upon the official primary ballot shall be the same as is
14 required of a candidate for a county office and shall be based upon the
15 vote cast for mayor by the respective parties in the preceding city
16 election one hundred for an office to be filled by the voters of the
17 entire city and twenty-five for an office to be filled by the voters of a
18 subdivision of the city.

1 SEC. 67. Section forty-three point one hundred seventeen
2 (43.117), Code 1973, is amended to read as follows:

3 43.117 **Plurality vote nominates and elects.** A plurality shall
4 nominate the party candidate for ~~alderman~~ all offices filled by elec-
5 tions authorized by section forty-three point one hundred twelve
6 (43.112) of the Code, and a plurality shall elect the precinct commit-
7 teemen and delegates to the city convention.

1 SEC. 68. Section forty-three point one hundred eighteen (43.118),
2 Code 1973, is amended to read as follows:

3 43.118 **Expense.** The entire expense of conducting said municip-
4 al primary election and preparation of election registers shall be
5 audited by the city council and paid by the city.

1 SEC. 69. Section forty-three point one hundred nineteen (43.119),
2 Code 1973, is amended to read as follows:

3 43.119 **Misconduct.** Any party committeeman or any primary
4 election officer or public officer upon whom a duty is imposed by this
5 chapter or by chapters herein made applicable, who shall willfully
6 neglect to perform any such duty, or who shall willfully perform it
7 in such a way as to hinder the objects thereof, or shall disclose to
8 anyone, except as may be ordered by any court of justice, the man-
9 ner in which a ballot may have been voted, shall be punished by a
10 fine of not less than one hundred dollars nor more than one thousand

11 dollars, or by imprisonment in the ~~penitentiary~~ county jail for not to
12 exceed ~~five years~~ one year, or by both such fine and imprisonment.

1 SEC. 70. Section forty-four point one (44.1), Code 1973, is
2 amended to read as follows:

3 **44.1 Political nonparty organizations.** Any convention or caucus
4 of ~~qualified~~ eligible electors representing a political organization
5 which is not a political party as defined by law, may, for the state,
6 or for any division or municipality thereof, or for any county, or for
7 any subdivision thereof, for which such convention or caucus is held,
8 make one nomination of a candidate for each office to be filled therein
9 at the general election. ~~Provided that~~ *However, in order to qualify*
10 *for any nomination made for a state-wide elective office by such a*
11 *political organization there shall require be in attendance, at the*
12 *convention or caucus where the nomination is made a minimum of*
13 *two hundred fifty qualified eligible electors with including at least*
14 *one eligible elector from each of twenty-five counties. ~~To~~ In order to*
15 *qualify for any nomination made for a to the office of United States*
16 *representative there shall require, be in attendance, at the convention*
17 *or caucus where the nomination is made a minimum of fifty qualified*
18 *eligible electors who are residents of the congressional district with*
19 *including at least one eligible elector from each of at least one-half*
20 *of the counties of the congressional district. In order to qualify for*
21 *any nomination to an office to be filled by the voters of a county or*
22 *of a city there shall be in attendance at the convention or caucus*
23 *where the nomination is made a minimum of ten eligible electors who*
24 *are residents of the county or city, as the case may be, including at*
25 *least one eligible elector from at least one-half of the voting precincts*
26 *in that county or city. ~~To~~ In order to qualify for any nomination*
27 *made for the general assembly there shall require, be in attendance,*
28 *at the convention or caucus where the nomination is made a minimum*
29 *of ten qualified eligible electors who are residents of the representa-*
30 *tive district or twenty eligible electors who are residents of the sena-*
31 *torial district, as the case may be, with at least one eligible elector*
32 *from one-half of the voting precincts in the district, in each case.*
33 *The names of all delegates in attendance at such convention or caucus*
34 *and such fact shall be certified to the secretary of state commissioner*
35 *together with the other certification requirements of this chapter.*

1 SEC. 71. Section forty-four point four (44.4), Code 1973, is
2 amended to read as follows:

3 **44.4 Nominations and objections—time and place of filing.** Nomi-
4 nations made under provisions of this chapter, chapter 43 and chap-
5 ter 45 which are required to be filed in the office of the ~~secretary~~ of
6 the state commissioner shall be filed in said office not more than
7 eighty-five nor less than ~~sixty-five~~ *sixty-seven* days prior to the date
8 of the general election to be held in November; and those nominations
9 which are required to be filed in the office of the ~~county auditor~~ *com-*
10 *missioner* shall be filed in said office not less than fifty-five days prior
11 to the date of said general election. Such nominations for ~~municipal~~
12 *city* office shall be filed ~~with the city or town clerk~~ *at least four weeks*
13 *not more than sixty-five days nor less than forty days* prior to the
14 ~~municipal~~ *city* election *with the city clerk, who shall process them as*
15 *provided by law.*

16 Objection to the legal sufficiency of a certificate of nomination or
 17 to the eligibility of a candidate may be filed by any person who would
 18 have the right to vote for a candidate for the office in question. Such
 19 objections must be filed with the officer with whom such certificate is
 20 filed and within the following time:

21 1. Those filed with the ~~secretary of~~ state *commissioner*, not less
 22 than sixty days before the day of election.

23 2. Those filed with the ~~county auditor~~ *commissioner*, not less than
 24 fifty days before the day of election.

25 3. Those filed with the city or town clerk, at least ~~twenty-three~~
 26 *thirty* days prior to the municipal election.

27 ~~3~~ 4. In case of nominations to fill vacancies occurring after said
 28 ~~sixty-five or fifty-five days, as the case may be the time when an~~
 29 *original nomination for any office is required to be filed*, objections
 30 shall be filed within three days after the filing of the certificate, ~~pre-~~
 31 ~~vided such vacancies shall be filled not later than sixty days prior to~~
 32 ~~the election in the case of offices, certificate for which is required to be~~
 33 ~~filed in the office of the secretary of state, and not later than fifty days~~
 34 ~~prior to the election in case of offices, certificate for which is required~~
 35 ~~to be filed in the office of the county auditor.~~

1 SEC. 72. Section forty-four point six (44.6), Code 1973, is
 2 amended to read as follows:

3 **44.6 Hearing before ~~secretary of state~~ *commissioner*.** Objections
 4 filed with the ~~secretary of state~~ *commissioner* shall be considered by
 5 the secretary of state and auditor of state and attorney general, and a
 6 majority decision shall be final; but if the objection is to the certifi-
 7 cate of nomination of one or more of the above named officers, said
 8 officer or officers so objected to shall not pass upon the same, but their
 9 places shall be filled, respectively, by the treasurer of state, the gov-
 10 ernor, and the ~~superintendent of public instruction~~ *secretary of agri-*
 11 *culture*.

1 SEC. 73. Section forty-four point seven (44.7), Code 1973, is
 2 amended to read as follows:

3 **44.7 Hearing before ~~county auditor~~ *commissioner*.** Objections
 4 filed with the ~~county auditor~~ *commissioner* shall be considered by the
 5 county auditor, clerk of the district court, and county attorney, and a
 6 majority decision shall be final; but if the objection is to the certifi-
 7 cate of nomination of one or more of the above named county officers,
 8 said officer or officers so objected to shall not pass upon such objec-
 9 tion, but their places shall be filled, respectively, by the county trea-
 10 surer, the sheriff, and county ~~superintendent~~ *recorder*.

1 SEC. 74. Section forty-four point eight (44.8), Code 1973, is
 2 amended to read as follows:

3 **44.8 Hearing before mayor.** Objections filed with the city or town
 4 clerk shall be considered by the mayor and clerk and one member of
 5 the council chosen by the council by ballot, and a majority decision
 6 shall be final; but if the objection is to the certificate of nomination
 7 of either of ~~said those~~ city or town officials, he shall not pass upon
 8 said objection, but his place shall be filled by a member of the council
 9 against whom no such objection exists, chosen as above provided.

1 SEC. 75. Section forty-four point nine (44.9), Code 1973, is
2 amended to read as follows:

- 3 **44.9 Withdrawals.** Any candidate named under this chapter or
4 chapter 43 may withdraw his nomination by a written request, signed
5 and acknowledged by him before any officer empowered to take
6 acknowledgment of deeds. Such withdrawal must be filed as follows:
7 1. In the office of the ~~secretary~~ *of state commissioner*, at least sixty
8 days before the day of election.
9 2. In the office of the proper ~~county auditor~~ *commissioner*, at least
10 fifty days before the day of the election.
11 3. In the office of the proper city ~~or town~~ clerk, at least ~~twenty-~~
12 ~~three~~ *thirty* days before the day of the election.
13 4. In the office of the ~~secretary~~ *of state commissioner*, in case of a
14 special election to fill vacancies, at least sixteen days before the day
15 of election.
16 5. In the office of the proper ~~county auditor~~ *commissioner*, or city
17 ~~or town~~ clerk, in case of a special election to fill vacancies, at least
18 ~~twenty-three~~ *thirty* days before the day of election.

1 SEC. 76. Section forty-four point eleven (44.11), Code 1973, is
2 amended to read as follows:

- 3 **44.11 Vacancies filled.** If a candidate named under this chapter
4 declines a nomination, or dies before election day, or should any cer-
5 tificate of nomination be held insufficient or inoperative by the officer
6 with whom it is required to be filed, or in case any objection made to
7 any certificate of nomination, or to the eligibility of any candidate
8 therein named, is sustained by the board appointed to determine such
9 questions, the vacancy or vacancies thus occasioned may be filled by
10 the convention, or caucus, or in such manner as such convention or
11 caucus has previously provided. *The vacancy or vacancies shall be*
12 *filled not less than sixty days prior to the election in the case of nomi-*
13 *nations required to be filed with the state commissioner, not less than*
14 *fifty days prior to the election in the case of nominations required to*
15 *be filed with the commissioner, and not less than thirty-five days*
16 *prior to the election in the case of nominations required to be filed in*
17 *the office of the city clerk.*

1 SEC. 77. Section forty-four point fourteen (44.14), Code 1973, is
2 amended to read as follows:

- 3 **44.14 Filing of certificates.** Said certificates of nominations shall
4 be filed as follows:
5 1. For state, congressional, and legislative offices, with the ~~secre-~~
6 ~~tary~~ *of state commissioner*, not more than eighty-five nor less than
7 ~~sixty-five~~ *sixty-seven* days before the general election, and such cer-
8 tificates for all other offices, except for cities ~~and towns~~, shall be filed
9 with the ~~county auditor~~ *commissioner* not more than seventy-five nor
10 less than fifty-five days before the general election.
11 2. For municipal office, with the city ~~or town~~ clerk ~~at least four~~
12 ~~weeks~~ *not more than sixty-five days nor less than forty days* prior to
13 the municipal election.
14 3. In case of special elections to fill vacancies for offices to be filled
15 by the electors of a larger district than a county, with the ~~secre-~~
16 ~~tary~~ *of state commissioner*, not less than fifteen days before the time of
17 holding such special election.

18 4. In case of special elections to fill vacancies for offices to be filled
19 by the voters of a county, with the ~~county auditor~~ *commissioner*, not
20 less than twelve days before the time of holding such special election.

1 SEC. 78. Section forty-five point one (45.1), Code 1973, is
2 amended to read as follows:

3 **45.1 Nominations by petition.** Nominations for candidates for
4 state offices may be made by nomination papers signed by not less
5 than one thousand ~~qualified voters~~ *eligible electors* of the state; for
6 *candidates for offices filled by the voters of a county, district or other*
7 *division, not less than a county,* by such ~~paper or~~ papers signed by
8 ~~at least two percent of the qualified voters eligible electors~~ residing
9 in the county, district or division; ~~as shown by equal in number to at~~
10 ~~least two percent of the total vote of received by~~ all candidates for
11 *president of the United States or governor, as the case may be, at*
12 *the last preceding general election in such county, district or division;*
13 *and for township, city, town or ward, by such paper or* papers signed
14 by not less than twenty-five ~~qualified voters eligible electors~~, residents
15 of such township, city or ward.

1 SEC. 79. Section forty-five point three (45.3), Code 1973, is
2 amended to read as follows:

3 **45.3 Preparation of petition.** Each petitioning voter shall add to
4 his signature his ~~place of business, post office residence~~ address, and
5 date of signing. Before filing said petition, there shall be endorsed
6 thereon or attached thereto the affidavit of at least one of the signers
7 of said petition, which affidavit or affidavits shall show:

8 1. The name and residence (including street and number, if any)
9 of said nominee, and the office to which he is nominated.

10 2. That each of said signers ~~are qualified voters~~ *is an eligible elector*
11 *of the state, as defined by section thirty-nine point three (39.3) of the*
12 *Code, and entitled to vote for such nominee for such office.*

13 3. That each of said petitioners voluntarily signed said petition.
14 Such petition when so verified shall be known as a nomination
15 paper.

1 SEC. 80. Section forty-six point one (46.1), Code 1973, is
2 amended to read as follows:

3 **46.1 Appointment of state judicial nominating commissioners.**
4 The governor shall appoint, subject to confirmation by the senate,
5 one *eligible* elector of each congressional district to the state judicial
6 nominating commission for a six-year term beginning July 1. The
7 terms of no more than three nor less than two of such members
8 shall expire within the same two-year period. The governor shall
9 within thirty days following the organization of each regular session
10 of the general assembly, appoint for a like term, with approval of
11 the senate, a successor to the member of the commission from a con-
12 gressional district whose term of office will expire June 30 following.

1 SEC. 81. Section forty-six point two (46.2), Code 1973, is
2 amended to read as follows:

3 **46.2 Election of state judicial nominating commissioners.** The
4 resident members of the bar of each congressional district shall elect
5 one *eligible* elector of such district to the state judicial nominating
6 commission for a six-year term beginning July 1. The terms of no

7 more than three nor less than two of such members shall expire
8 within the same two-year period, the expiration dates being gov-
9 erned by the expiration dates of the terms of the original appointive
10 members. The members of the bar of the respective congressional
11 districts shall in January, immediately preceding the expiration of
12 the term of a member of the commission, elect a successor for a like
13 term.

1 SEC. 82. Section forty-six point three (46.3), Code 1973, is
2 amended to read as follows:

3 **46.3 Appointment of district judicial nominating commissioners.**
4 In January 1972 the governor shall appoint five *eligible* electors of
5 each judicial election district to the district judicial nominating com-
6 mission for terms commencing February 1, 1972. He shall appoint
7 two such commissioners to serve until January 31, 1974, two to serve
8 until January 31, 1976, and one to serve until January 31, 1978. In
9 the month of January when each of those terms expire and every six
10 years thereafter the governor shall appoint district judicial nominat-
11 ing commissioners for six-year terms.

1 SEC. 83. Section forty-six point four (46.4), Code 1973, is
2 amended to read as follows:

3 **46.4 Election of district judicial nominating commissioners.** In
4 January 1972 the resident members of the bar of each judicial elec-
5 tion district shall elect five *eligible* electors of the district to the dis-
6 trict judicial nominating commission for terms commencing Febru-
7 ary 1, 1972. One of such commissioners shall serve until January 31,
8 1974, two until January 31, 1976, and two until January 31, 1978,
9 as determined by lot by such commissioners. In the month of Janu-
10 ary when each of those terms expire and every six years thereafter
11 such members of the bar of the respective judicial election districts
12 shall elect nominating commissioners for six-year terms.

1 SEC. 84. Section forty-six point ten (46.10), Code 1973, is
2 amended to read as follows:

3 **46.10 Nomination of elective nominating commissioners.** In order
4 to have his name printed on the ballot for state or district judicial
5 nominating commissioner, an *eligible* elector must file in the office of
6 the clerk of the supreme court at least thirty days prior to expira-
7 tion of the period within which the election must be held a nominat-
8 ing petition signed by at least fifty resident members of the bar of
9 the congressional district in case of a candidate for state judicial
10 nominating commissioner, or at least ten resident members of the
11 bar of the judicial district in case of a candidate for district judicial
12 nominating commissioner. No member of the bar may sign more
13 nominating petitions for state or district judicial nominating com-
14 missioner than there are such commissioners to be elected.

15 Ballots for state and district judicial nominating commissioners
16 shall contain blank lines equal to the number of such commissioners
17 to be elected, where names may be written in.

1 SEC. 85. Section forty-six point eleven (46.11), Code 1973, is
2 amended to read as follows:

3 **46.11 Certification of commissioners.** The governor and the clerk
4 of the supreme court respectively shall promptly certify the names

5 and addresses of appointive and elective judicial nominating commis-
6 sioners to the ~~secretary~~ of state *commissioner of elections* and the
7 chairman of the respective nominating commissions.

1 SEC. 86. Section forty-six point twelve (46.12), Code 1973, is
2 amended to read as follows:

3 **46.12 Notification of vacancy and resignation.** When a vacancy
4 occurs or will occur within sixty days in the supreme court or district
5 court, the ~~secretary~~ of state *commissioner of elections* shall forthwith
6 so notify the chairman of the proper judicial nominating commission.
7 The chairman shall call a meeting of the commission within ten days
8 after such notice; if he fails to do so, the chief justice shall call such
9 meeting.

10 When a judge of the supreme court or district court resigns, he
11 shall submit a copy of his resignation to the ~~secretary~~ of state *com-*
12 *missioner of elections* at the time he submits his resignation to the
13 governor; and when a judge of the supreme court or district court
14 dies, the clerk of district court of the county of his residence shall in
15 writing forthwith notify the ~~secretary~~ of state *commissioner of elec-*
16 *tions* of such fact.

1 SEC. 87. Section forty-six point nineteen (46.19), Code 1973, is
2 amended to read as follows:

3 **46.19 ~~Pollbooks~~ Election registers.** The ~~pollbooks~~ *election regis-*
4 *ters* used for the general election shall also constitute the ~~pollbooks~~
5 *election registers* for the judicial election.

1 SEC. 88. Section forty-six point twenty (46.20), Code 1973, is
2 amended to read as follows:

3 **46.20 Declaration of candidacy.** At least ninety days prior to
4 the judicial election preceding expiration of his initial or regular
5 term of office, a judge of the supreme court or district court including
6 district associate judges may file a declaration of candidacy with the
7 ~~secretary~~ of state *commissioner of elections*, whereupon such judge
8 shall stand for retention or rejection at that election. If a judge fails
9 to file such declaration, his office shall be vacant at the end of his
10 term. District associate judges filing such a declaration shall stand
11 for retention in the county of their residence.

1 SEC. 89. Section forty-six point twenty-one (46.21), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 At least fifty-five days prior to each judicial election, the ~~secretary~~
4 of state *commissioner of elections* shall certify to the county ~~auditor~~
5 *commissioner of elections* of each county a list of the judges of the
6 supreme court and district court including district associate judges
7 to be voted on in such county at that election. The ~~auditor~~ *county*
8 *commissioner of elections* shall place the names upon the ballot in the
9 order in which they appear in the certificate, unless only one county
10 is voting thereon. The ~~secretary~~ of state *commissioner of elections*
11 shall rotate the names in the certificate by county, or the ~~auditor~~
12 *county commissioner of elections* shall rotate them upon the ballot by
13 precinct if only one county is voting thereon. The names of all judges
14 to be voted on shall be placed upon one ballot, which shall be in sub-
15 stantially the following form:

1 SEC. 90. Section forty-six point twenty-three (46.23), Code 1973,
2 is amended to read as follows:

3 **46.23 General election and absent voter laws.** So far as appli-
4 cable general election and absent voter laws shall apply to judicial
5 elections. An application for an absent voter ballot for a general
6 election shall also constitute an application for an absent voter ballot
7 for a judicial election to be held at the same time, and the ballots
8 shall be mailed or delivered to the voter together. The sealed enve-
9 lope transmitted by the absent voter to the ~~auditer~~ *county commis-*
10 *sioner of elections* containing the absent voter general election ballot
11 may also contain the judicial election ballot.

1 SEC. 91. Section forty-six point twenty-four (46.24), Code 1973,
2 is amended to read as follows:

3 **46.24 Results of election.** A judge of the supreme court or dis-
4 trict court including district associate judge must receive more affirm-
5 ative than negative votes to be retained in office. When the poll is
6 closed, the election judges shall publicly canvass the vote forthwith.
7 The board of supervisors shall canvass the returns at its meeting on
8 Monday after the election, and shall promptly certify the number of
9 affirmative and negative votes on each judge to the ~~secretary~~ *of state*
10 *commissioner of elections.*

11 The state board of canvassers shall, at the time of canvassing the
12 vote cast at a general election, open and canvass all of the returns
13 for the judicial election. Each judge of the supreme court or district
14 court including district associate judge who has received more affirm-
15 ative than negative votes shall receive from the state board of can-
16 vassers an appropriate certificate so stating.

1 SEC. 92. Chapter forty-six (46), Code 1973, is amended by add-
2 ing the following new section:

3 **NEW SECTION. Eligible elector defined.** As used in this chapter,
4 the term "eligible elector" has the meaning assigned that term by
5 section thirty-nine point three (39.3) of the Code.

1 SEC. 93. Section forty-seven point two (47.2), Code 1973, is
2 amended to read as follows:

3 **47.2 County commissioner of elections.** The county auditor of
4 each county is designated as the county commissioner of elections in
5 each county. The county commissioner of elections shall conduct
6 voter registration pursuant to chapter 48 and conduct all elections
7 within the county.

8 ~~If a~~ *When an election is to be held as required by law or is called*
9 *by a political subdivision of the state and the political subdivision is*
10 *located in more than one county, the county commissioner of elections*
11 *of the county having the greatest taxable base within the political*
12 *subdivision shall conduct the that election. The county commissioners*
13 *of elections of the other counties in which the political subdivision is*
14 *located shall co-operate with the county commissioner of elections*
15 *who is conducting the election.*

16 *The governing body of any political subdivision which has decided*
17 *to call an election under any law permitting that governing body dis-*
18 *cretion to fix the date of the election shall, before finally determining*
19 *the date for the election, consult with the commissioner who will be*
20 *responsible for conducting the election regarding the date on which*

21 *the election may most conveniently be held, within the limitations*
 22 *imposed by the law authorizing the election.*

23 *The commissioner may designate as a deputy county commissioner*
 24 *of elections any officer of a political subdivision who is required by*
 25 *law to accept nomination papers filed by candidates for office in that*
 26 *political subdivision, and when so designated that person shall assist*
 27 *the commissioner in administering elections conducted by the com-*
 28 *missioner for that subdivision. The designation of a person as a*
 29 *deputy commissioner of elections pursuant to this section, once made,*
 30 *shall continue in effect until the designation is withdrawn by the*
 31 *commissioner.*

32 *The commissioner shall appoint the city clerk to conduct municipal*
 33 *elections in cities acting under a special charter in 1973 and having a*
 34 *population of over fifty thousand.*

1 SEC. 94. Section forty-seven point three (47.3), Code 1973, is
 2 amended to read as follows:

3 **47.3 Election expenses.** The costs of conducting a special election
 4 *called by the governor, general election, and the primary election held*
 5 *prior to the general election shall be paid by the county.*

6 *The cost of conducting other elections shall be paid by the politi-*
 7 *cal subdivision for which the election is held. The costs shall in-*
 8 *clude, but not be limited to, the printing of the ballots and the elec-*
 9 *tion register, publication of notices, printing of declaration of eligi-*
 10 *bility affidavits, compensation for precinct election boards, canvass*
 11 *materials, and the preparation and installation of voting machines.*
 12 *The county commissioner of elections shall certify to the county*
 13 *board of supervisors a statement of cost for an election. The cost*
 14 *shall be assessed by the county board of supervisors against the politi-*
 15 *cal subdivision for which the election was held.*

16 *Cost of registration and administrative and clerical costs shall not*
 17 *be charged as a part of the election costs.*

18 *If voting machines are used in any election, the county commis-*
 19 *sioner of elections shall not charge any political subdivision of the*
 20 *state a rental fee for the use of any voting machines.*

1 SEC. 95. Section forty-seven point four (47.4), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **47.4 Voter qualifications.**

5 1. Every citizen of the United States of the age of eighteen years
 6 or older who is a resident of this state shall be an eligible elector.

7 2. Every qualified elector of the state shall have only one voting
 8 residence.

9 3. Every citizen of the United States of the age of eighteen or
 10 older is presumed to have a residence some place in the United States
 11 for the purpose of voting for president and vice president of the
 12 United States.

13 4. A person's residence, for voting purposes only, is the place
 14 which he declares is his home with the intent to remain there per-
 15 manently or for a definite or indefinite or undeterminable length of
 16 time.

17 5. Every eligible elector shall be registered pursuant to the provi-

18 sions of chapter forty-eight (48) of the Code to qualify to vote in
19 any election.

20 If a person who meets the above requirements moves to a new resi-
21 dence, within or without the state, and does not meet the voter
22 requirements at his new residence, he may vote at his former pre-
23 cinct in Iowa until he meets the voter requirements of his new resi-
24 dence. However, a person who has moved to a new residence and
25 fails to register to vote at his new residence after becoming eligible
26 to do so shall not thereafter be entitled to vote at his former pre-
27 cinct in Iowa.

1 SEC. 96. Chapter forty-seven (47), Code 1973, is amended by
2 adding the following new section:

3 **NEW SECTION. Purchasing by competitive bidding.** The commis-
4 sioner shall take bids for any goods and services which will be per-
5 formed or provided by persons who are not employees of the commis-
6 sioner and where the costs of such services exceed five thousand
7 dollars per contract. No bids shall be required for legal services.
8 The commissioner shall publish notice to bidders, including specifi-
9 cations regarding the goods or services to be purchased or a descrip-
10 tion of the nature and object of the services to be retained, in a news-
11 paper of general circulation in the county not less than fifteen days
12 before the final date for submission of bids. The commissioner shall
13 also file a copy of the bid specifications in the office of the state com-
14 missioner for a period of not less than twenty days prior to the date
15 the bid is let. When competitive bidding procedures are used, the
16 purchase of goods or services shall be made from the lowest respon-
17 sible bidder which meets the specifications or description of the serv-
18 ices needed or the commissioner may reject all bids and readvertise.
19 In determining the lowest responsible bidder, various factors may be
20 considered, including but not limited to the past performance of the
21 bidder relative to quality of product or service, the past experience
22 of the purchaser in relation to the product or service, the relative
23 quality of products or services, the proposed terms of delivery and
24 the best interest of the county.

25 A county shall not enter into an intergovernmental agreement
26 with any other political subdivision of the state for acquisition of
27 goods or performance of services until an audit has been conducted
28 by the auditor of state or an independent certified public accountant
29 not in the regular employ of the counties executing an agreement
30 which sets forth the costs of each county for providing goods and
31 services.

32 Any election or registration data or records which may be in the
33 possession of a contractor shall remain the property of the commis-
34 sioner.

1 SEC. 97. Section forty-eight point one (48.1), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **48.1 Commissioner of registration.** The commissioner of elections
5 of each county is designated the commissioner of registration for that
6 county. He may designate the city clerk of any city in the county
7 as a deputy commissioner of registration who shall be responsible

8 for voter registration, subject to the supervision of the county com-
9 missioner.

1 SEC. 98. Section forty-eight point two (48.2), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 48.2 **Who may register.** Any person who is an eligible elector
5 may register to vote with the commissioner of registration or a dep-
6 uty commissioner of registration in the county of his residence. Any
7 person who is an eligible elector in all respects except that he has not
8 attained the age of eighteen may, at any time during the six months
9 next preceding his eighteenth birthday, register to vote in the county
10 of his residence. When a person less than eighteen years of age
11 registers, the commissioner shall affix to the receipt of registration,
12 issued as provided by section forty-eight point six (48.6) of the
13 Code, a date which shall be the registrant's eighteenth birthday and
14 the receipt shall state on its face that the person is registered and
15 qualifies to vote in any election held on or after the date affixed to
16 the registration receipt.

1 SEC. 99. Section forty-eight point four (48.4), Code 1973, is
2 amended to read as follows:

3 48.4 **Commissioner of registration—duties.** The said commis-
4 sioner of registration shall have complete charge of the registration
5 of all qualified voters within ~~such city or~~ the county. He shall appoint
6 such deputies and clerks as may be necessary, from the two political
7 parties receiving the highest vote at the last general election. The
8 number of such deputies and clerks for all precinct registration
9 places, and the central registration office, shall be equally divided
10 between the members of the two said political parties. These appoint-
11 ments shall be subject to the approval of the ~~city council or~~ county
12 board of supervisors as ~~the case may be~~. The commissioner of regis-
13 tration shall provide such printed forms and blanks as may be neces-
14 sary, together with such other supplies and equipment as are
15 necessary to properly carry out the provisions of this chapter. Regis-
16 tration places shall be established throughout the cities and counties.

1 SEC. 100. Section forty-eight point five (48.5), Code 1973, is
2 amended to read as follows:

3 48.5 **Registration records.** The county commissioner of registra-
4 tion shall safely maintain at his office or other designated locations
5 the original registration records of all qualified electors in his county.
6 The original registration records shall not be removed from his office
7 or other designated locations except upon court order. One copy of
8 the original registration records which includes the elector's name,
9 address, precinct, and party affiliation shall be prepared before the
10 primary election *and on August first* preceding the general election,
11 upon request and without charge, for the county chairman of each
12 political party. ~~A list of electors who have registered between the~~
13 ~~primary and the general election shall be prepared, upon demand and~~
14 ~~without charge on August 1 prior to the general election and at least~~
15 ~~every two weeks thereafter until the close of registration, for the~~
16 ~~county chairman of each political party polling in excess of two per-~~
17 ~~cent of the popular vote in the county in the last preceding general~~

18 election. If the county commissioner of registration maintains a
 19 computerized list of qualified electors by precinct, he shall, upon
 20 demand and without charge, on August 1 prior to the general elec-
 21 tion, provide the county chairman for each political party, a complete
 22 list of all qualified electors, by precinct, within the county. The county
 23 commissioner of registration, if computerized lists of qualified elec-
 24 ters are maintained shall, each week, upon demand and without
 25 charge, from August 1 first until October 1 first, prior to the general
 26 election and each day, or on each day thereafter that the computer-
 27 ized list is updated, until the close of registration, provide the county
 28 chairman of each political party a list of electors who have registered
 29 since the last such list was provided. Additional copies may be pro-
 30 vided to political parties at cost. Duplicate registration records shall
 31 be open to inspection by the public at reasonable times.

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

1 SEC. 101. Section forty-eight point six (48.6), Code 1973, is
 2 amended to read as follows:

3 48.6 Form of records. ~~The form of the registration records shall~~
 4 be substantially as set forth in this section. ~~The commissioner of~~
 5 registration shall provide suitable forms for the purpose of registra-
 6 tion. The registration forms shall be large enough to contain the
 7 necessary information required in legible writing. The registration
 8 form shall require the following information to be provided:

9 1. The name of the applicant, ~~giving surname and Christian names~~
 10 in full. Whenever any change of name shall occur due to marriage,
 11 or divorce or dissolution of marriage, or otherwise, the registrant
 12 shall not be allowed to vote until the registrant has reregistered, and
 13 after such reregistration the previous registration record shall be
 14 removed from the files. *Where the only change in the previous regis-*
 15 *tration information is a change of surname by reason of marriage,*
 16 *divorce or dissolution of marriage, or other legal procedure, the regis-*
 17 *trant may effect the reregistration required by this subsection by*
 18 *mailing the county commissioner a written notice stating in full both*
 19 *the name under which the registrant was previously registered and*
 20 *the name under which the registrant is now to be registered, and the*
 21 *registrant's social security number, if available.*

22 2. Residence, giving name and number of the street, avenue, or
 23 other location of the dwelling, and such additional clear and definite
 24 description as may be necessary to give the exact residence of the
 25 applicant. Post office box numbers shall not be used unless no other
 26 method of identifying the residence exists for the community.

27 3. Date of birth.

28 4. Sex.

29 5. ~~Term of residence in the United States, in the state, in the~~
30 ~~county~~ *Date of registration.*

31 6. Ward, precinct, school district, and such other districts in which
32 the registrant resides which are empowered to call special elections.

33 7. ~~Place of birth. If the registrant is not native born he shall give~~
34 ~~the date of his naturalization or of the parent through whom he~~
35 ~~claims naturalization, and the place of court, and any other informa-~~
36 ~~tion necessary to establish citizenship.~~

37 8. ~~7.~~ Last previous address if the registrant has resided at his
38 present address for less than five years.

39 9. ~~8.~~ Party affiliation. No party affiliation need be stated if the
40 registrant declines to make such statement.

41 ~~10.~~ 9. An affidavit in such form as prescribed by the state com-
42 missioner of elections which states that the registrant will be a quali-
43 fied elector on the day of the next known election.

44 ~~11.~~ 10. An expressed authorization to cancel all other registrations
45 to vote.

46 ~~12.~~ 11. The social security number of the registrant, if available.

47 ~~13.~~ 12. The signature of registrant.

48 *A receipt of registration shall be given to each registrant. If a*
49 *person registers to vote while registration is closed preceding any*
50 *election, the county commissioner of registration shall affix a date to*
51 *the receipt which date shall be the day after the election for which*
52 *registration is closed and the receipt shall state on its face that the*
53 *person is registered and qualifies to vote in any election held on or*
54 *after the date affixed to the registration receipt.*

1 SEC. 102. Section forty-eight point seven (48.7), Code 1973, is
2 amended to read as follows:

3 48.7 **Change of address notice.** Change of address notice shall be
4 provided for the use of any registered voter moving to a new loca-
5 tion *within the county*. Change of address notice shall provide space
6 for the previous address of the voter, the address of the exact loca-
7 tion to which he is moving, and his signature. Any written notifica-
8 tion from the voter containing the required information and signa-
9 ture shall be sufficient to validate his registration. If the commis-
10 sioner of registration receives written notification of change of
11 address from any registered voter *in the county* and the notification
12 does not contain the required information, the commissioner shall
13 immediately mail to the voter at his last known address notice that
14 his registration is defective. Upon receipt of any valid change of
15 address notice received ~~not later than ten days on or before the last~~
16 ~~day of registration~~ before any election, the commissioner of registra-
17 tion shall make entry of any change on the original and duplicate
18 registration lists and the voter shall be qualified to vote in the new
19 election precinct. *If an elector moves before the close of registration*
20 *and does not record a change of address with the county commis-*
21 *sioner of registration, he shall not be qualified to vote.*

1 SEC. 103. Section forty-eight point ten (48.10), Code 1973, is
2 amended to read as follows:

3 48.10 **Deceased persons—record.** It is the mandatory duty of
4 each local registrar and deputy registrar of vital statistics to provide
5 the commissioner of registration of his ~~city or county, as the case~~

6 ~~may be~~, with a certified list of the names and last known addresses,
 7 and social security numbers and dates of birth, if known, of all per-
 8 sons eighteen years of age or over who have died in his county.
 9 Such lists shall be delivered by the tenth day of each month. The
 10 commissioner of registration, shall, upon receipt of such report,
 11 examine the original registration list and shall remove ~~therefrom, to~~
 12 ~~an inactive file,~~ the registration records of all registered persons
 13 certified by the local registrar or deputy registrar of vital statistics
 14 as deceased.

1 SEC. 104. Section forty-eight point eleven (48.11), Code 1973, is
 2 amended to read as follows:

3 **48.11 Registration time limits.** The county commissioner of reg-
 4 istration shall register, on forms prescribed by the state commis-
 5 sioner of elections, electors for elections in a precinct until the close
 6 of registration in the precinct. An elector may register during the
 7 time registration is closed in the elector's precinct but the registra-
 8 tion shall not become effective until registration opens again in his
 9 precinct.

10 Registration shall close in a precinct *at five o'clock p.m.*, ten days
 11 before an election.

1 SEC. 105. Section forty-eight point seventeen (48.17), Code 1973,
 2 is amended to read as follows:

3 **48.17 Qualification of officers.** Before entering upon his duties,
 4 each officer or clerk in whatever capacity shall subscribe to an oath
 5 in such form as provided by the ~~attorney for the city~~ *state commis-*
 6 *sioner.*

1 SEC. 106. Section forty-eight point twenty-seven (48.27), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **48.27 Mobile deputy registrars—qualifications—duties.**

5 1. Mobile deputy registrars shall be appointed by the county com-
 6 missioner of registration not more than one hundred twenty days
 7 prior to any primary, general, or partisan city election, or any elec-
 8 tion held pursuant to section sixty-nine point fourteen (69.14) of
 9 the Code, in accordance with the following guidelines:

10 a. Mobile deputy registrars shall be selected from lists of nominees
 11 submitted to the county commissioner of registration by the county
 12 chairman of the two political parties receiving the highest number
 13 of votes in that county in the last preceding general election.

14 b. Each political party shall submit a list of nominees, not later
 15 than sixty days prior to the election, and may request not more than
 16 one person for each one thousand six hundred (1,600) residents or
 17 major fraction thereof in the county to be appointed as mobile dep-
 18 uty registrars.

19 c. The county commissioner of registration shall make the re-
 20 quested number of appointments from the lists submitted by the
 21 county chairmen not more than thirty days from the date the lists
 22 of nominees were submitted. If persons listed by the county chair-
 23 man cannot serve or are disqualified, the county chairman may add
 24 additional names to his list. The additional persons shall be ap-

25 pointed within five days if the next election is to be held within
26 ninety-five days.

27 d. The appointment of mobile deputy registrars from one political
28 party shall not be contingent upon the other political party submit-
29 ting a list of nominees.

30 e. The fact that any political party does not submit a list includ-
31 ing the full number of names which may be appointed shall not pre-
32 clude the appointment of the full number of persons to which any
33 other political party is entitled.

34 f. The term of office of mobile deputy registrars appointed under
35 the provisions of this subsection shall expire at five o'clock p.m. on
36 the day registration closes prior to the general election or at the
37 time the mobile deputy registrar returns his supplies to the county
38 commissioner of registration, whichever occurs first.

39 g. When an election has been called pursuant to section sixty-nine
40 point fourteen (69.14) of the Code, mobile deputy registrars shall
41 be appointed within three days after submission of a list of nomi-
42 nees by the county chairman of either of the two political parties
43 whose candidates for president of the United States or for governor,
44 as the case may be, received the largest and next largest number of
45 votes in the county at the last general election.

46 2. There is established in each county a permanent board of mobile
47 deputy registrars who shall be selected from lists of nominees sub-
48 mitted to the county commissioner of registration by the county
49 chairman of the two political parties polling the highest number of
50 votes in the county in the last preceding general election. The chair-
51 men of the two political parties shall submit a list of nominees to
52 serve as registrars on the permanent mobile deputy registrar board
53 not later than January fifteenth of each year. The county commis-
54 sioner of registration shall, not later than January thirty-first of
55 each year, appoint one person from each political party for each ten
56 thousand residents or major fraction thereof in the county to serve
57 as mobile deputy registrars on the permanent mobile deputy reg-
58 istrar board. The county commissioner of registration shall appoint
59 at least two mobile deputy registrars to serve on the board in each
60 county from each political party. If a county chairman of a politi-
61 cal party does not submit a list of nominees for the permanent mobile
62 deputy registrar board, the county commissioner of registration
63 shall appoint persons known to be members of that political party
64 to serve as permanent mobile deputy registrars. The term of office
65 of permanent mobile deputy registrars shall commence on the date
66 of appointment and shall continue until December thirty-first of that
67 year.

68 3. Mobile deputy registrars shall meet the following qualifications:

69 a. Mobile deputy registrars shall reside in the county of the county
70 commissioner of registration making the appointment.

71 b. Mobile deputy registrars shall be persons of known good char-
72 acter who are at least eighteen years of age and who are familiar
73 with the registration laws of the state. Mobile deputy registrars
74 shall be persons who have clear handwriting and who exhibit to
75 the commissioner the capability for making records in a neat and
76 accurate manner. The commissioner may require a handwriting
77 sample to insure that this requirement is fulfilled.

78 c. Mobile deputy registrars shall take a training course prescribed
79 by the commissioner and upon completion thereof shall take an oath
80 of office administered by the commissioner.

81 d. No candidate for an office to be filled by the voters at any elec-
82 tion shall serve as a mobile deputy registrar.

83 4. Mobile deputy registrars shall perform their duties according
84 to the following guidelines:

85 a. They shall secure registration of eligible voters anywhere in
86 the jurisdiction of the county commissioner of registration. It shall
87 be unlawful for any mobile deputy registrar to refuse to register any
88 eligible voter and any unreasonable refusal shall be a misdemeanor.

89 b. Mobile deputy registrars shall register electors on registration
90 forms provided by the county commissioner of registration. These
91 forms shall be numbered and accounted for by the mobile deputy
92 registrar to the county commissioner of registration. There shall
93 be provided on said form a space for the signature of the mobile
94 deputy registrar who shall sign same and identify himself in the
95 presence of the voter with appropriate identity papers or badge pro-
96 vided by the county commissioner of registration. The mobile dep-
97 uty registrar shall give the voter a receipt signed by the mobile
98 deputy registrar stating that such person is duly registered.

99 c. Mobile deputy registrars shall serve without compensation
100 from any source.

101 d. Mobile deputy registrars shall return all completed registration
102 records at least weekly to the county commissioner of registration
103 except that completed registration records shall be turned in at least
104 every two working days during the last ten days of registration. All
105 completed and unused material must be turned in no later than six
106 o'clock on the day registration closes for the election. Failure to
107 comply with this provision shall be a misdemeanor.

108 e. Mobile deputy registrars shall not influence the elector in des-
109 ignating party affiliation during the registration process.

110 f. It shall be the duty of the state commissioner to designate a
111 suitable voter registration form for the purposes of this section.

112 5. The county commissioner of registration may terminate the
113 appointment of a mobile deputy registrar who is not properly regis-
114 tering electors, and shall immediately terminate the appointment
115 upon the written request of the county chairman of the party from
116 whose list of nominees the mobile deputy registrar was selected.
117 When an appointment is terminated the county commissioner of reg-
118 istration shall promptly notify the county chairman of the political
119 party which nominated the mobile deputy registrar whose appoint-
120 ment has been terminated, and shall appoint another person within
121 five days from a list of substitute nominees provided by that county
122 chairman. A mobile deputy registrar whose appointment is termi-
123 nated shall immediately return all his supplies to the county com-
124 missioner of registration. If a mobile deputy registrar's appoint-
125 ment is terminated within thirty days of an election, other than by
126 request of the county chairman of the party from whose list of nomi-
127 nees the mobile deputy registrar was appointed, a replacement shall
128 be appointed within twenty-four hours from a list of substitute nomi-
129 nees provided by the appropriate county chairman.

1 SEC. 107. Section forty-eight point thirty-one (48.31), unnum-
2 bered paragraph two (2), Code 1973, is amended to read as follows:

3 Whenever a registration is canceled, notice of the cancellation shall
4 be sent to the registrant at his last known address shown upon the
5 registration records. *Such notice shall be sent first class mail and*
6 *bear the words "Please Forward"*. However, notice is not necessary
7 when the cancellation is due to death or if an authorization for the
8 removal of his registration is received as provided in this chapter.

1 SEC. 108. Section forty-nine point one (49.1), Code 1973, is
2 amended to read as follows:

3 **49.1 Elections included.** The provisions of this chapter shall
4 apply to all elections ~~known to the laws of the state, except school~~
5 *those special elections which by the terms of the statutes authorizing*
6 *them are exempt from the provisions of this chapter.*

1 SEC. 109. Section forty-nine point three (49.3), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.3 Election precincts.** Election precincts shall be drawn by the
5 county board of supervisors in all unincorporated portions of each
6 county, and by the city council of each city in which it is necessary
7 or deemed advisable to establish more than one precinct. Precincts
8 established as provided by this chapter shall be used for all elections,
9 except where temporary merger of established precincts is specifi-
10 cally permitted by law for certain elections, and no political subdivi-
11 sion shall concurrently maintain different sets of precincts for use
12 in different types of elections. Election precincts shall be drawn so
13 that:

14 1. No precinct shall have a total population in excess of three
15 thousand five hundred, as shown by the most recent federal decennial
16 census.

17 2. Each precinct is contained wholly within an existing legislative
18 district, except:

19 a. When adherence to this requirement would force creation of a
20 precinct which includes the places of residence of fewer than fifty
21 qualified electors.

22 b. When the general assembly by resolution designates a period
23 after the federal decennial census is taken and before the next suc-
24 ceeding reapportionment of legislative districts required by Article
25 three (III), section thirty-five (35), Constitution of the state of Iowa
26 as amended in 1968, during which precincts may be drawn without
27 regard to the boundaries of existing legislative districts.

1 SEC. 110. Section forty-nine point four (49.4), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.4 Precincts drawn by county board.** In the absence of con-
5 trary action by the board of supervisors, each civil township which
6 does not include any part of a city of over two thousand popula-
7 tion, and the portion of each civil township containing any such city
8 which lies outside the corporate limits of that city or those cities,
9 shall constitute an election precinct.

10 1. Where a civil township, or the portion of a civil township out-

11 side the corporate limits of any city of over two thousand pop-
12 ulation contained therein, is divided into two or more election pre-
13 cincts, the precincts shall be so drawn that their total populations
14 shall be reasonably equal on the basis of data available from the most
15 recent federal decennial census.

16 2. Counties using alternative supervisor representation plans two
17 or three, as described in section three hundred thirty-one point eight
18 (331.8) of the Code, shall be apportioned into single-member super-
19 visor districts on the basis of population. The boundaries of super-
20 visor districts shall follow the boundaries of election precincts.

21 3. Notwithstanding any other provision of this chapter, the Indian
22 Settlement lying in Tama, Toledo and Indian Village townships of
23 Tama County shall be an election precinct, and the polling place of
24 that precinct shall be located in the structure commonly called the
25 Indian School located in section 19, township 83 north, range 15
26 west, or in such structure as designated by the election commissioner
27 of Tama County.

1 SEC. 111. Section forty-nine point five (49.5), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 49.5 City precincts. The council of a city where establishment of
5 more than one precinct is necessary or deemed advisable shall at the
6 time required by law, by ordinance definitely fixing the boundaries,
7 divide the city into such number of election precincts as will best
8 serve the convenience of the voters. As used in this section, the
9 term "the convenience of the voters" refers to, but is not necessarily
10 limited to, the use of precinct boundaries which can be readily de-
11 scribed to and identified by voters and ease of access by voters to
12 their respective precinct polling places by reasonably direct routes
13 of travel. Before final adoption of any change in election precinct
14 boundaries pursuant to this section or section forty-nine point six
15 (49.6) of the Code, the council shall permit the commissioner not
16 more than ten days time to offer comments on the proposed repre-
17 cincting.

18 1. Election precincts within the same city shall be so drawn that
19 their total populations shall be reasonably equal on the basis of the
20 most recent federal decennial census, but equality of population
21 among precincts shall not take precedence over consideration of the
22 convenience of voters as defined in this section. The boundaries of
23 each precinct shall follow the boundaries of areas for which official
24 population figures are available from the most recent federal decen-
25 nial census, however in cities for which block-by-block data from that
26 census are not available and where all or some of the areas for which
27 data from that census are available are not suitable for forming pre-
28 cincts, the city council may use other reliable and documented indica-
29 tors of population distribution in forming precincts in the city
30 or any portion of it.

31 2. Each city of over twenty-five thousand population shall enter
32 into the necessary arrangements with the United States bureau of the
33 census or its successor agency for the next succeeding federal decen-
34 nial census to be taken in the city on a block-by-block basis. Any
35 charge therefor imposed on the city by the federal government,
36 which the city would not otherwise be liable to pay, may be reported

37 to the state commissioner, who shall forward the report to the next
 38 regular session of the general assembly. The city shall preserve data
 39 on the composition and population of each area within its boundaries
 40 defined as a city block for the most recent federal decennial census.
 41 Precincts in the city shall to the greatest extent practicable follow
 42 the boundaries of such areas.

43 3. Cities using any form of city government authorized by law in
 44 which some or all members of the city council are elected from wards
 45 shall be apportioned into wards on the basis of population. The
 46 ward boundaries shall follow the boundaries of election precincts.

1 SEC. 112. Section forty-nine point six (49.6), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **49.6 Power to combine township and city precincts.** Election pre-
 5 cincts composed partially of unincorporated territory and partially
 6 of all or any part of a city may be established within a single county
 7 in any manner which is not contrary to section forty-nine point three
 8 (49.3) of the Code and is mutually satisfactory to the board of super-
 9 visors and the city council of the city involved.

1 SEC. 113. Section forty-nine point seven (49.7), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **49.7 When reprecincting required.** Each county board of super-
 5 visors and city council shall make any changes in precinct boundaries
 6 necessary to comply with sections forty-nine point three (49.3),
 7 forty-nine point four (49.4) and forty-nine point five (49.5) of the
 8 Code not earlier than July first nor later than December thirty-first
 9 of the year immediately following each year in which the federal
 10 decennial census is taken, unless the general assembly by joint reso-
 11 lution establishes different dates for compliance with these sections.
 12 Any or all of the publications required by section forty-nine point
 13 eleven (49.11) of the Code may be made after December thirty-first
 14 if necessary. Each county board and city council shall notify the
 15 state commissioner and the commissioner whenever the boundaries
 16 of election precincts are changed and shall provide a map delineating
 17 the new boundary lines. Upon failure of any county board or city
 18 council to make the required changes by the dates established by or
 19 pursuant to this section, the state commissioner shall make or cause
 20 to be made the necessary changes as soon as possible, and shall assess
 21 to the county or city, as the case may be, the expenses incurred in so
 22 doing. The state commissioner may request the services of person-
 23 nel of and materials available to the legislative service bureau to
 24 assist him in making any required changes in election precinct bound-
 25 aries which become his responsibility.

1 SEC. 114. Section forty-nine point eight (49.8), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **49.8 Changes in precincts.** After any required changes in pre-
 5 cinct boundaries have been made following each federal decennial
 6 census, at the time established by or pursuant to section forty-nine
 7 point seven (49.7) of the Code, the county board or city council shall

8 make no further changes in precinct boundaries until after the next
9 federal decennial census, except in the following circumstances:

10 1. When deemed necessary by the board of supervisors of any
11 county because of a change in the location of the boundaries, dissolu-
12 tion or establishment of any civil township, the boundaries of pre-
13 cincts actually affected may be changed as necessary to conform to
14 the new township boundaries.

15 2. When territory is annexed to a city the city council may attach
16 all or any part of the annexed territory to any established precinct
17 or precincts which are contiguous to the annexed territory, however
18 this subsection shall not prohibit establishment of one or more new
19 precincts in the annexed territory.

20 3. A city may have one special federal census taken each decade
21 and the population figures obtained may be used to revise precinct
22 boundaries in accordance with the requirements of sections forty-
23 nine point three (49.3) and forty-nine point five (49.5) of the Code.

24 4. When the boundaries of any county supervisor, city council, or
25 school director district, or any other district from which one or more
26 members of any public representative body other than the general
27 assembly are elected by the voters thereof, are changed by annexa-
28 tion, reprecincting or other means, the change shall not result in the
29 term of any officer elected from the former district being terminated
30 before or extended beyond the expiration of the term to which the
31 officer was last elected.

1 SEC. 115. Section forty-nine point ten (49.10), Code 1973, is
2 amended to read as follows:

3 **49.10 Polling places for certain precincts.**

4 1. Polling places for precincts outside the limits of a city, but
5 within the township, or originally within and set off as a separate
6 township from the township in which the city is in whole or in part
7 situated, and a polling place for a township which entirely surrounds
8 another township containing a city, may be fixed at some room or
9 rooms in the courthouse or in some other building within the limits
10 of the city as the ~~board of supervisors~~ *commissioner* may provide.

11 2. If *the commissioner determines, or if a petition be is* filed with
12 ~~the county supervisors* him~~ ninety days before any primary, general
13 or special election stating, that there is no suitable or adequate poll-
14 ing place within a township constituting a voting precinct and that
15 it is desirable and to the interest of the voters of ~~such that~~ township
16 voting precinct that a voting place ~~therefore~~ *be designated for it*
17 ~~outside the its territorial limits of such township precinct,~~ the ~~board~~
18 ~~of supervisors commissioner~~ shall fix as a polling place for ~~such~~
19 ~~township that precinct, such polling place outside the township pre-~~
20 ~~cinct as the board its territorial limits, which he deems most con-~~
21 ~~venient to the electors of the township precinct. Such~~ A petition
22 ~~submitted under this subsection must be signed by voters eligible~~
23 ~~electors~~ of the precinct exceeding in number one-half the total
24 number of votes cast in the township precinct for the office of *presi-*
25 *dent of the United States or governor, as the case may be,* at the last
26 preceding general election. When the ~~board of supervisors commis-~~
27 ~~sioner~~ has fixed such a polling place it shall remain the polling place

*According to enrolled Act.

28 at all subsequent primary, general and special elections, until such
 29 time as ~~the county board of supervisors, upon its own motion,~~ he shall
 30 fix a *different* polling place ~~within said~~ *for the* precinct.

31 3. ~~The city council of~~ *In any city in which precinct lines have been*
 32 *changed to comply with section 49.5, the commissioner may fix the*
 33 *polling place for any precinct outside the boundaries of the precinct*
 34 *if there is no building or facility within the precinct suitable and*
 35 *available for use as a polling place. In so doing, the council commis-*
 36 *sioner shall fix the polling place at the point nearest the precinct*
 37 *which is suitable and available for use as a polling place and is rea-*
 38 *sonably accessible to voters of the precinct. No single room or area*
 39 *of any building or facility shall be fixed as the polling place for more*
 40 *than one precinct unless there are separate entrances thereto each*
 41 *clearly marked on the days on which elections are held as the*
 42 *entrance to the polling place of a particular precinct, and suitable*
 43 *arrangements are made within such room or area to prevent direct*
 44 *access from the polling place of any precinct to the polling place of*
 45 *any other precinct. When the council commissioner has fixed such a*
 46 *polling place for any precinct it shall remain the polling place at all*
 47 *subsequent primary, general and special elections, except elections*
 48 *for which the precinct is merged with another precinct as permitted*
 49 *by section forty-nine point eleven (49.11) of the Code, until the*
 50 *boundaries of the precinct are changed or the council the commis-*
 51 *er fixes a new polling place, except that the polling place shall be*
 52 *changed to a point within the boundaries of the precinct at any time*
 53 *not less than sixty days before the next succeeding primary, general*
 54 *er special election that a building or facility suitable for such use*
 55 *becomes available within the precinct.*

56 4. If two or more contiguous townships have been combined into
 57 one election precinct by the board of supervisors, the ~~board~~ *commis-*
 58 *sioner shall provide a polling place which is convenient to all of the*
 59 *electors in the precinct.*

1 SEC. 116. Section forty-nine point eleven (49.11), Code 1973, is
 2 amended to read as follows:

3 **49.11 Notice of boundaries of precincts—merger.** The board of
 4 supervisors or council shall number or name the several precincts
 5 established, and cause the boundaries of each to be recorded in the
 6 records of said board of supervisors or council, as the case may be,
 7 and publish notice thereof in some newspaper of general circulation,
 8 published in such county or city, once each week for three consecu-
 9 tive weeks, the last to be made at least thirty days before the next
 10 general election. The precincts thus established shall continue until
 11 *changed in the manner provided by law, except that for any election*
 12 *other than the primary or general election the county commissioner*
 13 *of elections may consolidate two or more precincts into one. How-*
 14 *ever, he shall not do so if there is filed with him at least twenty days*
 15 *before the election a petition signed by twenty-five or more eligible*
 16 *electors of any precinct requesting that it not be merged with any*
 17 *other precinct. There shall be attached to the petition the affidavit*
 18 *of an eligible elector of the precinct that the signatures on the peti-*
 19 *tion are genuine and that all of the signers are to the best of the*
 20 *affiant's knowledge and belief eligible electors of the precinct.*

21 *If a special election is to be held in which only those qualified elec-*

22 *tors residing in a specified portion of any established precinct are*
23 *entitled to vote, that portion of the precinct may be merged by the*
24 *commissioner with one or more other established precincts or por-*
25 *tions of established precincts for the special election, and the right*
26 *to petition against merger of a precinct shall not apply.*

1 SEC. 117. Section forty-nine point twelve (49.12), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.12 Election boards.** There shall be appointed in each election
5 precinct an election board which shall ordinarily consist of three
6 judges and two clerks. However, in precincts using only one voting
7 machine the board shall consist of three judges, two of whom shall
8 also act as clerks, and in precincts using more than three voting
9 machines one additional judge may be appointed for each such addi-
10 tional machine. Not more than a simple majority of the members
11 of the election board in any precinct shall be members of the same
12 political party or organization if one or more qualified electors of
13 another party or organization are qualified and willing to serve on
14 the board. Double election boards may be appointed for any pre-
15 cinct as provided by chapter fifty-one (51) of the Code.

1 SEC. 118. Section forty-nine point thirteen (49.13), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.13 Commissioner to appoint members, chairman.** The mem-
5 bership of each precinct election board shall be appointed by the
6 commissioner, not less than fifteen days before each election held in
7 the precinct, from the election board panel drawn up as provided in
8 section forty-nine point fifteen (49.15) of the Code. Each election
9 board member shall be a member of one of the two political parties
10 whose candidates for president of the United States or for governor,
11 as the case may be, received the largest and next largest number of
12 votes in the precinct at the last general election, except that persons
13 not members of either of these parties may be appointed to serve for
14 any election in which no candidates appear on the ballot under the
15 heading of either of these political parties. In appointing the elec-
16 tion board to serve for any election in which candidates' names do
17 appear under the heading of these political parties, the commissioner
18 shall give preference to the persons designated by the respective
19 county chairmen of these political parties for placement on the elec-
20 tion board panel, as provided by section forty-nine point fifteen
21 (49.15) of the Code, in the order that they were so designated. The
22 commissioner shall designate one member of each precinct election
23 board as chairman of that board, and also of the counting board
24 authorized by chapter fifty-one (51) of the Code if one is appointed,
25 with authority over the mechanics of the work of both boards.

1 SEC. 119. Section forty-nine point fifteen (49.15), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.15 Commissioner to draw up election board panel.** Not less
5 than twenty days before each primary election, the commissioner
6 shall draw up for each precinct an election board panel from which

7 members of the precinct election board shall be appointed for each
8 election held in the precinct during the ensuing two years. Each
9 panel shall include members of each of the political parties referred
10 to in section forty-nine point thirteen (49.13) of the Code, whose
11 names may be designated by the county chairmen of each of these
12 political parties not less than thirty days prior to each primary
13 election. The commissioner may place on the election board panel
14 names of persons known to him to be members of these political
15 parties, if the respective county chairmen fail to designate a suffi-
16 cient number of names, and may also add names of persons not mem-
17 bers of either of these political parties who have advised him they
18 are willing to serve on the election board for elections in which no
19 candidates appear on the ballot under the heading of either of these
20 political parties.

1 SEC. 120. Section forty-nine point sixteen (49.16), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.16 Tenure of election board panel.** Each person whose name
5 is placed on the election board panel as provided in section forty-nine
6 point fifteen (49.15) of the Code, shall remain available for appoint-
7 ment to the election board of the precinct, subject to the provisions
8 of section forty-nine point twelve (49.12) of the Code, until a new
9 panel is drawn up unless his name is sooner deleted from the panel
10 by the commissioner. The election board for each election held in
11 the precinct shall be drawn from the panel, however:

12 1. No person shall serve on the election board at any election in
13 which he or any person related to him within the third degree of
14 consanguinity or affinity is a candidate to be voted upon in that
15 precinct, and it shall be the responsibility of each person whose name
16 is listed on the election board panel to notify the commissioner not
17 less than fifteen days before any election at which he is ineligible to
18 serve by reason of this subsection. However, this subsection shall
19 not apply in the case of any candidate or relative of a candidate seek-
20 ing an office or nomination which no opposing candidate is seeking.
21 Any candidate for an office or for nomination to an office to which
22 two or more persons are to be elected at large is unopposed, for the
23 purpose of this subsection, if the number of candidates for the office
24 or nomination does not exceed the number of persons to be elected or
25 nominated.

26 2. When all or portions of two or more precincts are merged for
27 any election as permitted by section forty-nine point eleven (49.11)
28 of the Code, the commissioner may appoint the election board for the
29 merged precinct from the election board panels of any of the pre-
30 cincts so merged.

31 3. Persons whose names are listed on the election board panel shall
32 not be required to serve on the election board for any election which
33 by the terms of the statute authorizing it is exempt from the provi-
34 sions of this chapter. The necessary officers for such elections shall
35 be designated as provided by law or, if there is no applicable statute,
36 by the commissioner.

1 SEC. 121. Section forty-nine point eighteen (49.18), Code 1973, is
2 amended to read as follows:

3 **49.18 Vacancies occurring on election day.** If, at the opening of
 4 the polls in any precinct, there shall be a vacancy in the office of clerk
 5 or judge of election, the ~~same vacancy~~ shall be filled *by the commis-*
 6 *sioner or, with his approval and for that election only* by the members
 7 of the board present, ~~and from the political party which is entitled to~~
 8 ~~such vacant office under the provisions of this chapter~~ *consideration*
 9 *being given to the political party affiliation of the person appointed*
 10 *if necessary in order to comply with the requirements of sections*
 11 *forty-nine point twelve (49.12) and forty-nine point thirteen (49.13)*
 12 *of the Code.*

1 SEC. 122. Section forty-nine point twenty (49.20), Code 1973, is
 2 amended to read as follows:

3 **49.20 Compensation of members.** The members of election boards
 4 shall receive two dollars per hour while engaged in the discharge of
 5 their duties and ten cents per mile for actual and necessary travel.
 6 Compensation shall be paid to members of election boards only after
 7 the vote has been canvassed and it has been determined in the
 8 course of such canvass that the ~~pollbook jurat~~ *election record certifi-*
 9 *cate* has been properly executed by the election board.

1 SEC. 123. Section forty-nine point twenty-one (49.21), Code 1973,
 2 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, Senate File five hundred one (501), section one (1), is amended
 4 to read as follows:

5 **49.21 Polling places.** ~~In townships the trustees, except as other-~~
 6 ~~wise provided, shall provide, at the expense of the county, suitable~~
 7 ~~places in which to hold all elections provided for in this chapter, and~~
 8 ~~see that the same are warmed and lighted.~~

9 Upon the application of the ~~county auditor or the township trustees~~
 10 ~~commissioner~~, the authority which has control of any buildings or
 11 grounds supported by taxation under the laws of this state shall make
 12 available the necessary space therein for the purpose of holding elec-
 13 tions, without charge for the use thereof.

14 Except as otherwise provided by law, the polling place in each
 15 precinct in the state shall be located in a central location if a build-
 16 ing is available. However, first consideration shall be given to the
 17 use of public buildings supported by taxation.

18 In the selection of polling places, consideration shall also be given
 19 to the use of buildings accessible to elderly and physically disabled
 20 persons.

1 SEC. 124. Section forty-nine point twenty-three (49.23), Code
 2 1973, is amended to read as follows:

3 **49.23 Notice of change.** When a change is made from the usual
 4 ~~polling place of holding elections in for the township, precinct or~~
 5 ~~when the precinct polling place for any primary or general election~~
 6 ~~is different from that used for the precinct at the last preceding~~
 7 ~~primary or general election, notice of such change shall be given by~~
 8 ~~posting up notices in three public places in the township, publication~~
 9 ~~in a newspaper of general circulation in the precinct not more than~~
 10 ~~fifteen nor less than ten five days~~ prior to the day on which the elec-
 11 tion is to be held. *In addition a notice of the present polling place*
 12 *for the precinct shall be posted, not later than the hour at which the*
 13 *polls open on the day of the election, on each door to the usual or*

14 *former polling place in the precinct and shall remain there until the*
15 *polls have closed.*

1 SEC. 125. Section forty-nine point twenty-four (49.24), Code
2 1973, is amended to read as follows:

3 **49.24 Schoolhouses as polling places.** In precincts outside of
4 cities ~~and towns~~ the election shall, if practicable, be held in the public
5 school building. All damage to the building or furniture shall be paid
6 by the county.

1 SEC. 126. Section forty-nine point twenty-five (49.25), Code
2 1973, is amended to read as follows:

3 **49.25 Arrangement and number of Equipment required at polling**
4 **places and booths.** ~~The~~ *In any county or portion of a county where*
5 *voting machines are not in use the commissioner shall furnish to each*
6 *precinct the necessary ballot boxes, suitably equipped with locks and*
7 *keys, and shall insure that the number, arrangement, and construc-*
8 *tion of polling places and voting booths shall be at the polling place in*
9 *each precinct are as follows:*

10 1. Each booth shall be at least three feet square, and have three
11 sides enclosed, the side in front to open and shut by a door swinging
12 outward, or closed with a curtain.

13 2. Each side of the booth shall be seven feet high, and the door or
14 curtain shall extend to within two feet of the floor, and shall be closed
15 while the voter is preparing his ballot.

16 3. Each booth shall contain a shelf at least one foot wide, at a
17 convenient height for writing, and shall be well lighted.

18 4. The number of voting booths shall not be less than one to every
19 ~~four~~ *three* hundred voters or *major* fraction thereof who voted in the
20 last preceding *similar* election in the precinct.

21 5. The booths ~~and compartments~~ shall be so built and arranged, if
22 possible, as to be permanent, so that after the election they may be
23 taken down and deposited with the ~~township, city, or town clerk,~~ as
24 ~~the case may be,~~ *commissioner or his designee* for safekeeping and
25 for future use.

1 SEC. 127. Section forty-nine point twenty-six (49.26), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.26 Voting machines furnished.** The commissioner shall fur-
5 nish for each precinct to which section forty-nine point twenty-five
6 (49.25) of the Code is not applicable a minimum of one voting ma-
7 chine, meeting the requirements of chapter fifty-two (52) of the
8 Code, for every three hundred voters or major fraction thereof who
9 voted in the last preceding similar election in the precinct.

1 SEC. 128. Section forty-nine point twenty-seven (49.27), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **49.27 Precincts where some electors may not vote for all candi-**
5 **dates or questions.** When the territory of a precinct is such that one
6 or more of the candidates or questions on the ballot in any election
7 may not be legally voted upon by all qualified electors of the precinct,
8 the commissioner may not place those candidates or questions upon

9 a voting machine which may be used by qualified electors of the
 10 entire precinct unless the machine is equipped with a device, readily
 11 operable by the election official attending the machine, by which that
 12 portion of the machine on which those candidates or questions appear
 13 may be locked when the machine is to be used by a qualified elector
 14 not eligible to vote for those candidates or questions. If the voting
 15 machines in any precinct to which this section is applicable are not
 16 so designed, the commissioner may place the candidates or questions
 17 for which not all voters of the precinct may legally vote on one or
 18 more, but not all, of the voting machines in the precinct. In any
 19 precinct to which this section is applicable and in which neither of
 20 the foregoing procedures are feasible, or in which all voting is by
 21 paper ballot, the commissioner shall prepare separate ballots for the
 22 candidates or questions which may not be legally voted upon by all
 23 qualified electors of the precinct, and shall furnish a separate ballot
 24 box in which only those ballots shall be deposited.

1 SEC. 129. Section forty-nine point twenty-eight (49.28), Code
 2 1973, is amended to read as follows:

3 **49.28 Auditor Commissioner to furnish pollbooks registers and**
 4 **supplies.** The ~~auditor commissioner~~ shall prepare and furnish to each
 5 precinct ~~two pollbooks an election register,~~ and all other books,
 6 blanks, materials, and supplies necessary to carry out the provisions
 7 of this chapter. ~~Each pollbook shall contain a column for the names~~
 8 ~~of the voters, a column for the number, and sufficient printed blank~~
 9 ~~leaves to contain the entries of the oaths, certificates, and returns.~~
 10 *Voter registration records shall be kept so that the election register*
 11 *for each precinct contains the names of no electors except those eli-*
 12 *gible to vote in that precinct. When a precinct lies in more than one*
 13 *political subdivision or district from which any officer is elected, the*
 14 *election register must clearly indicate who are the eligible electors of*
 15 *each political subdivision or district in which the precinct lies.*

1 SEC. 130. Section forty-nine point twenty-nine (49.29), Code
 2 1973, is amended to read as follows:

3 **49.29 Voting by ballot or machine.** In all elections regulated by
 4 this chapter, the voting shall be by ballots printed and distributed as
 5 ~~hereinafter provided, except as may be otherwise specially directed~~
 6 ~~by law, or by voting machines meeting the requirements of chapter~~
 7 ~~fifty-two (52) of the Code.~~

1 SEC. 131. Section forty-nine point thirty (49.30), Code 1973, is
 2 amended to read as follows:

3 **49.30 All candidates on one ballot—exception.** The names of all
 4 candidates to be voted for in ~~such~~ *each* election precinct, except presi-
 5 dential electors, shall be printed on one ballot, except that at any elec-
 6 tion where voting machines are used, and it is impossible to place the
 7 names of all candidates on the machine ballot, the ~~county auditor, city~~
 8 ~~clerk, or town clerk, commissioner~~ may provide a separate printed
 9 ballot for the candidates for judge of district court ~~where there is no~~
 10 ~~contest,~~ and the township ticket, or either; one of each of said printed
 11 ballots to be furnished each qualified voter.

1 SEC. 132. Section forty-nine point thirty-one (49.31), Code 1973,
 2 is amended to read as follows:

3 **49.31 Arrangement of party nominees names on ballot.** All nomi-
 4 nations of any political party or group of petitioners, except as pro-
 5 vided in section 49.30, shall be placed under the party name or title
 6 of such party or group, as designated by them in their certificates of
 7 nomination or petitions, or if none be designated, then under some
 8 suitable title, and the ballot shall contain no other names, except as
 9 provided in section 49.32.

10 In counties where two or more senators or representatives are to be
 11 elected to the general assembly at a general or special election the
 12 names of candidates shall be arranged and printed on the ballots in
 13 the following manner:

14 The county auditor ~~commissioner~~ shall prepare a list of the election
 15 precincts of his county, by arranging the various townships, ~~towns~~
 16 and cities in the county in alphabetical order, and the wards or pre-
 17 cincts in each city, ~~town~~, or township in numerical order under the
 18 name of such city, ~~town~~, or township. He shall then arrange the
 19 surnames of each political party's candidates for such offices alpha-
 20 betically for the respective offices for the first precinct on the list;
 21 thereafter, for each political party and for each succeeding precinct,
 22 the names appearing first for the respective offices in the last preced-
 23 ing precinct shall be placed last, so that the names that were second
 24 before the change shall be first after the change. The procedure for
 25 arrangement of names on ballots provided in this section shall like-
 26 wise be substantially followed in elections in political subdivisions of
 27 less than a county. In representative districts of two or more counties
 28 in which two representatives are to be chosen, each county auditor
 29 shall comply with the above requirements in his county.

30 *The ballots for any city elections or school elections, or any special*
 31 *election at which any office is to be filled on a nonpartisan basis shall*
 32 *contain the names of all nominees or candidates arranged in alpha-*
 33 *betical order by surname under the heading of the office to be filled.*
 34 *When a city election, school election or special election to fill an office*
 35 *is held in more than one precinct, the candidates' names shall be*
 36 *rotated on the ballot from precinct to precinct in the manner pre-*
 37 *scribed by the preceding paragraph of this section.*

38 *If electors in any precinct are entitled to vote for more than one*
 39 *nominee or candidate for a particular office, the heading for that*
 40 *office on the precinct ballot shall be immediately followed by a nota-*
 41 *tion of the number of nominees or candidates for that office for whom*
 42 *each elector may vote. Provision shall be made on the ballot to allow*
 43 *the elector to write in the name of any person for whom he desires to*
 44 *vote for any office or nomination on the ballot.*

1 SEC. 133. Section forty-nine point forty-two (49.42), Code 1973,
 2 is amended to read as follows:

3 **49.42 Form of official ballot.** ~~Said~~ *The ballot for the general*
 4 *election shall be substantially the following form:*

5	○ REPUBLICAN	○ DEMOCRATIC	○ PROHIBITION	○ UNION LABOR
6	For President	For President	For President	For President
7	A..... B.....,	N..... O.....,	A..... B.....,	N..... O.....,
8	of Ohio.	of Virginia.	of Maine.	of Idaho.
9	<input type="checkbox"/> For Vice-	☐ For Vice-	☐ For Vice-	☐ For Vice-
10	President,	President,	President,	President,
11	C..... D.....,	P..... Q.....,	C..... D.....,	P..... Q.....,
12	of New York.	of Indiana.	of Illinois.	of Ohio.
13	For	For	For	For
14	United States	United States	United States	United States
15	Senator.	Senator.	Senator.	Senator.
16	<input type="checkbox"/> E..... F.....,	<input type="checkbox"/> R..... S.....,	<input type="checkbox"/> E..... F.....,	<input type="checkbox"/> R..... S.....,
17	of County.	of County.	of County.	of County.
18	For	For	For	For
19	United States	United States	United States	United States
20	Representative,	Representative,	Representative,	Representative,
21	<input type="checkbox"/> G..... H.....,	<input type="checkbox"/> T..... U.....,	<input type="checkbox"/> G..... H.....,	<input type="checkbox"/> T..... U.....,
22	of County.	of County.	of County.	of County.
23	For Governor,	For Governor,	For Governor,	For Governor,
24	<input type="checkbox"/> I..... J.....,	<input type="checkbox"/> V..... W.....,	<input type="checkbox"/> I..... J.....,	<input type="checkbox"/> V..... W.....,
25	of County.	of County.	of County.	of County.
26	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
27	Governor,	Governor,	Governor,	Governor,
28	<input type="checkbox"/> K..... L.....,	<input type="checkbox"/> X..... Y.....,	<input type="checkbox"/> K..... L.....,	<input type="checkbox"/> X..... Y.....,
29	of County.	of County.	of County.	of County.

1 SEC. 134. Section forty-nine point forty-three (49.43), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **49.43 Ballot for constitutional amendment or other public mea-**
 5 **sure.** When a constitutional amendment or other public measure is
 6 to be voted upon by paper ballot it shall be printed in full upon a
 7 separate ballot, preceded by the words "Shall the following amend-
 8 ment to the Constitution (or public measure) be adopted?" Upon the
 9 right-hand side of the ballot, opposite these words, two spaces shall
 10 be left, one for votes favoring the amendment or public measure and
 11 the other for votes opposing it. In one of these spaces the word "yes"
 12 or other word required by law shall be printed; in the other, "no" or
 13 other word required by law shall be printed. Immediately to the
 14 right of each of these spaces a square shall be printed to receive the
 15 voting cross or check.

1 SEC. 135. Section forty-nine point forty-four (49.44), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **49.44 State commissioner to prepare summary.** When a proposed
 5 constitutional amendment or other public measure to be decided by
 6 the voters of the entire state is to be voted upon, the state commis-
 7 sioner shall prepare a written summary of the amendment or mea-
 8 sure. The summary shall be printed immediately preceding the text
 9 of the proposed amendment or measure on the paper ballot referred
 10 to in section forty-nine point forty-three (49.43) of the Code and, in
 11 precincts where the amendment or measure will be voted on by ma-

12 chine, shall be placed in the voting machine inserts as required by
13 section fifty-two point twenty-five (52.25) of the Code.

1 SEC. 136. Section forty-nine point forty-five (49.45), Code 1973,
2 is amended to read as follows:

3 **49.45 General form of ballot.** Ballots referred to in sections *sec-*
4 *tion* 49.43 and 49.44 shall be substantially in the following form:

5 "Shall the following amendment to the Constitution Yes
6 (or public measure) be adopted?" No

7 (Here insert the summary, if it be for a constitutional amendment
8 or statewide public measure, and in full the proposed constitutional
9 amendment or public measure.)

1 SEC. 137. Section forty-nine point fifty-one (49.51), Code 1973,
2 is amended to read as follows:

3 **49.51 County auditor Commissioner to control printing.** For all
4 elections held under this chapter except those of cities and towns his
5 jurisdiction, the county auditor commissioner shall have charge of
6 the printing of ballots in his county, and shall cause to be placed
7 thereon the names of all candidates and questions which have been
8 certified to him by the secretary of state commissioner, in the order
9 the same appear upon said certificate, together with those of all other
10 candidates and questions to be voted for thereat, whose nominations
11 have been made in conformity with law.

1 SEC. 138. Section forty-nine point fifty-three (49.53), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.53 Publication of ballot and notice.** The commissioner shall,
5 not less than four nor more than twenty days prior to the day of
6 each election to which this chapter applies except those elections for
7 which more specific notice or publication requirements are provided
8 by law, publish a list of all candidates or nominees for public office
9 and all public questions which are to be voted upon at the election.
10 The list shall be published as nearly as possible in the form in which
11 the candidates' or nominees' names and the public questions, if any,
12 will appear on the official ballot. The list shall be accompanied by
13 a notice stating on what day the election is to be held, the hours the
14 polls will be open, and the location of the polling place for each pre-
15 cinct. No fact which is apparent from the ballot as published in
16 the required notice need be set forth in words in the notice. The
17 publication shall be in two newspapers representing, if possible, the
18 two political parties whose candidates for president of the United
19 States or for governor, as the case may be, received the largest and
20 next largest number of votes in the county at the last preceding gen-
21 eral election, except that in city elections the publication may be
22 made in only one newspaper, which shall be of general circulation
23 in the city.

1 SEC. 139. Section forty-nine point fifty-four (49.54), Code 1973,
2 is amended to read as follows:

3 **49.54 Publication of ballot.** For publication of the official ballot
4 and accompanying notice in each of the two newspapers in which the
5 ballot shall be published the manner required by section forty-nine
6 point fifty-three (49.53) of the Code, the cost shall not exceed an

7 amount determined by the *director of the state printing board depart-*
8 *ment of general services or his designee.*

1 SEC. 140. Section forty-nine point fifty-five (49.55), Code 1973,
2 is amended to read as follows:

3 **49.55 Delivery of ballots supplies to judges.** In all cases the
4 *necessary election supplies, including paper ballots for precincts*
5 *where they are to be used,* shall be furnished the election judges ~~at~~
6 ~~the polling place in each precinct~~ not less than ~~twelve hours one hour~~
7 before the opening of the polls on the morning of the election.

1 SEC. 141. Section forty-nine point fifty-six (49.56), Code 1973,
2 is amended to read as follows:

3 **49.56 Maximum cost of printing.** The cost of printing the official
4 election ballots and printed supplies for voting machines shall not
5 exceed an amount determined by the *director of the state printing*
6 *board department of general services or his designee.*

1 SEC. 142. Section forty-nine point fifty-seven (49.57), subsec-
2 tion five (5), Code 1973, is amended to read as follows:

3 5. On the outside of the ballot, so as to appear when folded, shall
4 be printed the words "Official ballot", followed by the designation of
5 the polling place for which the ballot is prepared, the date of the elec-
6 tion, and a facsimile of the signature of the ~~auditor or other officer~~
7 *commissioner* who has caused the ballot to be printed.

1 SEC. 143. Section forty-nine point fifty-eight (49.58), Code 1973,
2 is amended to read as follows:

3 **49.58 Vacancies certified before ballots are printed.** The name
4 supplied for a vacancy by the certificate of the ~~secretary of state~~
5 *commissioner,* or by nomination certificates or papers for a vacancy
6 filed with the ~~county auditor, or city or town clerk,~~ *commissioner*
7 shall, if the ballots are not already printed, be placed on the ballots in
8 place of the name of the original nominee.

1 SEC. 144. Section forty-nine point sixty (49.60), Code 1973, is
2 amended to read as follows:

3 **49.60 Inserting name of vacancy nominee.** When it may not be
4 practicable, after a vacancy has been certified, to have new ballots
5 printed, the election officers ~~having charge of them~~ *commissioner*
6 shall place the name supplied for the vacancy upon each ballot used
7 before delivering it to the judges of election.

1 SEC. 145. Section forty-nine point sixty-one (49.61), Code 1973,
2 is amended to read as follows:

3 **49.61 Furnishing judges name of vacancy nominee—pasters.** If
4 said ballots have been delivered to the judges of election before a
5 vacancy has been certified, ~~said auditor or clerk~~ *the commissioner*
6 shall immediately furnish the name of such substituted nominee to
7 all judges of election within the territory in which said nominee may
8 be a candidate.

9 Pastors with the name of the substituted nominee thereon shall like-
10 wise be furnished the voter with his ballot when possible to do so.

1 SEC. 146. Section forty-nine point sixty-three (49.63), Code 1973,
2 is amended to read as follows:

3 **49.63 Time of printing—inspection and correction.** Ballots shall
 4 be printed and in the possession of the ~~officer charged with their dis-~~
 5 ~~tribution~~ *commissioner* in time to enable him to furnish ballots to
 6 absent voters as provided by law. ~~Said sections fifty-three point eight~~
 7 ~~(53.8) and fifty-three point eleven (53.11) of the Code. The printed~~
 8 ballots shall be subject to the inspection of candidates and their
 9 agents. If mistakes are discovered, they shall be corrected without
 10 delay, in the manner provided in this chapter.

1 SEC. 147. Section forty-nine point sixty-four (49.64), Code 1973,
 2 is amended to read as follows:

3 **49.64 Number ballots delivered.** The ~~officers charged with the~~
 4 ~~printing of the ballots~~ *commissioner* shall cause ballots of the kind
 5 to be voted in each precinct, to be delivered to the judges of election as
 6 follows: In general elections which are presidential elections seventy-
 7 five ballots for every fifty votes, or fraction thereof, cast in said pre-
 8 cinct at the last preceding general election which was also a presi-
 9 dential election; and in general elections which are not presidential
 10 elections, seventy-five ballots for every fifty votes, or fraction thereof,
 11 cast therein at the last preceding general election which was not a
 12 presidential election.

1 SEC. 148. Section forty-nine point sixty-five (49.65), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **49.65 Packing ballots—delivery—receipts—records.** The required
 5 number of ballots for each precinct shall be wrapped and sealed, and
 6 each package shall be clearly marked on the outside to indicate the
 7 number of ballots contained in the package and the name or number
 8 of the precinct and the location of the polling place for which they
 9 are intended. The ballots shall be delivered to the precinct election
 10 judges together with other necessary election supplies, as provided
 11 by section forty-nine point fifty-five (49.55) of the Code, and one of
 12 the judges shall sign a receipt for the ballots which receipt shall be
 13 preserved by the commissioner. The commissioner shall keep a rec-
 14 ord of the number of ballots delivered for each polling place, the per-
 15 son who signed the receipt for them, and the time they were deliv-
 16 ered, on a form which also provides space for the entries required
 17 by section fifty point ten (50.10) of the Code.

1 SEC. 149. Section forty-nine point sixty-six (49.66), Code 1973,
 2 is amended to read as follows:

3 **49.66 Reserve supply of ballots.** ~~Any officer charged with the~~
 4 ~~printing and distribution of ballots~~ *The commissioner* shall provide
 5 and retain at his office an ample supply of ballots, in addition to those
 6 distributed to the several voting precincts, and if at any time the bal-
 7 lots furnished to any precinct shall be lost, destroyed, or exhausted
 8 before the polls are closed, on written application, signed by a major-
 9 ity of the judges of such precinct, or signed and sworn to by one of
 10 such judges, he shall immediately cause to be delivered to such judges,
 11 at the polling place, such additional supply of ballots as may be
 12 required, and sufficient to comply with the provisions of this chapter.

1 SEC. 150. Section forty-nine point sixty-eight (49.68), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The secretary of state *commissioner* with the approval of the attorney
4 general shall prepare, and from time to time revise, written
5 instructions to the voters relative to voting, and shall furnish each
6 *commissioner with copies of the instructions*. Such instructions shall
7 cover the following matters:

1 SEC. 151. Section forty-nine point seventy (49.70), Code 1973, is
2 amended to read as follows:

3 **49.70 Judges furnished instructions.** The ~~county auditor and city~~
4 ~~clerk commissioner~~ shall cause copies of the foregoing instructions
5 to be printed in large, clear type, under the heading of "Card of
6 Instructions", and shall furnish the judges of election with a sufficient
7 number of such cards as will enable them to comply with section
8 49.71.

1 SEC. 152. Section forty-nine point seventy-two (49.72), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **49.72 Absentee voters designated before polling place opened.**
5 The commissioner shall deliver to each precinct election board not
6 less than one hour before the time at which the polls are to open for
7 any election the list of all qualified electors of that precinct who have
8 been given or sent an absentee ballot for that election, and the election
9 board shall immediately designate those qualified electors who
10 are so listed and therefore not entitled to vote in person at the polls,
11 as required by section 53.19 of the Code.

1 SEC. 153. Section forty-nine point seventy-three (49.73), Code
2 1973, is amended to read as follows:

3 **49.73 Time of opening and closing polls.** At all elections in pre-
4 cincts in which permanent registration is not required the polls shall
5 be opened at eight o'clock a.m. At all elections in precincts in which
6 permanent registration is required the polls shall be opened at seven
7 o'clock a.m., or in each case as soon thereafter as vacancies in the
8 places of judges or clerks of election have been filled. In all cases the
9 polling places shall be closed at eight o'clock p.m.

1 SEC. 154. Section forty-nine point seventy-four (49.74), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **49.74 Qualified electors entitled to vote after closing time.** Every
5 qualified elector who is on the premises of his precinct polling place
6 at the time the polling place is to be closed for any election shall be
7 permitted to vote in that election. Wherever possible, when there are
8 persons on the premises of a polling place awaiting an opportunity to
9 claim their vote at the time the polling place is to be closed, the election
10 board shall cause those persons to move inside the structure in
11 which the polling place is located and shall then shut the doors of the
12 structure and shall not admit any additional persons to the polling
13 place for the purpose of voting. If it is not feasible to cause persons
14 on the premises of a polling place awaiting an opportunity to claim
15 their vote at the time the polling place is to be closed to move inside
16 the structure in which the polling place is located, the election board
17 shall cause those persons to be designated in some reasonable manner

18 and shall not receive votes after that time from any persons except
19 those qualified electors so designated.

1 SEC. 155. Section forty-nine point seventy-six (49.76), Code 1973,
2 is amended to read as follows:

3 **49.76 How administered.** Any one of the judges or clerks present
4 may administer the oath to the others, and it shall be entered in the
5 ~~pollbooks~~ *election records*, subscribed by the person taking it, and
6 certified by the officer administering it.

1 SEC. 156. Section forty-nine point seventy-seven (49.77), Code
2 1973, is amended to read as follows:

3 **49.77 Ballot furnished to voter.** The judges of election of their
4 respective precincts shall have charge of the ballots and furnish
5 them to the voters. Any person desiring to vote shall give his name
6 and address to the judges, ~~and one of whom shall announce the per-~~
7 *son's name aloud for the benefit of political party challengers if any*
8 *are present in the polling place. No person whose name does not*
9 *appear on the election register of the precinct in which he claims his*
10 *vote shall be permitted to vote unless the county commissioner of*
11 *elections informs the judges that an error has been made and that*
12 *the person is a qualified elector of that precinct. The elector shall*
13 *sign a voter's declaration provided by the judges of the election, in*
14 *substantially the following form:*

15 **VOTER'S DECLARATION OF ELIGIBILITY**

16 I do solemnly swear or affirm that I am a resident of the
17 precinct, ward or township, city or town of,
18 county of, Iowa.

19 I am a qualified elector. I have not voted and will not vote in any
20 other precinct in said election.

21 (For primary election only:) I am affiliated with the
22 party.

23 I understand that any false statement in this declaration is a crim-
24 inal offense punishable as provided by law.

25
26 Signature of Voter
27

28 Address
29

30 Approved:

31
32 Judge or Clerk of the Election

33 ~~In precincts where the judges of the election are furnished regis-~~
34 ~~tration lists, an~~ *An* election judge may require of an elector unknown
35 to the judge, identification upon which the elector's signature or mark
36 of ~~such person~~ appears. If identification is established to the satis-
37 faction of the judges of the election, the person may then be allowed
38 to vote.

39 All voters' declarations may then be seen by the challengers of each
40 political party, at the request of such challengers.

1 SEC. 157. Section forty-nine point seventy-nine (49.79), Code
2 1973, is amended to read as follows:

3 **49.79 Challenges.** Any person offering to vote may be challenged
4 as unqualified by any judge or elector; and it is the duty of each of

5 the judges to challenge any person offering to vote whom he knows
6 or suspects not to be duly qualified. *At primary elections challenges*
7 *may be made on the grounds stated in section forty-three point forty-*
8 *four (43.44) of the Code.* No judge shall receive a ballot from a
9 voter who is challenged, until such voter shall have established his
10 right to vote.

1 SEC. 158. Section forty-nine point eighty (49.80), subsection one
2 (1), Code 1973, is amended to read as follows:

3 1. When *the status of any person as a qualified elector* is so chal-
4 lenged, the judges shall explain to him the qualifications of an elec-
5 tor, ~~require such person to sign an affidavit as set forth in section~~
6 ~~49.77,~~ and may examine him under oath touching his qualifications
7 as a voter.

1 SEC. 159. Section forty-nine point eighty (49.80), Code 1973, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. In case of a challenge on the grounds stated in
4 section forty-three point forty-four (43.44) of the Code, the proce-
5 dures set forth in that section shall be followed.

1 SEC. 160. Section forty-nine point eighty-one (49.81), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **49.81 Oath in case of challenge.** If the elector is challenged when
5 offering to vote, but offers a receipt of registration to the election
6 judges as proof of his eligibility to vote, the commissioner shall
7 decide whether the elector shall be entitled to vote. If in the opin-
8 ion of the commissioner there is sufficient evidence of the elector's
9 eligibility, one of the election judges shall tender to the challenged
10 elector an affidavit prescribed by the state commissioner which reaf-
11 firms the challenged elector's eligibility.

1 SEC. 161. Section forty-nine point eighty-three (49.83), Code
2 1973, is amended to read as follows:

3 **49.83 Names to be entered marked on pollbook or election register.**
4 ~~In precincts in which permanent registration is not required the~~
5 ~~name of each person, when a ballot is delivered to him, shall be~~
6 ~~entered by each of the clerks of election in the pollbook kept by him~~
7 ~~in the place provided therefor. In precincts in which permanent regis-~~
8 ~~tration is required, the~~ *The* name of each voter shall be marked on
9 the election register by a clerk of election when the voter's declara-
10 tion of eligibility has been approved by the judges of election.

1 SEC. 162. Section forty-nine point eighty-four (49.84), Code
2 1973, is amended to read as follows:

3 **49.84 Marking and return of ballot.** On receipt of the ballot, the
4 voter shall, without leaving the enclosed space, retire alone to one
5 of the voting booths, and without delay mark his ballot, and, before
6 leaving the voting booth, shall fold the same in such manner as to
7 conceal the marks thereon, and deliver the same to one of the judges
8 of election. ~~The number of the voter on the pollbooks or register lists~~
9 ~~No identifying mark or symbol shall not be endorsed on the back of~~
10 his ballot.

1 SEC. 163. Section forty-nine point eighty-six (49.86), Code 1973,
2 is amended to read as follows:

3 **49.86 Failure to vote—return of ballot.** Any voter who, after
4 receiving an official ballot, decides not to vote, shall, before entering
5 the voting booth, surrender to the election officers the official ballot
6 which has been given him, and such fact shall be noted on ~~each of the~~
7 ~~poll lists~~ *election records*. A refusal to surrender such ballot shall
8 subject the person so offending to immediate arrest and the penalties
9 provided ~~in~~ *for violation of this chapter*.

1 SEC. 164. Section forty-nine point eighty-eight (49.88), Code
2 1973, is amended to read as follows:

3 **49.88 Limitation on persons in booth and time for voting.** No
4 more than one person shall be allowed to occupy any voting booth
5 at any time. No person shall occupy such booth for more than three
6 minutes to cast his ballot in precincts using voting machines, nor for
7 more than three minutes in precincts using paper ballots *vote*. Noth-
8 ing in this section shall prohibit assistance to voters under section
9 49.90.

1 SEC. 165. Section forty-nine point eighty-nine (49.89) Code 1973,
2 is amended to read as follows:

3 **49.89 Selection of officials to assist voters.** At, or before, the
4 opening of the polls, the judges of each precinct shall select two
5 members of the election board, of different political parties *in the*
6 *case of any election in which candidates appear on the ballot under*
7 *the heading of either of the political parties referred to in section*
8 *forty-nine point thirteen (49.13) of the Code*, to assist voters who
9 may be unable to ~~mark their ballots~~ *cast their votes without assist-*
10 *ance*. Voters who are blind may have the assistance of any person
11 they may select.

1 SEC. 166. Section forty-nine point ninety (49.90), Code 1973, is
2 amended to read as follows:

3 **49.90 Assisting voter.** Any voter who may declare upon oath
4 that he cannot read the English language, or that, by reason of
5 physical disability other than intoxication, he is unable to ~~mark his~~
6 ~~ballot~~ *cast his vote without assistance*, shall, upon request, be assisted
7 by said two officers, or by any person the blind voter may select, in
8 ~~marking said ballot casting his vote~~. Said officers, or person selected
9 by the blind voter, shall ~~mark said ballot as directed by the voter~~
10 *cast the vote of the voter requiring assistance*, and shall thereafter
11 give no information regarding the same.

1 SEC. 167. Section forty-nine point ninety-one (49.91), Code 1973,
2 is amended to read as follows:

3 **49.91 Assistance indicated on ~~pollbook~~ register.** The clerks of
4 election shall ~~enter mark~~ upon the ~~poll lists~~ *election register*, after
5 the name of any elector who received such assistance in ~~marking his~~
6 ~~ballot~~, ~~a memorandum of the fact casting his vote~~.

1 SEC. 168. Section forty-nine point ninety-two (49.92), Code 1973,
2 is amended to read as follows:

3 **49.92 Voting mark.** The voting mark shall be a cross or check
4 which shall be placed in the circle at the head of a ticket, or in the

5 squares opposite the names of candidates. *The fact that the voting*
 6 *mark is made by an instrument other than a black lead pencil shall*
 7 *not affect the validity of the ballot unless it appears that the color or*
 8 *nature of the mark is intended to identify the ballot contrary to the*
 9 *intent of section forty-nine point one hundred seven (49.107), sub-*
 10 *section seven (?) of the Code.*

1 SEC. 169. Section forty-nine point ninety-four (49.94), first un-
 2 numbered paragraph, Code 1973, is amended to read as follows:

3 If the names of all the candidates for whom a voter desires to
 4 vote *in any election other than the primary election* appear upon the
 5 same ticket, and he desires to vote for all candidates whose names
 6 appear upon such ticket he may do so in any one of the following
 7 ways:

1 SEC. 170. Section forty-nine point ninety-nine (49.99), Code
 2 1973, is amended to read as follows:

3 49.99 **Writing name on ballot.** The voter may also insert in writ-
 4 ing in the proper place the name of any person for whom he desires
 5 to vote and place a cross or check in the square opposite thereto.
 6 The writing of such name *shall constitute a valid vote for the person*
 7 *whose name has been written on the ballot without making regard to*
 8 *whether the voter has made a cross or check opposite thereto, or the.*
 9 *The making of a cross or check in a square opposite a blank without*
 10 *writing a name therein, shall not affect the validity of the remainder*
 11 *of the ballot.*

1 SEC. 171. Section forty-nine point one hundred four (49.104),
 2 Code 1973, is amended by adding the following new subsections:

3 **NEW SUBSECTION.** Any peace officer assigned or called upon to
 4 keep order or maintain compliance with the provisions of this chap-
 5 ter, upon request of the commissioner or of the chairman of the pre-
 6 cinct election board.

7 **NEW SUBSECTION.** One observer representing any nonparty polit-
 8 ical organization, any candidate nominated by petition pursuant to
 9 chapter forty-five (45) of the Code, or any other nonpartisan candi-
 10 date in a city or school election, appearing on the ballot of the election
 11 in progress.

1 SEC. 172. Section forty-nine point one hundred five (49.105),
 2 Code 1973, is amended to read as follows:

3 49.105 **Ordering arrest.** Any judge or clerk of election shall order
 4 the arrest of any person who conducts himself in a noisy, riotous,
 5 tumultuous or disorderly manner at or about the polls, so as to dis-
 6 turb the election, or insults or abuses the judges or clerks of election,
 7 or commits a breach of the peace, or violates any of the provisions of
 8 this chapter. *If the person so arrested is a qualified elector of the*
 9 *precinct which that polling place serves, and has not yet voted, he*
 10 *shall be permitted to do so before being removed from the polling*
 11 *place.*

1 SEC. 173. Section forty-nine point one hundred seven (49.107),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. Loitering, congregating, electioneering, *posting of signs*, treating
 4 voters, or soliciting votes, during the receiving of the ballots, *either*

5 on the premises of any polling place or within ~~one~~ three hundred feet
 6 of any outside door of any building affording access to any room
 7 where the polls are held, or of any outside door of any building
 8 affording access to any hallway, corridor, stairway, or other means
 9 of reaching the room where the polls are held, *except this subsection*
 10 *shall not apply to the posting of signs on private property not a polling*
 11 *place.*

1 SEC. 174. Section forty-nine point one hundred thirteen (49.113),
 2 Code 1973, is amended to read as follows:

3 **49.113 Official neglect or misconduct.** Any public officer upon
 4 whom a duty is imposed by this chapter, who shall willfully neglect
 5 to perform such duty, or who shall willfully perform it in such a
 6 way as to hinder the object thereof, or shall disclose to anyone, except
 7 as may be ordered by any court of justice *competent jurisdiction*, the
 8 manner in which any ballot may have been voted, shall be punished
 9 by a fine of not less than five dollars nor more than one thousand
 10 dollars, or by imprisonment in the ~~penitentiary~~ *not less than one nor*
 11 *more than five years county jail for not more than one year*, or by both
 12 fine and imprisonment.

1 SEC. 175. Section forty-nine point one hundred twenty (49.120),
 2 Code 1973, is amended to read as follows:

3 **49.120 Promise of position.** It shall be unlawful for any candi-
 4 date for any office to be voted for at any ~~primary, general, municipal,~~
 5 ~~or special~~ election, prior to his nomination or election, to promise,
 6 either directly or indirectly, to support or use his influence in behalf
 7 of any person or persons for any position, place, or office, or to prom-
 8 ise directly or indirectly to name or appoint any person or persons to
 9 any place, position, or office in consideration of any person or persons
 10 supporting him or using his, her, or their influence in securing his or
 11 her nomination, election, or appointment.

1 SEC. 176. Section forty-nine point one hundred twenty-one
 2 (49.121), Code 1973, is amended to read as follows:

3 **49.121 Promise of influence.** It shall be unlawful for any person
 4 to solicit from any candidate for any office to be voted for at any
 5 ~~primary, municipal, general, or special~~ election, or any candidate for
 6 appointment to any public office, prior to his nomination, election, or
 7 appointment, a promise, directly or indirectly, to support or use his
 8 or her influence in behalf of any person or persons for any position,
 9 place, or office, or a promise either directly or indirectly to name or
 10 appoint any person or persons to any place, position, or office in con-
 11 sideration of any person or persons supporting him or her, or using
 12 his, her, or their influence in securing his or her nomination, election,
 13 or appointment.

1 SEC. 177. Section forty-nine point one hundred twenty-four
 2 (49.124), Code 1973, is amended to read as follows:

3 **49.124 Training course by ~~auditer~~ commissioner.** It shall be the
 4 duty of the ~~county auditer~~ *commissioner* to conduct, not less than
 5 three days before each primary and general election, a training
 6 course of not more than two hours for all election personnel, *and the*
 7 *commissioner may do so before any other election he administers.*
 8 Such personnel shall include judges, clerks, ~~special police, constables,~~

9 and any other persons who will be employed in or around the polling
10 places on election day. *At least one judge and one clerk who will serve*
11 *on each precinct election board at the forthcoming election shall*
12 *attend the training course, and if the entire board does not attend,*
13 *those members who do attend shall so far as possible be persons who*
14 *have not previously attended a similar training course.*

1 SEC. 178. Section forty-nine point one hundred twenty-six
2 (49.126), Code 1973, is amended to read as follows:

3 **49.126 Manual by secretary of state commissioner.** It shall be
4 the duty of the secretary of state commissioner to provide a training
5 manual and such additional materials as may be necessary to all
6 ~~county auditors~~ commissioners for conducting the required training
7 course by ~~April 15, 1971~~ and to revise the manual from time to time
8 as may be necessary.

1 SEC. 179. Section forty-nine point one hundred twenty-seven
2 (49.127), Code 1973, is amended to read as follows:

3 **49.127 Auditor and clerk Commissioner to examine machines.** It
4 shall be the duty of each ~~county auditor or city or town clerk~~ commis-
5 sioner to determine that all voting machines are operational and
6 functioning properly and that all materials necessary for the conduct
7 of the election are in his possession and are correct. ~~Such auditor or~~
8 ~~city or town clerk shall verify such facts on the forms provided by~~
9 ~~the secretary of state and shall send such completed forms by regis-~~
10 ~~tered mail to the secretary of state not less than forty-eight hours~~
11 ~~before the election.~~

1 SEC. 180. Section fifty point one (50.1), Code 1973, is amended
2 to read as follows:

3 **50.1 Canvass by judges.** *At every election conducted under chap-*
4 *ter forty-nine (49) of the Code, except the primary election provided*
5 *for by chapter forty-three (43) of the Code, and at every other elec-*
6 *tion unless the law authorizing the election otherwise requires, the*
7 *vote shall be canvassed at each polling place by the election board in*
8 *the manner prescribed by this chapter. When the poll is closed, the*
9 *judges shall forthwith, and without adjournment:*

10 1. Publicly canvass the vote, and credit each candidate with the
11 number of votes counted for him.

12 2. Ascertain the result of the vote.

13 3. ~~Compare the poll lists and correct errors therein~~ *Prepare in*
14 *writing a list of any apparently or possibly erroneous information*
15 *appearing in the precinct election register.*

16 4. Cause each clerk to keep a tally list of the count.

1 SEC. 181. Section fifty point six (50.6), Code 1973, is amended
2 to read as follows:

3 **50.6 Ballots Votes in excess of poll list voter declarations.** If the
4 ~~ballots number of votes cast for any office exceed or on any question~~
5 ~~exceeds the number of the voters in the poll lists voters' declarations~~
6 ~~of eligibility signed as required by section forty-nine point seventy-~~
7 ~~seven (49.77) of the Code, such fact shall be certified, with the number~~
8 ~~of the excess, in the return.~~

1 SEC. 182. Section fifty point seven (50.7), Code 1973, is amended
2 to read as follows:

3 **50.7 Error on county office—township office.** If, in case of such
4 excess, the vote of the precinct where the error occurred would
5 change the result as to a county office if the person appearing to be
6 elected were deprived of so many votes, then the election shall be
7 set aside as to him in that precinct, and a new election ordered there-
8 in; but no person ~~residing in another~~ *who was not a qualified elector*
9 *in that precinct at the time of the general election shall be allowed*
10 *to vote at such special election. If the error occurs in relation to a*
11 *township office, the trustees an office of a city, school district, town-*
12 *ship, or of any special district whose elections may be conducted*
13 *under this chapter, the governing body of the political subdivision*
14 *involved may order a new election or not, in their discretion.*

1 SEC. 183. Section fifty point eight (50.8), Code 1973, is amended
2 to read as follows:

3 **50.8 Error on state or district office—tie vote.** If the error be
4 in relation to a district or state office, it shall be certified with the
5 number of the excess to the state canvassers. If the error affects
6 the result of the election, the canvass shall be suspended and a new
7 vote ordered in the precinct where the error occurred. When there is
8 a tie vote due to such an excess, there shall be a new election. No
9 person ~~residing in another~~ *who was not a qualified elector in that*
10 *precinct at the time of the general election shall be allowed to vote*
11 *at such special election. When the new vote is taken and returned,*
12 *the canvass shall be completed.*

1 SEC. 184. Section fifty point nine (50.9), Code 1973, is amended
2 to read as follows:

3 **50.9 Return of ballots not voted.** Ballots not voted, or spoiled by
4 voters while attempting to vote, shall be returned by the judges of
5 election to the ~~officer or authorities charged with their printing and~~
6 ~~distribution~~ *commissioner*, and a receipt taken therefor, and they
7 shall be preserved for six months.

1 SEC. 185. Section fifty point ten (50.10), Code 1973, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **50.10 Record of ballots returned.** The commissioner shall enter
4 on the record maintained as required by section forty-nine point
5 sixty-five (49.65) of the Code a notation of the number and character
6 of the ballots returned from each precinct, and the time when and
7 the person by whom they are returned.

1 SEC. 186. Section fifty point eleven (50.11), Code 1973, is
2 amended to read as follows:

3 **50.11 Proclamation of result.** When the canvass is completed
4 one of the judges shall publicly announce the total number of votes
5 received by each of the persons voted for, the office for which he is
6 designated, as announced by the clerks, and the number of votes
7 for, and the number of votes against, any proposition which shall
8 have been submitted to a vote of the people, and he shall communi-
9 cate said information by telephone or telegraph or in person to the
10 *county auditor of the county in which said polling place is located*
11 *commissioner who is conducting the election immediately upon com-*

12 pletion of the canvass; and the ~~county auditor~~ *commissioner* shall
13 remain on duty until such information is communicated to him from
14 each polling place in his county.

1 SEC. 187. Section fifty point twelve (50.12), Code 1973, is
2 amended to read as follows:

3 50.12 **Return and preservation of ballots.** Immediately after
4 making such proclamation, and before separating, the judges of each
5 *precinct in which votes have been received by paper ballot* shall fold
6 in two folds, and string closely upon a single piece of flexible wire,
7 all ballots which have been counted by them, except those endorsed
8 "Rejected as double", "Defective", or "Objected to", unite the ends
9 of such wire in a firm knot, seal the knot in such a manner that it
10 cannot be untied without breaking the seal, enclose the ballots so
11 strung in an envelope, and securely seal such envelope. The judges
12 shall ~~at once~~ return all the ballots to the ~~officer from whom they were~~
13 *received commissioner*, who shall carefully preserve them for six
14 months.

1 SEC. 188. Section fifty point thirteen (50.13), Code 1973, is
2 amended to read as follows:

3 50.13 **Destruction of general election ballots.** If at the expira-
4 tion of six months no contest is pending, the ~~officer having the ballots~~
5 *in eustody commissioner*, without opening the package in which they
6 have been enclosed, shall destroy the same ~~by burning~~, in the presence
7 of two electors, one from each of the two leading political parties,
8 who shall be designated by the chairman of the board of supervisors,
9 ~~or, in municipal elections, by the mayor of the city or town.~~

1 SEC. 189. Section fifty point sixteen (50.16), Code 1973, is
2 amended to read as follows:

3 50.16 **Tally list of board.** The tally list shall be made in each
4 ~~pollbook prepared in writing by the election board~~, giving, in legibly
5 printed numerals, the whole number of ballots cast for each officer,
6 except those rejected, the name of each person voted for, and the
7 number of votes given to each person for each different office; which
8 tally list shall be signed by the judges, and be substantially as follows:

9 At an election at in township, or in
10 precinct of *city or township*, in county, state of
11 Iowa, on the day of A.D., there were
12 ballots cast for the office of of which

13 A..... B..... had votes.

14 C..... D..... had votes.

15 (and in the same manner for any other officer).

16 A true tally list:

17 L..... M..... }
18 N..... O..... } Judges of Election
19 P..... Q..... }
20 Attest: R..... S..... }
21 T..... U..... } Clerks of Election.

1 SEC. 190. Section fifty point seventeen (50.17), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **50.17 Return of election register.** The precinct election register
5 prepared for each election, together with the ballots to be returned
6 pursuant to section fifty point twelve (50.12) of the Code, if any, and
7 the signed and attested tally list, shall be delivered to the commis-
8 sioner by one of the precinct judges of election within two days after
9 the day of the election.

1 SEC. 191. Section fifty point nineteen (50.19), Code 1973, is
2 amended to read as follows:

3 **50.19 Preservation of books—when destroyed.** The receiving offi-
4 ~~cer~~ commissioner shall file said books precinct election registers, and
5 the registry books and lists and other papers pertaining to registra-
6 tion, together with the affidavits of eligibility signed by voters at the
7 election, in his office, and preserve the same for ~~three~~ four years and
8 until the determination of any contest then pending, after which they
9 shall be destroyed.

1 SEC. 192. Section fifty point twenty-three (50.23), Code 1973, is
2 amended to read as follows:

3 **50.23 Messengers for missing tally lists.** The county auditor
4 commissioner shall, on the fourth day following an election, send
5 messengers for all tally lists not then received by him. The expense
6 of securing such tally lists shall be paid by the county.

1 SEC. 193. Section fifty point twenty-four (50.24), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **50.24 Canvass by board of supervisors.** The county board of
5 supervisors shall meet at nine o'clock on the morning of the first
6 Monday after the day of each election to which this chapter is appli-
7 cable, unless the law authorizing the election specifies another date
8 for the canvass, and shall open and canvass the tally lists. The board
9 shall prepare abstracts stating, in words written at length, the num-
10 ber of votes cast in the county, or in that portion of the county in
11 which the election was held, for each office or on each question on
12 the ballot for the election. The abstract shall further indicate the
13 name of each person who received votes for each office on the ballot,
14 and the number of votes each person named received for that office,
15 and the number of votes for and against each question submitted to
16 the voters at the election.

1 SEC. 194. Section fifty point twenty-five (50.25), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 House File two hundred nine (209), section thirteen (13), is
4 amended to read as follows:

5 **50.25 Abstract of votes in the general election.** ~~The~~ At the can-
6 ~~vass of the general election,~~ the abstract of the votes for each of the
7 following classes shall be made on a different sheet:

- 8 1. President and vice-president of the United States.
- 9 2. Senator in the Congress of the United States.
- 10 3. Representative in the Congress of the United States.
- 11 4. Governor and lieutenant governor.
- 12 5. A state officer not otherwise provided for.
- 13 6. Senator or representative in the general assembly by districts.
- 14 7. A county officer.

1 SEC. 195. Section fifty point twenty-six (50.26), Code 1973, is
2 amended to read as follows:

3 **50.26 Duplicate abstracts.** All abstracts of votes *cast in the gen-*
4 *eral election*, except the abstracts of votes for county officers, shall
5 be made in duplicate, and signed by the board of county canvassers.
6 One of said abstracts shall be forwarded to the ~~secretary~~ of state
7 ~~commissioner~~, and the other filed by the ~~county auditor~~ *commissioner*.

1 SEC. 196. Section fifty point twenty-seven (50.27), Code 1973, is
2 amended to read as follows:

3 **50.27 Declaration of election.** Each abstract of the votes for such
4 officers as the county alone elects *at the general election*, except dis-
5 trict judges and senators and representatives in the general assem-
6 bly, *or of the votes for officers of political subdivisions whose elec-*
7 *tions are conducted by the commissioner*, shall contain a declaration
8 of whom the canvassers determine to be elected.

1 SEC. 197. Section fifty point twenty-eight (50.28), Code 1973, is
2 amended to read as follows:

3 **50.28 Tally lists filed.** When the canvass is concluded, the board
4 shall deliver the original tally lists to the ~~auditor~~ *commissioner*, who
5 shall file the same, and record each of the abstracts above mentioned
6 in the election book.

1 SEC. 198. Section fifty point twenty-nine (50.29), Code 1973, is
2 amended to read as follows:

3 **50.29 Certificate of election.** When any person is thus declared
4 elected, there shall be delivered to him a certificate of election, under
5 the official seal of the county, in substance as follows:

6 STATE OF IOWA }
7 County. }

8 At an election holden in said county on the day of
9, A.D. A..... B..... was elected to the office of
10 of the said county for the term of years from the
11 day of, A.D. (or if he was elected to
12 fill a vacancy, say for the residue of the term ending on the
13 day of, A.D., and until his successor is elected
14 and qualified.

15 C..... D.....,

16 President of Board of Canvassers.

17 Witness, E..... F.....,

18 County ~~Auditor~~ *Commissioner of Elections* (clerk).

19 Such certificate shall be presumptive evidence of his election and
20 qualification.

1 SEC. 199. Section fifty point thirty (50.30), unnumbered para-
2 graph one (1), Code 1973, as amended by Acts of the Sixty-fifth Gen-
3 eral Assembly, 1973 Session, House File two hundred nine (209),
4 section fourteen (14), is amended to read as follows:

5 The ~~auditor~~ *commissioner* shall, within ten days after the election,
6 forward to the ~~secretary~~ of state *commissioner*, in separate, securely
7 sealed envelopes, one of the said duplicate abstracts of votes for each
8 of the following offices:

1 SEC. 200. Section fifty point thirty-two (50.32), Code 1973, is
2 amended to read as follows:

3 50.32 **Endorsement on other envelopes.** Said remaining enve-
4 lopes shall be endorsed substantially in the manner provided in sec-
5 tion 50.31, with changes necessary to indicate the particular office,
6 and each shall be addressed, "To the Secretary of State *Commissioner*
7 *of Elections*".

1 SEC. 201. Section fifty point thirty-three (50.33), Code 1973, is
2 amended to read as follows:

3 50.33 **Forwarding of envelopes.** Said envelopes, including the one
4 addressed to the speaker, after being prepared, sealed, and endorsed
5 as aforesaid, shall be placed in one package and forwarded to the
6 secretary of state *commissioner*.

1 SEC. 202. Section fifty point thirty-four (50.34), Code 1973, is
2 amended to read as follows:

3 50.34 **Missing abstracts.** If the abstracts from any county are
4 not received at the office of the secretary of state *commissioner* within
5 fifteen days after the day of election, he shall send a messenger to the
6 ~~auditor~~ *commissioner* of such county, who shall furnish him with
7 them, or, if they have been sent, with a copy thereof, and he shall
8 return them to the secretary *state commissioner* without delay.

1 SEC. 203. Section fifty point thirty-five (50.35), Code 1973, is
2 amended to read as follows:

3 50.35 **Abstracts on governor.** The envelopes containing the ab-
4 stracts of votes for governor and lieutenant governor shall not be
5 opened by the secretary of state *commissioner*, but he shall securely
6 preserve the same and deliver them to the speaker of the house of
7 representatives at the time said abstracts are canvassed as provided
8 by law.

1 SEC. 204. Section fifty point thirty-six (50.36), Code 1973, is
2 amended to read as follows:

3 50.36 **Envelopes containing other abstracts.** All other envelopes
4 containing abstracts of votes shall be kept by the secretary of state
5 *commissioner*, unopened, until the time fixed by law for the canvass of
6 such abstracts, and they shall then be opened only in the presence of
7 the state board of canvassers.

1 SEC. 205. Section fifty point thirty-seven (50.37), Code 1973, is
2 amended to read as follows:

3 50.37 **State canvassing board.** The executive council shall consti-
4 tute a board of canvassers of all abstracts of votes required to be filed
5 with the secretary of state *commissioner*, except for the offices of
6 governor and lieutenant governor. No member of such board shall
7 take part in canvassing the votes for an office for which he is a can-
8 didate.

1 SEC. 206. Section fifty point forty (50.40), Code 1973, is amended
2 to read as follows:

3 50.40 **Record of canvass.** The secretary of state *commissioner*
4 shall file the abstracts when received and shall have the same bound
5 in book form to be kept by him as a record of the result of said state
6 election, to be known as the state election book.

1 SEC. 207. Section fifty point forty-two (50.42), Code 1973, is
2 amended to read as follows:

3 **50.42 Certificates mailed.** The ~~secretary of state~~ *commissioner*
4 shall deliver or mail certificates of election to the persons declared
5 elected.

1 SEC. 208. Section fifty point forty-six (50.46), Code 1973, is
2 amended to read as follows:

3 **50.46 Special elections—canvass and certificate.** ~~In case~~ *When a*
4 special election has been held *to fill a vacancy, pursuant to section*
5 *sixty-nine point fourteen (69.14) of the Code*, the board of county
6 canvassers shall meet at one o'clock in the afternoon of the second
7 day thereafter, and canvass the votes cast thereat. The ~~county auditor~~
8 *commissioner*, as soon as the canvass is completed, shall transmit to
9 the ~~secretary of state~~ *commissioner* an abstract of the votes so can-
10 vassed, and the state board, within five days after receiving such
11 abstracts, shall canvass the tally lists. A certificate of election shall
12 be issued by the county or state board of canvassers, as in other cases.
13 All the provisions regulating elections, obtaining tally lists, and can-
14 vass of votes at general elections, except as to time, shall apply to
15 special elections.

1 SEC. 209. Section fifty-one point one (51.1), Code 1973, is
2 amended to read as follows:

3 **51.1 Election counting board.** In all election precincts the board
4 of supervisors may *authorize the commissioner* to appoint for each
5 primary and general election three additional judges and two addi-
6 tional clerks to be known as the election counting board.

1 SEC. 210. Section fifty-one point two (51.2), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **51.2 Appointment.** The members of the election counting board
5 shall be appointed by the commissioner from the election board panel
6 drawn up as provided by section forty-nine point fifteen (49.15) of
7 the Code. The requirements of section forty-nine point thirteen
8 (49.13) of the Code, relative to political party affiliation of members
9 of the election board appointed to serve for partisan elections shall
10 apply to the membership of the election counting board.

1 SEC. 211. Section fifty-one point three (51.3), Code 1973, is
2 amended to read as follows:

3 **51.3 "Receiving" and "counting" boards defined.** The judges and
4 clerks of election as provided in ~~existing law chapter forty-nine (49)~~
5 *of the Code* shall be known as the receiving board and it shall be their
6 duty to supervise the casting of ballots at said election, and the judges
7 and clerks provided for in sections 51.1 and 51.2 shall be known as the
8 counting board.

1 SEC. 212. Section fifty-one point four (51.4), Code 1973, is
2 amended to read as follows:

3 **51.4 ~~Selection of counting board—duties~~ *Duties of receiving board.***
4 ~~The counting board shall be chosen from the two political parties cast-~~
5 ~~ing the highest number of votes at the last general election. Not more~~
6 ~~than two judges nor more than one clerk shall belong to the same~~

7 political organization, provided that two of such judges shall be
 8 chosen from the political party casting the highest number of votes
 9 at the last preceding general election. The receiving board shall per-
 10 form all the functions of judges and clerks of election as now pro-
 11 vided by law except as to counting and certifying the vote as by this
 12 chapter provided.

1 SEC. 213. Section fifty-one point five (51.5), unnumbered para-
 2 graph one (1), Code 1973, is amended to read as follows:

3 All judges and clerks shall take an oath as now provided in existing
 4 law section forty-nine point seventy-five (49.75) of the Code, for
 5 judges of election and in addition to such oath the counting board
 6 shall take the following oath:

1 SEC. 214. Section fifty-one point seven (51.7), Code 1973, is
 2 amended to read as follows:

3 **51.7 Duties of double boards.** The counting boards shall proceed
 4 to the respective voting places to which they have been appointed,
 5 at one o'clock p.m., or in any precinct in which the board of super-
 6 visors commissioner shall deem it necessary, at such earlier hour after
 7 nine o'clock a.m., as such board of supervisors the commissioner may
 8 direct, and shall take charge of the ballot box containing the ballots
 9 already cast in that precinct. It shall retire to a partitioned space or
 10 room provided for that purpose and there proceed to count and tabu-
 11 late the ballots as it shall find them deposited in the ballot box. The
 12 receiving board shall continue to receive the votes of electors in the
 13 other box provided, until such time as the counting board shall have
 14 finished counting and tabulating the ballots cast in the first ballot box.
 15 The two boards shall then exchange the first box for the second box
 16 and so continue until they have counted and tabulated all the votes
 17 cast on that election day. When the hour arrives for closing the polls,
 18 the receiving board shall certify to all matters pertaining to casting
 19 of ballots and shall then unite with the counting board in the count-
 20 ing of ballots. The judges shall then divide the ballots not counted
 21 and each group of judges and clerks shall proceed to canvass their
 22 portion of the same. When the canvass has been completed the judges
 23 and clerks shall report the result of their canvass by telephone or
 24 telegraph or in person to the county auditor of the county in which
 25 said voting place is located immediately after completion thereof,
 26 which report shall be incorporated in the returns manner provided by
 27 law section fifty point eleven (50.11) of the Code.

1 SEC. 215. Section fifty-one point eight (51.8), Code 1973, is
 2 amended to read as follows:

3 **51.8 Ballot boxes.** It shall be the duty of the board of supervisors
 4 commissioner to provide the judges of election with such ballot boxes
 5 and other election supplies as may be required to be furnished in
 6 duplicate to accomplish the purpose of this chapter.

1 SEC. 216. Section fifty-one point nine (51.9), Code 1973, is
 2 amended to read as follows:

3 **51.9 Manner of counting.** Whenever the counting board receives
 4 from the receiving board the ballot box, they shall also be furnished a
 5 statement from the receiving board giving the number of votes as
 6 shown by the pollbooks voters' declarations of eligibility signed up to

7 that time, which shall equal the number of votes in the ballot box.
 8 The counting board shall on opening the ballot box first count the
 9 ballots therein. If the number of ballots found in the ballot box
 10 exceeds the number as shown by the statement received from the
 11 receiving board the counting judges shall proceed to examine the
 12 official endorsement of said ballots, and, if any ballots are found that
 13 do not bear proper official endorsement, said ballots shall be kept
 14 separate and a record of such ballots shall be made and returned
 15 under the head of excess ballots. The counting board shall then pro-
 16 ceed to count the ballots as now provided by law.

1 SEC. 217. Section fifty-one point twelve (51.12), Code 1973, is
 2 amended to read as follows:

3 **51.12 Counting quarters—guarding ballots.** ~~Boards of super-~~
 4 ~~visors~~ *The commissioner* shall provide suitable places for the count-
 5 ing of ballots, but when it becomes necessary to remove the ballot box
 6 from one room to another, or from one building to another, and at
 7 all times when they are in possession of the counting board, they shall
 8 be under constant observation of at least ~~two counting judges~~ *one*
 9 *counting judge from each political party.*

1 SEC. 218. Section fifty-one point thirteen (51.13), Code 1973, is
 2 amended to read as follows:

3 **51.13 Certification of count—returns.** Both boards shall certify
 4 to all matters pertaining to counting and canvassing of votes and
 5 shall return ~~pollbooks~~ *all materials* and ballots to the ~~county auditor~~
 6 *commissioner* as provided by law.

1 SEC. 219. Section fifty-one point fifteen (51.15), Code 1973, is
 2 amended to read as follows:

3 **51.15 Applicability of law.** This chapter shall apply to all general
 4 and primary elections, but shall not apply to ~~school elections or town~~
 5 ~~elections,~~ or where voting machines are used.

1 SEC. 220. Section fifty-two point one (52.1), Code 1973, is
 2 amended to read as follows:

3 **52.1 Use of voting machines.** At all ~~state, county, city, town,~~
 4 ~~primary, and township~~ elections held in the state, ~~ballots or~~ *conducted*
 5 *under chapter forty-nine (49) of the Code, and at any other election*
 6 *unless specifically prohibited by the statute authorizing the election,*
 7 votes may be cast, registered, recorded, and counted by means of
 8 voting machines, as hereinafter provided.

1 SEC. 221. Section fifty-two point two (52.2), Code 1973, is
 2 amended to read as follows:

3 **52.2 Purchase.** The board of supervisors of any county, ~~or the~~
 4 ~~council of any incorporated city or town in the state~~ may, by a major-
 5 ity vote, authorize, purchase, and order the use of voting machines in
 6 any one or more voting precincts within said county, ~~city, or town,~~
 7 until otherwise ordered by said board of supervisors ~~or city or town~~
 8 ~~council.~~

1 SEC. 222. Section fifty-two point three (52.3), Code 1973, is
 2 amended to read as follows:

3 **52.3 Terms of purchase—tax levy.** The ~~local authorities~~ *county*
 4 *board of supervisors,* on the adoption and purchase of a voting ma-

5 chine, may provide for the payment therefor in such manner as they
 6 may deem for the best interest of the ~~locality~~ county, and may for that
 7 purpose issue bonds, certificates of indebtedness, or other obligations,
 8 which shall be a charge on the county, city, ~~or town~~, or levy not to
 9 exceed one-half mill; ~~and any~~. Any amounts so levied and collected
 10 in excess of actual costs of voting machines shall revert to the general
 11 fund of the county, city, ~~or town~~ concerned. In the case of a city ~~or~~
 12 town, any such funds collected under this section shall be held in a
 13 separate account in the municipal enterprises fund and shall be used
 14 for no other purpose than the purchase of voting machines. Such
 15 bonds, certificates, or other obligations may be issued with or without
 16 interest, payable at such time or times as the ~~authorities~~ county board
 17 may determine, but shall not be issued or sold at less than par.

1 SEC. 223. Section fifty-two point eight (52.8), Code 1973, is
 2 amended to read as follows:

3 52.8 Experimental use. The board of supervisors of any county
 4 ~~or the council of any city or town~~ may provide for the experimental
 5 use at an election in one or more districts, of a machine which it
 6 might lawfully adopt, without a formal adoption thereof; and its use
 7 at such election shall be as valid for all purposes as if it had been
 8 lawfully adopted.

1 SEC. 224. Section fifty-two point nine (52.9), unnumbered para-
 2 graphs one (1) and two (2), Code 1973, are amended to read as fol-
 3 lows:

4 The local authorities adopting a voting commissioner having juris-
 5 diction of any precinct for which the board of supervisors has adopted
 6 voting by machine shall, as soon as practicable thereafter, provide for
 7 each the precinct polling place one or more voting machines in com-
 8 plete working order, and shall thereafter keep them in repair, and
 9 shall have the custody thereof and of the furniture and equipment of
 10 the polling place when not in use at an election. If it shall be im-
 11 practicable to supply each and every election district precinct for
 12 which machine voting has been adopted with a voting machine or
 13 voting machines at any election following such adoption, as many may
 14 be supplied as it is practicable to procure, and the same may be used
 15 in such election district ~~or districts~~ within the county, city, ~~or town~~
 16 precincts as the officers adopting the same commissioner may direct.

17 It shall be the duty of the county auditor ~~or the city clerk or their~~
 18 commissioner or his duly authorized agents when so requested by the
 19 county chairman of one of the political parties referred to in section
 20 forty-nine point thirteen (49.13) of the Code, to examine and test the
 21 voting machines to be used at any election not less than twelve hours
 22 before the opening of the polls on the morning of the election. ~~to~~
 23 examine and test said machines. The If voting machines are to be so
 24 examined and tested, the chairman of each political party shall be
 25 notified in writing of the time said machines shall be examined and
 26 tested so that they may be present, or have a representative present.
 27 Those present for the examination and testing shall sign a certificate
 28 which shall read substantially as follows:

1 SEC. 225. Section fifty-two point eleven (52.11), Code 1973, is
 2 amended to read as follows:

3 **52.11 Locking of unused party row.** At all general elections the
4 ~~officer commissioner in charge of~~ preparing the ballot upon every
5 voting machine shall cause the party row next underneath the names
6 of the Republican candidates, and also the party row underneath the
7 names of the Democratic candidates, to be locked and left blank
8 except when more than ~~seven~~ *five* political parties have nominated
9 candidates whose names are entitled to be placed on the official ballot.

1 SEC. 226. Section fifty-two point thirteen (52.13), Code 1973, is
2 amended to read as follows:

3 **52.13 Sample ballots.** ~~The officers or board charged with the duty~~
4 ~~of providing ballots for any polling place~~ *commissioner* shall provide
5 ~~therefor for each precinct polling place at which votes are to be cast~~
6 *by machine* two sample ballots, which shall be arranged in the form
7 of a diagram showing the entire front of the voting machine as it will
8 appear after the official ballots are arranged for voting on election
9 day. Such sample ballots shall be open to public inspection at such
10 polling place during the day of election and the day next preceding
11 election day.

1 SEC. 227. Section fifty-two point fifteen (52.15), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **52.15 Delivery of ballots and supplies.** The voting machine bal-
5 lots and other necessary supplies shall be delivered to the election
6 judges of each precinct in which votes are to be cast by machine at
7 the time required by section forty-nine point fifty-five (49.55) of the
8 Code.

1 SEC. 228. Section fifty-two point sixteen (52.16), Code 1973, is
2 amended to read as follows:

3 **52.16 Duties of election officers—~~independent~~ ballots.** ~~The judges~~
4 ~~of election and clerks~~ *election board* of each precinct *in which votes*
5 *are to be cast by machine* shall meet at the *precinct* polling place
6 ~~therein, at least three-quarters of an one hour~~ before the time set for
7 the opening of the polls at each election, and shall proceed to arrange
8 within the guardrail the furniture, stationery, and voting machine
9 for the conduct of the election. ~~The judges of election shall then and~~
10 ~~there have the voting machine, ballots, and stationery required to be~~
11 ~~delivered to them for such election; and, if it be an election at which~~
12 ~~registered voters only can vote, the registry of such electors required~~
13 ~~to be made and kept therefor.~~ The judges shall ~~thereupon~~ cause at
14 least two instruction cards to be posted conspicuously within the poll-
15 ing place. If not previously done, they shall arrange, in their proper
16 place on the voting machine, the ballots containing the names of the
17 offices to be filled at such election, and the names of the candidates
18 nominated therefor. If not previously done, the machine shall be so
19 arranged as to show that no vote has been cast, and the same shall
20 not be thereafter operated, except by electors in voting. Before the
21 polls are open for election, each judge shall carefully examine every
22 machine and see that no vote has been cast, and the same shall be
23 subject to inspection of the election officers. Ballots voted for any
24 person whose name does not appear on the machine as a nominated
25 candidate for office, are herein referred to as independent ballots.

26 When two or more persons are to be elected to the same office, and
 27 the machine requires that all independent ballots voted for that office
 28 be deposited in a single receptacle or device, an elector may vote in
 29 or by such receptacle or device for one or more persons whose names
 30 do not appear upon the machine with or without the names of one or
 31 more persons whose names do so appear. With that exception, and
 32 except for presidential electors, no independent ballot shall be voted
 33 for any person for any office whose name appears on the machine as
 34 a nominated candidate for that office; any independent ballot so voted
 35 shall not be counted. An independent ballot must be cast in its appro-
 36 priate place on the machine, or it shall be void and not counted.

1 SEC. 229. Section fifty-two point twenty-one (52.21), last unnum-
 2 bered paragraph, Code 1973, is amended to read as follows:

3 After the canvass has been completed ~~said the judges and clerks~~
 4 shall immediately ~~communicate the result thereof by telephone or~~
 5 ~~telegraph or in person to the county auditor of the county in which~~
 6 ~~said polling place is located report the result of the canvass in the~~
 7 ~~manner provided by section fifty point eleven (50.11) of the Code.~~

1 SEC. 230. Section fifty-two point twenty-two (52.22), Code 1973,
 2 unnumbered paragraph one (1) is amended to read as follows:

3 The judges of election shall, as soon as the count is completed and
 4 fully ascertained as in this chapter required, lock the machine
 5 against voting, and it shall so remain until thirty days after the pro-
 6 clamation of the results of said election, except that it shall remain
 7 locked only ten days after a primary election, including a city pri-
 8 mary election, if such election is not contested. *However, if the ma-*
 9 *chines in any precinct are so constructed as to deliver, immediately*
 10 *upon conclusion of the voting at any election, multiple copies of a*
 11 *printed record of the votes cast and the totals for each candidate or*
 12 *question appearing on the face of the machine, the machines may*
 13 *be unlocked upon expiration of the time for requesting a recount of*
 14 *votes in a primary election or for contesting any other election, unless*
 15 *the precinct election board informs the commissioner that the printed*
 16 *record produced by the machine is smeared, torn or otherwise*
 17 *unreadable. In the latter case, the machines shall be kept locked for*
 18 *the period of time prescribed for machines which do not print such*
 19 *a record.*

1 SEC. 231. Section fifty-two point twenty-three (52.23), Code
 2 1973, is amended to read as follows:

3 **52.23 Written statements of election.** After the total vote for
 4 each candidate has been ascertained, and before leaving the room or
 5 voting place, the judges shall make and sign the canvass forms re-
 6 ferred to in section 52.21, which canvass shall serve as a written
 7 statement of election. Said canvass statement shall be in lieu of the
 8 tally list required in section 50.16 ~~where permanent registration is~~
 9 ~~in effect, except that the registration books shall be preserved and~~
 10 ~~returned with said certificate of election officials and canvass.~~

1 SEC. 232. Section fifty-two point twenty-four (52.24), Code 1973,
 2 is amended to read as follows:

3 **52.24 What statutes apply—separate ballots.** All of the provi-
 4 sions of the election law ~~now in force and~~ not inconsistent with the

5 provisions of this chapter shall apply with full force to all counties,
6 cities, and towns adopting the use of voting machines. Nothing in
7 this chapter shall be construed as prohibiting the use of a separate
8 ballot for public measures.

1 SEC. 233. Section fifty-two point twenty-five (52.25), Code 1973,
2 is amended to read as follows:

3 **52.25 Summary of amendment or public measure.** The question
4 of a constitutional convention, amendments and public measures in-
5 cluding bond issues may be voted on the voting machines in the fol-
6 lowing manner:

7 The entire convention question, amendment or public measure
8 shall be printed and displayed prominently in at least two places
9 within the voting precinct and on the left-hand side inside the cur-
10 tain of each voting machine, said printing to be in conformity with
11 the provisions of chapter 49. The public measure shall be summar-
12 ized by the auditor or city clerk and in the largest type possible
13 printed on the inserts used in said voting machines, except in the
14 case of the question of a constitutional convention, or of an amend-
15 ment or measure to be voted on in more than one county, the sum-
16 mary to be placed in the voting machine inserts shall be worded by
17 the ~~secretary~~ of state *commissioner of elections as required by section*
18 *forty-nine point forty-four (49.44) of the Code and said summary*
19 *shall be used in each county.*

20 ~~Any portion of sections 49.43 to 49.47 in conflict herewith is hereby~~
21 ~~declared inapplicable to those counties which have adopted voting~~
22 ~~machines and follow the procedure of this section.~~

1 SEC. 234. Section fifty-three point one (53.1), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **53.1 Right to vote—conditions.** Any qualified elector may, sub-
5 ject to the provisions of this chapter, vote at any election:

6 1. When he expects to be absent on election day during the time
7 the polls are open from the precinct in which he is a qualified elector.

8 2. When, through illness or physical disability, he expects to be
9 prevented from going to the polls and voting on election day.

1 SEC. 235. Section fifty-three point two (53.2), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **53.2 Application for ballot.** Any qualified elector, under the cir-
5 cumstances specified in section fifty-three point one (53.1) of the
6 Code, may on any day, except election day, and not more than sev-
7 enty days prior to the date of the election, make written application
8 to the commissioner for an absentee ballot.

9 Nothing in this section shall be construed to require that a written
10 communication mailed to the commissioner's office to request an absen-
11 tee ballot, or any other document except the absent voter's affidavit
12 required by section fifty-three point thirteen (53.13) of the Code,
13 be notarized as a prerequisite to receiving or marking an absentee
14 ballot or returning to the commissioner an absentee ballot which has
15 been voted.

16 Each application shall contain the name of the qualified elector,

17 the address at which he is qualified to vote, and the name or date of
 18 the election for which the absentee ballot is requested, and such other
 19 information as may be necessary to determine the correct absentee
 20 ballot for the qualified elector. If insufficient information has been
 21 provided, the commissioner shall, by the best means available, obtain
 22 the additional necessary information.

1 SEC. 236. Section fifty-three point seven (53.7), Code 1973, is
 2 amended to read as follows:

3 **53.7 Penalty.** It shall be unlawful for any employee of the state
 4 or any political subdivision thereof to solicit any application or re-
 5 quest for application for an absentee ballot, or to ~~administer an oath~~
 6 ~~or~~ take an affidavit in connection with any absentee ballot. However,
 7 any such employee may ~~administer such oath and~~ take such affidavit
 8 in connection with an absentee ballot which is cast by the ~~voter~~
 9 *qualified elector* in person in the office where such employee is em-
 10 ployed in accordance with section 53.11. This section shall not apply
 11 to any elected official.

12 ~~Wherever used in this chapter the words "absentee ballot" include~~
 13 ~~any ballot authorized by this chapter.~~

1 SEC. 237. Section fifty-three point eight (53.8), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **53.8 Ballot mailed.** Upon receipt of an application for an absen-
 5 tee ballot and immediately after the absentee ballots are printed, it
 6 shall be the duty of the commissioner to mail an absentee ballot to
 7 the applicant within twenty-four hours. The absentee ballot shall
 8 be enclosed in an unsealed envelope bearing a serial number and affi-
 9 davit. The absentee ballot and unsealed envelope shall be enclosed in
 10 a carrier envelope which bears the same serial number as the unsealed
 11 envelope. The absentee ballot, unsealed envelope, and carrier envelope
 12 shall be enclosed in a third envelope to be sent to the qualified elector.

13 If an application is received so late that it is unlikely that the
 14 absentee ballot can be returned in time to be counted on election day,
 15 the commissioner shall enclose with the absentee ballot a statement
 16 to that effect. The statement shall also point out that it is possible
 17 for the applicant to personally deliver his completed absentee ballot
 18 to the office of the commissioner at any time before eight o'clock p.m.
 19 on election day.

1 SEC. 238. Section fifty-three point eleven (53.11), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **53.11 Personal delivery of absentee ballot.** The commissioner
 5 shall deliver an absentee ballot to any qualified elector applying in
 6 person at his office not more than forty days before the date of the
 7 general election and the primary election, and for all other elections,
 8 as soon as the ballot is available. The qualified elector shall imme-
 9 diately mark the ballot, enclose it in a ballot envelope with proper
 10 affidavit, and return the absentee ballot to the commissioner. The
 11 commissioner shall record the numbers appearing on the application
 12 and ballot envelope along with the name of the qualified elector.

1 SEC. 239. Section fifty-three point twelve (53.12), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the
3 following:

4 **53.12 Duty of commissioner.** The commissioner shall enclose
5 the absentee ballot in an unsealed envelope, to be furnished by him,
6 which envelope shall bear upon its face the words "county commis-
7 sioner of elections", the address of his office, and the same serial num-
8 ber appearing on the unsealed envelope shall be affixed to the applica-
9 tion. The seal of the officer notarizing the affidavit shall, if possible,
10 be placed on the affidavit envelope in such a manner that the ballot
11 will not be marked by the seal, however, if the officer's seal makes an
12 imprint on the ballot that marking shall not invalidate the ballot.

1 SEC. 240. Section fifty-three point fifteen (53.15), Code 1973, is
2 amended to read as follows:

3 **53.15 Marking ballot.** The ~~voter~~ *qualified elector*, on receipt of
4 ~~said ballot or ballots~~ *an absentee ballot*, shall, in the presence of the
5 officer ~~administering the oath notarizing the affidavit and of no other~~
6 ~~person~~, mark such ballot ~~or ballots~~, but in such manner that such
7 officer will not know how such ballot is marked.

8 *Qualified electors who are blind, cannot read, or because of any*
9 *other physical disability, are unable to mark their own absentee*
10 *ballot, may have the assistance of any person the qualified elector*
11 *may select.*

1 SEC. 241. Section fifty-three point seventeen (53.17), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **53.17 Mailing or delivering ballot—balloting by confined persons.**
5 The sealed envelope containing the absentee ballot shall be enclosed
6 in a carrier envelope which shall be securely sealed. The sealed car-
7 rier envelope shall be delivered by the qualified elector or his des-
8 ignee to the commissioner or a deputy in his office, or mailed, post-
9 age paid, to the office of the commissioner. The carrier envelope
10 shall be received by the commissioner until eight o'clock p.m. on elec-
11 tion day.

12 An applicant who is a resident or patient in a health care facility
13 or hospital shall have his absentee ballot delivered to him by one
14 member of each of the political parties referred to in section forty-
15 nine point thirteen (49.13) of the Code, who shall be appointed by
16 the commissioner from the panel drawn up as provided by section
17 forty-nine point fifteen (49.15) of the Code for the special precinct
18 established by section fifty-three point twenty-three (53.23) of the
19 Code. The persons so appointed by the commissioner shall be no-
20 taries public and shall be sworn in the manner provided by section
21 forty-nine point seventy-five (49.75) of the Code for election board
22 members. They may assist the qualified electors in filling out the
23 ballot as provided in section forty-nine point ninety (49.90) of the
24 Code. The voted absentee ballots shall be deposited in a sealed con-
25 tainer which shall be returned to the commissioner on the same
26 day.

27 The persons appointed by the commissioner pursuant to this sec-
28 tion shall perform their duties during the three working days pre-
29 ceding the election. They shall receive compensation as provided in

30 section forty-nine point twenty (49.20) of the Code. They shall
 31 travel together in the same vehicle and both shall be present when an
 32 applicant casts his absentee ballot.

1 SEC. 242. Section fifty-three point eighteen (53.18), Code 1973,
 2 is amended to read as follows:

3 **53.18 Manner of preserving ballot and application.** Upon receipt
 4 of such ballot ~~the absentee ballot~~, the auditor ~~or clerk~~ commissioner
 5 shall at once record the number appearing on the application and
 6 ballot envelope and time of receipt of such ballot and enclose the same,
 7 unopened, together with the application made by the voter ~~qualified~~
 8 ~~elector~~, in a large carrier envelope ~~on which shall appear the words~~
 9 *"This envelope contains an absent voter's ballot for the election"*, and
 10 securely seal the same, and endorse thereon, over his official signa-
 11 ture, the following:

12 1. Names of the judges of election of the precinct ~~(naming it)~~ of
 13 which the voter is a resident.

14 2. The name of the city or town in which or near which such judges
 15 will hold the election in said precinct.

16 3. The street number, or other clear designation of the polling
 17 place in said precinct, and a statement that *"This envelope contains*
 18 *an absent voter's ballot and must be opened only at the polls on elec-*
 19 *tion day while said polls are open."*

1 SEC. 243. Section fifty-three point nineteen (53.19), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **53.19 Listing absentee ballots.** The commissioner shall maintain
 5 a list of the absentee ballots provided to qualified electors, the serial
 6 number appearing on the unsealed envelope, the date the application
 7 for the absentee ballot was received, and the date the absentee ballot
 8 was sent to the qualified elector requesting the absentee ballot.

9 The commissioner shall provide each precinct election board with
 10 a list of all qualified electors from that precinct who have received
 11 an absentee ballot. The precinct officials shall immediately designate
 12 on the election register those qualified electors who have received
 13 an absentee ballot and are not entitled to vote in person at the polls.

14 However, any qualified elector who has received an absentee ballot
 15 and not voted it, may surrender the unmarked absentee ballot to
 16 the precinct officials and vote in person at the polls. The precinct
 17 officials shall mark the uncast absentee ballot "void" and return it
 18 to the commissioner. Any qualified elector who has been sent an
 19 absentee ballot by mail but for any reason has not received it may
 20 present himself at his precinct polling place on election day and sign
 21 an affidavit to that effect, after which he shall be permitted to vote
 22 in person. The form of the affidavit for use in such cases shall be
 23 prescribed by the state commissioner.

1 SEC. 244. Section fifty-three point twenty-two (53.22), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **53.22 Absentee ballots received.** All absentee ballots forwarded
 5 to qualified electors and received by the commissioner before the clos-

6 ing of the polls shall be counted by the absentee ballot counting
7 board.

1 SEC. 245. Section fifty-three point twenty-three (53.23), Code
2 1973, is amended to read as follows:

3 **53.23 Manner of counting ballots Absentee ballot counting board.**

4 1. Casting ballots. At any time between the opening and closing of
5 the polls on such election day the judges of election of said precinct
6 shall open the outer or carrier envelope only, announce the absent or
7 disabled voter's name, and compare the signature upon the application
8 with the signature upon the affidavit on the ballot envelope. In case
9 the judges find the affidavits executed, that the signatures correspond,
10 the applicant a duly qualified elector of the precinct, and that the
11 applicant has not voted in person at said election, they shall open the
12 envelope containing the voter's ballot in such manner as not to deface
13 or destroy the affidavit thereon, and take out the ballot or ballots
14 therein contained without unfolding or permitting the same to be
15 unfolded or examined, and having endorsed the ballot in like manner
16 as other ballots are required to be endorsed, deposit the same in the
17 proper ballot box and enter the voter's name in the pollbook, the same
18 as if he had been present and voted in person.

19 2. Absentee ballot counting boards. There is created a special pre-
20 cinct in each county in which all absentee ballots cast at any general
21 election in this state shall be counted. The county commissioner of
22 elections may create a special precinct for counting absentee ballots
23 in any other election.

24 The election board of the special precinct shall be known as the
25 absentee ballot counting board. *There shall be only one absentee*
26 *ballot counting board existing at any time in each county, and when*
27 *two or more political subdivisions in the county hold elections simul-*
28 *taneously the absentee ballot counting board shall count absentee*
29 *ballots cast in all of the elections so held. The county board of super-*
30 *visors commissioner shall appoint the absentee ballot counting board*
31 *in the manner prescribed in sections 49.12 and 49.15, except that the*
32 *number of election judges and clerks on the absentee ballot counting*
33 *board shall be sufficient to complete the counting of absentee ballots*
34 *by nine o'clock p.m.*

35 The county commissioner of elections shall set the convening time
36 for the absentee ballot counting board allowing a reasonable amount
37 of time to complete counting the absentee ballots prior to closing of
38 the polls.

39 The board's powers and duties shall be the same as provided in ~~this~~
40 chapter fifty (50) of the Code for judges and clerks in *regular pre-*
41 *inct* polling places, except that the board shall receive and count all
42 absentee ballots for all precincts in the county upon receipt from the
43 county auditor commissioner.

44 The room occupied by the absentee ballot counting board shall be
45 policed in such manner as to prevent any person from obtaining
46 information regarding the progress of the count before the polls are
47 closed. No person shall be admitted into the room where such ballots
48 are being counted until the polls are closed except the absentee ballot
49 counting board, one challenger representing each political party, one
50 observer representing any nonparty political organization or any

51 candidate nominated by petition pursuant to chapter forty-five (45)
 52 of the Code or any other nonpartisan candidate in a city or school
 53 election appearing on the ballot of the election in progress, and the
 54 county commissioner of elections, or his designee.

55 The tally list shall be recorded on forms prescribed by the state
 56 commissioner of elections.

57 Within thirty days from the date of the official canvass of the votes,
 58 the county commissioner of elections shall correct the registration
 59 lists to indicate that the persons casting absentee ballots have voted
 60 in the preceding election.

61 In nonregistration areas, not later than thirty days from the date
 62 of the official canvass, the affidavits of absentee voters shall be cross
 63 checked with the precinct pollbooks to insure that no one has voted
 64 twice, in violation of law.

65 The absentee ballot counting board shall not release the results of
 66 the balloting until the polls have been closed.

1 SEC. 246. Section fifty-three point twenty-four (53.24), Code
 2 1973, is amended to read as follows:

3 **53.24 Precincts Counties using voting machines.** In precincts
 4 using counties which provide the absentee ballot counting board with
 5 a voting machines machine, none of said the absentee ballot envelopes
 6 shall be opened until immediately after the closing of the polls to
 7 voters who vote in person. If there be more than one absent voter's
 8 ballot entitled to be cast, they by the counting board and shall, without
 9 being unfolded, be thoroughly intermingled in some proper manner,
 10 after which they shall be unfolded and, under the personal supervision
 11 of all the judges, be registered on the voting machine the same as if
 12 the absent voter had been present and voted in person. When two or
 13 more political subdivisions in the county are holding separate elec-
 14 tions simultaneously, the commissioner may arrange the machine so
 15 that the absentee ballots for more than one such election may be
 16 recorded on the same machine.

1 SEC. 247. Section fifty-three point twenty-five (53.25), Code
 2 1973, is amended to read as follows:

3 **53.25 Rejecting ballot.** In case such the absentee voter's affidavit
 4 is found to be insufficient, or that the signatures do not correspond,
 5 or that the applicant is not a duly qualified elector in such precinct,
 6 or that the ballot envelope is open, or has been opened and resealed,
 7 or that the ballot envelope contains more than one ballot of any one
 8 kind, or that said voter has voted in person, such vote shall not be
 9 accepted or counted.

10 If the absentee ballot is rejected prior to the opening of the ballot
 11 envelope, the voter casting the ballot shall be notified by an election
 12 judge by the time the canvass is completed of the reason for the rejec-
 13 tion on a form prescribed by the state commissioner of elections.

1 SEC. 248. Section fifty-three point thirty (53.30), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **53.30 Ballot envelope preserved.** The ballot envelope having the
 5 qualified elector's affidavit thereon shall be preserved.

1 SEC. 249. Section fifty-three point thirty-two (53.32), Code 1973,
 2 is amended to read as follows:
 3 **53.32 Ballot of deceased voter.** When it shall be made to appear
 4 by due proof to the judges of election that any elector, who has so
 5 marked and forwarded his ballot, has died before the ballot is de-
 6 posited in the ballot box *envelope is opened*, then the ballot of such
 7 deceased voter shall be endorsed, "Rejected because voter is dead",
 8 and be returned by the judges of election with the unused ballots to
 9 the official issuing it *commissioner*; but the casting of the ballot of a
 10 deceased voter shall not invalidate the election.

1 SEC. 250. Section fifty-three point thirty-six (53.36), Code 1973,
 2 is amended to read as follows:
 3 **53.36 Offenses by officers.** If any county auditor, city or town
 4 clerk, *commissioner* or any election officer shall refuse or neglect to
 5 perform any of the duties prescribed by this chapter, or shall violate
 6 any of the provisions thereof, he shall be fined not less than one
 7 hundred dollars nor more than one thousand dollars, or imprisoned
 8 in the county jail not to exceed ninety days.

1 SEC. 251. Section fifty-three point thirty-nine (53.39), Code 1973,
 2 is amended to read as follows:
 3 **53.39 Request for ballot.** The provisions of ~~sections~~ *section* 53.2,
 4 ~~53.4 and 53.5~~ shall not apply in connection with the primary and
 5 general elections in the case of a qualified elector of the state of Iowa
 6 serving in the armed forces of the United States; in any such case an
 7 application for ballot as provided for in said ~~sections~~ *section* shall not
 8 be required and an absent voter's ballot shall be sent or made avail-
 9 able to any such voter upon a request being made therefor as pro-
 10 vided for in this division. All official ballots to be voted by qualified
 11 absent voters in the armed forces of the United States at the primary
 12 election and the general election shall be printed prior to forty days
 13 before the said respective elections and shall be available for trans-
 14 mittal to such qualified electors in the armed forces of the United
 15 States forty days prior to the respective elections. The provisions of
 16 this chapter shall apply to absent voting by qualified voters in the
 17 armed forces of the United States at said elections except as modified
 18 by the provisions of this division.

1 SEC. 252. Section fifty-three point forty-six (53.46), Code 1973,
 2 is amended to read as follows:
 3 **53.46 Powers and duties of ~~commissioner~~ state commissioner.** The
 4 ~~said commissioner~~ *state commissioner* is authorized and empowered:
 5 1. To make rules and regulations for the purpose of carrying out
 6 the provisions and intent of this division;
 7 2. To prescribe and direct the preparation of specially printed bal-
 8 lots, envelopes and other papers of different size and weight to be
 9 used in connection with absent voting by voters in the armed forces
 10 of the United States, if, in the discretion of the ~~commissioner~~ *state*
 11 *commissioner*, ~~it~~ *he* shall determine that such a special ballot and
 12 other papers will facilitate voting by such voters; provided that the
 13 content of any such specially printed matter shall be the same as that
 14 used for absent voters generally in the particular precinct in which
 15 said serviceman's ballot is to be cast, and provided further that such

16 ballots, envelopes and other papers shall be substantially uniform in
 17 size and weight throughout the state; and provided further that the
 18 provisions of section 49.56, establishing the maximum cost of print-
 19 ing ballots, shall apply to the cost of printing any such specially
 20 printed ballots by the several counties;

21 3. To prescribe any forms that are not otherwise prescribed by law,
 22 and which in the judgment of the ~~commission~~ *state commissioner* are
 23 necessary to facilitate the carrying out of the purposes and intent of
 24 this division;

25 4. To arrange for special transportation of ballots ~~either~~ in co-
 26 operation with the government of the United States through any
 27 authorized instrumentality thereof ~~or otherwise~~, and to that end the
 28 ~~commission~~ *state commissioner* is empowered to direct the ~~county~~
 29 ~~auditors~~ *commissioners* of the several counties of the state to send
 30 ballots to voters in the armed forces of the United States other than
 31 in the usual course of mail;

32 5. To employ such clerical assistance as ~~it~~ *he* may require in carry-
 33 ing out its functions, to purchase and requisition any office supplies
 34 ~~it~~ *he* may require, and certify for payment the expenses of carrying
 35 out ~~its~~ *his* functions *under this division*;

36 6. To call upon any department or division of the state government
 37 for information and assistance in connection with carrying out the
 38 provisions of this division;

39 7. To co-operate with any authorized departments, agencies and
 40 instrumentalities of the government of the United States in effecting
 41 the intent and purposes of this division.

1 SEC. 253. Section fifty-three point forty-seven (53.47), Code
 2 1973, is amended to read as follows:

3 53.47 **Materials furnished by printing board.** In order to estab-
 4 lish uniformity in size, weight and other characteristics of the ballot
 5 and facilitate its distribution and return, the ~~state printing board~~
 6 ~~department of general services~~ shall upon direction of the "~~Iowa~~
 7 ~~Servicemen's Ballot Commission~~" *state commissioner* purchase any
 8 material needed for any special ballots, envelopes and other printed
 9 matter, and sell any such materials to the several counties of the state
 10 at cost plus handling and transportation costs.

11 There is hereby appropriated to the ~~state printing board~~ *depart-*
 12 *ment of general services* from the general fund of the state such sums
 13 as may be necessary to purchase any materials provided for herein.
 14 The proceeds from sale of such materials to counties shall be turned
 15 into the general fund of the state upon receipt of same by the ~~state~~
 16 ~~printing board~~ *department of general services*.

1 SEC. 254. Section fifty-three point forty-eight (53.48), Code
 2 1973, is amended to read as follows:

3 53.48 **Postage on ballots.** In the event the government of the
 4 United States or any branch, department, agency or other instrumen-
 5 tality thereof shall make provision for sending of any voting matter
 6 provided for in this division through the mails postage free, or other-
 7 wise, the election officials of the state of Iowa and of the several coun-
 8 ties of the state are authorized to make use thereof under the direc-
 9 tion of the ~~Iowa servicemen's commission~~ *state commissioner*.

1 SEC. 255. Section fifty-three point fifty (53.50), Code 1973, is
2 amended to read as follows:

3 **53.50 Appropriation.** There is hereby appropriated to the Iowa
4 ~~servicemen's ballot commission~~ *state commissioner* from the general
5 fund of the state such sums as are necessary for it ~~him~~ to pay ~~its~~ *his*
6 expenses and perform ~~its~~ *his* functions under this division. Warrants
7 shall be drawn by the comptroller upon certification by the ~~chairman~~
8 of the commission, or in the event of his inability or unavailability to
9 act by ~~three members~~ of the commission *state commissioner or his*
10 *deputy*.

1 SEC. 256. Section two hundred seventy-four point seven (274.7),
2 Code 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 257. Section two hundred seventy-three point four (273.4),
2 Code 1973, is amended by adding the following new unnumbered
3 paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** All elections held under the pro-
5 visions of this chapter shall be conducted by the county commissioner
6 of elections pursuant to the provisions of chapters thirty-nine (39)
7 through fifty-three (53) of the Code, except as otherwise specifically
8 provided in this chapter.

1 SEC. 258. Section two hundred seventy-three point five (273.5),
2 Code 1973, is amended to read as follows:

3 **273.5 Nomination papers.** Nomination papers in behalf of a can-
4 didate for member of the county board of education shall be filed
5 with the county superintendent of schools not more than ~~forty-five~~
6 ~~sixty-five~~ days, nor less than ~~twenty~~ *forty* days prior to the election
7 at which a member is to be elected. *Nomination petitions shall be*
8 *filed not later than five o'clock p.m. on the last day for filing.* Each
9 candidate shall be nominated by a petition signed by not less than
10 twenty-five ~~qualified~~ *eligible* electors of the area from which a mem-
11 ber is to be elected, which petition shall state the name of the area
12 from which a member is to be elected, the office to which he is to be
13 elected, the name of the candidate and that he is a resident and
14 elector in the named area. Signers of the petition shall, in addition
15 to signing their names, show their residence, including street and
16 number, if any, the school district in which they reside, and the date
17 of signing, and each nomination paper shall have appended to it an
18 affidavit of an elector other than the candidate in substantially the
19 form provided in section 43.17 except as to the party affiliation.

20 *The county superintendent of schools shall deliver all nomination*
21 *petitions to the county commissioner of elections not later than five*
22 *o'clock p.m. on the day following the last day on which nomination*
23 *petitions can be filed.*

1 SEC. 259. Section two hundred seventy-three point seven (273.7),
2 Code 1973, is amended to read as follows:

3 **273.7 Canvass.** The ballots cast at any election for membership
4 on the board shall be counted by the judges of election and return
5 thereof shall be made by the judges on forms provided therefor to the
6 secretary of the school district within forty hours after the closing of
7 the polls. Within five days following the election, the secretary of
8 each school district *county commissioner of elections* shall make

9 return of the votes cast in said district to the county board of educa-
 10 tion on forms provided therefor, ~~which~~ *and the county board of super-*
 11 *visors shall meet at ten eight o'clock a.m. on the last Monday in Sep-*
 12 *tember, and canvass the vote and the county commissioner of elections*
 13 *shall issue certificates of election.*

1 SEC. 260. Section two hundred seventy-three point twenty-three
 2 (273.23), Code 1973, is amended to read as follows:

3 **273.23 Special election on petition to merge.** In addition to the
 4 procedure set forth in section 273.22 for the merger of county school
 5 systems the county boards of education of any two or more adjacent
 6 counties upon receipt of a petition signed by not less than ten per-
 7 cent of those voting for *president of the United States* or governor,
 8 *as the case may be*, in the last general election in each county, shall
 9 call a special election in said counties for the purpose of merging the
 10 respective county school systems into one school system. The elec-
 11 tions shall be on the same day in each of said counties and the ques-
 12 tion on the ballot shall be: "Shall the county school systems of (in-
 13 sert the names of the counties) counties be merged into one school
 14 system?" If a majority of the votes cast in each of said counties be
 15 in favor of the proposal the county boards of education in the respec-
 16 tive counties shall by concurrent action merge the county school sys-
 17 tems into one school system. Prior to setting a date for said elec-
 18 tions, approval of the state board of public instruction shall be ob-
 19 tained and all provisions covering a merger heretofore set out above
 20 shall also be applicable to a merger under this procedure.

21 *The county commissioners of elections in the respective counties*
 22 *shall publish notice of the election and conduct the election pursuant*
 23 *to the provisions of chapters thirty-nine (39) through fifty-three*
 24 *(53) of the Code.*

1 SEC. 261. Section two hundred seventy-five point eighteen
 2 (275.18), Code 1973, is amended to read as follows:

3 **275.18 Special election called—time.** When the boundaries of the
 4 territory to be included in a proposed school corporation and the
 5 number and method of the election of the school directors of such
 6 proposed school corporation have been determined as herein pro-
 7 vided, the county superintendent with whom such petition is filed
 8 shall call a special election in such proposed school corporation within
 9 thirty days from the date of the final determination of such bound-
 10 aries, ~~by giving notice by one publication in the same newspaper as~~
 11 ~~previous notices concerning it have been published, and serve notice~~
 12 *on the county commissioner of elections of the county in the proposed*
 13 *school corporation which has the greatest taxable base in the proposed*
 14 *school corporation. The county commissioner of elections shall give*
 15 *notice of the election by one publication in the same newspaper in*
 16 *which previous notices have been published regarding the proposed*
 17 *school reorganization, and in addition thereto, if more than one*
 18 *county is involved, by one publication in a legal newspaper in each*
 19 *county other than that of the first publication, which publication shall*
 20 *be not less than ten nor more than fifteen days prior to the election.*
 21 *In the case of joint districts, no notice for an election shall be pub-*
 22 *lished until the time for appeal, which shall be the same as that pro-*

23 vided in section 285.12, has expired; and in the event of an appeal,
24 not until the same has been disposed of.

1 SEC. 262. Section two hundred seventy-five point twenty-three
2 (275.23), Code 1973, is amended to read as follows:
3 **275.23 Canvass and return.** The judges of election shall count
4 the ballots, make return to and deposit the ballots with the county
5 ~~superintendent commissioner of elections~~, who shall enter the return
6 of record in his office. *The county commissioner of elections shall*
7 *certify the results of the election to the county superintendent.* If
8 the majority of the votes cast by the qualified electors are in favor of
9 the proposition, as provided in section 275.20, a new school corpora-
10 tion shall be organized. The county superintendent shall file a written
11 description of the boundaries as provided in section 274.4.

1 SEC. 263. Section two hundred seventy-five point twenty-five
2 (275.25), Code 1973, is amended to read as follows:
3 **275.25 Election of directors.** If the proposition to establish a new
4 corporation carries under the method hereinabove provided a special
5 election shall be called by the county superintendent ~~by giving~~. *The*
6 *county superintendent shall notify the county commissioner of elec-*
7 *tions who shall publish notice by one publication in the same news-*
8 *paper in which the former notices were published and he shall appoint*
9 ~~judges who shall serve without pay~~. At such election, two directors
10 shall be elected to serve until the next regular election, two until the
11 second, and one until the third regular election thereafter, except in
12 districts which include all or part of a city of fifteen thousand or more
13 population and in districts in which the proposition to establish a new
14 corporation provides for seven directors, three directors shall be
15 elected to serve until the third regular election thereafter, all of whom
16 to serve until such time as their successors are elected and qualified.
17 Provided, however, that in all community school districts which
18 include a city of fifteen thousand or more population and which
19 became effective prior to July 4, 1955, and in all community school
20 districts containing a city which has attained a population of fifteen
21 thousand or more as shown by the most recent decennial federal
22 census, the board of directors shall consist of seven members. Where
23 it becomes necessary to increase the membership of any such board
24 under the provisions hereof, two directors shall be added according
25 to the procedure described in section 277.23. ~~The judges of election~~
26 ~~shall make return~~ *county board of supervisors shall canvass the votes*
27 *and the county commissioner of elections report the results to the*
28 *county superintendent who shall enter the return of record in his*
29 *office and notify the persons who are elected directors.* The new board
30 shall organize within fifteen days following their election upon call
31 of the county superintendent. The new board of directors shall have
32 complete control of the employment of all personnel for the newly
33 formed community school district for the ensuing school year. Fol-
34 lowing the organization of the new board they shall have authority
35 to establish policy, organize curriculum, enter into contracts and
36 complete such other planning and take such action as is essential for
37 the efficient management of the newly formed community school
38 district.

39 Provided, however, in cases involving two districts only, where the

40 population of the new district does not exceed the population of the
 41 more populous of said districts by more than twenty-five percent, the
 42 incumbent board members of said more populous district shall con-
 43 tinue to hold office as ~~directer~~ *the directors* of the new district for the
 44 remainder of their elective terms. Vacancies on any board caused by
 45 change in boundaries shall be filled in the manner provided in sections
 46 279.6 and 279.7.

1 SEC. 264. Section two hundred seventy-five point twenty-six
 2 (275.26), unnumbered paragraph one (1), Code 1973, is amended
 3 to read as follows:

4 If a district is established or changes its boundaries it shall pay all
 5 expenses incurred by the superintendent and the board of education
 6 in connection with the proceedings, ~~including the election of the first~~
 7 ~~board of directors.~~ *The county commissioner of elections shall assess*
 8 *the costs of the election against the district as provided in section*
 9 *forty-seven point three (47.3) of the Code.* If the proposition is dis-
 10 missed or defeated at the election all expenses shall be apportioned
 11 among the several districts in proportion to the assessed valuation of
 12 property therein.

1 SEC. 265. Section two hundred seventy-five point thirty-five
 2 (275.35), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Any existing or hereafter created or enlarged school district may
 5 change the number of directors from five to seven and may also
 6 change its method of election of school directors to any method author-
 7 ized by section 275.12 by submission of a proposal, stating the pro-
 8 posed new method of election and describing the boundaries of the
 9 proposed director districts if any, by the school board of such district
 10 to the electors at any regular or special school election. ~~The school~~
 11 ~~board shall give notice of the submission of such proposal to the voters~~
 12 ~~by one publication at least ten days prior to such election of such pro-~~
 13 ~~posal in a newspaper published within the school district, or if none is~~
 14 ~~published therein, in a newspaper published in the county where the~~
 15 ~~school district is located, and of general circulation in the territory~~
 16 ~~described.~~ *The school board shall notify the county commissioner of*
 17 *elections who shall publish notice of the election in the manner pro-*
 18 *vided in section forty-nine point fifty-three (49.53) of the Code. The*
 19 *election shall be conducted pursuant to chapters thirty-nine (39)*
 20 *through fifty-three (53) of the Code by the county commissioner of*
 21 *elections.* Such proposal shall be adopted:

1 SEC. 266. Section two hundred seventy-five point thirty-seven
 2 (275.37), Code 1973, is amended to read as follows:

3 **275.37 Special election.** If change in the number or method of
 4 the election of school directors is approved at a regular or special
 5 school election by the voters of a school district, the school board
 6 shall, ~~by notice in one publication in the same newspaper which the~~
 7 ~~notice of election required by section 275.36 was published,~~ call a
 8 special election to be held on or before the tenth day of June next
 9 following, for the election of new school directors under the newly
 10 adopted method of election. *The school board shall notify the county*
 11 *commissioner of elections who shall publish notice of the election and*

12 *conduct the election.* The school directors elected at such election shall
13 meet and organize on the first Monday in July following their election.

1 SEC. 267. Section two hundred seventy-seven point one (277.1),
2 Code 1973, is amended to read as follows:

3 **277.1 Regular election.** The regular election shall be held annu-
4 ally on the second ~~Monday~~ *Tuesday* in September in each school dis-
5 trict for the election of officers of the district, merged area, and
6 county school system and for the purpose of submitting to the voters
7 thereof any matter authorized by law.

1 SEC. 268. Section two hundred seventy-seven point four (277.4),
2 Code 1973, is amended to read as follows:

3 **277.4 Nominations required.** Nomination papers for all candi-
4 dates for election to office in each school district shall be filed with
5 the secretary of the school board not more than ~~forty-five~~ *sixty-five*
6 days, nor less than ~~twenty~~ *forty* days prior to the election. *Nomina-*
7 *tion petitions shall be filed not later than five o'clock p.m. on the last*
8 *day for filing.* Each candidate shall be nominated by a petition signed
9 by not less than ten qualified electors of the district. To each such
10 petition shall be attached the affidavit of a qualified elector of the
11 district that all of the signers thereof are electors of such district and
12 that the signatures thereto are genuine.

13 *The secretary of the school board shall deliver all nomination peti-*
14 *tions to the county commissioner of elections not later than five o'clock*
15 *p.m. on the day following the last day on which nomination petitions*
16 *can be filed.*

1 SEC. 269. Section two hundred seventy-seven point six (277.6),
2 Code 1973, is amended to read as follows:

3 **277.6 Territory outside city or town a city or county.** If there is
4 within a school corporation any territory not within the limits of a
5 ~~city or town~~ *of the city or county*, the ~~board~~ *county commissioner of*
6 *elections* may divide the territory which lies outside the city or county
7 but within the school district into additional precincts, or may attach
8 the various parts thereof to such contiguous city or county precincts
9 as will best serve the convenience of the electors of said ~~outside~~ *terri-*
10 *tory in voting on school matters; but the voters within such territory*
11 *shall not be required to register.*

1 SEC. 270. Section two hundred seventy-seven point twenty
2 (277.20), Code 1973, is amended to read as follows:

3 **277.20 Canvassing returns.** On the next Monday after the elec-
4 tion in each corporation ~~consisting of more than one precinct~~ the
5 *county board of supervisors* shall canvass the returns made to the
6 ~~secretary~~ *county commissioner of elections*, ascertain the result of the
7 voting with regard to every matter voted upon, declare the same,
8 cause a record to be made thereof, and *the county commissioner of*
9 *elections shall at once issue a certificate to each person elected.*

1 SEC. 271. Chapter two hundred seventy-seven (277), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Election laws applicable.** The provisions of chap-
4 ters thirty-nine (39) through fifty-three (53) of the Code shall apply
5 to the conduct of all school elections and the school elections shall be

6 conducted by the county commissioner of elections, except as other-
7 wise specifically provided in this chapter.

1 SEC. 272. Section two hundred seventy-eight point two (278.2),
2 Code 1973, is amended to read as follows:

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

1 SEC. 273. Section two hundred seventy-nine point seven (279.7),
2 Code 1973, is amended to read as follows:

3 279.7 **Vacancies filled by special election—qualification—tenure.**
4 In any case where a vacancy or vacancies occur among the elective
5 officers or members of a school board and the remaining members of
6 such board have not filled such vacancy within ten days after the
7 occurrence thereof, or when the board is reduced below a quorum
8 for any cause, the secretary of the board, or if there be no secretary,
9 the county superintendent of schools shall call a special election in
10 the district, subdistrict, or subdistricts, as the case may be, to fill
11 such vacancy or vacancies, ~~giving.~~ *The county commissioner of elec-*
12 *tions shall publish the notices required by law for such special elec-*
13 *tions, which election shall be held not sooner than ten thirty days nor*
14 *later than fourteen forty days thereafter. In any case where the*
15 *secretary fails for more than three days to call such election, the*
16 *county superintendent shall call it by giving the notices required by*
17 *law for special elections.*

18 Any appointment by the board to fill any vacancy in an elective
19 office on or after the day notice has been given for a special election
20 to fill such vacancy as provided herein shall be null and void.

21 In any case of a special election as provided herein to fill a vacancy
22 occurring among the elective officers or members of a school board
23 before the expiration of a full term, the person so elected shall qualify
24 within ten days thereafter in the manner required by section 277.28
25 and shall hold office for the residue of the unexpired term and until
26 his successor is elected, or appointed, and qualified.

27 *Nomination petitions shall be filed in the manner provided in sec-*
28 *tion two hundred seventy-seven point four (277.4) of the Code, except*
29 *that the petitions shall be filed not less than ten days prior to the date*
30 *set for the election.*

1 SEC. 274. Section two hundred eighty point twenty-one (280.21),
2 Code 1973, is amended to read as follows:

3 280.21 **Sale of community or junior colleges—application of pro-**
4 **ceeds.** Irrespective of the provisions of chapter 297, any school cor-
5 poration which has heretofore sold or may hereafter sell any public
6 community or junior college building, buildings, or other related prop-

7 erty, whether under the provisions of chapter 280A or otherwise, is
 8 hereby authorized to use the proceeds of such sale to pay all or any
 9 part of the cost of building, furnishing, reconstructing, repairing,
 10 improving, or remodeling a schoolhouse or schoolhouses, or additions
 11 thereto, or for procuring a site or sites therefor, or any combination
 12 thereof, even though all of the bonds which may have been issued by
 13 such school corporation to pay the cost of the building, buildings or
 14 property sold have not been paid and retired; provided, however, that
 15 the proposition of using the money derived from such sale for any one
 16 or more of the foregoing purposes must first be submitted to and
 17 approved by the voters of the school corporation at an election called
 18 and held in the manner hereinafter provided. The election may be
 19 called by the board of directors of the school corporation on its own
 20 motion, and *the board shall notify the county commissioner of elec-*
 21 *tions who shall publish the election notice. The notice of the elec-*
 22 *tion shall be published once each week for four consecutive weeks in*
 23 *a newspaper published in the school corporation, or if there is none,*
 24 *in a newspaper published in the county and of general circulation in*
 25 *the school corporation. The election shall be held on a day not less*
 26 *than five nor more than twenty days after the last publication of the*
 27 *notice. The preparation of the ballot, the appointment of election*
 28 *officials, and other details of the election shall be governed by the*
 29 *statutory provisions otherwise applicable to regular school elections*
 30 *county commissioner of elections shall conduct the election pursuant*
 31 *to the provisions of chapters thirty-nine (39) through fifty-three (53)*
 32 *of the Code. The votes cast in the election shall be canvassed by the*
 33 *county board of supervisors and the county commissioner of elections*
 34 *shall certify the results to the board of directors. No such proposition*
 35 *shall be declared carried unless the affirmative vote is equal to at*
 36 *least sixty percent of the total vote cast for and against the proposi-*
 37 *tion at the election.*

1 SEC. 275. Section two hundred eighty A point eleven (280A.11),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. Direct the county ~~superintendent~~ *commissioner of elections* of
 4 the county in which the physical plant facilities of the area vocational
 5 school or area community college are to be located to call and conduct
 6 a special election to choose the members of the initial governing board
 7 of the merged area. If physical plant facilities are to be located in
 8 more than one county, the county ~~superintendent~~ *commissioner of*
 9 *elections* of the county in which the school or college administrative
 10 offices are to be located shall be responsible for calling and conducting
 11 the special election.

1 SEC. 276. Section two hundred eighty A point fourteen (280A.14),
 2 Code 1973, is amended to read as follows:

3 280A.14 **Expenses prorated.** All expenses incurred in electing
 4 the initial board of a merged area shall be prorated among the sev-
 5 eral county school systems included in the area, in the proportion that
 6 the value of taxable property in each county school system, or any
 7 portion thereof which is part of the merged area, bears to the total
 8 value of taxable property in the area. The ~~superintendent~~ *county*
 9 *commissioner of elections* responsible for ~~calling~~ and conducting the

10 election shall certify to each county board of education the amount
11 which each board owes.

1 SEC. 277. Section two hundred eighty A point fifteen (280A.15),
2 Code 1973, is amended to read as follows:

3 **280A.15 Conduct of elections.** The nomination of candidates,
4 preparation of ballots, and canvass for all elections of members of
5 the board of directors of an area vocational school or an area com-
6 munity college, except as otherwise directed, shall be conducted in
7 the manner provided in sections 273.5, 273.6, and 273.7 for members
8 of county boards of education. Nomination papers in behalf of a candi-
9 date shall be filed with the secretary of the board of the merged area.
10 Each candidate shall be nominated by a petition signed by not less
11 than fifty qualified electors of the district from which the member is
12 to be elected. ~~The board of directors of each respective merged area~~
13 ~~shall be responsible for causing the printing of election ballots and~~
14 ~~the printing of necessary forms used by judges and clerks of election~~
15 ~~and by secretaries of local school districts in making election returns~~
16 ~~notice shall be published as provided in chapter forty-nine (49) and~~
17 ~~the election shall be conducted by the county commissioner of elections~~
18 ~~pursuant to the provisions of chapters thirty-nine (39) through fifty-~~
19 ~~three (53) of the Code. The votes cast in the election shall be~~
20 ~~returned to the respective canvassed by the county board of super-~~
21 ~~visors and the county commissioner of elections who shall canvass the~~
22 ~~vote and issue certificates of election as prescribed in section 273.7.~~
23 Members elected to the board of directors of a merged area shall
24 qualify by taking the oath of office prescribed in section 277.28.

1 SEC. 278. Section two hundred eighty A point thirty-nine
2 (280A.39), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 Any merged area may combine with any adjacent merged area
5 after a favorable vote by the electors of each of the areas involved.
6 If the boards of directors of two or more merged areas agree to a
7 combination, the question shall be submitted to the electors of each
8 area at a special election to be held on the same day in each area.
9 The special election shall not be held within thirty days of any gen-
10 eral election. Prior to the special election, the board of each merged
11 area shall *notify the county commissioner of elections of the county*
12 *in which the merged area's administrative offices are located who*
13 *shall publish notice of the election at least three times, no oftener*
14 *than once a week, in one or more newspapers of general circulation*
15 *within the merged area. The two respective county commissioners*
16 *of elections shall conduct the election pursuant to the provisions of*
17 *chapters thirty-nine (39) through fifty-three (53) of the Code. The*
18 *votes cast in the election shall be canvassed by the county board of*
19 *supervisors and the county commissioners of elections who conducted*
20 *the election shall certify the results to the board of directors of each*
21 *merged area.*

1 SEC. 279. Section two hundred ninety-one point six (291.6), Code
2 1973, is amended by striking subsection five (5).

1 SEC. 280. Section two hundred ninety-six point three (296.3),
2 Code 1973, is amended to read as follows:

3 **296.3 Election called.** The president of the board of directors on
 4 receipt of such petition shall, within ten days, call a meeting of the
 5 board which shall call such election, fixing the time and place thereof,
 6 which may be at the time and place of holding the regular school
 7 election. *The president shall notify the county commissioner of elec-*
 8 *tions of the time of the election.*

1 SEC. 281. Section two hundred ninety-six point four (296.4),
 2 Code 1973, is amended to read as follows:

3 **296.4 Notice—ballots.** Notice of such election shall be given *by*
 4 *the county commissioner of elections* by publication once each week
 5 for four weeks in some newspaper published in the district, or, if
 6 there is none, in some newspaper published in the county and of general
 7 circulation in the district. The notice shall state the date of the
 8 election, the hours of opening and closing the polls and the exact loca-
 9 tion thereof, and the questions to be submitted, and shall be in lieu
 10 of any other notice, any other statute to the contrary notwithstand-
 11 ing. ~~At such election the ballot shall be prepared and used in sub-~~
 12 ~~stantially the form for submitting special questions at general elec-~~
 13 ~~tions.~~ *The county commissioner of elections shall conduct the election*
 14 *pursuant to the provisions of chapters thirty-nine (39) through fifty-*
 15 *three (53) of the Code and certify the results to the board of directors.*

1 SEC. 282. Section two hundred ninety-eight point eighteen
 2 (298.18), unnumbered paragraph five (5), Code 1973, is amended to
 3 read as follows:

4 Notice of such election shall be given *by the county commissioner*
 5 *of elections* by publication once each week for four consecutive weeks
 6 in a newspaper published in the school corporation, or if there is no
 7 newspaper published in the school corporation, in a newspaper pub-
 8 lished in the county and of general circulation in the school corpora-
 9 tion. Such notice shall state the date of the election, the hours of
 10 opening and closing the polls and the exact location thereof, and the
 11 question to be submitted. The election shall be held on a date not
 12 less than five nor more than twenty days after the last publication
 13 of the notice. Such notice shall be sufficient and shall be in lieu of
 14 any other notice required by any other statute. At such election the
 15 ballot used for the submission of said proposition shall be in sub-
 16 stantially the form for submitting special questions at general elec-
 17 tions. *The county commissioner of elections shall conduct the elec-*
 18 *tion pursuant to the provisions of chapters thirty-nine (39) through*
 19 *fifty-three (53) of the Code and certify the results to the board of*
 20 *directors.* Such proposition shall not be deemed carried or adopted
 21 unless the vote in favor of such proposition is equal to at least sixty
 22 percent of the total vote cast for and against said proposition at
 23 said election. Whenever such a proposition has been approved by the
 24 voters of a school corporation as hereinbefore provided, no further
 25 approval of the voters of such school corporation shall be required
 26 as a result of any subsequent change in the boundaries of such school
 27 corporation.

1 SEC. 283. Section three hundred sixty-two point four (362.4),*
 2 Code 1973, is amended to read as follows:

*See 64-1088-9, 199.

3 **362.4 Change in territorial limits.** The court is vested with
4 power to change or limit the territory proposed to be incorporated,
5 before appointing the commissioners as herein provided.

1 SEC. 284. Section three hundred sixty-two point five (362.5),*
2 Code 1973, is amended to read as follows:

3 **362.5 Commissioners—notice Notice of election.** Upon compliance
4 with the foregoing provisions of this chapter, the court shall at once
5 appoint five commissioners, who shall at once give notice of an elec-
6 tion for incorporation to the county commissioner of elections, who
7 shall publish notice of the election as provided in this section. Such
8 notice shall state the time and place of holding the elections, a descrip-
9 tion of the geographical limits of the proposed municipal corporation,
10 that a plat and description of such limits are on file in the office of the
11 clerk of the district court, and shall be published once each week for
12 three consecutive weeks in the manner provided by chapter 618.

1 SEC. 285. Section three hundred sixty-two point six (362.6),*
2 Code 1973, is amended to read as follows:

3 **362.6 Election—ballots—canvass.** The commissioners shall act
4 as judges and clerks of the election, and shall qualify as required by
5 law, and the proposition to be submitted thereat at the election shall
6 be: "Shall the proposition for incorporation be adopted?" and the
7 commissioners shall have charge of the printing of the ballots, and
8 shall cause the proposition to be placed upon them, and the elector
9 shall designate his vote in the same manner provided with respect to
10 like or similar propositions in the title on elections. The commissioners
11 county commissioner of elections shall conduct the election and
12 promptly report the result of the election to the court which may be
13 confirmed and approved, or set aside, by said court. If it is set aside,
14 the court may order a new election with the same or other commis-
15 sioners.

1 SEC. 286. Section three hundred sixty-two point seven (362.7),*
2 Code 1973, is amended to read as follows:

3 **362.7 Election of officers.** If a majority of the ballots cast at
4 such election be in favor of the incorporation and the result has been
5 confirmed and approved, the court shall order the election of a mayor,
6 treasurer, and council. *The court shall notify the county commis-*
7 *sioner of elections of the time and place of the election.* The commis-
8 sioners county commissioner of elections shall cause notice of the
9 time and place of holding the election to be published once each week
10 for three consecutive weeks in the manner provided by chapter 618.
11 At said election the qualified voters residing within the limits of the
12 town shall elect the officers. The election shall be conducted, so far as
13 practicable, in the manner of municipal elections, and the commis-
14 sioners shall act as judges and clerks of election provided in chapters
15 thirty-nine (39) through fifty-three (53) of the Code.

1 SEC. 287. Section three hundred sixty-two point eight (362.8),*
2 Code 1973, is amended to read as follows:

3 **362.8 Report—judgment.** The commissioners county commission-
4 er of elections shall promptly report the results of the election to the
5 court, and it may confirm and approve the election and report, or set

*See 64-1088-9, 199.

6 the same aside and order a new election with the same or other
 7 commissioners. Upon the confirmation of the election and report, a
 8 judgment shall be entered of record, declaring the town duly incor-
 9 porated and confirming and approving the first election of officers.
 10 Should any officer fail to qualify, the court shall declare the office
 11 vacant and appoint some other person to fill the vacancy.

1 SEC. 288. Section three hundred sixty-two point eleven (362.11),*
 2 Code 1973, is amended to read as follows:

3 **362.11 How effected.** Upon a petition of the voters equaling
 4 twenty-five percent of the number voting at the last preceding munic-
 5 ipal election, to the district court of the county wherein a municipal
 6 corporation is situated, for the discontinuance of the same, the court
 7 shall *notify the county commissioner of elections to*, thirty days prior
 8 to the next regular city or town election, cause notice to be given,
 9 that the question of discontinuing such corporation will be submitted
 10 to the legal voters thereof at the said election. ~~Such~~ *The county com-*
 11 *missioner of elections shall publish notice shall be published* once each
 12 week for three consecutive weeks in the manner provided by chapter
 13 618. The proposition submitted shall be: "Shall the proposition to
 14 discontinue the corporation of (inserting name) be adopted?" ~~The~~
 15 ~~clerk of the city or town shall cause the proposition to be printed on~~
 16 ~~the ballots.~~

1 SEC. 289. Section three hundred sixty-two point twelve (362.12),*
 2 Code 1973, is amended to read as follows:

3 **362.12 Canvass—judgment.** The vote shall be taken and can-
 4 vassed in the same manner as other municipal elections, and returns
 5 thereof made *by the county commissioner of elections* to the district
 6 court. If it finds that a majority of the legal votes cast were for the
 7 discontinuance of the incorporation, then a judgment shall be entered
 8 discontinuing the same, and, upon the entry of said judgment, its cor-
 9 porate powers shall cease.

1 SEC. 290. Section three hundred sixty-two point nineteen
 2 (362.19),* Code 1973, is amended to read as follows:

3 **362.19 How effected.** When any city or town desires to consoli-
 4 date with another contiguous city or town, the council of each shall
 5 appoint three commissioners who shall meet and fix the terms upon
 6 which the proposed consolidation shall be made, and make report
 7 thereof to their respective councils. If both councils approve the
 8 proposed terms, they shall by identical ordinances so declare, and
 9 therein determine whether the question shall be voted upon at a spe-
 10 cial election, fixing the date thereof; or at the next regular city
 11 election. Thereupon a copy of the ordinance, together with a state-
 12 ment that both councils have adopted the same, shall be ~~published~~
 13 ~~delivered to the county commissioner of elections.~~ *The county com-*
 14 *missioner of elections shall publish the ordinance and the statement*
 15 *of both councils* once each week for three consecutive weeks in the
 16 manner provided by chapter 618. The date of the third publication
 17 shall be not less than one week nor more than two weeks prior to the
 18 election.

*See 64-1088-9, 199.

1 SEC. 291. Section three hundred sixty-two point twenty
2 (362.20),* Code 1973, is amended to read as follows:

3 **362.20 Election—record.** The proposition to be submitted at the
4 election shall be: "Shall the proposition for the consolidation of
5 (naming the city or town) with (naming the city or town) be
6 adopted?" *The county commissioner of elections shall conduct the*
7 *election and an election return shall be delivered to the council of*
8 *each city or town.* If a majority of the votes cast in each city or
9 town is in favor of consolidation, the council of each shall, by ordi-
10 nance, so declare. A certified copy of the whole proceedings for the
11 consolidation shall be filed with the clerk of the city or town with
12 which such consolidation is made, who shall file a certified copy there-
13 of with the secretary of state, and in the recorder's office of the
14 county, who shall record the same.

1 SEC. 292. Section three hundred sixty-two point twenty-six
2 (362.26),* subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. The proposition shall be submitted to the voters of said city or
5 town and to the voters residing in the territory proposed to be
6 annexed at said election in the following form: "Shall the proposi-
7 tion to annex the territory described as follows: (here set out legal
8 description of the territory); in the resolution adopted by the council
9 of the city (or town) of, on the day of
10 be approved?" Notice of the submission of said proposition shall be
11 given by publication once each week for three consecutive weeks in
12 the manner provided by chapter 618. *Publication of notice shall be*
13 *made by the county commissioner of elections and the county commis-*
14 *sioner of elections shall conduct the election pursuant to the provi-*
15 *sions of chapters thirty-nine (39) through fifty-three (53) of the*
16 *Code and report the election results to the city council.*

1 SEC. 293. Section three hundred sixty-three point eight (363.8),*
2 Code 1973, is amended to read as follows:

3 **363.8 When held—voting places.** Except as hereinafter provided,
4 regular municipal elections shall be held on the Tuesday next, after
5 the first Monday in November, of odd-numbered years, and elective
6 officers shall be chosen biennially to succeed officers whose terms ex-
7 pire at noon of the second secular day in January, following said
8 election. ~~Voting places shall be fixed by the council, and at least one~~
9 ~~polling place provided for each precinct or ward, as the case may be.~~
10 *All municipal elections shall be conducted pursuant to the provi-*
11 *sions of chapters thirty-nine (39) through fifty-three (53) of the*
12 *Code, except as otherwise specifically provided.*

1 SEC. 294. Section three hundred sixty-three point eleven
2 (363.11),* Code 1973, is amended to read as follows:

3 **363.11 Candidates—filing.** Any person desiring to become a can-
4 didate for any elective municipal office shall, ~~at least four weeks not~~
5 ~~more than sixty-five days nor less than forty days~~ prior to the elec-
6 tion, file with the clerk of the municipal corporation a petition signed
7 by qualified voters equaling in number at least two percent of the
8 greatest number of votes cast for any candidate for such office at the

*See 64-1088-9, 199.

9 last regular municipal election, and in no case less than ten, request-
 10 that his (or her) name be printed upon the official election ballot.
 11 *Nomination petitions shall be filed not later than five o'clock p.m. on*
 12 *the last day for filing.* Provided that any city having a population of
 13 ten thousand or less or any town may by ordinance provide that all
 14 candidates for all elective city or town offices shall be nominated
 15 under the provisions of chapter 44 or 45. In such event nomination
 16 for all such offices in the manner provided for in this chapter shall not
 17 be authorized.

18 *The clerk of the municipal corporation shall deliver all nomination*
 19 *petitions to the county commissioner of elections not later than five*
 20 *o'clock p.m. on the day following the last day on which nomination*
 21 *petitions can be filed.*

1 SEC. 295. Section three hundred sixty-three point fifteen
 2 (363.15), * Code 1973, is amended to read as follows:

3 **363.15 Population 10,000 or less—procedure.** ~~Four weeks~~ *Not less*
 4 *than thirty-five days* prior to the election, the ~~clerk and mayor~~ *county*
 5 *commissioner of elections* shall canvass the petitions of all candidates
 6 that have been filed with the ~~clerk~~, and in all municipal corporations
 7 having a population of ten thousand or less, as shown by the latest
 8 federal census, shall find all candidates that have filed proper peti-
 9 tions, as herein provided, to be the nominees for the offices sought.
 10 The ~~clerk~~ *county commissioner of elections* shall then do all things
 11 necessary for conducting the election. The election shall be conducted
 12 in the manner provided by law for general elections.

1 SEC. 296. Section three hundred sixty-three point sixteen
 2 (363.16), * Code 1973, is amended to read as follows:

3 **363.16 Population over 10,000—procedure.**

4 1. In cities having a population of more than ten thousand, as
 5 shown by the latest federal census, the procedure shall be as follows:

6 If the ~~clerk~~ *county commissioner of elections* and mayor find that
 7 the number of candidates for any office, as shown by candidates' peti-
 8 tions filed with the ~~clerk~~ *county commissioner of elections*, be not
 9 more than twice the number of persons that may be elected to said
 10 office, said candidates shall be found to be the nominees, and for said
 11 office no primary election shall be held. For any office or offices, for
 12 which the number of candidates, as shown by the candidates' petitions
 13 filed with the ~~clerk~~ *county commissioner of elections*, is found to be
 14 more than twice the number of persons that may be elected to said
 15 office or offices, the nominees shall be determined by a municipal pri-
 16 mary election, as hereinafter provided. The ~~clerk~~ *county commis-*
 17 *sioner of elections* and mayor shall file a written report with the coun-
 18 cil, stating the nominees for such office or offices, if any, for which
 19 no municipal primary election is required, and also stating the office,
 20 or offices, if any, for which the nominees shall be determined by a
 21 municipal primary election. Any such city, under one hundred thou-
 22 sand population, may by ordinance provide that all candidates for all
 23 elective city offices shall be nominated under the provisions of chapter
 24 44 and chapter 45. In such event nomination for all such offices by
 25 primary shall not be authorized.

26 2. The council of any city having a population of more than ten

*See 64-1088-9, 199.

27 thousand may by ordinance provide that subsection 1 of this section
 28 and sections 363.17 through 363.20, section 363.24, and section 363.25
 29 shall not apply to such city if the ordinance provides for a run-off
 30 election as set forth in this subsection. Any such run-off election shall
 31 be held two weeks after the regular municipal election if the following
 32 conditions result:

33 a. If no candidate for a single office receives a majority of the votes
 34 cast, the two candidates receiving the largest number of votes shall be
 35 placed upon the run-off ballot.

36 b. Where candidates for council or other bodies run at large, the
 37 results shall be ranked in order of votes received. If any of the top
 38 candidates, to the number of positions to be filled, receive less than a
 39 majority of the votes cast at the election, those candidates receiving
 40 a majority of the votes cast shall be declared elected. Those candi-
 41 dates receiving the next highest number of votes but not having a
 42 majority, to the number of twice the number of unfilled positions,
 43 shall be placed on the run-off ballot.

44 ~~All provisions for conducting municipal elections~~ *The provisions of*
 45 *chapters thirty-nine (39) through fifty-three (53) of the Code shall*
 46 *apply to the conduct of run-off elections except that there shall be no*
 47 *added voter registrations accepted for said election but transfers may*
 48 *be accepted until ten days before the election, as now provided under*
 49 *law.*

1 SEC. 297. Section three hundred sixty-three point twenty-four
 2 (363.24),* Code 1973, is amended to read as follows:

3 **363.24 Returns canvassed.** On the day following the municipal
 4 primary election, the ~~clerk~~ *county board of supervisors* shall publicly
 5 canvass said election returns and *the county commissioner of elec-*
 6 *tions* shall report the results thereof to the council. For municipal
 7 officers for which but one person is to be elected, the number of nomi-
 8 nees, as determined by the municipal primary election, shall be twice
 9 the number of persons to be elected and the candidates receiving the
 10 greatest number of votes shall be the nominees.

1 SEC. 298. Section three hundred sixty-three point twenty-five
 2 (363.25),* Code 1973, is amended to read as follows:

3 **363.25 Report to council.** The ~~clerk's~~ *report by the county com-*
 4 *missioner of elections* to the council shall list the nominees for all
 5 offices to be filled at the forthcoming municipal election and shall show
 6 whether nomination was by municipal primary election, or by peti-
 7 tion.

1 SEC. 299. Section three hundred sixty-four point three (364.3),*
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The city council or mayor shall notify the
 4 county commissioner of elections that a special election has been
 5 called. The county commissioner of elections shall publish notice and
 6 conduct the election pursuant to chapters thirty-nine (39) through
 7 fifty-three (53) of the Code and report the results of the election to
 8 the council and mayor.

1 SEC. 300. Section three hundred sixty-eight point sixty-five
 2 (368.65),* Code 1973, is amended to read as follows:

*See 64-1088-9, 199.

3 **368.65 Vote of electors on bonds.** After the incorporation of said
4 authority, and before the sale of any issue of revenue bonds (except
5 refunding bonds) as provided in this division, the authority shall
6 submit in a single countywide election to the legal voters of said city
7 or town and county, at a general, primary or special election called
8 for that purpose, the question whether such authority shall issue and
9 sell revenue bonds (stating the amount) for any of the purposes pro-
10 vided in section 368.55. An affirmative vote of a majority of the
11 votes cast on said proposition shall be required to authorize the issu-
12 ance and sale of said revenue bonds. A notice of the election shall
13 be published once each week for at least four weeks in some newspa-
14 per published in the county. Such notice shall name the time when
15 such question shall be permitted, and a copy of the question to be
16 submitted shall be posted at each polling place during the day of elec-
17 tion. The authority shall call this election with the concurrence of
18 both incorporating units, and it shall establish the voting precincts
19 and polling places, and appoint the election judges, and in so doing
20 such election procedures shall be in accordance with the provisions of
21 chapters 49 and 50 notify the county commissioner of elections who
22 shall publish notice of the election in the manner provided in this
23 section and conduct the election pursuant to chapters thirty-nine (39)
24 through fifty-three (53) of the Code and report the results of the
25 election to the authority.

1 **SEC. 301.** Section three hundred seventy-four point one (374.1),*
2 Code 1973, is amended to read as follows:

3 **374.1 Community center houses authorized.** Incorporated cities
4 and towns shall have power to provide for the several districts in
5 said city, or for any one of such districts, as hereinafter defined, a
6 community center house with recreation grounds adjacent for the
7 use, recreation, and instruction of the residents of said district,
8 and to submit to the electors of any such district at a regular city
9 election, or special election called for that purpose, the question of
10 the establishment of such improvement and of the issuance of dis-
11 trict bonds to provide the same. *The mayor shall notify the county*
12 *commissioner of elections who shall publish notice and conduct the*
13 *election pursuant to the provisions of chapters thirty-nine (39)*
14 *through fifty-three (53) of the Code and certify the results of the*
15 *election to the mayor.* And in cities where buildings and grounds
16 suitable for community center activities are owned and maintained
17 by the city, the city council may, by resolution, establish such build-
18 ings or grounds as community centers without submitting the ques-
19 tion of the establishment thereof to the electors.

1 **SEC. 302.** Section three hundred eighty point ten (380.10),* Code
2 1973, is amended to read as follows:

3 **380.10 Election.** The power granted in section 380.9 and in sec-
4 tion 380.14 to issue certificates and bonds and to pledge said earnings
5 for the payment thereof shall not be exercised unless a majority of
6 the legal electors of the city voting thereon vote in favor of the exer-
7 cise of such power. The council may, on its own motion, submit
8 such question either at a general election or at a special election called
9 for that purpose.

*See 64-1088-9, 199.

10 Upon the filing with the mayor of a petition requesting the sub-
 11 mission of such question, signed by twenty-five legal electors of each
 12 voting precinct in the city, the mayor shall submit such question to
 13 *the county commissioner of elections which shall be placed on the bal-*
 14 *lot at the first general election following the filing of said petition,*
 15 providing said general election occurs not less than forty nor more
 16 than ninety days after said filing. If said question cannot be sub-
 17 mitted at a general election, as herein provided, the mayor shall sub-
 18 mit such question at a special election which he shall forthwith call
 19 for such date as will permit the giving of the notice herein provided.
 20 Notice of said election shall be given as provided by section 397.7.

21 *The mayor shall notify the county commissioner of elections of the*
 22 *special election and the county commissioner of elections shall publish*
 23 *notice and conduct the election pursuant to the provisions of chapters*
 24 *thirty-nine (39) through fifty-three (53) of the Code and certify the*
 25 *results of the special election to the mayor.*

1 SEC. 303. Section three hundred eighty-one point ten (381.10),*
 2 Code 1973, is amended to read as follows:

3 **381.10 Question submitted.** Whenever a petition shall be pre-
 4 sented to the council, signed by a majority of the resident freehold
 5 taxpayers thereof, asking that the question of constructing or aiding
 6 in the construction of a bridge as provided in section 381.9 be sub-
 7 mitted to the qualified electors, it shall be its duty to immediately
 8 ~~give notice of a special election, by publication in some newspaper~~
 9 ~~published therein, and also by posting copies of such notice in five~~
 10 ~~public places therein, at least ten days before such election~~ *the council*
 11 *shall call a special election and notify the county commissioner of*
 12 *elections. The county commissioner of elections shall publish notice*
 13 *and conduct the election pursuant to chapters thirty-nine (39)*
 14 *through fifty-three (53) of the Code and report the results of the*
 15 *election to the council.*

1 SEC. 304. Section three hundred eighty-six point three (386.3),*
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The council or mayor may call a special elec-
 4 tion and notify the county commissioner of elections. The county
 5 commissioner of elections shall publish notice of the election as pro-
 6 vided in section three hundred eighty-six point four (386.4) of the
 7 Code and conduct the election pursuant to chapters thirty-nine (39)
 8 through fifty-three (53) of the Code and report the results of the
 9 election to the council and mayor.

1 SEC. 305. Section three hundred eighty-six A point four
 2 (386A.4),* Code 1973, is amended to read as follows:

3 **386A.4 Canvass of petition.** After such petition is filed the coun-
 4 cil of such city shall arrange for a joint meeting of the councils of
 5 all cities and towns involved and the council, or joint councils, if
 6 more than one, shall canvass the petition, and if found to meet the
 7 requirements of the law, shall fix a time and places for holding a
 8 special election in the proposed district, ~~appoint judges and clerks of~~
 9 ~~such election, fix the hours when the polls shall open and close and~~
 10 ~~cause notice to be given as hereinafter provided and notify the county~~
 11 *commissioner of elections. The county commissioner of elections shall*

*See 64-1088-9, 199.

12 *publish notice of the election as provided in section three hundred*
 13 *eighty-six A point six (386A.6) of the Code and conduct the election*
 14 *pursuant to chapters thirty-nine (39) through fifty-three (53) of the*
 15 *Code and report the results of the election to the council. The date of*
 16 *such election shall be at least ten days after completed service of such*
 17 *notice.* The transportation company for whose benefit such election
 18 is held shall pay the expense thereof, including publication of notice
 19 and printing of ballots.

1 SEC. 306. Section three hundred eighty-six A point six
 2 (386A.6),* Code 1973, is amended to read as follows:

3 **386A.6 Publication.** The ~~city clerk of the principal city county~~
 4 ~~commissioner of elections~~ shall cause such notice to be published for
 5 three consecutive weeks in the official newspapers published in said
 6 city. Proof of such publication, by affidavit of the publisher, shall be
 7 filed with the ~~city clerk county commissioner of elections~~ on comple-
 8 tion of the publication.

1 SEC. 307. Section three hundred eighty-six B point four
 2 (386B.4),* Code 1973, is amended by adding the following new para-
 3 graph:

4 **NEW PARAGRAPH.** The council shall notify the county commis-
 5 sioner of elections when the proposition will be submitted at an elec-
 6 tion. The county commissioner of elections shall publish notice of
 7 the election in the manner specified in section three hundred eighty-
 8 six B point five (386B.5) of the Code and conduct the election pur-
 9 suant to chapters thirty-nine (39) through fifty-three (53) of the
 10 Code and report the results of the election to the council.

1 SEC. 308. Section three hundred eighty-six B point eighteen
 2 (386B.18),* Code 1973, is amended by adding the following new para-
 3 graph:

4 **NEW PARAGRAPH.** The council shall notify the county commis-
 5 sioner of elections when the proposition will be submitted at an elec-
 6 tion. The county commissioner of elections shall publish notice of
 7 the election in the manner specified in section three hundred eighty-
 8 six B point five (386B.5) of the Code and conduct the election pur-
 9 suant to chapters thirty-nine (39) through fifty-three (53) of the
 10 Code and report the results of the election to the council.

1 SEC. 309. Section three hundred ninety-seven point six (397.6),*
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The council or mayor may call a special elec-
 4 tion and notify the county commissioner of elections. The county
 5 commissioner of elections shall publish notice of the election as pro-
 6 vided in this chapter and conduct the election pursuant to chapters
 7 thirty-nine (39) through fifty-three (53) of the Code and report the
 8 results of the election to the council and mayor.

1 SEC. 310. Section three hundred ninety-seven point twenty-nine
 2 (397.29),* Code 1973, is amended by adding the following new para-
 3 graph:

4 **NEW PARAGRAPH.** The council shall notify the county commis-
 5 sioner of elections of an election called pursuant to this section. The

*See 64-1088-9, 199.

6 county commissioner of elections shall publish notice of the election
 7 as provided in section three hundred ninety-seven point thirty
 8 (397.30) of the Code and conduct the election pursuant to the pro-
 9 visions of chapters thirty-nine (39) through fifty-three (53) of the
 10 Code and report the results of the election to the council.

1 SEC. 311. Section three hundred ninety-eight point seven
 2 (398.7),* Code 1973, is amended to read as follows:

3 **398.7 Election—powers of council.** Said contract or contracts
 4 shall not be binding upon said city until the same shall have been
 5 approved by the city council at a regular meeting, or a special meet-
 6 ing called for such purpose, and shall have been adopted by a major-
 7 ity of the electors of said city voting at a city or special election,
 8 which shall have been duly called after thirty days' notice by said
 9 city. The proposition to be submitted at said election, and the form
 10 of ballot, shall be: "Shall the contract or contracts approved by the
 11 city council in relation to the waterworks be adopted?" The proposi-
 12 tion shall be printed and placed on the ballots, and the voter shall
 13 designate his choice, and the election shall be conducted, ~~in the man-~~
 14 ~~ner provided in the title on elections by the county commissioner of~~
 15 ~~elections pursuant to chapters thirty-nine (39) through fifty-three~~
 16 ~~(53) and he shall report the results of the election to the council.~~
 17 When a majority of the electors of said city at any election shall have
 18 declared in favor of the purchase or erection of any waterworks, or
 19 shall have authorized the incurring of indebtedness or issuance of
 20 bonds for waterworks, the city council may provide by contract or
 21 otherwise without submission of same to the electors, for surveys,
 22 examinations, appraisements, estimates, plans, specifications, adver-
 23 tisements for bids, and all other necessary work preliminary to the
 24 making of such contract or contracts for purchase or erection of
 25 waterworks, and pay for the same and the expense of said election
 26 out of said sinking fund.

1 SEC. 312. Section three hundred ninety-nine point one (399.1),*
 2 Code 1973, is amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** Notice of any election called under the pro-
 4 visions of this section shall be given to the county commissioner of
 5 elections. The county commissioner of elections shall publish notice
 6 of the election and conduct the election pursuant to the provisions of
 7 chapters thirty-nine (39) through fifty-three (53) of the Code and
 8 report the results of the election to the city council and mayor.

1 SEC. 313. Section four hundred seven point seven (407.7),* Code
 2 1973, is amended to read as follows:

3 **407.7 Election called.** The council on receipt of any such petition
 4 shall at the next regular meeting call a special election, ~~fixing the time~~
 5 ~~and place thereof,~~ or may submit the proposition as a special question
 6 at the next regular municipal election. The council may reject a peti-
 7 tion for a community center, or change the area of any district peti-
 8 tioned for. *The council shall notify the county commissioner of elec-*
 9 *tions, who shall publish notice of the election pursuant to section four*
 10 *hundred seven point eight (407.8) of the Code and conduct the election*
 11 *pursuant to chapters thirty-nine (39) through fifty-three (53) of the*
 12 *Code and report the results of the election to the council.*

*See 64-1088-9, 199.

1 SEC. 314. Section four hundred seven point eight (407.8),* Code
2 1973, is amended to read as follows:

3 407.8 **Notice.** ~~It~~ *The county commissioner of elections* shall give
4 notice of any election held under the provisions of this chapter by
5 publication once each week for three consecutive weeks in some news-
6 paper published in the city or town, or if none be published therein,
7 in a newspaper published in the county and of general circulation in
8 the city or town. The election shall be held on a day not less than five
9 nor more than twenty days after the last publication of notice.

1 SEC. 315. Section four hundred eight A point four (408A.4),*
2 Code 1973, is amended to read as follows:

3 408A.4 **Notice of election.** Notice of such election, stating the
4 date of the election, the hours of opening and closing the polls, the
5 precincts and polling places therefor and the question to be sub-
6 mitted shall be published *by the county commissioner of elections*
7 once each week for three consecutive weeks in some newspaper pub-
8 lished in the city or town, or if none be published therein, in a news-
9 paper published in the county and having a general circulation in
10 the city or town. The election shall be held on a day not less than
11 five nor more than twenty days after the last publication of such
12 notice *and shall be conducted by the county commissioner of elec-*
13 *tions pursuant to the provisions of chapters thirty-nine (39) through*
14 *fifty-three (53) of the Code.*

1 SEC. 316. Section four hundred twenty point one hundred thirty
2 (420.130), Code 1973, is amended to read as follows:

3 420.130 **Affidavit of candidacy.** Candidates for city precinct com-
4 mitteemen and committeewomen, ~~or candidates for ward alderman~~
5 ~~or ward councilman,~~ shall cause their names to be printed on the
6 primary ballot by filing an affidavit as provided for in section 43.18
7 ~~in the office of the city clerk~~ *with the county commissioner of elections*
8 at least thirty days prior to the day fixed for conducting the primary
9 election.

1 SEC. 317. Section four hundred twenty point one hundred thirty-
2 one (420.131), Code 1973, is amended to read as follows:

3 420.131 **Members from each precinct.** ~~A male member and a~~
4 ~~female member~~ *Two persons* for each political party shall be elected
5 from each precinct to the city central committee at the primary elec-
6 tion. They shall hold office for a period of two years immediately
7 following the adjournment of the city convention, or until ~~his or her~~
8 ~~successor~~ *is their successors* are duly elected and qualified, unless
9 sooner removed by the city central committee for failing to perform
10 the duties of committeemen, incompetency, or failing to support the
11 ticket nominated by their respective party.

1 SEC. 318. Section four hundred twenty point one hundred thirty-
2 two (420.132), Code 1973, is amended to read as follows:

3 420.132 **Committee meetings—vacancies.** The city central com-
4 mittee shall commence performing their duties on the day of the city
5 convention and vacancies occurring therein may be filled by the city
6 chairman subject to confirmation of the central committee. ~~Commit-~~
7 ~~tee members from the same precinct shall not be of the same sex.~~

*See 64-1088-9, 199.

1 SEC. 319. Section four hundred twenty point one hundred thirty-
2 three (420.133), Code 1973, is amended to read as follows:

3 **420.133 Returns of election.** Election judges shall make returns
4 of the election of members of the city central committee in the same
5 manner as returns are conducted for other officers except that the
6 election judges shall canvass the returns as to members of the city
7 central committee, and certify the results thereof to the ~~city clerk~~
8 *county commissioner of elections* with the returns.

1 SEC. 320. Section four hundred twenty point one hundred thirty-
2 four (420.134), Code 1973, is amended to read as follows:

3 **420.134 Certified list of those elected.** After the canvass of votes
4 ~~and returns~~ by the ~~city council~~ the ~~city clerk~~ *county board of super-*
5 *visors* the *county commissioner of elections* shall notify the members
6 of the central committee who have been elected of the time and place
7 of holding the city convention, and shall deliver a certified list of
8 those elected to the chairman of their respective political party's
9 central committee in the city on or before the ~~first~~ *second* Thursday
10 following the primary election.

1 SEC. 321. Section four hundred twenty point one hundred thirty-
2 six (420.136), Code 1973, is amended to read as follows:

3 **420.136 Duties of city clerk and council.** ~~The city clerk and city~~
4 ~~council shall, in municipal elections, perform those duties imposed~~
5 ~~upon the county auditor and county board of supervisors in county~~
6 ~~elections.~~ The city clerk shall keep a certified list of delegates to the
7 city convention elected at the precinct caucuses and a record of the
8 precinct committeeman and committeewoman elected at the primary
9 election. The city clerk shall maintain a current list of all members
10 of the city central committee. The certified list and records shall be
11 maintained by the city clerk for at least two years subsequent to the
12 election of the delegates and precinct committeeman and shall be
13 available for public inspection.

1 SEC. 322. Section four hundred forty-four point nine (444.9),
2 subsection three (3), Code 1973, is amended to read as follows:

3 **3.** Election expense fund. There is created in the office of the coun-
4 ty treasurer of each county a fund to be known as the election expense
5 fund. Annually, the board of supervisors shall levy an amount suffi-
6 cient to pay the costs of elections and voter registration, pursuant to
7 chapter 48, incurred by the county. The funds deposited in this
8 account shall be used to pay election and voter registration costs and
9 shall not be appropriated for any other purposes or transferred into
10 any other county fund. *If additional funds are needed to register*
11 *voters, pursuant to chapter forty-eight (48) of the Code, after*
12 *July 1, 1973, and until July 1, 1975, such costs shall be certified by the*
13 *county commissioner of registration to the board of supervisors who*
14 *shall, after approving the costs thereof, authorize the issuance of*
15 *anticipatory warrants pursuant to section three hundred thirty-four*
16 *point five (334.5) of the Code, to pay the additional costs. The*
17 *moneys necessary to redeem anticipatory warrants issued under this*
18 *subsection shall be part of the election expense fund levy for the next*
19 *year.*

1 SEC. 323. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section two (2), sub-
 3 sections fifteen (15) and sixteen (16) are amended to read as fol-
 4 lows:

5 15. "Voter" means a person eligible to register to vote, or eligible to
 6 vote if registration is not required an eligible elector as defined in
 7 section thirty-nine point three (39.3), subsection one (1) of the Code.

8 16. "Qualified voter" means a voter who is also registered if regis-
 9 tration is required qualified elector as defined in section thirty-nine
 10 point three (39.3), subsection two (2) of the Code.

1 SEC. 324. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section twenty-six
 3 (26), is amended to read as follows:

4 Sec. 26. A city may change its name as follows:

5 1. The council shall propose the name change and shall cause notify
 6 the county commissioner of elections that the question to be shall be
 7 submitted at the next regular city election.

8 2. The council county commissioner of elections shall publish notice,
 9 as provided in section three (3) of this Act, of the proposed new
 10 name, and of the fact that the question will be submitted at the next
 11 regular city election. The county commissioner of elections shall
 12 report the results of the balloting on the question to the mayor and
 13 the city council.

14 3. If a majority of those voting on the question approves the pro-
 15 posed new name, the city clerk shall enter the new name upon the city
 16 records and file certified copies of the proceedings, including the coun-
 17 cil's proposal, proof of publication of notice, and certification of the
 18 election result, with the county recorder of each county which con-
 19 tains part of the city, and with the secretary of state. Upon proper
 20 filing the name change is complete and effective.

1 SEC. 325. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section forty-three
 3 (43), is amended to read as follows:

4 Sec. 43. The committee shall approve or disapprove the petition
 5 or plan as amended, within ninety days of the final hearing, and shall
 6 file its decision for record and promptly notify the parties to the pro-
 7 ceeding of its decision. If a petition or plan is approved, the board
 8 shall set a date within ninety days for a special election on the pro-
 9 posal and shall appoint five election commissioners, except that in the
 10 case of a consolidation, the board shall appoint two election commis-
 11 sioners from each city involved the county commissioner of elections
 12 shall conduct the election. Election commissioners must be voters of
 13 the territory, city, or cities involved. In a case of incorporation or
 14 discontinuance, qualified voters of the territory or city may vote, and
 15 the proposal is authorized if a majority of those voting approves it.
 16 In a case of annexation or severance, qualified voters of the territory
 17 and of the city may vote, and the proposal is authorized if a majority
 18 of the total number of persons voting approves it. In a case of con-
 19 solidation, qualified voters of each city to be consolidated may vote,
 20 and the proposal is authorized only if it receives a favorable majority
 21 vote in each city. The election commissioners county commissioner of

*See 64-1088-9.

22 elections shall ~~serve and~~ publish notice of the election as provided in
 23 section thirty-nine (39) of this Act, and shall conduct the election in
 24 the same manner as other special city elections.

25 *The costs of an incorporation election shall be borne by the initiat-*
 26 *ing petitioners if the election fails, but if the proposition is approved*
 27 *the cost shall become a charge of the new city.*

1 SEC. 326. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section forty-four
 3 (44), is amended to read as follows:

4 Sec. 44. If a proposal is authorized by the voters, and After the
 5 election commissioners have certified the result county commissioner
 6 of elections has certified the results to the board, the board shall:

7 1. Serve and publish notice of the result as provided in section
 8 thirty-nine (39) of this Act.

9 2. File with the secretary of state, the clerk of each city incorpo-
 10 rated or involved in a boundary adjustment, and with the recorder
 11 of each county which contains a portion of any city or territory in-
 12 volved, copies of the proceedings including the original petition or
 13 plan and any amendments, the order of the board approving the peti-
 14 tion or plan, proofs of service and publication of required notices,
 15 certification of the election result, and any other material deemed by
 16 the board to be of primary importance to the proceedings. Upon
 17 proper filing and expiration of time for appeal, or upon a subsequent
 18 date as provided in the proposal, the incorporation, discontinuance,
 19 or boundary adjustment is complete, except that if an appeal to any
 20 of the proceedings is pending, completion does not occur until the
 21 appeal is decided.

1 SEC. 327. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section forty-five
 3 (45), is amended to read as follows:

4 Sec. 45. When an incorporation, discontinuance, or boundary
 5 adjustment is complete, the board shall supervise procedures neces-
 6 sary to carry out the proposal. In the case of an incorporation, ~~the~~
 7 ~~election commissioners~~ *the county commissioner of elections* shall
 8 conduct an election for mayor and council of the city, who shall serve
 9 until their successors take office following the next regular city elec-
 10 tion. In the case of a discontinuance, the board shall publish two
 11 notices as provided in section thirty-nine (39) of this Act that it will
 12 receive and adjudicate claims against the discontinued city for a
 13 period of six months, and shall cause necessary taxes to be levied
 14 against the property within the discontinued city to pay claims
 15 allowed. All records of a discontinued city shall be deposited with
 16 the county auditor of the county designated by the board, except that
 17 court records shall be deposited with the clerk of the district court
 18 of the county. In the case of boundary adjustments, the proper city
 19 officials shall carry out procedures necessary to implement the pro-
 20 posal.

1 SEC. 328. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088),* section forty-eight
 3 (48), subsection two (2), is amended to read as follows:

*See 64-1088-9.

4 2. Within one week after receiving a valid petition, the mayor
5 shall proclaim a special city election to be held within sixty days to
6 determine whether the city shall change to a different form of gov-
7 ernment. *The mayor shall notify the county commissioner of elec-*
8 *tions to publish notice of the election and conduct the election pursu-*
9 *ant to the provisions of chapters thirty-nine (39) through fifty-three*
10 *(53) of the Code. The county commissioner of elections shall certify*
11 *the results of the election to the mayor.*

1 SEC. 329. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088),* section fifty-five
3 (55), subsection two (2), is amended to read as follows:

4 2. When a charter is filed, the council ~~shall publish it and mayor~~
5 *shall notify the county commissioner of elections to publish notice and*
6 *conduct the election. The notice shall be published at least twice in*
7 *the manner provided in section three (3) of this Act, except that the*
8 *publications must occur within sixty days of the filing of the home*
9 *rule charter, with a two-week interval between each publication. The*
10 *council shall provide copies of a proposed charter for public distri-*
11 *bution by the city clerk.*

1 SEC. 330. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088),* section sixty-one
3 (61), is amended to read as follows:

4 Sec. 61. A city shall hold a regular city election on the first
5 Tuesday after the first Monday in November of each odd-numbered
6 year. A city ~~may~~ shall hold ~~general, regular, special, primary, or run-~~
7 ~~off~~ city elections as provided by state law.

8 *The mayor or council shall give notice of any special election to the*
9 *county commissioner of elections. The county commissioner of elec-*
10 *tions shall publish notice of any city election and conduct the election*
11 *pursuant to the provisions of chapter thirty-nine (39) through fifty-*
12 *three (53) of the Code, except as otherwise specifically provided in*
13 *the Acts of the General Assembly, 1972 Session, chapter one thousand*
14 *eighty-eight (1088). The results of any election shall be canvassed by*
15 *the county board of supervisors and certified by the county commis-*
16 *sioner of elections to the mayor and the council of the city for which*
17 *the election is held.*

1 SEC. 331. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088),* section sixty-four
3 (64), is amended to read as follows:

4 Sec. 64. A voter of a city may become a candidate for an elective
5 city office by filing with the city clerk a valid petition requesting that
6 his name be placed on the ballot for that office. The petition must be
7 filed ~~at least four weeks not more than sixty-five days nor less than~~
8 ~~forty days~~ before the date of the election, and must be signed by voters
9 equal in number to at least two percent of those who voted to fill the
10 same office at the last regular city election, but not less than ten per-
11 sons. *Nomination petitions shall be filed not later than five o'clock*
12 *p.m. on the last day for filing.*

13 The petitioners for an individual seeking election from a ward must
14 be residents of the ward at the time of signing the petition. An indi-

*See 64-1088-9.

15 vidual is not eligible for election from a ward unless he is a resident
16 of the ward at the time he files the petition and at the time of elec-
17 tion.

18 The petition must include the signature of the petitioners, a state-
19 ment of their place of residence, and the date on which they signed
20 the petition.

21 The petition must include the affidavit of at least one voter other
22 than the petitioners and the individual for whom the petition is being
23 filed, stating the affiant's knowledge, information, and belief as to
24 the residence of the petitioners.

25 The petition must include the affidavit of the individual for whom
26 it is filed, stating his name, his residence, that he is a candidate and
27 eligible for the office, and that if elected he will qualify for the office.

28 The city clerk shall accept the petition for filing if on its face it
29 appears to have the requisite number of signatures and if it is timely
30 filed.

31 *The city clerk shall deliver all nomination petitions to the county*
32 *commissioner of elections not later than five o'clock p.m. on the day*
33 *following the last day on which nomination petitions can be filed.*

1 SEC. 332. Acts of the Sixty-fourth General Assembly, 1972 Ses-
2 sion, chapter one thousand eighty-eight (1088),* section sixty-five
3 (65), is amended to read as follows:

4 Sec. 65. Notice and a copy of the ballot for each regular, special,
5 primary, or run-off city election must be published *by the county*
6 *commissioner of elections* as provided in section three (3) of this
7 Act, except that notice of a regular, primary, or run-off election may
8 be published not less than five days before the date of the election.
9 The published ballot must contain the names of all candidates, and
10 may not contain any party designations. The published ballot must
11 contain any question to be submitted to the voters.

1 SEC. 333. Section six point one (6.1), Code 1973, is amended to
2 read as follows:

3 **6.1 Publication of proposed amendment.** Whenever any proposi-
4 tion to amend the Constitution has passed the general assembly and
5 been referred to the next succeeding legislature, the ~~secretary of state~~
6 *commissioner of elections* shall cause the same to be published, once
7 each month, in two newspapers of general circulation in each congres-
8 sional district in the state, for the time required by the Constitution.

1 SEC. 334. Section six point two (6.2), Code 1973, is amended to
2 read as follows:

3 **6.2 Publication of proposed public measure.** Whenever any pub-
4 lic measure has passed the general assembly which under the Con-
5 stitution must be published and submitted to a vote of the entire
6 people of the state, the ~~secretary of state~~ *commissioner of elections*
7 shall cause the same to be published, once each month, in at least one
8 newspaper of general circulation in each county in the state, for the
9 time required by the Constitution.

1 SEC. 335. Section six point three (6.3), Code 1973, is amended to
2 read as follows:

*See 64-1088-9.

3 **6.3 Proof of publication—record—report to legislature.** Proof of
4 the publication specified in sections 6.1 and 6.2 shall be made by the
5 affidavits of the publishers of the newspapers designated by the ~~see-~~
6 ~~retary~~ of state *commissioner of elections*, and such affidavits, with
7 the certificate of the ~~secretary~~ of state *commissioner* of the selection
8 of such newspapers, shall be filed in his office, recorded in a book kept
9 for that purpose, and preserved by him, and in the case of constitu-
10 tional amendments he shall report to the following legislature his
11 action in the premises.

1 SEC. 336. Section six point six (6.6), Code 1973, is amended to
2 read as follows:

3 **6.6 Certification—sample ballot.** The ~~secretary~~ of state *commis-*
4 *sioner of elections* shall, not less than ~~twenty~~ *fifty-five* days preceding
5 any election at which a constitutional amendment or public measure
6 is to be submitted to a vote of the entire people of the state, transmit
7 to the ~~auditor~~ *county commissioner of elections* of each county a cer-
8 tified copy of such amendment or measure and a sample of the ballot
9 to be used in such cases, prepared in accordance with law.

1 SEC. 337. Section six point seven (6.7), Code 1973, is amended to
2 read as follows:

3 **6.7 Proclamation.** Whenever a proposition to amend the Consti-
4 tution is to be submitted to a vote of the electors, the governor shall
5 ~~include such proposed amendment in his election proclamation issue~~
6 *a proclamation of that fact, and of the date when the proposition is*
7 *to be voted on, at least sixty days before that date.*

1 SEC. 338. Section six point ten (6.10), Code 1973, is amended to
2 read as follows:

3 **6.10 Action to test legality.** Whenever an amendment to the
4 Constitution of the state of Iowa shall have been proposed and agreed
5 to by the general assembly and shall have been agreed to by the suc-
6 ceeding general assembly, any taxpayer may file suit in equity in the
7 district court at the seat of government of the state, challenging the
8 validity, legality or constitutionality of such amendment, or the pro-
9 cedure connected therewith, and in such suit the district court shall
10 have jurisdiction to determine the validity, legality or constitution-
11 ality of said amendment or the procedure connected therewith, and
12 enter its decree accordingly, and may grant a writ of injunction
13 enjoining the governor and ~~secretary~~ of state *commissioner of elec-*
14 *tions* from submitting such constitutional amendment, if it, or the
15 procedure connected therewith, shall have been found to be invalid,
16 illegal or unconstitutional.

1 SEC. 339. Section six point eleven (6.11), Code 1973, is amended
2 to read as follows:

3 **6.11 Parties.** In such suit the taxpayer shall be plaintiff and the
4 governor and ~~secretary~~ of state *commissioner of elections* shall be
5 defendants. Any taxpayer may intervene, either as party plaintiff or
6 defendant.

1 SEC. 340. Section twenty-three point four (23.4), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 Interested objectors in any municipality equal in number to one
4 percent of those voting for the office of *president of the United States*

5 or governor, *as the case may be*, at the last general election in said
6 municipality, but in no event less than twenty-five, may appeal from
7 the decision to the appeal board by serving notice thereof on the
8 clerk or secretary of such municipality within ten days after such
9 decision is entered of record.

1 SEC. 341. Section twenty-three point thirteen (23.13), Code 1973,
2 is amended to read as follows:

3 **23.13 Objections.** At any time before the date fixed for the issu-
4 ance of such bonds or other evidence of indebtedness, interested
5 objectors in any municipality equal in number to one percent of
6 those voting for the office of *president of the United States or gover-*
7 *nor, as the case may be*, at the last general election in said muni-
8 cipality, but in no event less than twenty-five, may file a petition in the
9 office of the clerk or secretary of the municipality setting forth their
10 objections thereto.

1 SEC. 342. Section twenty-four point twenty-seven (24.27), Code
2 1973, is amended to read as follows:

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

1 SEC. 343. Section thirty-seven point two (37.2), subsection one
2 (1), Code 1973, is amended to read as follows:

3 1. When it is proposed to erect the same at the expense of the
4 county, be signed by ten percent of the qualified electors thereof as
5 shown by the ~~poll list~~ *election register used* in the last preceding gen-
6 eral election, or by a majority of the members of the Grand Army of
7 the Republic, the Spanish-American War Veterans Association, Vet-
8 erans of World War I, the American Legion, Disabled American
9 Veterans of the World War, Veterans of Foreign Wars of the United

10 States, Marine Corps League and American Veterans of World War II
11 (AMVETS) of the county.

1 SEC. 344. Section one hundred two point one (102.1), Code 1973,
2 is amended to read as follows:

3 **102.1 Exemptions of members.** Any person while an active mem-
4 ber of any fire engine, hook and ladder, hose, or any other company
5 for the extinguishment of fire, or the protection of property at
6 fires, under the control of the corporate authorities of any city or
7 town, shall be exempt from ~~the performance of military duty and~~
8 ~~labor on the roads on account of poll tax, and from serving as a juror.~~
9 Any person who has been an active member of such company in any
10 city or town as aforesaid, and has faithfully discharged his duties as
11 such for the term of ten years, shall thereafter be exempt from ~~mili-~~
12 ~~tary duty in time of peace, from serving as a juror, and from labor~~
13 ~~on the roads.~~

1 SEC. 345. Section one hundred forty-five A point seven (145A.7),
2 Code 1973, is amended to read as follows:

3 **145A.7 Special election.** When a protesting petition is received,
4 the officials receiving the petition shall call a special election of all
5 qualified voters of that political subdivision for the purpose of ap-
6 proving or rejecting the order setting out the proposed merger plan.
7 The vote will be taken by ballot in the form provided ~~in section by~~
8 ~~sections 49.43 through forty-nine point forty-nine (49.49) of the~~
9 ~~Code,~~ and the election shall be initiated and held as provided in chap-
10 ter 49. A majority vote of those qualified voters voting at said special
11 election shall be sufficient to approve the order and thus include the
12 political subdivision within the merged area.

1 SEC. 346. Section one hundred seventy-four point fourteen
2 (174.14), Code 1973, is amended to read as follows:

3 **174.14 Additional county aid.** The board of supervisors may
4 upon a petition signed by twenty-five percent of the qualified voters
5 of the county as shown by the ~~pollbooks of election register used for~~
6 ~~the last preceding general election,~~ submit to the voters of the county,
7 at a general election, the proposition to purchase or accept as a gift,
8 for county or district fair purposes, real estate exceeding one thou-
9 sand dollars in value. Notice of such election shall be published in
10 the official newspapers of the county for four weeks previous to such
11 election.

1 SEC. 347. Chapter one hundred seventy-six A (176A), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Chapter 49 not applicable.** The provisions of chap-
4 ter forty-nine (49) of the Code shall not be applicable to the elec-
5 tions held pursuant to sections one hundred seventy-six A point five
6 (176A.5), one hundred seventy-six A point six (176A.6), one hun-
7 dred seventy-six A point eight (176A.8) and one hundred seventy-
8 six A point fifteen (176A.15) of the Code, and the county commis-
9 sioner of elections shall have no responsibility for the conducting of
10 those elections.

1 SEC. 348. Section three hundred nine point eighty-six (309.86),
2 Code 1973, is amended to read as follows:

3 **309.86 Submission of question.** The board shall *direct the county*

4 *commissioner of elections* to submit such question at the first general
5 election occurring not less than sixty days after the filing of said
6 petition.

1 SEC. 349. Section three hundred thirteen A point thirty-five
2 (313A.35), unnumbered paragraph one (1), Code 1973, is amended
3 to read as follows:

4 Counties are hereby authorized to issue general obligation bonds
5 for the purpose of contributing money to the commission to help
6 finance the construction of toll bridges across navigable rivers con-
7 stituting boundaries between the county and an adjoining state.
8 Prior to the issuance of such bonds the board of supervisors shall
9 call and *direct the county commissioner of elections* to hold an elec-
10 tion in said county at which the proposition shall be submitted to the
11 voters of the county in the following form:

12 "Shall the county of issue its bonds in the amount of
13 \$..... for the purpose of"?"

1 SEC. 350. Section three hundred thirty point sixteen (330.16),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 Any municipality which has heretofore or may hereafter establish
5 a municipal airport pursuant to the provisions of this chapter or of
6 any other provision of law, is hereby authorized without approval
7 at an election, to contract indebtedness and to issue general obliga-
8 tion bonds to provide funds to pay the cost of equipping, improving
9 and enlarging such airport provided, however, that if at any time
10 before the date fixed for taking action for the issuance of such bonds
11 a petition is filed with the clerk or recorder of the municipality
12 signed by qualified electors of the city or town equal in number to
13 two percent of those who voted for the office of *president of the*
14 *United States or governor, as the case may be*, at the last preceding
15 general election as shown by the election registers ~~or poll lists~~, asking
16 that the question of issuing such bonds be submitted to the legal
17 voters of the municipality, the governing body thereof shall either
18 by resolution declare the proposal to issue the bonds to have been
19 abandoned or shall call a special election to vote upon the question of
20 issuing the bonds.

1 SEC. 351. Section three hundred thirty-one point one (331.1),
2 Code 1973, is amended to read as follows:

3 **331.1 Number of members.** The board of supervisors in each
4 county shall consist of three persons, except where the number has
5 been or may hereafter be increased in the manner provided by this
6 chapter. They shall be qualified electors, and be elected by the quali-
7 fied ~~voters~~ *electors* of their respective counties, and shall hold their
8 office for four years.

1 SEC. 352. Section three hundred thirty-one point two (331.2),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 When petitioned to do so by one-tenth of the qualified electors of
5 said county having voted in the last previous general election for the
6 office of *president of the United States or governor, as the case may*
7 *be*, the board of supervisors shall, or may on its own motion by res-

8 olution, submit to the qualified electors of the county, at any regular
9 election, a proposition as to whether or not the number of supervisors
10 should be increased to five.

1 SEC. 353. Section three hundred thirty-one point three (331.3),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 In any county where the number of supervisors has been increased
5 to five, the board of supervisors shall, on petition of one-tenth of
6 the qualified electors of the county having voted in the last previous
7 general election for the office of *president of the United States or*
8 *governor, as the case may be*, or may on its own motion by resolu-
9 tion, submit to the qualified electors of the county, at any regular
10 election, a proposition as to whether or not the number of super-
11 visors should be decreased to three.

1 SEC. 354. Section three hundred thirty-one point six (331.6),
2 Code 1973, is amended to read as follows:

3 **331.6 When reduction takes effect.** If the proposition to reduce
4 the number of members of the board carries, the board shall consist
5 of the same number of members as at the time the proposition to
6 reduce was submitted, until the ~~second secular~~ *first day in January*
7 *following the next general election which is not a Sunday or legal*
8 *holiday*, at which time the terms of all members of the board shall
9 expire.

1 SEC. 355. Section three hundred thirty-one point nine (331.9),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 The board of supervisors, when petitioned by ten percent of the
5 number of qualified electors of the county having voted in the last
6 previous general election for the office of *president of the United*
7 *States or governor, as the case may be*, shall cause a special election
8 to be held within the county for the purpose of selecting the super-
9 visor representation plan enumerated in section 331.8 under which
10 such county board shall thereafter be elected.

1 SEC. 356. Section three hundred thirty-six A point one (336A.1),
2 subsection one (1), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 A board of county supervisors shall submit the issue that the office
5 of public defender be abolished to a vote of the people of the county
6 upon receipt of a petition that the office of public defender be abol-
7 ished, signed by not less than ten percent of those voting for *presi-*
8 *dent of the United States or governor, as the case may be*, in the last
9 general election, and shall submit the issue to a vote of the people at
10 the next general election or at a special election called therefor in the
11 form and manner required for the submission of public measures in
12 the title on elections. If a majority of the votes cast approve the
13 issue, the office of public defender shall be abolished on the date speci-
14 fied on the ballot.

1 SEC. 357. Section three hundred forty-five point one (345.1),
2 Code 1973, is amended to read as follows:

3 **345.1 Expenditures—when vote necessary.** The board of super-

4 visors shall not order the erection of, or the building of an addition
 5 or extension to, or the remodeling or reconstruction or relocation and
 6 replacement of a courthouse, jail, county hospital, county home or
 7 any other county building or facility, except as otherwise provided,
 8 when the probable cost will exceed ten thousand dollars, nor the pur-
 9 chase of real estate for county purposes exceeding ten thousand dol-
 10 lars in value, until a proposition therefor shall have been first sub-
 11 mitted to the ~~legal voters~~ *qualified electors* of the county, and voted
 12 for by a majority of all persons voting for and against such proposi-
 13 tion at a general or special election, notice of the same being given as
 14 in other special elections. However, such proposition need not be sub-
 15 mitted to the voters if any such erection, construction, remodeling,
 16 reconstruction, relocation and replacement, or purchase of real estate
 17 may be accomplished without the levy of additional taxes and the
 18 probable cost will not exceed fifty thousand dollars, or when a relo-
 19 cation and replacement is made necessary by the acquisition of county
 20 property for a federal or state project, and the cost of the relocation
 21 does not exceed the amount of the award of damages by the state or
 22 federal government.

1 SEC. 358. Section three hundred forty-five point thirteen
 2 (345.13), Code 1973, is amended to read as follows:

3 **345.13 Board must submit questions.** The board shall submit the
 4 question of the adoption or rescission of such a measure or the allo-
 5 cation of taxes voted to another designated purpose when petitioned
 6 by one-fourth of the ~~legal voters~~ *qualified electors* of the county, or
 7 by such different number as may be prescribed by law in any special
 8 case.

1 SEC. 359. Section three hundred forty-seven point twenty-three
 2 (347.23), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Any hospital organized and existing as a city or town hospital
 5 under the provisions of chapter 380 may become a county hospital
 6 organized and managed as provided for in this chapter, upon a prop-
 7 osition for such purpose being submitted to and approved by a major-
 8 ity of the electors of both the town or city in which such hospital is
 9 located, and of the county under whose management it is proposed
 10 that such hospital be placed, at any general or special election called
 11 for such purpose, ~~said~~. *The* proposition shall be placed upon the
 12 ballot by the board of supervisors when ~~the said board of supervisors~~
 13 ~~is~~ requested by a petition therefor signed by qualified electors of the
 14 county equal in number to five percent of the votes cast for *president*
 15 *of the United States* or governor, *as the case may be*, at the last gen-
 16 eral election; ~~said~~. *The* proposition may be submitted at the next
 17 general election or at a special election called therefor. Upon the
 18 approval of ~~said~~ *the* proposition as ~~aforsaid~~ the hospital, its assets
 19 and liabilities, will become the property of the county and this chapter
 20 will govern its future management. The question shall be submitted
 21 in substantially the following form: "Shall the municipal hospital of
 22 _____, Iowa, be transferred to and become the property of, and
 23 be managed by the county of _____, Iowa?"

1 SEC. 360. Section three hundred forty-seven point twenty-five
 2 (347.25), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 The election of hospital trustees shall take place at the general
 5 election on ballots which shall not reflect a nominee's political affilia-
 6 tion. Nomination shall be made by petition in accordance with chap-
 7 ter 45. The petition form shall be furnished by the county auditor
 8 commissioner of elections, signed by qualified electors of the county
 9 equal in number to one percent of the vote cast for *president of the*
 10 *United States or governor, as the case may be*, by both political par-
 11 ties in the last previous general election, ~~which nomination petition~~
 12 ~~and shall be filed with the county commissioner of elections at least~~
 13 ~~fifty-five days with the county auditor prior to the date of said gen-~~
 14 ~~eral election. A plurality shall be sufficient to elect hospital trustees,~~
 15 ~~it being the intent that there be no primary election.~~

1 SEC. 361. Section three hundred fifty-three point two (353.2),
 2 subsections two (2) and five (5), Code 1973, are amended to read
 3 as follows:

- 4 2. Be signed by none but ~~legal voters~~ *eligible electors* of the county.
 5 5. Be accompanied at the time of filing by affidavits of one or more
 6 ~~residents~~ *eligible electors* of the county, stating:
 7 a. That the signers of the petition were, at the time of signing,
 8 ~~legal voters~~ *eligible electors* of ~~said the~~ county.
 9 b. The number of signers to the petition at the time the affidavit is
 10 made.

1 SEC. 362. Section three hundred fifty-three point eight (353.8),
 2 subsection two (2), Code 1973, is amended to read as follows:

- 3 2. It shall strike from both the petition and the remonstrance the
 4 names of all persons shown not to have been ~~legal voters~~ *eligible elec-*
 5 *tors* of the county at the time of signing.

1 SEC. 363. Section three hundred fifty-three point nine (353.9),
 2 Code 1973, is amended to read as follows:

- 3 **353.9 Election.** If the petition shows, after all names have been
 4 stricken as hereinbefore required, that it has been signed by ~~legal~~
 5 ~~voters~~ *eligible electors* equal to at least one-half of all ~~legal voters of~~
 6 ~~persons eighteen years of age or older residing in~~ the county as shown
 7 by the last federal census, and that such number of ~~voters~~ *eligible*
 8 ~~electors~~ so signing exceeds the number of ~~voters~~ *eligible electors* who
 9 have, after all names have been stricken as required, signed the
 10 remonstrance, then the board shall order the proposition submitted
 11 to a vote of the people.

1 SEC. 364. Section three hundred fifty-three point eleven (353.11),
 2 Code 1973, is amended to read as follows:

- 3 **353.11 Notice.** The county ~~auditor~~ *commissioner of elections*
 4 shall cause notice of ~~such the~~ election to be posted in three public
 5 places in each township, at least fifty days before the day of election,
 6 and shall also cause said notice to be published in the manner ~~pre-~~
 7 ~~scribed by law~~ in some newspaper published in the county and of
 8 general circulation therein, if there be one published in the county,
 9 once each week for two consecutive weeks, the last of which publica-
 10 tions shall be at least twenty days before said election.

1 SEC. 365. Section three hundred fifty-three point twelve (353.12),
2 Code 1973, is amended to read as follows:

3 353.12 **Conduct of election—form of proposition.** The election
4 shall be conducted as elections for county officers are conducted *pur-*
5 *suant to the applicable provisions of chapters thirty-nine (39)*
6 *through fifty-three (53) of the Code.* The question shall be submitted
7 in the following form: Shall the proposition to change the county
8 seat to (naming the town or city to which the change Yes
9 is proposed) be adopted? No

1 SEC. 366. Section three hundred fifty-seven point twelve (357.12),
2 Code 1973, is amended to read as follows:

3 357.12 **Election.** When the preliminary design and assessment
4 have been approved by the board of supervisors, a date not more
5 than thirty days after such approval shall be set for an election
6 within the district to determine whether or not the proposed improve-
7 ment shall be constructed and to choose candidates for the offices of
8 trustee within the district. Except that where the benefited water
9 district is wholly within the corporate limits of a city or town, the
10 members of the city or town council shall be the trustees, and the
11 provisions hereinafter referring to the election and terms of trustees
12 are not applicable. Notice of the election, including the time and
13 place of holding the same, shall be given in the same manner as for
14 the public hearing heretofore provided for. The vote shall be by
15 ballot which shall state clearly the proposition to be voted upon, and
16 any ~~legal voter~~ *qualified elector* residing within the district at the
17 time of the election shall be entitled to vote. *It shall not be mandatory*
18 *for the county commissioner of elections to conduct elections held*
19 *pursuant to this chapter, but they shall be conducted in accordance*
20 *with the provisions of chapter forty-nine (49) of the Code where not*
21 *in conflict with this chapter.* Judges will be appointed to serve with-
22 out pay, by the board of supervisors from among the qualified ~~voters~~
23 *electors* of the district who will have charge of the election. The
24 proposition shall be deemed to have carried if a majority of those
25 voting thereon vote in favor of the same.

1 SEC. 367. Section three hundred fifty-seven B point nine
2 (357B.9), Code 1973, is amended to read as follows:

3 357B.9 **Election.** When the preliminary report has been approved
4 by the board of supervisors, a date not more than thirty days after
5 such approval shall be set for an election within the district to
6 approve the levy of a tax of not more than one and one-half mills on
7 all the taxable property within the district for the purposes set out
8 in sections 357B.11 and 357B.12, and to choose candidates for the
9 offices of trustees within the district. Notice of the election, includ-
10 ing the time and place of holding the same, shall be given in the same
11 manner as for the public hearing heretofore provided for. The vote
12 shall be by ballot which shall state clearly the proposition to be voted
13 upon, and any ~~legal voter~~ *qualified elector* residing within the district
14 at the time of the election shall be entitled to vote. *It shall not be*
15 *mandatory for the county commissioner of elections to conduct elec-*
16 *tions held pursuant to this chapter, but they shall be conducted in*
17 *accordance with the provisions of chapter forty-nine (49) of the Code*
18 *where not in conflict with this chapter.* Judges shall be appointed to

19 serve without pay by the board of supervisors from among the quali-
 20 fied ~~voters~~ *electors* of the district who will have charge of the election.
 21 The proposition shall be deemed to have carried if sixty percent of
 22 those voting thereon vote in favor of same.

1 SEC. 368. Section three hundred fifty-seven B point fourteen
 2 (357B.14), Code 1973, is amended to read as follows:

3 **357B.14 Dissolution of district.** Upon petition of thirty-five per-
 4 cent of *the* resident ~~voters~~ *eligible electors*, the board of supervisors
 5 may dissolve the benefited fire district and dispose of any remaining
 6 property, proceeds of which shall first be applied against outstanding
 7 obligations and any balance shall be applied to tax credit of property
 8 owners of the district. The board of supervisors shall continue to levy
 9 tax after dissolution of district not to exceed one and one-half mills
 10 on all the taxable property of the district until all outstanding obli-
 11 gations of the district are paid.

1 SEC. 369. Section three hundred fifty-seven B point fifteen
 2 (357B.15), Code 1973, is amended to read as follows:

3 **357B.15 Joining with city or town—election.** No benefited fire
 4 district shall join with any city or town for any joint purpose per-
 5 mitted in section 368.12 unless such joining is approved by the *quali-*
 6 *fied* electors of the joint benefited fire district as provided in this sec-
 7 tion. The trustees of a benefited fire district shall have the power,
 8 when authorized by a majority vote of the *qualified* electors thereof
 9 at a special election called for that purpose, upon notice given in the
 10 same manner provided in section 357B.9, to own, use, or operate
 11 jointly with any city or town, fire apparatus, equipment, or facilities
 12 and to provide for the purchase, rental, or maintenance of such
 13 equipment, facilities, and services.

1 SEC. 370. Section three hundred fifty-seven C point seven
 2 (357C.7), Code 1973, is amended to read as follows:

3 **357C.7 Election on proposed levy.** When a preliminary plat has
 4 been approved by the board of supervisors, an election shall be held
 5 within the district within sixty days to approve or disapprove the
 6 levy of a tax of not more than two mills on all the taxable property
 7 within the district, and to choose candidates for the offices of trustees
 8 of the district. Notice of the election, including the time and place
 9 of holding the same, shall be given in the same manner as for the
 10 original public hearing as provided herein. The vote shall be by
 11 ballot which shall state clearly the proposition to be voted upon, and
 12 any qualified ~~voter~~ *elector* residing within the district at the time of
 13 the election shall be entitled to vote. *It shall not be mandatory for*
 14 *the county commissioner of elections to conduct elections held pur-*
 15 *suant to this chapter, but they shall be conducted in accordance with*
 16 *the provisions of chapter forty-nine (49) of the Code where not in*
 17 *conflict with this chapter.* Judges shall be appointed to serve without
 18 pay by the board of supervisors from among the qualified ~~voters~~
 19 *electors* of the district who will have charge of the election. The
 20 proposition shall be deemed to have carried if sixty percent of those
 21 voting thereon vote in favor of same.

1 SEC. 371. Section three hundred fifty-seven C point eleven
 2 (357C.11), Code 1973, is amended to read as follows:

3 **357C.11 Dissolution of district.** Upon petition of thirty-five per-
4 cent of *the resident voters eligible electors*, the board of supervisors
5 may dissolve a benefited street lighting district and dispose of any
6 remaining property, proceeds of which shall first be applied against
7 outstanding obligations and any balance shall be applied to tax credit
8 of property owners of the district. The board of supervisors shall
9 continue to levy tax after dissolution of a district, of not to exceed
10 two mills on all the taxable property of the district, until all out-
11 standing obligations of the district are paid.

1 SEC. 372. Section three hundred fifty-eight point two (358.2),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 Any twenty-five or more *qualified voters eligible electors* resident
5 within the limits of any proposed sanitary district may file a petition
6 in the office of the county auditor of the county in which the proposed
7 sanitary district, or the major portion thereof, is located, requesting
8 that there be submitted to the *qualified voters electors* of such pro-
9 posed district the question whether the territory within the bound-
10 aries of such proposed district shall be organized as a sanitary district
11 under this chapter. Such petition shall be addressed to the board of
12 supervisors of the county wherein it is filed and shall set forth:

1 SEC. 373. Section three hundred fifty-eight point five (358.5),
2 Code 1973, is amended to read as follows:

3 **358.5 Hearing of petition and order.** The board of supervisors to
4 whom the petition is addressed shall preside at the hearing provided
5 for in section 358.4 and shall continue the same in session, with
6 adjournments from day to day, if necessary, until completed, with-
7 out being required to give any further notice thereof. Proof of the
8 residence and qualification of the petitioners as *qualified voters eli-*
9 *gible electors* shall be made by affidavit or otherwise as the board may
10 direct. Said board shall have power and authority to consider the
11 boundaries of any such proposed sanitary district, whether the same
12 shall be as described in such petition or otherwise, and for that pur-
13 pose may alter and amend such petition and limit or change the
14 boundaries of the proposed district as stated in the petition. The
15 boundaries of any proposed district shall not be changed to incor-
16 porate therein any property not included in the original petition and
17 published notice until the owner or owners of said property shall be
18 given notice thereof as on the original hearing. All persons in such
19 proposed district shall have an opportunity to be heard touching the
20 location and boundaries of the proposed district and to make sugges-
21 tions regarding the same, and said board of supervisors, after hear-
22 ing the statements, evidence and suggestions made and offered at the
23 hearing, shall enter an order fixing and determining the limits and
24 boundaries of such proposed district and directing that an election
25 be held for the purpose of submitting to the *qualified voters electors*
26 resident within the boundaries of the proposed district the question
27 of organization and establishment of the proposed sanitary district
28 as determined by said board of supervisors. The order shall fix a date
29 for the election not more than sixty days after the date of the order,
30 establish voting precincts within the proposed district and define their
31 boundaries and specify the polling places therein as in the board's

32 judgment will best serve the convenience of the voters, and shall
 33 appoint from residents of the proposed district three judges and two
 34 clerks of election for each voting precinct established. *It shall not be*
 35 *mandatory for the county commissioner of elections to conduct an*
 36 *election held pursuant to this section, but it shall be conducted in*
 37 *accordance with the provisions of chapter forty-nine (49) of the Code*
 38 *where not in conflict with this chapter.*

1 SEC. 374. Section three hundred fifty-eight point seven (358.7),
 2 Code 1973, is amended to read as follows:

3 **358.7 Election.** Each qualified ~~voter~~ *elector* resident within such
 4 proposed sanitary district shall have the right to cast a ballot at such
 5 election and no person shall vote in any precinct but that of his or her
 6 residence. Ballots at such election shall be in substantially the follow-
 7 ing form, to wit:

8

For Sanitary District	
Against Sanitary District	

9

10 ~~The election shall be conducted in the manner provided by law for~~
 11 ~~general elections and the ballots so cast shall be issued, received, re-~~
 12 ~~turned and canvassed in the same manner and by the same officers,~~
 13 ~~in the county whose board of supervisors is vested with jurisdiction~~
 14 ~~of the proceedings, as is provided by law in the case of ballots cast for~~
 15 ~~county officers, except as herein modified. The board of supervisors~~
 16 ~~shall cause a statement of the result of such election to be spread upon~~
 17 ~~the records of the county auditor. If a majority of the votes cast upon~~
 18 ~~the question of incorporation of the proposed sanitary district shall~~
 19 ~~be in favor of the proposed sanitary district, such proposed sanitary~~
 20 ~~district shall thenceforth be deemed an organized sanitary district~~
 21 ~~under this chapter and established as conducive to the public health,~~
 22 ~~comfort, convenience, and welfare.~~

1 SEC. 375. Section three hundred fifty-eight point nine (358.9),
 2 unnumbered paragraph one (1), Code 1973, as amended by Acts of
 3 the Sixty-fifth General Assembly, 1973 Session, Senate File eighty-
 4 two (82), section thirty-nine (39), is amended to read as follows:

5 Within thirty days after the organization of a sanitary district
 6 under this chapter, the board of supervisors which had jurisdiction
 7 of the proceedings for its establishment, together with the board of
 8 supervisors of any other county, if any, in which any part of said
 9 district is located, shall order an election to be held in the district on
 10 a date not more than sixty days after the date of the order for the
 11 purpose of electing a board of trustees, consisting of three members,
 12 except as otherwise provided in this section, for the government,
 13 control and management of the affairs and business of such sanitary
 14 district. Said board, or boards, shall cause notice of said election to be
 15 posted and published, and shall perform all other acts with reference
 16 to such election, and conduct the same, in like manner, as nearly as
 17 may be, as provided in this chapter for the election on the question
 18 of establishing such district. Each trustee shall be a citizen of the
 19 United States, not less than eighteen years of age, and a resident
 20 within said sanitary district. Each voter at said election may write in
 21 upon the ballot the names of not more than three persons whom he
 22 desires for trustees and may cast not more than one vote for each

23 of said three persons, and the three persons receiving the highest
 24 number of votes cast shall constitute the first board of trustees of the
 25 district. The term of office of the first board of trustees shall be for
 26 the period extending to the ~~second~~ *first* secular day of January follow-
 27 ing the next regular biennial election *which is not a Sunday or a legal*
 28 *holiday*. Three trustees to succeed the first board of trustees shall be
 29 nominated and elected at the next *biennial* primary and ~~regular~~ *bi-*
 30 *ennial general* elections following establishment of the district, in the
 31 same manner as provided by the primary and general election laws of
 32 this state for the nomination and election for offices to be filled by the
 33 voters of any subdivision of a county. Said trustees shall be elected
 34 for terms of two, four, and six years respectively, and their terms
 35 shall commence on the ~~second~~ *secular first* day of January ~~next there-~~
 36 ~~after~~ *following the election which is not a Sunday or a legal holiday*.
 37 At each succeeding biennial election one trustee shall be nominated
 38 and elected in the manner herein provided for a six-year term to
 39 succeed the trustee whose term next expires. In all elections for
 40 trustees each qualified ~~voter~~ *elector* resident within the district may
 41 ~~vote cast~~ one vote for each office of trustee to be filled at the election.
 42 At all elections for trustees subsequent to the election of the first
 43 board the names of all candidates for trustees of such sanitary dis-
 44 trict shall be printed on the same ballot with candidates for other
 45 offices to be filled at such election. In case a regular election precinct
 46 includes territory lying partly within and partly without the sanitary
 47 district, it shall be the duty of the ~~officers charged with the printing~~
 48 ~~and furnishing of ballots~~ *county commissioner of elections* to furnish
 49 to the election judges of such precinct two sets of official ballots, one
 50 set including the names of candidates for trustees of such sanitary
 51 district, and one set without such names. All provisions of the pri-
 52 mary and general election laws of Iowa shall govern the nomination
 53 and election of trustees hereunder, so far as applicable, and except as
 54 modified hereby.

1 SEC. 376. Section three hundred fifty-eight B point two (358B.2),
 2 unnumbered paragraphs two (2) and three (3), Code 1973, are
 3 amended to read as follows:

4 ~~Electors~~ *Eligible electors* residing within the proposed district in a
 5 number not less than five percent of those voting for *president of the*
 6 *United States or governor, as the case may be*, within said district at
 7 the last general election may petition the board of supervisors of the
 8 county or counties for the establishment of such county library dis-
 9 trict. Said petition shall clearly designate the area to be included in
 10 the district.

11 The board of supervisors of each county containing area within the
 12 proposed district shall submit the proposition to the *qualified* electors
 13 within their respective counties at any general or primary election
 14 provided said election occurs not less than forty days after the filing
 15 of the petition.

1 SEC. 377. Section three hundred fifty-nine point five (359.5),
 2 Code 1973, is amended to read as follows:

3 **359.5 Divisions where city included.** When any township has
 4 within its limits a city or town with a population exceeding fifteen
 5 hundred, the *eligible* electors of such township residing without the

6 limits of such city or town may, at any regular session of the board
7 of supervisors of the county, petition to have such township divided
8 into two townships; the one to embrace the territory without, and
9 the other the territory within such corporate limits.

1 SEC. 378. Section three hundred fifty-nine point six (359.6),
2 Code 1973, is amended to read as follows:

3 **359.6 Petition—remonstrance.** Such petition shall be accom-
4 panied by the affidavit of three *eligible* electors, to the effect that
5 all the signatures to such petition are genuine, and that the signers
6 thereof are all ~~legal voters~~ *eligible electors* of said township, residing
7 outside said corporate limits. Remonstrances signed by such ~~legal~~
8 ~~voters~~ *eligible electors* may also be presented at the hearing before the
9 board of supervisors hereinafter provided for, and if the same per-
10 sons petition and remonstrate, they shall be counted on the remon-
11 strance only.

1 SEC. 379. Section three hundred fifty-nine point eight (359.8),
2 Code 1973, is amended to read as follows:

3 **359.8 Division—effect.** If such petition is signed by a majority
4 of the *eligible* electors of the township residing without the corpo-
5 rate limits of such city or town, the board of supervisors shall divide
6 such township into two townships, as prayed; but, except for elec-
7 tion purposes, including the appointment of all judges and clerks of
8 election rendered necessary by the change, such division shall not
9 take effect until the ~~second secular~~ *first* day of January following the
10 next general election *which is not a Sunday or a legal holiday*.

1 SEC. 380. Section three hundred fifty-nine point twelve (359.12),
2 Code 1973, is amended to read as follows:

3 **359.12 Order for election.** The ~~auditor~~ *county commissioner* of
4 elections shall issue an order for such first election, stating the time
5 and place of the same, the officers to be elected, and any other busi-
6 ness to be transacted; and no business not named in such order shall
7 be transacted at such election.

1 SEC. 381. Section three hundred fifty-nine point thirteen
2 (359.13), Code 1973, is amended to read as follows:

3 **359.13 Service and return.** Such order may be directed to any
4 ~~constable of the county, or to any~~ citizen of the same township, by
5 name, and shall be served by posting copies thereof, in three of the
6 most public places in the township, fifteen days before the day of the
7 election; the original order shall be returned to the presiding officer
8 of the election, to be returned to the clerk when elected, with a return
9 thereon of the manner of service, verified by oath, if served by any
10 other than an officer.

1 SEC. 382. Section three hundred fifty-nine point forty-four
2 (359.44), unnumbered paragraph one (1), Code 1973, is amended to
3 read as follows:

4 Such proposal to levy the tax provided for in section 359.43 may
5 be submitted by the township trustees at any regular election held
6 in the township, or at a special election called for the purpose, and
7 such township trustees shall *request the county commissioner* of
8 *elections* to submit the proposition when petitioned therefor by

9 twenty-five percent of the ~~qualified~~ eligible electors of said township,
 10 or portion thereof, residing without the limits of a city or town. *The*
 11 *county commissioner shall conduct the election pursuant to the appli-*
 12 *cable provisions of chapters thirty-nine (39) through fifty-three (53)*
 13 *of the Code and certify the result to the trustees.* It shall not be neces-
 14 sary to submit such proposal to electors residing within the limits of
 15 the city or town. Notice of said election shall be given by ~~posting in~~
 16 ~~three public places in said township, or portion thereof, not less than~~
 17 ~~ten days before the time of such election as provided by chapter forty-~~
 18 ~~nine (49) of the Code.~~

1 SEC. 383. Section three hundred sixty point one (360.1), Code
 2 1973, is amended to read as follows:

3 **360.1 Election.** The trustees, on a petition of a majority of the
 4 resident freeholders of any civil township, shall *request the county*
 5 *commissioner of elections to submit the question of building or ac-*
 6 *quiring by purchase, or acquiring by a lease with purchase option, a*
 7 *public hall to the electors thereof, by posting notices of such election*
 8 *in four conspicuous places in the township, thirty days before election,*
 9 *and the. The county commissioner shall conduct the election pursu-*
 10 *ant to the applicable provisions of chapters thirty-nine (39) through*
 11 *fifty-three (53) of the Code and certify the result to the trustees.*
 12 *The form of the proposition shall be: "Shall the proposition to levy*
 13 *a tax of mills on the dollar for the erection of a public hall*
 14 *be adopted?" Notice of the election shall be given as provided by*
 15 *chapter forty-nine (49) of the Code.*

1 SEC. 384. Section three hundred sixty point three (360.3), Code
 2 1973, is amended to read as follows:

3 **360.3 Transfer of fund.** When there are funds in the hands of
 4 any township clerk, raised under the provisions of this chapter, ~~when~~
 5 ~~same is which are not desired for the purposes for which it was they~~
 6 ~~were raised, then said fund the funds may be transferred to the school~~
 7 ~~fund of any school district or districts pro rata wherein same was~~
 8 ~~raised, when a petition is presented to the trustees, signed by a major-~~
 9 ~~ity of the qualified electors of said township that voted at the last~~
 10 ~~regular election prior to the signing of said petition, as shown by the~~
 11 ~~pollbooks of election register or registers of the last preceding pri-~~
 12 ~~mary or general election held in said township, said transfer of funds~~
 13 ~~to be made by the township clerk upon order of the trustees after the~~
 14 ~~filing of said petition with said clerk.~~

1 SEC. 385. Section four hundred fifty-five point one hundred
 2 ninety-seven (455.197), subsection six (6), unnumbered paragraph
 3 two (2), Code 1973, is amended to read as follows:

4 The question may be submitted at a regular election of the dis-
 5 trict or at a special election called for that purpose. ~~The~~ *It shall not*
 6 *be mandatory for the county commissioner of elections to conduct the*
 7 *elections, however provisions of sections 49.43 through 49.49 and of*
 8 *chapter 462, insofar as the same are applicable, shall govern all such*
 9 *elections, and the question to be submitted shall be set forth in the*
 10 *notice of election.*

1 SEC. 386. Section four hundred sixty-two point three (462.3),
 2 Code 1973, is amended to read as follows:

3 **462.3 Election.** The board, at the next regular, adjourned, or
 4 special session shall canvass the petition and if signed by the requisite
 5 number of landowners, it shall order an election to be held at some
 6 convenient place in the district not less than forty nor more than
 7 sixty days from the date of such order, for the election of three
 8 trustees of such district. It shall appoint from the freeholders of
 9 the district who reside in the county or counties, three judges and
 10 two clerks of election. *It shall not be mandatory for the county com-*
 11 *missioner of elections to conduct elections held pursuant to this chap-*
 12 *ter, but they shall be conducted in accordance with the provisions of*
 13 *chapter forty-nine (49) of the Code where not in conflict with this*
 14 *chapter.*

1 **SEC. 387.** Section four hundred sixty-seven A point five (467A.5),
 2 Code 1973, is amended by adding the following new subsection:

3 **NEW SUBSECTION.** It shall not be mandatory for the county com-
 4 missioner of elections to conduct elections held pursuant to this sec-
 5 tion, but they shall be conducted in accordance with the provisions
 6 of chapter forty-nine (49) of the Code where not in conflict with
 7 this chapter.

1 **SEC. 388.** Section four hundred eighty-three point five (483.5),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 At its next regular adjourned or special session after such petition
 5 is filed, the board of supervisors shall canvass the petition, and if
 6 found to meet the requirements of law, it shall fix a time and place
 7 for holding a special election in the proposed district, appoint judges
 8 and clerks of such election, fix the hours when the polls shall open
 9 and close and cause notice to be given as hereinafter provided. The
 10 date of such election shall be at least ten days after completed service
 11 of such notice. *The county commissioner of elections shall perform*
 12 *all duties imposed on the county auditor by sections four hundred*
 13 *eighty-three point four (483.4) through four hundred eighty-three*
 14 *point eleven (483.11) of the Code, inclusive, but elections held under*
 15 *those sections shall be subject to the provisions of chapter forty-nine*
 16 *(49) of the Code only where it is not in conflict with this chapter.*

1 **SEC. 389.** Section six hundred nine point one (609.1), subsec-
 2 tions two (2) and three (3), Code 1973, are amended to read as fol-
 3 lows:

4 **2. Petit jurors.** A list of names and addresses of electors equal to
 5 one-eighth of the whole number of qualified electors in ~~said the county~~
 6 ~~who voted in the last preceding general state election~~ as shown by the
 7 ~~pollbooks election registers of the previous general election~~, from
 8 which to select petit jurors.

9 **3. Talesmen.** A list of the names and addresses of electors equal to
 10 fifteen percent of the whole number of qualified electors ~~who voted at~~
 11 ~~the last preceding general election~~, as shown by the ~~pollbooks election~~
 12 ~~registers of the previous general election~~, in the city or town in which
 13 the district court is held and in the township or townships in which
 14 such city or town is located (but in no case exceeding five hundred
 15 names) from which to select talesmen.

1 SEC. 390. Section six hundred nine point four (609.4), Code 1973,
 2 is amended to read as follows:
 3 **609.4 Auditor to apportion and certify.** On or before the date of
 4 said meeting of the appointive commission, the county auditor shall
 5 apportion the number of grand and petit jurors to be selected among
 6 the several election precincts, and the talesmen of which there shall
 7 be at least two, among the precincts from which the same are to be
 8 drawn, in each case as nearly as practicable in proportion to the num-
 9 ber of ~~votes polled~~ *electors registered* in such precincts ~~at as shown by~~
 10 *the election registers of the last general election*, and certify said
 11 apportionment to such commission.

1 SEC. 391. Section six hundred nine point five (609.5), Code 1973,
 2 is amended to read as follows:
 3 **609.5 Additional information by auditor.** For the purpose of aid-
 4 ing the appointive commission, in making the lists aforesaid, the
 5 county ~~auditor~~ *commissioner of elections* shall furnish ~~said the com-~~
 6 ~~mission with the pollbooks~~ *election registers of the last preceding*
 7 *general election, together and the clerk of the district court shall*
 8 *furnish the commission with the names of all persons who have*
 9 *served as grand or petit jurors, after the first day of January pre-*
 10 *ceding the last general election.*

1 SEC. 392. Section six hundred nine point seven (609.7), Code
 2 1973, is amended to read as follows:
 3 **609.7 Apportionment in other counties.** The county ~~auditor~~ *com-*
 4 *missioner of elections*, in counties having no appointive jury commis-
 5 sion, shall, prior to furnishing the election judges the ~~pollbooks~~
 6 *election registers*, apportion the number of grand and petit jurors to
 7 be selected from among the several election precincts, and the tales-
 8 men of which there shall be at least two, among the precincts from
 9 which the same are to be selected, in each case as nearly as prac-
 10 ticable in proportion to the number of ~~votes polled~~ *electors registered*
 11 in each precinct ~~at as shown by the election registers of the last pre-~~
 12 *ceding general election*. Such apportionment shall be computed on
 13 the same basis as provided in section 609.1.

1 SEC. 393. Section six hundred nine point eight (609.8), Code
 2 1973, is amended to read as follows:
 3 **609.8 Certification of apportionment to judges.** In all counties
 4 having no appointive jury commission, the county ~~auditor~~ *commis-*
 5 *sioner of elections* shall, at the time of the furnishing of the ~~pollbooks~~
 6 *election registers* to the judges of election, furnish them also a cer-
 7 tified statement of the number of persons apportioned to the respec-
 8 tive precincts to be returned for each grand and petit jury list.
 9 He shall also furnish the judges of election in the city or town in
 10 which the district court is held and in the township or townships in
 11 which the said city or town is located, with a certified statement of
 12 the number of persons to be returned as talesmen.
 13 He shall also furnish the judges of each election precinct in the
 14 county with the names of all persons who have served as grand or
 15 petit jurors since January 1 preceding *which shall be provided to him*
 16 *by the clerk of the district court.*

1 SEC. 394. Section six hundred nine point nine (609.9), Code
2 1973, is amended to read as follows:

3 **609.9 Duties of judges of election.** The judges of election of the
4 several precincts shall make selection of the requisite number of
5 persons to serve as grand and petit jurors, and of talesmen, if any,
6 and return separate lists of the names so selected to the county ~~auditor~~
7 *commissioner of elections* with the return of the election, but shall
8 not place on said lists the name of any person described in section
9 609.2, or judges or clerks of the election.

1 SEC. 395. Section six hundred nine point ten (609.10), Code 1973,
2 is amended to read as follows:

3 **609.10 Lists by board of supervisors.** If the judges of election
4 in any precinct fail to return any list as provided in section 609.9,
5 the board of supervisors shall, at the meeting held to canvass the
6 votes cast at such election, make and certify such list or lists for the
7 delinquent precincts, and the auditor shall file such certified lists in
8 his office and cause copies thereof to be recorded in the proper ~~elec-~~
9 *tion books record.*

1 SEC. 396. Section seven hundred thirty-eight point sixteen
2 (738.16), Code 1973, is amended to read as follows:

3 **738.16 Judges or clerks doing unlawful acts.** If any judge or
4 clerk of any election authorized by law knowingly make or consent
5 to any false entry on the ~~list of voters or pollbooks~~ *election register*;
6 or put into the ballot box, or permit to be so put in, any ballot not
7 given by a voter; or take out of such box, or permit to be so taken
8 out, any ballot deposited therein, except in the manner prescribed by
9 law; or by any other act or omission designedly destroy or change the
10 ballots given by the electors, he shall be fined not exceeding one
11 thousand dollars, and imprisoned in the penitentiary not exceeding
12 five years.

1 SEC. 397. Section seven hundred thirty-eight point nineteen
2 (738.19), Code 1973, is amended to read as follows:

3 **738.19 Failure to return ~~pollbooks~~ materials.** If any judge, clerk,
4 or messenger, after having been deputed by the judges of the election
5 to ~~carry the pollbooks of such election to the place where by law they~~
6 ~~are to be canvassed~~ *return to the county commissioner of elections the*
7 *election register and other materials as required by section fifty point*
8 *seventeen (50.17) of the Code*, willfully or negligently fail to deliver
9 them within the time ~~and in the condition~~ prescribed by law, ~~safe,~~
10 ~~with the seal unbroken~~, he shall, for every such offense, be fined not
11 more than five hundred nor less than fifty dollars.

1 SEC. 398. Section seven hundred thirty-eight point twenty
2 (738.20), Code 1973, is amended to read as follows:

3 **738.20 Improper registry and false personation.** Any person who
4 causes his name to be registered, knowing that he is not or will not
5 become a qualified ~~voter~~ *elector* in the precinct where his name is
6 registered previous to the next election, or who shall wrongfully
7 personate any ~~registered voter~~ *qualified elector*, and any person caus-
8 ing, or aiding or abetting any person in either of said acts, shall be,
9 for each offense, imprisoned in the penitentiary not less than one
10 year.

1 SEC. 399. The operation of this Act, insofar as it requires that
2 eligible electors be registered in the manner prescribed by chapter
3 forty-eight (48) of the Code as amended by this Act as a prerequi-
4 site to voting at any election or serving as election officials, is sus-
5 pended in its operation until January 1, 1975 with respect to any
6 county or portion of a county in which registration of eligible elec-
7 tors was not required as a prerequisite to voting by section forty-
8 eight point one (48.1), Code 1973, or pursuant to section forty-eight
9 point twenty-two (48.22), Code 1973, on June 30, 1973. Nothing in
10 this section shall be construed to prevent or limit the full operation
11 in all parts of the state of any of the provisions of chapter forty-eight
12 (48) of the Code as amended by this Act which pertain to the proce-
13 dure for registering electors to vote in future elections. It is the
14 intent of this Act that persons who were not required to register to
15 vote prior to the effective date of this Act may vote without register-
16 ing until January 1, 1975 in those areas where permanent voter reg-
17 istration was not required prior to the effective date of this Act, and
18 that after January 1, 1975 voter registration will be required
19 throughout this state as prescribed by chapter forty-eight (48) of
20 the Code.

21 The state commissioner of elections shall adopt rules and regula-
22 tions pursuant to chapter seventeen A (17A) of the Code providing
23 necessary procedures for selection of jurors and for conducting elec-
24 tions after the effective date of this Act and prior to January 1, 1975
25 in those areas of the state where permanent registration is not re-
26 quired as a prerequisite to voting, and the continued use of pollbooks
27 rather than election registers will therefore be necessary, until that
28 date. The procedures prescribed by the rules of the state commis-
29 sioner shall be substantially in accord with those prescribed by the
30 Code of 1973 with respect to use of pollbooks, but shall take account
31 of amendments to the elections laws made by this Act which, in the
32 judgment of the state commissioner, it is feasible to implement imme-
33 diately.

34 For the calendar year 1973 only, the respective political party
35 chairmen shall, not later than July fifteenth, submit a list of nomi-
36 nees to serve as registrars on the permanent mobile deputy registrar
37 board, in the manner required by section forty-eight point twenty-
38 seven (48.27), subsection two (2) of the Code as amended by this
39 Act, and the county commissioner of registration shall make the
40 required number of appointments to the board not later than July
41 thirty-first.

1 SEC. 400. At each election held after the effective date of this
2 Act and before January 1, 1975 in any county or portion of a county
3 in which registration is not required as a prerequisite to voting, pur-
4 suant to section three hundred eighty-eight (388) of this Act, there
5 shall be provided to each elector appearing at the polls on election
6 day an opportunity to register to vote in elections to be held after
7 January 1, 1975. Registration of voters at the polls under this sec-
8 tion shall be conducted in accordance with chapter forty-eight (48)
9 of the Code as amended by this Act, insofar as possible. It shall be
10 the duty of the precinct election judges and clerks, in addition to
11 their usual duties, to register all eligible electors as defined by this
12 Act who desire to register at the polls as permitted by this section,

13 unless the county commissioner of registration appoints other per-
 14 sons to perform this duty. The county commissioner of registration
 15 shall in advance of the 1974 general election, and may in advance
 16 of any other election occurring after the effective date of this Act
 17 and before January 1, 1975, appoint two or more persons in the man-
 18 ner provided by section ninety-four (94) of this Act to register elec-
 19 tors at each polling place on election day as permitted by this section.

1 SEC. 401 Sections thirty-nine point five (39.5), forty-three point
 2 twenty-three (43.23), forty-three point twenty-four (43.24), forty-
 3 three point twenty-nine (43.29), forty-three point thirty-one (43.31),
 4 forty-three point thirty-two (43.32), forty-three point thirty-three
 5 (43.33), forty-three point thirty-four (43.34), forty-three point
 6 thirty-five (43.35), forty-three point thirty-seven (43.37), forty-
 7 three point forty (43.40), forty-three point forty-three (43.43),
 8 forty-three point ninety-eight (43.98), forty-three point one hun-
 9 dred sixteen (43.116), forty-three point one hundred twenty-two
 10 (43.122), forty-eight point three (48.3), forty-eight point twenty-
 11 two (48.22), forty-eight point twenty-three (48.23), forty-eight
 12 point twenty-four (48.24), forty-eight point twenty-five (48.25),
 13 forty-nine point two (49.2), forty-nine point seventeen (49.17),
 14 forty-nine point nineteen (49.19), forty-nine point twenty-two
 15 (49.22), forty-nine point fifty-two (49.52), forty-nine point sixty-
 16 nine (49.69), forty-nine point one hundred six (49.106), forty-nine
 17 point one hundred fourteen (49.114), forty-nine point one hundred
 18 sixteen (49.116), forty-nine point one hundred seventeen (49.117),
 19 fifty point eighteen (50.18), fifty point twenty (50.20), fifty point
 20 twenty-one (50.21), fifty point twenty-two (50.22), fifty-three point
 21 twenty (53.20), fifty-three point twenty-one (53.21), fifty-three
 22 point twenty-eight (53.28), fifty-three point twenty-nine (53.29),
 23 fifty-three point thirty-three (53.33), fifty-three point forty-five
 24 (53.45), one hundred two point three (102.3), two hundred seventy-
 25 three point six (273.6), two hundred seventy-five point nineteen
 26 (275.19), two hundred seventy-five point twenty-two (275.22), two
 27 hundred seventy-seven point three (277.3), two hundred seventy-
 28 seven point five (277.5), two hundred seventy-seven point seven
 29 (277.7), two hundred seventy-seven point eight (277.8), two hun-
 30 dred seventy-seven point nine (277.9), two hundred seventy-seven
 31 point ten (277.10), two hundred seventy-seven point eleven (277.11),
 32 two hundred seventy-seven point twelve (277.12), two hundred sev-
 33 enty-seven point thirteen (277.13), two hundred seventy-seven point
 34 fourteen (277.14), two hundred seventy-seven point fifteen (277.15),
 35 two hundred seventy-seven point sixteen (277.16), two hundred sev-
 36 enty-seven point seventeen (277.17), two hundred seventy-seven
 37 point eighteen (277.18), two hundred seventy-seven point nineteen
 38 (277.19), two hundred seventy-seven point twenty-one (277.21),
 39 two hundred seventy-seven point thirty-three (277.33), two hundred
 40 seventy-seven point thirty-four (277.34), three hundred thirty-one
 41 point twenty-eight (331.28), three hundred sixty-three point nine-
 42 teen (363.19), three hundred eighty-six point six (386.6), three hun-
 43 dred eighty-six A point seven (386A.7), three hundred eighty-six A
 44 point eight (386A.8), three hundred eighty-six A point nine
 45 (386A.9), four hundred twenty point one hundred thirty-eight

46 (420.138) and six hundred nine point six (609.6), Code 1973, are
47 repealed.

Approved June 29, 1973.

CHAPTER 137
POLLING PLACES

S. F. 501

AN ACT relating to the selection of polling places for elections.

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

1 SECTION 1. Section forty-nine point twenty-one (49.21), Code
2 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. In the selection of polling places, consideration
4 shall also be given to the use of buildings accessible to elderly and
5 physically disabled persons.

Approved May 24, 1973.

CHAPTER 138
CAMPAIGN CONTRIBUTIONS

S. F. 583

AN ACT relating to the disclosure of campaign contributions and expenditures by candidates, persons, political committees, and political parties, providing for an income tax check-off for campaign contributions, relating to campaign expense limitations, and providing penalties.

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

1 SECTION 1. Chapter fifty-six (56), Code 1973, is amended by strik-
2 ing the chapter and inserting sections two (2) through twenty-seven
3 (27) of this Act in lieu thereof.

1 SEC. 2. NEW SECTION. This Act may be cited as the "Campaign
2 Disclosure—Income Tax Check-off Act".

1 SEC. 3. NEW SECTION. As used in this Act, unless the context
2 otherwise requires:

3 1. "Candidate" means any individual who has taken affirmative
4 action to seek nomination or election to a public office but shall exclude
5 any judge standing for retention in a judicial election.

6 2. "Public office" means any federal, state, county, city, or school
7 office filled by election.

8 3. "County office" includes the office of drainage district trustee.

9 4. "Contribution" means:

10 a. A gift, loan, advance, deposit, rebate, refund, or transfer of
11 money or a gift in kind.

12 b. The payment, by any person other than a candidate or political
13 committee, of compensation for the personal services of another per-

14 son which are rendered to a candidate or political committee for any
15 such purpose.

16 "Contribution" shall not include services provided without compen-
17 sation by individuals volunteering their time on behalf of a candidate
18 or political committee except when organized or provided on a collec-
19 tive basis by a business, trade association, labor union, or any other
20 organized group or association. "Contribution" shall not include re-
21 freshments served at a campaign function so long as such refresh-
22 ments do not exceed fifty dollars in value or transportation provided
23 to a candidate so long as its value computed at a rate of ten cents
24 per mile does not exceed fifty dollars in value.

25 5. "Person" means, without limitation, any individual, corporation,
26 government or governmental subdivision or agency, business trust,
27 estate, trust, partnership or association, labor union, or any other
28 legal entity.

29 6. "Political committee" means a person, including a candidate, or
30 committee, including a statutory political committee, which accepts
31 contributions or makes expenditures in the aggregate of more than
32 one hundred dollars in any one calendar year for the purpose of sup-
33 porting or opposing a candidate for public office.

34 7. "State statutory political committee" means a committee as
35 defined in section forty-three point one hundred eleven (43.111) of the
36 Code.

37 8. "County statutory political committee" means a committee as
38 defined in section forty-three point one hundred (43.100) of the Code.

39 9. "Campaign function" means any meeting related to a candidate's
40 campaign for election.

41 10. "Commission" means the campaign finance disclosure commis-
42 sion created under section ten (10) of this Act.

43 11. "State income tax liability" means the state individual income
44 tax imposed under section four hundred twenty-two point five (422.5)
45 of the Code reduced by the sum of the deductions from the computed
46 tax as provided under section four hundred twenty-two point twelve
47 (422.12) of the Code.

48 12. "Fund-raising event" means any campaign function to which
49 admission is charged or at which goods or services are sold.

1 SEC. 4. NEW SECTION.

2 1. Every political committee shall appoint a treasurer. An expendi-
3 ture shall not be made by the treasurer or his designee for or on be-
4 half of a political committee without the approval of the chairman of
5 the political committee, or the candidate.

6 2. Every person who receives contributions in excess of one hun-
7 dred dollars for a political committee shall, not later than fifteen days
8 from the date of receipt of the contributions or on demand of the
9 treasurer, render to the treasurer an account of the total of all contri-
10 butions; including the name and address of the persons making a con-
11 tribution in excess of ten dollars, the amount of such contribution,
12 and the date on which the contributions were received. All funds of
13 a political committee shall be segregated from any personal funds of
14 officers, members, or associates of the political committee.

15 3. The treasurer of a political committee shall keep a detailed and
16 exact account of:

- 17 a. All contributions made to or for the political committee.
 18 b. The name and mailing address of every person making contri-
 19 butions in excess of ten dollars, and the date and amount of the con-
 20 tribution.
 21 c. All disbursements made from contributions by or on behalf of
 22 the political committee.
 23 d. The name and mailing address of every person to whom any ex-
 24 penditure is made, the date and amount of the expenditure and the
 25 name and address of, and office sought by each candidate, if any, on
 26 whose behalf the expenditure was made. Notwithstanding the pro-
 27 visions of this paragraph, the treasurer may keep a miscellaneous
 28 account for disbursements of less than five dollars which need only
 29 show the amount of the disbursement so long as the aggregate miscel-
 30 laneous disbursements to any one person during a calendar year do
 31 not exceed one hundred dollars.
 32 e. Notwithstanding the provisions of subsection three (3), para-
 33 graph d, of this section, when an expenditure is made by a political
 34 committee in support of the entire state or local political party ticket,
 35 only the name of the party shall be given.
 36 4. The treasurer shall preserve all records required to be kept by
 37 this section for a period of one year from the date of the election.

1 SEC. 5. NEW SECTION. All statements and reports required to be
 2 filed under this Act for a federal or state office shall be filed with the
 3 state commissioner. All statements and reports required to be filed
 4 under this Act for a county, city or school office shall be filed with the
 5 commissioner. State statutory political committees shall file all state-
 6 ments and reports with the state commissioner. All other statutory
 7 political committees shall file the statements and reports with the
 8 appropriate commissioner with a copy sent to the state commissioner.

1 SEC. 6. NEW SECTION.

2 1. Every political committee shall file with the state commissioner
 3 or commissioner a statement of organization within ten days from the
 4 date of its organization. Any political committee in existence on
 5 July 1, 1973 shall file a statement of organization with the state com-
 6 missioner or commissioner not later than September 30, 1973. The fil-
 7 ing with the state commissioner or the commissioner by a candidate
 8 of an affidavit, certificate of nomination, or nomination petition in
 9 accordance with sections forty-three point eighteen (43.18), forty-
 10 four point three (44.3), forty-five point four (45.4), two hundred
 11 seventy-seven point four (277.4) and three hundred sixty-three point
 12 fourteen (363.14), of the Code shall constitute the filing of the state-
 13 ment of organization by the candidate; after July 1, 1974, filing of
 14 a petition under chapter one thousand eighty-eight (1088), section
 15 sixty-four (64), Acts of the Sixty-fourth General Assembly, 1972 Ses-
 16 sion, shall constitute the filing of the statement of organization by the
 17 candidate.

18 2. The statement of organization shall include:

- 19 a. The name and mailing address of the political committee.
 20 b. The name, mailing address, and position of the political commit-
 21 tee officers.
 22 c. The name, mailing address, and position of the custodian of rec-
 23 ords and accounts.

24 d. The name, address, office sought, and the party affiliation of all
 25 candidates whom the political committee is supporting and if the polit-
 26 ical committee is supporting the entire ticket of any party, the name
 27 of the party.

28 e. The disposition of funds which will be made in the event of dis-
 29 solution if the committee is not a statutory committee.

30 f. Such other information as may be required by this Act or rules
 31 adopted pursuant to this Act.

32 3. Any change in information previously submitted in a statement
 33 of organization or notice in case of dissolution of the political com-
 34 mittee shall be reported to the state commissioner or commissioner
 35 not more than thirty days from the date of the change or dissolution.

1 SEC. 7. NEW SECTION.

2 1. Each treasurer of a political committee shall file with the state
 3 commissioner or commissioner reports of contributions received and
 4 disbursed on forms prescribed by the state commissioner. The re-
 5 ports shall be filed on the twentieth day of January, May, July, and
 6 October of each year. The January and July reports shall be current
 7 to the end of the month preceding the filing. The May and October
 8 reports shall be current as of five days prior to the filing deadline.
 9 The January report shall be the annual report.

10 2. If any political committee, after having filed one or more state-
 11 ments of organization, dissolves or determines that it shall no longer
 12 receive contributions or make disbursements, the treasurer of the
 13 political committee shall notify the state commissioner or the com-
 14 missioner within thirty days following such dissolution by filing a
 15 dissolution report on forms prescribed by the state commissioner.

16 3. Each report under this section shall disclose:

17 a. The amount of cash on hand at the beginning of the reporting
 18 period.

19 b. The name and mailing address of each person who has made one
 20 or more contributions to the political committee including the pro-
 21 ceeds or contributions from any fund-raising events, when the aggre-
 22 gate amount in a calendar year exceeds the amount specified in the
 23 following schedule:

- | | | |
|----|---|-------|
| 24 | (1) For any candidate for school or township office | \$ 25 |
| 25 | (2) For any candidate for city office | \$ 25 |
| 26 | (3) For any candidate for county office | \$ 25 |
| 27 | (4) For any candidate for the general assembly | \$ 50 |
| 28 | (5) For any candidate for the congress of the United States.... | \$100 |
| 29 | (6) For any candidate for statewide office | \$100 |
| 30 | (7) For any state statutory political committee | \$100 |
| 31 | (8) For any county statutory political committee | \$ 50 |

32 c. The total amount of contributions made to the political committee
 33 during the reporting period and not reported under paragraph b of
 34 this subsection.

35 d. The name and address of each political committee from which
 36 the reporting committee received or to which that committee trans-
 37 ferred funds, together with the amounts and date of such receipts or
 38 disbursements.

39 e. Each loan to or from any person within the calendar year in an
 40 aggregate amount in excess of those amounts enumerated in the
 41 schedule in paragraph b of this subsection, together with the name

42 and mailing address of the lender and endorsers and the date and
 43 amount of such loans. A state or county statutory political commit-
 44 tee shall report the name and mailing address of each person who has
 45 made one or more loans in an aggregate amount in excess of one hun-
 46 dred dollars.

47 f. The total amount of proceeds or contributions from any fund-
 48 raising event.

49 g. The name and mailing address of each person to whom disburse-
 50 ments have been made by the political committee from contributions
 51 during the reporting period and the amount and date of each dis-
 52 bursement except that disbursements of less than five dollars may be
 53 shown as miscellaneous disbursements so long as the aggregate mis-
 54 cellaneous disbursements to any one person during a calendar year do
 55 not exceed five dollars.

56 h. The amount and nature of debts and obligations owed in excess
 57 of those amounts stated in the schedule in paragraph b of this section
 58 by or to the political committee, in such form as the state commissioner
 59 may prescribe and a continuous reporting of its debts and obliga-
 60 tions following the election at such times as the state commissioner
 61 may require until such debts and obligations are paid.

62 i. Such other information as may be required by this Act or rules
 63 adopted pursuant to this Act.

64 j. The aggregate amount received by a candidate or an officeholder
 65 in any form of an honorarium in excess of those amounts enumerated
 66 in the schedule in paragraph b of this subsection.

67 4. The reports required to be filed by this section shall be cumula-
 68 tive during the calendar year, but where there has been no change in
 69 an item reported in a previous report during the year, only the amount
 70 shall be carried forward. If no contributions have been accepted nor
 71 any disbursements made during a calendar year, the treasurer of the
 72 political committee shall also be required to file a statement.

1 SEC. 8. NEW SECTION.

2 1. A report or statement required to be filed by a treasurer of a
 3 political committee, a candidate, or by any other person, shall be signed
 4 by the person filing the report.

5 2. A copy of every report or statement shall be preserved by the
 6 person filing it or his successor for at least one year following the filing
 7 of the report or statement.

1 SEC. 9. NEW SECTION.

2 1. The state commissioner shall:

3 a. Develop forms for the filing of reports and statements required
 4 to be filed under this Act.

5 b. Furnish the necessary forms to persons required to file reports
 6 and statements and to the commissioners.

7 c. Distribute the necessary forms to each commissioner to be fur-
 8 nished to persons required to file reports and statements.

9 d. Recommend rules to the commission to carry out the provisions
 10 of this Act.

11 2. The commissioners shall furnish the necessary forms to persons
 12 required to file reports and statements in their office.

13 3. The state commissioner and the commissioner shall:

14 a. Make the reports and statements filed available for public inspec-

15 tion and copying, not later than the end of the day following the day
 16 during which a report or statement was received. There may be a
 17 charge for the actual cost of copying these reports and statements. In-
 18 formation copied from reports and statements shall not be sold by any
 19 person for the purpose of soliciting contributions or for any commer-
 20 cial purpose.

21 b. Preserve the reports and statements for a period of five years
 22 from the date of receipt.

23 c. Prepare and publish such other reports as may be deemed appro-
 24 priate.

1 SEC. 10. NEW SECTION.

2 1. There is created a campaign finance disclosure commission which
 3 shall consist of five members, not more than three of whom shall be
 4 from the same political party. The governor shall appoint the mem-
 5 bers of the commission for a term of six years, subject to the con-
 6 firmation of the senate. Of the members first appointed one member
 7 shall be appointed for a term of two years, two members shall be
 8 appointed for a term of four years, and two members shall be ap-
 9 pointed for a term of six years, beginning July 1, 1973. Any vacancy
 10 shall be filled by appointment for the unexpired portion of the term
 11 in accordance with the provisions for regular appointment insofar as
 12 is applicable.

13 2. The commission shall elect one member to serve as chairman and
 14 one member to serve as vice chairman. The vice chairman shall act
 15 as the chairman in the absence or disability of the chairman or in the
 16 event of a vacancy in that office.

17 3. Members of the commission shall, while serving on the business
 18 of the commission, be entitled to receive a per diem of forty dollars
 19 and actual and necessary expenses actually incurred in the perform-
 20 ance of their duties.

21 4. The commission shall employ such personnel as are necessary to
 22 carry out the duties of the commission, consistent with the provisions
 23 of chapter nineteen A (19A) of the Code and subject to the policies
 24 of the commission.

1 SEC. 11. NEW SECTION. The commission shall:

2 1. Approve the forms developed by the state commissioner pursuant
 3 to section nine (9), subsection one (1), paragraph a of this Act.

4 2. Review reports and statements filed under the provisions of this
 5 Act and may, upon its own motion, initiate action and conduct a hear-
 6 ing as provided in section twelve (12), subsections one (1) and two
 7 (2) of this Act.

8 3. Prepare and publish a manual setting forth examples of ap-
 9 proved uniform systems of accounts for use by persons required to
 10 file statements and reports by this Act.

11 4. Assure that the statements and reports which have been filed in
 12 accordance with this Act are available for public inspection and copy-
 13 ing during the regular office hours of the state and county commission-
 14 ers of election.

15 5. Adopt rules pursuant to chapter seventeen A (17A) of the Code
 16 to carry out the provisions of this Act.

17 6. Determine, in case of dispute, at what time a person has become
 18 a candidate.

1 SEC. 12. NEW SECTION.

2 1. Any opposing candidate, candidate's political committee or stat-
3 utory political committee may file a complaint of an alleged violation
4 with the commission and such complaint shall be verified and shall be
5 supported by affidavit detailing the circumstances of the violation
6 alleged. If the commission initiates action on its own motion, the
7 commission shall file a complaint of an alleged violation supported by
8 an affidavit detailing the violation alleged. The commission shall send
9 a copy of the complaint and a notice of hearing, which shall be set
10 not more than four days from the date the complaint is received by
11 the commission, to the person, candidate, or political committee
12 against which the complaint is filed and to each candidate, if any, for
13 the public office affected. In such instances as shall be determined by
14 the commission, the county attorney or the attorney general shall
15 assist the commission in any investigation and report to the commis-
16 sion as directed.

17 2. The commission shall investigate the complaint and conduct the
18 hearing. The commission shall have the power to subpoena and re-
19 view all records of a candidate or political committee required to be
20 kept under this Act. Due process, including the right to be repre-
21 sented by counsel, shall be accorded the accused. The commission
22 shall provide for the confidentiality of the records of a candidate or
23 political committee during the investigation and hearing process and
24 shall provide for confidential hearings if requested by either party to
25 the complaint. After the hearing the commission shall determine
26 whether or not there is a reasonable belief that a violation of the pro-
27 visions of this Act did occur. The commission shall send a copy of its
28 findings of fact and decision to the person, candidate or political com-
29 mittee against which the complaint was filed and to each candidate
30 for the public office affected.

31 3. If the commission finds that the person, candidate, or political
32 committee has engaged in any act or practice which constitutes a viola-
33 tion of this Act, the commission shall report such a suspected viola-
34 tion of law to the United States attorney, the attorney general, or the
35 county attorney, as the case may be, with a recommendation of appro-
36 priate action to be taken.

37 4. Upon receipt of the report and recommendations of the com-
38 mission, the county attorney or attorney general shall review the
39 report and recommendation and within five days of receiving the re-
40 port institute the recommended actions and any other action for relief,
41 including a permanent or temporary injunction, restraining order or
42 other appropriate remedy in the district court in and for the county
43 in which the accused resides or shall advise the commission that in
44 his judgment the case does not merit prosecution. In the event the
45 county attorney or attorney general does not initiate the recommended
46 action within five days of receipt or if he advises against prosecution
47 of the report, the commission may take the report before any judge
48 of the district court, who shall determine if sufficient cause exists to
49 warrant action. If the judge of the district court finds that the report
50 warrants prosecution, the county attorney or attorney general shall
51 immediately commence the action or disqualify himself. In the event
52 of disqualification, the commission may retain an attorney to repre-

53 sent it and commence the action. The county attorney, attorney gen-
54 eral, or United States attorney, may also institute criminal action.

1 SEC. 13. NEW SECTION. A person shall not make a contribution
2 or expenditure in the name of another person, and a person shall not
3 knowingly accept a contribution or expenditure made by one person
4 in the name of another.

1 SEC. 14. NEW SECTION. Action by any person or political com-
2 mittee on behalf of a candidate, if known and approved by the candi-
3 date, shall be deemed action by the candidate. It shall be presumed
4 that a candidate approves such action if he had knowledge thereof and
5 failed to file a statement of disavowal with the appropriate commis-
6 sioner of elections and take corrective action within seventy-two hours
7 thereof.

8 However, this section shall not be construed to require duplicate
9 reporting of anything reported under this Act, by a political commit-
10 tee, or of action by any person which does not constitute a contribu-
11 tion.

1 SEC. 15. NEW SECTION. **Executive, legislative and congressional**
2 **offices.** The state commissioner shall determine the total number of
3 votes cast for candidates for the office of president of the United
4 States by the electors of the state in each state legislative district, in
5 each congressional district, and statewide at the preceding presidential
6 election.

7 The state commissioner shall in each case multiply the total number
8 of votes cast for all presidential candidates by thirty cents. The re-
9 sulting amount shall be the campaign expense limitation for candi-
10 dates seeking offices in the executive and legislative branches of state
11 government and candidates seeking congressional offices, respectively.

1 SEC. 16. NEW SECTION. **Campaign expenses.** Candidates subject
2 to the campaign expense limitation provided in section fifteen (15) of
3 this Act shall not expend an amount greater than their limitation for
4 all of the following combined purposes in connection with each pri-
5 mary, special, or general election campaign:

- 6 1. Television advertising
- 7 2. Radio advertising
- 8 3. Newspaper advertising
- 9 4. Billboard advertising

10 If any of the above means of campaigning are made available to or
11 for the benefit of a candidate for free or at a reduced rate, or if the
12 candidate owns the means of campaigning, he shall report this fact on
13 his statement. In addition he shall report the fair market value of
14 the means of campaigning used and shall apply this sum to his cam-
15 paign expense limitations in the same manner as if actually expended.

16 Candidates subject to this section shall not be required to apply
17 the fair market value of the following items to their campaign expense
18 limitation:

- 19 1. Coverage on television or radio news broadcasts.
- 20 2. Newspaper editorials and articles relating to the candidates or
21 campaign issues.
- 22 3. Television or radio debates, provided all the candidates for the

23 office representing a political party, are participants in the debate or
24 were invited to participate.

25 4. Television or radio discussion programs, provided that each can-
26 didate for the office, representing a political party of the state, has
27 been offered equal time or is also a participant in the program.

1 SEC. 17. NEW SECTION. Any person who willfully violates any
2 provisions of this Act shall upon conviction, be subject to a fine of not
3 more than one thousand dollars or imprisonment in the county jail
4 for not more than thirty days.

1 SEC. 18. NEW SECTION. This Act shall apply to candidates for
2 federal office only in the event such candidates are not subject to a
3 federal law requiring the disclosure of campaign financing. Any such
4 federal law shall supersede the provisions of this Act.

1 SEC. 19. NEW SECTION. Any person whose state income tax lia-
2 bility for any taxable year is one dollar or more may designate one
3 dollar of such liability to be paid over to the "Iowa election campaign
4 fund" for the account of any specified political party, as defined by
5 section forty-three point two (43.2) of the Code when submitting his
6 state income tax return to the department of revenue. In the case of
7 a joint return of husband and wife having a state income tax liability
8 of two dollars or more, each spouse may designate that one dollar be
9 paid to any such account in the fund. The director of revenue
10 shall revise the income tax form to allow the designation of political
11 contributions to a political party on the face of the tax return and
12 immediately above the signature lines.

1 SEC. 20. NEW SECTION. The "Iowa election campaign fund" is
2 created within the office of the treasurer of state. The fund shall
3 consist of funds paid by persons having an Iowa income tax liability
4 as provided in section nineteen (19) of this Act. The director of
5 revenue shall remit funds collected as provided in section nineteen
6 (19) of this Act to the treasurer of state who shall deposit such funds
7 in the appropriate account within the Iowa election campaign fund.
8 Such funds shall be subject to payment to the treasurer of the speci-
9 fied political party by the state comptroller in the manner provided in
10 this Act.

1 SEC. 21. NEW SECTION. The state director of revenue, in coopera-
2 tion with the state comptroller and campaign finance disclosure com-
3 mission, shall administer the provisions of sections nineteen (19)
4 through twenty-seven (27) of this Act and they shall promulgate all
5 necessary rules and regulations in accordance with chapter seventeen
6 A (17A) of the Code.

1 SEC. 22. NEW SECTION. Any candidate for public office, except
2 president or vice president of the United States, may receive campaign
3 funds through the state statutory political committee under this Act
4 from the Iowa election campaign fund. However, the chairman of the
5 state statutory political committee shall apply to the state comptroller
6 for these funds not later than sixty-five days before a general election.
7 The state comptroller shall remit by check drawn upon the Iowa
8 election campaign fund all funds in the party's account to the chair-

9 man upon certification by the state commissioner that the party has
10 qualified to have candidate names placed on the official general election
11 ballot.

1 SEC. 23. NEW SECTION. The chairman of the state statutory
2 political committee shall distribute the funds received from the direc-
3 tor as he is directed to do so by the party, except that all moneys
4 delegated for the campaigning purposes for the offices of representa-
5 tive in congress, state representative, and state senator shall be dis-
6 tributed on a strictly equal basis to all the party's candidates for those
7 offices. Funds distributed pursuant to this Act shall not be used for
8 primary election expenses or for expenses related to the selection of
9 a candidate at a political convention.

1 SEC. 24. NEW SECTION. The chairman of the state statutory polit-
2 ical committee shall produce evidence to the state comptroller and
3 campaign finance disclosure commission not later than thirty days
4 after the election returns have been certified by the state commis-
5 sioner, that all funds paid for the campaign expenses of that election
6 have been utilized exclusively for such campaign expenses.

7 The campaign finance disclosure commission shall issue, prior to
8 the payment of any money, guidelines which explain which expenses
9 and evidence thereof qualify as acceptable campaign expenses.

10 Should the campaign finance disclosure commission and the state
11 comptroller determine that any part of the funds have been used for
12 noncampaign or improper expenses, they may order the political
13 party or the candidate to return all or any part of the total funds
14 paid to that political party for that election. When such funds are
15 returned, they shall be deposited in the general fund of the state.

1 SEC. 25. NEW SECTION. All funds on account for the campaign
2 expenses of any designated political party which are not utilized by
3 that political party by the thirty-first day after the state commissioner
4 has certified the election returns of a general election, shall revert to
5 the general fund of the state.

1 SEC. 26. NEW SECTION. The director of revenue shall provide
2 space for this campaign finance income tax check-off on the most fre-
3 quently used Iowa income tax form. An explanation shall be included
4 which clearly states that this check-off does not constitute an addi-
5 tional tax liability. The form shall provide for the taxpayer to desig-
6 nate that the check-off shall go to the political party of his choice.

1 SEC. 27. There is appropriated from the Iowa election campaign
2 fund within the office of the treasurer of state such funds as are legally
3 payable from such fund in accordance with the provisions of this Act.

1 SEC. 28. Section sixty-six point one (66.1), Code 1973, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. Upon conviction of violating the provisions of
4 this Act.

1 SEC. 29. House File 745, enacted by the Sixty-fifth General Assem-
2 bly, 1973 Session, section three (3), unnumbered paragraph one (1),
3 amending section thirty-nine point three (39.3), Code 1973, is
4 amended to read as follows:

5 The definitions established by this section shall apply wherever the
6 terms so defined appear in this chapter and in chapters forty-three
7 (43), forty-four (44), forty-five (45) and forty-seven (47) through
8 fifty-three (53), inclusive, and *chapter fifty-six (56)*, of the Code
9 unless the context in which any such term is used clearly requires
10 otherwise.

1 SEC. 30. House File 745, enacted by the Sixty-fifth General Assem-
2 bly, 1973 Session, section sixty-two (62), unnumbered paragraph
3 three (3), amending section forty-three point one hundred eleven
4 (43.111), Code 1973, is amended to read as follows:

5 The state central committee so selected may organize at pleasure for
6 political work as is usual and customary with such committees, adopt
7 bylaws, provide for the governing of party auxiliary bodies, and shall
8 continue to act until succeeded by another central committee selected
9 as required by this section. ~~The auditor of state shall annually audit~~
10 ~~the receipts and disbursements of each political party's state party~~
11 ~~central committee shall be audited annually by a certified public ac-~~
12 ~~countant selected by the state party central committee and the audit~~
13 ~~report shall be filed with the state commissioner.~~

1 SEC. 31. Sections seven hundred thirty-eight point five (738.5),
2 seven hundred thirty-eight point six (738.6), and seven hundred forty
3 point fourteen (740.14), Code 1973, are repealed.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1975.

CHAPTER 139

MINES AND MINERALS

H. F. 779

AN ACT relating to the inspection and regulation of mines, to abolish the department of mines and minerals, and to transfer certain administrative powers and duties to other state agencies and making an appropriation.

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

1 SECTION 1. Section sixty-eight B point two (68B.2), subsection
2 four (4), Code 1973, is amended to read as follows:

3 4. "Regulatory agency" means department of agriculture, indus-
4 trial commissioner, bureau of labor, employment security commission,
5 department of banking, insurance department, department of health,
6 department of public safety, department of public instruction, board
7 of regents, department of social services, state department of revenue,
8 ~~department of mines and minerals~~, commerce commission, liquor con-
9 trol commission, board of pharmacy examiners, state conservation
10 commission, aeronautics commission, state highway commission, civil
11 rights commission, ~~soil conservation committee~~ *department of soil*
12 *conservation*, public defense, and natural resources council.

1 SEC. 2. Section seventy-three point eight (73.8), Code 1973, is
2 amended to read as follows:

3 **73.8 Certificate.** No bid for coal produced in Iowa which comes
 4 under the provisions of section 73.7, shall be considered unless it
 5 states the name of the producer and gives the location of the mine
 6 from which the coal is to be produced, ~~and unless there is attached~~
 7 ~~thereto a certificate of the secretary of the state mine inspectors that~~
 8 ~~the producer designated in such bid is now complying with all the~~
 9 ~~workmen's compensation and mining laws of the state.~~

1 SEC. 3. Section eighty-three A point two (83A.2), subsections three
 2 (3), eleven (11), twelve (12), thirteen (13), fourteen (14), and fif-
 3 teen (15), Code 1973, are amended to read as follows:

4 3. "Operator" means any person, firm, partnership, or corporation
 5 engaged in and controlling a surface mining operation but shall not
 6 include a political subdivision of the state of Iowa.

7 ~~11. "Irregular spoil bank" means a spoil bank characterized by~~
 8 ~~ridges, peaks, or both, rather than by a continuous slope, when viewed~~
 9 ~~horizontally.~~

10 ~~12 11. "Department" means the department of mines and minerals~~
 11 ~~soil conservation.~~

12 ~~13 12. "Beard Committee" means the state mining board soil con-~~
 13 ~~servation committee.~~

14 ~~14 13. "Advisory board" means the "land rehabilitation advisory~~
 15 ~~board" in the department of mines and minerals.~~

16 ~~15 14. "Inspector Administrator" means the state mine inspector~~
 17 ~~and any other employee administrative officer of the department of~~
 18 ~~mines and minerals responsible for administration or enforcement of~~
 19 ~~this chapter or his designee.~~

1 SEC. 4. Section eighty-three A point two (83A.2), Code 1973, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Mine" means any underground or surface
 4 mine developed and operated for the purpose of extracting any ores
 5 or mineral solids.

1 SEC. 5. Section eighty-three A point three (83A.3), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 There is hereby established within the department of ~~mines and~~
 4 ~~minerals soil conservation~~ a land rehabilitation advisory board which
 5 shall consist of ~~eight~~ *seven* members appointed by the governor, as
 6 follows:

1 SEC. 6. Section eighty-three A point three (83A.3), Code 1973, is
 2 amended by striking subsection six (6).

1 SEC. 7. Section eighty-three A point four (83A.4), unnumbered
 2 paragraph two (2), Code 1973, is amended to read as follows:

3 Vacancies on the advisory board shall be filled for the unexpired
 4 term of the vacancy in the same manner as the original appointment.
 5 Members of the advisory board shall serve without compensation but
 6 shall be allowed actual and necessary expenses while engaged in official
 7 duties upon certification of the chairman of the advisory board to the
 8 ~~state mining board department.~~

1 SEC. 8. Section eighty-three A point five (83A.5), Code 1973, is
 2 amended to read as follows:

3 **83A.5 Meetings of board.** Prior to August 1 of each year, the
 4 advisory board shall meet and organize and shall elect a chairman and
 5 such other officers as advisory board members shall deem necessary.
 6 The chairman shall be responsible for calling meetings of the advisory
 7 board. Advisory board meetings shall be held at least quarterly and
 8 at such other times as the chairman of the advisory board or the
 9 chairman of the ~~state mining board committee~~ deems necessary or
 10 upon the request of four or more advisory board members.

1 SEC. 9. Section eighty-three A point six (83A.6), subsections
 2 one (1), two (2), and three (3), Code 1973, are amended to read as
 3 follows:

4 1. Advise the ~~state mining board~~ *department* on any matter relating
 5 to administration and enforcement of this chapter.

6 2. Advise the ~~state mining board~~ *department* with respect to surface
 7 mined land rehabilitation demonstration projects.

8 3. Advise the ~~state mining board~~ *department* on the gathering,
 9 preparation, and dissemination of information on methods of rehabili-
 10 tating land which has been surface mined and on any state, federal, or
 11 other financial assistance which may be available to assist in paying
 12 the cost of rehabilitation of the land.

1 SEC. 10. Section eighty-three A point six (83A.6), Code 1973, is
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. The department shall inform the advisory board
 4 of all complaints received relating to mining and mining operations.

1 SEC. 11. Section eighty-three A point seven (83A.7), Code 1973,
 2 is amended to read as follows:

3 **83A.7 Surface Mining license.** No person, firm, partnership, or
 4 corporation shall engage in surface mining or operation of an under-
 5 ground mine or mines, as defined by section 83A.2 ~~and by section 82.27,~~
 6 without first obtaining a license from the department. Licenses shall
 7 be issued upon application submitted on a form provided by the depart-
 8 ment and shall be accompanied by a fee of fifty dollars. Each applicant
 9 shall be required to furnish on the form information necessary to iden-
 10 tify the applicant. Licenses shall expire one year from date of issuance
 11 and shall be renewed by the department upon application submitted
 12 within thirty days prior to the expiration date and accompanied by a
 13 fee of ten dollars.

1 SEC. 12. Section eighty-three A point eight (83A.8), Code 1973,
 2 is amended to read as follows:

3 **83A.8 Suspension or revocation of license.** The department may,
 4 with approval of the ~~board committee~~, commence proceedings to sus-
 5 pend, revoke, or refuse to renew a license of any licensee for repeated
 6 or willful violation of any of the provisions of this chapter or of ~~chap-~~
 7 ~~ters 82 or 83~~ *the Federal Coal Mine Health and Safety Act of 1969 or*
 8 *the Federal Metal and Non-Metallic Mine Safety Act.* The department
 9 shall by certified mail or personal service serve on the licensee notice
 10 in writing of the charges and grounds upon which the license is to be
 11 suspended, revoked, or will not be renewed. The notice shall include
 12 the time and the place at which a hearing shall be held before the ~~board~~
 13 *committee* to determine whether to suspend, revoke, or refuse to renew

14 the license. The hearing shall be not less than fifteen nor more than
15 thirty days after the mailing or service of the notice.

1 SEC. 13. Section eighty-three A point nine (83A.9), Code 1973,
2 is amended to read as follows:

3 **83A.9 Hearing—counsel.** Any licensee whose license the depart-
4 ment proposes to suspend, revoke, or refuse to renew shall have the
5 right to counsel and may produce witnesses and present statements,
6 documents, and other information in his behalf at the hearing. If
7 after full investigation and hearing the licensee is found to have
8 willfully or repeatedly violated any of the provisions of this chapter
9 or of ~~chapters 82 or 83~~ *the Federal Coal Mine Health and Safety Act*
10 *of 1969 or the Federal Metal and Non-Metallic Mine Safety Act*, the
11 ~~board committee~~ may affirm or modify the proposed suspension, revo-
12 cation, or refusal to renew the license. When the ~~board committee~~
13 finds that a license should be suspended or revoked or should not be
14 renewed, the department shall so notify the licensee in writing by
15 certified mail or by personal service.

1 SEC. 14. Section eighty-three A point ten (83A.10), Code 1973, is
2 amended to read as follows:

3 **83A.10 Notice—effective date of suspension.** Suspension or revo-
4 cation of a license shall become effective thirty days after the mailing
5 or service of notice to the licensee. When the department proposes to
6 deny an application for renewal of a license and administrative pro-
7 ceedings relevant to the renewal application are pending or in progress
8 on the date the license is to expire, the license shall remain in force
9 until the proceedings have been completed if the licensee has paid the
10 renewal fee. If the ~~board committee~~ finds the license should not be
11 renewed, the renewal fee shall be refunded and the license shall expire
12 on the expiration date or thirty days after mailing or service of notice
13 to the licensee, whichever is later.

1 SEC. 15. Section eighty-three A point thirteen (83A.13), Code
2 1973, is amended to read as follows:

3 **83A.13 Registering site of mine.** Within fifteen days after begin-
4 ning ~~surface~~ mining or removal of overburden at any *surface mining*
5 site not previously registered, an operator engaging in ~~surface~~ mining
6 in this state shall register the site with the department. Application
7 for registration shall be made upon a form provided by the depart-
8 ment. The registration fee shall be established by the department in
9 an amount equal to the cost of administering the registration provi-
10 sions of this chapter, as estimated by the department. The application
11 shall include a description of the tract or tracts of land where the site
12 is located and the estimated number of acres at the site to be affected
13 by ~~surface mining~~ *the mine*. The description shall include the section,
14 township, range, and county in which the land is located and shall
15 otherwise describe the land with sufficient certainty to determine the
16 location and to distinguish the land to be registered from other lands.
17 The application shall include a statement explaining the ~~source~~ *author-*
18 *ity* of the applicant's legal right to ~~conduct surface mining~~ *operate a*
19 *mine* on the land.

1 SEC. 16. Section eighty-three A point seventeen (83A.17), subsec-
2 tions one (1), two (2), and three (3), Code 1973, are amended to read
3 as follows:

4 1. ~~Grade irregular spoil banks to reduce peaks and ridges to a roll-~~
 5 ~~ing topography suitable for establishment of desirable vegetation by~~
 6 ~~striking off ridges and peaks to a width of at least twenty-four feet~~
 7 ~~at the top.~~

8 2 1. Grade spoil banks other than irregular spoil banks to slopes
 9 having a maximum of one foot of vertical rise for each ~~three~~ *four* feet
 10 of horizontal distance except that where the original topography of
 11 the affected land was steeper than one foot of vertical rise for each
 12 ~~three~~ *four* feet of horizontal distance, the spoil bank shall be graded
 13 to blend with the surrounding terrain.

14 3 2. Construct an earth dam in the ~~final cut~~ at any site where a lake
 15 or pond may be formed if necessary to properly control *the* drainage
 16 of *acidic water* from the site and if formation of a lake will not inter-
 17 fere with underground or other mining operations or damage adjoining
 18 property.

1 SEC. 17. Section eighty-three A point seventeen (83A.17), Code
 2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Provide for the vegetation of the spoil banks
 4 created by removal of overburden as prescribed by the department
 5 before release of the bond as provided in section eighty-three A point
 6 nineteen (83A.19) of the Code.

1 SEC. 18. Section eighty-three A point twenty-one (83A.21), Code
 2 1973, is amended to read as follows:

3 83A.21 **Political subdivision engaged in mining.** Any political sub-
 4 division of the state of Iowa which engages or intends to engage in
 5 surface mining shall meet all requirements of sections 83A.13 through
 6 83A.20 except the subdivision shall not be required to post bond or
 7 security on registered land. When a political subdivision engaging
 8 in surface mining violates any provision of this chapter or any rule
 9 or regulation adopted by the department pursuant to this chapter,
 10 the department shall notify the chief administrative officer or gov-
 11 erning body of the subdivision. If after a reasonable time deter-
 12 mined by the department, the subdivision has not commenced correc-
 13 tive measures approved by the department, the violation shall be
 14 referred to the ~~board~~ *committee*. The chief administrative officer or
 15 governing body of the subdivision shall be notified in writing of the
 16 referral.

1 SEC. 19. Section eighty-three A point twenty-two (83A.22), Code
 2 1973, is amended to read as follows:

3 83A.22 **Hearing on violation.** Upon receipt of the referral, the
 4 ~~board committee~~ shall schedule a hearing on the violation by the
 5 political subdivision within thirty days after the date of receipt. The
 6 ~~board committee~~ shall upon written request from the chief adminis-
 7 trative officer or governing board afford representatives of the sub-
 8 division the right to appear before the ~~board committee~~ at the hearing.
 9 Representatives of the subdivision shall have the right to counsel, and
 10 may produce witnesses and present statements, documents, and other
 11 information with respect to the alleged violation for consideration of
 12 the ~~board committee~~ at the hearing. If the ~~board committee~~ determines
 13 the subdivision is in violation of any of the provisions of this chapter

14 or of any rule or regulation adopted by the department pursuant to
 15 this chapter, the ~~board~~ *committee* shall request the attorney general
 16 to institute proceedings to enjoin the subdivision from conducting
 17 further surface mining operations until the subdivision has completed
 18 corrective measures to the satisfaction of the department.

1 SEC. 20. Section eighty-three A point twenty-six (83A.26), Code
 2 1973, is amended to read as follows:

3 **83A.26 Inspection of site.** ~~An inspector~~ *The administrator of the*
 4 *department or his designee* may enter at all times upon any lands on
 5 which any operator is authorized to ~~conduct surface mining~~ *operate a*
 6 *mine* for the purpose of determining whether the operator is or has
 7 been complying with the provisions of this chapter. The department
 8 shall give written notice to any operator who violates any of the pro-
 9 visions of this chapter or any rules and regulations adopted by the
 10 department pursuant to this chapter. If corrective measures approved
 11 by the department are not commenced within ninety days, the violation
 12 shall be referred to the ~~board~~ *committee*. The operator shall be notified
 13 in writing of the referral. *All operators shall cooperate with the*
 14 *department in seeking methods of operation which will cause minimum*
 15 *disruption to the land and property adjoining a mining operation.*

1 SEC. 21. Section eighty-three A point twenty-seven (83A.27),
 2 Code 1973, is amended to read as follows:

3 **83A.27 Hearing on violations.** Upon receipt of the referral, the
 4 ~~board~~ *committee* shall schedule a hearing on the violation by the oper-
 5 ator within thirty days after the date of receipt. The ~~board~~ *committee*
 6 shall upon written request afford the operator the right to appear
 7 before the ~~board~~ *committee* at the hearing. The operator shall have
 8 the right to counsel, and may produce witnesses and present state-
 9 ments, documents, and other information with respect to the alleged
 10 violation. If the ~~board~~ *committee* determines that the operator is in
 11 violation of this chapter or of any rule or regulation adopted by the
 12 department pursuant to this chapter, the ~~board~~ *committee* shall request
 13 the attorney general to institute bond forfeiture proceedings.

1 SEC. 22. Section eighty-three A point twenty-eight (83A.28), Code
 2 1973, is amended to read as follows:

3 **83A.28 Forfeiture of bond.** The attorney general, upon request of
 4 the ~~board~~ *committee*, shall institute proceedings for forfeiture of the
 5 bond posted by an operator to guarantee rehabilitation of a site where
 6 the operator is in violation of any of the provisions of this chapter or
 7 any rule or regulation adopted by the department pursuant to this
 8 chapter. Forfeiture of the operator's bond shall fully satisfy all obli-
 9 gations of the operator to rehabilitate affected land covered by the
 10 bond. The department shall have the power to rehabilitate as required
 11 by section 83A.17 any surface mined land with respect to which a bond
 12 has been forfeited, using the proceeds of the forfeiture to pay for the
 13 necessary rehabilitation work.

1 SEC. 23. Section eighty-three A point twenty-nine (83A.29), Code
 2 1973, is amended to read as follows:

3 **83A.29 Penalty for failure to register.** Any operator who fails to
 4 make timely application for registration of each site where ~~surface~~
 5 mining is being conducted is guilty of a misdemeanor and on convic-

6 tion shall be punished by a fine of not less than fifty dollars nor more
7 than five hundred dollars or by imprisonment not to exceed thirty days,
8 or both such fine and imprisonment. Each day ~~surface~~ mining activi-
9 ties are conducted at a site for which no application for registration
10 has been made as required under section 83A.13 shall constitute a
11 separate violation.

1 SEC. 24. Section eighty-seven point nineteen (87.19), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 Upon the receipt of information by the industrial commissioner of
4 any employer failing to comply with sections 87.16 to 87.18, inclusive
5 and eighty-seven point seventeen (87.17) of the Code, he shall at once
6 notify such employer by certified mail; that unless such employer
7 ~~comply~~ complies with the requirements of law, legal proceedings will
8 be instituted to enforce such compliance.

1 SEC. 25. Chapter eighty-three A (83A), Code 1973, is amended
2 by adding the following new section:

3 **NEW SECTION. Prior rules and orders continued.** Any rule adopted
4 or order issued under chapter eighty-three A (83A) of the Code be-
5 fore the effective date of this Act by the state mine inspector or the
6 state mining board shall remain effective until modified or rescinded
7 by action of the state soil conservation committee or the administra-
8 tive officer of the department of soil conservation unless such rule or
9 order is inconsistent or contrary to the provisions of this Act.

1 SEC. 26. Section one hundred four point one (104.1), Code 1973,
2 is amended to read as follows:

3 **104.1 General equipment.** Every elevator and elevator opening
4 and machinery connected therewith in every elevator, hoistway, hatch-
5 way, and wellhole shall be so constructed, guarded, equipped, main-
6 tained, and operated as to render it safe for the purposes for which it
7 is used. ~~Nothing herein contained shall be construed to apply to any~~
8 ~~elevator hoisting device and anything connected therewith coming~~
9 ~~under the jurisdiction of the state mine inspector.~~

1 SEC. 27. Chapter three hundred five (305), Code 1973, is amended
2 by adding the following new section:

3 **NEW SECTION. Maps—surveys.** The operator of any underground
4 mine shall comply with the following provisions relative to maps and
5 surveys:

6 1. Scale. Each mine map shall be drawn to a scale of not more than
7 two hundred feet to the inch.

8 2. General specifications. Each map shall show the name of the
9 state, county, and township in which the mine is located, the desig-
10 nation of the mine, the name of the company or operator, the certifi-
11 cate of the mining engineer or surveyor as to the accuracy and date
12 of the survey, the north point, and the scale to which the map is
13 drawn.

14 3. Boundaries and surface lines. Every map shall correctly show
15 the surface boundary lines of the mineral rights pertaining to each
16 mine and all section or quarter section lines or corners within the
17 same, the lines of town lots and streets, the tracks and sidetracks of
18 all railroads, the location of all wagon roads, rivers, streams, and
19 ponds, and reservations made of the mineral.

20 4. Underground conditions. For the underground workings, the
21 map shall show all shafts, slopes, tunnels, or other openings to the
22 surface or to the workings of a contiguous mine; all excavations, en-
23 tries, rooms, and crosscuts; the location of the escape ways, and of
24 the fan or furnace or other means of ventilation and the direction of
25 air currents, and the location of permanent pumps, hauling engines,
26 engine planes, abandoned works, fire walls, and standing water.

27 5. Separate maps. A separate and similar map drawn to the same
28 scale in all cases shall be made of each layer of minerals mined in
29 any mine in this state. A separate map shall also be made of the sur-
30 face whenever the surface buildings, lines, or objects are so numerous
31 as to obscure the details of the mine workings if drawn upon the
32 same sheet with them, and in such case the surface map shall be
33 drawn upon transparent cloth or paper so that it can be laid upon
34 the map of the underground workings and thus truly indicate the
35 local relation of lines and objects on the surface to the excavations of
36 the mine and any other principal workings of the mine.

37 6. Rise and dip of minerals. Each map of underground workings
38 shall also show by profile drawing and measurement, the last one
39 hundred fifty feet approaching the boundary lines, showing the rise
40 and dip of the minerals.

41 7. Copies. The original or true copies of the maps shall be kept
42 at the office of the mine, and true copies thereof shall also be furnished
43 the state geologist within thirty days after the completion of the same.

44 8. Extensions. An accurate extension of the last preceding survey
45 of every mine in active operation shall be made once in every twelve
46 months prior to July 1 of every year and the result of such survey,
47 with the date thereof, shall be promptly and accurately entered upon
48 the original map, and a true, correct, and accurate copy of the ex-
49 tended map shall be forwarded to the state geologist so as to show all
50 changes in plan of new work in the mine, and all extensions of the old
51 workings to the most advanced face or boundary of the workings
52 which have been made since the last preceding survey, and the parts
53 of the mine abandoned or worked out after the last preceding survey
54 shall be clearly indicated and shown by colorings, which copy must
55 be delivered to the state geologist within thirty days after the last
56 survey is made.

57 9. Abandoned mine. When any underground mine is worked out
58 or is about to be abandoned or indefinitely closed, the operator of the
59 same shall make or cause to be made a completed and extended map
60 of the mine and the result of the same shall be duly extended on all
61 maps of the mine and copies thereof so as to show all excavations and
62 the most advanced workings of the mine, and their exact relation to
63 the boundary or section lines on the surface, and deliver to the state
64 geologist a copy of the completed map.

65 10. Copies furnished. The state geologist shall provide the depart-
66 ment of soil conservation a copy of each map and map extension re-
67 ceived by him under this section.

1 SEC. 28. Chapter three hundred five (305), Code 1973, is amended
2 by adding the following new section:

3 **NEW SECTION. Failure to furnish map.** When the operator of
4 any mine neglects or refuses for a period of ninety days to furnish
5 to the state geologist the map or plan, or a copy thereof, of such mine

6 or any extension thereof, as provided in this chapter, the state geolo-
 7 gist shall cause to be made an accurate map or plan of such mine or
 8 extension as the case may be, at the expense of the operator. The cost
 9 shall be paid by the state and recovered from such operator. It shall
 10 be the duty of the county attorney of the county in which such mine
 11 is located, at the request of the state geologist, to bring action in the
 12 name of the state for such recovery.

1 SEC. 29. Chapter three hundred five (305), Code 1973, is amended
 2 by adding the following new section:

3 **NEW SECTION. Maps property of state—custody—copies.** The
 4 maps so delivered to the state geologist shall be the property of the
 5 state and shall remain in the custody of the state geologist. They
 6 shall be kept at the office of the geological survey and be open to ex-
 7 amination by all persons interested in the same; but such examination
 8 shall only be made in the presence of the state geologist or his desig-
 9 nee, and he shall not permit any copies of the same to be made with-
 10 out the written consent of the operator or the owner of the property,
 11 except as provided in section twenty-seven (27) of this Act.

1 SEC. 30. Section four hundred sixty-seven A point four (467A.4),
 2 subsections one (1) and three (3), Code 1973, are amended to read
 3 as follows:

4 1. There is hereby established, to serve as an agency of the state
 5 and to perform the functions conferred upon it in this chapter, the
 6 department of soil conservation. The department shall be adminis-
 7 tered in accordance with the policies of the state soil conservation com-
 8 mittee, which shall consist of a chairman and ~~ten~~ *twelve* members.
 9 The following shall serve as ex officio nonvoting members of the
 10 committee: The director of the state agricultural extension service,
 11 or his designee, the secretary of agriculture, or his designee, the
 12 director of the state conservation commission or his designee, and the
 13 director of the Iowa natural resources council or his designee. ~~Seven~~
 14 *Eight* voting members shall be appointed by the governor and con-
 15 firmed by the senate. Six of the appointive members shall be persons
 16 engaged in actual farming operations, one of whom shall be a resident
 17 of each of the six conservancy districts established by section 467D.3,
 18 and no more than one of whom shall be a resident of any one county.
 19 The seventh *and eighth* appointive ~~member~~ *members* shall be chosen
 20 by the governor from the state at large ~~and shall with one appointed~~
 21 *to be a representative of cities and towns and one appointed to be a*
 22 *representative of the mining industry.* The committee may invite the
 23 secretary of agriculture of the United States to appoint one person to
 24 serve with the abovementioned members, and the president of the
 25 Iowa county engineers association may designate a member of the
 26 association to serve in the same manner, but these persons shall have
 27 no vote and shall serve in an advisory capacity only. The director of
 28 the department of environmental quality shall be an ex officio non-
 29 voting member. The committee shall adopt a seal, which seal shall be
 30 judicially noticed, and may perform such acts, hold such public hear-
 31 ings, and promulgate such rules *as provided in chapter seventeen A*
 32 *(17A) of the Code* as may be necessary for the execution of its func-
 33 tions under this chapter.

34 3. The committee shall designate its chairman, and may, from time

35 to time, change such designation. The director of the state agricultural
 36 extension service shall hold office so long as he shall retain the office
 37 by virtue of which he shall be serving on the committee. The members
 38 appointed by the governor shall serve for a period of six years. Mem-
 39 bers shall be appointed in each odd-numbered year to succeed members
 40 whose terms expire on June 30 of that year. Appointments may be
 41 made at such other times and for such other periods as are necessary
 42 to fill vacancies on the committee, and any appointment so made while
 43 the general assembly is not in session shall be subject to confirmation
 44 by the senate at the next session of the general assembly thereafter.
 45 No members shall be appointed to serve more than two complete six-
 46 year terms. Members designated to represent the secretary of agri-
 47 culture, director of the state conservation commission, or the director
 48 of the Iowa natural resources council shall serve at the pleasure of the
 49 officer making such designation. A majority of the voting members
 50 of the committee shall constitute a quorum, and the concurrence of a
 51 majority of the voting members of the committee in any matter within
 52 their duties shall be required for its determination. The chairman and
 53 members of the committee, not otherwise in the employ of the state,
 54 or any political subdivision, shall receive thirty dollars per diem as
 55 compensation for their services in the discharge of their duties as
 56 members of the committee. The committee shall determine the number
 57 of days for which any committee member may draw per diem com-
 58 pensation, but the total number of days for which per diem compen-
 59 sation is allowed for the entire committee shall not exceed ~~three~~ *four*
 60 hundred ~~forty~~ days per year. They shall also be entitled to expenses,
 61 including traveling expenses, necessarily incurred in the discharge of
 62 their duties as members of such committee. The committee shall pro-
 63 vide for the execution of surety bonds for all employees and officers
 64 who shall be entrusted with funds or property, shall provide for the
 65 keeping of a full and accurate record of all proceedings and of all reso-
 66 lutions, regulations, and orders issued or adopted, and shall provide for
 67 an annual audit of the accounts of receipts and disbursements.

1 SEC. 31. Sections seventeen point eleven (17.11), sixty-four point
 2 six (64.6), subsection eleven (11), and eighty-seven point eighteen
 3 (87.18), and chapters eighty-two (82) and eighty-three (83), Code
 4 1973, are repealed.

1 SEC. 32. There is appropriated from the general fund of the state
 2 to the department of soil conservation for each year of the fiscal bien-
 3 nium beginning July 1, 1973 and ending June 30, 1975 the following
 4 amounts, or so much thereof as may be necessary, to be used for the
 5 purposes designated:

	1973-74	1974-75
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 For salaries, support, maintenance and miscellaneous purposes in- 9 curred in administering the provisions of this Act:	\$ 23,500	\$ 23,500
10		

1 SEC. 33. All federal grants to and the federal receipts of the de-
 2 partment of soil conservation are appropriated for the purpose set
 3 forth in the federal grants or receipts.

1 SEC. 34. No funds appropriated by this Act shall be used for capi-
2 tal improvements.

1 SEC. 35. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1973 shall, on August 31, 1974, re-
5 vert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 140

AGE OF MAJORITY

S. F. 82

AN ACT to lower the age of majority.

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

1 SECTION 1. Section sixty-eight B point nine (68B.9), Code 1973,
2 is amended to read as follows:

3 **68B.9 Actions commenced.** Actions to enforce the provisions of
4 this chapter may be commenced by any legal resident of the state of
5 Iowa who is ~~nineteen~~ *eighteen* years of age or more at the time of
6 commencing the action or by the attorney general.

1 SEC. 2. Section eighty A point five (80A.5), subsection one (1),
2 Code 1973, is amended to read as follows:

3 1. That the applicant is at least ~~nineteen~~ *eighteen* years of age.

1 SEC. 3. Section eighty B point eleven (80B.11), subsection one
2 (1), Code 1973, is amended to read as follows:

3 1. Minimum entrance requirements, minimum qualifications for
4 instructors, course of study, attendance requirements, and equipment
5 and facilities required at approved law enforcement training schools.
6 *Minimum age requirements for entrance to approved law enforcement*
7 *training schools shall be eighteen years of age.*

1 SEC. 4. Section ninety point one (90.1), Code 1973, is amended to
2 read as follows:

3 **90.1 Petition for appointment.** When any dispute arises between
4 any person, firm, corporation, or association of employers and their
5 employees or association of employees, of this state, except employers
6 or employees having trade relations directly or indirectly based upon
7 interstate trade relations operating through or by state or interna-
8 tional boards of conciliation, which has or is likely to cause a strike or

9 lockout, involving ten or more wage earners, and which does or is likely
 10 to interfere with the due and ordinary course of business, or which
 11 menaces the public peace, or which jeopardizes the welfare of the com-
 12 munity, and the parties thereto are unable to adjust the same, either
 13 or both parties to the dispute, or the mayor of the city, or the chair-
 14 man of the board of supervisors of the county in which said employ-
 15 ment is carried on, or on petition of any twenty-five citizens thereof
 16 over the age of ~~nineteen~~ *eighteen* years, or the labor commissioner,
 17 after investigation, may make written application to the governor for
 18 the appointment of a board of arbitration and conciliation, to which
 19 board such dispute may be referred under the provisions of this chap-
 20 ter; and the manager of the business of any person, firm, corporation,
 21 or association of such employers, or any organization representing
 22 such employees, or if such employees are not members of any organiza-
 23 tion, then a majority of such employees affected may make the applica-
 24 tion as provided in this chapter, but in no case shall more than twenty
 25 employees be required to join in such application.

1 SEC. 5. Section ninety-two point twenty-three (92.23), Code 1973,
 2 is amended to read as follows:

3 **92.23 Group insurance.** Anyone under the age of ~~nineteen~~ *eigh-*
 4 *teen* and subject to this chapter employed in the street trades who
 5 sells or delivers the product or service of another and who is desig-
 6 nated in such capacity as an independent contractor shall be provided
 7 participation, if he desires it at group rate cost, in group insurance
 8 for medical, hospital, nursing and doctor expenses incurred as a result
 9 of injuries sustained arising out of and in the course of selling or
 10 delivering such product or service by the person, firm or corporation
 11 whose product or service is so delivered.

1 SEC. 6. Section ninety-six point nineteen (96.19), subsection seven
 2 (7), paragraph g, subparagraph six (6), Code 1973, is amended to
 3 read as follows:

4 (6) Service performed by an individual in the employ of his son,
 5 daughter, or spouse, and service performed by a child under the age
 6 of ~~nineteen~~ *eighteen* in the employ of his father or mother.

1 SEC. 7. Section one hundred sixteen point nine (116.9), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 Every applicant for the examination provided for in section 116.8
 4 must be over ~~nineteen~~ *eighteen* years of age, a resident of this state,
 5 a citizen of the United States or have declared his or her intention to
 6 become such, of good moral character, a graduate of a high school
 7 having at least a four-year course of study or its equivalent as deter-
 8 mined by the board of accountancy, or shall pass a preliminary exam-
 9 ination to be given by the board at least thirty days before the regu-
 10 lar examination; and a graduate of a college or university commerce
 11 course majoring in accounting, or an undergraduate student majoring
 12 in accounting in his or her final semester immediately preceding grad-
 13 uation and upon the recommendation of the appropriate college or
 14 university officials.

1 SEC. 8. Section one hundred seventeen point fifteen (117.15), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Licenses shall be granted only to persons who are trustworthy and

5 competent to transact the business of a real estate broker or salesman
 6 in such manner as to safeguard the interests of the public and only
 7 after satisfactory proof has been presented to the commission. The
 8 applicant must be a person whose application has not been rejected
 9 in this or any other state within six months prior to the date of appli-
 10 cation, or whose real estate license has not been revoked in this or
 11 any other state within two years prior to date of application. Every
 12 applicant for a license as a real estate broker or salesman shall be of
 13 the age of ~~nineteen~~ *eighteen* years or over and a citizen of the United
 14 States. Provided, however, that any person not a citizen of the United
 15 States may be eligible for a license if due proof is made to the com-
 16 mission that he has declared his intention to become a citizen of the
 17 United States.

1 SEC. 9. Section one hundred eighteen point eight (118.8), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 Any person, being at least ~~nineteen~~ *eighteen* years of age and of
 4 good moral character, may apply for a certificate of registration or for
 5 such examination as shall be requisite for such certification under this
 6 chapter; but before receiving such certificate, this applicant shall sub-
 7 mit satisfactory evidence of having completed the course in a high
 8 school or the equivalent thereto, and of having subsequently thereto
 9 completed such courses in mathematics, history and languages as may
 10 be prescribed by the board.

1 SEC. 10. Section one hundred twenty-three point three (123.3),
 2 subsection thirty-three (33), Code 1973, is amended to read as fol-
 3 lows:

4 33. "Legal age" means ~~nineteen~~ *eighteen* years of age or more.

1 SEC. 11. Section one hundred forty-two A point two (142A.2), sub-
 2 section (1), Code 1973, is amended to read as follows:

3 1. Any individual of sound mind and ~~nineteen~~ *eighteen* years of age
 4 or more may give all or any part of his body for any purposes speci-
 5 fied in section 142A.3, the gift to take effect upon death.

1 SEC. 12. Section one hundred forty-six point thirteen (146.13),*
 2 Code 1973, is amended to read as follows:

3 146.13 **Applicants—qualifications.** No person shall be eligible for
 4 examination for a certificate of proficiency in the basic sciences until
 5 he shall have furnished satisfactory evidence to the board that he has
 6 attained the age of ~~nineteen~~ *eighteen* years, is of good moral character
 7 and is a graduate of an accredited high school or possesses the educa-
 8 tional qualifications equivalent to those required for graduation by an
 9 accredited high school, to be determined by the board.

1 SEC. 13. Section one hundred forty-seven point three (147.3), Code
 2 1973, is amended to read as follows:

3 147.3 **Qualifications.** No person shall be licensed to practice a
 4 profession under this title until he shall have furnished satisfactory
 5 evidence to the department that he has attained the age of ~~nineteen~~
 6 *eighteen* years and is of good moral character, ~~except that women may~~
 7 ~~be licensed as dental hygienists, or men or women may be licensed~~
 8 ~~as barbers, or as cosmetologists, upon attaining the age of eighteen~~
 9 ~~years.~~

*See ch. 167, §1, herein.

1 SEC. 14. Section one hundred forty-seven point one hundred twenty
2 ty (147.120), subsection one (1), Code 1973, is amended to read as
3 follows:

4 1. He is at least ~~nineteen~~ *eighteen* years of age, of good moral char-
5 acter and unless he is of sound mental health and physically able to
6 perform the duties.

1 SEC. 15. Section one hundred forty-eight A point four (148A.4),
2 subsection one (1), Code 1973, is amended to read as follows:

3 1. Have attained the age of ~~nineteen~~ *eighteen* years.

1 SEC. 16. Section one hundred fifty-five point five (155.5), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. Be not less than ~~nineteen~~ *eighteen* years of age, and of good
4 moral character, and of temperate habits.

1 SEC. 17. Section one hundred sixty-nine point ten (169.10), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 1. Present satisfactory evidence that he is at least ~~nineteen~~ *eighteen*
4 years of age, and of good character.

1 SEC. 18. Section two hundred thirty-two point two (232.2), sub-
2 section three (3), Code 1973, is amended by striking the subsection.

1 SEC. 19. Section two hundred thirty-two point two (232.2), sub-
2 sections four (4) and five (5), Code 1973, are amended to read as fol-
3 lows:

4 4. "Minor" or "child" means a person less than ~~nineteen~~ *eighteen*
5 years of age or a person who is at least ~~nineteen~~ *eighteen* years of age
6 but less than twenty-one years of age who is regularly attending an
7 approved school in pursuance of a course of study leading to a high
8 school diploma or its equivalent, or regularly attending a course of
9 vocational or technical training either as a part of a regular school
10 program or under special arrangements adapted to the individual per-
11 son's needs.

12 5. "Adult" means a person ~~nineteen~~ *eighteen* years of age or older.

1 SEC. 20. Section two hundred thirty-two point thirty-six (232.36),
2 Code 1973, is amended to read as follows:

3 **232.36 Orders continue to majority of child.** All orders for super-
4 vision, custody, or commitment shall be enforced until the minor
5 reaches the age of ~~nineteen~~ *eighteen* years unless otherwise specified
6 by the court. All orders shall be reviewed by the court at least annu-
7 ally unless the court's jurisdiction has been terminated. The court
8 may make on its own motion or on the motion of an interested party
9 and after notice to the parties and a hearing some other disposition
10 of the case so long as the court retains jurisdiction.

1 SEC. 21. Section two hundred thirty-two point sixty-seven
2 (232.67), Code 1973, is amended to read as follows:

3 **232.67 Limited jurisdiction.** Jurisdiction obtained by the court
4 in the case of a minor shall be retained by the court until the minor
5 becomes ~~nineteen~~ *eighteen* years of age unless terminated prior there-
6 to by order of court or provision of law. If a child is referred to the
7 juvenile court because of alleged delinquency by reason of the com-
8 mission of an indictable offense, the court may withhold an adjudica-

9 tion of delinquency, retain jurisdiction of the child, and place the child
10 on probation until he is ~~nineteen~~ *eighteen* years of age at which time
11 he shall be discharged. If the terms of the probation are violated be-
12 fore the person reaches the age of ~~nineteen~~ *eighteen* years, the court
13 may enter an order referring the alleged commission of an indictable
14 offense to the appropriate prosecuting authority for the proper action
15 under the criminal law.

1 SEC. 22. Section two hundred thirty-eight point thirty-two
2 (238.32), subsection two (2), Code 1973, is amended by striking the
3 subsection and renumbering the remaining subsection.

1 SEC. 23. Section two hundred forty point two (240.2), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **240.2 School required.** A child committed to any institution named
5 in section two hundred thirty-eight point thirty-two (238.32) of the
6 Code, over seven years and under fourteen years of age, shall be en-
7 rolled in school during the school sessions of the district in which the
8 child is kept, or in some parochial school for a like period.

1 SEC. 24. Section two hundred forty-two point six (242.6), Code
2 1973, is amended to read as follows:

3 **242.6 Conviction for crime.** When a boy or girl over twelve and
4 under ~~eighteen~~ *seventeen* years of age, of sound mind, is found guilty
5 in the district court of any crime except murder, the court may order
6 the child sent to the state training school for boys, or for girls, as
7 the case may be.

1 SEC. 25. Section two hundred forty-two point eight (242.8), Code
2 1973, is amended to read as follows:

3 **242.8 Articles of agreement.** Such children shall be so placed un-
4 der articles of agreement, approved by the state director and signed
5 by the person or persons taking them and by the superintendent. Said
6 articles shall provide for the custody, care, education, maintenance,
7 and earnings of said children for a time to be fixed in said articles,
8 which shall not extend beyond the time when the persons bound shall
9 attain the age of ~~nineteen~~ *eighteen* years.

1 SEC. 26. Section two hundred forty-two point thirteen (242.13),
2 Code 1973, is amended to read as follows:

3 **242.13 Binding out or discharge.** The binding out or the discharge
4 of an inmate as reformed, or having arrived at the age of ~~nineteen~~
5 *eighteen* years, shall be a complete release from all penalties incurred
6 by the conviction for the offense upon which the child was committed
7 to the school.

1 SEC. 27. Section two hundred forty-four point three (244.3), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Admission to said homes shall be granted to resident children of the
5 state under ~~eighteen~~ *seventeen* years of age, as follows, giving prefer-
6 ence in the order named:

1 SEC. 28. Section two hundred forty-five point four (245.4), Code
2 1973, is amended to read as follows:

3 **245.4 Commitments generally.** All females ~~over~~ eighteen years of
4 age *and over*, and married females under eighteen years of age, who
5 are convicted in the district court of offenses punishable by impris-
6 onment in excess of thirty days, shall, if imprisonment be imposed, be
7 committed to the women's reformatory.

1 SEC. 29. Section two hundred forty-five point six (245.6), Code
2 1973, is amended to read as follows:

3 **245.6 Commitment on appeal.** A female ~~over~~ eighteen years of age
4 *and over*, convicted on appeal from a conviction of a nonindictable of-
5 fense, may, if imprisonment be imposed, be committed to the women's
6 reformatory for an indeterminate period not exceeding ninety days.

1 SEC. 30. Section two hundred forty-seven point twenty-seven
2 (247.27), Code 1973, is amended to read as follows:

3 **247.27 Violation of court probation.** If the suspended sentence be
4 an order for commitment to the training school, the fact that the de-
5 fendant first violated his or her probation after reaching the age of
6 ~~eighteen~~ *seventeen* years, ~~and before reaching the age of nineteen~~
7 ~~years~~, shall not prevent the enforcement of such sentence.

1 SEC. 31. Section two hundred forty-nine A point six (249A.6),
2 Code 1973, is amended to read as follows:

3 **249A.6 Claims against estate.** On the death of a person receiving
4 or who has received assistance under this chapter, and of the survi-
5 vor of a married couple, either or both of whom were so assisted and
6 during which time such recipient was sixty-five years of age or older,
7 the total amount paid as assistance to either shall be allowed as a
8 claim of the sixth class against the estate of such decedent or the sur-
9 viving spouse. Neither the homestead nor the proceeds therefrom of
10 such decedent, or the survivor, shall be exempt from the payment
11 of such claim, any Act or statute notwithstanding. An action may be
12 brought in the name of the state to recover the same at any time
13 within five years after the death of the person receiving aid and after
14 the death of the survivor of the married couple, either or both of
15 whom have received assistance under the provisions of this chapter.
16 No such claim shall be allowed, however, until the death of the sur-
17 viving spouse nor shall such claim be allowed if a child under ~~nineteen~~
18 *eighteen* years of age, or a child who is blind or is permanently and
19 totally disabled, survives a surviving spouse or a recipient who has no
20 surviving spouse. The right to a claim existing on July 1, 1969,
21 against the estate of any person who had, prior to said date, received
22 medical assistance pursuant to chapter 249A, shall be preserved and
23 continued under this chapter.

1 SEC. 32. Section two hundred fifty-two A point two (252A.2), sub-
2 section three (3), Code 1973, is amended to read as follows:

3 3. "Child" includes a stepchild, foster child or legally adopted child
4 and means a child actually or apparently under eighteen years of age,
5 and a ~~child~~ *ever dependent person* eighteen years of age *or over* who
6 is unable to maintain himself and is likely to become a public charge.

1 SEC. 33. Section two hundred fifty-two A point three (252A.3),
2 subsection three (3), Code 1973, is amended to read as follows:

3 3. The parents in one state are hereby declared to be severally liable

4 for the support of a *dependent* child eighteen years of age or older
5 residing or found in the same state or in another state having sub-
6 stantially similar or reciprocal laws, whenever such child is unable
7 to maintain himself and is likely to become a public charge.

1 SEC. 34. Section two hundred sixty-one point seven (261.7), Code
2 1973, is amended to read as follows:

3 **261.7 Obligations made by minors.** Any contract, promissory note,
4 or other written obligation made by any minor to repay or secure
5 payment of a loan made under sections 261.5 through 261.8, payment
6 of which is guaranteed by the commission, or which forms part of the
7 same transaction as the making of such loan shall notwithstanding
8 any provision of law to the contrary be as valid and binding as if the
9 person were ~~nineteen~~ *eighteen* years of age or older at the time the
10 obligation was made and executed. Obligations may be enforced in
11 any action or proceeding by or against such person in the person's
12 own name and shall be valid without the consent thereto of the par-
13 ent or guardian of such person. Such person shall not in any action
14 or proceeding arising out of any such loan disaffirm such instrument
15 because of his age nor shall any person interpose the defense that he
16 is, or was, a minor at the time of making and executing the instru-
17 ment.

1 SEC. 35. Section three hundred twenty-one point one hundred sev-
2 enty-nine (321.179), Code 1973, is amended to read as follows:

3 **321.179 Special restrictions on chauffeurs.** No person who is un-
4 der the age of ~~nineteen~~ *eighteen* years shall drive any motor vehicle
5 while in use as a carrier of flammables or combustibles, or as a public
6 or common carrier of persons, except a school bus.

1 SEC. 36. Section three hundred twenty-one point one hundred
2 eighty (321.180), Code 1973, is amended to read as follows:

3 **321.180 Instruction permits.** Any person who is at least fourteen
4 years of age and who, except for his lack of instructions in operating
5 a motor vehicle, would otherwise be qualified to obtain an operator's
6 license, shall upon meeting the requirements of section 321.186 other
7 than driving demonstration, and upon paying the required fee, be
8 issued a temporary instruction permit by the department, entitling
9 the permittee while having such permit in his immediate possession
10 to drive a motor vehicle upon the highways for a period of two years
11 from the date of issuance when accompanied by a licensed operator
12 or chauffeur who is at least ~~nineteen~~ *eighteen* years of age, or an ap-
13 proved driver education instructor, or a prospective driver education
14 instructor who is enrolled in and has been specifically designated by
15 a teacher education institution with a safety education program ap-
16 proved by the department of public instruction, and who is actually
17 occupying a seat beside the driver; except that any instruction per-
18 mit issued to a person who is less than sixteen years of age shall en-
19 title such permittee to drive a motor vehicle upon the highways only
20 when accompanied by a parent or guardian, or an approved driver
21 education instructor, or a prospective driver education instructor, who
22 is enrolled in and has been specifically designated by a teacher edu-
23 cation institution with a safety education program approved by the de-
24 partment of public instruction, or by any person who is twenty-five

25 years of age or more if written permission is granted by the parent
26 or guardian, who is a holder of a valid operator's or a chauffeur's
27 license, and who is actually occupying a seat beside the driver.

1 SEC. 37. Section three hundred twenty-five point twenty-nine
2 (325.29), Code 1973, is amended to read as follows:

3 325.29 **Driver of vehicle.** Every driver employed by a motor car-
4 rier shall be at least ~~nineteen~~ *eighteen* years of age, in good physical
5 condition, of good moral character, shall be fully competent to operate
6 the motor vehicle under his charge, and shall hold a regular chauf-
7 feur's license from the department of public safety.

1 SEC. 38. Section three hundred twenty-seven A point seven
2 (327A.7), Code 1973, is amended to read as follows:

3 327A.7 **Drivers requirements.** Every driver employed by a liquid
4 transport carrier shall be at least ~~nineteen~~ *eighteen* years of age; in
5 good physical condition, of good moral character, shall be fully com-
6 petent to operate the vehicle under his charge, and shall hold a regular
7 chauffeur's license from the department of public safety.

1 SEC. 39. Section three hundred fifty-eight point nine (358.9), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Within thirty days after the organization of a sanitary district un-
5 der this chapter, the board of supervisors which had jurisdiction of
6 the proceedings for its establishment, together with the board of
7 supervisors of any other county, if any, in which any part of said
8 district is located, shall order an election to be held in the district on
9 a date not more than sixty days after the date of the order for the
10 purpose of electing a board of trustees, consisting of three members,
11 except as otherwise provided in this section, for the government, con-
12 trol and management of the affairs and business of such sanitary dis-
13 trict. Said board, or boards, shall cause notice of said election to be
14 posted and published, and shall perform all other acts with reference
15 to such election, and conduct the same, in like manner, as nearly as
16 may be, as provided in this chapter for the election on the question of
17 establishing such district. Each trustee shall be a citizen of the
18 United States, not less than ~~nineteen~~ *eighteen* years of age, and a resi-
19 dent within said sanitary district. Each voter at said election may
20 write in upon the ballot the names of not more than three persons
21 whom he desires for trustees and may cast not more than one vote
22 for each of said three persons, and the three persons receiving the
23 highest number of votes cast shall constitute the first board of trust-
24 tees of the district. The term of office of the first board of trustees
25 shall be for the period extending to the second secular day of Janu-
26 ary following the next regular biennial election. Three trustees to
27 succeed the first board of trustees shall be nominated and elected at
28 the next primary and regular biennial elections following establish-
29 ment of the district, in the same manner as provided by the primary
30 and general election laws of this state for the nomination and election
31 for offices to be filled by the voters of any subdivision of a county.
32 Said trustees shall be elected for terms of two, four, and six years re-
33 spectively, and their terms shall commence on the second secular day
34 of January next thereafter. At each succeeding biennial election one

35 trustee shall be nominated and elected in the manner herein provided
 36 for a six-year term to succeed the trustee whose term next expires.
 37 In all elections for trustees each qualified voter resident within the
 38 district may vote one vote for each office of trustee to be filled at the
 39 election. At all elections for trustees subsequent to the election of
 40 the first board the names of all candidates for trustees of such sani-
 41 tary district shall be printed on the same ballot with candidates for
 42 other offices to be filled at such election. In case a regular election pre-
 43 cinct includes territory lying partly within and partly without the sani-
 44 tary district, it shall be the duty of the officers charged with the print-
 45 ing and furnishing of ballots to furnish to the election judges of such
 46 precinct two sets of official ballots, one set including the names of
 47 candidates for trustees of such sanitary district, and one set without
 48 such names. All provisions of the primary and general election laws
 49 of Iowa shall govern the nomination and election of trustees hereun-
 50 der, so far as applicable, and except as modified hereby.

1 SEC. 40. Section three hundred fifty-eight point nine (358.9),
 2 unnumbered paragraph three (3), Code 1973, is amended to read as
 3 follows:

4 In cases where the state of Iowa owns at least four hundred acres
 5 of land contiguous to lakes within said district, then and only then
 6 the Iowa natural resources council shall appoint two members of said
 7 board of trustees in addition to the three members hereinbefore pro-
 8 vided in this section. The additional two members shall be qualified
 9 as follows: They shall be United States citizens, not less than ~~nine-~~
 10 ~~teen~~ *eighteen* years of age, and shall be property owners within said
 11 district. In such cases the two additional appointive members shall
 12 have equal vote and authority with other members of trustees and
 13 shall hold office at the pleasure of the Iowa natural resources council.

1 SEC. 41. Section three hundred seventy-eight point five (378.5),*
 2 Code 1973, is amended to read as follows:

3 **378.5 Qualifications.** Bona fide citizens and residents of the city
 4 or town, except as qualified by sections 378.2 and 378.3, male or fe-
 5 male, ~~nineteen~~ *eighteen* years of age or over, are alone eligible to mem-
 6 bership.

1 SEC. 42. Section three hundred seventy-nine point six (379.6),*
 2 Code 1973, is amended to read as follows:

3 **379.6 Qualification.** Only bona fide citizens and residents of the
 4 city or town, male or female, ~~nineteen~~ *eighteen* years of age or over,
 5 shall be eligible to membership.

1 SEC. 43. Section four hundred sixty-two point seven (462.7), Code
 2 1973, is amended to read as follows:

3 **462.7 Eligibility of trustees.** Each trustee shall be a citizen of
 4 the United States not less than ~~nineteen~~ *eighteen* years of age, a resi-
 5 dent of the county, and the bona fide owner of agricultural land in the
 6 election district for which he is elected.

1 SEC. 44. Section four hundred sixty-two point eleven (462.11),
 2 Code 1973, is amended to read as follows:

*See 64-1088-9, 199.

3 **462.11 Qualifications of voters.** Each landowner ~~nineteen~~ *eighteen*
4 years of age or over without regard to sex and any railway or other
5 corporation owning land in said district assessed for benefits shall be
6 entitled to one vote only, except as provided in section 462.12.

1 SEC. 45. Section five hundred twelve point nine (512.9), Code
2 1973, is amended to read as follows:

3 **512.9 Qualifications for membership.** A society may admit to ben-
4 efit membership any person not less than fifteen years of age, nearest
5 birthday, who has furnished evidence of insurability acceptable to the
6 society. Any such member who shall apply for additional benefits
7 more than six months after becoming a benefit member shall furnish
8 additional evidence of insurability acceptable to the society.

9 Any person admitted prior to attaining the full age of ~~nineteen~~
10 *eighteen* years shall be bound by the terms of the application and cer-
11 tificate and by all the laws and rules of the society and shall be en-
12 titled to all the rights and privileges of membership therein to the
13 same extent as though the age of majority had been attained at the
14 time of application. A society may also admit general or social mem-
15 bers who shall have no voice or vote in the management of its insur-
16 ance affairs.

1 SEC. 46. Section five hundred twenty-four point three hundred one
2 (524.301), Code 1973, is amended to read as follows:

3 **524.301 Incorporators.** A state bank may be incorporated under
4 this chapter by not less than five individuals ~~nineteen~~ *eighteen* years
5 of age or older a majority of whom shall be citizens of this state and
6 all of whom shall be citizens of the United States.

1 SEC. 47. Section five hundred twenty-four point six hundred one
2 (524.601), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. The business and affairs of a state bank shall be managed by a
5 board of five or more directors ~~nineteen~~ *eighteen* years of age or older,
6 a majority of whom shall be citizens of this state and all of whom
7 shall be citizens of the United States. No individual shall be eligible
8 to serve as a director of any state bank unless he is the owner, in his
9 own right, free of any lien and encumbrance, of common shares in the
10 state bank of which he is a director having a par value of not less
11 than five hundred dollars.

1 SEC. 48. Section five hundred ninety-five point three (595.3), sub-
2 section two (2), Code 1973, is amended to read as follows:

3 2. Where either party is under ~~nineteen~~ *eighteen* years of age, un-
4 less a certificate of the consent of the parents is filed. If one of the
5 parents is dead such certificate may be executed by the survivor. If
6 either parent is incompetent or his presence is unknown, the judge of
7 the district court having jurisdiction in the county may, after hearing,
8 upon proper cause shown, execute such certificate. If both parents
9 are dead the guardian of ~~such~~ *a* minor may execute ~~such~~ *the* certificate
10 but if ~~such~~ *the* minor has no guardian then the judge of the district
11 court having jurisdiction in the county may, after hearing, upon
12 proper cause shown, execute ~~such~~ *the* certificate. If the parents are

13 divorced, the parent having legal custody may execute ~~such~~ *the* cer-
14 tificate.

1 SEC. 49. Section five hundred ninety-nine point one (599.1), Code
2 1973, is amended to read as follows:

3 **599.1 Period of minority.** The period of minority extends to the
4 age of ~~nineteen~~ *eighteen* years, but all minors attain their majority by
5 marriage.

1 SEC. 50. Section six hundred ten point two (610.2), Code 1973,
2 is amended to read as follows:

3 **610.2 Qualifications for admission.** Every applicant for such ad-
4 mission must be at least ~~nineteen~~ *eighteen* years of age, of good moral
5 character, and an inhabitant of this state, and must have actually and
6 in good faith pursued a regular course of study of the law for at least
7 three full years, either in the office of a member of the bar in regular
8 practice of this state or other state, or of a judge of a court of record
9 thereof, or in some reputable law school in the United States, or partly
10 in such office and partly in such law school; but, in reckoning such
11 period of study, the school year of any such law school, consisting of
12 not less than thirty-six weeks exclusive of vacations, shall be consid-
13 ered equivalent to a full year. Every such applicant for admission
14 must also have actually and in good faith acquired a general education
15 substantially equivalent to that involved in the completion of a high
16 school course of study of at least four years in extent.

1 SEC. 51. Section six hundred thirty-three point three (633.3), sub-
2 section eighteen (18), Code 1973, is amended to read as follows:

3 18. Full age—the state of legal majority attained through arriving
4 at the age of ~~nineteen~~ *eighteen* years or through having married, even
5 though such marriage is terminated by divorce.

1 SEC. 52. Section six hundred ninety-five point eighteen (695.18),
2 Code 1973, is amended to read as follows:

3 **695.18 Sale of dangerous weapons prohibited.** It shall be unlaw-
4 ful to sell, to keep for sale, or offer for sale, loan, or give away, dirk,
5 dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer,
6 and no pistol or revolver shall be sold to any person under the age of
7 ~~nineteen~~ *eighteen* years. The provisions of this section shall not pre-
8 vent the selling or keeping for sale of hunting and fishing knives.

Approved March 7, 1973.

CHAPTER 141

CLERKS IN GENERAL ASSEMBLY

H. F. 549

AN ACT providing an exception to laws relating to prohibited employment and making the exception retroactive.

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

1 SECTION 1. Section seventy-one point one (71.1), Code 1973, is
2 amended to read as follows:

3 **71.1 Employments prohibited.** It shall hereafter be unlawful for
 4 any person elected or appointed to any public office or position under
 5 the laws of the state or by virtue of the ordinance of any city or town
 6 in the state, to appoint as deputy, clerk, or helper in said office or posi-
 7 tion to be paid from the public funds, any person related by consan-
 8 guinity or affinity, within the third degree, to the person elected,
 9 appointed, or making said appointment, unless such appointment shall
 10 first be approved by the officer, board, council, or commission whose
 11 duty it is to approve the bond of the principal; provided this provision
 12 shall not apply in cases where such person appointed receives com-
 13 pensation at the rate of six hundred dollars per year or less, nor shall
 14 it apply to persons teaching in public schools, *nor shall it apply to the*
 15 *employment of clerks of members of the general assembly.*

1 SEC. 2. This Act shall take effect and be in force on and retroactive
 2 to January 1, 1973, after its publication in The Tipton Conservative
 3 & Advertiser, a newspaper published in Tipton, Iowa, and in The Tri-
 4 County News, a newspaper published in Farmington, Iowa.

Approved June 13, 1973.

I hereby certify that the foregoing Act, House File 549, was published in The Tipton Conservative & Advertiser, Tipton, Iowa, June 21, 1973, and in The Tri-County News, Farmington, Iowa, June 21, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 142

NOTARIAL SEAL

S. F. 32

AN ACT relating to the seal used by a notary public.

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

1 SECTION 1. Section seventy-seven point four (77.4), subsection one
 2 (1), Code 1973, is amended to read as follows:

3 1. Procure a seal, *or an ink stamp of a size and design approved by*
 4 *the secretary of state, on which shall be engraved included the words*
 5 *"Notarial Seal" and "Iowa", with his surname at length and at least*
 6 *the initials of his ~~Christian~~ given name. The embossed impression*
 7 *made by the seal may be blackened, but permanent black ink shall be*
 8 *used for fixing an impression with the official ink stamp. The seal or*
 9 *stamp may include the date of expiration of the notary's commission,*
 10 *but the date of expiration shall not be mandatory.*

1 SEC. 2. Section four point one (4.1), subsection fourteen (14),
 2 Code 1973, is amended to read as follows:

3 14. Seal. Where the seal of a court, public office or officer, or public
 4 or private corporation, may be required to be affixed to any paper, the
 5 the word "seal" shall include an impression upon the paper alone, as
 6 well as upon wax or a wafer affixed thereto *or an official ink stamp if*
 7 *a notarial seal.*

Approved April 19, 1973.

CHAPTER 143

VACATIONS FOR STATE EMPLOYEES

H. F. 503

AN ACT relating to vacations for state employees.

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

1 SECTION 1. Section seventy-nine point one (79.1), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:
 3 Salaries specifically provided for in an appropriation Act of the
 4 general assembly shall be in lieu of existing statutory salaries, for the
 5 positions provided for in any such Act, and all salaries shall be paid
 6 in equal monthly, semimonthly or biweekly installments and shall be
 7 in full compensation of all services, except as otherwise expressly
 8 provided. All employees of the state including highway maintenance
 9 employees of the state highway commission shall earn ~~one week~~ *two*
 10 *weeks* vacation *per year* during the first year of employment and ~~two~~
 11 ~~weeks' vacation per year during the second and through the fourth~~
 12 ~~year of employment, and three weeks' vacation per year during the~~
 13 ~~fifth and through the eleventh year of employment, and four weeks'~~
 14 ~~vacation per year during the twelfth year and all subsequent years of~~
 15 ~~employment, with pay. One week vacation shall be equal to the num-~~
 16 ~~ber of hours in the employee's normal workweek. Vacation allowances~~
 17 ~~shall be accrued on a pay period, monthly, or quarterly basis as pro-~~
 18 ~~vided by the rules of the Iowa merit employment department. Said~~
 19 ~~vacations shall be granted at the discretion and convenience of the~~
 20 ~~head of the department, agency or commission, except that in no case~~
 21 ~~may an employee be granted vacation in excess of the amount earned~~
 22 ~~by him. In the event that the employment of an employee of the state~~
 23 ~~who has been in such employ for more than one year shall be termi-~~
 24 ~~nated for any reason other than a discharge for good cause, he shall~~
 25 ~~be paid a vacation allowance for any vacation which he may have~~
 26 ~~earned prior to such termination, and which he has not yet taken. For~~
 27 ~~the purposes of this section, death of an employee shall be considered~~
 28 ~~a termination of employment which shall require payment of such~~
 29 ~~vacation allowances as might be payable for any other termination.~~

Approved June 13, 1973.

CHAPTER 144

WORKMEN'S COMPENSATION

S. F. 495

AN ACT relating to workmen's compensation.

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

1 SECTION 1. Section eighty-five point one (85.1), subsection one
 2 (1), Code 1973, is amended to read as follows:
 3 1. Any ~~household or domestic servant~~ *employee engaged in any type*
 4 *of service in or about a private dwelling except that after July 1, 1974,*
 5 *this chapter shall apply to such persons who earn two hundred dollars*
 6 *or more from such employer for whom employed at the time of the*

7 *injury in any calendar quarter, provided said employee is not a regular*
8 *member of the household.*

1 SEC. 2. Section eighty-five point one (85.1), subsection two (2),
2 Code 1973, is amended to read as follows:

3 2. Persons whose employment is purely casual and not for the pur-
4 pose of the employer's trade or business, *except that after July 1, 1974,*
5 *this chapter shall apply to such employees who earn two hundred dol-*
6 *lars or more from such employer for whom employed at the time of the*
7 *injury in any calendar quarter.*

1 SEC. 3. Section eighty-five point one (85.1), subsection three (3),
2 Code 1973, is amended to read as follows:

3 3. Persons engaged in agriculture, insofar as injuries shall be in-
4 curred by employees while engaged in agricultural pursuits or any
5 operations immediately connected therewith, whether on or off the
6 premises of the employer, *except that commencing January 1, 1974,*
7 *this chapter shall apply to such persons if at the time of injury such*
8 *person is employed by an employer:*

9 a. *Whose total cash payments to one or more such persons amounted*
10 *to two thousand five hundred dollars or more during the preceding*
11 *calendar year, or*

12 b. *Who employs at least one person regularly. An employer shall be*
13 *deemed to employ a person regularly if he employs at least one person*
14 *for forty hours or more per week for thirteen consecutive weeks dur-*
15 *ing any part of the preceding twelve months.*

1 SEC. 4. Section eighty-five point twenty-six (85.26), Code 1973, is
2 amended to read as follows:

3 **85.26 Limitation of actions.** No original proceedings for compen-
4 sation shall be maintained in any case unless such proceedings shall be
5 commenced within two years from the date of the injury causing such
6 death or disability for which ~~compensation~~ *benefits* are claimed.

7 No claim or proceedings for benefits shall be maintained by any
8 person other than the injured employee, his dependent or his legal
9 representative, if entitled to benefits.

1 SEC. 5. Section eighty-five point twenty-seven (85.27), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The employer, with notice or knowledge of injury, shall furnish
4 reasonable surgical, medical, osteopathic, chiropractic, podiatric,
5 *physical rehabilitation*, nursing, *ambulance*, and hospital services and
6 supplies therefor. The employer shall also furnish reasonable and
7 necessary crutches, artificial members and appliances but shall not be
8 required to furnish more than one permanent prosthetic device. The
9 ~~total amount which may be allowed for medical, surgical, and hospital~~
10 ~~services and supplies, services of special nurses, one set of prosthetic~~
11 ~~devices, and ambulance charges, shall be unlimited. However, if the~~
12 ~~aggregate thereof exceeds seventy-five hundred dollars, application for~~
13 ~~the allowance of such additional amounts shall be made to the commis-~~
14 ~~sioner by the claimant, and the commissioner may, upon reasonable~~
15 ~~proof being furnished of real necessity therefor, allow and order pay-~~
16 ~~ment for additional surgical, medical, osteopathic, chiropractic, podia-~~
17 ~~trical, nursing and hospital services and supplies, and no statutory~~
18 ~~period of limitation shall be applicable thereto.~~

1 SEC. 6. Section eighty-five point thirty-one (85.31), subsection one
2 (1), Code 1973, is amended to read as follows:

3 1. When death results from the injury, the employer shall pay the
4 dependents who were wholly dependent on the earnings of the em-
5 ployee for support at the time of his injury, during their lifetime,
6 compensation upon the basis of ~~sixty-six and two-thirds~~ *eighty* percent
7 per week of the employee's average weekly *spendable* earnings, ~~payable~~
8 ~~in three hundred equal weekly installments~~ commencing from the date
9 of his injury, ~~but not to death as follows:~~

10 a. *To the widow or widower for life or until remarriage, provided*
11 *that upon remarriage two years' benefits shall be paid to the widow or*
12 *widower in a lump sum, if there are no children entitled to benefits.*

13 b. *To any child of the deceased until the child shall reach the age of*
14 *eighteen, provided that a child beyond eighteen years of age shall*
15 *receive benefits to the age of twenty-five if actually dependent, and the*
16 *fact that a child is under twenty-five years of age and is enrolled as a*
17 *full-time student in any accredited educational institution shall be a*
18 *prima facie showing of actual dependency.*

19 c. *To any child who was physically or mentally incapacitated from*
20 *earning at the time of the injury causing death for the duration of the*
21 *incapacity from earning.*

22 d. *To all other dependents as defined in section eighty-five point*
23 *forty-four (85.44) of the Code for the duration of the incapacity from*
24 *earning.*

25 *The weekly benefit amount shall not exceed a weekly benefit amount,*
26 *rounded to the nearest dollar, equal to ~~forty-six~~ *sixty-six and two-**
27 *thirds percent of the state average weekly wage paid employees as*
28 *determined by the Iowa employment security commission under the*
29 *provisions of section 96.3 and in effect at the time of the injury;*
30 *provided, that as of July 1, 1975; July 1, 1977; July 1, 1979; and July*
31 *1, 1981, the maximum weekly benefit amount rounded to the nearest*
32 *dollar shall be increased so that it shall equal one hundred percent,*
33 *one hundred thirty-three and one-third percent, one hundred sixty-six*
34 *and two-thirds percent and two hundred percent, respectively, of the*
35 *state average weekly wage as determined above; provided further,*
36 *that such weekly compensation shall not be less than eighteen dollars*
37 *per week, except if at the time of his injury his earnings are less than*
38 *eighteen dollars per week, then the weekly compensation shall be a*
39 *sum equal to the full amount of his weekly earnings. Such compen-*
40 *sation shall be in addition to the benefits provided by sections 85.27*
41 *and 85.28.*

1 SEC. 7. Section eighty-five point thirty-three (85.33), Code 1973,
2 is amended to read as follows:

3 **85.33 Temporary disability.** The employer shall pay to the em-
4 ployee for injury producing temporary disability and beginning upon
5 the eighth day thereof, weekly compensation benefit payments for a
6 ~~period not exceeding three hundred weeks~~ *the period of his disability,*
7 including the periodical increase in cases to which section 85.32
8 applies.

1 SEC. 8. Section eighty-five point thirty-four (85.34), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. Healing period. If an employee has suffered a personal injury

4 causing permanent partial disability for which compensation is pay-
 5 able as provided in subsection 2 of this section, the employer shall pay
 6 to the employee compensation for a healing period, as provided in
 7 section 85.37, beginning on the date of the injury, which shall be not
 8 more than thirty percent of the period during which weekly compen-
 9 sation is required to be paid for the permanent partial disability under
 10 the provisions of this section. In the unusual case where it appears,
 11 upon competent medical evidence, that the actual healing period will
 12 substantially exceed the maximum established above, the commissioner
 13 may, upon application of the claimant, extend the healing period for
 14 such time as is necessary but not beyond a total of sixty percent for
 15 both the original healing period and such extended period. However,
 16 in no event shall such payments for a healing period be made for a
 17 period longer than the actual time the employee is incapacitated from
 18 work because of such injury and until he has returned to work or
 19 competent medical evidence indicates that recuperation from said
 20 injury has been accomplished, whichever comes first.

1 SEC. 9. Section eighty-five point thirty-four (85.34), subsection
 2 two (2), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Compensation for permanent partial disability shall begin at the
 5 termination of the healing period provided in subsection 1 hereof.
 6 Such compensation shall be in addition to the benefits provided by
 7 sections 85.27 and 85.28. Such compensation shall be based upon the
 8 extent of such disability and upon the basis of ~~sixty-six and two-thirds~~
 9 *eighty percent* per week of the employee's average weekly *spendable*
 10 earnings, but not more than a weekly benefit amount, rounded to the
 11 nearest dollar, equal to ~~forty-six~~ *sixty-one and one-third* percent of the
 12 state average weekly wage paid employees as determined by the Iowa
 13 employment security commission under the provisions of section 96.3
 14 and in effect at the time of the injury, *provided that as of July 1, 1975;*
 15 *July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly*
 16 *benefit amount rounded to the nearest dollar shall be increased so that*
 17 *it shall equal ninety-two percent, one hundred and twenty-two and*
 18 *two-thirds percent, one hundred fifty-three and one-third percent, and*
 19 *one hundred eighty-four percent, respectively, of the state average*
 20 *weekly wage as determined above;* provided that no employee shall
 21 receive as compensation less than eighteen dollars per week, except if
 22 at the time of his injury his earnings are less than eighteen dollars per
 23 week, then the weekly compensation shall be a sum equal to the full
 24 amount of his weekly earnings; and for all cases of permanent partial
 25 disability such compensation shall be paid as follows:

1 SEC. 10. Section eighty-five point thirty-four (85.34), subsection
 2 three (3), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Compensation for an injury causing permanent total disability shall
 5 be upon the basis of ~~sixty-six and two-thirds~~ *eighty percent* per week
 6 of the employee's average weekly *spendable* earnings, but not more
 7 than a weekly benefit amount, rounded to the nearest dollar, equal to
 8 ~~forty-six~~ *sixty-six and two-thirds* percent of the state average weekly
 9 wage paid employees as determined by the Iowa employment security
 10 commission under the provisions of section 96.3 and in effect at the

11 time of the injury provided that ~~no~~ *as of July 1, 1975; July 1, 1977;*
 12 *July 1, 1979; and July 1, 1981, the maximum weekly benefit amount*
 13 *rounded to the nearest dollar shall be increased so that it shall equal*
 14 *one hundred percent, one hundred thirty-three and one-third percent,*
 15 *one hundred sixty-six and two-thirds percent and two hundred percent,*
 16 *respectively, of the state average weekly wage as determined above.*
 17 No employee shall receive as compensation less than eighteen dollars
 18 per week, except if at the time of his injury his earnings are less than
 19 eighteen dollars per week, then the weekly compensation shall be a
 20 sum equal to the full amount of his weekly earnings; said weekly com-
 21 pensation shall be payable during the period of his disability ~~for a~~
 22 ~~period of time not to exceed five hundred weeks.~~

1 SEC. 11. Section eighty-five point thirty-four (85.34), subsec-
 2 tion three (3), unnumbered paragraph two (2), Code 1973, is amended
 3 to read as follows:

4 ~~In no case shall the weekly compensation payments exceed the~~
 5 ~~amount determined by dividing the total number of weeks into the~~
 6 ~~maximum total compensation stated herein.~~ Such compensation shall
 7 be in addition to the benefits provided in sections 85.27 and 85.28. No
 8 compensation shall be payable under this subsection for any injury
 9 for which compensation is payable under subsection 2 of this section.
 10 In the event compensation has been paid to any person under any pro-
 11 vision of this chapter or chapter 85A for the same injury producing a
 12 total permanent disability, any such amounts so paid shall be deducted
 13 from the total amount of compensation payable for such permanent
 14 total disability.

1 SEC. 12. Section eighty-five point thirty-six (85.36), Code 1973, is
 2 amended by striking the section and inserting in lieu thereof the
 3 following:

4 **85.36 Basis of compensation.** The basis of compensation shall be
 5 the weekly earnings of the injured employee at the time of the injury.
 6 Weekly earnings means gross salary, wages, or earnings of an em-
 7 ployee to which such employee would have been entitled had he worked
 8 the customary hours for the full pay period in which he was injured, as
 9 regularly required by his employer for the work or employment for
 10 which he was employed, computed or determined as follows and then
 11 rounded to the nearest dollar:

12 1. In the case of an employee who is paid on a weekly pay period
 13 basis, the weekly gross earnings.

14 2. In the case of an employee who is paid on a biweekly pay period
 15 basis, one-half of the biweekly gross earnings.

16 3. In the case of an employee who is paid on a semimonthly pay
 17 period basis, the semimonthly gross earnings multiplied by twenty-
 18 four and subsequently divided by fifty-two.

19 4. In the case of an employee who is paid on a monthly pay period
 20 basis, the monthly gross earnings multiplied by twelve and subse-
 21 quently divided by fifty-two.

22 5. In the case of an employee who is paid on a yearly pay period
 23 basis, the weekly earnings shall be the yearly earnings divided by
 24 fifty-two.

25 6. In the case of an employee who is paid on a daily, or hourly basis,
 26 or by the output of the employee, the weekly earnings shall be com-

27 puted by dividing by thirteen the earnings, not including overtime or
 28 premium pay, of said employee earned in the employ of the employer
 29 in the last completed period of thirteen consecutive calendar weeks
 30 immediately preceding the injury.

31 7. In the case of an employee who has been in the employ of the
 32 employer less than thirteen calendar weeks immediately preceding the
 33 injury, his weekly earnings shall be computed under subsection six (6)
 34 of this section, taking the earnings, not including overtime or premium
 35 pay, for such purpose to be the amount he would have earned had he
 36 been so employed by the employer the full thirteen calendar weeks
 37 immediately preceding the injury and had worked, when work was
 38 available to other employees in a similar occupation.

39 8. If at the time of the injury the hourly earnings have not been
 40 fixed or cannot be ascertained, the earnings for the purpose of calcu-
 41 lating compensation shall be taken to be the usual earnings for similar
 42 services where such services are rendered by paid employees.

43 9. In occupations which are exclusively seasonal and therefore can-
 44 not be carried on throughout the year, the weekly earnings shall be
 45 taken to be one-fiftieth of the total earnings which the employee has
 46 earned from all occupations during the twelve calendar months im-
 47 mediately preceding the injury.

48 10. In the case of an employee who earns either no wages or less
 49 than the usual weekly earnings of the regular full-time adult laborer
 50 in the line of industry in that locality, the earnings shall be taken to
 51 be the average weekly wages of the average wage earner in that
 52 particular kind or class of work. If information of that kind is not
 53 obtainable, then the class most kindred or similar in the same general
 54 employment in the same neighborhood shall be used.

55 a. In computing the compensation to be allowed a volunteer fireman,
 56 his earnings as a fireman shall be disregarded and he shall be paid the
 57 maximum compensation allowable under the workmen's compensation
 58 law.

59 b. If the employee was an apprentice or trainee when injured, and
 60 it is established under normal conditions his earnings should be ex-
 61 pected to increase during the period of disability, that fact may be
 62 considered in computing his weekly earnings.

63 c. In computing the compensation to be paid to any employee who,
 64 before the accident for which he claims compensation, was disabled
 65 and drawing compensation under the provisions of this chapter, the
 66 compensation for each subsequent injury shall be apportioned accord-
 67 ing to the proportion of disability caused by the respective injuries
 68 which he shall have suffered.

69 d. This subsection shall not apply to compensable injuries arising
 70 under the second injury compensation Act.

1 SEC. 13. Section eighty-five point thirty-seven (85.37), Code 1973,
 2 is amended to read as follows:

3 **85.37 Compensation schedule.** In all cases where an employee re-
 4 ceives a personal injury causing temporary disability, or causing a
 5 permanent partial disability for which compensation is payable during
 6 a healing period, compensation for such temporary disability or for
 7 such healing period shall be upon the basis provided herein. The
 8 weekly benefit amount payable to any employee for any one week shall
 9 be *upon the basis of eighty percent of the employee's weekly spendable*

10 *earnings*, but shall not exceed an amount, rounded to the nearest dollar,
 11 equal to ~~forty-six and two-thirds~~ *fifty-six and two-thirds* percent of the state average
 12 weekly wage paid employees as determined by the Iowa employment
 13 security commission under the provisions of section 96.3, ~~subsection 4,~~
 14 and in effect at the time of the injury *provided that as of July 1, 1975;*
 15 *July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly*
 16 *benefit amount rounded to the nearest dollar shall be increased so that*
 17 *it shall equal one hundred percent, one hundred thirty-three and one-*
 18 *third percent, one hundred sixty-six and two-thirds percent, and two*
 19 *hundred percent, respectively, of the state average weekly wage as*
 20 *determined above.* Total weekly compensation for any employee shall
 21 not exceed ~~sixty-six and two-thirds~~ *eighty* percent per week of the
 22 employee's average weekly *spendable* earnings; provided further, that
 23 such compensation shall not be less than eighteen dollars per week,
 24 except if at the time of his injury his earnings are less than eighteen
 25 dollars per week, then he shall receive in weekly payments a sum equal
 26 to the full amount of his weekly earnings.

27 Such compensation shall be in addition to the benefits provided by
 28 sections 85.27 and 85.28.

29 The words "child" or "children" as used herein shall mean and be
 30 defined as in ~~subsection 2 of section 85.42.~~

1 SEC. 14. Section eighty-five point forty-two (85.42), subsection
 2 one (1), paragraph c, Code 1973, is amended by striking the para-
 3 graph.

1 SEC. 15. Section eighty-five point forty-two (85.42), subsection
 2 two (2), Code 1973, is amended to read as follows:

3 2. A child or children under ~~sixteen~~ *eighteen* years of age, and over
 4 said age if physically or mentally incapacitated from earning, whether
 5 actually dependent for support or not upon the parent at the time of
 6 his or her death. An adopted child or children shall be regarded the
 7 same as issue of the body. A child or children, as used herein, shall
 8 also include any child or children conceived but not born at the time
 9 of the employee's injury, and any compensation payable on account
 10 of any such child or children shall be paid from the date of their birth.
 11 A stepchild or stepchildren shall be regarded the same as issue of the
 12 body only when the stepparent has actually provided the principal
 13 support for such child or children.

1 SEC. 16. Section eighty-five point forty-three (85.43), Code 1973,
 2 is amended to read as follows:

3 **85.43 Payment to spouse.** If the deceased employee leaves a sur-
 4 viving spouse, *qualified under the provisions of section eighty-five*
 5 *point forty-two (85.42) of the Code*, the full compensation shall be
 6 paid to her or him; ~~subject to the exceptions in section 85.42 as pro-~~
 7 *vided in section eighty-five point thirty-one (85.31) of the Code; pro-*
 8 *vided that where a deceased employee leave a surviving spouse and a*
 9 *dependent child or children under sixteen years of age, or over said*
 10 *age if physically or mentally incapacitated** from earning, the indus-
 11 trial commissioner may make an order of record for an equitable
 12 apportionment of the compensation payments.

*According to enrolled Act.

13 If the spouse dies before full payment, the balance benefits shall be
 14 paid to the person or persons wholly dependent on deceased, if any,
 15 share and share alike. If there are none wholly dependent, then such
 16 balance benefits shall be paid to partial dependents, if any, in propor-
 17 tion to their dependency for the periods provided in section eighty-five
 18 point thirty-one (85.31) of the Code.

19 If the deceased leaves dependent child or children who was or were
 20 such at the time of the injury, and the surviving spouse remarries,
 21 then and in such case, the unpaid portion of the compensation pay-
 22 ments shall be paid to the proper compensation trustee for the use
 23 and benefit of such dependent child or children for the period provided
 24 in section eighty-five point thirty-one (85.31) of the Code.

1 SEC. 17. Section eighty-five point forty-four (85.44), Code 1973, is
 2 amended to read as follows:

3 **85.44 Payment to actual dependents.** In all other cases, questions
 4 of dependency in whole or in part a dependent shall be one actually
 5 dependent or mentally or physically incapacitated from earning. Such
 6 status shall be determined in accordance with the facts as of the date
 7 of the injury; and in such other cases. In such cases if there is more
 8 than one person wholly dependent, the death compensation benefit shall
 9 be equally divided among them. If there is no one wholly dependent
 10 and more than one person partially dependent, the death compensation
 11 benefit shall be divided among them in the proportion each dependency
 12 bears to their aggregate dependency.

1 SEC. 18. Section eighty-five point forty-five (85.45), Code 1973, is
 2 amended by adding the following new subsection:

3 **NEW SUBSECTION.** When a person seeking a commutation is a
 4 widow or widower, a permanently and totally disabled employee, or a
 5 dependent who is entitled to benefits as provided in section eighty-five
 6 point thirty-one (85.31), subsection one (1), paragraphs c and d of the
 7 Code, the future payments which may be commuted shall not exceed
 8 the number of weeks which shall be indicated by probability tables
 9 designated by the industrial commissioner for death and remarriage,
 10 subject to the provisions of chapter seventeen A (17A) of the Code.

1 SEC. 19. Section eighty-five point sixty-one (85.61), Code 1973, is
 2 amended by adding the following new subsections:

3 **NEW SUBSECTION.** "Pay period" means that period of employment
 4 for which the employer customarily or regularly makes payments to
 5 his employees for work performed or services rendered.

6 **NEW SUBSECTION.** "Payroll taxes" means the following:

7 a. An amount equal to the amount which would be withheld under
 8 the Internal Revenue Code of 1954, and regulations pursuant thereto,
 9 as amended to July 1, 1973, as though the employee had elected to
 10 claim the maximum number of exemptions for actual dependency,
 11 blindness and old age to which the employee is entitled on the date on
 12 which he was injured, and

13 b. An amount equal to the amount which would be withheld under
 14 chapter four hundred twenty-two (422) of the Code, and any regula-
 15 tions pursuant thereto, as though the employee had elected to claim
 16 the maximum number of exemptions for actual dependency, blindness
 17 and old age to which the employee is entitled on the date on which he
 18 was injured; and

19 c. An amount equal to the amount required by the Social Security
20 Act of 1935 as amended to July 1, 1973, to be deducted or withheld
21 from the amount of earnings of the employee at the time of the injury
22 as if the earnings were earned at the beginning of the calendar year
23 in which he was injured.

24 NEW SUBSECTION. "Spendable weekly earnings" is that amount
25 remaining after payroll taxes are deducted from gross weekly earn-
26 ings.

1 SEC. 20. Section eighty-five point sixty-one (85.61), subsection
2 three (3), paragraph a, Code 1973, is amended to read as follows:

3 a. A person whose employment is purely casual and not for the pur-
4 pose of the employer's trade or business *except as otherwise provided*
5 *in section eighty-five point one (85.1) of the Code.*

1 SEC. 21. Section eighty-five point sixty-one (85.61), subsection
2 five (5), paragraph b, Code 1973, is amended to read as follows:

3 b. They shall not include a disease unless it shall result from the
4 injury *and they shall not include an occupational disease as defined in*
5 *section eighty-five A point eight (85A.8) of the Code.*

1 SEC. 22. Section eighty-five A point four (85A.4), Code 1973, is
2 amended to read as follows:

3 **85A.4 Disablement defined.** Disablement as that term is used in
4 this chapter is the event or condition where an employee becomes actu-
5 ally incapacitated from performing his work or from earning equal
6 wages in other suitable employment because of an occupational dis-
7 ease as ~~designated and~~ defined in this chapter in the last occupation
8 in which such employee is injuriously exposed to the hazards of such
9 disease.

1 SEC. 23. Section eighty-five A point five (85A.5), Code 1973, is
2 amended to read as follows:

3 **85A.5 Compensation payable.** All employees subject to the pro-
4 visions of this chapter who shall become disabled from injurious
5 exposure to an occupational disease herein designated and defined
6 within the conditions, limitations and requirements provided herein,
7 shall receive compensation, reasonable surgical, medical, osteopathic,
8 chiropractic, *physical rehabilitation*, nursing and hospital services and
9 supplies therefor, and burial expenses as provided in the workmen's
10 compensation law of Iowa except as otherwise provided in this chapter.

11 If, however, an employee incurs an occupational disease for which
12 he would be entitled to receive compensation if he were disabled as
13 provided herein, but is able to continue in employment and requires
14 medical treatment for said disease, then he shall receive reasonable
15 medical services therefor, ~~but not in excess of the amount provided in~~
16 ~~section 85.27.~~

1 SEC. 24. Section eighty-five A point eight (85A.8), Code 1973, is
2 amended to read as follows:

3 **85A.8 Occupational disease defined.** Occupational diseases shall be
4 only those diseases ~~hereinafter designated and defined and~~ which arise
5 out of and in the course of the *employee's* employment ~~hereinafter~~
6 ~~designated and described.~~ Such diseases shall have a direct causal
7 connection with the ~~designated occupations or processes hereinafter~~

8 set out opposite such named diseases respectively *employment* and
 9 must have followed as a natural incident thereto from injurious
 10 exposure occasioned by the nature of the ~~occupation or process~~
 11 *employment*. Such disease must be incidental to the character of the
 12 business, occupation or process in which the employee was employed
 13 and not independent of the employment. Such disease need not have
 14 been foreseen or expected but after its contraction it must appear to
 15 have had its origin in a risk connected with the employment and to
 16 have resulted from that source as an incident and rational consequence.
 17 A disease which follows from a hazard to which an employee has or
 18 would have been equally exposed outside of said occupation is not
 19 compensable as an occupational disease.

1 SEC. 25. Section eighty-five A point ten (85A.10), Code 1973, is
 2 amended to read as follows:

3 85A.10 Last exposure—employer liable. Where compensation is
 4 payable for an occupational disease, the employer in whose employ-
 5 ment the employee was last injuriously exposed to the hazards of such
 6 disease, shall be liable therefor. The notice of injury and claim for
 7 compensation as hereinafter required shall be given and made to such
 8 employer, provided, that in case of ~~silicosis~~ *pneumoconiosis*, the only
 9 employer liable shall be the last employer in whose employment the
 10 employee was last injuriously exposed to the hazards of the disease
 11 during a period of not less than sixty days ~~which period shall be after~~
 12 ~~October 1, 1947.~~

1 SEC. 26. Section eighty-five A point twelve (85A.12), unnumbered
 2 paragraph one (1), Code 1973, is amended to read as follows:

3 An employer shall not be liable for any compensation for an occu-
 4 pational disease unless such disease shall be due to the nature of an
 5 employment in which the hazards of such disease actually exist, and
 6 which hazards are characteristic thereof and peculiar to the trade,
 7 occupation, process, or employment, and such disease actually arises
 8 out of the employment, and unless disablement or death results within
 9 three years in case of ~~silicosis~~ *pneumoconiosis*, or within one year in
 10 case of any other occupational disease, after the last injurious exposure
 11 to such disease in such employment, or in case of death, unless death
 12 follows continuous disability from such disease commencing within the
 13 period above limited for which compensation has been paid or awarded
 14 or timely claim made as provided by this chapter and results within
 15 seven years after such exposure.

1 SEC. 27. Section eighty-five A point thirteen (85A.13), Code 1973,
 2 is amended to read as follows:

3 85A.13 Provisions relating to ~~silicosis~~ *pneumoconiosis*.
 4 1. *Silicosis Pneumoconiosis* defined. Whenever used in this chapter,
 5 "~~silicosis~~" "*pneumoconiosis*" shall mean the characteristic fibrotic
 6 condition of the lungs caused by the inhalation of ~~silica~~ dust *particles*.
 7 2. Presumptions. In the absence of conclusive evidence in favor of
 8 the claim, disability or death from ~~silicosis~~ *pneumoconiosis* shall be
 9 presumed not to be due to the nature of any occupation within the
 10 provisions of this chapter unless during the ten years immediately

11 preceding the disablement of the employee who has been exposed to
12 the inhalation of silicea dust *particles* over a period of not less than five
13 years, two years of which shall have been in employment in this state.

14 3. Compensation payable. Except as in this chapter otherwise pro-
15 vided, compensation for disability from uncomplicated silicosis *pneu-*
16 *moconiosis* shall be payable in accordance with the provisions hereof;
17 provided, however, that no compensation shall be payable for disability
18 from silicosis *pneumoconiosis* of less than thirty-three and one-third
19 percent of total, and provided further that, during the transitory
20 period, the aggregate compensation payable to employees and their
21 dependents for disability and death for uncomplicated silicosis *pneu-*
22 *moconiosis* shall be limited as follows: If disablement occurs or in
23 case of no claim for prior disablement, if death occurs in the third
24 calendar month after October 1, 1947, the total compensation and
25 death benefits payable shall not exceed the sum of five hundred dollars.
26 If disablement occurs or in case of no claim for prior disablement, if
27 death occurs during the next calendar month, the total compensation
28 and death benefits payable shall not exceed five hundred fifty dollars.
29 Thereafter, the total amount or limit of the compensation and death
30 benefits payable for disability and death shall be increased at the rate
31 of fifty dollars per month, the aggregate payable in each case to be
32 limited according to the foregoing formula for the month in which
33 disability occurs, or, in case of no claim for prior disablement, in
34 which death occurs. Such progressive increase in the limits of the
35 aggregate compensation and benefits for disability and death shall
36 continue until the limit upon such benefits fixed in the workmen's
37 compensation law is reached, and thereafter the total aggregate of
38 such compensation and benefits shall be the total compensation and
39 benefits otherwise provided in the workmen's compensation law.

40 4. Silicosis *Pneumoconiosis* complicated with other diseases. In case
41 of disability or death from silicosis *pneumoconiosis* complicated with
42 tuberculosis of the lungs, compensation shall be payable as for uncom-
43 plicated silicosis *pneumoconiosis*, provided, however, that the silicosis
44 *pneumoconiosis* was an essential factor in causing such disability or
45 death. In case of disability or death from silicosis *pneumoconiosis*
46 complicated with any other disease, or from any other disease compli-
47 cated with silicosis *pneumoconiosis*, the compensation shall be reduced
48 as herein provided.

1 SEC. 28. Section eighty-six point thirty-four (86.34), Code 1973,
2 is amended to read as follows:

3 86.34 **Review of award or settlement.** Any award for payments or
4 agreement for settlement made under this chapter where the amount
5 has not been commuted, may be reviewed by the industrial commis-
6 sioner or a deputy commissioner at the request of the employer or of
7 the employee at any time within three years from the date of the last
8 payment of compensation made under such award or agreement, and
9 if on such review the commissioner finds the condition of the em-
10 ployee warrants such action, he may end, diminish, or increase the
11 compensation so awarded or agreed upon. *Once an award for pay-*
12 *ments or agreement for settlement under this chapter has been made*
13 *where the amount has not been commuted, the commissioner may at*
14 *any time upon proper application make a determination and appro-*

15 *priate order concerning the entitlement of an employee to benefits*
 16 *provided for in section eighty-five point twenty-seven (85.27) of the*
 17 *Code. Any party aggrieved by any decision or order of the industrial*
 18 *commissioner or a deputy commissioner on a review of award or settle-*
 19 *ment as provided in this section, may appeal to the district court of*
 20 *the county in which the injury occurred and in the same manner as is*
 21 *provided in section 86.26.*

1 SEC. 29. Chapter eighty-five (85), Code 1973, is amended by add-
 2 ing the following new section:

3 NEW SECTION. If an employee, while working outside the terri-
 4 torial limits of this state, suffers an injury on account of which he,
 5 or in the event of his death, his dependents, would have been entitled
 6 to the benefits provided by this chapter had such injury occurred
 7 within this state, such employee, or in the event of his death resulting
 8 from such injury, his dependents, shall be entitled to the benefits
 9 provided by this chapter, provided that at the time of such injury:

10 1. His employment is principally localized in this state, that is, his
 11 employer has a place of business in this or some other state and he
 12 regularly works in this state, or if he is domiciled in this state, or

13 2. He is working under a contract of hire made in this state in
 14 employment not principally localized in any state, or

15 3. He is working under a contract of hire made in this state in
 16 employment principally localized in another state, whose workmen's
 17 compensation law is not applicable to his employer, or

18 4. He is working under a contract of hire made in this state for
 19 employment outside the United States.

1 SEC. 30. Section eighty-five A point nine (85A.9), Code 1973, is
 2 repealed.

Approved June 13, 1973.

CHAPTER 145

STATE EMPLOYEES IN AGRICULTURAL WORK

S. F. 175

AN ACT relating to workmen's compensation for employees engaged in agricultural work.

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

1 SECTION 1. Section eighty-five point one (85.1), subsection three
 2 (3), Code 1973, is amended to read as follows:

3 3. Persons engaged in agriculture, insofar as injuries shall be in-
 4 curred by employees while engaged in agricultural pursuits or any
 5 operations immediately connected therewith, whether on or off the
 6 premises of the employer, *however, this subsection does not apply to*
 7 *employees of the state of Iowa engaged in agricultural work.*

Approved April 26, 1973.

CHAPTER 146

AMUSEMENT CONCESSIONS INSPECTED

S. F. 522

AN ACT relating to fees for inspection of amusement rides, devices, concessions, and booths, and making an appropriation.

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

1 SECTION 1. Section eighty-eight A point four (88A.4), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 88A.4 **Permit and inspection fees.** Annual inspection fees under
5 this chapter shall be as follows:

- 6 1. Permit fees, five dollars per year.
- 7 2. Mechanical and electrical inspection fees for amusement rides
8 and devices, thirty-five dollars for each inspection.
- 9 3. Electrical inspection of concessions, booths, and amusement de-
10 vices fees, ten dollars each.

11 4. Special inspectors authorization fee, two dollars each. The spe-
12 cial inspectors authorization shall allow a person to perform inspec-
13 tions only on rides, devices, and concession booths of an operator who
14 makes the request for the special inspectors authorization.

1 SEC. 2. Section eighty-eight A point five (88A.5), Code 1973, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 88A.5 **Fees to general fund.** All fees collected by the bureau under
5 the provisions of this chapter shall be transmitted to the treasurer of
6 state and credited by him to the general fund of the state.

1 SEC. 3. There is appropriated from the general fund of the state
2 for the fiscal year beginning July 1, 1973 and ending June 30, 1974 to
3 the bureau of labor, the sum of fifty-three thousand two hundred fifty-
4 nine (53,259) dollars, or so much thereof as may be necessary, to
5 carry out the provisions of chapter eighty-eight A (88A) of the Code.

Approved June 29, 1973.

CHAPTER 147

UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES

H. F. 751

AN ACT relating to payments in lieu of contributions for unemployment compensation made to state employees of various state agencies, boards, commissions and departments.

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

1 SECTION 1. Section ninety-six point seven (96.7), subsection eight
2 (8), Code 1973, is amended by adding the following new unnumbered
3 paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** State agencies, boards, commis-
5 sions, and departments, except board of regents institutions and the

6 state fair board, shall, after approving the billing provided for in
 7 subsection nine (9), paragraph b, of this section, submit the billing
 8 to the state comptroller to be paid out of any moneys in the state
 9 treasury not otherwise appropriated. The state comptroller shall be
 10 reimbursed for payments made on behalf of agencies, boards, com-
 11 missions, or departments which have revolving, special, trust or fed-
 12 eral funds from which the payments can be made.

Approved June 13, 1973.

CHAPTER 148

EMPLOYMENT SECURITY RECORDS

H. F. 687

AN ACT relating to persons permitted to inspect certain records and reports of the employment security commission.

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

1 SECTION 1. Section ninety-six point eleven (96.11), subsection
 2 seven (7), Code 1973, is amended to read as follows:
 3 7. Records and reports. Each employing unit shall keep true and
 4 accurate work records, containing such information as the commission
 5 may prescribe. Such records shall be open to inspection and be subject
 6 to being copied by the commission or its authorized representatives at
 7 any reasonable time and as often as may be necessary. The commis-
 8 sion may require from any employing unit any sworn or unsworn
 9 reports, with respect to persons employed by it, which the commission
 10 deems necessary for the effective administration of this chapter.
 11 Information thus obtained shall not be published or be open to public
 12 inspection, ~~other than to public employees in the performance of~~
 13 ~~their public duties or to an agent of the commission designated as such~~
 14 ~~in writing for the purpose of accomplishing certain functions of the~~
 15 ~~commission~~, in any manner revealing the employing unit's identity,
 16 but any claimant at a hearing before an appeal tribunal or the com-
 17 mission shall be supplied with information from such records to the
 18 extent necessary for the proper presentation of his claim. Any
 19 employee or member of the commission who violates any provision of
 20 this section shall be fined not less than twenty dollars nor more than
 21 two hundred dollars, or imprisoned for not longer than ninety days,
 22 or both.

Approved June 13, 1973.

CHAPTER 149

I.P.E.R.S. REVISION

H. F. 287

AN ACT relating to the Iowa Public Employees' Retirement System by increasing the membership and the per diem of the advisory investment board, increasing the covered wages, reducing the number of years required to become a vested member, providing for prior service credit, providing for service after age sixty-five, permitting retroactive payments, allowing full-time employment with benefits after age sixty-five, increasing the membership benefit formula, providing a minimum monthly benefit, changing the method of computing the rate of interest credit for members, and increasing the percent of the total cost price of common stocks held by the retirement fund.

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

1 SECTION 1. Section ninety-seven B point eight (97B.8), Code 1973,
2 is amended to read as follows:
3 **97B.8 Advisory investment board.** A board shall be established
4 to be known as the "Advisory Investment Board of the Iowa Public
5 Employees' Retirement System", hereinafter called the "board", whose
6 duties shall be to advise and confer with the commission in matters
7 relating to the investment of the trust funds of the Iowa public em-
8 ployees' retirement system. The powers of the board shall be purely
9 advisory and the commission shall not be bound in the making of any
10 investment by the recommendations of the board. The board shall
11 consist of ~~five~~ *seven** members. ~~Three~~ *Five** of the members shall be
12 appointed by the governor, one of whom shall be an executive of a
13 domestic life insurance company, one an executive of a state or
14 national bank operating within the state of Iowa, ~~and the third shall~~
15 ~~be an executive of a major industrial corporation located within the~~
16 ~~state of Iowa, and two shall be active members of the system, one of~~
17 ~~whom shall be an employee of a school district, county school system,~~
18 ~~joint county system, or merged area and one of whom shall not be an~~
19 ~~employee of a school district, county school system, joint county sys-~~
20 ~~tem, or merged area.*~~ The president of the senate shall appoint one
21 member from the membership of the senate and the speaker of the
22 house of representatives shall appoint one member from the member-
23 ship of the house. The two members appointed by the president of
24 the senate and the speaker of the house of representatives ~~and the two~~
25 ~~active members of the system appointed by the governor*~~ shall be ex
26 officio members of the board. ~~Members appointed by the governor~~
27 ~~The members who are executives of a domestic life insurance com-~~
28 ~~pany, a state or national bank, and a major industrial corporation*~~
29 shall be paid their actual expenses incurred in performance of their
30 duties and shall receive in addition thereto the sum of ~~twenty-five~~
31 ~~forty~~* dollars for each day of service not exceeding forty days per year.
32 Ex officio members shall receive their actual expenses incurred in the
33 performance of their duties. ~~The members who are active members~~
34 ~~of the system shall be paid their actual expenses incurred in the per-~~
35 ~~formance of their duties as members of the board and performance~~
36 ~~of their duties as members of the board shall not affect their salaries,~~
37 ~~vacation, or leaves of absence for sickness or injury.*~~ The appointive
38 terms of the members appointed by the governor shall be for a period

*See ch. 51, §4, herein, a later enactment.

39 of six years dating from July 1 *first** of the year in which they are
 40 appointed, but the governor shall designate, in the case of the original
 41 appointees, one who shall serve for a period of two years, a second
 42 who shall serve for a period of four years, and a third who shall serve
 43 for a period of six years. *For the initial appointments one active*
 44 *member of the system shall serve for a term of two years and the*
 45 *other active member of the system shall serve for a term of four*
 46 *years.** In the event of vacancy, through resignation or any other
 47 cause, in the membership of the board, the governor shall have the
 48 power of appointment. Appointees to this board shall be subject to
 49 confirmation by a two-thirds vote of the senate, but in the event of
 50 interim appointments, such confirmation shall be necessary at the next
 51 session of the senate.

1 SEC. 2. Section ninety-seven B point eleven (97B.11), Code 1973,
 2 is amended** to read as follows:

3 97B.11 Contributions by employer and employee. Each employer
 4 shall deduct from the wages of each member of the system a contribu-
 5 tion in the amount of three and one-half percent of the covered wages
 6 paid by the employer until the first of the month after the member's
 7 seventieth birthday or his termination or retirement from employ-
 8 ment, whichever is earlier. The contributions of the member shall be
 9 matched by the employer.

1 SEC. 3. Section ninety-seven B point forty-one (97B.41), subsec-
 2 tion one (1), paragraph b, subparagraph three (3), Code 1973, is
 3 amended to read as follows:

4 (3) For each calendar year from January 1, 1968, through Decem-
 5 ber 31, 1970, wages not in excess of seven thousand dollars, ~~and for~~
 6 ~~each calendar year from January 1, 1971 through December 31, 1972,~~
 7 ~~and thereafter,~~ wages not in excess of seven thousand eight hundred
 8 dollars, ~~and for each calendar year from January 1, 1973, and there-~~
 9 ~~after,~~ wages not in excess of ten thousand eight hundred dollars.

1 SEC. 4. Section ninety-seven B point forty-one (97B.41), subsec-
 2 tion one (1), paragraph b, subparagraph four (4), Code 1973, is
 3 amended to read as follows:

4 (4) Effective July 1, ~~1967~~ 1973, covered wages shall not include
 5 wages to a member after the first of the month coinciding with or next
 6 following his seventieth birthday, or after the effective date of his
 7 retirement unless he is re-employed, as provided under section 97B.48,
 8 subsection 3.

1 SEC. 5. Section ninety-seven B point forty-one (97B.41), subsec-
 2 tions eleven (11) and eighteen (18), Code 1973, are amended to read
 3 as follows:

4 11. "Vested member" means a member who had terminated employ-
 5 ment ~~after having either~~ (a) *prior to July 1, 1973, after having com-*
 6 *pleted at least eight years of service,* ~~or~~ (b) *on or after July 1, 1973,*
 7 *after having completed at least four years of service,* or (c) *after*
 8 *having attained the age of fifty-five.*

9 18. "Membership service" means service rendered by a member

*See ch. 51, §4, herein, a later enactment.

**According to enrolled Act.

10 after July 4, 1953, and prior to the first of the month coinciding with
11 or next following his seventieth birthday. Years of membership ser-
12 vice shall be counted to the complete quarter calendar year.

1 SEC. 6. Section ninety-seven B point forty-three (97B.43), Code
2 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. Each individual who as of July 1,
5 1973 was an active, vested, or retired member and who (1) made
6 application for and received a refund of contributions made under
7 the abolished system or (2) has on deposit with the retirement fund
8 his contributions made under the abolished system shall be entitled to
9 credit for years of prior service in the determination of retirement
10 allowance payments by filing a written election with the commission
11 between July 1, 1973, and July 1, 1974, and by redepositing any with-
12 drawn contributions under the abolished system together with interest
13 as stated in this paragraph. Any individual who as of July 1, 1973 is
14 a retired member and who made application for and received a refund
15 of contributions made under the abolished system, may, by filing a
16 written election with the commission between July 1, 1973 and July 1,
17 1974, have the commission retain fifty percent of the monthly increase
18 in retiree benefits that will accrue to the individual because of prior
19 service. If the monthly increase in retirement benefits is less than
20 ten dollars, the commission shall retain five dollars of the scheduled
21 increase, and if the monthly increase is less than five dollars, the
22 provisions of this paragraph shall not apply. The commission shall
23 continue to retain such funds until the withdrawn contributions,
24 together with interest accrued to July 1, 1973, have been repaid. Due
25 notice of this provision shall be sent to all retired members as of
26 July 1, 1973. However, this paragraph shall not apply to any person
27 who received a refund of any membership service contributions. The
28 interest to be paid into the fund shall be compounded at the rates
29 credited to member accounts from the date of payment of the refund
30 of contributions under the abolished system to the date the member
31 redeposits the refunded amount. The provisions of the first paragraph
32 of this section relating to the consideration given to credited amounts
33 shall apply to the redeposited amounts or to amounts left on deposit.

1 SEC. 7. Section ninety-seven B point forty-five (97B.45), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **97B.45 Retirement age at sixty-five.** A member's normal retire-
5 ment date shall be the first of the month coinciding with or next follow-
6 ing his sixty-fifth birthday. A member may retire after his sixty-fifth
7 birthday except as otherwise provided in section ninety-seven B point
8 forty-six (97B.46) of the Code. A member retiring after his normal
9 retirement date, as provided in section ninety-seven B point forty-six
10 (97B.46) of the Code, shall submit a written notice to the commission
11 setting forth the date the retirement is to become effective, provided
12 that such date shall be after his last day of service and not before the
13 first day of the sixth calendar month preceding the month in which
14 the notice is filed, except that credit for service shall cease after the
15 normal retirement date. Notwithstanding the provisions of this sec-
16 tion and section ninety-seven B point forty-six (97B.46) of the Code,

17 an employer may adopt policies which prescribe retirement at an age
18 not less than sixty-five years.*

1 SEC. 8. Section ninety-seven B point forty-six (97B.46), Code
2 1973, is amended to read as follows:

3 97B.46 ~~Service after age seventy sixty-five.~~ A member may, on
4 the request of the employer, remain in the active employ of the em-
5 ployer beyond the date he attains the age of ~~seventy sixty-five~~ for
6 such period or periods as the employer from time to time shall approve,
7 provided, however, that credit for such service shall cease when con-
8 tributions cease as provided in section 97B.11. The member shall
9 retire from the employment of the employer at the end of the last
10 approved period, on the first day of the month next following or co-
11 inciding with such date. A member remaining in service past his
12 seventy-second birthday shall be entitled to receive a retirement allow-
13 ance under subsections 2 and 3 of section 97B.49 ~~on the first day of~~
14 ~~the month within which the notice is filed commencing with payment~~
15 ~~for the calendar month within which the written notice is submitted~~
16 ~~to the commission, except that if he fails to submit the notice on a~~
17 ~~timely basis, retroactive payments shall be made for no more than six~~
18 ~~months immediately preceding the month in which the written notice~~
19 ~~is submitted.~~

1 SEC. 9. Section ninety-seven B point forty-seven (97B.47), Code
2 1973, is amended to read as follows:

3 97B.47 **Retirement date.** A member's early retirement date shall
4 be the first of any month coinciding with or following his fifty-fifth
5 birthday and prior to his normal retirement date, provided such date
6 shall be after the last day of service. A member may retire on his
7 early retirement date by submitting written notice to the commission
8 setting forth the early retirement date which shall be ~~no more than~~
9 ~~thirty days prior to the filing of such notice not be before the first day~~
10 ~~of the sixth calendar month preceding the month in which such notice~~
11 ~~is filed.~~

1 SEC. 10. Section ninety-seven B point forty-eight (97B.48), Code
2 1973, is amended by striking subsections two (2) and three (3) and
3 inserting in lieu thereof the following:

4 2. The first monthly payment of a normal retirement allowance
5 shall be paid as of the normal retirement effective date, which date
6 shall be the later of the normal retirement date or the first day of the
7 sixth calendar month preceding the month in which written notice of
8 normal retirement is submitted to the commission. Payment of an
9 early retirement allowance or an allowance for retirement after the
10 normal retirement date shall be paid as of the effective date of retire-
11 ment subject to the provisions of sections ninety-seven B point forty-
12 five (97B.45), ninety-seven B point forty-six (97B.46), or ninety-seven
13 B point forty-seven (97B.47) of the Code. The payments shall be
14 continued thereafter for the lifetime of the retired member except as
15 provided in subsection three (3) of this section.

16 3. If at any time after the first day of the month coinciding with or
17 next following his fifty-fifth birthday and until his sixty-fifth birthday,

*See also ch 150, §1, herein.

18 a member who is retired under this chapter is in regular full-time
 19 employment, his retirement allowance shall be suspended for as long
 20 as he remains in employment. However, employment shall not be
 21 regarded as full-time employment until he receives remuneration in
 22 an amount in excess of two thousand one hundred dollars for any
 23 calendar year. Effective the first of the month coinciding with or next
 24 following his sixty-fifth birthday, a retired member shall be entitled
 25 to receive a retirement allowance after return to covered employment
 26 regardless of the amount of remuneration received. As of the first of
 27 the month coinciding with or next following the member's seventy-
 28 second birthday, he shall be entitled to receive a retirement allowance
 29 determined under section ninety-seven B point forty-nine (97B.49)
 30 of the Code, regardless of the amount of remuneration received. Upon
 31 any retirement after reemployment, a retired member shall be entitled
 32 to have his retirement allowance redetermined under sections ninety-
 33 seven B point forty-eight (97B.48), ninety-seven B point forty-nine
 34 (97B.49), or ninety-seven B point fifty (97B.50) of the Code, which-
 35 ever is applicable, based upon the employee's and his employer's addi-
 36 tional contributions, and any membership service of the employee
 37 after his reemployment and prior to his normal retirement date.

1 SEC. 11. Section ninety-seven B point forty-nine (97B.49), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Each member shall, upon retirement *on* or after his normal retire-
 5 ment date, be entitled to receive a monthly retirement allowance
 6 determined under subsections 1, 2, and 3 of this section. Any retire-
 7 ment allowance which is in addition to the amount being paid to
 8 retired members ~~on July 1, 1970~~ *as of June 30, 1973*, shall become
 9 effective with payments as of July 1, ~~1970~~ *1973*. For members retiring
 10 on and after July 1, ~~1970~~ *1973*, the retirement allowance as determined
 11 herein shall commence on the effective date of retirement.

1 SEC. 12. Section ninety-seven B point forty-nine (97B.49), sub-
 2 sections one (1) and two (2), Code 1973, are amended to read as
 3 follows:

4 1. For each active member retiring from employment *after July 1,*
 5 *1973* with ~~five~~ *four* or more complete years of service, a formula
 6 benefit shall be determined. The amount of the monthly formula
 7 benefit for each such active member who retired on or after July 1,
 8 ~~1970~~ *1973*, shall be equal to one-twelfth of one and ~~forty-five~~ *fifty-*
 9 *seven* hundredths percent per year of membership service multiplied
 10 by his average annual covered wages; but in no case shall the amount
 11 of monthly formula benefit accrued for membership service prior to
 12 July 1, 1967, be less than the monthly annuity at the normal retire-
 13 ment date determined by applying the sum of the member's accumu-
 14 lated contributions, his employer's matching accumulated contribu-
 15 tions on or before June 30, 1967, and any retirement dividends stand-
 16 ing to his credit on or before December 31, 1966, to the annuity tables
 17 in use by the commission with due regard to the benefits payable from
 18 such accumulated contributions under sections 97B.52 and 97B.53.

19 *Commencing July 1, 1973, for each member who retired and com-*
 20 *menced receiving, or who became vested in, a retirement allowance*
 21 *before July 1, 1973, the amount of regular monthly retirement allow-*

22 *ance attributable to membership service that he received, for June,*
 23 *1973, or was vested in as of June 30, 1973, shall be increased in the*
 24 *same proportion as the increase granted under this subsection for*
 25 *active members retiring after July 1, 1973.*

26 2. For each active member retiring with less than ~~five~~ *four* com-
 27 plete years of service and who therefore cannot have his benefit deter-
 28 mined under the formula benefit of subsection 1 of this section and
 29 for each vested member a monthly annuity for membership service
 30 shall be determined by applying the member's accumulated contribu-
 31 tions and his employer's matching accumulated contributions as of his
 32 effective retirement date and any retirement dividends standing to his
 33 credit on or before December 31, 1966, to the annuity tables in use by
 34 the commission according to his age determined as follows:

35 a. If his normal retirement date coincides with or follows July 1,
 36 1967, his age on his normal retirement date.

37 b. If his normal retirement date precedes July 1, 1967, and his
 38 effective date of retirement coincides with or follows July 1, 1967,
 39 his age on July 1, 1967.

1 SEC. 13. Section ninety-seven B point forty-nine (97B.49), Code
 2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. For each active member retiring on or after
 4 June 30, 1973, and who has completed ten or more years of member-
 5 ship service, the total amount of monthly benefit payable at the normal
 6 retirement date for prior service and membership service shall not be
 7 less than fifty dollars per month. If benefits commence on an early
 8 retirement date, the amount of benefit shall be reduced in accordance
 9 with section ninety-seven B point fifty (97B.50) of the Code. If an
 10 optional allowance is selected under section ninety-seven B point fifty-
 11 one (97B.51) of the Code, the amount payable shall be the actuarial
 12 equivalent of the minimum benefit. An employee who is in employ-
 13 ment on a school year or academic year basis, will be considered to be
 14 an active member as of June 30, 1973, if he completes the 1972-73
 15 school year or academic year.

1 SEC. 14. Section ninety-seven B point fifty-three (97B.53), sub-
 2 sections two (2) and seven (7), Code 1973, are amended to read as
 3 follows:

4 2. If the employment with the employer of a member is terminated
 5 prior to his retirement, other than by death, but after he has either
 6 (a) completed at least ~~eight~~ *four* years of service, or (b) has attained
 7 the age of fifty-five, he shall receive a monthly retirement allowance
 8 commencing on the first day of the month next following or coinciding
 9 with the date he attains the age of sixty-five, if he is then alive, or,
 10 if the member so elects in accordance with section 97B.47, commencing
 11 on the first day of any month coinciding or next following the date he
 12 attains the age of fifty-five and prior to the date he attains the age of
 13 sixty-five, and continuing on the first day of each month thereafter
 14 during his lifetime, provided the member does not receive prior to the
 15 date his retirement allowance is to commence a refund of accumulated
 16 contributions under any of the provisions of this chapter. The amount
 17 of each such monthly retirement allowance shall be determined as
 18 provided in either section 97B.49 or in section 97B.50, whichever is
 19 applicable.

20 7. Any member whose employment is terminated after *one year of*
 21 *employment but before* he has accumulated ~~five~~ *four* or more years of
 22 employment, either under the provisions of this chapter or as a result
 23 of prior service credits, may elect to leave his accumulated contribu-
 24 tions in the retirement fund. In the event he returns to public employ-
 25 ment at any time within ~~five~~ *four* years after this termination of
 26 employment, he shall be entitled to resume membership in the system
 27 with the same credits for prior service and accumulated contributions
 28 that he had earned when his original employment was terminated.
 29 No interest shall be credited on his accumulated contributions nor on
 30 his employer's accumulated contributions during the period from the
 31 time of his termination of employment to his resumption of employ-
 32 ment.

33 Any member who has resumed employment under the provisions of
 34 this subsection shall not be eligible for any second period of absence
 35 from membership as a result of termination of service ~~until he shall~~
 36 ~~have been employed for a period of five years or more from the date of~~
 37 ~~resumption of employment.~~

1 SEC. 15. Section ninety-seven B point seventy (97B.70), subsec-
 2 tion one (1), paragraph d, Code 1973, is amended to read as follows:
 3 d. Mean assets shall include fixed income investments valued at cost
 4 or on an amortized basis, and common stocks at market values *or cost,*
 5 *whichever is lower.*

1 SEC. 16. Section three (3) of this Act shall take effect on and be
 2 in force retroactive to January 1, 1973 upon publication as provided
 3 in section eighteen (18) of this Act. Sections one (1) and two (2)
 4 and four (4) through fifteen (15), inclusive, of this Act shall become
 5 effective on July 1, 1973.

1 SEC. 17.* Section ninety-seven B point seven (97B.7), subsection
 2 seven (7), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:
 4 7. The total cost price of common stocks held by the retirement fund
 5 shall not exceed ~~ten~~ *twenty-five* percent of the total value of the retire-
 6 ment fund. The cost price of stock investments in any one corporation
 7 shall not exceed five percent of the maximum amount which may be
 8 invested in stocks. Not more than five percent of the issued stock of
 9 any one corporation may be owned by the fund. For purposes of this
 10 chapter value consists of cash, the par value or unpaid balance of all
 11 unmatured or unpaid investments requiring the payment of a fixed
 12 amount at payment date, and the cost price of all other investments.
 13 The total cost of common stocks purchased during any year shall not
 14 exceed twenty-five percent of all moneys collected under chapter 97B
 15 together with investment income received by the system during that
 16 year.

1 SEC. 18. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Sioux

*See ch. 151, §3, herein.

3 City Journal, a newspaper published in Sioux City, Iowa, and in The
4 Manchester Press, a newspaper published in Manchester, Iowa.

Approved May 15, 1973.

I hereby certify that the foregoing Act, House File 287, was published in The Sioux City Journal, Sioux City, Iowa, May 21, 1973, and in The Manchester Press, Manchester, Iowa, May 23, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 150

PUBLIC EMPLOYEES RETIREMENT

H. F. 206

AN ACT relating to the age of retirement for a public employee.

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

1 SECTION 1. Chapter ninety-seven B (97B), Code 1973, is amended
2 by adding the following new section:

3 NEW SECTION. The provisions of section ninety-seven B point
4 forty-five (97B.45) of the Code shall not be construed to render in-
5 valid any provisions of a policy established by an employer which pre-
6 scribes retirement at an age not less than sixty-five years.*

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The
3 Ogden Reporter, a newspaper published in Ogden, Iowa, and in The
4 Mitchellville Index, a newspaper published in Mitchellville, Iowa.

Approved March 9, 1973.

I hereby certify that the foregoing Act, House File 206, was published in The Ogden Reporter, Ogden, Iowa, March 14, 1973, and in The Mitchellville Index, Mitchellville, Iowa, March 22, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

*See also ch. 149, §7, herein.

CHAPTER 151

I.P.E.R.S. AMENDMENTS

S. F. 550

AN ACT making corrective amendments to House File two hundred eighty-seven (287) as enacted by the Sixty-fifth General Assembly, 1973 Session.

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

1 SECTION 1. House File two hundred eighty-seven (287), section
2 seven (7), as enacted by the Sixty-fifth General Assembly, 1973 Ses-
3 sion, is amended to read as follows:

4 Sec. 7. Section ninety-seven B point forty-five (97B.45), Code
5 1973, is amended by striking the section and inserting in lieu thereof
6 the following:

7 97B.45 Retirement age at sixty-five. A member's normal retire-
8 ment date shall be the first of the month coinciding with or next fol-
9 lowing his sixty-fifth birthday. A member may retire after his sixty-

10 fifth birthday except as otherwise provided in section ninety-seven B
 11 point forty-six (97B.46) of the Code. A member retiring after his
 12 normal retirement date, as provided in section ninety-seven B point
 13 forty-six (97B.46) of the Code, shall submit a written notice to the
 14 commission setting forth the date the retirement is to become effec-
 15 tive, provided that such date shall be after his last day of service and
 16 not before the first day of the sixth calendar month preceding the
 17 month in which the notice is filed, except that credit for service shall
 18 cease ~~after the normal retirement date~~ *when contributions cease as*
 19 *provided in section ninety-seven B point eleven (97B.11) of the Code.*
 20 Notwithstanding the provisions of this section and section ninety-
 21 seven B point forty-six (97B.46) of the Code, an employer may adopt
 22 policies which prescribe retirement at an age not less than sixty-five
 23 years.

1 SEC. 2. House File two hundred eighty-seven (287), section six-
 2 teen (16), as enacted by the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, is amended to read as follows:

4 Sec. 16. Section three (3) of this Act shall take effect on and be
 5 in force retroactive to January 1, 1973 upon publication as provided
 6 in section eighteen (18) of this Act. Sections one (1) and two (2)
 7 and four (4) through fifteen (15), inclusive, *and section seventeen*
 8 *(17) of this Act shall become effective on July 1, 1973.*

1 SEC. 3. House File two hundred eighty-seven (287), section sev-
 2 enteen (17), as enacted by the Sixty-fifth General Assembly, 1973 Ses-
 3 sion, is amended to read as follows:

4 Sec. 17. Section ninety-seven B point seven (97B.7), subsection
 5 *two (2), paragraph a*, subparagraph seven (7), unnumbered para-*
 6 *graph one (1), Code 1973, is amended to read as follows:*

7 *7 (7). The total cost price of common stocks held by the retirement*
 8 *fund shall not exceed twenty-five percent of the total value of the re-*
 9 *retirement fund. The cost price of stock investments in any one cor-*
 10 *poration shall not exceed five percent of the maximum amount which*
 11 *may be invested in stocks. Not more than five percent of the issued*
 12 *stock of any one corporation may be owned by the fund. For pur-*
 13 *poses of this chapter value consists of cash, the par value or unpaid*
 14 *balance of all unmatured or unpaid investments requiring the pay-*
 15 *ment of a fixed amount at payment date, and the cost price of all other*
 16 *investments. The total cost of common stocks purchased during any*
 17 *year shall not exceed twenty-five percent of all moneys collected under*
 18 *chapter 97B together with investment income received by the system*
 19 *during that year.*

1 SEC. 4. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Chero-
 3 kee Daily Times, a newspaper published in Cherokee, Iowa, and in the

*Paragraph "b" probably intended.

4 Storm Lake Pilot-Tribune, a newspaper published in Storm Lake,
5 Iowa.

Approved June 29, 1973.

I hereby certify that the foregoing Act, Senate File 550, was published in the Cherokee Daily Times, Cherokee, Iowa, July 5, 1973, and in the Storm Lake Pilot-Tribune, Storm Lake, Iowa, July 11, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 152

TAX ON LITTLE CIGARS

H. F. 328

AN ACT to increase the tax on little cigars.

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

1 SECTION 1. Section ninety-eight point forty-two (98.42), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. "Tobacco products" means cigars; *little cigars as defined herein;*
4 cheroots; stogies; periques; granulated, plug cut, crimp cut, ready
5 rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug
6 and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse
7 scraps, clippings, cuttings and sweepings to tobacco, and other kinds
8 and forms of tobacco, prepared in such manner as to be suitable for
9 chewing or smoking in a pipe or otherwise, or both for chewing and
10 smoking; but shall not include cigarettes as defined in section 98.1,
11 subsection 1.

1 SEC. 2. Section ninety-eight point forty-two (98.42), Code 1973, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Little cigar" means any roll for smoking
4 which:

5 (a) Is made wholly or in part of tobacco, irrespective of size or
6 shape and irrespective of tobacco being flavored, adulterated, or mixed
7 with any other ingredient;

8 (b) Is not a cigarette as defined in section ninety-eight point one
9 (98.1), subsection one (1) of the Code; and

10 (c) Either weighs not more than three pounds per thousand, irre-
11 spective of retail price, or weighs more than three pounds per thousand
12 and has a retail price of not more than two and one-half cents per little
13 cigar. For purposes of this subsection, the retail price is the ordinary
14 retail price in this state, not including retail sales tax, use tax, or the
15 tax on little cigars imposed by section ninety-eight point forty-three
16 (98.43) of the Code.

1 SEC. 3. Section ninety-eight point forty-three (98.43), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. A tax is hereby imposed upon all tobacco products in this state
4 and upon any person engaged in business as a distributor thereof, at
5 the rate of ten percent of the wholesale sales price of such tobacco
6 products *except little cigars as defined in section ninety-eight point*
7 *forty-two (98.42) of the Code. Little cigars shall be subject to the*
8 *same rate of tax imposed upon cigarettes in section ninety-eight point*
9 *six (98.6) of the Code, payable at the time and in the manner provided*
10 *in section ninety-eight point six (98.6) of the Code; and stamps shall*

11 *be affixed as provided in division one (I) of this chapter. Such tax*
 12 *The tax on tobacco products, excluding little cigars, shall be imposed*
 13 *at the time the distributor (a) brings, or causes to be brought, into*
 14 *this state from without the state tobacco products for sale; (b) makes,*
 15 *manufactures, or fabricates tobacco products in this state for sale in*
 16 *this state; or (c) ships or transports tobacco products to retailers in*
 17 *this state, to be sold by those retailers.*

1 SEC. 4. Thirty days after the effective date of this Act all little
 2 cigars as defined in this Act located in retail establishments shall bear
 3 an indicium or stamp indicating that the tax has been paid.

1 SEC. 5. For the purposes of this Act, the department of revenue
 2 may use any denomination of cigarette stamps available on a tem-
 3 porary basis until stamps in compliance with division one (I) of
 4 chapter ninety-eight (98) of the Code are available.

1 SEC. 6. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Dallas
 3 County News, a newspaper published in Adel, Iowa, and in the Clinton
 4 Herald, a newspaper published in Clinton, Iowa.

Approved April 26, 1973.

I hereby certify that the foregoing Act, House File 328, was published in the Dallas County News, Adel, Iowa, May 2, 1973, and in the Clinton Herald, Clinton, Iowa, May 3, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 153

GAMES OF SKILL, CHANCE AND RAFFLES

S. F. 108

AN ACT relating to games of skill, games of chance, raffles, providing a tax and providing penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
 2 less the context otherwise requires:

3 1. "Game of skill" means a game whereby the result is determined
 4 by the player directing or throwing objects to designated areas or
 5 targets, or by maneuvering water or an object into a designated area,
 6 or by maneuvering a dragline device to pick up particular items, or by
 7 shooting a gun or rifle.

8 2. "Game of chance" means a game whereby the result is determined
 9 by chance and the player in order to win aligns objects or balls in a
 10 prescribed pattern or order or makes certain color patterns appear and
 11 specifically includes but is not limited to the game defined as bingo.
 12 Game of chance does not include a slot machine.

13 3. "Raffle" means a lottery in which each participant buys a ticket
 14 for a chance at a prize with the winner determined by a random
 15 method. "Raffle" does not include a slot machine.

16 4. "Bingo" means a game, whether known as bingo or any other
 17 name, in which each participant uses one or more cards each of which
 18 is marked off into spaces arranged in horizontal and vertical rows of

19 spaces, with each space being designated by number, letter, or combi-
 20 nation of numbers and letters, no two cards being identical, with the
 21 players covering spaces as the operator of such game announces the
 22 number, letter, or combination of numbers and letters appearing on an
 23 object selected by chance, either manually or mechanically, from a
 24 receptacle in which have been placed objects bearing numbers, letters,
 25 or combinations of numbers and letters corresponding to the system
 26 used for designating the spaces, with the winner of each game being
 27 the player or players first properly covering a predetermined and
 28 announced pattern of spaces on a card being used by him or them.

29 5. "Gross receipts" means the total revenue received from the sale
 30 of rights to participate in a game of skill, game of chance, or raffle
 31 and admission fees or charges.

32 6. "Net receipts" means gross receipts less reasonable expenses,
 33 charges, fees and deductions allowed by the department of revenue.

34 7. "Net rent" means the total rental charge minus reasonable ex-
 35 penses, charges, fees and deductions allowed by the department of
 36 revenue.

37 8. "Fair" means an annual fair and exposition held by the Iowa
 38 state fair board and any fair held by a county or district fair or agri-
 39 cultural society under the provisions of chapter one hundred seventy-
 40 four (174) of the Code.

41 9. "Authorized" means approved as a concession by the Iowa state
 42 fair board or a county or district fair or agricultural society holding a
 43 fair.

44 10. "Qualified organization" means any licensed person who dedi-
 45 cates the net receipts of a game of skill, game of chance or raffle as
 46 provided in section seven (7) of this Act.

1 SEC. 2. NEW SECTION. **Licensing.** The department of revenue
 2 shall license persons to operate or conduct games of skill, games of
 3 chance, raffles and bingo games. A license fee of ten dollars shall be
 4 charged and the license shall be valid for one year. A person shall not
 5 operate or conduct games of skill, games of chance, raffle or bingo
 6 games unless he is licensed by the department of revenue and promi-
 7 nently displays the license at the place of operation. This section shall
 8 not apply to company games lawful under section designated as "com-
 9 pany games" in this Act or to games lawful under section twenty (20)
 10 of this Act.

1 SEC. 3. NEW SECTION. **Fair games.** Games of skill and games
 2 of chance which have been authorized may be operated and played at
 3 the authorizing fair, provided:

4 1. The game has clearly displayed and specified the cost of play,
 5 which shall not exceed one dollar, and an explanation of how the game
 6 is played, and

7 2. No prize is displayed which cannot be won, and

8 3. Cash prizes are not awarded and merchandise prizes are not re-
 9 purchased, and

10 4. The outcome or winner of the game is not controlled by the oper-
 11 ator of the game and the game is conducted in a fair and honest
 12 manner, and

13 5. The game is not operated on a build-up or pyramid basis, and

14 6. The actual retail value of any prize does not exceed twenty-five

15 dollars. If a prize consists of more than one item, unit or part, the
16 aggregate retail value of all items, units or parts shall not exceed
17 twenty-five dollars.

18 7. No concealed numbers and no conversion charts may be used to
19 play any game and no game may be rigged with any control devices,
20 levers, rods, wires, hydraulic, pneumatic, or electrical connections,
21 which permit manipulation of the game by the operator to prevent a
22 player from winning or to predetermine who the winner will be, and
23 the object target, block or object of the game must be attainable and
24 possible to perform under the rules stated from the playing position
25 of the player.

26 8. There shall be placed near the front or playing area of the game
27 a sign at least thirty inches by thirty inches, with permanent material
28 and lettering, stating at the top in letters at least three inches high:
29 "Rules of the Game". Thereunder there shall be set forth in large,
30 easily readable print, the name of the game, the price to play the game,
31 the complete rules for the game and the name and permanent address
32 of the owner of the game.

1 SEC. 4. NEW SECTION. Fair raffles. A fair may conduct raffles,
2 provided:

3 1. The raffle shall be subject to the same restrictions provided for
4 games of skill and games of chance in section three (3), subsections
5 one (1) through eight (8) of this Act, and

6 2. That notwithstanding subsections one (1) and six (6) of section
7 three (3) of this Act, a fair may hold not more than one raffle per year
8 at which a merchandise prize may be awarded if not greater than five
9 thousand dollars in value by purchase price paid by the fair.

1 SEC. 5. NEW SECTION. Amusement parks. The city or town
2 council of any city or town or the county board of supervisors with
3 respect to any unincorporated area within the county may by resolu-
4 tion authorize games of skill and games of chance at any amusement
5 park provided:

6 1. The amusement park and the persons operating the games of
7 skill and games of chance are licensed pursuant to section two (2) of
8 this Act, and

9 2. The games of skill and games of chance shall be subject to the
10 provisions of section three (3), subsections one (1) through eight (8),
11 of this Act.

1 SEC. 6. NEW SECTION. Civic celebration. The city or town coun-
2 cil of any city or town, or the county board of supervisors with respect
3 to any unincorporated area within the county, may by resolution
4 authorize games of skill and games of chance at any carnival, bazaar,
5 centennial or celebration sponsored by any bona fide civic group, ser-
6 vice club or merchants group provided:

7 1. The carnival, bazaar, centennial or celebration is licensed under
8 section two (2) of this Act, and

9 2. The games of skill and games of chance shall be subject to the
10 restrictions provided in section three (3) of this Act.

1 SEC. 7. NEW SECTION. Qualified organizations. Games of skill,
2 games of chance, and raffles may be conducted by all qualified organi-
3 zations, provided:

4 1. The net receipts of the game are dedicated to the awarding of
5 prizes to contestants or participants and to educational, civic, public,
6 charitable, patriotic or religious uses in this state. "Educational, civic,
7 public, charitable, patriotic, or religious uses" means uses benefiting
8 a society for the prevention of cruelty to animals or animal rescue
9 league or uses benefiting an indefinite number of persons either by
10 bringing them under the influence of education or religion or reliev-
11 ing them from disease, suffering, or constraint, or by erecting or main-
12 taining public buildings or works, or otherwise lessening the burden
13 of government but do not include the erection, acquisition, improve-
14 ment, maintenance, or repair of real, personal or mixed property
15 unless it is used exclusively for one or more of the uses stated. "Public
16 uses" specifically includes dedication of net receipts to political parties
17 as defined in section forty-three point two (43.2) of the Code.

18 "Charitable uses" includes uses benefiting a definite number of per-
19 sons who are the victims of loss of home or household possessions
20 through explosion, fire, flood, or storm and the loss is uncompensated
21 by insurance, and uses benefiting a definite number of persons suffer-
22 ing from a seriously disabling disease or injury, causing severe loss
23 of income or incurring extraordinary medical expense, which is un-
24 compensated by insurance.

25 The net receipts must be devoted within six months to one or more
26 of the permitted uses. A person desiring to hold the net receipts for
27 a period longer than six months must apply to the department of
28 revenue for special permission and upon good cause shown the depart-
29 ment may grant the request.

30 2. No person receives or has any fixed or contingent right to re-
31 ceive, directly or indirectly, any profit, remuneration, or compensation
32 from or related to a game of skill, game of chance, or raffle, except any
33 amount which he may win as a participant on the same basis as the
34 other participants. Persons operating or managing a game or raffle
35 shall not be participants in the game or raffle.

36 3. Games of skill, games of chance, and raffles shall not be con-
37 ducted on rented premises unless the premises are rented from a
38 licensed qualified organization and the net rent received is dedicated
39 to one or more of the uses permitted for dedication of net receipts.
40 This subsection shall not apply where the rented premises are those
41 upon which a qualified organization usually carries out a lawful busi-
42 ness other than operating games of skill, games of chance or raffles.

43 4. Cash prizes may be awarded only in the game of bingo and shall
44 not exceed one hundred dollars. Merchandise prizes may be awarded
45 in the game of bingo; however, the actual retail value of the prize, or
46 if the prize consists of more than one item, unit or part, the aggregate
47 retail value of all items, units or parts, shall not exceed one hundred
48 dollars, and

49 5. No cash prizes shall be awarded in games of skill, games of
50 chance, other than bingo, and raffles. The actual retail value of any
51 merchandise prizes shall not exceed twenty-five dollars and may not
52 be repurchased, and

53 6. That games of skill, games of chance and raffles shall be subject
54 to the provisions of section three (3), subsections one (1), two (2),
55 four (4), five (5), seven (7), and eight (8) of this Act. A jackpot
56 bingo game in which the prize doubles if not won at one game shall

57 not be considered a game operated on a build-up or pyramid basis
58 under section three (3), subsection five (5) of this Act, provided the
59 cost of play does not increase and the jackpot does not build to more
60 than five hundred dollars in cash or actual retail value of merchandise
61 prizes, notwithstanding the one hundred dollar limitation provided in
62 subsection four (4) of this section.

63 7. That notwithstanding the provisions of subsections one (1) of
64 section three (3) of this Act and five (5) of this section a qualified
65 organization may hold not more than one raffle per year at which a
66 merchandise prize may be awarded if not greater than five thousand
67 dollars in value by purchase price paid by the organization or donor.

1 SEC. 8. NEW SECTION. **Company games.** Games of skill, games
2 of chance, card games and raffles may be conducted provided a bona
3 fide social or employment relationship exists between the sponsors
4 and the participants and the participants pay no consideration of any
5 nature, either directly or indirectly, to participate in the games or
6 raffles, and all money or other items wagered are provided to the
7 participant free, and the sponsor conducting the game or raffle re-
8 ceives no consideration, either directly or indirectly, other than good-
9 will.

1 SEC. 9. NEW SECTION. **Penalties.** Any person who conducts,
2 manages, operates, plays or participates in a game of chance or raffle
3 in a manner which causes the winner to be determined other than by
4 chance shall be guilty of a misdemeanor. Any person who conducts,
5 manages or operates a game of skill, game of chance or raffle in viola-
6 tion of the provisions of this Act shall be guilty of a misdemeanor.

7 A misdemeanor under this section is punishable by imprisonment in
8 the county jail for not more than one year or by a fine of not more
9 than one thousand dollars or by both imprisonment and fine.

1 SEC. 10. Section one hundred twenty-three point forty-nine
2 (123.49), Code 1973, is amended by adding the following new sub-
3 section:

4 NEW SUBSECTION. Subsection two (2), paragraph a, of this sec-
5 tion shall not apply to games of skill, games of chance, or raffle con-
6 ducted pursuant to this Act, or to devices lawful under section eleven
7 (11) of this Act or to games lawful under section twenty (20) of this
8 Act.

1 SEC. 11. NEW SECTION. Notwithstanding the provisions of sec-
2 tion ninety-nine point one (99.1) and chapter ninety-nine A (99A)
3 and chapter seven hundred twenty-six (726) of the Code, it shall be
4 lawful for any person to own, operate, or play mechanical or electronic
5 amusement devices even though the machine or device awards free
6 games or one or more additional balls or shots upon attaining a cer-
7 tain score. These machines and devices are not lawful under this
8 section if they award or are played for cash or merchandise prizes
9 or if the machines or devices are equipped with a push button or other
10 device for releasing free games which are not played off and a meter
11 for measuring the games released or a device by which a person may
12 increase his chances of winning free games by inserting additional
13 coins.

1 SEC. 12. Section ninety-nine point one (99.1), Code 1973, is
2 amended by adding the following new paragraph:

3 NEW UNNUMBERED PARAGRAPH. The provisions of this section
4 shall not apply to games of skill, games of chance, or raffles conducted
5 pursuant to this Act or to devices lawful under section eleven (11) of
6 this Act or to games lawful under section twenty (20) of this Act.

1 SEC. 13. Section four hundred twenty-two point forty-three
2 (422.43), unnumbered paragraphs two (2) and three (3), Code 1973,
3 are amended to read as follows:

4 There is hereby imposed a tax of three percent upon the gross
5 receipts derived from the operation of all forms of amusement devices
6 and *games of skill, games of chance, raffles and bingo games as defined*
7 *in this Act, and commercial amusement enterprises operated or con-*
8 *ducted within the state of Iowa, such tax to be collected from the*
9 *operator in the same manner as is provided for the collection of taxes*
10 *upon the gross receipts of tickets or admission as provided in this*
11 *section.*

12 The tax thus imposed shall cover all receipts from the operation of
13 *games of skill, games of chance, raffles and bingo games as defined in*
14 *this Act, and musical devices, weighing machines, shooting galleries,*
15 *billiard and pool tables, bowling alleys, pinball machines, slot-operated*
16 *devices selling merchandise not subject to the general sales taxes and*
17 *on all receipts from devices or systems where prizes are in any manner*
18 *awarded to patrons and upon the receipts from fees charged for par-*
19 *ticipation in any game or other form of amusement, and generally*
20 *upon the gross receipts from any source of amusement operated for*
21 *profit not specified herein, and upon the gross receipts from which no*
22 *tax is collected for tickets or admission, but no tax shall be imposed*
23 *upon any activity exempt from sales tax under the provision of sub-*
24 *section 4 of section 422.45. Every person receiving gross receipts*
25 *from the sources as defined in this section shall be subject to all pro-*
26 *visions of this division relating to retail sales tax and such other pro-*
27 *visions of this chapter as may be applicable.*

1 SEC. 14. Sections* four hundred twenty-two point forty-five
2 (422.45), subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. The gross receipts from sales of educational, religious, or chari-
5 table activities, where the entire proceeds therefrom are expended for
6 educational, religious, or charitable purposes, *except the gross receipts*
7 *from games of skill, games of chance, raffles and bingo games as de-*
8 *defined in this Act.*

1 SEC. 15. Section ninety-nine A point one (99A.1), Code 1973, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Gambling device does not include
4 any device or machine used in accordance with this Act.

1 SEC. 16. Section three hundred sixty-eight point seven (368.7),**
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Subsections eight (8) and nine (9) of this sec-

*According to enrolled Act.

**See 64-1088-9, 199.

4 tion shall not apply to games of skill, games of chance or raffles con-
 5 ducted pursuant to this Act and shall not apply to mechanical or elec-
 6 tronic amusement devices lawful under section eleven (11) of this Act,
 7 or games lawful under section twenty (20) of this Act.

1 SEC. 17. Section five hundred thirty-seven point four (537.4),
 2 Code 1973, is amended by adding the following new paragraph:

3 NEW UNNUMBERED PARAGRAPH. This section shall not apply to a
 4 contract for the operation of or for the sale or rental of equipment for
 5 games of skill or games of chance, if both the contract and the games
 6 are in compliance with this Act.

1 SEC. 18. Chapter seven hundred thirteen (713), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. The provisions of sections seven hundred thirteen
 4 point twenty-nine (713.29) through seven hundred thirteen point
 5 thirty-three (713.33) of the Code shall not apply to games of skill,
 6 games of chance, or raffles conducted pursuant to this Act or to devices
 7 lawful under section eleven (11) of this Act or to games lawful under
 8 section twenty (20) of this Act.

1 SEC. 19. Chapter seven hundred twenty-six (726), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. Sections seven hundred twenty-six point one
 4 (726.1) through seven hundred twenty-six point six (726.6), inclusive,
 5 and section seven hundred twenty-six point eight (726.8) of the Code
 6 shall not apply to games of skill, games of chance and raffles conducted
 7 pursuant to this Act and shall not apply to mechanical or electronic
 8 amusement devices lawful under section eleven (11) of this Act, or
 9 games lawful under section twenty (20) of this Act.

1 SEC. 20. Chapter seven hundred twenty-six (726), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. Natural persons may participate in games of skill,
 4 games of chance, card games played for money with ordinary playing
 5 cards, wagers, bets, pools, or raffles provided:

6 1. The game or activity described in this section is incidental to a
 7 bona fide social relationship and is not conducted in whole or in part
 8 on or in any property subject to chapter two hundred ninety-seven
 9 (297) of the Code, relating to school houses and school house sites.

10 2. All participants, sponsors, and promoters of the game or activity
 11 are natural persons.

12 3. The game or activity is conducted in a fair and honest manner.

13 4. No person receives or has any fixed or contingent right to re-
 14 ceive, directly or indirectly, any profit, remuneration, or compensation
 15 from or as a result of the game or activity, except any amount which
 16 he may win as a participant on the same basis as the other partici-
 17 pants.

18 5. No gambling device as defined in section ninety-nine A point one
 19 (99A.1) of the Code is used in or for the game or activity, except
 20 poker tables, devices required for a game of skill or game of chance
 21 as defined in this Act, or tickets, sheets, or writings reasonably neces-
 22 sary for a game or activity permitted by this section.

23 6. If a wager, bet, or pool relates to an athletic event or contest for
 24 which spectators pay any admission fee or charge or which is author-

25 ized or sponsored by one or more schools, educational institutions, or
 26 interscholastic athletic organizations, no person participating in the
 27 wager, bet, or pool is a coach, official, player or contestant in the
 28 athletic event or contest.

29 7. No participant wins or loses more than a total of five hundred
 30 dollars in all games and activities permitted by this section during
 31 any period of twenty-four consecutive hours.

32 If any provision of subsections two (2) through seven (7) of this
 33 section is violated, the game or activity shall be unlawful because of
 34 this violation only with respect to any person who knows of or has
 35 reasonable grounds to suspect such violation.

1 SEC. 21. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The
 3 Telegraph-Herald, a newspaper published in Dubuque, Iowa, and in
 4 the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa.

Approved May 30, 1973.

I hereby certify that the foregoing Act, Senate File 108, was published in The
 Telegraph-Herald, Dubuque, Iowa, June 1, 1973, and in the Ankeny Press-Citizen,
 Ankeny, Iowa, May 31, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 154

BOATING ACCIDENTS

H. F. 657

AN ACT relating to the reporting of boating accidents.

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

1 SECTION 1. Section one hundred six point seven (106.7), subsection
 2 two (2), Code 1973, is amended by striking the subsection and insert-
 3 ing in lieu thereof the following:

4 2. Whenever any vessel is involved in a collision, accident or cas-
 5 ualty, except one which results only in property damage not exceeding
 6 one hundred dollars, a report thereof shall be filed with the commis-
 7 sion. The report shall be filed by the operator of the vessel and shall
 8 contain such information as the commission may, by rule, require.
 9 Said report shall be submitted without delay in death or disappear-
 10 ance cases and within five days in all other cases.

Approved June 29, 1973.

CHAPTER 155

WILD TURKEY

H. F. 292

AN ACT relating to the taking of wild turkey and providing for a special license fee.

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

1 SECTION 1. Section one hundred nine point thirty-eight (109.38),
2 subsections one (1) and two (2), Code 1973, are amended to read as
3 follows:

4 1. The commission may upon its own motion and after an investiga-
5 tion, alter, limit, or restrict the methods or means employed and the
6 instruments or equipment used in taking deer, raccoon, *wild turkey*,
7 trout or rough fish, if the investigation reveals that such action would
8 be desirable or beneficial in promoting the interests of conservation,
9 or the commission may, after an investigation when it is found there
10 is imminent danger of loss of fish through natural causes, authorize
11 the taking of fish by such means as they may deem advisable to sal-
12 vage such imperiled fish populations.

13 2. If following an investigation the commission finds that the num-
14 ber of hunters licensed to take deer *or wild turkey* should be limited
15 or further regulated, the commission shall conduct a drawing to deter-
16 mine which applicants shall receive a license. Applications for
17 licenses shall be received and accepted during a fifteen-day period es-
18 tablished by the commission. At the end of such period the drawing
19 shall be conducted. If the quota has not been filled, licenses shall
20 then be issued in the order in which such applications are received and
21 shall continue to be issued until such quota has been met or until a
22 date fifteen days prior to the opening day of the season, whichever
23 first occurs. If an applicant fails to receive a *deer* license by either
24 of the methods provided herein, such applicant shall receive a certifi-
25 cate at the time his application and monetary remittance is returned
26 to him which shall entitle him to a license the following year before
27 the drawing is conducted by the commission. *This subsection shall*
28 *not apply to the hunting of wild turkey on game breeding and shoot-*
29 *ing preserves licensed under chapter one hundred ten A (110A) of the*
30 *Code.*

1 SEC. 2. Section one hundred ten point one (110.1), Code 1973, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Special Wild Turkey License:

4 All persons legal residents of the state\$10.00

1 SEC. 3. Section one hundred ten point seventeen (110.17), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 Owners or tenants of land, and their children, may hunt, fish or
5 trap upon such lands and may shoot ground squirrels, gophers or
6 woodchucks upon adjacent roads without securing a license so to do;
7 except, special licenses to hunt deer *and wild turkey* shall be required
8 by owners and tenants *but they shall not be required to have a special*
9 *wild turkey license to hunt wild turkey on a game breeding and shoot-*

10 *ing preserve licensed under chapter one hundred ten A (110A) of the*
11 *Code.*

1 SEC. 4. Section one hundred ten point seventeen (110.17), Code
2 1973, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. No person shall be required to have a special
4 wild turkey license to hunt wild turkey on a game breeding and shoot-
5 ing preserve licensed under chapter one hundred ten A (110A) of the
6 Code.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 156

IMPORTING FISH AND GAME

H. F. 253

AN ACT relating to the importing and releasing of game.

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

1 SECTION 1. Section one hundred nine point forty-seven (109.47),
2 Code 1973, is amended to read as follows:
3 109.47 **Importing fish and game—permits.** It shall be unlawful
4 except as otherwise provided for any person, firm or corporation, to
5 bring into the state of Iowa for the purpose of propagating or intro-
6 ducing, or to place or introduce into any of the inland or boundary
7 waters of the state, any fish or spawn thereof that are not native to
8 such waters, or introduce or stock any bird or animal ~~that is not native~~
9 ~~to Iowa,~~ unless application is first made in writing to the commission
10 for a permit therefor and such permit granted. Such permit shall be
11 granted only after the commission has made such investigation or
12 inspection of the fish, birds or animals as it may deem necessary to
13 determine whether or not such fish, birds or animals are free from
14 disease and whether or not such introduction will be beneficial or
15 detrimental to the native wildlife and the people of the state, and may
16 or may not approve such planting, releasing or introduction according
17 to its findings. Nothing in the above shall prohibit licensed game
18 breeders from securing native or exotic birds or animals from outside
19 the state and bringing them into the state and they shall not be
20 required to have a permit as provided above when such birds or
21 animals are not released to the wild but are held on the game breeder's
22 premises as breeding stock.

Approved June 19, 1973.

CHAPTER 157

SEINES AND TRAPS

H. F. 166

AN ACT relating to the taking of fish with seines and traps.

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

1 SECTION 1. Section one hundred nine point eighty (109.80), sub-
2 section two (2), Code 1973, is amended to read as follows:

3 2. To seine, take, attempt to take, transport or carry away any
4 minnows from the waters of any stream inhabited or stocked with
5 trout except that chubs, suckers and redhorse may be taken from
6 trout streams with pole and line during open trout season, and ~~chubs~~
7 ~~may be taken with pole and line only, at any time, from streams not~~
8 ~~stocked with trout.~~

1 SEC. 2. Section one hundred nine point eighty (109.80), the last
2 unnumbered paragraph, Code 1973, is amended to read as follows:

3 Minnow traps not exceeding ~~twenty-four~~ *thirty-six* inches in length
4 may be used wherever the taking of minnows is allowed. *Each trap,*
5 *when in use, shall have a metal tag attached plainly labeled with the*
6 *owner's name and address.*

1 SEC. 3. Section one hundred nine point one hundred six (109.106),
2 Code 1973, is amended to read as follows:

3 109.106 **Nets, basket traps or seines.** It shall be unlawful except
4 as otherwise provided for any person to use any trotline, ~~wooden~~
5 basket trap, net or any seine in taking fish other than in the lawful
6 taking of minnows. *Each basket trap used in taking fish under this*
7 *chapter shall be constructed only of those materials approved by rule*
8 *of the commission.*

1 SEC. 4. Section one hundred nine point one hundred seven
2 (109.107), unnumbered paragraph three (3), Code 1973, is amended
3 to read as follows:

4 All licensed nets, seines, ~~wooden~~ basket traps or trotlines shall have
5 attached a metal tag identifying the equipment and license for its use.
6 Tags must at all times be attached to commercial fishing gear and
7 officers appointed by the commission shall have authority to confiscate
8 any such commercial fishing gear when found in use without such tags
9 attached. Identification tags shall be furnished by the commission and
10 a charge of ten cents shall be made for each tag and such tags shall be
11 renewed annually.

1 SEC. 5. Section one hundred nine point one hundred eight
2 (109.108), Code 1973, is amended to read as follows:

3 109.108 **Mesh size and hook limit.** It shall be unlawful for any
4 person to fish with or to use any trammel net having a mesh of less
5 than two inches square or bar measure, or to fish with or use a gill
6 net having a mesh of less than three and three-quarters inches square
7 or bar measure, or to use in the Mississippi or Missouri rivers, basket
8 traps ~~made of wood~~, with the end opposite the throat having a hole of
9 less than one and one-half inches in diameter or trotlines with more
10 than one hundred hooks. Such measurements shall apply to meshes

11 when in use and no allowance shall be made for shrinkage due to any
 12 cause. Any commercial fishing equipment in use shall be subject to
 13 inspection by the commission or its authorized agents at any time.

1 SEC. 6. Section one hundred ten point one (110.1), lines eighty
 2 (80) and one hundred eight (108), Code 1973, are amended to read
 3 as follows:

4 ~~Wooden basket~~ *Basket trap*:
 5 ~~Wooden basket~~ *Basket traps*:

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 158

CONFINED GAME AND ANIMALS

H. F. 174

AN ACT relating to confined game birds and animals.

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

1 SECTION 1. Section one hundred ten point sixteen (110.16), Code
 2 1973, is amended to read as follows:

3 110.16 ~~Game birds or animals as pets.~~ Any person may possess
 4 not more than two game birds or fur-bearing animals confined as pets
 5 without being required to purchase a license as a game breeder, but he
 6 shall not be allowed to increase his stock beyond the original number
 7 nor shall he be allowed to kill or sell such stock. *Game birds or animals*
 8 *confined as authorized in this section must be obtained from a licensed*
 9 *game breeder or a legal source outside of this state.*

Approved June 19, 1973.

CHAPTER 159

BROKERS TRUST ACCOUNTS

H. F. 30

AN ACT relating to real estate broker trust accounts.

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

1 SECTION 1. Section one hundred seventeen point forty-six (117.46),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. Each broker shall maintain a common trust account in a bank
 4 for the deposit of all down payments, earnest money deposits, or other
 5 trust funds received by the broker or his salesmen on behalf of his
 6 principal, *except that a broker acting as a salesman shall deposit these*
 7 *funds in the common trust account of the broker for whom he acts as*
 8 *salesman.*

Approved March 23, 1973.

CHAPTER 160

SALE OF SUBDIVIDED LAND

H. F. 647

AN ACT relating to subdivided land and providing penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act,
2 unless the context otherwise indicates:

3 1. "Subdivided land" means any improved or unimproved land di-
4 vided or proposed to be divided for the purpose of sale or lease into
5 five or more lots or parcels, or additions thereto, or parts thereof;
6 however, subdivided land does not apply to a subdivision subject to
7 section three hundred six point twenty-one (306.21) or chapter four
8 hundred nine (409) of the Code nor to the leasing of apartments,
9 offices, stores, or similar space within an apartment building, indus-
10 trial building, or commercial building unless an undivided interest in
11 the land is granted as a condition precedent to occupying space in said
12 structure. Subdivided land shall not include any subdivisions of land
13 located within the state of Iowa.

14 2. "Subdivider" means any person, firm, partnership, company,
15 corporation, or association engaging directly or through an agent in
16 the business of selling or leasing subdivided land, or of offering such
17 land for sale or lease, to the public in this state.

18 3. "Commission" means the Iowa real estate commission as estab-
19 lished by chapter one hundred seventeen (117) of the Code.

20 4. "Advertisement" means the attempt by, dissemination, solici-
21 tation, or circulation to induce directly or indirectly any person to
22 enter into any obligation or acquire any title or interest in land of-
23 fered for sale or lease, to the public in this state.

24 5. "Sale" means any sale, offer for sale, or attempt to sell or lease
25 any land, to the public in this state, for cash or on credit.

1 SEC. 2. NEW SECTION. **Provisions governing sale or lease of sub-**
2 **divided lands.** No subdivider shall sell or lease subdivided land, or
3 offer such land for sale or lease, or advertise such land for sale or
4 lease to the public within this state unless he has filed with the com-
5 mission an application which shall include an offering statement. No
6 subdivider shall engage in business in this state until the application
7 and the offering statement have been accepted and he has been reg-
8 istered as a subdivider with the commission. The application shall
9 contain the following:

10 1. The name of the owner and of the subdivider.

11 2. The address of the principal office of the owner and of the sub-
12 divider, wherever situated, and the addresses of the principal office
13 and all branch offices of the owner and of the subdivider within this
14 state.

15 3. The name of the person, firm, partnership, company, corpora-
16 tion, or association holding legal or equitable title to the land for
17 sale or lease for the purpose of offering such land or part thereof to
18 the general public.

19 4. A statement as to whether the owner or the subdivider, or if
20 such owner or subdivider be other than an individual, the name of

21 any partner, principal, officer, director, or branch manager thereof
22 or any owner of more than a five percent interest in the business,
23 who has been convicted of any criminal offense in connection with
24 any transaction involving the sale or lease, or offer for sale or lease,
25 of subdivided land, or who has been enjoined or restrained by order
26 of any court from selling or leasing, or offering for sale or lease, any
27 subdivided land in any state or county, or who has been enjoined or
28 restrained by any court from continuing any practices in connection
29 therewith.

30 5. The complete description of the land offered for subdivision by
31 lots, plots, blocks, or sales, with or without streets, together with
32 plats certified to by a duly registered land surveyor accompanied by
33 a certificate attached thereto showing the date of the completion of
34 the survey and of the making of the plat and the name of the subdivi-
35 sion for the purpose of identification of the subdivided land or any
36 part thereof.

37 6. Copies of plats of all of the land being filed by the subdivider
38 which plats must have already been recorded by the proper recording
39 office in the state in which the land is located.

40 7. An opinion of an attorney admitted to practice law in this state,
41 a policy of title insurance issued by a title insurer licensed to do busi-
42 ness in the state where the subdivided land is located, or an opinion
43 of an attorney admitted or licensed to practice law in the state where
44 the lands are situated, reciting in detail all of the liens, encum-
45 brances, and clouds upon the title to such land, and any other defects
46 of title, which may render the title to such land unmarketable.

47 8. The provisions, covenants, terms, and conditions upon which it
48 is the intention of the owner and the subdivider to sell or lease such
49 subdivided land, accompanied by proposed forms of contracts con-
50 templated for execution and delivery upon the consummation of sales
51 or leases.

52 9. If the subdivided land sought to be filed comes within the pur-
53 view of the Interstate Land Sales Full Disclosure Act (Title 15,
54 United States Code Section 1701 et seq.) the subdivider must furnish
55 a copy of the accepted report filed with the department of housing
56 and urban development. If the subdivision comes under the regula-
57 tion of the real estate laws of the state where the land is located
58 and that state requires a state offering statement or public report,
59 the subdivider must also include a copy of said state report.

60 10. The subdivider, if a corporation, must register to do business
61 in the state of Iowa as a foreign corporation with the secretary of
62 state and furnish a copy of the certificate of authority to do busi-
63 ness in the state of Iowa. If not a corporation, the subdivider must
64 comply with the provisions of chapter five hundred forty-seven (547)
65 of the Code, by filing a proper trade name with the Polk county re-
66 corder. The provisions of this subsection shall also apply to any
67 person, partnership, firm, company, corporation, or association, other
68 than the subdivider, which is engaged by or through the subdivider
69 for the purpose of advertising or selling the land involved in the
70 filing.

71 11. Such other information as the commission may require, which
72 shall be filed pursuant to the provisions of this Act.

73 12. The offering statement must contain all of the following:

- 74 a. The names, addresses, and business background of the subdivi-
75 vider as required in subsections one (1), two (2), three (3) and four
76 (4) of this section. If such subdivider is a partnership or corpora-
77 tion, the names, addresses, and business background of each of the
78 partners, officers, and principal stockholders, the nature of their fidu-
79 ciary relationship and their past, present, or anticipated financial
80 relationship to the subdivider.
- 81 b. A complete description of the land and copies of the plat in
82 which the land is located as required in subsections five (5) and six
83 (6) of this section and a certified financial statement by a certified
84 public accountant of the assets and liabilities of the subdivider as
85 of a date not more than six months prior to the date of the filing, in
86 such detail as the commission may require.
- 87 c. Information concerning public improvements, including without
88 limitation, streets, storm sewers, street lighting, water supply, and
89 sewage treatment and disposal facilities in existence or planned on
90 the subdivision, and the estimated cost, date of completion, and re-
91 sponsibility for construction of improvements to be made which are
92 referred to in connection with the sale or lease, or offering for sale
93 or lease, of the subdivision or any unit or lot thereon.
- 94 d. Each of the terms and conditions under which each such unit
95 or lot is offered for sale and such opinion or certificates as required
96 in subsections seven (7) and eight (8) of this section.
- 97 e. A statement as to the exact terms of any guarantees or prom-
98 ises of refund or exchange which are to be used by the subdivider.
99 The guarantee or promise of refund or exchange, if any, must be con-
100 tained in the body of any contracts used by the subdivider and cannot
101 be in any separate document. Said guarantee or promise of refund
102 or exchange must appear in bold-faced type in the contract.
- 103 f. If the refund privilege, pursuant to paragraph e of this subsec-
104 tion, is predicated in any way upon the requiring by the subdivider
105 of an inspection by the purchaser prior to requesting a refund or
106 exchange pursuant to the guarantee provisions, the offering state-
107 ment and the sale contract itself must set out in detail all pertinent
108 information in regard to the inspection trip and in regard to claim-
109 ing a refund or exchange pursuant to the guarantee after the in-
110 spection trip.
- 111 g. Such additional information as the commission may require as
112 being necessary or appropriate in the public interest or for the pro-
113 tection of purchasers or lessees.
- 114 h. A vicinity sketch of sufficient scale to show the entire tract of
115 land, surrounding property ownership, and road access.

1 **SEC. 3. NEW SECTION. Offering statement; contents; prohibi-**
2 **tions.**

- 3 1. There may be omitted from the offering statement any of the
4 information required under subsections six (6), nine (9), and ten
5 (10) of section two (2) of this Act which the commission may by a
6 properly promulgated rule and regulation designate as being unnec-
7 cessary or inappropriate for the protection of the public interest or
8 a purchaser.
- 9 2. No offer to sell or lease subdivided land by any means of ad-
10 vertisement shall be made unless a copy of such advertisement has
11 first been filed with the commission. All such advertisements shall

12 state that an offering statement has been filed with the commission
13 and that a copy of such statement is available from the subdivider
14 upon request.

15 3. Except as provided in subsection one (1) of this section, no offer
16 to sell or lease subdivided land shall be made unless such offer is
17 accompanied by a copy of the current offering statement filed pursu-
18 ant to this Act.

19 4. The first page of the offering statement employed in the sale
20 or lease, or offer for sale or lease, of subdivided land shall contain a
21 legible statement printed in at least sixteen point bold type which
22 shall be at least four point type larger than the body of the docu-
23 ment that the filing of the verified statement and offering statement
24 with the commission does not constitute approval of the sale or lease,
25 or offer for sale or lease, by the state, commission or any officer
26 thereof, or that the state, commission or any officer thereof, has in
27 any way passed upon the merits of such offering.

28 5. No sale or lease of subdivided land shall be made unless accom-
29 panied or preceded by the delivery to the prospective purchaser of
30 an offering statement complying with the provisions of this section.

31 6. No offering statement shall be changed or amended unless a
32 copy of such change or amendment has first been filed with the com-
33 mission.

34 7. The subdivider shall, within thirty days after the first day of
35 July of each year, file with the commission a current offering state-
36 ment setting forth all changes which have taken place during the
37 preceding year with respect to any information required to be set
38 forth in such offering statement. Only a current offering statement
39 shall be used to sell or lease, or offer to sell or lease, any subdivided
40 land.

41 8. A fee of one hundred dollars shall be paid, plus ten dollars for
42 each one hundred lots, units, parcels, portions, or interest included in
43 the current offering statement.

1 **SEC. 4. NEW SECTION. Inspection power of commission and at-**
2 **torney general; unlawful practices; penalties.**

3 1. The commission or the attorney general at the request of the com-
4 mission may cause an investigation and inspection to be made of any
5 subdivided land proposed to be offered for sale or lease in this state
6 pursuant to this Act and may make a report of the findings thereon.

7 2. Where an inspection is to be made of subdivided land situated
8 outside of this state and offered for sale in this state, said inspection
9 as authorized by subsection one (1) of this section shall be made at
10 the expense of the subdivider. After the application required by
11 section two (2) of this Act is filed and after the filing fee required
12 by section eight (8) of this Act is received the commission may de-
13 cide whether or not an inspection pursuant to this subsection is to
14 be made. If the commission requires an inspection, the commission
15 or the attorney general at the request of the commission shall so no-
16 tify the subdivider and the subdivider shall remit to the commission
17 an amount equivalent to the round trip cost of travel from this state
18 to the location of the project, as estimated by the commission or the
19 attorney general and a further amount estimated to be necessary to
20 cover the additional expenses of such inspection but not to exceed
21 fifty dollars a day for each day incurred in the examination of the

22 project. The costs of any subsequent inspections deemed necessary
23 shall be paid for by the subdivider. At the completion of any in-
24 spection trip the commission or the attorney general shall furnish
25 the subdivider a statement as to the costs of the inspection trip and
26 should said costs be less than the amount advanced by the subdivider
27 to the commission or the attorney general the remaining balance
28 will be refunded to the subdivider.

29 3. It shall be unlawful for the subdivider to change the financial
30 structure of any offering after the submission thereof to the commis-
31 sion without first notifying the commission in writing of such inten-
32 tion.

33 4. Where improvements are to be made in connection with the sale
34 or lease, or offering for sale or lease, of the subdivision or any unit,
35 parcel, or lot thereon, the owner or subdivider shall either furnish to
36 the commission a performance bond executed by a surety company
37 authorized to do business in the state and which has given consent
38 to be sued in this state with sufficient surety for the benefit and pro-
39 tection of purchasers of units, parcels, or lots, in such amount and
40 subject to such terms as the commission deems necessary for the
41 protection of such purchasers with respect to construction of such
42 improvements, or place in an escrow account in a depository accept-
43 able to the commission, that portion of the sums paid or advanced by
44 purchasers which the commission deems necessary for the protection
45 of such purchasers with respect to construction of such improvements.

46 5. Where the land to be subdivided is subject to a mortgage, lien,
47 or encumbrance securing or evidencing the payment of money, other
48 than taxes levied or assessments made, or where the interest of the
49 owner, the subdivider or an agent is held under option or contract
50 of purchase or in trust, it shall be unlawful to sell any land in such
51 subdivision unless a provision in such mortgage, lien, encumbrance,
52 option, contract, or trust agreement, or a provision in an agreement
53 supplementary thereto, enables the vendor to convey valid title to
54 each parcel so sold or leased free of such mortgage, lien, encum-
55 brance, option, contract, or trust agreement upon completion of all
56 payments and the performance of all the terms and conditions re-
57 quired to be made and performed by the vendee under the agreement
58 of sale.

59 Where the consideration price for a lot sold has been amortized
60 to an extent that the balance due and owing thereunder equals an
61 amount required to release such lot or lots from any existing mort-
62 gage, lien, encumbrance, tax, assessment, option, contract, or trust
63 agreement, and the initial cost for said land has not been paid for
64 by the owner or subdivider, all moneys thereafter received by the
65 owner or subdivider shall be segregated and kept in a separate ac-
66 count as a trust which shall be applied toward the clearance of title
67 of the land intended to be conveyed to the purchaser. Certified or
68 verified copies of documents containing such provisions shall be filed
69 with the commission prior to the sale or lease, or offer of sale or
70 lease, or advertisement for sale or lease, of any part of the subdivi-
71 sion.

1 **SEC. 5. NEW SECTION. Penalties.**

2 1. Any person, firm, partnership, corporation, company, or asso-
3 ciation representing in any manner that the state, the commission

4 or any officer thereof has recommended or acquiesced in the recom-
5 mendation of the purchase of any subdivided land offered for sale or
6 lease, in advertising or offering such subdivided land for sale or
7 lease, shall be guilty of a misdemeanor and shall be punished by a fine
8 of not more than one thousand dollars, or by imprisonment in the
9 county jail for not more than one year or by both such fine and im-
10 prisonment.

11 2. Any person, officer, director, agent, or employee of a person,
12 company, firm, partnership, association, or corporation offering to
13 sell or lease, or selling or leasing, subdivided land prior to the filing
14 of the offering statement and the application required by this Act
15 shall be guilty of a misdemeanor and punished by a fine not to ex-
16 ceed two thousand dollars or by imprisonment in the county jail for
17 a term not to exceed one year, or by both such fine and imprisonment.

18 3. Except as provided in subsection two (2) of this section, every
19 person, officer, director, agent, or employee of a person, company,
20 firm, partnership, corporation, or association who authorizes, directs,
21 or aids in the publication, advertisement, distribution, or circulation
22 of any device, scheme, or artifice for obtaining money or property by
23 means of any false pretense, representation, or promise concerning
24 any subdivided land offered for sale or lease, and every person, officer,
25 director, agent, or employee of a company, firm, partnership, corpo-
26 ration, or association who makes or attempts to make fictitious or
27 pretended purchases or sales of subdivided lands in this state, or in
28 any other respect willfully violates or fails to comply with any of the
29 provisions of this Act, or omits or neglects to obey, observe, or com-
30 ply with any order, permit, decision, demand, or requirement of the
31 commission under the provisions of this Act, is guilty of a misde-
32 meanor and shall be punished by a fine not to exceed two thousand
33 dollars or by imprisonment in the county jail for a term not to exceed
34 one year or by both such fine and imprisonment, and if such person
35 is a licensee under chapter one hundred seventeen (117) of the Code,
36 the commission also may revoke or suspend his license in the man-
37 ner provided in such chapter.

1 **SEC. 6. NEW SECTION. Sales by brokers.** It shall be unlawful
2 for any subdivider to sell or lease, or offer for sale or lease, any sub-
3 divided land located without this state except through a real estate
4 broker or salesman duly licensed in this state. The provision of sec-
5 tion one hundred seventeen point seven (117.7), subsection one (1)
6 of the Code, exempting regular employees of the owner of real es-
7 tate from the licensing requirements of chapter one hundred seven-
8 teen (117) of the Code, shall not in any way apply to the sale of any
9 subdivided land regulated by this Act and subdividers covered by
10 this Act may not avail themselves of the provisions of section one
11 hundred seventeen point seven (117.7), subsection one (1) of the
12 Code, but must pursuant to this subsection sell only through licensed
13 Iowa brokers and licensed salesmen.

1 **SEC. 7. NEW SECTION. Prosecution.**

2 1. The attorney general shall prosecute all violations of this Act.
3 Prosecutions shall be instituted by the attorney general upon the
4 written request of the commission. In all criminal proceedings the
5 attorney general may appear before any court or any grand jury and

6 exercise all the powers and perform all the duties in respect to such
7 actions or proceedings which the county attorney would otherwise be
8 authorized or required to exercise or perform. In lieu thereof the
9 attorney general may transmit evidence, proof, and information per-
10 taining to such offense to the county attorney of the county in which
11 the alleged violation occurred, and such county attorney shall prose-
12 cute for such violation. In any such proceeding in which the attor-
13 ney general has appeared, the county attorney shall only exercise
14 such powers and perform such duties as are required of him by the
15 attorney general. The attorney general shall, within ten days after
16 a conviction for a violation of any provision of this Act, file with
17 the commission a detailed report showing the date of the conviction,
18 name of the person convicted, and the specific nature of the charge.

19 2. Whenever it appears to the commission that any person, officer,
20 director, agent, or employee of a company, firm, partnership, associ-
21 ation, or corporation offering to sell or lease, or selling or leasing,
22 subdivided land, has committed or is about to commit a violation of
23 this chapter or any rule, regulation, or order issued by the commis-
24 sion hereunder, the commission may apply to the district court of
25 the county in which the principal office of the subdivider is located or
26 if such subdivider has no such office in this state then to the district
27 court of Polk county for an order enjoining such subdivider or such
28 officer, director, agent, or employee thereof from violating or contin-
29 uing to violate this chapter or any such rule, regulation or order, and
30 for such other equitable relief as the nature of the case and the in-
31 terests of the public may require.

32 3. Any false statement contained in any statement filed with the
33 commission pursuant to the requirements of this Act, or in any affi-
34 davit attached thereto, shall constitute a violation of this Act.

35 4. In any action brought under the provisions of this Act, the at-
36 torney general is entitled to recover costs for the use of this state.

1 **SEC. 8. NEW SECTION. Filing fees.** Each initial filing made
2 pursuant to section two (2) of this Act shall be accompanied by a
3 basic filing fee of one hundred dollars, plus twenty-five dollars for
4 every one hundred lots, units, parcels, portions, or interests included
5 in the offering. A registration fee shall be paid with the filing of an
6 application for registration consolidating additional lots with a prior
7 registration and shall be set by rule which shall provide a basic fee of
8 fifty dollars, plus an additional fee of twenty-five dollars for every
9 one hundred lots, units, parcels, portions, or interests included in the
10 offering. A fee shall not be charged for amendments to the property
11 report as a result of amendments to the initial filing, unless the de-
12 partment determines the amendments are made for the purpose of
13 avoiding the payment of a fee, in which event the amendment may
14 be treated as an application for registration consolidating additional
15 lots with a prior registration. The filing fee to be paid with each
16 annual current offering statement is as established by section three
17 (3), subsection eight (8) of this Act.

18 All fees collected under this Act shall be deposited with the trea-
19 surer of state and credited to the general fund.

Approved June 13, 1973.

CHAPTER 161

REGISTERED ARCHITECTS

H. F. 229

AN ACT to increase the fees for renewals and reinstatements of registered architects.

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

1 SECTION 1. Section one hundred eighteen point eleven (118.11),
2 Code 1973, is amended to read as follows:

3 118.11 Fees. The fee ~~to be~~ paid to the board by an applicant for
4 an examination under this chapter shall be ten dollars. The fee ~~to be~~
5 paid to the board by an applicant for a certificate of registration as a
6 registered architect shall be fifteen dollars.

7 The fee ~~to be~~ paid to the board for renewal of a certificate shall be
8 ~~fifteen~~ *twenty-five* dollars.

9 All fees provided for by this chapter shall be paid to and receipted
10 for by the treasurer of state, who shall keep such moneys in a separate
11 fund, to be known as the fund of the board of architectural examiners
12 and shall not be used for ~~any purposes~~ *a purpose* other than the pur-
13 poses of this chapter. Any balance remaining in such fund at the end
14 of each fiscal year ~~in excess of fifteen thousand dollars or the expenses~~
15 ~~of the board of such fiscal year, whichever sum is the larger,~~ shall be
16 ~~paid into the general fund of the state carried forward and be subject~~
17 ~~to expenditure by the board in the next fiscal year.~~

Approved June 13, 1973.

CHAPTER 162

ARCHITECTURAL EXAMINERS

H. F. 242

AN ACT making an appropriation to the board of architectural examiners and providing for the administration of funds designated for use of such board.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the period of time commencing with the effective date of this
3 Act and ending June 30, 1973, to the board of architectural examiners,
4 the sum of two thousand eight hundred ninety-one dollars and sixty
5 cents (\$2,891.60), or so much thereof as is necessary, to be used by the
6 board of architectural examiners to carry out the provisions of chapter
7 one hundred eighteen (118) of the Code.

1 SEC. 2. Section one hundred eighteen point eleven (118.11), Code
2 1973, is amended to read as follows:

3 118.11 Fees. The fee to be paid to the board by an applicant for
4 an examination under this chapter shall be ten dollars. The fee to be
5 paid to the board by an applicant for a certificate of registration as a
6 registered architect shall be fifteen dollars.

7 The fee to be paid to the board for renewal of a certificate shall be
8 fifteen dollars.

9 All fees provided for by this chapter shall be paid to and receipted

10 for by the treasurer of state, who shall keep such moneys in a separate
 11 fund, to be known as the fund of the board of architectural examiners
 12 and shall not be used for any purposes other than the purposes of this
 13 chapter. Any balance remaining in such fund at the end of each fiscal
 14 year in excess of fifteen thousand dollars or the expenses of the board
 15 of such fiscal year, whichever sum is the larger, shall be paid into the
 16 general fund of the state carried forward and be subject to expenditure
 17 by the board in the next fiscal year.

1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The
 3 Waverly Democrat, a newspaper published in Waverly, Iowa, and in
 4 The Woodbine Twiner, a newspaper published in Woodbine, Iowa.

Approved April 18, 1973.

I hereby certify that the foregoing Act, House File 242, was published in The Waverly Democrat, Waverly, Iowa, April 26, 1973, and in The Woodbine Twiner, Woodbine, Iowa, April 26, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 163

BEER AND LIQUOR SALES ON SUNDAY

S. F. 144

AN ACT relating to the hours during which alcoholic beverages and beer may be sold and to the fees required for the issuance of certain liquor control licenses and beer permits.

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

1 SECTION 1. Section one hundred twenty-three point thirty-six
 2 (123.36), Code 1973, is amended by adding the following new subsec-
 3 tion:

4 NEW SUBSECTION. Any club, hotel, motel, or commercial establish-
 5 ment holding a liquor control license for whom the sale of goods and
 6 services other than alcoholic liquor or beer constitutes fifty percent or
 7 more of the gross receipts from the licensed premises, subject to the
 8 provisions of section one hundred twenty-three point forty-nine
 9 (123.49), subsection two (2), paragraph b of this chapter, may sell
 10 and dispense alcoholic liquor and beer to patrons on Sunday for con-
 11 sumption on the premises only. For this privilege the liquor control
 12 license fee of the applicant shall be increased by twenty percent of the
 13 regular fee prescribed for the license pursuant to this section, and the
 14 privilege shall be noted on the liquor control license. The department
 15 shall prescribe the nature and the character of the evidence which
 16 shall be required of the applicant under this subsection.

1 SEC. 2. Section one hundred twenty-three point thirty-six (123.36),
 2 unnumbered paragraph two (2), Code 1973, is amended to read as fol-
 3 lows:

4 The department shall credit all fees to the beer and liquor control
 5 fund and shall remit to the appropriate local authority, a sum equal
 6 to sixty-five percent of the fees collected for each class "A", class "B",
 7 or class "C" license covering premises located within their respective

8 jurisdictions. *However, that amount remitted to the appropriate local*
9 *authority out of the fee collected for the privilege authorized under*
10 *section one (1) of this Act shall be deposited in the county mental health*
11 *and institutions fund to be used only for the care and treatment of*
12 *persons admitted or committed to the alcoholic treatment center at*
13 *Oakdale or any facilities as provided in chapter one hundred twenty-*
14 *three B (123B) of the Code.*

1 SEC. 3. Section one hundred twenty-three point forty-nine
2 (123.49), subsection two (2), paragraph b, Code 1973, is amended to
3 read as follows:

4 b. Sell or dispense any alcoholic beverage or beer on the premises
5 covered by the license or permit; or permit the consumption thereon
6 between the hours of two a.m. and six a.m. on any weekday, and
7 between the hours of ~~one~~ two a.m. on Sunday and six a.m. on the
8 following Monday, *however, a holder of a liquor control license or*
9 *class "B" beer permit granted the privilege of selling alcoholic liquor*
10 *or beer on Sunday may sell or dispense such liquor or beer between the*
11 *hours of noon and ten p.m. on Sunday.*

1 SEC. 4. Section one hundred twenty-three point one hundred thirty-
2 four (123.134), Code 1973, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Any club, hotel, motel, or commercial establish-
5 ment holding a class "B" beer permit for whom the sale of goods and
6 services other than beer constitutes fifty percent or more of the gross
7 receipts from the licensed premises, subject to the provisions of section
8 one hundred twenty-three point forty-nine (123.49), subsection two
9 (2), paragraph b of this chapter, may sell and dispense beer to patrons
10 on Sunday for consumption on the premises only. For this privilege
11 the class "B" beer permit fees of the applicant shall be increased by
12 twenty percent of the regular fees prescribed for the permit pursuant
13 to this section and the privilege shall be noted on the beer permit. The
14 department shall prescribe the nature and character of the evidence
15 which shall be required of the applicant under this subsection.

1 SEC. 5. Section one hundred twenty-three point forty-nine
2 (123.49), Code 1973, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. No privilege of selling alcoholic liquor or beer
5 on Sunday as provided in sections one (1) and four (4) of this Act
6 shall be granted to a club or other organization which places restric-
7 tions on admission or membership in the club or organization on the
8 basis of sex, race, religion, or national origin. However, the privilege
9 may be granted to a club or organization which places restrictions on
10 membership on the basis of sex, if the club or organization has an
11 auxiliary organization open to persons of the other sex.

12 This subsection shall be effective July 1, 1974.

1 SEC. 6. Section one hundred twenty-three point one hundred forty-
2 three (123.143), subsection one (1), Code 1973, is amended to read as
3 follows:

4 1. All retail beer permit fees collected by any local authority at the
5 time application for the permit is made, and remitted with the permit
6 application to the department, shall be refunded by the department to

7 the local authority at the time the permit is issued. *Those amounts*
 8 *refunded to the appropriate local authority out of the fee collected for*
 9 *the privilege authorized under section four (4) of this Act shall be*
 10 *deposited in the county mental health and institutions fund to be used*
 11 *only for the care and treatment of persons admitted or committed to*
 12 *the alcoholic treatment center at Oakdale or any facilities as provided*
 13 *in chapter one hundred twenty-three B (123B) of the Code.*

1 SEC. 7. Chapter one hundred twenty-three (123), Code 1973, is
 2 amended by adding the following new section:

3 NEW SECTION. Holders of liquor control licenses and beer permits
 4 may sell alcoholic beverages or beer on Sunday pursuant to sections
 5 one (1) through four (4) of this Act only if the governing body of the
 6 city or town in which the premises covered by the license or permit are
 7 located, or the board of supervisors if the premises so covered are not
 8 located in a city or town, specifically approves authority to sell on
 9 Sunday in the area subject to its jurisdiction.

10 The governing body or board of supervisors at any time may repeal
 11 the authorization to sell on Sunday. Any license or permit for which
 12 the increased fee for Sunday sales has been paid and which is in effect
 13 at the time of such repeal shall remain effective until its date of expira-
 14 tion under section one hundred twenty-three point thirty-four (123.34)
 15 of the Code, unless sooner suspended or revoked.

Approved June 26, 1973.

CHAPTER 164

LIQUOR CONTROL

H. F. 127

AN ACT relating to class "A" liquor control licenses of clubs which are branches of chartered veterans organizations.

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

1 SECTION 1. Section one hundred twenty-three point thirty-six
 2 (123.36), subsection two (2), Code 1973, is amended to read as fol-
 3 lows:

4 2. Class "A" liquor control licenses, the sum of six hundred dollars,
 5 except that for class "A" licenses in towns of less than two thousand
 6 population, and for clubs of less than two hundred fifty members, the
 7 license fee shall be four hundred dollars; however, the fee shall be
 8 two hundred dollars for any club which is a post, branch, or chapter
 9 of a veterans organization chartered by the Congress of the United
 10 States, if such club does not sell or permit the consumption of alco-
 11 holic beverages *or beer* on the premises more than one day in any
 12 week, and if the application for a license states that such club does
 13 not and will not sell or permit the consumption of alcoholic beverages
 14 *or beer* on the premises more than one day in any week.

Approved June 29, 1973.

CHAPTER 165

BEER PERMIT FEES

H. F. 629

AN ACT relating to the distribution of funds obtained from retail beer permit fees.

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

1 SECTION 1. Section one hundred twenty-three point one hundred
2 forty-three (123.143), subsection one (1), Code 1973, is amended to
3 read as follows:

4 1. All retail beer permit fees collected by any local authority at the
5 time application for the permit is made, and ~~remitted with the permit~~
6 ~~application to the department, shall be refunded by the department to~~
7 ~~the local authority at the time the permit is issued shall be retained~~
8 ~~by the local authority. A certified copy of the receipt for the permit~~
9 ~~fee shall be submitted to the department with the application and the~~
10 ~~local authority shall be notified at the time the permit is issued.~~

Approved June 19, 1973.

CHAPTER 166

COMMISSIONER OF HEALTH

H. F. 459

AN ACT relating to the qualifications of the commissioner of public health.

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

1 SECTION 1. Section one hundred thirty-five point two (135.2),
2 Code 1973, is amended to read as follows:

3 135.2 **Appointment.** The governor shall, within sixty days after
4 the convening of the general assembly in 1925, and every four years
5 thereafter, appoint, with the approval of two-thirds of the members
6 of the senate, a commissioner of public health who shall be a ~~physician~~
7 ~~specially trained in public hygiene and sanitation qualified in the gen-~~
8 ~~eral field of health administration.~~

Approved June 29, 1973.

CHAPTER 167

BASIC SCIENCE EXAMINATION

S. F. 50

AN ACT to abolish the basic science examination.

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

1 SECTION 1. Chapter one hundred forty-six (146), Code 1973, is
2 repealed.

1 SEC. 2. Terms of office of members of the board of basic science
2 examiners shall expire on the effective date of this Act.

Approved June 19, 1973.

CHAPTER 168

RESIDENT PHYSICIANS

S. F. 598

AN ACT to establish a statewide medical education system for the purpose of training resident physicians in family practice and to provide an appropriation.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act unless
2 the context otherwise requires:

3 1. "College of medicine" means the college of medicine at the state
4 university of Iowa.

5 2. "Residency program" means a community-based family practice
6 residency education program presently in existence or established
7 under this Act.

8 3. "Affiliated" means established or developed by the college of
9 medicine.

10 4. "Family practice unit" means the community facility or class-
11 room for the teaching of ambulatory health care skills within a resi-
12 dency program.

13 5. "Advisory board" means the family practice education advis-
14 ory board created by this Act.

15 6. The "medical profession" means medical and osteopathic physi-
16 cians.

1 SEC. 2. NEW SECTION. **Establishment.** There is established a
2 statewide medical education system for the purpose of training resi-
3 dent physicians in family practice. The dean of the college of medi-
4 cine shall be responsible for implementing the development and expan-
5 sion of residency programs in cooperation with the medical profes-
6 sion, hospitals, and clinics located throughout the state. The head of
7 the department of family practice in the college of medicine, with the
8 consent of the advisory board, shall determine where affiliated resi-
9 dency programs shall be established, giving consideration to communi-
10 ties in the state where the population, hospital facilities, number of
11 physicians and interest in medical education indicate the potential
12 success of the residency programs. The medical education systems
13 shall provide financial support for residents in training in accredited
14 affiliated residency programs and shall establish positions for a direc-
15 tor, assistant director, and other faculty in the programs. To assure
16 continued growth, development, and academic essentials in ongoing
17 programs, nonaffiliated residency programs which are or hereafter
18 become accredited by a recognized national accrediting organization,
19 shall be funded under this Act at a level commensurate with the sup-
20 port of the affiliated residency programs having a comparable number
21 of residents in training or, if there be no affiliated residency program
22 having a comparable number of residents in training, then a nonaffil-

23 iated program shall be funded in an amount determined on a pro
 24 rata capitation basis for each resident in training, equivalent to the
 25 per capita funding for each resident in training in an affiliated pro-
 26 gram having the nearest number of residents in training. As used
 27 in the preceding sentence, "support" shall mean both cash grants and
 28 the value of service directly provided to affiliated residency programs
 29 by the college of medicine.

1 **SEC. 3. NEW SECTION. Advisory board.** There is created an advis-
 2 ory board which shall consist of ten members and the dean of the col-
 3 lege of medicine, who shall be an ex officio member. The head of the
 4 department of family practice in the college of medicine, two public
 5 members appointed by the governor, and seven members appointed
 6 by the members of the organizations they represent shall comprise
 7 the advisory board. The seven members shall represent:

- 8 1. The Iowa medical society.
- 9 2. The Iowa academy of family physicians.
- 10 3. The Iowa society of osteopathic physicians and surgeons.
- 11 4. Hospital administrators from Iowa hospitals with residency pro-
 12 grams.
- 13 5. Directors of Iowa hospital-based residency programs.
- 14 6. Residents in training in a residency program.
- 15 7. A physician from the staff of the college of osteopathic medicine
 16 and surgery.

17 The residency programs from which three of the members are ap-
 18 pointed shall not be located in the same hospital program, shall be
 19 representative of geographic areas of the state, and at least one of
 20 the board members shall represent the nonaffiliated residency pro-
 21 grams.

1 **SEC. 4. NEW SECTION. Terms.** Terms of appointed members of
 2 the advisory board shall be four years, except that the resident in
 3 training shall serve a term of one year only. Terms of the public mem-
 4 bers and the organizational representatives shall be staggered by lot
 5 so that initially two shall serve a term of one year, two shall serve a
 6 term of two years, two shall serve a term of three years, and two shall
 7 serve a term of four years. Vacancies shall be filled for the unexpired
 8 term in the manner of the original appointment.

1 **SEC. 5. NEW SECTION. Duties of the advisory board.** The advis-
 2 ory board shall advise the dean of the college of medicine in the imple-
 3 mentation of the educational programs provided for in this Act in-
 4 cluding, but not limited to, the selection of areas in Iowa where resi-
 5 dency programs are to be established, the allocation of funds appro-
 6 priated under this Act, the procedures for review and evaluation of the
 7 residency programs, and the appointment of directors and professors
 8 on the community level. On or before January fifteenth of each year
 9 the advisory board shall provide the governor and the general assem-
 10 bly with a report on the status of the statewide medical education sys-
 11 tem for training resident physicians in family practice in Iowa for the
 12 previous calendar year.

1 **SEC. 6. NEW SECTION. Use of funds.**

- 2 1. Moneys appropriated for the residency programs shall be in addi-
 3 tion to all the income of the state university of Iowa, and shall not be

4 used to supplant funds for other programs under the administration
5 of the college of medicine.

6 2. The allocation of state funds for a residency program shall not
7 exceed fifty percent of the total cost of the program and shall be
8 used for:

9 a. The salaries of the director, assistant director and other faculty
10 and auxiliary personnel on the community level.

11 b. The stipends for the residents in training.

12 c. The initial construction or remodeling of a facility which serves
13 as a family practice unit within a residency program.

14 d. The purchase of equipment for use in the family practice unit.

15 e. Travel expenses for consultative visits by faculty.

16 3. No more than twenty percent of the appropriation for each fiscal
17 year for affiliated programs shall be authorized for expenditures made
18 in support of the faculty and staff of the college of medicine who are
19 associated with the affiliated residency program.

20 4. No funds appropriated under this Act shall be used to subsidize
21 the cost of care incurred by patients.

22 5. Allocations for the renovation or construction of a family prac-
23 tice unit shall not exceed thirty-five thousand dollars per program.

1 SEC. 7. There is appropriated from the general fund of the state
2 for the 1973-75 fiscal biennium to the state board of regents the sum
3 of nine hundred twenty-five thousand (925,000) dollars, or so much
4 thereof as may be necessary for allocation by the dean of the college
5 of medicine, with approval of the advisory board created by this Act,
6 to qualified participants, to carry out the provisions of this Act.

Approved July 18, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 169

SWINE TUBERCULOSIS

S. F. 291

AN ACT to provide for the eradication of swine tuberculosis.

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

1 SECTION 1. Section one hundred fifty-nine point five (159.5), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Establish a swine tuberculosis eradication pro-
4 gram including, but not limited to:

5 a. The inspection of swine herds in this state when the department
6 finds that an animal from a swine herd has, or is believed to have,
7 tuberculosis;

8 b. Ear tagging or otherwise physically marking all swine reacting
9 positively to tests for tuberculosis;

10 c. Condemning any swine which has tuberculosis;

11 d. Depopulating any swine herd where tuberculosis is found to be
12 generally present; and

13 e. Certify indemnity claims to the boards of supervisors to com-
14 pensate the owners of condemned swine from funds provided under

15 section one hundred sixty-five point eighteen (165.18) of the Code,
 16 following the general procedures for filing claims and paying indem-
 17 nities as provided in chapter one hundred sixty-five (165) of the
 18 Code.

19 If the department finds that the source of the tuberculosis in a
 20 swine herd is from another species of animal, except bovine, located on
 21 or near the premises on which the affected swine herd is located, the
 22 department may destroy those animals and indemnify the owners of
 23 the condemned animals as provided in chapter one hundred sixty-three
 24 (163) of the Code.

1 SEC. 2. Section one hundred sixty-five point eighteen (165.18),
 2 Code 1973, is amended to read as follows:

3 165.18 **Eradication fund.** In each county in the state, the board
 4 of supervisors shall each year when it makes the levy for taxes, levy
 5 a tax sufficient to provide a fund to pay the indemnity and other
 6 expenses provided in this chapter *and section one (1) of this Act*,
 7 except as provided herein, but such levy shall not exceed three-fourths
 8 mill in any year upon the taxable value of all the property in the
 9 county. *However, moneys shall be paid on expenses arising under*
 10 *section one (1) of this Act only to the extent that such moneys are not*
 11 *required to pay expenses for bovine tuberculosis under this chapter.*

1 SEC. 3. Section one hundred sixty-five point nineteen (165.19),
 2 Code 1973, is amended to read as follows:

3 165.19 **Collection.** Such levy shall be placed upon the tax list by
 4 the county auditor and collected by the county treasurer in the same
 5 manner and at the same time as other taxes of the county. The money
 6 derived from such levy shall be placed in a fund to be known as the
 7 county tuberculosis eradication fund, and the same shall only be used
 8 for the payment of claims as provided in this chapter *and for payment*
 9 *of the expenses of the inspection, testing and indemnification program*
 10 *provided for the eradication of tuberculosis in swine.*

Approved May 7, 1973.

CHAPTER 170

STATE-APPROVED FEED LOTS

S. F. 444

AN ACT relating to state-approved premises for cattle feedlots and grazing areas.

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

1 SECTION 1. Section one hundred sixty-four point one (164.1),
 2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "State-approved premises" means feedlot or
 4 grazing areas established at the discretion of the department for the
 5 feeding, fattening or growing of imported, untested, heifers over eight
 6 months of age but under twenty-four months of age, or native untested
 7 female cattle. Rules and regulations governing the operation of such
 8 premises shall be made at the discretion of the department and subject
 9 to the provisions of chapter seventeen A (17A) of the Code.

1 SEC. 2. Section one hundred sixty-four point thirteen (164.13),
2 subsections five (5) and six (6), Code 1973, are amended to read as
3 follows:

4 5. Animals from a herd certified to be free of brucellosis or animals
5 from a herd ~~not under quarantine located in a modified certified brucel-~~
6 ~~losis area.~~

7 6. ~~Native female cattle of recognized beef type under twenty-one~~
8 ~~months of age, not under quarantine. Such cattle may be sold or trans-~~
9 ~~ferred between owners for feeding purposes only, but they shall be~~
10 ~~subject to the same provisions as for imported feeder cattle. It shall~~
11 ~~be the responsibility of the seller or owner to furnish evidence of the~~
12 ~~sale or transfer to the Iowa division of animal industry within seventy-~~
13 ~~two hours Cattle moved to a state-approved premises* as provided by~~
14 ~~the department.~~

1 SEC. 3. Section one hundred sixty-four point fourteen (164.14),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **164.14 Imported cattle.**

5 1. Female cattle over eight months of age, and under twenty-four
6 months not visibly pregnant, may enter the state for feeding purposes
7 to be consigned to a state-approved premise under quarantine. Such
8 cattle as well as native female animals over twenty-four months of age
9 that have been consigned to the lot may be released from the premises
10 if they meet one of the following requirements:

- 11 a. Consignment to slaughter.
- 12 b. Consignment to a federally-approved market.
- 13 c. Consigned to another quarantined premise.
- 14 d. Tested negative to brucellosis at owner's expense. The test shall
15 be made not less than thirty days after consignment to the premise.

16 2. Female cattle over twenty-four months of age may enter the state
17 if they meet one of the following requirements:

- 18 a. Consigned to a federally-approved market.
- 19 b. Consigned to a slaughter plant for immediate slaughter.
- 20 c. Accompanied by an official health certificate showing a record of
21 a negative brucellosis test accomplished within thirty days of importa-
22 tion.

1 SEC. 4. Section one hundred sixty-four point seventeen (164.17),
2 Code 1973, is amended to read as follows:

3 **164.17 Condemned for slaughter permit.** When a written order
4 has been issued by the department or its authorized representative for
5 the removal of condemned cattle to slaughter, *all the cattle shall be*
6 *tagged and handled within fifteen days after the date of testing;* such
7 cattle within thirty days shall be moved and slaughtered under the
8 direct supervision of a duly authorized agent or representative of the
9 United States department of agriculture at a time and place desig-
10 nated by the department. Any animal condemned because of brucel-
11 losis shall be disposed of by its owner within a period not to exceed
12 forty-five days from the date on which blood samples were drawn dis-
13 closing it as a reactor.

*According to enrolled Act.

1 SEC. 5. Section one hundred sixty-four point nineteen (164.19),
2 Code 1973, is amended to read as follows:

3 **164.19 Quarantine.** The department may issue any quarantine
4 orders deemed necessary for the control and eradication of brucellosis
5 and the proper enforcement of this chapter. Any lot or group of cattle
6 in which reactors have been disclosed shall be under quarantine along
7 with any cattle from which the lot or group originated or commingled.
8 Such cattle may be sold for slaughter under permit, or returned to
9 their place of origin, ~~or may be sold under quarantine subject to a~~
10 ~~brucellosis test in not less than thirty or more than sixty days. Public~~
11 ~~announcement shall be made prior to sale, stating health status of the~~
12 ~~herd, group or animal, and all quarantine restrictions shall be an-~~
13 ~~nounced prior to sale.~~ In hardship cases the department may upon
14 investigation of the case alter any quarantine orders deemed necessary
15 to alleviate the hardship and protect the industry and prospective
16 purchasers. *The department shall promulgate rules and regulations*
17 *subject to provisions of chapter seventeen A (17A) of the Code.*

1 SEC. 6. Section one hundred sixty-four point twenty-one (164.21),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **164.21 Amount of indemnity.** The department shall certify the
5 claim of the owner for each animal slaughtered in accordance with this
6 chapter. An infected herd may be completely depopulated and indem-
7 nity paid on individual animals when, in the opinion of the officials of
8 the department and officials of the animal research service of the
9 United States department of agriculture, the disease cannot be ade-
10 quately controlled by routine testing.

11 Indemnity can only be paid if money is available in the county of
12 origin and if indemnity payment is also made by the United States
13 department of agriculture.

14 In the case of individual payment, all animals shall be individually
15 appraised and the amount of indemnity shall be equal to the difference
16 between the slaughter value and the appraisal price, less the amount
17 of indemnity paid by the United States department of agriculture.

Approved May 7, 1973.

CHAPTER 171

DAIRY FOOD PRODUCTS

H. F. 32

AN ACT relating to the production and adulteration of dairy food products.

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

1 SECTION 1. Section one hundred ninety point one (190.1), subsec-
2 tion four (4), Code 1973, is amended to read as follows:

3 4. Cheeses and cheese products. The specifications and standards
4 for cheeses and cheese products shall be as provided by the definitions
5 and standards contained in federal food and drug standards under the
6 federal Food, Drug, and Cosmetic Act, Part 19 of Title 21, as amended
7 to December 31, ~~1970~~ 1972.

1 SEC. 2. Section one hundred ninety-two point eight (192.8), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Municipal corporation" means any political
4 subdivision of this state.

1 SEC. 3. Sections one hundred ninety-two point forty-six (192.46)
2 through one hundred ninety-two point fifty-three (192.53), inclusive,
3 Code 1973, are repealed.

1 SEC. 4. All of the books and records of the Iowa butter control
2 board which is abolished under section three (3) of this Act shall be
3 collected by the secretary of agriculture and delivered to the curator
4 of the Iowa state department of history and archives as provided in
5 chapter three hundred three (303) of the Code.

Approved February 9, 1973.

CHAPTER 172

EGG SALES EXCISE TAX

H. F. 270

AN ACT to provide an excise tax on the sale of eggs, providing for the establishment of an Iowa egg council and providing a penalty for violations.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context indicates otherwise:

3 1. "Producer" means any person who owns, or contracts for the care
4 of, five hundred or more layer-type chickens, the eggs of which are
5 sold in this state through commercial channels, including, but not
6 limited to, eggs for hatching, which have been produced by the pro-
7 ducer's own flock.

8 2. "Hatchery man" means any person who operates a hatchery
9 licensed under chapter one hundred sixty-eight (168) of the Code and
10 who is actively engaged in the business of hatching and selling chick-
11 ens for commercial purposes.

12 3. "Processor" means the first purchaser of eggs from a producer,
13 or a person who both produces and processes eggs.

14 4. "Purchaser" means a person who resells eggs purchased from a
15 producer or offers for sale a product produced from such eggs for any
16 purpose.

17 5. "Poultry and poultry products" means layer-type chicken hens
18 and eggs, including hatching eggs, and their products.

19 6. "Market development" means research and educational programs
20 which are directed toward:

21 a. Better and more efficient production, marketing, and utilization
22 of poultry and poultry products produced for resale.

23 b. Better methods, including, but not limited to, public relations and
24 other promotion techniques for the maintenance of present markets
25 and for the development of new or larger domestic or foreign markets
26 and for the sale of poultry and poultry products.

27 c. Prevention, modification or elimination of trade barriers which
28 obstruct the free flow of poultry and poultry products to market.

29 7. "Secretary" means the secretary of agriculture or his appointee.

30 8. "District" means a producer district established by the Iowa
31 poultry association, incorporated. The Iowa poultry association, in-
32 corporated shall establish four districts in this state from which egg
33 producers shall be appointed to serve on the Iowa egg council pursu-
34 ant to this Act.

35 9. "Council" means the Iowa egg council.

1 SEC. 2. NEW SECTION. **Petition for election.** Upon receipt of a
2 petition signed by at least fifty producers requesting a referendum
3 election to determine whether to establish an Iowa egg council and to
4 impose an excise tax not to exceed five cents on every thirty dozen
5 eggs sold, the secretary shall call a referendum to be conducted within
6 sixty days following receipt of the petition. The petitioners shall
7 guarantee payment of the cost of a referendum held under this Act.

1 SEC. 3. NEW SECTION. **Notice of referendum.** The secretary shall
2 give notice of the referendum on the question whether to establish an
3 Iowa egg council and to impose the tax by publishing the notice for a
4 period of not less than five days in at least one newspaper of general
5 circulation in the state. The notice shall state the voting places, period
6 of time for voting, and other information deemed necessary by the
7 secretary.

8 A referendum shall not be commenced until five days after the last
9 date of publication.

1 SEC. 4. NEW SECTION. **Establishment of egg council and tax.**
2 Each producer who signs a statement certifying that he is a bona fide
3 producer shall be entitled to one vote. At the close of the referendum,
4 the secretary shall count and tabulate the ballots cast. If a majority
5 of voters favor establishing an Iowa egg council and imposing a tax,
6 an Iowa egg council shall be established, and the tax shall be imposed
7 commencing not more than sixty days following the referendum as
8 determined by the Iowa egg council and shall continue for a period
9 of five years unless extended as provided under this Act. If a major-
10 ity of the voters do not favor establishing an Iowa egg council and
11 imposing the tax, the tax will not be imposed nor will the council be
12 established until another referendum is held under this Act and a
13 majority of the voters favor establishing a council and imposing the
14 tax. If a referendum should fail, another referendum shall not be
15 held within one hundred eighty days.

16 Subsequent referendums to extend the imposition of the tax shall
17 be held every five years in the year prior to the expiration of the tax
18 in force; however, upon receipt of a petition signed by at least fifty
19 producers requesting a referendum election to determine whether to
20 terminate the establishment of the Iowa egg council and to terminate
21 the imposition of the excise tax as provided herein, the secretary
22 shall call a referendum to be conducted within sixty days following
23 the receipt of the petition. The petitioners shall guarantee the pay-
24 ment of the costs of such referendum. If the majority of the voters
25 of any subsequent referendum do not favor an extension, an addi-
26 tional referendum may be held when the secretary receives a petition
27 signed by at least fifty producers. However, the subsequent referen-
28 dum shall not be held within one hundred eighty days.

1 SEC. 5. NEW SECTION. **Composition of council.** The Iowa egg
2 council established under this Act shall be composed of four egg pro-
3 ducers, one from each district; two egg processors; and one hatchery
4 man who shall be appointed pursuant to this Act. The secretary or
5 his representative, the director of the Iowa development commission,
6 and the chairman of the poultry science section of the department of
7 animal science at Iowa state university of science and technology or
8 his representative shall serve as ex officio nonvoting members of the
9 council. The council shall annually elect a chairman from its mem-
10 bership.

1 SEC. 6. NEW SECTION. **Initial appointments.** For the initial
2 council the secretary shall notify the Iowa poultry association, incor-
3 porated, immediately after passage of the question at the referendum
4 election and the association shall nominate two producers from each
5 district, four processors from the state, and two hatchery men from
6 the state to serve on the Iowa egg council. The secretary shall receive
7 the nominations and shall appoint from these nominations members
8 of the initial council within thirty days following passage of the ques-
9 tion at the referendum election.

1 SEC. 7. NEW SECTION. **Notice of subsequent elections.** Notice of
2 subsequent elections for members of the council shall be given by the
3 council by publication in a newspaper of general circulation in the
4 state and in any other reasonable manner as may be determined by
5 the council and shall set forth the period of time for voting, voting
6 places, and other information as the council deems necessary.

1 SEC. 8. NEW SECTION. **Terms.** The term of office for members of
2 the council shall be four years and no member shall serve more than
3 three consecutive terms. The producers on the initial council shall
4 determine their terms by lot, so that two producers shall serve a two-
5 year term and two producers shall serve a four-year term. The two
6 processors on the initial council shall determine their terms by lot so
7 that one processor shall serve a two-year term and one shall serve a
8 four-year term. The hatchery man on the initial council shall serve
9 a two-year term.

1 SEC. 9. NEW SECTION. **Subsequent membership.** After the ap-
2 pointment of the initial council, the council shall administer subse-
3 quent elections for members of the council with the assistance of the
4 secretary. Before the expiration of a producer's term of office, the
5 council shall appoint a nominating committee for the district repre-
6 sented by the producer. The nominating committee shall consist of
7 five producers who are residents of the district from which a member
8 must be elected. The nominating committee shall nominate two resi-
9 dent producers as candidates for the membership position for which
10 an election is to be held. Additional candidates may be nominated by
11 a written petition of fifty producers. Procedures governing the time
12 and place of filing the nominations shall be promulgated by rule and
13 publicized by the council.

14 In addition the council shall appoint a nominating committee com-
15 posed of five processors and five hatchery men in the state. The nom-
16 inating committee shall nominate two processors as candidates for

17 each processor position and two hatchery men as candidates for the
18 hatchery man position on the council.

1 **SEC. 10. NEW SECTION. Vacancies.** The council shall by appoint-
2 ment fill an unexpired term if a vacancy occurs on the council.

1 **SEC. 11. NEW SECTION. Duties of council.** The Iowa egg council
2 shall:

3 1. Provide methods, including, but not limited to public relations and
4 other promotion techniques, for the maintenance of present markets.
5 However, the council shall not impose any marketing order or sim-
6 ilar restriction.

7 2. Assist in other market development.

8 3. Perform all acts necessary to effectuate the provisions of this
9 Act.

1 **SEC. 12. NEW SECTION. Powers.** The Iowa egg council may:

2 1. Employ and discharge assistants and professional counsel as nec-
3 essary, prescribe their duties and powers and fix their compensation.

4 2. Establish offices, incur expenses and enter into any contracts or
5 agreements necessary to carry out the purposes of this Act.

6 3. Adopt, rescind and amend all proper and necessary rules for the
7 exercise of its powers and duties.

8 4. Enter into arrangements for collection of the tax on eggs.

1 **SEC. 13. NEW SECTION. Prohibited actions.** The council shall
2 not:

3 1. Become a dues-paying member of any other firm, association, or-
4 ganization or corporation, public or private.

5 2. Furnish, directly or indirectly, any financial support to or for any
6 other person, firm, association, organization or corporation, public or
7 private, except for contracts for services rendered or to be rendered
8 for research and promotional and public relations programs and for
9 administrative expenses of the Iowa egg council.

10 3. Act, directly or indirectly, in any capacity in marketing or mak-
11 ing contracts for the marketing of eggs or poultry.

12 4. Act, directly or indirectly, in any capacity in selling or contract-
13 ing for the selling of egg-producing or poultry-producing equipment.

14 5. Make any contribution out of the funds of the council, either di-
15 rectly or indirectly, to any political party or organization or in support
16 of any political candidate for public office or payments to a political
17 candidate or member of congress or the Iowa legislature for honor-
18 ariums, speeches or for any other purposes above actual and necessary
19 expenses.

1 **SEC. 14. NEW SECTION. Compensation.** Members of the council
2 may receive payment for their actual expenses and travel in perform-
3 ing official council functions. Payment shall be made from amounts
4 collected from the tax. No member of the council shall be a salaried
5 employee of the council or any organization or agency receiving funds
6 from the council. The council shall meet at least once every three
7 months, and at other times it deems necessary.

1 **SEC. 15. NEW SECTION. Tax.** If approved by a majority of vot-
2 ers at a referendum, a tax to be set by the council at not more than
3 five cents for each thirty dozen eggs sold by a producer will be im-

4 posed on the producer at the time of delivery to a purchaser who will
5 deduct the tax from the price paid to the producer at the time of
6 sale. If the producer sells eggs to a purchaser outside the state of
7 Iowa, the producer shall deduct the tax from the amount received
8 from the sale and shall forward the amount deducted to the council
9 within thirty days following each calendar quarter. If the producer
10 and processor are the same person, then he shall pay the tax to the
11 council within thirty days following each calendar quarter.

1 SEC. 16. NEW SECTION. **Invoice required.** At the time of sale,
2 the purchaser shall sign and deliver to the producer separate invoices
3 for each purchase. The invoices shall show:

- 4 1. The name and address of the producer and the seller, if different
5 from the producer.
 - 6 2. The name and address of the purchaser.
 - 7 3. The quantity of eggs sold.
 - 8 4. The date of the purchase.
 - 9 5. The rate of withholding and the total amount of tax withheld.
- 10 Invoices shall be legibly written and shall not be altered.

1 SEC. 17. NEW SECTION. **Egg fund.** Subject to the provisions of
2 section fifteen (15) of this Act, the tax imposed by this Act shall be
3 remitted by the purchaser to the Iowa egg council not later than thirty
4 days following each calendar quarter following collection of the tax.
5 Amounts collected from the tax shall be deposited in the office of the
6 treasurer of state in a separate fund to be known as the Iowa egg
7 fund.

1 SEC. 18. NEW SECTION. **Refunds.** A producer who has paid the
2 tax may, by application in writing to the council, secure a refund in
3 the amount paid. The refund shall be payable only when the appli-
4 cation shall have been made to the council within sixty days after pay-
5 ment of the tax. Each application for refund by a producer shall have
6 attached thereto proof of tax paid. The proof of tax paid may be in
7 the form of a duplicate or certified copy of the purchase invoice by the
8 purchaser.

1 SEC. 19. NEW SECTION. **Use of egg fund.** Moneys collected un-
2 der the authority of this Act shall be subject to audit by the auditor
3 of state and shall be used by the Iowa egg council first for the pay-
4 ment of collection and refund expenses, second for payment of the
5 costs and expenses arising in connection with conducting referendums,
6 and third for market development. Any moneys remaining in the
7 Iowa egg fund after a referendum is held when a majority of the vot-
8 ers do not favor extending the tax shall continue to be expended in
9 accordance with the provisions of this Act until exhausted.

1 SEC. 20. NEW SECTION. **Warrants by comptroller.** The Iowa egg
2 fund shall be subject at all times to warrant by the state comptroller,
3 upon written requisition of the chairman of the council, attested to by
4 the council secretary.

1 SEC. 21. NEW SECTION. **Bond required.** All persons holding posi-
2 tions of trust under this Act shall give bond in the amount required
3 by the council. The premiums for bond costs shall be paid from the
4 Iowa egg fund.

1 **SEC. 22. NEW SECTION. Examination of records.** Persons subject
 2 to the provisions of this Act shall furnish on forms provided by the
 3 council any information needed to enable the council to effectuate the
 4 policies of this Act. For the purpose of ascertaining the correctness
 5 of any report made to the council under the provisions of this Act,
 6 the secretary may examine books, papers, records, copies of tax re-
 7 turns not confidential by law, and accounts, which are in the control
 8 of any person. The secretary may hold hearings, take testimony, ad-
 9 minister oaths, subpoena witnesses, and issue subpoenas in connection
 10 with the administration of this Act.

1 **SEC. 23. NEW SECTION. Penalty.** Any person who willfully vio-
 2 lates any provision of this Act, willfully gives a false report, state-
 3 ment, or record required by the council, or willfully fails to furnish or
 4 render any report, statement or record required by the secretary shall
 5 be guilty of a misdemeanor.

1 **SEC. 24. NEW SECTION. Purchasers outside Iowa.** The secretary
 2 may enter into arrangements with purchasers from outside Iowa for
 3 payment of the tax.

1 **SEC. 25. NEW SECTION. Report.** During the period of collection
 2 of the tax, the council in cooperation with the auditor of state shall
 3 make an annual report which shall show all income, expenses and
 4 other relevant information.

Approved June 13, 1973.

CHAPTER 173

AGRICULTURAL SEEDS

H. F. 402

AN ACT relating to the placing of permit numbers on containers of agricultural seeds.

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

1 **SECTION 1.** Section one hundred ninety-nine point fifteen (199.15),
 2 Code 1973, is amended to read as follows:

3 **199.15 Permit number—fee—fraud.** No person shall sell, distrib-
 4 ute, solicit orders for, offer or expose for sale, any agricultural seed
 5 without first obtaining from the department a permit number to engage
 6 in such business, which permit number shall be affixed to each bag or
 7 container of such agricultural seed. Permit numbers shall be listed on
 8 the label or container in such manner that they do not obscure or con-
 9 fuse the other label information. No permit number shall be required
 10 of persons selling seeds, including seed corn, which has been packed
 11 and distributed by a seedsman holding and having in force a permit
 12 number as herein provided. No permit number shall be required of
 13 persons selling, offering or exposing for sale seed of their own produc-
 14 tion, provided that such seed is stored or delivered to purchaser only
 15 on or from the farm or premises where grown. The fee for each permit
 16 number shall be five dollars per annum, and all permit numbers shall
 17 expire on the first day of July following date of issue. After due notice
 18 given at least ten days prior to a date of hearing fixed by the secretary

19 of agriculture, the department may revoke or refuse to renew any
 20 permit issued under the authority of this section, if intent to defraud
 21 is established. The failure to fulfill any contract to repurchase the seed
 22 crop produced from any agricultural seed, other than hybrid seed corn,
 23 if the same meets the requirements set forth in the contract and the
 24 standards specified in this chapter, shall be prima-facie evidence of
 25 intent to defraud the purchaser at the time of entering into the con-
 26 tract.

Approved April 18, 1973.

CHAPTER 174

TESTING MOTOR FUELS

H. F. 203

AN ACT relating to the testing of motor fuels.

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

1 SECTION 1. Section two hundred fourteen A point seven (214A.7),
 2 Code 1973, is amended to read as follows:
 3 214A.7 Department inspection—samples tested. The department
 4 of agriculture, its agents or employees, shall, from time to time, make
 5 or cause to be made tests of any motor vehicle fuel which is being sold,
 6 or held or offered for sale within this state, and for such purposes such
 7 inspectors shall have the right to enter upon the premises of any whole-
 8 sale dealer or retail dealer in motor vehicle fuels within this state, and
 9 to take from any container a sample of such motor vehicle fuel, not to
 10 exceed eight fluid ounces, which sample shall be sealed and appropri-
 11 ately marked or labeled by such inspector and delivered to the depart-
 12 ment. The department shall make, or cause to be made, complete
 13 analyses or tests of such motor vehicle fuel by the methods specified
 14 in section 214A.2, and shall furnish to such wholesale dealer or retail
 15 dealer a certified copy of the results of such tests.

Approved May 24, 1973.

CHAPTER 175

CHILDREN, BLIND AND DISABLED AID

S. F. 570

AN ACT relating to aid to dependent children, blind assistance, and aid to the disabled,
 and limitations on county poor fund millage levies.

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

1 SECTION 1. Chapter two hundred seventeen (217), Code 1973, is
 2 amended by adding the following new section:
 3 NEW SECTION. The commissioner of social services or his designee,
 4 shall employ such personnel as are necessary for the performance of
 5 the duties and responsibilities assigned to the department. All em-
 6 ployees shall be selected on a basis of fitness for the work to be per-

7 formed with due regard to training and experience and shall be sub-
8 ject to the provisions of chapter nineteen A (19A) of the Code.

9 In a county having more than 250,000 population, an agreement in
10 existence on June 1, 1973 between the county and an employee organi-
11 zation representing employees who become subject to the preceding
12 paragraph of this section shall remain in effect with respect to such
13 employees for a period ending December 31, 1974.

1 SEC. 2. Section two hundred thirty-nine point eight (239.8), Code
2 1973, is amended to read as follows:

3 **239.8 Removal from county.** When any child for whose benefit a
4 grant of assistance has been made removes or is removed from the
5 county ~~giving in which he resided at the time he was granted assist-~~
6 ~~ance,~~ it shall be the duty of the recipient to immediately notify the
7 county board of the county ~~giving assistance~~ of the fact of such re-
8 moval and of the city or town (or the nearest city or town) and of
9 the county to which the child has removed. If ~~the removal is into~~
10 ~~another county in the state,~~ the county which has been giving assist-
11 ~~ance shall continue the assistance for a period of six months after the~~
12 ~~date of removal,~~ but if the removal is out of the state, assistance shall
13 be continued as long as the child remains otherwise eligible for assist-
14 ance under this chapter or until he becomes eligible for assistance from
15 the state to which he has moved, but in no case may assistance pay-
16 ments from this state be continued for more than one year beyond the
17 date of the child's removal from this state; provided, further, that
18 during the period in which such assistance may be paid, the county
19 board shall, by regular contact with the proper state or local welfare
20 agency in the state to which such child has been removed, review and
21 determine such child's eligibility for assistance other than with respect
22 to the residence eligibility requirement. ~~Thereafter any assistance can~~
23 ~~be granted only in the manner provided for herein as to obtaining~~
24 ~~assistance, and can be only in and from the county in which the child~~
25 ~~is then living.~~

26 *Periodic status reports shall be requested of the recipients to assist*
27 *in determining eligibility for assistance payments.*

1 SEC. 3. Section two hundred thirty-nine point twelve (239.12),
2 Code 1973, is amended to read as follows:

3 **239.12 Fund for Aid to dependent children account—reimbursement**
4 **to state.** There is hereby established in the state treasury a fund
5 *an account* to be known as the "Fund for Aid to Dependent Children
6 *Account*" to which shall be credited all funds appropriated by the state
7 for the payment of administrative expenses, assistance and benefits
8 under this chapter, and all other moneys received at any time for such
9 purposes, and all funds paid by counties to the state division as pro-
10 vided by this chapter. All assistance and benefits under this chapter,
11 and the administrative expenses incident thereto, except compensation
12 and expenses paid to the county board members, shall be paid from
13 said fund account. The state division shall report to the county board
14 quarterly the total amount of assistance and benefits paid during the
15 preceding quarter to recipients chargeable to the county. The county
16 board shall promptly report the same to the county board of super-
17 visers which shall then order paid from the county poor fund a sum
18 representing the county's share thereof determined in the manner here-

19 before provided, which payment shall be credited to the fund for aid to
20 dependent children.

21 Any unexpended balance of the fund appropriated or allocated by the
22 state which remains in the fund for aid to dependent children at the
23 end of each biennium shall not revert to the general fund of the state,
24 any law to the contrary notwithstanding.

1 SEC. 4. For the extended fiscal year beginning January 1, 1974 and
2 ending June 30, 1975, and for that period only, the maximum levy
3 for support of the poor in each county, expressed in mills, shall be
4 computed by the state comptroller as prescribed by this section. This
5 computation shall be in lieu of any other statutory limitation for the
6 period January 1, 1974 through June 30, 1975.

7 1. The tentative maximum poor fund millage levy for each county
8 shall be equal to one hundred fifty percent of the total millage levy
9 which that county made for the poor fund under all applicable statutes
10 for the budget year beginning January 1, 1972 and ending December
11 31, 1972.

12 2. The reduction in the levy for the poor fund in each county, due
13 to elimination of county responsibility for aid to dependent children,
14 aid to the blind, aid to the disabled and for certain foster care expendi-
15 tures, shall be established as follows:

16 a. The amount charged the county by the department of social
17 services during the calendar year 1972 as the county's share of pay-
18 ments made by the state for aid to dependent children, aid to the
19 blind, aid to the disabled, and foster care for children who were under
20 the custody, care or supervision of the state department of social
21 services or of a county department of social services, shall be deter-
22 mined.

23 b. The assessed valuation of property against which the county
24 made its poor fund millage levy in 1971, payable in 1972, shall be
25 determined.

26 c. The millage rate required to produce the amount determined
27 pursuant to paragraph a of this subsection, levied upon the assessed
28 valuation determined pursuant to paragraph b of this subsection, shall
29 be computed. One hundred fifty percent of this millage rate shall be
30 the millage reduction in the poor fund levy of the county.

31 3. The maximum poor fund millage levy for the extended fiscal year
32 in each county shall be established as follows:

33 a. From the county's tentative maximum poor fund levy determined
34 pursuant to subsection one (1) of this section, subtract the millage
35 reduction in the poor fund levy of the county determined pursuant to
36 subsection two (2) of this section.

37 b. The maximum poor fund millage levy for the extended fiscal year
38 shall be the millage levy determined pursuant to paragraph a of this
39 subsection increased by seven and one-half percent. However, the
40 state appeal board established by chapter twenty-four (24) of the
41 Code may permit a higher levy to the extent required in order to pre-
42 vent severe hardship due to unusual circumstances beyond the control
43 of the county government, or in order to adjust for an abnormally low
44 levy for the 1972 budget year.

1 SEC. 5. NEW SECTION. For each fiscal year following the ex-
2 tended fiscal year the maximum levy for the support of the poor in

3 each county shall be two-thirds of the maximum poor fund millage
4 levy for the extended fiscal year beginning January 1, 1974 and end-
5 ing June 30, 1975, determined pursuant to section four (4) of this
6 Act. However, the state appeal board may permit a higher levy for
7 any year to the extent required in order to prevent severe hardship
8 due to unusual circumstances beyond the control of the county govern-
9 ment.

1 SEC. 6. Sections two hundred thirty-four point twelve (234.12),
2 two hundred thirty-four point thirteen (234.13), two hundred thirty-
3 nine point eleven (239.11), two hundred forty-one point twenty
4 (241.20), two hundred forty-one point twenty-one (241.21), two hun-
5 dred forty-one point twenty-two (241.22), two hundred forty-one A
6 point thirteen (241A.13), two hundred forty-one A point fourteen
7 (241A.14), and two hundred forty-one A point fifteen (241A.15), and
8 subsection two (2) of section two hundred forty-one point four
9 (241.4), Code 1973, are repealed.

1 SEC. 7. Sections two (2), three (3), and six (6) of this Act shall
2 be effective January 1, 1974, except that in section six (6) of this Act
3 sections two hundred thirty-four point twelve (234.12) and two hun-
4 dred thirty-four point thirteen (234.13) shall be repealed effective
5 July 1, 1973.

1 SEC. 8. During the period beginning January 1, 1974 and ending
2 July 1, 1975, when the board of supervisors of any county determines
3 by resolution that the poor fund levy is not sufficient, it may levy an
4 additional tax which shall not exceed three-quarters of one mill on all
5 property in the county. Warrants may be issued to provide the funds
6 as needed until the levy and collection of taxes is accomplished. The
7 board of supervisors shall not levy such additional taxes or issue war-
8 rants until the action is approved by the state appeal board.

1 SEC. 9. If House File 772 is enacted by the Sixty-fifth General
2 Assembly, 1973 Session, and is approved by the governor, the words
3 "extended fiscal year" in section four (4) of this Act shall mean "fis-
4 cal year", and the fiscal year commencing January 1, 1974 shall end on
5 December 31, 1974. In addition, the tentative maximum poor fund
6 millage levy for each county in section four (4), subsection one (1),
7 of this Act shall be equal to one hundred percent of the total millage
8 levy which that county made for the poor fund in the budget year
9 beginning January 1, 1972 as provided in section four (4), subsection
10 one (1) of this Act and the millage reduction in the poor fund levy
11 of the county in section four (4), subsection two (2), paragraph c, of
12 this Act shall be equal to one hundred percent of the millage rate
13 determined pursuant to section four (4), subsection two (2), para-
14 graph c, of this Act. The maximum poor fund millage levy provided
15 in section four (4), subsection three (3), of this Act shall be for the
16 fiscal year commencing January 1, 1974 and ending December 31, 1974
17 and shall not be for the extended fiscal year. The maximum poor fund
18 millage levy shall be the millage levy determined pursuant to para-
19 graph a of subsection three (3) increased by five percent.

20 If House File 772 becomes law, section four (4) of this Act, before
21 modification pursuant to this section, shall apply to the extended fiscal
22 year commencing January 1, 1975 and ending June 30, 1976, except

23 that the percentage increase provided in section four (4), subsection
 24 three (3), paragraph b, of this Act shall not apply. Section five (5)
 25 of this Act shall apply to the fiscal year commencing July 1, 1976
 26 and ending June 30, 1977 and each fiscal year thereafter, and the max-
 27 imum levy for support of the poor in each county shall be one hun-
 28 dred percent of the maximum poor fund millage levy for the fiscal
 29 year commencing January 1, 1974 and ending December 31, 1974,
 30 determined pursuant to section four (4) of this Act. Also, the period
 31 provided for in section eight (8) of this Act shall begin on January
 32 1, 1974 and end on December 31, 1974 and the additional tax which
 33 may be levied shall not exceed one-half of one mill.

Approved June 30, 1973.

CHAPTER 176

CORRECTIONAL PROGRAMS

S. F. 482

AN ACT relating to the establishment of community-based correctional programs and services.

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

1 SECTION 1. Chapter two hundred seventeen (217), Code 1973, is
 2 amended by adding thereto sections two (2) through six (6) of this
 3 Act.

1 SEC. 2. NEW SECTION. As used in this Act, unless the context
 2 otherwise requires:

3 "Community-based correctional programs and services" means
 4 locally administered correctional programs and services designed to
 5 rehabilitate persons charged with or convicted of a felony or indict-
 6 able misdemeanor and persons on parole or probation as a result of a
 7 sentence for or conviction of these offenses.

1 SEC. 3. NEW SECTION. Community-based correctional programs
 2 and services may be established to serve the judicial districts of the
 3 state.

1 SEC. 4. NEW SECTION. The department of social services shall
 2 provide assistance, support and guidelines for the establishment and
 3 operation of community-based correctional programs and services.

1 SEC. 5. NEW SECTION. The department of social services shall
 2 provide for the allocation of any state funds appropriated for the
 3 establishment, operation, maintenance, support and evaluation of com-
 4 munity-based correctional programs and services. State funds shall
 5 not be allocated unless the department has reviewed and approved the
 6 programs and services for compliance with state guidelines.

7 If community-based correctional programs and services are not
 8 established in a judicial district, or if established are designed to
 9 serve only part of the judicial district, the department of social ser-
 10 vices may provide community-based correctional programs and ser-

11 vices for the judicial district or the parts of the judicial district not
12 served by an established program.

1 SEC. 6. NEW SECTION. The guidelines established by the depart-
2 ment of social services shall include, but not necessarily be limited to:

3 1. Providing for the utilization of existing facilities with a mini-
4 mum of capital expenditures for acquisition, renovation and repair.

5 2. Providing for the maximum utilization of existing local rehabili-
6 tative resources, such as, but not limited to: employment; job train-
7 ing; general, special, and remedial education; psychiatric and mar-
8 riage counseling; alcohol and drug abuse treatment.

9 3. Providing for pretrial release, presentence investigation, proba-
10 tion and parole services and residential treatment centers.

11 4. Providing for locating community-based correctional programs
12 and services in or near municipalities providing a substantial number
13 of rehabilitation resources.

14 5. Providing for practices and procedures which maximize the
15 availability of federal funding.

16 6. Providing for gathering and evaluating performance data.

1 SEC. 7. Section two hundred forty-seven point twenty-one
2 (247.21),* subsection two (2), unnumbered paragraph one (1), Code
3 1973, is amended to read as follows:

4 Of the chief parole officer. The chief parole officer ~~shall not, how-~~
5 ~~ever, may also~~ accept the custody, care and supervision of any person
6 granted probation *or parole* from a sentence to a term in a county jail
7 ~~or~~. *Jurisdiction of these persons shall remain with the sentencing*
8 *court. The chief parole officer shall not, however, accept the custody,*
9 *care and supervision of any other person who in the his judgment of*
10 ~~the chief parole officer~~ could not be properly supervised.

1 SEC. 8. Rules and guidelines issued pursuant to the authority
2 granted in this Act shall be confined to programs and services author-
3 ized by this Act and supported by state funds. Notwithstanding any
4 other provisions of the Code, any rules, regulations or guidelines is-
5 sued under provisions of this Act shall be subject to approval by the
6 departmental rules review committee and the attorney general.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

*See ch. 295, §7(2), 16, herein.

CHAPTER 177

WORK RELEASE FOR INMATES

S. F. 66

AN ACT relating to furloughs and work release programs for inmates.

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

1 SECTION 1. Section two hundred seventeen point fourteen
2 (217.14), subsection seven (7),* Code 1973, is amended to read as
3 follows:

*According to enrolled Act.

4 7. Establish and operate a system of rehabilitation camps within the
 5 state. The department of social services may designate appropriate
 6 facilities of the department as a part of this camp system. Persons
 7 committed to institutions under the department may be transferred
 8 to the facilities of the camp system and upon transfer shall be subject
 9 to the same laws as pertain to the transferring institution.

10 *The commissioner of social services may establish for any inmate
 11 sentenced pursuant to section 789.13 a furlough program under which
 12 inmates sentenced to and confined in an institution under the jurisdic-
 13 tion of the department of social services may be temporarily released.
 14 *Furloughs for a period not to exceed fourteen days may be granted*
 15 *when an immediate member of the inmate's family is seriously ill or*
 16 *has died, or when an inmate is to be interviewed by a prospective*
 17 *employer, or when an inmate is authorized to participate in a training*
 18 *program not available within the institution. Furloughs for a period*
 19 *not to exceed fourteen days may also be granted in order to allow the*
 20 *inmate to participate in programs or activities that serve rehabilitative*
 21 *objectives. The commissioner of social services shall promulgate rules*
 22 *and regulations to carry out the provisions of this paragraph.*

1 SEC. 2. Section two hundred forty-seven A point five (247A.5),
 2 Code 1973, is amended to read as follows:

3 247A.5 **Housing facilities.** The department shall designate and
 4 adopt facilities in the institutions and camps under its jurisdiction
 5 for the housing of inmates granted work release privileges. In areas
 6 where facilities are not within reasonable proximity of the place of
 7 employment of an inmate so released, the department may contract
 8 with the proper authorities of political subdivisions of the state or
 9 suitable public or private agencies for the quartering of the inmate in
 10 local ~~confinement~~ housing facilities. The committee shall include as a
 11 specific term or condition in the work release plan of any inmate the
 12 place where the inmate is to be ~~confined~~ housed when not on the work
 13 assignment. *The committee shall not place an inmate on work release*
 14 *for longer than six months in any twelve-month period. Inmates may*
 15 *be temporarily released to the supervision of a responsible person to*
 16 *participate in family and selected community, religious, educational,*
 17 *social, civic and recreational activities when it is determined that the*
 18 *participation will directly facilitate the release transition from insti-*
 19 *tution to community.*

1 SEC. 3. Section two hundred forty-seven A point six (247A.6),
 2 Code 1973, is amended to read as follows:

3 247A.6 **Willful escape.** Any inmate released from actual confine-
 4 ment under a work release plan who willfully fails to return to the
 5 designated place of ~~confinement~~ for housing at the time specified in
 6 the plan shall be guilty of a felony and upon conviction be subject to
 7 the penalty provided in section 745.1.

Approved May 24, 1973.

*This paragraph does not appear to be a part of subsection 7.

CHAPTER 178

INTERSTATE CORRECTIONS COMPACT

S. F. 75

AN ACT relating to the interstate corrections compact.

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

1 SECTION 1. NEW SECTION. This Act may be cited as the "inter-
2 state corrections compact".

1 SEC. 2. NEW SECTION. The interstate corrections compact is
2 hereby enacted into law and entered into by this state with any other
3 states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I—PURPOSE AND POLICY

6 The party states, desiring by common action to fully utilize and
7 improve their institutional facilities and provide adequate programs
8 for the confinement, treatment and rehabilitation of various types of
9 offenders, declare that it is the policy of each of the party states to
10 provide such facilities and programs on a basis of cooperation with
11 one another, thereby serving the best interests of such offenders and
12 of society and effecting economies in capital expenditures and oper-
13 ational costs. The purpose of this compact is to provide for the
14 mutual development and execution of such programs of cooperation
15 for the confinement, treatment and rehabilitation of offenders with
16 the most economical use of human and material resources.

ARTICLE II—DEFINITIONS

17 As used in this compact, unless the context clearly requires other-
18 wise:

20 1. "State" means a state of the United States; the United States of
21 America; a territory or possession of the United States; the District
22 of Columbia; the Commonwealth of Puerto Rico.

23 2. "Sending state" means a state party to this compact in which
24 conviction or court commitment was had.

25 3. "Receiving state" means a state party to this compact to which
26 an inmate is sent for confinement other than a state in which convic-
27 tion or court commitment was had.

28 4. "Inmate" means a male or female offender who is committed,
29 under sentence to or confined in a penal or correctional institution.

30 5. "Institution" means any penal or correctional facility, including
31 but not limited to a facility for the mentally ill or mentally defective,
32 in which inmates may lawfully be confined.

ARTICLE III—CONTRACTS

34 Each party state may make one or more contracts with any one or
35 more of the other party states for the confinement of inmates on
36 behalf of a sending state in institutions situated within receiving
37 states. Any such contract shall provide for:

38 1. Its duration.

39 2. Payments to be made to the receiving state by the sending state
40 for inmate maintenance, extraordinary medical and dental expenses,
41 and any participation in or receipt by inmates of rehabilitative or
42 correctional services, facilities, programs or treatment not reason-
43 ably included as part of normal maintenance.

44 3. Participation in programs of inmate employment, if any; the

45 disposition or crediting of any payments received by inmates on
46 account thereof; and the crediting of proceeds from or disposal of
47 any products resulting therefrom.

48 4. Delivery and retaking of inmates.

49 5. Such other matters as may be necessary and appropriate to fix
50 the obligations, responsibilities and rights of the sending and receiv-
51 ing states.

52 The terms and provisions of this compact shall be a part of any
53 contract entered into by the authority of or pursuant thereto, and
54 nothing in any such contract shall be inconsistent therewith.

55 ARTICLE IV—PROCEDURES AND RIGHTS

56 Whenever the duly constituted authorities in a state party to this
57 compact, and which has entered into a contract pursuant to Article
58 III, shall decide that confinement in, or transfer of an inmate to, an
59 institution within the territory of another party state is necessary
60 or desirable in order to provide adequate quarters and care or an
61 appropriate program of rehabilitation or treatment, said officials
62 may direct that the confinement be within an institution within the
63 territory of said other party state, the receiving state to act in that
64 regard solely as agent for the sending state.

65 The appropriate officials of any state party to this compact shall
66 have access, at all reasonable times, to any institution in which it has
67 a contractual right to confine inmates for the purpose of inspecting
68 the facilities thereof and visiting such of its inmates as may be con-
69 fined in the institution.

70 Inmates confined in an institution pursuant to the terms of this
71 compact shall at all times be subject to the jurisdiction of the send-
72 ing state and may at any time be removed therefrom for transfer to
73 a prison or other institution within the sending state, for transfer to
74 another institution in which the sending state may have a contractual
75 or other right to confine inmates, for release on probation or parole,
76 for discharge, or for any other purpose permitted by the laws of the
77 sending state; provided that the sending state shall continue to be
78 obligated to such payments as may be required pursuant to the terms
79 of any contract entered into under the terms of Article III.

80 Each receiving state shall provide regular reports to each sending
81 state on the inmates of that sending state in institutions pursuant
82 to this compact including a conduct record of each inmate and certify
83 said record to the official designated by the sending state, in order
84 that each inmate may have official review of his or her record in
85 determining and altering the disposition of said inmate in accordance
86 with the law which may obtain in the sending state and in order that
87 the same may be a source of information for the sending state.

88 All inmates who may be confined in an institution pursuant to the
89 provisions of this compact shall be treated in a reasonable and hu-
90 mane manner and shall be treated equally with such similar inmates
91 of the receiving state as may be confined in the same institution. The
92 fact of confinement in a receiving state shall not deprive any inmate
93 so confined of any legal rights which said inmate would have had if
94 confined in an appropriate institution of the sending state.

95 Any hearing or hearings to which an inmate confined pursuant to
96 this compact may be entitled by the laws of the sending state may be
97 had before the appropriate authorities of the sending state, or of the

98 receiving state if authorized by the sending state. The receiving state
99 shall provide adequate facilities for such hearings as may be con-
100 ducted by the appropriate officials of a sending state. In the event
101 such hearing or hearings are had before officials of the receiving
102 state, the governing law shall be that of the sending state and a record
103 of the hearing or hearings as prescribed by the sending state shall
104 be made. Said record together with any recommendations of the
105 hearing officials shall be transmitted forthwith to the official or offi-
106 cials before whom the hearing would have been had if it had taken
107 place in the sending state. In any and all proceedings had pursuant
108 to the provisions of this subdivision, the officials of the receiving state
109 shall act solely as agents of the sending state and no final determina-
110 tion shall be made in any matter except by the appropriate officials
111 of the sending state.

112 Any inmate confined pursuant to this compact shall be released
113 within the territory of the sending state unless the inmate, and the
114 sending and receiving states, shall agree upon release in some other
115 place. The sending state shall bear the cost of such return to its
116 territory.

117 Any inmate confined pursuant to the terms of this compact shall
118 have any and all rights to participate in and derive any benefits or
119 incur or be relieved of any obligations or have such obligations modi-
120 fied or his status changed on account of any action or proceeding in
121 which he could have participated if confined in any appropriate insti-
122 tution of the sending state located within such state.

123 The parent, guardian, trustee, or other person or persons entitled
124 under the laws of the sending state to act for, advise, or otherwise
125 function with respect to any inmate shall not be deprived of or
126 restricted in his exercise of any power in respect of any inmate con-
127 fined pursuant to the terms of this compact.

128 ARTICLE V—ACTS NOT REVIEWABLE

129 IN RECEIVING STATE: EXTRADITION

130 Any decision of the sending state in respect of any matter over
131 which it retains jurisdiction pursuant to this compact shall be con-
132 clusive upon and not reviewable within the receiving state, but if at
133 the time the sending state seeks to remove an inmate from an insti-
134 tution in the receiving state there is pending against the inmate
135 within such state any criminal charge or if the inmate is formally
136 accused of having committed within such state a criminal offense,
137 the inmate shall not be returned without the consent of the receiving
138 state until discharged from prosecution or other form of proceeding,
139 imprisonment or detention for such offense. The duly accredited
140 officers of the sending state shall be permitted to transport inmates
141 pursuant to this compact through any and all states party to this
142 compact without interference.

143 An inmate who escapes from an institution in which he is confined
144 pursuant to this compact shall be deemed a fugitive from the sending
145 state and from the state in which the institution is situated. In the
146 case of an escape to a jurisdiction other than the sending or receiving
147 state, the responsibility for institution of extradition or rendition
148 proceedings shall be that of the sending state, but nothing contained
149 herein shall be construed to prevent or affect the activities of officers

150 and agencies of any jurisdiction directed toward the apprehension
151 and return of an escapee.

152 ARTICLE VI—FEDERAL AID

153 Any state party to this compact may accept federal aid for use in
154 connection with any institution or program, the use of which is or
155 may be affected by this compact or any contract pursuant hereto and
156 any inmate in a receiving state pursuant to this compact may par-
157 ticipate in any such federally aided program or activity for which the
158 sending and receiving states have made contractual provision, pro-
159 vided that if such program or activity is not part of the customary
160 correctional regimen, the express consent of the appropriate official
161 of the sending state shall be required therefor.

162 ARTICLE VII—ENTRY INTO FORCE

163 This compact shall enter into force and become effective and bind-
164 ing upon the states so acting when it has been enacted into law by
165 any two states. Thereafter, this compact shall enter into force and
166 become effective and binding as to any other of said states upon
167 similar action by such state.

168 ARTICLE VIII—WITHDRAWAL AND TERMINATION

169 This compact shall continue in force and remain binding upon a
170 party state until it shall have enacted a statute repealing the same
171 and providing for the sending of formal written notice of withdrawal
172 from the compact to the appropriate officials of all other party states.
173 An actual withdrawal shall not take effect until one year after the
174 notices provided in said statute have been sent. Such withdrawal
175 shall not relieve the withdrawing state from its obligations assumed
176 hereunder prior to the effective date of withdrawal. Before the effec-
177 tive date of withdrawal, a withdrawing state shall remove to its
178 territory, at its own expense, such inmates as it may have confined
179 pursuant to the provisions of this compact.

180 ARTICLE IX—OTHER ARRANGEMENTS UNAFFECTED

181 Nothing contained in this compact shall be construed to abrogate
182 or impair any agreement or other arrangement which a party state
183 may have with a nonparty state for the confinement, rehabilitation
184 or treatment of inmates nor to repeal any other laws of a party state
185 authorizing the making of cooperative institutional arrangements.

186 ARTICLE X—CONSTRUCTION AND SEVERABILITY

187 The provisions of this compact shall be liberally construed and shall
188 be severable. If any phrase, clause, sentence or provision of this
189 compact is declared to be contrary to the constitution of any par-
190 ticipating state or of the United States or the applicability thereof
191 to any government, agency, person or circumstance is held invalid,
192 the validity of the remainder of this compact and the applicability
193 thereof to any government, agency, person or circumstance shall not
194 be affected thereby. If this compact shall be held contrary to the
195 constitution of any state participating therein, the compact shall
196 remain in full force and effect as to the remaining states and in full
197 force and effect as to the state affected as to all severable matters.

1 SEC. 3. NEW SECTION. The commissioner of social services is
2 authorized and directed to do all things necessary or incidental to
3 the carrying out of the compact in every particular and he may in his
4 discretion delegate this authority to the director of the division of cor-
5 rections.

1 SEC. 4. Chapter two hundred seventeen (217), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. An inmate who objects to confinement in a re-
4 ceiving state pursuant to the interstate corrections compact may
5 request a hearing before a board appointed by the governor and
6 serving at his pleasure and composed of three members of the gen-
7 eral public, one of whom shall be a former inmate. Members of the
8 board shall be paid forty dollars per diem and actual and necessary
9 expenses from appropriated funds.

10 The board shall bar the transfer of the inmate to a receiving state
11 when a majority of its members are of the opinion that the transfer
12 does not serve to promote the treatment, rehabilitation, or best inter-
13 ests of the offender. The burden of proof shall lie with the depart-
14 ment of social services and all decisions of the hearing board shall
15 be final.

Approved March 7, 1973.

CHAPTER 179

PLACEMENT OF MENTALLY RETARDED PATIENTS

H. F. 240

AN ACT relating to the placement of patients admitted or committed to the state hospital-schools for the mentally retarded or to a special mental retardation unit in facilities outside those institutions.

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

1 SECTION 1. Section two hundred twenty-two point fifty-nine
2 (222.59), Code 1973, is amended to read as follows:

3 222.59 Superintendent may return patient.

4 1. The superintendent of a hospital-school or a special unit may,
5 on application of the parent or guardian, at any time return a patient
6 to the parent, or guardian, or. The superintendent in cooperation
7 with other social agencies under the supervision of the Iowa depart-
8 ment of social services either responsible person or community agency,
9 may arrange for the patient to be placed at an appropriate health
10 care facility licensed under chapter one hundred thirty-five C (135C)
11 of the Code or at some other appropriate facility, which may include
12 a foster home or group home, either under an arrangement which
13 involves full-time responsibility for the patient by such facility, or
14 as part of an arrangement under which the patient is to participate
15 in one or more educational, developmental or employment programs
16 conducted by other responsible persons, agencies or facilities. Such
17 return or placement may be made at any time, even though such the
18 patient was committed by a court, upon recommendation of the pro-
19 fessional staff of the hospital-school or special unit that the patient
20 is unlikely to benefit from further treatment, training, instruction,
21 or care at the institution or is likely to improve his life status in an
22 alternate facility.

23 2. In planning for the placement of a patient outside the hospital-
24 school or special unit, it shall be the superintendent's responsibility
25 to arrange for representation of the patient's interest by the patient's

26 parent or legal guardian. If the patient has no living parent and no
27 legal guardian other than the department or one of its officers or
28 employees, the superintendent shall request some person who has
29 demonstrated by prior activities an informed concern for the welfare
30 and habilitation of the mentally retarded, and who is not an officer
31 or employee of the department nor of any agency or facility which
32 is a party to the arrangement for placement of the patient, to act as
33 the patient's advocate. The superintendent may request some such
34 person to serve as advocate for a patient who has no legal guardian
35 if either or both of the patient's parents are living but are deemed
36 unlikely to or have shown themselves unable to represent the patient's
37 interest effectively due to physical or mental infirmity, residence out-
38 side the state at such a distance as to make their effective participa-
39 tion unfeasible, or lack of interest demonstrated by refusal to par-
40 ticipate in planning for the patient's placement or by failure to
41 respond within thirty days to a letter sent by restricted certified mail
42 to the last known address of the parent or parents.

43 3. ~~Such action~~ Each proposed placement shall be reported to the
44 state director, who may approve, modify, alter, or rescind the action
45 if deemed necessary. In so doing, the superintendent of the hospital-
46 school or special unit involved shall certify in writing to the state
47 director that there has been compliance with subsection two (2) of
48 this section and that the patient's parent, guardian or advocate is or
49 is not satisfied with the proposed placement, as the case may be. In
50 the latter case, the state director shall afford the parent, guardian or
51 advocate an opportunity to explain objections to the proposed place-
52 ment and, if he decides to approve the proposed placement despite
53 such objection, shall advise the parent, guardian or advocate of his
54 right to appeal the decision pursuant to subsection four (4) of this
55 section.

56 4. If a proposed placement of a patient from a hospital-school or
57 special unit which is not satisfactory to the patient's parent, guardian
58 or advocate is approved by the state director; or a proposed placement
59 which is satisfactory to the patient's parent, guardian or advocate is
60 modified, altered or rescinded by the state director, the parent, guard-
61 ian or advocate may appeal to the department of social services,
62 within thirty days after notification to the parent, guardian or advo-
63 cate of the proposed placement. The department shall give the appel-
64 lant reasonable notice and opportunity for a fair hearing, conducted
65 by the commissioner or his designee who shall act as an impartial
66 arbiter of fact and law. In such hearing the parent, guardian or
67 advocate shall have the opportunity to confront witnesses, to have
68 access to hospital records, to present evidence and witnesses on their
69 behalf and to be represented by counsel. The standard for such fair
70 hearing shall be to provide "that placement which inures to the best
71 interest of the patient."

72 An appellant aggrieved by the result of such hearing may, within
73 thirty days, appeal to the district court of Polk County or of the
74 county in which the appellant resides, by serving notice of such
75 appeal upon the commissioner of social services or his designee, in
76 the manner required for the service of original notice in a civil action.
77 Upon such notice, the department shall furnish the appellant with a
78 copy of any papers filed by him in support of his position, a tran-

79 *script of any testimony taken, and a copy of the department's*
80 *decision.*

81 *In the district court hearings, the parent, guardian or advocate has*
82 *the right to be represented by counsel. The court shall, in all cases*
83 *where the interests of the patient conflict with that of parent, guard-*
84 *ian or advocate, appoint counsel as guardian ad litem for the patient.*

85 *In all cases where an appeal is taken from a proposed placement,*
86 *the proposed placement shall be stayed pending the outcome of said*
87 *appeal.*

88 *5. Placement of a patient outside of a hospital-school or special unit*
89 *under this section shall not relieve the Iowa department of social ser-*
90 *vices of continuing responsibility for the welfare of the patient,*
91 *except in cases of discharge under section two hundred twenty-two*
92 *point fifteen (222.15) or two hundred twenty-two point forty-three*
93 *(222.43) of the Code. Unless such a discharge has occurred, the*
94 *department shall provide for review of each placement arrangement*
95 *made under this section at least once each year, or not more often*
96 *than once each six months upon the written request of the patient's*
97 *parent, guardian or advocate, with a view to ascertaining whether*
98 *such arrangements continue to satisfactorily meet the patient's cur-*
99 *rent needs.*

100 *6. The ~~action~~ proposed return or placement of a patient outside a*
101 *hospital-school or special unit shall be ~~further~~ reported to the board*
102 *of supervisors of the patient's county of legal settlement. The county*
103 *board may not change a placement or program arranged and ap-*
104 *proved under this section if state funds are being made available to*
105 *the county which the county may by law use to pay a portion of the*
106 *cost of care of the patient so placed, however the board may at any*
107 *time propose an alternative placement or program to the state direc-*
108 *tor. No such alternative placement or program shall be carried out*
109 *without the prior written approval of the state director, which shall*
110 *be granted only after evaluation in the same manner as provided by*
111 *this section for initial placements from a hospital-school or special*
112 *unit.*

113 *7. When a patient committed by a court is to be returned to a*
114 *county, ~~either by release the parent or guardian, or placed out from~~*
115 *a hospital-school or a special unit ~~or for the purposes of convalescent~~*
116 *leave as otherwise provided by this section, notice shall be sent to the*
117 *clerk of the court which committed the patient, and to the board of*
118 *supervisors of both the patient's county of legal settlement and the*
119 *county to which the patient is to be released, thirty days prior to the*
120 *time the patient leaves the hospital-school or special unit. Patients*
121 *released from a hospital-school or a special unit may be placed in*
122 *family care by direction of the superintendent under the supervision*
123 *of such institution.*

Approved June 19, 1973.

CHAPTER 180

COMMITMENT OF ALCOHOL AND DRUG ADDICTS

S. F. 6

AN ACT relating to commitment of alcohol and drug addicts.

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

1 SECTION 1. Section two hundred twenty-four point one (224.1),
2 Code 1973, is amended to read as follows:

3 224.1 **Commitment.** Persons addicted to the excessive use of intox-
4 icating liquors, morphine, cocaine, or other narcotic drugs or any con-
5 trolled substance contained in schedules I, II, III, or IV of chapter two
6 hundred four (204) of the Code may be committed by the commis-
7 sioners of hospitalization of each county to such institutions as the commis-
8 sioner of the state department of social services may designate, or to
9 such private facilities as the commission on alcoholism, or a state de-
10 partment designated as the single state agency to prepare and adminis-
11 ter a state plan to combat drug abuse pursuant to United States Pub-
12 lic Law ninety-two dash two hundred fifty-five (92-255), may desig-
13 nate; or to any hospital accredited to give psychiatric care, provided
14 that, commitments to private facilities shall only be made upon ap-
15 proval of the board of supervisors or upon agreement by the patient
16 or responsible relatives to pay the full costs of treatment and upon
17 having made the necessary arrangements for admission and support.

1 SEC. 2. Section two hundred twenty-four point four (224.4), Code
2 1973, is amended to read as follows:

3 224.4 **Places of commitment.** The commissioner of the state de-
4 partment of social services shall designate the state institutions to
5 which commitments may be made under this chapter, and to that end
6 may divide the state into districts, and shall promptly notify each clerk
7 of the district court of such designation and all changes therein. The
8 commission on alcoholism shall designate the private facilities to which
9 persons suffering from alcoholism may be committed under section
10 two hundred twenty-four point one (224.1) of the Code. The state
11 department designated as the single state agency to prepare and ad-
12 minister a state plan to combat drug abuse pursuant to United States
13 Public Law ninety-two dash two hundred fifty-five (92-255) shall des-
14 ignate the private facilities to which persons suffering from the ef-
15 fects of controlled substances enumerated in section two hundred
16 twenty-four point one (224.1) of the Code shall be committed.

Approved February 26, 1973.

CHAPTER 181

DRUG ABUSE AUTHORITY

S. F. 122

AN ACT to establish the Iowa drug abuse authority and define its powers and duties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act:

2 1. "Authority" means the Iowa drug abuse authority.

3 2. "Director" means the director of the authority.

4 3. "Advisory council" means the state advisory council on drug
5 abuse within the authority.

6 4. "Drug abuse prevention function" means any program or activity
7 relating to drug abuse education, training, treatment, rehabilitation,
8 or research, and includes any such function even when performed by
9 an organization or agency whose primary mission is not in the field
10 of drug abuse or drug traffic prevention, or is unrelated to drugs.

11 5. "Drug program" means any drug abuse prevention function or
12 any program to assist persons who are or have been involved in abuse
13 of any controlled substance.

14 6. "Chemical substitutes and antagonists" means any substance, in-
15 cluding but not limited to methadone or any other similar substance,
16 which is used to detoxify from or provide a substitute for addiction
17 to narcotic substances, or any substance which opposes, resists, or
18 neutralizes the effects of narcotic substances, as defined in section two
19 hundred four point one hundred one (204.101), subsection seventeen
20 (17) of the Code.

21 7. "Controlled substances" has the same meaning as is assigned
22 that term by section two hundred four point one hundred one
23 (204.101), subsection six (6) of the Code.

1 SEC. 2. NEW SECTION. **Authority established.** There is estab-
2 lished in the office of the governor the Iowa drug abuse authority, for
3 the purpose of providing overall planning, policy-making, and imple-
4 mentation of objectives and priorities identified in the comprehensive
5 state drug abuse plan.

1 SEC. 3. NEW SECTION. **Director appointed.** The chief adminis-
2 trative officer of the authority shall be the director, who shall be ap-
3 pointed by the governor with the approval and confirmation of two-
4 thirds of the members of the senate, and who shall serve at the pleas-
5 ure of the governor. An appointment made to fill a vacancy while the
6 general assembly is not in session shall be reported to the senate for
7 confirmation within thirty days of its convening at its next regular
8 session.

1 SEC. 4. NEW SECTION. **Director to employ personnel.** The direc-
2 tor shall arrange for the employment of personnel as are necessary
3 to staff the authority. All personnel shall be employed through the
4 state merit system, except those in positions exempt therefrom under
5 section nineteen A point three (19A.3) of the Code.

6 The director may employ a deputy director, who shall be exempt
7 from the merit system and shall serve at the pleasure of the director.

1 **SEC. 5. NEW SECTION. Powers and duties of authority.** The au-
2 thority shall:

3 1. Be responsible for the development and implementation, with
4 advice of the advisory council, of a comprehensive long-range state
5 plan to identify resources and provide services to combat abuse of con-
6 trolled substances and to assist persons who are or have been involved
7 in abuse of any controlled substance; in furtherance of this responsi-
8 bility the authority shall coordinate a network of drug abuse preven-
9 tion services in the state.

10 2. Review existing state statutes and proposed legislation pertain-
11 ing to treatment or assistance, vocational training, education, or other
12 rehabilitation services to persons who are or have been involved in
13 abuse of any controlled substance, in order to determine whether the
14 statutes or proposed legislation are consistent with the comprehensive
15 state plan to combat drug abuse.

16 3. Review existing and proposed regulations, policies, programs
17 and procedures of those operating agencies of the state and its politi-
18 cal subdivisions which provide services to persons who are or have
19 been involved in abuse of any controlled substance, to determine
20 whether the regulations, policies, programs, and procedures are con-
21 sistent with the comprehensive state plan to combat drug abuse and,
22 where they are found inconsistent, advise and assist those agencies
23 in effecting appropriate changes.

24 4. Undertake to coordinate and to eliminate duplication in drug
25 abuse prevention functions by all departments and agencies of the
26 state and its political subdivisions, and by federal departments and
27 agencies operating within the state of Iowa, by consulting and work-
28 ing in collaboration with the various planning bodies, local drug abuse
29 programs and communities to encourage and promote effective use of
30 facilities, resources, and funds in the development of integrated, com-
31 prehensive local programs for the prevention of drug abuse.

32 5. Provide technical assistance, guidance, consultation, information,
33 and other relevant services to community groups, local governments,
34 district or regional bodies, and state agencies, with respect to the cre-
35 ation and implementation of programs and procedures for effective
36 drug abuse prevention.

37 6. Establish and apply criteria for evaluation of:

38 a. The effectiveness of drug abuse prevention functions conducted
39 within the state.

40 b. The accuracy of information contained in and effectiveness of
41 literature and audio-visual aids prepared to combat drug abuse.

42 7. Develop and maintain a centralized drug abuse data collection
43 and dissemination system, consistent with the confidentiality safe-
44 guards of state and federal law, and shall maintain a continuously
45 updated record of research relevant to drug abuse which is in prog-
46 ress or has been completed in the state.

47 8. Establish guidelines for the submission of grant applications and
48 assist community groups, local governments, district or regional bodies
49 and state agencies in the preparation and submission of grant applica-
50 tions, all with the objective of maximizing utilization of available
51 funds to combat drug abuse.

52 9. Adopt rules to implement this Act, in the manner prescribed by
53 chapter seventeen A (17A) of the Code.

1 **SEC. 6. NEW SECTION. Powers of director.** The director may:
2 1. Require that a written report, in reasonable detail, be submitted
3 to him at any time by any agency of this state or of any of its politi-
4 cal subdivisions in respect to any drug abuse prevention function, or
5 program for the benefit of persons who are or have been involved in
6 abuse of any controlled substance, which is being conducted by the
7 agency.

8 2. Submit to the governor a written report of the pertinent facts
9 at any time the director concludes that any agency of this state or
10 of any of its political subdivisions is conducting any drug abuse pre-
11 vention function, or program for the benefit of persons who are or
12 have been involved in abuse of any controlled substance, in a manner
13 not consistent with or which impairs achievement of the objectives of
14 the state plan to combat drug abuse, and has failed to effect appro-
15 priate changes in the function or program.

16 3. In the furtherance of the objectives of this Act and of the com-
17 prehensive state plan to combat drug abuse:

18 a. Accept and employ voluntary and uncompensated services.

19 b. Accept and expend grants, gifts and legacies of money and with
20 consent of the executive council pursuant to sections five hundred
21 sixty-five point three (565.3) through five hundred sixty-five point
22 five (565.5) of the Code, grants, gifts and legacies of other property.

1 **SEC. 7. NEW SECTION. State advisory council.** There is estab-
2 lished within the authority a state advisory council to advise the direc-
3 tor in administering this Act. The governor shall name the appoin-
4 tive members of the advisory council, who shall serve at his pleas-
5 ure, and shall designate the chairman of the advisory council. The
6 director or his designee shall serve as the advisory council's secretary.
7 The advisory council shall be entirely advisory in character and may
8 not exercise administrative authority.

1 **SEC. 8. NEW SECTION. Advisory council membership.** The advis-
2 ory council shall consist of members as follows:

3 1. Not more than eleven voting members shall be appointed by the
4 governor to represent:

5 a. Public and private groups and agencies concerned with drug
6 abuse prevention and control, including not less than four representa-
7 tives of agencies or programs licensed under section twelve (12) of
8 this Act.

9 b. Representatives of agencies or individuals whose work is not pri-
10 marily concerned with drug abuse but does place them in frequent
11 contact with persons who are or have been involved in abuse of con-
12 trolled substances.

13 c. City and county government.

14 d. The criminal justice system, including corrections personnel.

15 e. The general public.

16 2. The following nonvoting members or their respective designees:

17 a. The commissioner of social services.

18 b. The superintendent of public instruction.

19 c. The commissioner of public safety.

20 d. The attorney general.

21 e. The director of office for planning and programming.

22 f. The executive director of the Iowa crime commission.

- 23 g. The commissioner of public health.
 24 h. The secretary of the state board of pharmacy examiners.
 25 i. The president of the Iowa medical society.
 26 j. The president of the Iowa osteopathic society.
 27 k. The president of the Iowa pharmaceutical association.
 28 l. The president of the Iowa state education association.
 29 m. The director of the Iowa mental health authority.
 30 n. The associate superintendent of the vocational rehabilitation
 31 education and services branch of the department of public instruction.
 32 o. The director of the Iowa commission on alcoholism.

1 SEC. 9. NEW SECTION. **Frequency of meetings—expenses.** The
 2 state advisory council shall meet at least quarterly, and may meet
 3 more often, upon the call of the chairman. Advisory council members
 4 shall serve without compensation, but shall be reimbursed for actual
 5 and necessary expenses incurred by reason of their service upon the
 6 advisory council.

1 SEC. 10. NEW SECTION. **District advisory councils.** The director
 2 may, with advice of the advisory council, establish district drug abuse
 3 advisory councils to perform the same function, with respect to efforts
 4 within the designated district to achieve the objective of the compre-
 5 hensive state plan to combat drug abuse, as is performed by the advis-
 6 ory council with respect to the authority and the programs to which
 7 the authority relates.

1 SEC. 11. NEW SECTION. **Coordination, consultation, review by au-**
 2 **thority.**

3 1. Every department or agency of this state which operates, or ad-
 4 ministers or subvents state or federal funds for, any drug abuse pre-
 5 vention program shall annually, before the beginning of each fiscal
 6 year, establish objectives and allocate funds for the program in co-
 7 ordination and consultation with the authority.

8 2. Any department or agency of this state or of any of its political
 9 subdivisions, or any private agency, group or individual operating a
 10 drug abuse prevention program which proposes to submit to the fed-
 11 eral government or to any department or agency of this state a re-
 12 quest for a grant of federal or state funds or for other federal or state
 13 assistance or approval for any drug program, shall submit the re-
 14 quest to the authority for review and comment prior to formal submis-
 15 sion to the federal or state department or agency to which the request
 16 is directed.

1 SEC. 12. NEW SECTION. **Programs licensed.** Except as otherwise
 2 provided, no person or program may, without first having obtained a
 3 written license therefor from the authority, maintain or conduct any
 4 chemical substitutes or antagonists program, residential program or
 5 nonresidential outpatient program, the primary purpose of which is
 6 the treatment and rehabilitation of drug dependent individuals.

1 SEC. 13. NEW SECTION. **Exceptions.** The licensing requirements
 2 of this Act, except the requirements imposed by section twenty-one
 3 (21) of this Act, shall not apply to any of the following:

4 1. Hospitals providing any service of care, treatment, counseling
 5 or rehabilitation to drug dependent persons required on the effective

6 date of this Act by other provisions of law to be licensed.

7 2. Any practitioner of medicine and surgery or osteopathic medi-
8 cine and surgery, in his private practice. However, no program shall
9 be exempted from licensing by the authority by virtue of its utiliza-
10 tion of the services of a medical practitioner in its operation.

11 3. Private institutions conducted by and for persons who adhere to
12 the faith of any well recognized church or religious denomination for
13 the purpose of providing care, treatment, counseling, or rehabilitation
14 to drug dependent persons and who rely solely on prayer or other spir-
15 itual means for healing in the practice of religion of such church or
16 denomination.

17 4. Facilities, institutions, or programs which, in the discretion of
18 the authority, provide services which are only informational or educa-
19 tional in nature.

1 SEC. 14. NEW SECTION. **Licensing board.** There is created with-
2 in the authority a drug treatment licensing board, of which the direc-
3 tor shall be chairman. The drug treatment licensing board shall meet
4 to consider all cases involving issuance, denial, suspension, or revoca-
5 tion of a license. Upon approval of an application for licensing from
6 the drug treatment licensing board, a license shall be issued. The
7 board members, in addition to the director, shall be:

8 1. A representative of the state pharmacy examiners, designated by
9 the pharmacy examiners.

10 2. A representative of the department of health, designated by the
11 commissioner of public health.

12 3. A representative of the department of social services, designated
13 by the commissioner of social services.

14 4. A representative of the division of rehabilitation and education
15 services, department of public instruction, designated by the director
16 of the division.

17 5. A private physician, appointed by the governor.

18 6. Four representatives of community-based drug treatment pro-
19 grams, appointed by the governor from lists of nominees, numbering
20 at least twice the number of positions to be filled, submitted by dis-
21 trict advisory councils established pursuant to section ten (10) of this
22 Act.

1 SEC. 15. NEW SECTION. **License renewal—fees.** Licenses shall
2 expire one year from the date of issuance and shall be renewed upon
3 timely application made in the same manner as for original issuance
4 of a license unless notice of nonrenewal is given to the licensee at least
5 thirty days prior to the expiration of the license. The authority shall
6 charge a fee for licensing and renewal adequate to cover the cost of
7 processing each application and conducting inspection and investiga-
8 tions as required or deemed necessary to properly enforce this Act.
9 Costs incurred by local agencies or bodies approved to assist the au-
10 thority in administering this Act as permitted by section twenty-one
11 (21), subsection four (4) of this Act may be reimbursed to the local
12 agencies or bodies by the authority.

1 SEC. 16. NEW SECTION. **Inspection of licensees.** The authority
2 shall at least annually inspect the facilities and review the procedures
3 utilized by each licensed program. The examination and review may

4 include case record audits and interviews with staff and patients, con-
5 sistent with the confidentiality safeguards of state and federal law.

1 **SEC. 17. NEW SECTION. Transfer of license or change of location**
2 **prohibited.** No license issued under this Act may be transferred, and
3 the location of the physical facilities occupied or utilized by any pro-
4 gram licensed under this Act shall not be changed without the prior
5 written consent of the authority.

1 **SEC. 18. NEW SECTION. License suspension or revocation.** Viola-
2 tion of any of the requirements or restrictions of this Act or of any
3 of the rules properly established pursuant to this Act is cause for sus-
4 pension, revocation or refusal to renew a license. The director shall
5 at the earliest time feasible notify a licensee whose license the author-
6 ity is considering suspending or revoking and shall inform the licensee
7 what changes must be made in his operation to avoid such action. The
8 licensee shall be given a reasonable time for compliance, as determined
9 by the director, after receiving such notice or a notice that the author-
10 ity does not intend to renew the license. When the licensee believes
11 he has achieved compliance, or if he considers the proposed suspension,
12 revocation or refusal to renew unjustified, he may submit pertinent
13 information to the director who shall expeditiously make a decision in
14 the matter and notify the licensee of the decision.

1 **SEC. 19. NEW SECTION. Hearing before licensing board.** If a
2 licensee under this Act makes a written request for a hearing within
3 thirty days of suspension, revocation or refusal to renew his license,
4 a hearing before the drug treatment licensing board shall be expedi-
5 tiously arranged. If the role of a licensing board member is incon-
6 sistent with any member's job role or function, or if any member feels
7 he is unable for any reason to disinterestedly weigh the merits of the
8 case before him, a substitute representative from the agency that
9 member represents on the board shall be appointed by the director for
10 the hearing on that case. The board shall, within thirty days after
11 conclusion of the hearing, issue a written statement of its findings
12 upholding or reversing the proposed suspension, revocation or refusal
13 to renew a license. No action involving suspension, revocation or re-
14 fusal to renew a license shall be taken by the licensing board unless a
15 quorum of six of the ten members are present at the meeting. A copy
16 of the decision shall be promptly transmitted to the affected licensee
17 who may, if he is aggrieved by the decision, request a second hearing
18 before the board in the manner provided by this section. If the sec-
19 ond hearing is denied, or its outcome is unsatisfactory to the licensee,
20 he may appeal to district court which may hear the matter de novo.

1 **SEC. 20. NEW SECTION. Reissuance or reinstatement.** After sus-
2 pension, revocation or refusal to renew a license pursuant to this Act,
3 the affected licensee shall not have his license reissued or reinstated
4 within one year of the effective date of the suspension, revocation or
5 expiration upon refusal to renew, unless by order of the drug treat-
6 ment licensing board. After that time, proof of compliance with the
7 requirements and restrictions of this Act and the rules established
8 pursuant to this Act must be presented to the director prior to rein-
9 statement or reissuance of a license.

1 **SEC. 21. NEW SECTION. Chemical substitutes and antagonists pro-**
2 **grams.** The authority shall have exclusive power in this state to ap-
3 prove and license chemical substitutes and antagonists programs, and
4 monitor chemical substitutes and antagonists programs in this state
5 to insure that the programs are operating within the rules estab-
6 lished pursuant to this Act.

7 The authority may:

8 1. Continuously study and evaluate chemical substitutes and antag-
9 onists programs in this state and annually report to the governor and
10 the general assembly on the effectiveness and needs of the programs.

11 2. Provide advice, consultation, and technical assistance to chemical
12 substitutes and antagonists programs.

13 3. In its discretion, approve local agencies or bodies to assist it in
14 carrying out the provisions of this Act.

1 **SEC. 22. NEW SECTION. Rules to be established.** The rules estab-
2 lished pursuant to section five (5), subsection nine (9) of this Act shall
3 include rules for chemical substitutes and antagonists programs in the
4 manner prescribed by chapter seventeen A (17A) of the Code. The
5 rules shall have as their objective the assurance that these programs
6 will provide a means by which the patient may be rehabilitated and
7 eventually enabled to end his dependence on drugs, and during this
8 process will be freed from the necessity to resort to illegal activities
9 to support his dependence on drugs, and to this end the rules shall:

10 1. Establish guidelines for the eligibility of patients to be served by
11 these programs.

12 2. Establish guidelines for operation of these programs which shall
13 include permissible dosage levels, record keeping and reporting, uri-
14 nalysis requirements and permissible take-home dosages of, and secu-
15 rity against redistribution of, controlled substances used in these pro-
16 grams.

17 3. Require that these programs provide a full range of comprehen-
18 sive services to patients which shall include individual and group
19 therapy, counseling, vocational guidance and job education counseling.

20 4. Establish a statewide identification system which shall be used
21 by all these programs to prevent simultaneous registration of any
22 patient in more than one program and to insure the proper adminis-
23 tration of medication while protecting the patients rights to confiden-
24 tiality pursuant to section twenty-three (23) of this Act; the author-
25 ity may also participate in a similar national or interstate identifica-
26 tion system if one is developed by the federal government or other-
27 wise.

28 5. Provide for due notice to operators of these programs who may
29 be required by the rules to make changes in the manner of operation
30 of the programs.

1 **SEC. 23. NEW SECTION. Confidentiality of patient records.** Rec-
2 ords of the identity, diagnosis, prognosis, or treatment of any patient
3 which are maintained in connection with the performance of any drug
4 abuse prevention function licensed under this Act shall be confidential
5 and may be disclosed only for the purposes and under the circum-
6 stances expressly authorized by this section.

7 1. The content of the record shall be disclosed to the patient at
8 his request.

9 2. If the patient, with respect to whom any given record referred to
10 above is maintained, gives his specific written consent the content of
11 the record may be disclosed:

12 a. To medical personnel for the purpose of diagnosis or treatment
13 of the patient.

14 b. To governmental personnel for the purpose of obtaining benefits
15 to which the patient is entitled.

16 3. If the patient does not give his written consent, the content of
17 the record may be disclosed only as follows:

18 a. To medical personnel to the extent necessary to meet a bona fide
19 medical emergency.

20 b. To qualified personnel for the purpose of conducting scientific
21 research, management, financial audits or program evaluation, but
22 records so disclosed shall not identify, directly or indirectly, any indi-
23 vidual patient or otherwise disclose patient identity in any manner.

24 4. The prohibitions of this section continue to apply to records con-
25 cerning any individual who has been a patient, irrespective of whether
26 or when he ceases to be a patient. The arrest and conviction records
27 and the records of any charges pending against any person seeking
28 admission to a chemical substitutes or antagonists program or other
29 drug program shall be furnished to program directors by courts and
30 law enforcement agencies upon request in writing by the program
31 director provided such request is accompanied by a signed release from
32 the person whose records are being requested, and all aspects of pa-
33 tient record confidentiality are assured.

1 SEC. 24. NEW SECTION. **Termination of authority.** Effective June
2 30, 1978 the authority and each of the positions in the authority shall
3 be abolished and this Act shall be repealed. Not later than June 30,
4 1977 the director shall submit to the governor and the general assem-
5 bly a plan for the orderly assumption of the functions of the author-
6 ity by existing state departments and agencies, or the assimilation of
7 the authority into a single existing state agency or the continuation
8 of the authority.

1 SEC. 25. Section two hundred four point five hundred four
2 (204.504), subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. A practitioner engaged in medical practice or research *or the*
5 *Iowa drug abuse authority or any program which is licensed by the*
6 *authority* shall not be required to furnish the name or identity of a
7 patient or research subject to the board or the department, nor shall
8 the practitioner *or the authority or any program which is licensed by*
9 *the authority* be compelled in any state or local civil, criminal, admin-
10 istrative, legislative or other proceedings to furnish the name or iden-
11 tity of an individual that the practitioner *or the authority or any of*
12 *its licensed programs* is obligated to keep confidential.

Approved July 17, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 182

COMMISSIONS ON HOSPITALIZATION

S. F. 106

AN ACT relating to commissions on hospitalization.

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

1 SECTION 1. Section two hundred twenty-eight point nine (228.9),
 2 subsections one (1) and two (2), Code 1973, are amended by strik-
 3 ing the subsections enumerated and inserting in lieu thereof the fol-
 4 lowing:

5 1. To the members of the commission serving as attorney and phy-
 6 sician, compensation and expenses as fixed by a majority of the judges
 7 of the district court of the judicial district in which the hearing is
 8 held.

9 2. To the examining physician, compensation as fixed by a major-
 10 ity of the judges of the district court in the judicial district in which
 11 the hearing is held and in addition mileage of ten cents per mile each
 12 way.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 183

MENTAL HEALTH INSTITUTES

H. F. 691

AN ACT relating to support of patients in state mental health institutes.

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

1 SECTION 1. Section two hundred thirty point fifteen (230.15),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Mentally ill persons and persons legally liable for their support shall
 5 remain liable for the support of such mentally ill. Persons legally
 6 liable for the support of a mentally ill person shall include the spouse
 7 of the mentally ill person, any person, firm, or corporation bound by
 8 contract for support of the mentally ill person, and, with respect to
 9 mentally ill persons under twenty-one years of age only, the father
 10 and mother of the mentally ill person. The county auditor, subject to
 11 the direction of the board of supervisors, shall enforce the obligation
 12 herein created as to all sums advanced by the county. The liability
 13 to the county incurred under this section on account of any mentally
 14 ill person shall be limited to one hundred percent of the cost of care
 15 and treatment of the mentally ill person at a state mental health in-
 16 stitute for ~~the first~~ one hundred twenty days of hospitalization,
 17 *whether occurring subsequent to a single admission or accumulated*
 18 *as a consequence of two or more separate admissions*, and thereafter
 19 to an amount not in excess of the average minimum cost of the main-
 20 tenance of a physically and mentally healthy individual residing in
 21 his own home, which standard shall be established and may from

22 time to time be revised by the department of social services. No lien
 23 imposed by section 230.25 shall exceed the amount of the liability
 24 which may be incurred under this section on account of any mentally
 25 ill person.

Approved June 29, 1973.

CHAPTER 184

TERMINATION OF COMMITMENT ORDERS

S. F. 276

AN ACT relating to the termination of commitment orders.

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

1 SECTION 1. Orders for supervision, custody, or commitment under
 2 section two hundred thirty-two point thirty-five (232.35) of the Code
 3 entered before July 1, 1973 shall terminate when the person who was
 4 a minor attains eighteen years of age, regardless of the age of ter-
 5 mination stated in the order.

Approved May 24, 1973.

CHAPTER 185

SCHOOL CENSUS REPEAL

H. F. 37

AN ACT relating to the census of children of deceased soldiers.

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

1 SECTION 1. Section two hundred forty-four point eight (244.8),
 2 Code 1973, is repealed.

Approved February 9, 1973.

CHAPTER 186

SOCIAL SERVICES

H. F. 789

AN ACT relating to authority of the department of social services to provide state supplementary cash payments to certain persons and revising the laws of this state relative to federally-assisted categorical welfare assistance programs the operation of which are to be terminated by federal law, providing penalties for certain violations, and making an appropriation.

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

1 SECTION 1. Chapter two hundred forty-nine (249), Code 1973, is
 2 amended by striking the chapter and inserting in lieu thereof sections
 3 two (2) through eleven (11) of this Act.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act:

2 1. "Federal supplemental security income" means cash payments
3 made to individuals by the United States government under Title
4 sixteen (XVI) of the Social Security Act as amended by United
5 States public law ninety-two dash six hundred three (92-603), or any
6 other amendments thereto.

7 2. "State supplementary assistance" means cash payments made to
8 individuals:

9 a. By the United States government on behalf of the state of Iowa
10 pursuant to section three (3) of this Act.

11 b. By the state of Iowa directly pursuant to sections four (4)
12 through six (6) of this Act.

13 3. "Previous categorical assistance programs" means the aid to the
14 blind program authorized by chapter two hundred forty-one (241),
15 Code 1973, the aid to the disabled program authorized by chapter
16 two hundred forty-one A (241A), Code 1973, and the old-age assist-
17 ance program authorized by chapter two hundred forty-nine (249),
18 Code 1973.

19 4. "Commissioner" means the commissioner of social services.

20 5. "Department" means the department of social services.

1 SEC. 3. The commissioner may enter into an agreement with the
2 United States secretary of health, education and welfare for federal
3 administration of a program of state supplementary assistance to
4 prescribed categories of persons who are, or would be except for the
5 amount of income they receive from other sources, receiving federal
6 supplemental security income. The agreement may authorize the
7 secretary to make such rules, in addition to and not in conflict with
8 state laws and regulations, respecting eligibility for or the amount
9 of state supplementary assistance paid under this section as he finds
10 necessary to achieve efficient and effective administration of both the
11 basic federal supplemental security income program and the state
12 supplementary assistance program administered by the secretary
13 under the agreement. The agreement shall provide for the state of
14 Iowa to reimburse the federal government, from funds appropriated
15 for that purpose, for state supplementary assistance paid by the
16 federal government pursuant to the agreement.

1 SEC. 4. NEW SECTION. **Eligibility.** The persons eligible to re-
2 ceive state supplementary assistance under section two (2), subsec-
3 tion two (2), paragraph b, of this Act are:

4 1. Any person whose needs were taken into account in computing
5 the grant of a recipient, who was eligible for and was receiving
6 assistance under a previous categorical assistance program during
7 the month of December, 1973, because the person was deemed essen-
8 tial to the well-being of the recipient in maintaining a living arrange-
9 ment in his own home, so long as the person continues to act in the
10 capacity of essential person to the former recipient and to be in
11 financial need according to standards established by the department.

12 2. Any person who during the month of December, 1973 was re-
13 ceiving assistance under a previous categorical assistance program
14 and who during that month:

15 a. Received care in a licensed adult foster home, boarding home or

16 custodial home, as defined by section one hundred thirty-five C point
 17 one (135C.1) of the Code, or in another type of protective living
 18 arrangement, and who continues to be in financial need according to
 19 standards established by the department; or

20 b. Received an allowance in his assistance grant to cover the cost
 21 of nursing care in his own home, and who continues to be in financial
 22 need according to standards established by the department and to
 23 require nursing care as certified by a physician, so long as the cost
 24 of the nursing care does not exceed standards established by the
 25 department.

1 SEC. 5. NEW SECTION. **Application—amount of grant.** Appli-
 2 cations for state supplementary assistance shall be made in the form
 3 and manner prescribed by the commissioner or his designee, with the
 4 approval of the council on social services, pursuant to chapter seven-
 5 teen A (17A) of the Code. Each person who so applies and is found
 6 eligible under section four (4) of this Act shall, so long as his eligi-
 7 bility continues, receive state supplementary assistance on a monthly
 8 basis, from funds appropriated to the department for the purpose.

1 SEC. 6. NEW SECTION. **Appeal procedure.** If an application is
 2 not acted upon within a reasonable time, if it is denied in whole or
 3 in part, or if any award of assistance is modified, suspended, or can-
 4 celed under any provision of this Act, the applicant or recipient may
 5 appeal to the department, which shall give the appellant reasonable
 6 notice and opportunity for a fair hearing before the commissioner or
 7 his designee. An applicant or recipient aggrieved by the result of
 8 such hearing may, within thirty days, appeal to the district court of
 9 the county in which he resides, by serving notice of such appeal upon
 10 the commissioner or his designee, in the manner required for the
 11 service of original notice in a civil action. Upon receipt of such notice,
 12 the department shall furnish the appellant with a copy of any papers
 13 filed by him in support of his position, a transcript of any testimony
 14 taken, and a copy of the department's decision. The district court
 15 shall review the department's decision to determine its legality.

1 SEC. 7. NEW SECTION. **Charge for cashing warrant unlawful.**
 2 It shall be unlawful for any person to charge a fee, service charge or
 3 exchange for the cashing of a warrant issued in payment of state
 4 supplementary assistance, or to discount or pay less than the face
 5 value of any warrant drawn in payment of such assistance, when
 6 cashing such a warrant or accepting it in payment of the purchase
 7 price of goods, services, rent, taxes or indebtedness.

1 SEC. 8. NEW SECTION. **Assistance inalienable.** All rights to
 2 state supplementary assistance shall be absolutely inalienable by any
 3 assignment, sale, execution or otherwise and, in case of bankruptcy,
 4 the assistance shall not pass to or through any trustees or other
 5 persons acting on behalf of creditors.

1 SEC. 9. NEW SECTION. **Cancellation of warrants.** The state
 2 comptroller, as of January, April, July and October first of each year,
 3 shall stop payment on and issue duplicates of all state supplementary
 4 assistance warrants which have been outstanding and unredeemed
 5 by the treasurer of state for six months or longer. No bond of indem-

6 nity shall be required for the issuance of such duplicate warrants
7 which shall be canceled immediately by the state comptroller. If the
8 original warrants are subsequently presented for payment, warrants
9 in lieu thereof shall be issued by the state comptroller at the discretion
10 of and upon certification by the commissioner or his designee.

1 **SEC. 10. NEW SECTION. Funeral expenses.** The department may
2 pay, from funds appropriated to it for the purpose, a maximum of
3 four hundred dollars toward funeral expenses on the death of any
4 person receiving state supplementary assistance or who received
5 assistance under a previous categorical assistance program prior to
6 January 1, 1974, provided:

7 1. The total expense of the person's funeral does not exceed six
8 hundred fifty dollars.

9 2. That the decedent does not leave an estate which may be pro-
10 bated, with sufficient proceeds to allow a funeral claim of at least six
11 hundred fifty dollars.

12 3. That any payment which is due the decedent's estate or bene-
13 ficiary by reason of the liability of any life insurance or death or
14 funeral benefit company, association or society, or in the form of
15 United States social security, railroad retirement, or veterans' bene-
16 fits, upon the death of the decedent shall be deducted from the de-
17 partment's liability under this section.

1 **SEC. 11. NEW SECTION. Prior liens, claims and assignments.**
2 Any lien existing on the effective date of this Act, which lien was
3 perfected under the provisions of sections two hundred forty-nine
4 point nineteen (249.19), two hundred forty-nine point twenty
5 (249.20) or two hundred forty-nine point twenty-one (249.21) as
6 they appeared in the Code of 1973 and prior Codes, and which liens
7 have not been satisfied, are void. Any assignment of personal prop-
8 erty which was made under the provisions of chapter two hundred
9 forty-nine (249) as it appeared in the Code of 1973 and prior Codes,
10 is void. The commissioner may in furtherance of this section release
11 any lien or claim created or existing under that chapter. Each release
12 made pursuant to this section shall be executed and acknowledged by
13 the commissioner or his authorized designee, and when recorded shall
14 be conclusive in favor of any third person dealing with or concerning
15 the property affected by the release in reliance upon such record.

1 **SEC. 12.** Chapter two hundred seventeen (217), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION. Confidentiality of records; report of recipients.**

4 1. The following information relative to individuals receiving ser-
5 vices or assistance from the department shall be held confidential:

6 a. Names and addresses of individuals receiving services or assist-
7 ance from the department, and the types of services or amounts of
8 assistance provided, except as otherwise provided in subsection four
9 (4) of this section.

10 b. Information concerning the social or economic conditions or
11 circumstances of particular individuals who are receiving or have
12 received services or assistance from the department.

13 c. Agency evaluations of information about a particular individual.

14 d. Medical or psychiatric data, including diagnosis and past history
15 of disease or disability, concerning a particular individual.

16 2. Information described in subsection one (1) of this section shall
17 not be disclosed to or used by any person or agency except for pur-
18 poses of administration of the programs of services or assistance, and
19 shall not in any case, except as otherwise provided in paragraph b of
20 subsection four (4) of this section, be disclosed to or used by persons
21 or agencies outside the department unless they are subject to stan-
22 dards of confidentiality comparable to those imposed on the depart-
23 ment by this Act.

24 3. Nothing in this section shall restrict the disclosure or use of
25 information regarding the cost, purpose, number of persons served
26 or assisted by, and results of any program administered by the de-
27 partment, and other general and statistical information, so long as
28 the information does not identify particular individuals served or
29 assisted.

30 4. a. The general assembly finds and determines that the use and
31 disclosure of information as provided in this subsection are for pur-
32 poses directly connected with the administration of the programs of
33 services and assistance referred to in this section and are essential
34 for their proper administration.

35 b. Confidential information described in subsection one (1), para-
36 graphs a, b and c of this section shall be disclosed to public officials,
37 for use in connection with their official duties relating to law enforce-
38 ment, audits and other purposes directly connected with the admin-
39 istration of such programs, upon written application to and with
40 approval of the commissioner or his designee.

41 c. The department shall prepare and file in its office on or before
42 the thirtieth day of each January, April, July and October a report
43 showing the names and last known addresses of all recipients of
44 assistance under sections three (3) through five (5) of this Act or
45 chapters two hundred thirty-nine (239) or two hundred forty-nine A
46 (249A) of the Code, together with the amount paid to or for each
47 recipient during the preceding calendar quarter. The report shall
48 contain a separate section for each county, including all such recipi-
49 ents whose last known addresses are in the county. The department
50 shall prepare and file in the office of each county board of social wel-
51 fare a copy of the county section of each report for that county, on
52 or before the same day specified in this paragraph. Each report shall
53 be securely fixed in a record book to be used only for such reports.
54 Each record book shall be a public record, open to public inspection
55 at all times during the regular office hours of the office where filed.
56 Each person who examines the record shall first sign a written agree-
57 ment that the signer will not use any information obtained from the
58 record for commercial or political purposes.

59 d. It shall be unlawful for any person to solicit, disclose, receive,
60 use, or to authorize or knowingly permit, participate in, or acquiesce
61 in the use of any information obtained from any such report or record
62 for commercial or political purposes.

63 5. If it is definitely established that any provision of this section
64 would cause any of the programs of services or assistance referred
65 to in this section to be ineligible for federal funds, such provision
66 shall be limited or restricted to the extent which is essential to make
67 such program eligible for federal funds. The department shall adopt,

68 pursuant to chapter seventeen A (17A) of the Code, any rules or
69 regulations necessary to implement this subsection.

70 6. The provisions of this section shall apply to recipients of assist-
71 ance under chapter two hundred fifty-two (252) of the Code. The
72 reports required to be prepared by the department under this section
73 shall, with respect to such assistance or services, be prepared by the
74 person or officer charged with the oversight of the poor.

75 7. Violation of this section shall constitute a misdemeanor punish-
76 able by a fine not to exceed two thousand dollars or by imprisonment
77 in the county jail not to exceed one year, or by both such fine and
78 imprisonment.

79 NEW SECTION. Any person may institute a civil action for dam-
80 ages under chapter twenty-five A (25A) of the Code or to restrain
81 the dissemination of confidential records set out in subsection one
82 (1), paragraphs b, c, or d of section twelve (12) of this Act in viola-
83 tion of that section, and any person, agency or governmental body
84 proven to have disseminated or to have requested and received con-
85 fidential records in violation of subsection one (1), paragraphs b, c,
86 or d of section twelve (12) of this Act shall be liable for actual
87 damages and exemplary damages for each violation and shall be
88 liable for court costs, expenses, and reasonable attorneys' fees in-
89 curred by the party bringing the action. In no case shall the award
90 for damages be less than one hundred dollars.

91 Any reasonable grounds that a public employee has violated any
92 provision of this section or section twelve (12) of this Act shall be
93 grounds for immediate removal from access of any kind to confiden-
94 tial records or suspension from duty without pay.

95 NEW SECTION. Where the department of social services assigns
96 personnel to an office located in a county for the purpose of perform-
97 ing in that county designated duties and responsibilities assigned by
98 law to the department, it shall be the responsibility of the county to
99 provide and maintain the necessary office space and office supplies
100 and equipment for the personnel so assigned in the same manner as
101 if they were employees of the county. The department shall at least
102 annually, or more frequently if the department so elects, reimburse
103 the county for a portion, designated by law, of the cost of maintaining
104 office space and providing supplies and equipment as required by this
105 section, and also for a similar portion of the cost of providing the
106 necessary office space if in order to do so it is necessary for the county
107 to lease office space outside the courthouse or any other building
108 owned by the county. The portion of the foregoing costs reimbursed
109 to the county under this section shall be equivalent to the proportion
110 of those costs which the federal government authorizes to be paid
111 from available federal funds, unless the general assembly directs
112 otherwise when appropriating funds for support of the department.

1 SEC. 13. Section two hundred thirty-four point six (234.6), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The state director shall be vested with the authority to administer
5 ~~old-age assistance, aid to the blind, aid to dependent children, child~~
6 ~~welfare, and emergency relief, family and adult service programs~~
7 and any other form of public welfare assistance and institutions that

8 may hereafter be placed under his administration. He shall perform
9 such duties, formulate and make such rules and regulations as may
10 be necessary; shall outline such policies, dictate such procedure and
11 delegate such powers as may be necessary for competent and efficient
12 administration. Subject to restrictions that may be imposed upon
13 him by the commissioner of the department of social services and the
14 council of social services, he shall have power to abolish, alter, con-
15 solidate or establish subdivisions and may abolish or change offices
16 created in connection therewith. He may employ necessary personnel
17 and fix their compensation. He may allocate or reallocate functions
18 and duties among any subdivisions now existing or hereafter estab-
19 lished. He may promulgate rules and regulations relating to the
20 employment of ~~investigators~~ *personnel* and the allocation of their
21 functions and duties among the various subdivisions as competent
22 and efficient administration may require.

1 SEC. 14. Section two hundred thirty-four point six (234.6), sub-
2 section five (5), Code 1973, is amended to read as follows:

3 5. Notwithstanding any provisions to the contrary in ~~chapters~~
4 *chapter 239, 241, 241A, and 249* relating to the consideration of
5 income and resources of claimants for assistance, the state director,
6 with the consent and approval of the commissioner of the department
7 of social services and the council of social services, shall make such
8 rules and regulations as may be necessary to qualify for federal aid
9 in the assistance programs administered by the state director.

1 SEC. 15. Section two hundred thirty-four point six (234.6), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Have authority to use funds available to the
4 department, subject to any limitations placed on the use thereof by
5 the legislation appropriating the funds, to provide to or purchase,
6 for families and individuals eligible therefor, services including but
7 not limited to the following:

8 a. Day care for children or adults, in facilities which are licensed
9 or are approved as meeting standards for licensure.

10 b. Foster care, including foster family care, group homes and in-
11 stitutions.

12 c. Homemaker services, meeting the standards of the department,
13 provided by agency trained or supervised homemakers placed in the
14 homes of families or adults to assist with maintenance and manage-
15 ment of the home, upgrade the level of living of occupants of the
16 home, provide care for children while one or both parents are away,
17 or provide personal care for an ill or disabled family member.

18 d. Family planning.

19 e. Protective services.

20 f. Chore services.

21 g. Preparation and delivery of meals to families or individuals liv-
22 ing in private homes who, by reason of illness, infirmity or disability
23 are unable to prepare nourishing meals and have no spouse or other
24 individual living with or responsible for them who are able to do so.

25 h. Transportation services.

26 i. Any services, not otherwise enumerated in this subsection, au-
27 thorized by or pursuant to the United States Social Security Act of
28 1934, as amended.

1 SEC. 16. Section two hundred thirty-four point eleven (234.11),
2 Code 1973, is amended to read as follows:

3 **234.11 Duties of the county board—food stamp program.** The
4 county board shall be vested with the authority to direct in the county
5 old-age assistance, aid to the blind, aid to dependent children and
6 emergency relief with only such powers and duties as are prescribed
7 in the laws relating thereto. *The board shall act in an advisory*
8 *capacity on programs within the jurisdiction of the department of*
9 *social services. The board shall review policies and procedures of the*
10 *local departments of social services and make recommendations for*
11 *changes to insure that effective services are provided in their respec-*
12 *tive communities. The county board may also make recommendations*
13 *for new programs which it is believed would meet needs in the com-*
14 *munity. The state department shall establish a procedure to insure*
15 *that county board recommendations receive appropriate review at the*
16 *level of policy determination.*

17 Each county shall participate in federal commodity or food stamp
18 program.

1 SEC. 17. Section two hundred thirty-four point twenty-one
2 (234.21), Code 1973, is amended to read as follows:

3 **234.21 Services to be offered.** The state division may offer, pro-
4 vide, pay for, and offer or purchase family planning and birth control
5 services to every parent or married person who is a public assistance
6 an eligible applicant or recipient where it deems necessary of service
7 or any financial assistance from the department of social services, or
8 who is receiving federal supplementary security income as defined in
9 section two (2) of this Act.

1 SEC. 18. Section two hundred forty-nine A point two (249A.2),
2 subsections five (5) and six (6), Code 1973, are amended to read as
3 follows:

4 5. "Medical assistance" shall mean payment of all or part of the
5 costs of the care and services enumerated in Title XIX, United States
6 Social Security Act, section 1905(a), paragraphs (1) through (5),
7 inclusive [Title XLII, United States Code, section 1396d(a), para-
8 graphs (1) through (5), inclusive], as amended to January 1, 1970
9 1973.

10 6. "Additional medical assistance" shall mean payment of all or
11 part of the costs of any or all of the care and services enumerated in
12 Title XIX, United States Social Security Act, section 1905(a), para-
13 graphs (6), (7), and (9) through ~~(15)~~ (17), inclusive [Title XLII,
14 United States Code, section 1396d(a), paragraphs (6), (7), and (9)
15 through ~~(15)~~ (17), inclusive], as amended to January 1, 1970 1973.

1 SEC. 19. Section two hundred forty-nine A point three (249A.3),
2 Code 1973, is amended to read as follows:

3 **249A.3 Eligibility.** The extent of and the limitations upon eli-
4 gibility for assistance under this chapter shall be as prescribed by
5 this section, and by laws appropriating funds therefor.

6 1. Medical assistance shall be provided to, or on behalf of, any
7 individual or family residing in the state of Iowa, including those
8 residents who are temporarily absent from the state, to whom the
9 state is required to make such assistance available, by Title XIX,

10 United States Social Security Act, section 1902 [Title XLII, United
 11 States Code, section 1396a], as amended to January 1, 1970, and by
 12 the regulations and directives issued pursuant thereto, as a minimum
 13 condition of federal financial participation in the program of assist-
 14 ance provided under this chapter who is a recipient of federal supple-
 15 mentary security income or who would be eligible for federal supple-
 16 mental security income if living in their own home, as defined in sec-
 17 tion two (2) of this Act, or is a recipient of aid to dependent children
 18 payments under chapter two hundred thirty-nine (239) of the Code,
 19 and who have having no spouse or parent responsible under the law
 20 of this state and found by the county board to be able to provide him
 21 or them with needed medical care and services.

22 2. Medical assistance may also, within the limits of available funds
 23 and in accordance with section 249A.4, subsections 1 and 2 be pro-
 24 vided to, or on behalf of, other individuals and families who are not
 25 excluded under subsection 4 of this section and whose incomes and
 26 resources are insufficient to meet the cost of necessary medical care
 27 and services, and who have no spouse or parent responsible under the
 28 law of this state and found by the county board to be able to provide
 29 him or them with such necessary medical care and services, in accord-
 30 ance with the following order of priorities:

31 a. *Individuals who are receiving care in a hospital or in a basic*
 32 *nursing home, intermediate nursing home, skilled nursing home or*
 33 *extended care facility, as defined by section one hundred thirty-five C*
 34 *point one (135C.1) of the Code, and who meet all eligibility require-*
 35 *ments for federal supplementary security income except that their*
 36 *income exceeds the allowable maximum, but whose income is insuffi-*
 37 *cient to meet the full cost of their care in the hospital or health care*
 38 *facility on the basis of standards established by the department, and*
 39 *who were receiving assistance under a previous categorical assistance*
 40 *program during the month of December, 1973.*

41 b. *Individuals under twenty-one years of age living in a licensed*
 42 *foster home, or in a private home pursuant to a subsidized adoption*
 43 *arrangement, for whom the department accepts financial responsi-*
 44 *bility in whole or in part and who are not eligible under subsection*
 45 *one (1) of this section.*

46 a c. *Individuals and families whose incomes and resources are such*
 47 *that they are eligible for old-age assistance, federal supplementary*
 48 *security income or aid to dependent children, aid to the disabled, or*
 49 *aid to the blind, but who are not actually receiving such public*
 50 *assistance.*

51 d. *Individuals who are receiving state supplementary assistance as*
 52 *defined by section two (2) of this Act.*

53 b e. *Individuals and families who are ineligible under paragraph*
 54 *"a" c of this subsection solely because of their incomes and resources,*
 55 *but who would otherwise be eligible under paragraph "a" c of this*
 56 *subsection.*

57 e f. ~~Children~~ *Persons under twenty-one years of age whose incomes*
 58 *and resources are comparable to those receiving aid to dependent*
 59 *children who qualify on a financial basis for, but who are otherwise*
 60 *ineligible to receive aid to dependent children.*

61 g. *Individuals who have attained the age of twenty-one but have*
 62 *not yet attained the age of sixty-five who qualify on a financial basis*

63 *for, but who are otherwise ineligible to receive, federal supplementary*
 64 *security income or aid to dependent children.*

65 ~~d. Individuals sixty-five years of age or older who are patients in~~
 66 ~~institutions for mental diseases.~~

67 ~~e. Individuals and families whose incomes and resources make them~~
 68 ~~ineligible for old-age assistance, aid to dependent children, aid to the~~
 69 ~~disabled, or aid to the blind.~~

70 3. Additional medical assistance may, within the limits of available
 71 funds and in accordance with section 249A.4, subsections 1 and 2,
 72 be provided to, or on behalf of, either:

73 a. Only those individuals and families described in subsection 1 of
 74 this section; or

75 b. Those individuals and families described in both subsection 1
 76 and subsection 2 of this section.

77 4. No assistance shall be granted under this chapter to:

78 a. Any individual whose income, after deduction of health care
 79 expenses incurred by the applicant, exceeds one thousand ~~six~~ *eight*
 80 hundred dollars annually, or any family living together whose com-
 81 bined income, after deduction of health care expenses incurred by the
 82 family, exceeds one thousand ~~six~~ *eight* hundred dollars for the first
 83 adult member plus ~~eight~~ *nine* hundred dollars for the second member
 84 and six hundred ~~seventy-five~~ dollars for each additional member of
 85 the family. Income shall not include the value of gifts or services
 86 contributed in kind to the individual or family.

87 b. Any individual whose resources, after deduction of health care
 88 expenses incurred by the applicant, exceeds two thousand dollars, or
 89 any family living together whose combined resources exceed two
 90 thousand dollars for the first member, one thousand dollars for the
 91 second member, plus two hundred dollars for each additional mem-
 92 ber. The value of resources shall be the current market value minus
 93 any encumbrances against such resource or resources. In determin-
 94 ing the foregoing, the following resources shall be excluded: Real
 95 property occupied as a residence, household goods and furnishings,
 96 an automobile, personal effects and tools necessary for the pursuit
 97 of a trade, occupation or profession of a market value not to exceed
 98 six thousand dollars and the cash surrender value of life insurance
 99 not to exceed one thousand dollars, however, if the face value of such
 100 individual's life insurance does not exceed one thousand dollars, it
 101 shall be excluded without necessity for determining its cash sur-
 102 render value.

1 SEC. 20. Section two hundred forty-nine A point four (249A.4),
 2 unnumbered paragraph one (1), Code 1973, is amended to read as
 3 follows:

4 The commissioner shall be responsible for the effective and impar-
 5 tial administration of this chapter and shall, in accordance with the
 6 standards and priorities established by this chapter, by applicable
 7 federal law, particularly Title XIX of the United States Social Secu-
 8 rity Act [Title XLII, United States Code, sections 1396 through
 9 1396g], as amended to January 1, ~~1970~~ *1973*, by the regulations and
 10 directives issued pursuant thereto, and by the state plan approved in
 11 accordance therewith, make rules and regulations, establish policies,
 12 and prescribe procedures to implement this chapter. Without limit-

13 ing the generality of the foregoing delegation of authority, the
14 commissioner is hereby specifically empowered and directed to:

1 SEC. 21. Section two hundred forty-nine A point four (249A.4),
2 subsection six (6), Code 1973, is amended to read as follows:

3 6. Shall co-operate with any agency of the state or federal govern-
4 ment in any manner as may be necessary to qualify for federal aid
5 and assistance for medical assistance in conformity with the pro-
6 visions of this chapter and ~~Title~~ *Titles sixteen (XVI) and XIX* of the
7 federal Social Security Act, as amended.

1 SEC. 22. Section two hundred fifty-nine point two (259.2), un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The treasurer of state is hereby designated and appointed custo-
5 dian of all moneys paid by the federal government to the state for the
6 purpose of carrying out the agreement relative to making determina-
7 tions of disability under Title II *and Title sixteen (XVI)* of the
8 federal Social Security Act as amended [42 U.S.C. ch 7] and is
9 authorized to receive the same and make disbursements therefrom
10 upon the requisition of the state board for vocational education.

1 SEC. 23. Section two hundred fifty-nine point four (259.4), sub-
2 section sixteen (16), Code 1973, is amended to read as follows:

3 16. Enter into an agreement with the secretary of the United
4 States department of health, education and welfare relating to the
5 matter of making determinations of disability under Title II *and*
6 *Title sixteen (XVI)* of the federal Social Security Act as amended
7 [42 U.S.C. ch 7].

1 SEC. 24. Section four hundred three A point twenty-three
2 (403A.23), Code 1973, is amended to read as follows:

3 **403A.23 Eligibility of persons receiving public assistance.** Any
4 statute to the contrary notwithstanding, no person otherwise eligible
5 to be a tenant in a municipal housing project, shall be declared ineli-
6 gible therefor or denied occupancy therein merely because he is
7 receiving in some form, public assistance such as ~~old age assistance,~~
8 ~~aid to dependent children, blind assistance, federal supplemental secu-~~
9 ~~rity income or state supplementary payments, as defined by section~~
10 ~~two (2) of this Act, or welfare assistance, unemployment compensa-~~
11 ~~tion, social security payments, etc.~~

1 SEC. 25. Section four hundred twenty-seven point nine (427.9),
2 Code 1973, is amended to read as follows:

3 **427.9 Suspension of taxes.** Whenever a person ~~has been issued a~~
4 ~~certificate of old age assistance and is receiving monthly or quarterly~~
5 ~~payments of assistance from the old age assistance fund is a recipient~~
6 ~~of federal supplementary security income or state supplementary~~
7 ~~assistance, as defined in section two (2) of this Act, or is a resident~~
8 ~~of a health care facility, as defined by section one hundred thirty-five~~
9 ~~C point one (135C.1) of the Code, which is receiving payment from~~
10 ~~the department of social services for his care, such person shall be~~
11 ~~deemed to be unable to contribute to the public revenue. The director~~
12 ~~of the division of child and family services of the department commis-~~
13 ~~sioner of social services shall thereupon notify the board of super-~~

14 visors, of the county in which such assisted person owns property, of
15 the aforesaid fact, giving a statement of property, real and personal,
16 owned, possessed, or upon which said person is paying taxes as a
17 purchaser under contract. It shall then be the duty of the board of
18 supervisors so notified, without the filing of a petition and statement
19 as specified in section 427.8, to order the county treasurer to suspend
20 the collection of all the taxes assessed against said property and
21 remaining unpaid by such person or contractually payable by him,
22 for such time as such person shall remain the owner or contractually
23 prospective owner of such property, and during the period such
24 person receives ~~monthly or quarterly payments of assistance from the~~
25 ~~old-age assistance fund as described in this section.~~

1 SEC. 26. Chapters two hundred forty-one (241) and two hundred
2 forty-one A (241A), Code 1973, are repealed except with respect to
3 rights and duties which matured, penalties which were incurred and
4 proceedings which were begun before the effective date of this Act.

5 Sections two hundred thirty-nine point ten (239.10) and two hun-
6 dred forty-nine A point eight (249A.8), Code 1973, are repealed.

1 SEC. 27. The fund for aid to the blind established in the state
2 treasury by section two hundred forty-one point twenty (241.20),
3 Code 1973, and the fund for aid to the disabled established in the
4 state treasury by section two hundred forty-one A point fourteen
5 (241A.14), Code 1973, shall be maintained until all obligations of
6 counties to the state arising under these sections prior to the effective
7 date of this Act have been satisfied. Each of these funds shall then be
8 closed and all monies remaining in them transferred to the general
9 fund of the state.

10 The old-age assistance revolving fund existing pursuant to section
11 two hundred forty-nine point thirty-nine (249.39), Code 1973, shall
12 be maintained in the state treasury until such time as the property
13 heretofore managed by the department pursuant to that section has
14 been disposed of in total. The fund shall then be closed and all money
15 remaining in the fund transferred to the general fund of the state.

1 SEC. 28. Section three hundred forty-nine point eighteen (349.18),
2 Code 1973, is amended to read as follows:

3 **349.18 Supervisors' proceedings—each payee listed—publication.**
4 All proceedings of each regular, adjourned, or special meeting of
5 boards of supervisors, including the schedule of bills allowed, shall be
6 published immediately after the adjournment of such meeting of said
7 boards, and the publication of the schedule of the bills allowed shall
8 show the name of each individual to whom the allowance is made and
9 for what such bill is filed and the amount allowed thereon, *except that*
10 *names of persons receiving relief from the county poor fund shall not*
11 *be published.* The county auditor shall furnish a copy of such proceed-
12 ings to be published, within one week following the adjournment of
13 the board.

1 SEC. 29. Nothing in this Act shall be construed to make any
2 person liable for the payment of property taxes which were sus-
3 pended under section four hundred twenty-seven point nine (427.9)
4 of the Code at any time prior to the effective date of this Act.

1 SEC. 30. There is appropriated from the general fund of the state
 2 to the department of social services for state supplementary assist-
 3 ance to the blind pursuant to section three (3) of this Act for the six
 4 months beginning January 1, 1974 and ending June 30, 1974 the sum
 5 of one hundred fifteen thousand (115,000) dollars, and for the fiscal
 6 year beginning July 1, 1974 and ending June 30, 1975 the sum of two
 7 hundred thirty-five thousand (235,000) dollars.

1 SEC. 31. This Act shall take effect January 1, 1974.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 187

COMMISSION ON THE AGING

S. F. 447

AN ACT relating to the commission on the aging.

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

1 SECTION 1. Section two hundred forty-nine B point one (249B.1),
 2 Code 1973, is amended to read as follows:

3 249B.1 **Commission created.** There is hereby created the commis-
 4 sion on the aging of the state of Iowa which shall consist of ~~thirteen~~
 5 *nine* members. ~~Three~~ *Two* members shall be appointed by the presi-
 6 dent of the senate from the members of the senate with no more than
 7 ~~two members~~ *one member* being appointed from the same political
 8 party. ~~Three~~ *Two* members shall be appointed by the speaker of the
 9 house of representatives from the members of the house with no more
 10 than ~~two members~~ *one member* being appointed from the same political
 11 party. ~~Seven~~ *Five* members shall be appointed by the governor.

1 SEC. 2. Section two hundred forty-nine B point two (249B.2),
 2 Code 1973, is amended to read as follows:

3 249B.2 **Terms.** All members of the commission shall be appointed
 4 for terms of four years except the terms of the ~~thirteen~~ *nine* initial
 5 appointees shall be as follows:

6 1. One member appointed from the senate shall serve from the date
 7 of appointment to June 30, ~~1967~~ *1975*, and ~~two members~~ *one member*
 8 appointed from the senate shall serve from the date of appointment to
 9 June 30, ~~1969~~ *1977*.

10 2. ~~Two members~~ *One member* appointed from the house of repre-
 11 sentatives shall serve from the date of appointment to June 30, ~~1967~~
 12 *1975*, and one member appointed from the house of representatives
 13 shall serve from the date of appointment to June 30, ~~1969~~ *1977*.

14 3. ~~Three~~ *Two* members appointed by the governor shall serve from
 15 the date of appointment to June 30, ~~1967~~ *1975*, and ~~four~~ *three* mem-
 16 bers appointed by the governor shall serve from the date of appoint-
 17 ment to June 30, ~~1969~~ *1977*.

18 The terms of office of all members shall thereafter commence on the
 19 first day of July following the convening of the general assembly. Any
 20 vacancy on the commission shall be filled for the unexpired term of the

21 vacancy in the same manner as the original appointment. A vacancy
 22 shall not exist on the commission because *If* a legislative member
 23 ceases to be a member of the general assembly *he may continue to*
 24 *serve as a member of the commission until his successor is appointed.*
 25 *A successor may be appointed to complete the term of the person who*
 26 *ceases to be a member of the general assembly.*

1 SEC. 3. Section two hundred forty-nine B point three (249B.3),
 2 Code 1973, is amended to read as follows:

3 **249B.3 Meetings—officers.** Members of the commission shall meet
 4 ~~within thirty days after their appointment to select~~ *elect* from the
 5 commission's membership a chairman, and such other officers as
 6 commission members deem necessary, who shall serve for a period of
 7 two years. The commission shall elect a new chairman every two
 8 years thereafter. The commission shall meet at regular intervals at
 9 least ~~four~~ *six* times each year and may hold special meetings at the
 10 call of the chairman or at the request of a majority of the commission
 11 membership. The commission shall meet at the seat of government or
 12 such other place as the commission members may so designate.

1 SEC. 4. Section two hundred forty-nine B point four (249B.4),
 2 Code 1973, is amended by adding the following new subsection:

3 **NEW SUBSECTION.** Seek resources to provide direct service pro-
 4 grams and services to the aging at the state, regional, county or local
 5 levels and provide services through contract arrangements with public
 6 or private nonprofit agencies.

1 SEC. 5. Section two hundred forty-nine B point five (249B.5),
 2 Code 1973, is amended to read as follows:

3 **249B.5 Executive secretary director.** The commission shall ap-
 4 point an executive secretary ~~subject to the state merit system and~~
 5 ~~shall prescribe the duties, powers, and authority of the appointee. The~~
 6 ~~executive secretary director who shall serve as an executive officer and~~
 7 ~~shall be a full-time employee of the commission. Notwithstanding the~~
 8 ~~provisions of section nineteen A point three (19A.3) of the Code, the~~
 9 ~~executive director shall be subject to the state merit system in matters~~
 10 ~~related to salary and benefits.~~

1 SEC. 6. Section two hundred forty-nine B point six (249B.6), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **249B.6 Expenses.** Members of the commission while engaged in
 5 their official duties shall receive a per diem rate equal to that allowed
 6 members of the legislature pursuant to subsection six (6) of section
 7 two point six (2.6) of the Code. Members of the commission and non-
 8 commission members serving on commission subcommittees shall be
 9 paid their actual and necessary travel and other expenses incurred in
 10 their official duties.

Approved June 19, 1973.

CHAPTER 188

VETERANS AFFAIRS FUND

H. F. 148

AN ACT relating to the soldiers relief fund.

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

1 SECTION 1. Section two hundred fifty point one (250.1), Code 1973,
2 is amended to read as follows:

3 250.1 Tax. A tax not exceeding one mill on the dollar may be
4 levied by the board of supervisors upon all taxable property within the
5 county, to be collected at the same time and in the same manner as
6 other taxes, to create a *veteran affairs* fund for the relief of, and to
7 pay the funeral expenses of honorably discharged, indigent men and
8 women of the United States who served in the military or naval forces
9 of the United States in any war including the Korean Conflict at any
10 time between June 27, 1950, and July 27, 1953, both dates inclusive,
11 and including the Vietnam Conflict at any time between August 5, 1964
12 and ending on the date the armed forces of the United States are
13 directed by formal order of the government of the United States to
14 cease hostilities, both dates inclusive, and their indigent wives, widows
15 and minor children not over eighteen years of age, having a legal resi-
16 dence in the county.

1 SEC. 2. Section two hundred fifty point ten (250.10), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 250.10 Disbursements—inspection of records. On the first Monday
4 in each month, all claims certified shall be reviewed by the board of
5 supervisors and the county auditor shall issue his warrants in pay-
6 ment of same drawn upon the ~~soldiers relief~~ *veteran affairs* fund. All
7 applications, investigation reports and case records shall be privileged
8 communications and held confidential, subject to use and inspection
9 only by persons authorized by law in connection with their official
10 duties relating to financial audits and the administration of the pro-
11 visions of this chapter. Provided, however, that the county commission
12 of veteran affairs shall prepare and file in the office of the county
13 auditor on or before the thirtieth day of each January, April, July and
14 October a report showing the names and addresses of all recipients
15 receiving assistance under this chapter, together with the amount paid
16 to each during the preceding quarter. Each report so filed shall be
17 securely fixed in a record book to be used only for such reports made
18 under this chapter.

Approved June 13, 1973.

CHAPTER 189

SETTLEMENT OF MINORS IN INSTITUTIONS

S. F. 149

AN ACT clarifying legal settlement of a minor child residing in an institution.

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

1 SECTION 1. Section two hundred fifty-two point sixteen (252.16),
 2 subsection three (3), Code 1973, is amended to read as follows:
 3 3. ~~Any such~~ A person who is an inmate of or is supported by ~~any an~~
 4 institution whether organized for pecuniary profit or not or ~~any an~~
 5 institution supported by charitable or public funds in ~~any a~~ county
 6 in this state shall not acquire a settlement in ~~said the~~ county unless
 7 ~~such the~~ person before becoming an inmate ~~thereof in the institution~~
 8 or being supported ~~thereby by an institution~~ has a settlement in ~~said~~
 9 the county. *A minor child residing in an institution assumes the settle-*
 10 *ment of his parent as prescribed in subsections five (5) and six (6) of*
 11 *this section. Settlement of the minor child changes with the settlement*
 12 *of his parent, except that the child retains the settlement that his*
 13 *parent has on the child's eighteenth birthday until he is discharged*
 14 *from the institution, at which time he acquires his own settlement,*
 15 *as provided in this section.*

Approved April 19, 1973.

CHAPTER 190

SUPPORT OF DEPENDENTS

S. F. 383

AN ACT relating to the uniform support of dependents law.

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

1 SECTION 1. Section two hundred fifty-two A point two (252A.2),
 2 subsection three (3), Code 1973, as amended by Senate File eighty-two
 3 (82), Acts of the Sixty-fifth General Assembly, 1973 Session, is
 4 amended to read as follows:
 5 3. "Child" includes *but shall not be limited to* a stepchild, foster
 6 child or legally adopted child and means a child actually or apparently
 7 under eighteen years of age, and a dependent person eighteen years
 8 of age or over who is unable to maintain himself and is likely to be-
 9 come a public charge.

1 SEC. 2. Section two hundred fifty-two A point three (252A.3),
 2 Code 1973, is amended by adding the following new subsection:
 3 NEW SUBSECTION. The natural parents of a child born out of
 4 wedlock shall be severally liable for the support of the child, but the
 5 liability of the natural father shall not be enforceable unless he has
 6 been adjudicated to be the child's father by a court of competent juris-
 7 diction, or he has acknowledged paternity of the child in open court
 8 or by written statement.

1 SEC. 3. Section two hundred fifty-two A point six (252A.6), sub-
2 section four (4), Code 1973, is amended to read as follows:

3 4. When the court of this state, acting as a responding state, re-
4 ceives from the court of an initiating state the aforesaid copies, it shall
5 docket the cause, notify the county attorney or other official acting as
6 petitioner's representative, set a time and place for a hearing, and
7 take such action as is necessary in accordance with the laws of this
8 state to serve notice and thus obtain jurisdiction over the respondent.
9 If a court of the state, acting as a responding state, is unable to obtain
10 jurisdiction of the respondent or his property due to inaccuracies or
11 inadequacies in the petition or otherwise, the court shall communicate
12 this fact to the court in the initiating state, shall on its own initiative
13 use all means at its disposal to trace the respondent or his property,
14 and shall hold the case pending the receipt of more accurate informa-
15 tion or an amended petition from the court in the initiating state.
16 *However, if the court of the responding state is unable to obtain juris-*
17 *isdiction because the respondent resides in or is domiciled or found in*
18 *another county of the responding state, the papers received from the*
19 *court of the initiating state may be forwarded by the court of the*
20 *responding state which received the papers to the court of the county*
21 *in the responding state in which the respondent resides or is domiciled*
22 *or found, and the court of the initiating state shall be notified of the*
23 *transfer. The court of the county where the respondent resides or is*
24 *domiciled or found shall acknowledge receipt of the papers to both*
25 *the court of the initiating state and the court of the responding state*
26 *which forwarded them, and shall take full jurisdiction of the proceed-*
27 *ings with the same powers as if it had received the papers directly*
28 *from the court of the initiating state.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 191

PATIENTS TRANSFERRED TO UNIVERSITY HOSPITAL

H. F. 401

AN ACT relating to transfer of patients to the university hospital.

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

1 SECTION 1. Section two hundred fifty-five point twenty-eight
2 (255.28), Code 1973, is amended to read as follows:

3 255.28 **Transfer of patients from state institutions.** The commis-
4 sioner of the department of social services and the director of any of
5 the divisions of such department, *and the board in control* of the Iowa*
6 *braille and sight-saving school, and the Iowa school for the deaf,* may,
7 respectively, send any inmate, *student or patient* of any of said insti-
8 tutions, or any person committed or applying for admission thereto, to
9 the hospital of the medical college of the state university for treatment

*Board of regents, §262.7 of the Code.

10 and care as provided in this chapter, without securing the order of
 11 court required in other cases. Said state department of social services,
 12 *and board in control* of the Iowa braille and sight-saving school and*
 13 *the Iowa school for the deaf* shall respectively pay the traveling ex-
 14 penses of any patient thus committed, and when necessary the travel-
 15 ing expenses of an attendant for such patient, out of funds appropri-
 16 ated for the use of the institution from which he is sent.

Approved April 18, 1973.

*Board of regents, §262.7 of the Code.

CHAPTER 192

SERVICES AND MATERIALS TO NONPUBLIC SCHOOLS

H. F. 594

AN ACT to provide reimbursement to local school districts, for auxiliary services and materials to nonpublic school students.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-six
 2 (257.26), unnumbered paragraph two (2), Code 1973, is amended to
 3 read as follows:

4 The provisions of this section shall not deprive the respective
 5 boards of public school districts of any of their legal powers, statu-
 6 tory or otherwise, and in accepting such specially enrolled students,
 7 each of said boards shall prescribe the terms of such special enroll-
 8 ment, including but not limited to scheduling of such courses and the
 9 length of class periods. In addition, the board of the affected public
 10 school district shall be given notice by the state board of its decision
 11 to permit such special enrollment not later than six months prior to
 12 the opening of the affected public school district's school year, except
 13 that the board of the public school district may, in its discretion,
 14 waive such notice requirement. ~~School districts and county school~~
 15 ~~systems may when available make special education services and~~
 16 ~~materials enumerated in this chapter available to pupils attending~~
 17 ~~nonpublic schools in the same manner and to the same extent that~~
 18 ~~they are provided to public school students in the school district or~~
 19 ~~county.~~

1 SEC. 2. Section two hundred fifty-seven point twenty-six
 2 (257.26), Code 1973, is amended by adding the following new un-
 3 numbered paragraphs:

4 NEW UNNUMBERED PARAGRAPHS. Boards of local school districts
 5 shall provide auxiliary services and materials to nonpublic school
 6 students enrolled in nonpublic schools in the district through the
 7 same administrative procedure by which they are provided to the
 8 public school students in that district and to the extent that funds
 9 appropriated by the general assembly to the department of public
 10 instruction for reimbursement for claims of school districts filed
 11 pursuant to this section are sufficient to pay for the services and
 12 materials. The department of public instruction shall allocate funds
 13 to the board of each local school district on the basis of plans ap-
 14 proved by the department for delivery of auxiliary services and

15 materials and claims for reimbursement filed by the school district.
16 Funds allocated by the department for approved plans and claims
17 for reimbursement to each local school district shall not be paid for
18 delivery of auxiliary services and materials to students who attend
19 nonpublic schools that have policies which discriminate among stu-
20 dents on the basis of race, color, creed, sex, or place of national
21 origin, except that it shall not be considered discrimination for a
22 nonpublic school to limit enrollment to students of one sex or one
23 creed.

24 Nonpublic school students enrolled in public school shared-time
25 programs shall for the purposes of school district reimbursement
26 under this section be counted only in the proportion that the time
27 for which they are enrolled or receive instruction in the nonpublic
28 school bears to the total time for which they receive instruction.

29 Applications for receipt of auxiliary services and materials for
30 nonpublic school students shall be made by the principal or chief
31 administrator of the nonpublic school to the board of the local school
32 district. The board of the local school district to which application
33 is made may contract with and may make payment to the board of
34 any other local school district, county school system, joint county
35 system, merged area, or equivalent intermediate unit, providing the
36 services or materials to public school students, in order to make
37 available any of the services and materials to nonpublic school
38 students.

39 Division I auxiliary services and materials shall include health
40 services; programs of special education as defined in section two
41 hundred eighty point twenty-two (280.22) and chapter two hundred
42 eighty-one (281) of the Code and rules and regulations of the
43 department of public instruction; and services and materials for
44 remedial education programs, library and resource centers, and
45 audio-visual services and equipment.

46 Division II auxiliary services and materials shall include guidance
47 services, scientific instruments, testing services, and data processing
48 services.

49 The application submitted to the board of directors of the public
50 school district shall designate the services requested and shall also
51 include the official enrollment count of the nonpublic school taken
52 on the second Friday in January stated in terms of full-time equiva-
53 lent Iowa resident students.

54 The application shall be filed with the secretary of the public school
55 district no later than January fifteenth for services and materials
56 for the school fiscal year commencing the following July first.

57 The board of each public school district receiving a request from
58 a nonpublic school for delivery of auxiliary services and materials
59 shall file a plan for delivery of these services and materials with the
60 department of public instruction not later than March first on forms
61 prescribed by the department.

62 Such plan shall include a copy of the request from the nonpublic
63 school administrative officer and the enrollment count of the non-
64 public school as well as the anticipated cost of providing the pro-
65 posed auxiliary services.

66 All plans submitted for delivery of auxiliary services and materials
67 designated in this section as division I services and materials shall

68 be reviewed by the department of public instruction, and such plans
69 may be approved, modified or denied by the department of public
70 instruction under the terms of this section and pursuant to rules of
71 the department.

72 Initial approval of plans for the delivery of division I auxiliary
73 services and materials shall not exceed thirty dollars for each full-
74 time equivalent Iowa resident student enrolled in the nonpublic
75 school to which delivery of auxiliary services and materials is ap-
76 proved. If the cost for delivery of division I auxiliary services and
77 materials approved by the department exceeds the amount appro-
78 priated in any year, the payments of funds appropriated shall be
79 prorated by the department. If prorating is implemented, the local
80 district may collect any nonreimbursed amount from the school dis-
81 trict in which the pupil resides.

82 If, after determination by the department of public instruction of
83 the cost of all initially approved plans for the delivery of division I
84 auxiliary services and materials, additional funds remain from funds
85 appropriated, plans for the delivery of additional division I auxiliary
86 services and materials and delivery of division II auxiliary services
87 and materials may be approved by the department of public instruc-
88 tion. After approval of plans, the department shall prorate remain-
89 ing funds on the basis of the cost of approved plans.

90 During 1973 only, the dates listed in this section for the filing of
91 the request for auxiliary services and materials by the nonpublic
92 school, and the official enrollment count of the nonpublic school, and
93 the date of the filing of the plan for delivery of auxiliary services
94 and materials by the public school shall not apply, and such dates
95 shall be determined by the department of public instruction. The
96 department shall set the dates to occur as soon as practical after
97 July 1, 1973.

98 No services, materials, or programs provided in this section shall
99 be provided for students in nonpublic schools unless they are avail-
100 able for students in the public schools of the district.

101 Auxiliary services and materials, as defined in this section, in
102 excess of those for which funds are appropriated to the department
103 of public instruction may be provided to nonpublic school students
104 by the board of a local school district, county school system, joint
105 county system, or equivalent intermediate unit.

106 Title to instructional equipment and materials, scientific instru-
107 ments and audio visual resources, including projectors, film and
108 other equipment, shall remain with the local school district, county
109 school system, joint county system, or equivalent intermediate unit
110 providing same. An inventory shall be kept of equipment and mate-
111 rials provided. Such inventory and inventoried items shall be avail-
112 able for inspection by the proper authorities.

113 Any nonpublic school student who is a resident of Iowa may
114 receive division I and division II auxiliary services from the school
115 district in which the nonpublic school in which he is enrolled is
116 located. Any parent or guardian of a nonpublic school student may
117 refuse to receive specific auxiliary services. The services and mate-
118 rials may be offered at sites other than at the public school, including
119 nonpublic school facilities located within the public school districts.

120 Claims for reimbursement shall be made by the local school dis-

121 trict during the school year to the department of public instruction
 122 on a form prescribed by the department, and the claim shall state
 123 the services and materials provided and the actual costs incurred.
 124 Claims shall be accompanied by an affidavit of an officer of the local
 125 school district affirming the accuracy of the claim. On October first,
 126 February first, and June first of each year, the department of public
 127 instruction shall certify to the state comptroller the amounts of
 128 approved claims to be paid and the state comptroller shall draw
 129 warrants payable to local school districts which have established
 130 claims. No claims in excess of the plans previously approved by the
 131 department of public instruction shall be certified to the state comp-
 132 troller.

133 Any reimbursements received by a local district shall not affect
 134 district cost limitations of chapter four hundred forty-two (442) of
 135 the Code. The reimbursed auxiliary services and materials shall be
 136 separate from the state foundation plan, and the reimbursements in
 137 this Act shall be considered miscellaneous income, as defined in sec-
 138 tion four hundred forty-two point five (442.5) of the Code for the
 139 purposes of determining state foundation aid.

Approved May 16, 1973.

CHAPTER 193

LABORATORY SCHOOLS PUPIL AID

H. F. 551

AN ACT relating to state per pupil aid for laboratory schools.

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

1 SECTION 1. Section two hundred sixty-five point six (265.6), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:
 4 265.6 State aid to laboratory school. The state board of regents
 5 which has established a laboratory school shall receive state aid pur-
 6 suant to chapters two hundred eighty-one (281) and four hundred
 7 forty-two (442) of the Code for each pupil enrolled in the laboratory
 8 school in the same amount as the public school district in which the
 9 pupil resides would receive aid for that pupil and shall transmit the
 10 amount received to the institution of higher education at which the
 11 laboratory school has been established.

Approved May 8, 1973.

CHAPTER 194

EDUCATION COMPACT

H. F. 774

AN ACT to enact the compact for education, to establish the education commission of the states for this state, and to make an appropriation.

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

1 SECTION 1. NEW SECTION. Compact for education. The com-
2 pact for education is hereby entered into and enacted into law with
3 all jurisdictions legally joining therein, in the form substantially as
4 follows:

ARTICLE I.—PURPOSE AND POLICY.

5 A. It is the purpose of this compact to:

6 1. Establish and maintain close cooperation and understanding
7 among executive, legislative, professional educational and lay lead-
8 ership on a nationwide basis at the state and local levels.

9 2. Provide a forum for the discussion, development, crystalization*
10 and recommendation of public policy alternatives in the field of edu-
11 cation.

12 3. Provide a clearing house of information on matters relating to
13 educational problems and how they are being met in different places
14 throughout the nation, so that the executive and legislative branches
15 of state government and of local communities may have ready ac-
16 cess to the experience and record of the entire country, and so that
17 both lay and professional groups in the field of education may have
18 additional avenues for the sharing of experience and the inter-
19 change of ideas in the formation of public policy in education.

20 4. Facilitate the improvement of state and local educational sys-
21 tems so that all of them will be able to meet adequate and desirable
22 goals in a society which requires continuous qualitative and quanti-
23 tative advance in educational opportunities, methods and facilities.

24 B. It is the policy of this compact to encourage and promote local
25 and state initiative in the development, maintenance, improvement
26 and administration of educational systems and institutions in a man-
27 ner which will accord with the needs and advantages of diversity
28 among localities and states.

29 C. The party states recognize that each of them has an interest in
30 the quality and quantity of education furnished in each of the other
31 states, as well as in the excellence of its own educational systems
32 and institutions, because of the highly mobile character of individ-
33 uals within the nation, and because the products and services con-
34 tributing to the health, welfare and economic advancement of each
35 state are supplied in significant part by persons educated in other
36 states.

ARTICLE II.—STATE DEFINED.

37 As used in this compact, "state" means a state, territory or pos-
38 session of the United States, the District of Columbia, or the com-
39 monwealth of Puerto Rico.

ARTICLE III.—THE COMMISSION.

40 A. The education commission of the states, hereinafter called "the
41 commission", is hereby established. The commission shall consist of
42

*According to enrolled Act.

45 seven members representing each party state. One of such members
46 shall be the governor; two shall be members of the state legislature
47 selected by its respective houses and serving in such manner as the
48 legislature may determine; and four shall be appointed by and serve
49 at the pleasure of the governor, unless the laws of the state other-
50 wise provide. If the laws of a state prevent legislators from serving
51 on the commission, six members shall be appointed and serve at the
52 pleasure of the governor, unless the laws of the state otherwise pro-
53 vide. In addition to any other principles or requirements which a
54 state may establish for the appointment and service of its members
55 of the commission, the guiding principle for the composition of the
56 membership on the commission from each party state shall be that
57 the members representing such state shall, by virtue of their train-
58 ing, experience, knowledge or affiliations be in a position collectively
59 to reflect broadly the interests of the state government, higher edu-
60 cation, the state education system, local education, lay and profes-
61 sional, public and nonpublic educational leadership. Of those ap-
62 pointees, one shall be the head of a state agency or institution, des-
63 ignated by the governor, having responsibility for one or more
64 programs of public education. In addition to the members of the
65 commission representing the party states, there may be not to ex-
66 ceed ten nonvoting commissioners selected by the steering committee
67 for terms of one year. Such commissioners shall represent leading
68 national organizations or professional educators or persons con-
69 cerned with educational administration.

70 B. The members of the commission shall be entitled to one vote
71 each on the commission. No action of the commission shall be bind-
72 ing unless taken at a meeting at which a majority of the total num-
73 ber of votes on the commission are cast in favor thereof. Action
74 of the commission shall be only at a meeting at which a majority
75 of the commissioners are present. The commission shall meet at
76 least once a year. In its bylaws, and subject to such directions and
77 limitations as may be contained therein, the commission may dele-
78 gate the exercise of any of its powers to the steering committee or
79 the executive director, except for the power to approve budgets or
80 requests for appropriations, the power to make policy recommenda-
81 tions pursuant to article four (IV) and adoption of the annual re-
82 port pursuant to article three (III) (j).

83 C. The commission shall have a seal.

84 D. The commission shall elect annually, from among its members,
85 a chairman, who shall be a governor, a vice chairman and a treas-
86 urer. The commission shall provide for the appointment of an exec-
87 utive director. Such executive director shall serve at the pleasure
88 of the commission, and together with the treasurer and such other
89 personnel as the commission may deem appropriate shall be bonded
90 in such amount as the commission shall determine. The executive
91 director shall be secretary.

92 E. Irrespective of the civil service, personnel or other merit sys-
93 tem laws of any of the party states, the executive director subject
94 to the approval of the steering committee shall appoint, remove or
95 discharge such personnel as may be necessary for the performance
96 of the functions of the commission, and shall fix the duties and
97 compensation of such personnel. The commission in its bylaws shall

98 provide for the personnel policies and programs of the commission.

99 F. The commission may borrow, accept or contract for the serv-
100 ices of personnel from any party jurisdiction, the United States, or
101 any subdivision or agency of the aforementioned governments, or
102 from any agency of two or more of the party jurisdictions or their
103 subdivisions.

104 G. The commission may accept for any of its purposes and func-
105 tions under this compact any and all donations, and grants of money,
106 equipment, supplies, materials and services, conditional or other-
107 wise, from any state, the United States, or any other governmental
108 agency, or from any person, firm, association, foundation, or corpo-
109 ration, and may receive, utilize and dispose of the same. Any dona-
110 tion or grant accepted by the commission pursuant to this paragraph
111 or services borrowed pursuant to paragraph (f) of this article
112 shall be reported in the annual report of the commission. Such re-
113 port shall include the nature, amount and conditions, if any, of the
114 donation, grant, or services borrowed, and the identity of the donor
115 or lender.

116 H. The commission may establish and maintain such facilities as
117 may be necessary for the transacting of its business. The commis-
118 sion may acquire, hold, and convey real and personal property and
119 any interest therein.

120 I. The commission shall adopt bylaws for the conduct of its busi-
121 ness and shall have the power to amend and rescind these bylaws.
122 The commission shall publish its bylaws in convenient form and
123 shall file a copy thereof and a copy of any amendment thereto, with
124 the appropriate agency or officer in each of the party states.

125 J. The commission annually shall make to the governor and leg-
126 islature of each party state a report covering the activities of the
127 commission for the preceding year. The commission may make such
128 additional reports as it may deem desirable.

129 ARTICLE IV.—POWERS.

130 In addition to authority conferred on the commission by other
131 provisions of the compact, the commission shall have authority to:

132 1. Collect, correlate, analyze and interpret information and data
133 concerning educational needs and resources.

134 2. Encourage and foster research in all aspects of education, but
135 with special reference to the desirable scope of instruction, organi-
136 zation, administration, and instructional methods and standards
137 employed or suitable for employment in public educational systems.

138 3. Develop proposals for adequate financing of education as a
139 whole and at each of its many levels.

140 4. Conduct or participate in research of the types referred to in
141 this article in any instance where the commission finds that such
142 research is necessary for the advancement of the purposes and
143 policies of this compact, utilizing fully the resources of national
144 associations, regional compact organizations for higher education,
145 and other agencies and institutions, both public and private.

146 5. Formulate suggested policies and plans for the improvement
147 of public education as a whole, or for any segment thereof, and
148 make recommendations with respect thereto available to the ap-
149 propriate governmental units, agencies and public officials.

150 6. Do such other things as may be necessary or incidental to the
 151 administration of any of its authority or functions pursuant to this
 152 compact.

153 ARTICLE V.—COOPERATION WITH FEDERAL GOVERNMENT.

154 A. If the laws of the United States specifically so provide, or if
 155 administrative provision is made therefor within the federal gov-
 156 ernment, the United States may be represented on the commission
 157 by not to exceed ten representatives. Any such representative or
 158 representatives of the United States shall be appointed and serve in
 159 such manner as may be provided by or pursuant to federal law, and
 160 may be drawn from any one or more branches of the federal govern-
 161 ment, but no such representative shall have a vote on the commis-
 162 sion.

163 B. The commission may provide information and make recom-
 164 mendations to any executive or legislative agency or officer of the
 165 federal government concerning the common educational policies of
 166 the states, and may advise with any such agencies or officers concern-
 167 ing any matter of mutual interest.

168 ARTICLE VI.—COMMITTEES.

169 A. To assist in the expeditious conduct of its business when the
 170 full commission is not meeting, the commission shall elect a steer-
 171 ing committee of thirty-two members which, subject to the provi-
 172 sions of this compact and consistent with the policies of the commis-
 173 sion, shall be constituted and function as provided in the bylaws of
 174 the commission. One-fourth of the voting membership of the steer-
 175 ing committee shall consist of governors, one-fourth shall consist of
 176 legislators, and the remainder shall consist of other members of the
 177 commission. A federal representative on the commission may serve
 178 with the steering committee, but without vote. The voting members
 179 of the steering committee shall serve for terms of two years, ex-
 180 cept that members elected to the first steering committee of the
 181 commission shall be elected as follows: sixteen for one year and
 182 sixteen for two years. The chairman, vice chairman, and treasurer
 183 of the commission shall be members of the steering committee and,
 184 anything in this paragraph to the contrary notwithstanding, shall
 185 serve during their continuance in these offices. Vacancies in the
 186 steering committee shall not affect its authority to act, but the com-
 187 mission at its next regular ensuing meeting following the occur-
 188 rence of any vacancy shall fill it for the unexpired term. No person
 189 shall serve more than two terms as a member of the steering com-
 190 mittee; provided that service for a partial term of one year or less
 191 shall not be counted toward the two term limitation.

192 B. The commission may establish advisory and technical commit-
 193 tees composed of state, local, and federal officials, and private per-
 194 sons to advise it with respect to any one or more of its functions.
 195 Any advisory or technical committee may, on request of the states
 196 concerned, be established to consider any matter of special concern
 197 to two or more of the party states.

198 C. The commission may establish such additional committees as
 199 its bylaws may provide.

200 ARTICLE VII.—FINANCE.

201 A. The commission shall advise the governor or designated officer
 202 or officers of each party state of its budget and estimated expendi-

203 tures for such period as may be required by the laws of that party
204 state. Each of the commission's budgets of estimated expenditures
205 shall contain specific recommendations of the amount or amounts
206 to be appropriated by each of the party states.

207 B. The total amount of appropriation requests under any budget
208 shall be apportioned among the party states. In making such ap-
209 portionment, the commission shall devise and employ a formula
210 which takes equitable account of the populations and per capita in-
211 come levels of the party states.

212 C. The commission shall not pledge the credit of any party states.
213 The commission may meet any of its obligations in whole or in part
214 with funds available to it pursuant to article three (III) (g) of
215 this compact, provided that the commission takes specific action set-
216 ting aside such funds prior to incurring an obligation to be met in
217 whole or in part in such manner. Except where the commission
218 makes use of funds available to it pursuant to article three (III)
219 (g) thereof, the commission shall not incur any obligation prior to
220 the allotment of funds by the party states adequate to meet the
221 same.

222 D. The commission shall keep accurate accounts of all receipts and
223 disbursements. The receipts and disbursements of the commission
224 shall be subject to the audit and accounting procedures established
225 by its bylaws. However, all receipts and disbursements of funds
226 handled by the commission shall be audited yearly by a qualified
227 public accountant, and the report of the audit shall be included in
228 and become part of the annual reports of the commission.

229 E. The accounts of the commission shall be open at any reason-
230 able time for inspection by duly constituted officers of the party
231 states and by any persons authorized by the commission.

232 F. Nothing contained herein shall be construed to prevent com-
233 mission compliance with laws relating to audit or inspection of
234 accounts by or on behalf of any government contributing to the
235 support of the commission.

236 ARTICLE VIII.—ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.

237 A. This compact shall have as eligible parties all states, terri-
238 tories, and possessions of the United States, the District of Colum-
239 bia, and the commonwealth of Puerto Rico. In respect of any such
240 jurisdiction not having a governor, the term "governor", as used in
241 this compact, shall mean the closest equivalent official of such juris-
242 diction.

243 B. Any state or other eligible jurisdiction may enter into this
244 compact and it shall become binding thereon when it has adopted the
245 same: Provided that in order to enter into initial effect, adoption by
246 at least ten eligible party jurisdictions shall be required.

247 C. Adoption of the compact may be either by enactment thereof
248 or by adherence thereto by the governor; provided that in the ab-
249 sence of enactment, adherence by the governor shall be sufficient to
250 make his state a party only until December 31, 1967. During any
251 period when a state is participating in this compact through guber-
252 natorial action, the governor shall appoint those persons who, in ad-
253 dition to himself, shall serve as the members of the commission from
254 his state, and shall provide to the commission an equitable share of

255 the financial support of the commission from any source available
256 to him.

257 D. Except for a withdrawal effective on December 31, 1967 in
258 accordance with paragraph (c) of this article, any party state may
259 withdraw from this compact by enacting a statute repealing the
260 same, but no such withdrawal shall take effect until one year after
261 the governor of the withdrawing state has given notice in writing
262 of the withdrawal to the governors of all other party states. No
263 withdrawal shall affect any liability already incurred by or charge-
264 able to a party state prior to the time of such withdrawal.

265 ARTICLE IX.—CONSTRUCTION AND SEVERABILITY.

266 This compact shall be liberally construed so as to effectuate the
267 purposes thereof. The provisions of this compact shall be severable
268 and if any phrase, clause, sentence or provision of this compact is
269 declared to be contrary to the constitution of any state or of the
270 United States, or the application thereof to any government, agency,
271 person or circumstance is held invalid, the validity of the remain-
272 der of this compact and the applicability thereof to any govern-
273 ment, agency, person or circumstance shall not be affected thereby.
274 If this compact shall be held contrary to the constitution of any
275 state participating therein, the compact shall remain in full force
276 and effect as to the state affected as to all severable matters.

1 SEC. 2. NEW SECTION. **Education commission of the states.** The
2 provisions of article three (III), paragraph (a), of the compact
3 notwithstanding, the members of the education commission of the
4 states representing this state shall consist of the governor, two mem-
5 bers appointed by the governor, two members of the senate ap-
6 pointed by the president of the senate, and two members of the
7 house of representatives appointed by the speaker of the house of
8 representatives. The members shall serve four-year terms and for
9 the initial appointments, half of the membership shall be appointed
10 to two-year terms and half shall be appointed to four-year terms.
11 Members shall serve on the education commission of the states with-
12 out compensation, but shall receive their actual and necessary ex-
13 penses and travel. Vacancies on the commission shall be filled for
14 the unexpired portion of the term in the same manner as the origi-
15 nal appointment. If a member ceases to be a member of the general
16 assembly, he shall no longer serve as a member of the education com-
17 mission of the states.

1 SEC. 3. NEW SECTION. **Filing bylaws.** Pursuant to article three
2 (III), paragraph (i), of the compact, the commission shall file a
3 copy of its bylaws and any amendment thereto with the governor.

1 SEC. 4. There is appropriated from the general fund of the state
2 for each fiscal year of the biennium beginning July 1, 1973 and end-
3 ing June 30, 1975, to the governor of the state of Iowa the sum of
4 ten thousand five hundred (10,500) dollars, or so much thereof as
5 may be necessary, to be used for membership fees for Iowa to be-
6 come a member of the education commission of the states.

Approved June 29, 1973.

CHAPTER 195

SCHOOL LUNCH BUILDING

H. F. 726

AN ACT to authorize school districts to erect, or otherwise acquire, and to equip a building for use as a school lunch facility and to pay for same from certain funds on hand in the schoolhouse fund or from a tax or bonds voted for the purpose.

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

1 SECTION 1. Chapter two hundred eighty-three A (283A), Code
 2 1973, is amended by adding the following new section:
 3 NEW SECTION. School districts are authorized to purchase, erect,
 4 or otherwise acquire a building for use as a school lunch facility, and
 5 to equip such a building for such use, and pay for same from unen-
 6 cumbered funds on hand in the schoolhouse fund derived from taxes
 7 voted under authority of sections two hundred seventy-eight point
 8 one (278.1), subsection seven (7), or two hundred seventy-five point
 9 thirty-two (275.32) of the Code, subject to the terms of this section,
 10 or may pay for same from the proceeds of the sale of school prop-
 11 erty sold under section two hundred ninety-seven point twenty-two
 12 (297.22) of the Code, or from surplus remaining in the schoolhouse
 13 fund after retirement of a bond issue, or from a tax voted for said
 14 purposes.

Approved June 29, 1973.

CHAPTER 196

EDUCATIONAL PERSONNEL COMPACT

H. F. 705

AN ACT entering into the interstate agreement on qualification of educational personnel, and for related purposes.

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

1 SECTION 1. NEW SECTION. The interstate agreement on qualifi-
 2 cation of educational personnel is hereby enacted into law and entered
 3 into with all jurisdictions legally joining therein, in the form substan-
 4 tially as follows:
 5 ARTICLE I—PURPOSE, FINDINGS, AND POLICY
 6 1. The states party to this agreement, desiring by common action
 7 to improve their respective school systems by utilizing the teacher or
 8 other professional educational person wherever educated, declare that
 9 it is the policy of each of them, on the basis of cooperation with one
 10 another, to take advantage of the preparation and experience of such
 11 persons wherever gained, thereby serving the best interest of society,
 12 of education, and of the teaching profession. It is the purpose of this
 13 agreement to provide for the development and execution of such pro-
 14 grams of cooperation as will facilitate the movement of teachers and
 15 other professional educational personnel among the states party to it,
 16 and to authorize specific interstate educational personnel contracts to
 17 achieve that end.

18 2. The party states find that included in the large movement of
19 population among all sections of the nation are many qualified educa-
20 tional personnel who move for family and other personal reasons but
21 who are hindered in using their professional skill and experience in
22 their new locations. Variations from state to state in requirements
23 for qualifying educational personnel discourage such personnel from
24 taking the steps necessary to qualify in other states. As a conse-
25 quence, a significant number of professionally prepared and experi-
26 enced educators is lost to our school systems. Facilitating the employ-
27 ment of qualified educational personnel, without reference to their
28 states of origin, can increase the available educational resources.
29 Participation in this agreement can increase the availability of edu-
30 cational manpower.

31 ARTICLE II—DEFINITIONS

32 As used in this agreement and contracts made pursuant to it, unless
33 the context clearly requires otherwise:

34 1. "Educational personnel" means persons who must meet require-
35 ments pursuant to state law as a condition of employment in educa-
36 tional programs.

37 2. "Designated state official" means the education official of a state
38 selected by that state to negotiate and enter into, on behalf of his
39 state, contracts pursuant to this agreement.

40 3. "Accept", or any variant thereof, means to recognize and give
41 effect to one or more determinations of another state relating to the
42 qualifications of educational personnel in lieu of making or requiring
43 a like determination that would otherwise be required by or pursuant
44 to the laws of a receiving state.

45 4. "State" means a state, territory, or possession of the United
46 States; the District of Columbia; or the Commonwealth of Puerto Rico.

47 5. "Originating state" means a state (and the subdivision thereof,
48 if any) whose determination that certain educational personnel are
49 qualified to be employed for specific duties in schools is acceptable in
50 accordance with the terms of a contract made pursuant to Article
51 three (III) of this agreement.

52 6. "Receiving state" means a state (and the subdivisions thereof)
53 which accepts educational personnel in accordance with the terms of
54 a contract made pursuant to Article three (III) of this agreement.

55 ARTICLE III—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

56 1. The designated state official of a party state may make one or
57 more contracts on behalf of his state with one or more other party
58 states providing for the acceptance of educational personnel. Any
59 such contract for the period of its duration shall be applicable to and
60 binding on the states whose designated state officials enter into it,
61 and the subdivisions of those states, with the same force and effect
62 as if incorporated in this agreement. A designated state official may
63 enter into a contract pursuant to this Article only with states in
64 which he finds that there are programs of education, certification
65 standards or other acceptable qualifications that assure preparation
66 or qualification of educational personnel on a basis sufficiently com-
67 parable, even though not identical to that prevailing in his own state.

68 2. Any such contract shall provide for:

69 a. Its duration.

70 b. The criteria to be applied by an originating state in qualifying

71 educational personnel for acceptance by a receiving state.

72 c. Such waivers, substitutions, and conditional acceptances as shall
73 aid the practical effectuation of the contract without sacrifice of basic
74 educational standards.

75 d. Any other necessary matters.

76 3. No contract made pursuant to this agreement shall be for a term
77 longer than five years but any such contract may be renewed for like
78 or lesser periods.

79 4. Any contract dealing with acceptance of educational personnel
80 on the basis of their having completed an educational program shall
81 specify the earliest date or dates on which originating state approval
82 of the program or programs involved can have occurred. No contract
83 made pursuant to this agreement shall require acceptance by a receiv-
84 ing state of any persons qualified because of successful completion of
85 a program prior to January 1, 1954.

86 5. The certification or other acceptance of a person who has been
87 accepted pursuant to the terms of a contract shall not be revoked or
88 otherwise impaired because the contract has expired or been termi-
89 nated. However, any certificate or other qualifying document may be
90 revoked or suspended on any ground which would be sufficient for
91 revocation or suspension of a certificate or other qualifying document
92 initially granted or approved in the receiving state.

93 6. A contract committee composed of the designated state officials
94 of the contracting states or their representatives shall keep the con-
95 tract under continuous review, study means of improving its admin-
96 istration, and report no less frequently than once a year to the heads
97 of the appropriate education agencies of the contracting states.

98 ARTICLE IV—APPROVED AND ACCEPTED PROGRAMS

99 1. Nothing in this agreement shall be construed to repeal or other-
100 wise modify any law or regulation of a party state relating to the
101 approval of programs of educational preparation having effect solely
102 on the qualification of educational personnel within that state.

103 2. To the extent that contracts made pursuant to this agreement
104 deal with the educational requirements for the proper qualification
105 of educational personnel, acceptance of a program of educational
106 preparation shall be in accordance with such procedures and require-
107 ments as may be provided in applicable contract.

108 ARTICLE V—INTERSTATE COOPERATION

109 The party states agree that:

110 1. They will, so far as practicable, prefer the making of multi-
111 lateral contracts pursuant to Article three (III) of this agreement.

112 2. They will facilitate and strengthen cooperation in interstate
113 certification and other elements of educational personnel qualifica-
114 tion and for this purpose shall cooperate with agencies, organizations,
115 and associations interested in certification and other elements of
116 educational personnel qualification.

117 ARTICLE VI—AGREEMENT EVALUATION

118 The designated state officials of any party states may meet from
119 time to time as a group to evaluate programs under the agreement,
120 and to formulate recommendations for changes.

121 ARTICLE VII—OTHER ARRANGEMENTS

122 Nothing in this agreement shall be construed to prevent or inhibit
123 other arrangements or practices of any party state or states to facili-

124 tate the interchange of educational personnel.

125 ARTICLE VIII—EFFECT AND WITHDRAWAL

126 1. This agreement shall become effective when enacted into law by
127 two states. Thereafter it shall become effective as to any state upon
128 its enactment of this agreement.

129 2. Any party state may withdraw from this agreement by enacting
130 a statute repealing the same, but no such withdrawal shall take effect
131 until one year after the governor of the withdrawing state has given
132 notice in writing of the withdrawal to the governors of all other party
133 states.

134 3. No withdrawal shall relieve the withdrawing state of any obli-
135 gation imposed upon it by a contract to which it is a party. The
136 duration of contracts and the methods and conditions of withdrawal
137 therefrom shall be those specified in their terms.

138 ARTICLE IX—CONSTRUCTION AND SEVERABILITY

139 This agreement shall be liberally construed so as to effectuate the
140 purposes thereof. The provisions of this agreement shall be sever-
141 able and if any phrase, clause, sentence, or provision of this agree-
142 ment is declared to be contrary to the constitution of any state or of
143 the United States, or the application thereof to any government,
144 agency, person, or circumstance is held invalid, the validity of the
145 remainder of this agreement and the applicability thereof to any
146 government, agency, person, or circumstance shall not be affected
147 thereby. If this agreement shall be held contrary to the constitution
148 of any state participating therein, the agreement shall remain in full
149 force and effect as to the state affected as to all severable matters.

1 SEC. 2. NEW SECTION. The designated state official for this
2 state, within the meaning of Article two (II), paragraph two (2),
3 of the interstate agreement on qualification of educational personnel
4 as set forth in section one (1) of this Act, shall be the superintendent
5 of public instruction. He shall enter into contracts pursuant to
6 Article three (III) of the agreement only with the approval of the
7 specific text thereof by the state board of public instruction.

1 SEC. 3. NEW SECTION. True copies of all contracts made on
2 behalf of this state pursuant to the interstate agreement on qualifi-
3 cation of educational personnel shall be kept on file in the department
4 of public instruction and in the office of the secretary of state. The
5 department of public instruction shall publish all such contracts in
6 convenient form.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 197

SCHOOL BUSES

S. F. 219

AN ACT relating to the use and operation of school buses.

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

1 SECTION 1. Section two hundred eighty-five point one (285.1), sub-
2 section one (1), Code 1973, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 1. The board of directors in every school district shall provide
5 transportation, either directly or by reimbursement for transportation,
6 for all resident pupils attending public school, kindergarten through
7 twelfth grade, except that:

8 a. Elementary pupils shall be entitled to transportation only if they
9 live more than two miles from the school designated for attendance.

10 b. High school pupils shall be entitled to transportation only if they
11 live more than three miles from the school designated for attendance.

12 For the purposes of this subsection, high school means a school
13 which commences with either grade nine or grade ten, as determined
14 by the board of directors of the school district.

15 Boards in their discretion may provide transportation for some or
16 all resident pupils attending public school who are not entitled to
17 transportation. Boards in their discretion may collect from the par-
18 ent or guardian of the pupil not more than the pro rata cost for such
19 optional transportation, determined as provided in subsection twelve
20 (12) of this section.

21 To the extent that this section as amended by this Act requires
22 transportation which was not required before the effective date of
23 this Act, the board of directors shall not be required to provide such
24 transportation before July 1, 1978.

1 SEC. 2. Section two hundred eighty-five point one (285.1), Code
2 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. Transportation authorized by this chapter is
4 exempt from all laws of this state regulating common carriers.

5 NEW SUBSECTION. Transportation for which the pro rata cost or
6 other charge is collected shall not be provided outside the state of
7 Iowa except in accordance with rules adopted by the state department
8 of public instruction in accordance with chapter seventeen A (17A)
9 of the Code. The rules shall take into account any applicable federal
10 requirements.

1 SEC. 3. Section two hundred eighty-five point ten (285.10), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. In the discretion of the board, furnish a school
4 bus and services of a qualified driver to an organization of, or spon-
5 soring activities for, senior citizens, children, or handicapped persons
6 in this state. The board shall charge and collect an amount sufficient
7 to reimburse all costs of furnishing the bus and driver. A school bus
8 shall be used as provided in this subsection only at times when it is
9 not needed for transportation of pupils.

1 SEC. 4. Section two hundred eighty-five point ten (285.10), sub-
2 section six (6), Code 1973, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 6. Shall purchase liability insurance and other insurance coverage
5 which the board deems advisable to insure the school district, its offi-
6 cers, employees and agents against liability incurred as a result of
7 operating school buses, including but not limited to liability to pu-
8 pils or other persons lawfully transported. Section six hundred thir-
9 teen A point seven (613A.7) of the Code shall apply to such insurance.
10 However, the board of directors in its discretion shall determine the
11 insurance coverages and limits, and the school district and directors
12 shall not be liable as a result of any such discretionary decision.

1 SEC. 5. Section two hundred eighty-five point eleven (285.11),
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. The use of school buses shall be restricted to transporting pupils
4 to and from school and to and from extracurricular activities spon-
5 sored by the school when such extracurricular activity is under the
6 direction of a qualified member of the faculty and a part of the regu-
7 lar school program *and to transporting other persons to the extent*
8 *permitted by sections one (1) and three (3) of this Act.* School em-
9 ployees of districts operating buses may be transported to and from
10 school and approved activities which they are required to attend as
11 a result of their responsibilities. Provided, however, nothing in
12 this subsection shall prohibit the use of school buses in transporting
13 a school teacher going to and from her school when such school is on
14 an established school bus route and such teacher makes arrange-
15 ments with the district operating such school bus.

1 SEC. 6. Section two hundred eighty-five point one (285.1), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Boards in districts operating buses may in their
4 discretion transport senior citizens, children, and handicapped per-
5 sons, who are not otherwise entitled to free transportation, and shall
6 collect the pro rata cost of transportation. Transportation under this
7 subsection shall not be provided when the school bus is being used to
8 transport pupils to or from school unless the board determines that
9 such transportation is desirable and will not interfere with or delay
10 the transportation of pupils.

1 SEC. 7. Section three hundred twenty-one point eighteen (321.18),
2 subsection seven (7), Code 1973, is amended to read as follows:

3 7. Any school bus in this state used exclusively for the transporta-
4 tion of pupils to and from school or a school function *or for the pur-*
5 *poses provided in sections one (1) and three (3) of this Act.* Upon
6 application the department shall, without charge, issue a registration
7 certificate and shall also issue registration plates which shall have
8 imprinted thereon the words "Private School Bus" and a distinguish-
9 ing number assigned to the applicant. Such plates shall be attached
10 to the front and rear of each bus exempt from registration under this
11 subsection.

1 SEC. 8. Section three hundred twenty-one point three hundred
2 seventy-two (321.372), subsection one (1), Code 1973, is amended by

- 3 adding the following new unnumbered paragraph:
 4 NEW UNNUMBERED PARAGRAPH. A school bus shall, while carry-
 5 ing passengers, have its headlights turned on.
- 1 SEC. 9. Section two hundred eighty-five point eleven (285.11),
 2 subsection two (2), Code 1973, is repealed.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 198

TECHNICAL SCHOOLS

H. F. 395

AN ACT relating to powers of school districts for the purchase and sale of certain real estate and the construction of technical schools to teach vocational education and aviation mechanics.

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

- 1 SECTION 1. Section two hundred ninety-seven point seven (297.7),
 2 Code 1973, is amended by adding the following new unnumbered para-
 3 graph:
 4 NEW UNNUMBERED PARAGRAPH. Any other law to the contrary
 5 notwithstanding, the board of directors of a school district may ac-
 6 quire by purchase, lease, or other arrangement real estate located
 7 within or adjoining the boundaries of a municipal airport, and may
 8 take title, leasehold, or other interest, subject to a right of purchase
 9 or repurchase by the city owning or controlling the municipal airport.
 10 The city may purchase, repurchase, or repossess such real estate and
 11 the improvements constructed on the real estate upon terms and
 12 conditions as agreed to by the board of directors and the city council.
 13 The board of directors of any such school district may construct a
 14 technical school on the real estate to carry on vocational instruction
 15 in aviation mechanics and other aviation programs upon compliance
 16 with conditions and limitations otherwise provided by law.
- 1 SEC. 2. NEW SECTION. The power vested in the electors by sec-
 2 tion two hundred seventy-eight point one (278.1) of the Code shall
 3 not affect or limit the power granted to the board of directors of a
 4 school district in section one (1) of this Act, and the authority
 5 granted in section one (1) of this Act shall be construed as independ-
 6 ent of the power vested in the electors by section two hundred sev-
 7 enty-eight point one (278.1) of the Code.
- 1 SEC. 3. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the West
 3 Des Moines Express, a newspaper published in West Des Moines,
 4 Iowa, and in The New Iowa Bystander, a newspaper published in Des
 5 Moines, Iowa.

Approved June 29, 1973.

I hereby certify that the foregoing Act, House File 395, was published in the West Des Moines Express, West Des Moines, Iowa, July 12, 1973, and in The New Iowa Bystander, Des Moines, Iowa, July 5, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 199
STATE LIBRARIES

S. F. 196

AN ACT relating to state libraries and providing for penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context otherwise requires:

- 3 1. "Department" means the Iowa library department.
4 2. "Commission" means the state library commission.

1 SEC. 2. NEW SECTION. **Library department.** There is created
2 the Iowa library department. The executive head of the department
3 shall be the state librarian. The state librarian shall be appointed by
4 the state library commission, with the approval of two-thirds of the
5 members of the senate, and shall serve at the pleasure of the state
6 library commission. The state librarian shall be a person upon whom
7 a master's degree in library science has been conferred as a result of
8 completing a program of study accredited by the American Library
9 Association.

1 SEC. 3. NEW SECTION. **Library commission.** There is created a
2 state library commission. The commission shall consist of the supreme
3 court administrator, and four members appointed by the governor and
4 serving four-year terms, one member of which shall be from the medi-
5 cal profession and three members selected at large, each based on their
6 qualifications to serve as commission members. The appointed mem-
7 bers of the commission shall be appointed for terms of one, two, three
8 and four years and all subsequent appointments shall be for the full
9 four-year term.

10 Members of the commission shall receive forty dollars per diem
11 while engaged in their official duties. They shall be paid their actual
12 and necessary travel and other official expenditures necessitated by
13 their official duties.

14 The commission shall elect one of its members as chairman. It shall
15 meet at such time and place as shall be specified by call of the chair-
16 man. At least one meeting shall be held bimonthly. All meetings shall
17 be open to the public. Notice of each meeting shall be given in writing
18 to each member at least three days in advance of the meeting. Three
19 commissioners shall constitute a quorum for the transaction of busi-
20 ness.

1 SEC. 4. NEW SECTION. **Duties of commission.** The state library
2 commission shall:

- 3 1. Adopt and enforce rules and regulations necessary for the exer-
4 cise of the powers and duties granted by this Act and proper adminis-
5 tration of the department.
6 2. Adopt rules providing penalties for injuring, defacing, destroy-
7 ing, or losing books or materials under the control of the commission.
8 All fines, penalties, and forfeitures imposed by these rules may be
9 recovered in an action in the name of the state and deposited in the
10 general fund.

11 3. Develop and adopt plans to provide more adequate library service
12 to all residents of the state.

13 4. Charge no fee for the use of libraries under its control or for the
14 circulation of material from libraries, except where transportation
15 costs are incurred in making materials available to users. The costs
16 may be used as a basis for determining a fee to be charged to users.

17 5. Give advice and counsel to all public libraries in the state and to
18 all political subdivisions which may propose to establish libraries.

19 6. Print lists and circulars of information and instruction as it
20 deems necessary.

21 7. Continuously survey the needs of libraries throughout the state,
22 and ascertain the requirements for additional libraries and for improv-
23 ing existing libraries to provide adequate service to all residents of the
24 state.

25 8. Obtain from all public libraries reports showing the condition,
26 growth, development and manner of conducting these libraries and at
27 its discretion, obtain reports from other libraries in the state and make
28 these facts known to the citizens of Iowa.

29 9. Encourage the implementation of the county library law, and of
30 countywide library service through contracts with the boards of super-
31 visors pursuant to chapter three hundred seventy-eight (378) of the
32 Code.

1 SEC. 5. NEW SECTION. **Duties of state librarian.** The state li-
2 brarian shall:

3 1. Appoint the technical, professional, secretarial, and clerical staff
4 necessary, within the limits of available funds, to accomplish the pur-
5 poses of this Act subject to the provisions of chapter nineteen A (19A)
6 of the Code.

7 2. Act as secretary to the commission, keeping accurate records of
8 the proceeding of the commission.

9 3. Keep accurate accounts of all financial transactions of the depart-
10 ment.

11 4. Supervise all activities of the Iowa library department.

12 5. Provide technical assistance in organizing new libraries and
13 improving those already established.

14 6. Perform such other library duties as may be assigned to him by
15 the commission.

1 SEC. 6. NEW SECTION. **Department divisions.** The Iowa library
2 department shall include but not be limited to the medical library
3 division and the law library division.

4 1. The medical library division shall be headed by a medical librar-
5 ian, appointed by the state librarian with the approval of the state
6 library commission, subject to the provisions of chapter nineteen A
7 (19A) of the Code. The medical librarian shall:

8 a. Operate the medical library division which shall always be avail-
9 able for free use by the residents of Iowa under such reasonable rules
10 as the commission may adopt.

11 b. Give no preference to any school of medicine and shall secure
12 books, periodicals, and pamphlets for every legally recognized school
13 without discrimination.

14 c. Perform such other duties as may be imposed by law or pre-
15 scribed by the rules of the commission.

16 2. The law library division shall be headed by a law librarian, ap-
 17 pointed by the state librarian with the approval of the state library
 18 commission and the Iowa supreme court, subject to the provisions of
 19 chapter nineteen A (19A) of the Code, except that the law librarian
 20 in office on June 30, 1973, shall be exempt from the provisions of chap-
 21 ter nineteen A (19A). The law librarian shall:

22 a. Operate the law library division which shall be maintained in the
 23 capitol or elsewhere in rooms convenient to the supreme court and
 24 which shall always be available for free use by the residents of Iowa
 25 under such reasonable rules as the commission may adopt.

26 b. Maintain as an integral part of the law library reports of various
 27 boards and agencies and copies of bills, journals and other information
 28 relating to current or proposed legislation.

29 c. Arrange to make exchanges of all printed material published by
 30 the several states and the government of the United States.

31 d. Perform such other duties as may be imposed by law or by the
 32 rules of the commission.

1 SEC. 7. NEW SECTION. **Money grants.** The commission is au-
 2 thorized and empowered to receive, accept, and administer any money
 3 or moneys appropriated or granted to it, separate and apart from the
 4 general library fund, by the federal government or by any other public
 5 or private agencies.

6 The fund shall be administered by the commission, which shall
 7 frame bylaws, rules, and regulations for the allocation and adminis-
 8 tration of this fund.

9 The fund shall be used to increase, improve, stimulate, and equalize
 10 library service to the people of the whole state, and for adult education
 11 and shall be allocated among the cities, counties, and regions of the
 12 state, taking into consideration local needs, area and population to be
 13 served, local interest as evidenced by local appropriations, and such
 14 other facts as may affect the state program of library service.

15 Any gift or grant from the federal government or other sources
 16 shall become a part of the fund, to be used as part of the state fund,
 17 or may be invested in such securities in which the state sinking fund
 18 may be invested as in the discretion of the commission may be deemed
 19 advisable, the income to be used for the promotion of libraries.

1 SEC. 8. Section three hundred three point one (303.1), Code 1973,
 2 is amended to read as follows:

3 **303.1 State libraries—historical History and archives department.**

4 There is established:

5 1. ~~The~~ *the* Iowa state department of history and archives.

6 2. ~~The Iowa state law library.~~

7 3. ~~The Iowa state medical library.~~

1 SEC. 9. Section three hundred three point two (303.2), Code 1973,
 2 is amended to read as follows:

3 **303.2 Board of trustees.** The Iowa state department of history
 4 and archives, ~~the Iowa state law library, and the Iowa state medical~~
 5 ~~library~~ shall be under the control of a board of trustees consisting of
 6 the governor, a member of the supreme court to be designated from
 7 time to time by the court, and the superintendent of public instruction.

1 SEC. 10. Section three hundred three point three (303.3), Code
2 1973, is amended by striking subsections three (3), four (4), eight
3 (8), nine (9), ten (10), and eleven (11).

1 SEC. 11. Section three hundred three point three (303.3), subsec-
2 tions five (5), seven (7), and twelve (12), Code 1973, are amended to
3 read as follows:

4 5. Appoint, after consultation with the curator, ~~the librarian of the~~
5 ~~state law library, and the state medical librarian,~~ such qualified assist-
6 ants as the board may deem necessary to carry on the work of the
7 department of history and archives, ~~the state traveling library, the~~
8 ~~state law library and the state medical library.~~

9 7. Have control of the historical building and assign space therein
10 to be occupied by the department of history and archives, ~~and the Iowa~~
11 ~~state traveling library, and the Iowa state medical library library~~
12 ~~department.~~

13 12. Report in writing to the governor semiannually all matters per-
14 taining to the ~~Iowa state law library, the Iowa state department of~~
15 ~~history and archives, and the Iowa state medical library.~~

1 SEC. 12. Section three hundred three point four (303.4), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The board of trustees is hereby authorized and empowered to re-
4 ceive, accept, and administer any money or moneys appropriated or
5 granted to it, separate and apart from the general ~~library~~ fund:

1 SEC. 13. Section three hundred three point four (303.4), Code
2 1973, is amended by striking unnumbered paragraphs three (3) and
3 four (4).

1 SEC. 14. Section three hundred three point twenty-four (303.24),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 ~~Iowa state traveling library~~ *The state library commission* is hereby
5 authorized to enter into interstate library compacts on behalf of the
6 state of Iowa with any state bordering on Iowa which legally joins
7 therein in substantially the following form.

1 SEC. 15. Section three hundred three point twenty-five (303.25),
2 Code 1973, is amended to read as follows:

3 **303.25 Administrator.** ~~The director of the Iowa state traveling~~
4 ~~library librarian~~ shall be the compact administrator. The compact
5 administrator shall receive copies of all agreements entered into by
6 the state or its political subdivisions and other states or political sub-
7 divisions; consult with, advise and aid such governmental units in the
8 formulation of such agreements; make such recommendations to the
9 governor, legislature, governmental agencies and units as he deems
10 desirable to effectuate the purposes of this compact and consult and
11 co-operate with the compact administrators of other party states.

1 SEC. 16. Sections three hundred three point five (303.5), three
2 hundred three point thirteen (303.13), three hundred three point fif-
3 teen (303.15), three hundred three point sixteen (303.16), three
4 hundred three point seventeen (303.17), three hundred three point

5 eighteen (303.18), three hundred three point nineteen (303.19), three
6 hundred three point twenty-one (303.21), and three hundred three
7 point twenty-three (303.23), Code 1973, are repealed.

Approved June 20, 1973.

CHAPTER 200

REGIONAL LIBRARY

S. F. 271

AN ACT relating to the establishment of a regional library system and making an appropriation.

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

1 SECTION 1. NEW SECTION. **Purpose.** There is established a re-
2 gional library system for the purpose of providing supportive library
3 services to existing public libraries and to individuals with no other
4 access to public library service and to encourage local financial support
5 of public library service in those localities where it is presently inade-
6 quate or nonexistent.

1 SEC. 2. NEW SECTION. **Regional library trustees.** The regional
2 library system shall consist of seven regional boards of library trus-
3 tees which shall serve respectively the seven geographic regions speci-
4 fied in this section. Each region shall be divided into geographic dis-
5 tricts, which shall be drawn along county lines and which shall be
6 represented on regional boards by trustees elected to the boards in
7 the following numbers and from the following districts:

8 1. To the southwestern board, two from Pottawattamie county and
9 one from each of the following five districts:

10 a. Harrison, Shelby, and Audubon counties.

11 b. Guthrie, Cass, and Adair counties.

12 c. Mills, Fremont, and Page counties.

13 d. Montgomery, Adams, Union, and Taylor counties.

14 e. Clark, Lucas, Ringgold, Decatur, and Wayne counties.

15 2. To the northwestern board, two from Woodbury county and one
16 from each of the following five districts:

17 a. Lyon, Sioux, and Osceola counties.

18 b. Dickinson, Emmet, Clay, and Palo Alto counties.

19 c. O'Brien, Plymouth, and Cherokee counties.

20 d. Buena Vista, Pocahontas, Ida, Sac, and Calhoun counties.

21 e. Monona, Crawford, and Carroll counties.

22 3. To the north central board, two from a district composed of Han-
23 cock, Cerro Gordo, and Franklin counties; two from a district com-
24 posed of Humboldt, Wright, and Webster counties; and one from each
25 of the following three districts:

26 a. Kossuth and Winnebago counties.

27 b. Hamilton and Hardin counties.

28 c. Worth, Mitchell, and Floyd counties.

29 4. To the central board, four from a district composed of Polk and
30 Marion counties, and one from each of the following three districts:

31 a. Greene, Dallas, Madison, and Warren counties.

- 32 b. Boone and Story counties.
 33 c. Marshall and Jasper counties.
 34 5. To the southeastern board, two from Scott county and one from
 35 each of the following five districts:
 36 a. Appanoose, Davis, and Wapello counties.
 37 b. Jefferson, Van Buren, and Lee counties.
 38 c. Monroe, Mahaska, and Keokuk counties.
 39 d. Henry and Des Moines counties.
 40 e. Muscatine, Louisa, and Washington counties.
 41 6. To the east central board, three from a district composed of Linn
 42 and Jones counties; two from a district composed of Iowa, Johnson,
 43 and Cedar counties; and one from each of the following two districts:
 44 a. Tama, Benton, and Poweshiek counties.
 45 b. Jackson and Clinton counties.
 46 7. To the northeastern board, two from Black Hawk county; two
 47 from a district composed of Delaware and Dubuque counties; and one
 48 from each of the following three districts:
 49 a. Grundy, Butler, and Bremer counties.
 50 b. Howard, Winneshiek, Allamakee, and Chickasaw counties.
 51 c. Buchanan, Fayette, and Clayton counties.

1 SEC. 3. NEW SECTION. **Election.** A trustee of a regional board
 2 shall be elected without regard to political affiliation at the general
 3 election by the vote of the electors of his district from a list of nomi-
 4 nees, the names of which have been taken from nomination papers
 5 signed by not less than twenty-five qualified voters of the respective
 6 district.

1 SEC. 4. NEW SECTION. **Terms.** Regional library trustees shall
 2 take office on the first day of January following the general election
 3 and shall serve terms of four years, except that trustees elected to the
 4 initial board in the year 1974 shall determine their respective terms
 5 by lot so that three members shall serve terms of two years and four
 6 members shall serve terms of four years. A vacancy shall be filled
 7 when it occurs not less than ninety days before the next general elec-
 8 tion by appointment by the regional board for the unexpired term.
 9 No trustee shall serve on a local library board or be employed by a
 10 library during his term of office as a regional library trustee.

1 SEC. 5. As soon as possible after July 1, 1973 the board of trustees
 2 of the Iowa state traveling library or its successor shall appoint tem-
 3 porary regional library trustees to serve on seven regional library
 4 boards in the number and from the districts specified in section two
 5 (2) of this Act. Appointments shall be made from a list of nominees,
 6 each of whom shall be nominated by not less than twenty-five quali-
 7 fied voters of the district from which the appointment is to be made.
 8 The temporary trustees appointed in this section shall serve until the
 9 members elected to the boards at the general election in 1974 take
 10 office. This section shall be printed in the session laws only and shall
 11 not become a permanent part of the Code.

1 SEC. 6. NEW SECTION. **Compensation.** Regional trustees shall be
 2 reimbursed for the actual and necessary expenses incurred by them in

3 the discharge of their duties, but shall receive no compensation for
4 services.

1 **SEC. 7. NEW SECTION. Powers and duties of regional trustees.**

2 Regional trustees may:

3 1. Receive and expend available local, state, federal and private
4 funds.

5 2. Contract with libraries, library agencies, or individuals to im-
6 prove public library service.

7 3. Provide direct public library service without charge in their
8 respective regions for an initial period of four years to individuals
9 who have no access to public library service.

10 4. Acquire land and construct or lease facilities to carry out the
11 provisions of this Act.

12 5. Provide technical assistance for the purchasing and processing
13 of library materials.

14 6. Assist public library agencies in:

15 a. Providing reference and information services;

16 b. Providing interlibrary loan services;

17 c. Providing universal loan services for individuals;

18 d. Preparing budgets;

19 e. Maintaining library collections;

20 f. Preparing book lists and bibliographies;

21 g. Promoting library use by the public;

22 h. Planning and presenting public programs; and

23 i. Training library staff.

24 7. Provide resources and services to strengthen local public library
25 services throughout the region by contracting to utilize the strengths
26 of the seven existing public library agencies, one for each region,
27 which are as follows: Council Bluffs public library; Sioux City public
28 library; North Iowa library extension, incorporated; Des Moines pub-
29 lic library; Davenport public library; Cedar Rapids public library;
30 and Waterloo public library.

31 8. Supply statistical and descriptive information on its service
32 program to the Iowa state traveling library or its successor.

1 **SEC. 8. NEW SECTION. Regional administrator.** A regional board
2 shall appoint an administrator, who shall be a practicing librarian and
3 who shall serve at the pleasure of the board. The administrator shall
4 act as the executive secretary of the regional board and shall admin-
5 ister the public library system of the region in accordance with the
6 objectives and policies adopted by the regional board.

1 **SEC. 9. NEW SECTION. Administration of funds.** Funds appropri-
2 ated for the purpose of carrying out this Act shall be distributed to
3 regional boards by the board of trustees of the Iowa state traveling
4 library or its successor on the basis of the population to be served by
5 each regional board, but the funds shall, for the year commencing
6 July 1, 1973, be allocated to regional boards on an equal basis. All
7 funds appropriated for the regional library system shall be adminis-
8 tered by the regional boards.

1 **SEC. 10. NEW SECTION. Local financial support.** A regional board
2 shall have the authority to require as a condition for receiving services

3 under section seven (7) of this Act that a governmental subdivision
 4 maintain any millage levy for library maintenance purposes that is in
 5 effect on July 1, 1973 and that commencing July 1, 1977, a public
 6 library receiving services under section seven (7) of this Act shall be
 7 funded by the local governmental subdivision through a levy of at
 8 least one-quarter mill or at least the monetary equivalent of one-quarter
 9 mill when all or a portion of the funds are obtained from a source
 10 other than taxation.

1 SEC. 11.

2 1. There is appropriated from the general fund of the state for the
 3 fiscal year commencing July 1, 1973 and ending June 30, 1974, for the
 4 purposes of carrying out the provisions of this Act, the sum of one
 5 hundred sixty-five thousand (165,000) dollars, or so much thereof as
 6 may be necessary.

7 2. In addition to funds appropriated by subsection one (1) of this
 8 section, there is appropriated from the general fund of the state the
 9 sum of two hundred thirty thousand (230,000) dollars, or so much
 10 thereof as may be necessary, to be used solely as a substitute for or
 11 replacement of, in whole or in part, of any federal funds which are
 12 currently not appropriated by the federal government to the state, or
 13 otherwise not available to the state by reason of federal executive
 14 action during the fiscal year beginning July 1, 1973, for the purpose
 15 of carrying out regional library programs. If federal funds are
 16 made available for the purposes of carrying out regional library pro-
 17 grams during the fiscal year beginning July 1, 1973 but in amounts
 18 less than specified by this subsection, the amount of federal funds
 19 available shall be subtracted from the amount appropriated by this
 20 subsection and only the remainder shall be expended for the purposes
 21 of carrying out the purposes of this Act.

22 3. Any unencumbered funds appropriated by this Act available
 23 on June 30, 1974 shall revert to the general fund of the state on
 24 August 31, 1974.

25 4. The state library commission shall approve and allocate funds
 26 appropriated by this section or available to carry out regional library
 27 programs to each regional library board in the manner provided by
 28 this Act or in the manner set forth in any federal grant.

Approved June 29, 1973.

CHAPTER 201

BILLBOARDS

H. F. 655

AN ACT to correct internal references in the law regulating billboards.

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

1 SECTION 1. Section three hundred six C point ten (306C.10), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 For the purposes of this division and section 306B.5, unless the con-
 5 text otherwise requires:

1 SEC. 2. Section three hundred six C point eleven (306C.11), sub-
2 sections three (3) and five (5), Code 1973, are amended to read as
3 follows:

4 3. Advertising devices within the adjacent area located in commer-
5 cial or industrial zones or in unzoned commercial or industrial areas
6 in compliance with the regulatory standards of this division ~~and sec-~~
7 ~~tion 306B.5~~ and rules promulgated by the commission.

8 5. Signs, displays, and devices giving specific information of inter-
9 est to the traveling public, shall be erected by the commission and
10 maintained within the right of way in such areas, and at appropriate
11 distances from interchanges on the interstate system and freeway
12 primary highways as shall conform with the rules promulgated by the
13 commission. Such rules shall be consistent with national standards
14 promulgated from time to time by the appropriate authority of the
15 federal government pursuant to Title 23, section 131, paragraph "f"
16 of the United States Code. For purposes of this division ~~and section~~
17 ~~306B.5~~, "specific information of interest to the traveling public" means
18 only information about public places for outdoor recreation, camping,
19 lodging, eating, and gas and associated services which means the busi-
20 ness shall be in continuous operation sixteen hours per day, seven days
21 per week, with telephones and restroom facilities, motor fuel, oil, and
22 water, including trade names.

1 SEC. 3. Section three hundred six C point thirteen (306C.13), un-
2 numbered paragraph one (1), Code 1973, is amended to read as fol-
3 lows:

4 The commission shall control the erection and maintenance of adver-
5 tising devices authorized by section 306C.11, subsection 3, in accord
6 with the following criteria, except that in the case of bonus interstate
7 highways the commission shall maintain the controls required under
8 chapter 306B or the controls required by this division ~~and section~~
9 ~~306B.5~~, whichever controls are stricter:

1 SEC. 4. Section three hundred six C point thirteen (306C.13), sub-
2 section eight (8), paragraph f, Code 1973, is amended to read as fol-
3 lows:

4 f. Which do not comply with all applicable state or local laws, regu-
5 lations and ordinances, including but not limited to zoning, building,
6 and sign codes as locally interpreted and applied and enforced, or
7 which violate chapter 319; however, nothing in this division ~~or section~~
8 ~~306B.5~~ shall prevent or restrict county or local zoning authorities from
9 making a determination of customary use concerning size, lighting,
10 and spacing of advertising devices in zoned commercial or industrial
11 adjacent areas, and such determinations will be accepted in lieu of the
12 standards of this division ~~or section 306B.5~~. The provisions of said
13 ~~sections this division~~ shall not prevent or restrict county or local zon-
14 ing authorities within their respective jurisdictions from establishing
15 standards imposing controls stricter than those required by said ~~sec-~~
16 ~~tions this division~~.

1 SEC. 5. Section three hundred six C point fourteen (306C.14),
2 Code 1973, is amended to read as follows:

3 **306C.14 Existing signs—six-year limit.** Any advertising device
4 lawfully in existence in an adjacent area on July 1, 1972, which does

5 not conform with the provisions of this division ~~and section 306B.5,~~
 6 shall be required to be brought into conformity or removed within six
 7 years after July 1, 1972. Any advertising device lawfully erected after
 8 said date which subsequently becomes nonconforming, shall be required
 9 to be brought into conformity or removed within five years after the
 10 date the nonconformity occurs. However, no advertising device shall
 11 be acquired or be required to be removed pursuant to this division ~~or~~
 12 ~~section 306B.5~~ unless the commission has received notification from
 13 the federal government that the federal share of "just compensation"
 14 to be paid is immediately available to contribute to the cost of acqui-
 15 sition or removal; this requirement shall not apply to the acquisition
 16 or removal of advertising devices for which no federal share is payable.

1 SEC. 6. Section three hundred six C point fifteen (306C.15), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 The commission shall acquire by purchase, gift, or condemnation,
 5 and shall pay "just compensation" upon the removal of any of the
 6 following advertising devices which are not in conformity with the
 7 provisions of this division ~~and section 306B.5~~:

1 SEC. 7. Section three hundred six C point seventeen (306C.17),
 2 Code 1973, is amended to read as follows:

3 **306C.17 Condemnation.** The provisions of chapters 471 and 472
 4 shall be applicable to any such condemnation commenced pursuant to
 5 this division ~~and section 306B.5~~, and the commission may take im-
 6 mediate possession of and remove such advertising devices under the
 7 procedures of section 472.25.

1 SEC. 8. Section three hundred six C point eighteen (306C.18), un-
 2 numbered paragraph four (4), Code 1973, is amended to read as fol-
 3 lows:

4 Upon receipt of an application containing all the required informa-
 5 tion in due form and properly executed together with the fee required,
 6 the commission shall issue a permit to be affixed to the advertising
 7 device if the advertising device will not violate any provision of this
 8 division or ~~section 306B.5~~ *chapter three hundred six B (306B) of the*
 9 *Code*, or any rule promulgated by the commission, provided that in the
 10 case of advertising devices to be acquired pursuant to section 306C.15,
 11 a provisional permit shall be issued.

1 SEC. 9. Section three hundred six C point nineteen (306C.19), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 Any advertising device erected or maintained after July 1, 1972, in
 5 violation of this division ~~and section 306B.5~~ or the rules promulgated
 6 by the commission, is a public nuisance and may be removed by the
 7 commission upon thirty days' notice, by certified mail, to the owner
 8 of the advertising device and to the owner of the land on which the
 9 advertising device is located. The notice shall require such owners to
 10 remove the advertising device if it is prohibited, or to cause it to con-
 11 form to this division ~~and section 306B.5~~ or rules promulgated by the
 12 commission if it is not prohibited.

Approved June 19, 1973.

CHAPTER 202

SALES TAX CUTOFF TO ROAD USE TAX FUND

H. F. 315

AN ACT to prohibit the allocation of sales tax receipts to the road use tax fund, providing an effective date, and providing for the existence of a condition precedent prior to the transfer of funds during the last quarter of the fiscal year beginning July 1, 1974.

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

1 SECTION 1. Section three hundred twelve point one (312.1), Code
2 1973, is amended by striking subsection four (4).

1 SEC. 2. Section four hundred twenty-two point sixty-nine (422.69),
2 subsection three (3), Code 1973, is amended to read as follows:

3 3. Unless otherwise provided the fees, taxes, interest, and penalties
4 collected under this chapter shall, ~~for the first three quarters of each~~
5 ~~fiscal year~~, be credited to the general fund.

1 SEC. 3. Section four hundred twenty-two point sixty-nine (422.69),
2 Code 1973, is amended by striking subsection four (4).

1 SEC. 4. Notwithstanding the provisions of subsection four (4) of
2 section four hundred twenty-two point sixty-nine (422.69) of the Code,
3 during the last quarter of the fiscal year ending June 30, 1975 an
4 amount equal to ten percent of the net receipts from two-thirds of the
5 sales tax collected under division four (IV) of chapter four hundred
6 twenty-two (422) of the Code, less any amount which may be trans-
7 ferred by law during such fiscal year for motor vehicle registration
8 plates, shall be transferred to the road use tax fund only if the unen-
9 cumbered balance in the general fund of the state on June 30, 1973,
10 computed on a basis consistent with prior years, plus the receipts to
11 the general fund of the state during the fiscal year beginning July 1,
12 1973 and ending June 30, 1974, as certified by the state comp-
13 troller to the governor, did total eight hundred eighty-three million
14 (883,000,000) dollars or more. If the unencumbered balance in the
15 general fund of the state on June 30, 1973, plus the total receipts to
16 the general fund of the state during the fiscal year beginning July 1,
17 1973 and ending June 30, 1974, did not total eight hundred eighty-
18 three million (883,000,000) dollars or more, funds which would other-
19 wise be deposited in the road use tax fund during the last quarter of
20 the fiscal year beginning July 1, 1974 and ending June 30, 1975, pur-
21 suant to subsection four (4) of section four hundred twenty-two point
22 sixty-nine (422.69) of the Code, shall be credited to the general fund
23 of the state.

1 SEC. 5. The effective date of sections one (1), two (2), and three
2 (3) of this Act shall be July 1, 1975.

Approved June 13, 1973.

CHAPTER 203

MOTOR VEHICLE PLATES

H. F. 793

AN ACT providing that costs for the manufacture of motor vehicle registration plates, decalcomania emblems, and validation stickers shall be paid from road use tax funds.

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

1 SECTION 1. Section three hundred twelve point two (312.2), Code
2 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. The treasurer of state shall before making
4 the allotments provided for in this section credit monthly to the divi-
5 sion of motor vehicle registration of the department of public safety
6 funds sufficient in amount to pay the costs of purchasing supplies and
7 materials and for the cost of prison labor used in manufacturing motor
8 vehicle registration plates, decalcomania emblems, and validation
9 stickers at the prison industries.

1 SEC. 2. Section four hundred twenty-two point sixty-nine
2 (422.69), Code 1973, is amended by striking subsection two (2).

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 204

HIGHWAY GRADE CROSSINGS

S. F. 112

AN ACT relating to the highway grade crossing safety fund.

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

1 SECTION 1. Section three hundred twelve point two (312.2), sub-
2 section five (5), Code 1973, is amended to read as follows:

3 5. The treasurer of state shall before making the above allotments
4 credit annually to the highway grade crossing safety fund the sum of
5 two hundred forty thousand dollars, credit annually to the primary
6 road fund the sum of one million four hundred thousand dollars for
7 carrying out subsection 12 of section 307.5, the last paragraph of sec-
8 tion 313.4 and section 307.10, and credit annually to the primary road
9 fund the sum of five hundred thousand dollars to be used for paying
10 expenses incurred by the secondary and urban road departments of
11 the commission other than expenses incurred for extensions of
12 primary roads in cities and towns. All unobligated funds provided
13 by this subsection, *except those funds credited to the highway grade*
14 *crossing safety fund, shall at the end of each year shall revert to the*
15 *road use tax fund. Funds in the highway grade crossing safety fund*
16 *shall not revert to the road use tax fund except to the extent they*
17 *exceed five hundred thousand (\$500,000.00) dollars at the end of any*
18 *biennium.*

1 SEC. 2. Section four hundred seventy-eight point twenty-one
2 (478.21), Code 1973, is amended to read as follows:

3 **478.21 Railway and highway crossing at grade.** Wherever a rail-
4 way track crosses or shall hereafter cross a highway, street or alley,
5 the railway company owning such track and the state highway com-
6 mission, in the case of primary highways, the board of supervisors of
7 the county in which such crossing is located, in the case of secondary
8 roads, or the council of the city or town, in the case of streets and
9 alleys located within such city or town, may agree upon the location
10 and manner of crossing, or crossing protection, *or upgrading thereof,*
11 *or upon a separation of grades so as to carry such highway over or*
12 *under the railway track, and upon any change, alteration, vacation or*
13 *relocation of such highway, street or alley, and upon repairs, altera-*
14 *tion, or elimination of any crossing, and upon the expense each party*
15 *shall pay for such changes, except that if flasher light or gate signals*
16 *are ordered installed prior to July 1, 1973 the maintenance thereof*
17 *shall be assumed by the railroad and if flasher light or gate signals*
18 *are ordered installed on or after July 1, 1973 the maintenance thereof*
19 *shall be assumed equally by the railroad and the grade crossing safety*
20 *fund; provided, however, the grade crossing safety fund shall not*
21 *expend more than four hundred fifty dollars for any one crossing in*
22 *any one year; provided, however, nothing contained herein shall be*
23 *construed to affect any of the provisions of chapter 387.*

1 SEC. 3. Section four hundred seventy-eight point twenty-six
2 (478.26), Code 1973, is amended to read as follows:

3 **478.26 Use of fund.** When application is before the state com-
4 merce commission, as provided in section 478.22, and after hearing has
5 been held, and determination as to allocation of costs as provided in
6 section 478.23 the state commerce commission is hereby empowered to
7 allocate proceeds from the highway grade crossing safety fund for
8 the protection of the public in the use of the highway railroad grade
9 crossings involved in the application, in addition to any portion of the
10 cost to be paid by the railroad company or other public authority.
11 Upon reaching a decision as to the amount to be allocated from the
12 highway grade crossing safety fund, the commission shall forthwith
13 direct the treasurer of state to distribute said amount from the funds
14 then available in the highway grade crossing safety fund. Provided,
15 however, the state commerce commission may not allocate any part
16 of the proceeds of the highway grade crossing safety fund for im-
17 provement or construction of highway-railroad grade crossings located
18 on federal or federal-aid highways *unless the commission determines*
19 *that due to the record of fatalities at a crossing as maintained by the*
20 *department of public safety or that a potentially dangerous grade*
21 *crossing exists within a city or town, allocation of a part of the fund*
22 *is necessary to protect the public.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 205

ROAD USE TAX FUND

S. F. 202

AN ACT relating to the road use tax fund.

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

1 SECTION 1. Section three hundred twelve point eleven (312.11),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 Each city or town shall keep accounts showing the amount spent on
5 street construction and reconstruction on arterial streets and the
6 amount spent on street construction and reconstruction on local streets.
7 Such amounts ~~proposed to be spent~~ on arterial streets and such
8 amounts ~~proposed to be spent~~ on local streets shall be shown on the
9 ~~street budget report required by section 312.13~~ and such amounts spent
10 ~~for such purposes shall be shown on the annual street report required~~
11 ~~by section 312.14.~~

1 SEC. 2. Section three hundred twelve point thirteen (312.13),
2 Code 1973, is repealed.

Approved May 24, 1973.

CHAPTER 206

TEASEL PROHIBITION

H. F. 210

AN ACT prohibiting the sale, offer for sale, and distribution of teasel or teasel seeds and providing a penalty.

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

1 SECTION 1. No person shall sell, offer for sale, or distribute teasel
2 (Dipsacus) biennial, or seeds thereof in any form in this state. Any
3 person violating the provisions of this section shall be subject to a fine
4 of not exceeding one hundred dollars.

Approved April 26, 1973.

CHAPTER 207

TANDEM AXLES

H. F. 48

AN ACT defining the term tandem axle.

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

1 SECTION 1. Section three hundred twenty-one point one (321.1),
2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Tandem axle" means any two or more consecu-
4 tive axles whose centers are more than forty inches but not more than
5 eighty-four inches apart.

1 SEC. 2. Section three hundred twenty-one point four hundred
2 sixty-three (321.463), unnumbered paragraph seven (7), Code 1973,
3 is amended to read as follows:

4 The weight on any one axle, *including a tandem axle*, of a vehicle
5 which is transporting livestock may exceed the legal maximum weight
6 given in this chapter providing that the gross weight on any particular
7 group of axles on such vehicle does not exceed the gross weight allow-
8 able under this chapter for such group of axles.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Hamp-
3 ton Chronicle, a newspaper published in Hampton, Iowa, and The Red
4 Oak Express, a newspaper published in Red Oak, Iowa.

Approved April 6, 1973.

I hereby certify that the foregoing Act, House File 48, was published in the Hampton Chronicle, Hampton, Iowa, April 19, 1973, and in The Red Oak Express, Red Oak, Iowa, April 19, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 208

MOTOR VEHICLE INSPECTION

S. F. 481

AN ACT relating to motor vehicle inspection and safety.

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

1 SECTION 1. Section three hundred twenty-one point fourteen
2 (321.14), Code 1973, is amended to read as follows:

3 321.14 **Seizure of documents and plates.** The department is hereby
4 authorized to take possession of any registration card, certificate of
5 title, permit, or registration plate, *certificate of inspection or any in-*
6 *spection document or form*, upon expiration, revocation, cancellation,
7 or suspension thereof, or which is fictitious, or which has been unlaw-
8 fully or erroneously issued.

1 SEC. 2. Section three hundred twenty-one point fifty-one (321.51),
2 subsections four (4) and six (6), Code 1973, are amended to read as
3 follows:

4 4. The county treasurer of the county of residence of the trans-
5 feree upon receipt of the application for a new certificate of title, fee
6 therefor, and the affidavit as provided in subsection 2 of this section,
7 and when satisfied as to the genuineness and regularity thereof, shall
8 issue a restricted certificate of title to the applicant but shall not issue
9 registration plates or a registration card. A restricted certificate of
10 title shall be red in color and shall have conspicuously imprinted there-
11 on in bold print, in a manner prescribed by the department, the words
12 "RESTRICTED CERTIFICATE OF TITLE—CANNOT BE REGIS-
13 TERED AND OPERATED ON THE HIGHWAYS WITHOUT A
14 VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT
15 AS PROVIDED IN SECTION THREE HUNDRED TWENTY-ONE

16 *POINT NINETY-EIGHT (321.98) OF THE CODE.*" At such time as
 17 the transferee surrenders a valid approved certificate of inspection
 18 and the restricted certificate of title to the county treasurer of the
 19 county of his residence, the county treasurer, upon payment of the
 20 appropriate fees, shall issue a certificate of title that is not restricted
 21 for the vehicle and shall also issue a registration card and registration
 22 plates for the vehicle to the applicant, however, if the registration
 23 fee for the vehicle has been paid for the current year, the county trea-
 24 surer shall issue a registration card and registration plates for the
 25 vehicle to the applicant upon payment of an additional registration
 26 fee of five dollars.

27 6. No vehicle sold or otherwise transferred pursuant to the pro-
 28 visions of this section shall be driven upon the highway until a valid
 29 official certificate of inspection has been affixed thereto and an unre-
 30 stricted certificate of title, a registration card, and registration plates
 31 for the vehicle have been issued to the purchaser or transferee *except*
 32 *as set out in section three hundred twenty-one point ninety-eight*
 33 *(321.98) of the Code.*

1 SEC. 3. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection four (4), paragraphs a and b, Code
 3 1973, are amended to read as follows:

4 a. Supervise and cause inspections to be made of each vehicle in-
 5 spection station issued a permit and if he finds that any station is not
 6 properly equipped or that inspections are not being properly conducted
 7 shall revoke and require the surrender of the permit issued to the
 8 station. Notice of revocation shall be by certified mail, return receipt
 9 requested, addressed to the address for which the permit was granted.
 10 Revocation shall be effective ten days after the date of mailing of such
 11 notice unless the permit holder shall request a hearing before the
 12 commissioner on the order revoking the permit. If upon hearing the
 13 commissioner does not reverse the order of revocation the revocation
 14 shall be immediately effective unless revocation is enjoined by court
 15 action.

16 b. Provide instructions and all necessary forms to authorized in-
 17 spection stations for the inspection of vehicles and the issuance of
 18 official certificates of inspection. *The copy of the certificate of inspec-*
 19 *tion to be delivered by the inspection station to the owner of the vehicle*
 20 *inspected shall state the name and address of the inspection station*
 21 *and shall contain a conspicuous notice in substance as follows:*
 22 *"NOTICE: You should immediately notify the inspection station of*
 23 *any complaint about the inspection of this vehicle. If possible, your*
 24 *notice should be given within fifteen days after the date of inspection*
 25 *or before this vehicle has been driven five hundred miles after the*
 26 *inspection, whichever occurs first, or, if the inspection station sold the*
 27 *vehicle to you, within fifteen days after the sale or before this vehicle*
 28 *has been driven five hundred miles after the sale, whichever occurs*
 29 *first. Your notice should be in writing, specifying the complaint.*
 30 *Notice forms are available at any inspection station. You also have*
 31 *the right to make a complaint about the inspection to the commissioner*
 32 *of public safety, state house, Des Moines, Iowa."*

33 *Forms for notice of complaint shall be provided by the department*
 34 *to all authorized inspection stations, who shall provide them to any*
 35 *person upon request. The copy of the certificate of inspection to be*

36 *delivered by the inspection station to the owner of the vehicle inspected*
 37 *shall also contain a notice, which shall be printed on the face of the*
 38 *certificate of inspection in eight-point bold faced type, which contains*
 39 *the words "THE SAFETY INSPECTION IS APPLICABLE ONLY*
 40 *TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR*
 41 *WARRANT THE CONDITION OF THESE ITEMS OR THE OVER-*
 42 *ALL CONDITION OF THE VEHICLE".*

1 SEC. 4. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection seven (7), Code 1973, is amended
 3 to read as follows:

4 7. No person shall make, *possess*, issue, or knowingly use any imi-
 5 tation or counterfeit of an official certificate of inspection. No person
 6 shall display or cause or permit to be displayed upon any vehicle any
 7 certificate of inspection knowing the certificate to be fictitious, or
 8 issued for another vehicle, or issued without an inspection having been
 9 made. No person shall *possess a blank certificate of inspection nor*
 10 *shall any person* issue an official certificate of inspection who does not
 11 hold a valid permit for the issuance of such certificate.

1 SEC. 5. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection eight (8), Code 1973, is amended
 3 to read as follows:

4 8. The fee for inspection, including the issuance of the certificate
 5 of inspection, shall be uniform *according to class of vehicle* and shall
 6 be established by the commissioner. The fee shall be a reasonable
 7 and just charge based upon the average cost and time necessary to
 8 perform the inspection, and shall be retained by the inspection sta-
 9 tion. No inspection station shall absorb the inspection fee, or adver-
 10 tise or represent in any manner that the fee or any part of the fee
 11 is directly or indirectly absorbed by the station, nor shall any inspec-
 12 tion station charge a fee for inspection services under this section in
 13 an amount other than the fees herein provided.

1 SEC. 6. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection twelve (12), Code 1973, is amended
 3 to read as follows:

4 12. Every motor vehicle subject to registration under the laws of
 5 this state, except motor vehicles registered under section 321.115,
 6 when first registered in this state ~~or~~ *and each time when sold at retail*
 7 *or otherwise transferred for use within or without this state, or other-*
 8 ~~wise transferred when registration is changed from a registration as~~
 9 *provided in section three hundred twenty-one point one hundred fifteen*
 10 *(321.115) of the Code to a regular registration, except transfers by*
 11 *operation of law as set out in section 321.47, shall be inspected at an*
 12 *authorized inspection station unless there is affixed to the motor vehicle*
 13 *a valid certificate of inspection which was issued for such motor*
 14 *vehicle not more than sixty days prior to the date on which such*
 15 *vehicle was sold. However, the certificate of inspection for a new*
 16 *motor vehicle which has not previously been sold at retail and which*
 17 *is not sold within sixty days after the date the inspection was per-*
 18 *formed may be revalidated by the inspection station without another*
 19 *inspection provided the motor vehicle has not been driven more than*
 20 *one hundred miles since the inspection was performed. If the motor*
 21 *vehicle is subject to inspection, the authorized inspection station shall*

22 issue and affix a valid certificate of inspection or certificate of rejection,
 23 as the case may be, in accordance with the results of the inspection.
 24 The applicant shall file with an application for title to the vehicle
 25 or for registration thereof under the provisions of section 321.23,
 26 subsection 2 or 3, with the county treasurer of the county of his residence,
 27 a statement on a form provided by the commissioner, signed
 28 by an authorized inspection station certifying the date that a certificate
 29 of inspection was issued for and affixed to the vehicle. The county
 30 treasurer shall not issue a title to the vehicle to the applicant or register
 31 the vehicle unless such statement is filed with the application
 32 showing that the inspection of the vehicle was made not more than
 33 sixty days prior to the date of sale or transfer, *or unless the vehicle*
 34 *was purchased out of this state by a resident of this state who resides*
 35 *outside of this state, but desires to maintain his Iowa residency and*
 36 *he executes a statement to that effect in form and content as prescribed*
 37 *by the commissioner. The county treasurer shall stamp the registration*
 38 *card for such vehicle with the words "NOT INSPECTED". A*
 39 *vehicle so registered shall be inspected at an authorized inspection*
 40 *station within fifteen days after being brought into this state. The*
 41 *county treasurer shall mail the statement of inspection or statement*
 42 *of out-of-state residency to the department at the time of mailing*
 43 *copies of the registration receipt. The department may destroy any*
 44 *forms, certificates or statements after one year from the date they are*
 45 *filed unless they relate to pending appeals.*

1 SEC. 7. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), Code 1973, is amended by adding the follow-
 3 ing new subsections:

4 NEW SUBSECTION. As used in this section, "sale" means the deliv-
 5 ery of possession of a vehicle to a person who has purchased or con-
 6 tracted to purchase the vehicle.

7 NEW SUBSECTION. After an investigation and hearing conducted
 8 by a hearing officer designated by the commissioner of public safety
 9 held in the county in which the inspection station is located, the com-
 10 missioner may, if the hearing officer finds that the inspection station
 11 is not properly equipped or it is not properly conducting inspections,
 12 issue a warning, suspend the vehicle inspection station's permit for a
 13 period not to exceed ninety days, or revoke the vehicle inspection sta-
 14 tion's permit and require the operator of the vehicle inspection station
 15 to surrender the permit issued to the operator.

16 NEW SUBSECTION. Notice of the suspension or revocation shall be
 17 by certified mail, return receipt requested, addressed to the operator
 18 of the vehicle inspection station for which the permit was issued. The
 19 suspension or revocation shall become effective ten days from the
 20 date of the mailing of the notice unless the permit holder files a writ-
 21 ten request for a review hearing of the suspension or revocation
 22 order. The review hearing shall be de novo and shall be conducted at
 23 the seat of government by a review board composed of the following
 24 persons:

25 a. A senior officer of the Iowa highway safety patrol designated by
 26 the commissioner.

27 b. The state car dispatcher or his designee.

28 c. An employee of the state highway commission experienced in
 29 automotive mechanics designated by the director of highways.

30 Notwithstanding any other rule or statute to the contrary, the depo-
31 sition of any witness taken in the manner prescribed by the rules of
32 civil procedure shall be admissible at any hearing conducted by the
33 review board in lieu of the witness appearing in person. Costs of
34 depositions shall be paid from the motor vehicle inspection fund.

35 After the hearing, the review board may sustain, modify, or reverse
36 the commissioner's order of suspension or revocation. A suspension
37 or revocation sustained or modified by the review board shall take
38 effect ten days from the date of the decision, unless the permit holder
39 files an appeal in the district court of the county in which the vehicle
40 inspection station is located within ten days from the date of the deci-
41 sion of the review board. The order of suspension or revocation sus-
42 tained or modified and appealed to the district court shall become effec-
43 tive ten days from the date the appeal is filed unless the suspension
44 or revocation is stayed by the court.

45 The review board shall have the power to issue subpoenas to compel
46 the attendance of witnesses and the production of documents, papers,
47 books, records and other evidence before it in any hearing conducted
48 by it under this section.

49 If any person shall refuse to obey any such subpoena, or to give
50 testimony, or to produce evidence as required thereby, any judge of
51 the district court of the state in and for Polk County may, upon appli-
52 cation and proof of such refusal, make an order awarding process of
53 subpoena, or subpoena duces tecum, out of the said court, for the wit-
54 ness to appear before the review board and to give testimony, and to
55 produce evidence as required thereby. Upon filing such order in the
56 office of the clerk of said court, the clerk shall issue process of sub-
57 poena, as directed, under the seal of said court, requiring the per-
58 son to whom it is directed to appear at the time and place therein
59 designated.

60 Witnesses shall receive three dollars for each day's attendance and
61 ten cents per mile for each mile actually travelled. Witnesses shall
62 be compensated from the motor vehicle inspection fund. The trea-
63 surer of state may make rules setting forth the procedure for such
64 reimbursement.

65 NEW SUBSECTION. In any proceedings to suspend or revoke a vehi-
66 cle inspection station's permit, there shall be a presumption that the
67 inspection of a motor vehicle was properly conducted unless a writ-
68 ten notice specifying the complaint is given to the operator or an
69 employee of the vehicle inspection station which inspected the vehi-
70 cle within fifteen calendar days after the date of the inspection or
71 before the vehicle has been driven five hundred miles after the inspec-
72 tion, whichever occurs first, or if the vehicle inspection station sold
73 the motor vehicle, within fifteen calendar days after the date of the
74 sale or before the vehicle has been driven five hundred miles after the
75 sale, whichever occurs first. The written notice may be informal.
76 This presumption may be overcome only by clear and convincing evi-
77 dence.

78 NEW SUBSECTION. No person shall knowingly deliver possession
79 of a motor vehicle, trailer or semitrailer to a person who has pur-
80 chased or contracted to purchase at retail such motor vehicle, trailer,
81 or semitrailer which does not contain those parts or is not equipped
82 with such lamps and brakes and other equipment in proper condition

83 and adjustment as required by this chapter or which is equipped in
84 any manner in violation of the chapter, except when such sale is
85 made in accordance with the provisions of section three hundred
86 twenty-one point fifty-one (321.51) of the Code.

1 SEC. 8. Chapter three hundred twenty-one (321), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. No person shall knowingly permit a prospective
4 purchaser to test drive a motor vehicle on the highways of this state
5 unless the vehicle is mechanically safe for the purposes and conditions
6 of the test drive.

1 SEC. 9. Section three hundred twenty-two point twenty-five
2 (322.25), Code 1973, is repealed.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 209

MOTOR VEHICLE REGISTRATION PLATES

S. F. 130

AN ACT relating to the numbering of motor vehicle registration plates.

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

1 SECTION 1. Section three hundred twenty-one point thirty-four
2 (321.34), Code 1973, is amended to read as follows:

3 321.34 Plates or validation sticker furnished. The county trea-
4 surer upon receiving application, accompanied by proper fee, for
5 registration of a vehicle shall issue to the owner one registration plate
6 for a motorcycle, truck tractor, trailer, or semitrailer and two regis-
7 tration plates for every other motor vehicle.

8 The county treasurer shall also issue to applicants for registration of
9 a truck or a truck tractor, not including in the lowest registration class,
10 ~~a two decalomania emblems for each plate and which emblems desig-~~
11 ~~nates the gross weight for which the vehicle is registered by figures~~
12 ~~which show the gross weight in tons. Number plates and weight limi-~~
13 ~~tation emblems which are issued with registrations or registration~~
14 ~~increases are hereby declared to be integral parts of the registration~~
15 ~~of the vehicle for which issued. *The weight limitation emblems shall*~~
16 ~~*be applied to both sides of the vehicle, either to the doors of the cab or*~~
17 ~~*to the lower front corner of the box, or such other location as desig-*~~
18 ~~*nated by the commissioner.*~~

19 In lieu of issuing new registration plates each year for a vehicle
20 renewing registration, the department may reassign the registration
21 plates previously issued to such vehicle and may adopt and prescribe
22 an annual validation sticker indicating payment of registration fee,
23 which annual validation sticker shall be attached to said registration
24 plates bearing the numerals indicating the year for which the original
25 plates are validated.

26 The owner of an automobile who holds an amateur radio license
27 issued by the federal communications commission may, upon written

28 application to the county treasurer accompanied by a fee of five dol-
 29 lars, order special registration plates bearing the call letters author-
 30 ized the radio station covered by his amateur radio license. When
 31 received by the county treasurer, such special registration plates shall
 32 be issued to the applicant in exchange for the registration plates pre-
 33 viously issued to him. Not more than one set of special registration
 34 plates may be issued to an applicant. Said fee shall be in addition to
 35 and not in lieu of the fee for regular registration plates.

36 Special registration plates must be surrendered upon expiration of
 37 the owner's amateur radio license or upon transfer of title to the auto-
 38 mobile for which such plates have been issued; and the owner shall
 39 thereupon be entitled to his regular registration plates.

40 The county treasurer shall furnish the department of public safety
 41 an alphabetically arranged list of those to whom special plates have
 42 been issued.

1 SEC. 2. Section three hundred twenty-one point thirty-five
 2 (321.35), Code 1973, is amended to read as follows:

3 321.35 **Numbers on plates.** Every registration plate shall have
 4 displayed upon it the registration number assigned to the vehicle for
 5 which it is issued, *the numerical designation of the county, as deter-*
 6 *mined by its alphabetical ranking among the counties of the state, in*
 7 *which the vehicle is registered, also the name of this state, which may*
 8 *be abbreviated, and the year number for which it is issued or the date*
 9 *of expiration thereof.*

10 ~~The numbers on the plates issued for trucks and for truck tractors~~
 11 ~~shall be so arranged on the plate as to leave a blank space three inches~~
 12 ~~wide and four inches high at one end of the plate which is to be the~~
 13 ~~location of the decalcomania gross weight emblem provided for in~~
 14 ~~section 321.34. This emblem shall show the gross weight for which~~
 15 ~~registered in as large figures as possible in the upper three inches and~~
 16 ~~the word "ton" in the lower one inch of the emblem. The emblem shall~~
 17 ~~be of such material and quality that it will remain legible during the~~
 18 ~~full registration period and that it cannot be removed from the plate~~
 19 ~~vehicle without its being destroyed.~~

20 All motor vehicle registration plates shall be treated with a refle-
 21 ctive material according to specifications prescribed by the commis-
 22 sioner of public safety.

1 SEC. 3. The provisions of this Act shall take effect on January 1,
 2 1975.

Approved May 24, 1973.

CHAPTER 210

MOTOR VEHICLE ODOMETERS

H. F. 694

AN ACT relating to the regulation of motor vehicle odometers.

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

1 SECTION 1. Section three hundred twenty-one point seventy-one
 2 (321.71), subsection one (1), paragraph b, Code 1973, is amended to
 3 read as follows:

4 b. "True mileage" is the *actual* mileage driven by the motor vehicle
5 as registered by the odometer within the manufacturer's designed
6 tolerance has been driven.

1 SEC. 2. Section three hundred twenty-one point seventy-one
2 (321.71), subsections six (6), seven (7), twelve (12), and fifteen
3 (15), Code 1973, are amended to read as follows:

4 6. In the event any odometer is repaired or replaced, the reading
5 of the repaired or replaced odometer shall be set at the reading of the
6 odometer repaired or replaced immediately prior to repair or replace-
7 ment, *but where the odometer is incapable of registering the same*
8 *mileage the odometer shall be adjusted to read zero and the any adjust-*
9 *ment made in accordance with the provisions of this subsection shall*
10 *not be deemed a violation of any provision of this section.*

11 7. ~~No certificate of title shall be issued for a motor vehicle which~~
12 ~~was equipped with an odometer by the manufacturer unless the state-~~
13 ~~ment required in subsection 8 of this section has been furnished by the~~
14 ~~transferor. As to motor vehicles of a model year subsequent to the~~
15 ~~model year 1968 which were equipped with an odometer by the manu-~~
16 ~~facturer, no certificate of title shall be issued unless an odometer state-~~
17 ~~ment which is in compliance with federal law and regulations has~~
18 ~~been made by the transferor of such vehicle and is furnished with the~~
19 ~~application for certificate of title. The new certificate of title shall~~
20 ~~record on the face thereof the odometer reading and if the odometer~~
21 ~~reading is not the true mileage or the true mileage is unknown, then~~
22 ~~the word "unknown" shall be recorded. However a certificate of title~~
23 ~~may be issued for a motor vehicle to a person who moves into this state~~
24 ~~if such person acquired ownership of the motor vehicle prior to moving~~
25 ~~to this state. The provisions of this subsection shall not apply to motor~~
26 ~~vehicles transferred by operation of law pursuant to section three hun-~~
27 ~~dred twenty-one point forty-seven (321.47) of the Code nor to motor~~
28 ~~vehicles having a registered gross vehicle weight of more than sixteen~~
29 ~~thousand pounds.~~

30 12. An Iowa licensed motor vehicle dealer shall not have in his pos-
31 session as inventory for sale any used motor vehicle acquired by the
32 dealer after January 1, 1972, for which he does not have in his posses-
33 sion ~~a statement from his transferor as provided in subsections 8 and 9~~
34 ~~an odometer statement by the transferor which is in compliance with~~
35 ~~federal law and regulations unless a certificate of title has been issued~~
36 ~~for such vehicle in the name of the dealer.~~

37 15. A transferee of a motor vehicle reassigning the certificate of
38 title to such motor vehicle pursuant to the provisions of section 321.48,
39 subsection 1, shall not be guilty of a violation of this section if such
40 transferee has in his possession ~~the statement signed by his transferor~~
41 ~~as required by subsection 8 an odometer statement by the transferor~~
42 ~~which is in compliance with federal law and regulations and if he has~~
43 ~~no knowledge that the statement is false and that he has no knowl-~~
44 ~~edge that the odometer does not reflect the true milage of such motor~~
45 ~~vehicle.~~

1 SEC. 3. Section three hundred twenty-one point seventy-one
2 (321.71), Code 1973, is amended by striking subsections eight (8),
3 nine (9), ten (10), eleven (11), thirteen (13), and fourteen (14).

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 211

FALSE EVIDENCES OF VEHICLE REGISTRATION

H. F. 197

AN ACT providing that the fraudulent alteration of registration plates, certificates, and permits issued by county treasurers are subject to penalties provided by law.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 (321.100), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. To alter with a fraudulent intent any certificate of title, manu-
5 facturer's or importer's certificate, registration card, registration
6 plate, or permit issued by the department *or county treasurer*.

Approved April 6, 1973.

CHAPTER 212

VETERANS VEHICLE PLATES

H. F. 261

AN ACT relating to free registration plates for certain disabled veterans.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 five (321.105), unnumbered paragraph three (3), Code 1973, is
3 amended to read as follows:

4 Seriously disabled veterans who have been provided with an auto-
5 mobile *or other vehicle* by the United States government under the
6 provisions of ~~section 1901~~ *sections one thousand nine hundred one*
7 *(1901) through one thousand nine hundred three (1903) inclusive,*
8 *Title 38 of the United States Code, [38 U.S.C. § 1901 (1964) et seq.*
9 *one thousand nine hundred seventy (1970)] shall be exempt from*
10 *payment of the any automobile registration fee provided in this chap-*
11 *ter, and shall be provided, without fee, with a license registration*
12 *plate. The disabled veteran, to be able to claim the above benefit, must*
13 *be a resident of the state of Iowa and must produce a certificate of title*
14 *to the automobile owned and registered in this state in the name of*
15 *said veteran.*

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 213

SIZE AND WEIGHT OF VEHICLES

H. F. 542

AN ACT relating to the size, weight, and load of vehicles operated on Iowa's roads.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
2 thirty-three (321.233), Code 1973, as amended by House File twenty-
3 two (22), Acts of the Sixty-fifth General Assembly, First Session,
4 is amended by striking the section and inserting in lieu thereof the
5 following:

6 321.233 **Road workers exempted.** The provisions of this chapter,
7 except the provisions of sections three hundred twenty-one point two
8 hundred eighty (321.280) through three hundred twenty-one point two
9 hundred eighty-three (321.283) of the Code, shall not apply to per-
10 sons, teams, motor vehicles and other equipment while actually en-
11 gaged in work upon the surface of a highway officially closed to traffic
12 but shall apply to such persons and vehicles when traveling to or from
13 such work. The provisions of this chapter shall not apply to mainte-
14 nance equipment operated by or under lease to any state or local
15 authority while engaged in road maintenance work, including to or
16 from such work.

1 SEC. 2. Section three hundred twenty-one point four hundred
2 fifty-three (321.453), Code 1973, is amended to read as follows:

3 321.453 **Exceptions.** The provisions of this chapter governing
4 size, weight, and load shall not apply to fire apparatus, ~~road machinery,~~
5 or to implements of husbandry temporarily moved upon a highway,
6 or to implements moved between the retail seller and farm purchaser
7 within a fifty-mile radius from corporate limits wherein his place of
8 business is located, or implements received and moved by a retail seller
9 of implements of husbandry in exchange for an implement purchased,
10 except on any part of the interstate highway system, or to a vehicle
11 operating under the terms of a special permit issued as provided in
12 chapter 321E.

1 SEC. 3. Section three hundred twenty-one E point one (321E.1),
2 Code 1973, is amended to read as follows:

3 321E.1 **Permits by highway commission.** The state highway com-
4 mission and local authorities may in their discretion and upon appli-
5 cation and with good cause being shown therefor issue permits for
6 the movement of *construction machinery being temporarily moved on*
7 *streets, roads, or highways and for vehicles with indivisible loads*
8 *carried thereon which exceed the maximum dimensions and weights*
9 *specified in sections 321.452 through 321.466, but not to exceed the*
10 *limitations imposed in sections 321E.1 through 321E.15. Permits*
11 *so issued may be single-trip permits or annual permits. All permits*
12 *shall be in writing and shall be carried in the cab of the vehicle for*
13 *which the permit has been issued and shall be available for inspection*
14 *at all times. The vehicle and load for which the permit has been*
15 *issued shall be open to inspection by any peace officer or to any*
16 *authorized agent of any permit granting authority. When in the*
17 *judgment of the issuing local authority in cities, towns, and counties*

18 the movement of a vehicle with an indivisible load *or construction*
19 *machinery* which exceeds the maximum dimensions and weights will
20 be unduly hazardous to public safety or will cause undue damage to
21 streets, avenues, boulevards, thoroughfares, highways, curbs, side-
22 walks, trees, or other public or private property, the permit shall be
23 denied and the reasons therefor endorsed upon the application. Per-
24 mits issued by local authorities shall designate the days when and
25 routes upon which loads *and construction machinery* may be moved
26 within the county on other than primary roads.

1 SEC. 4. Section three hundred twenty-one E point three (321E.3),
2 unnumbered paragraph one (1), Code 1973, is amended to read as
3 follows:

4 All movements of mobile homes and other vehicles the width of
5 which, including any load, exceeds the roadway lane width of the
6 highway or street being traversed, shall be under escort. Permits
7 for the movement of indivisible loads *and single-trip permits for con-*
8 *struction equipment being moved temporarily on highways and streets*
9 *exceeding twelve thirteen feet five inches* in width or mobile homes of
10 widths including appurtenances exceeding twelve feet five inches shall
11 be restricted to maximum trip distances in accordance with the follow-
12 ing schedule:

1 SEC. 5. Section three hundred twenty-one E point six (321E.6),
2 Code 1973, is amended to read as follows:

3 **321E.6 Variations in road width and traffic.** A movement of an
4 indivisible load *or construction machinery being temporarily moved*
5 over a highway or highways having sections carrying varying vol-
6 umes of traffic and having varying surface widths shall have its
7 permissible total distance computed on the basis of the lowest volume
8 of traffic or the greatest highway width, whichever produces the
9 greater distance by the foregoing schedule. However, no movement
10 over a section or sections carrying a given shorter permissible maxi-
11 mum shall be greater than that shorter maximum and, in computing
12 the distance which would be traveled on a section or sections having
13 a certain width and traffic volume, distances which would be traveled
14 on sections carrying shorter permissible move distances shall be in-
15 cluded.

1 SEC. 6. Section three hundred twenty-one E point seven
2 (321E.7), Code 1973, is amended to read as follows:

3 **321E.7 Load limits per axle.** The gross weight on any axle of any
4 vehicle or combination of vehicles traveling under a permit issued in
5 accordance with the provisions of this chapter shall not exceed the
6 maximum axle load prescribed in section 321.463; except that, *con-*
7 *struction machinery being temporarily moved on streets, roads, or*
8 *highways may have a gross weight of thirty-six thousand pounds on*
9 *any single axle equipped with a minimum size twenty-six point five*
10 *inch by twenty-five inch flotation pneumatic tires and a maximum*
11 *gross weight of twenty thousand pounds on any single axle equipped*
12 *with minimum size eighteen inch by twenty-five inch flotation pneu-*
13 *matic tires, provided that the total gross weight of the vehicle or a*
14 *combination of vehicles does not exceed a maximum of one hundred*
15 *twenty-six thousand pounds; and except that a manufacturer of*

16 machinery or equipment manufactured or assembled in Iowa may be
 17 granted a permit for the movement of such machinery or equipment
 18 mounted on pneumatic tires with axle loads exceeding the maximum
 19 axle load prescribed in section 321.463 for distances not to exceed
 20 twenty-five miles at a speed not greater than twenty miles per hour.
 21 The movement of such machinery or equipment shall be over a speci-
 22 fied route between the place of assembly or manufacture and a storage
 23 area, shipping point, proving ground, experimental area, weighing
 24 station, or another manufacturing plant.

1 SEC. 7. Section three hundred twenty-one E point nine (321E.9),
 2 Code 1973, is amended by adding the following new subsection:

3 NEW SUBSECTION. Vehicles or combinations of vehicles consisting
 4 of construction machinery being temporarily moved on streets, roads,
 5 and highways with a maximum total gross weight limitation and a
 6 single axle weight limitation prescribed in section three hundred
 7 twenty-one E point seven (321E.7) of the Code, an overall width not
 8 to exceed thirteen feet, an overall length not to exceed eighty feet, may
 9 be moved for unlimited distances over specified routes when accom-
 10 panied by official escort approved by the issuing authority. The height
 11 of the vehicle or combination of vehicles shall be limited only to the
 12 height limitations of underpasses, bridges, power lines, and other es-
 13 tablished height restrictions on the specified route.

1 SEC. 8. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Mus-
 3 catine Journal, a newspaper published in Muscatine, Iowa, and in The
 4 Correctionville News, a newspaper published in Correctionville, Iowa.

Approved June 29, 1973.

I hereby certify that the foregoing Act, House File 542, was published in the Muscatine Journal, Muscatine, Iowa, July 6, 1973, and in The Correctionville News, Correctionville, Iowa, July 12, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 214

ROAD WORKERS EXEMPTIONS

H. F. 22

AN ACT relating to road workers exemptions while actually working on the surface of the highways and providing penalties.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
 2 thirty-three (321.233), Code 1973, is amended to read as follows:

3 321.233 Road workers exempted. The provisions of this chapter,
 4 except the provisions of sections three hundred twenty-one point two
 5 hundred eighty (321.280) through three hundred twenty-one point two
 6 hundred eighty-three (321.283) of the Code, shall not apply to persons,
 7 teams, motor vehicles and other equipment while actually engaged in

8 work upon the surface of a highway but shall apply to such persons
9 and vehicles when traveling to or from such work.

Approved February 9, 1973.

CHAPTER 215

MOTOR VEHICLE INSPECTION FEES

S. F. 602

AN ACT relating to the administration of the motor vehicle inspection fees.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
2 thirty-eight (321.238), subsection nine (9), Code 1973, is amended to
3 read as follows:

4 9. All fees collected by the department under the provisions of this
5 section shall be remitted monthly to the treasurer of state. The
6 moneys remitted shall be placed by the treasurer of state in a special
7 fund to be known as the "motor vehicle inspection fund" and shall be
8 used to defray the cost of administering the provisions of this section.
9 Any *unencumbered* balance in excess of twenty thousand dollars re-
10 maining in the motor vehicle inspection fund at the end of each fiscal
11 year shall revert to the general fund of the state on the thirtieth day
12 of September following the end of the fiscal year.

1 SEC. 2. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in The Lyon
3 County Reporter, a newspaper published in Rock Rapids, Iowa, and
4 in The Sac Sun, a newspaper published in Sac City, Iowa.

Approved June 29, 1973.

I hereby certify that the foregoing Act, Senate File 602, was published in The Lyon County Reporter, Rock Rapids, Iowa, July 4, 1973, and in The Sac Sun, Sac City, Iowa, July 11, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 216

DRIVING ON RIGHT-HAND SIDE

H. F. 19

AN ACT providing exceptions to driving on the right side of a roadway.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
2 ninety-seven (321.297), Code 1973, is amended by striking the section
3 and inserting in lieu thereof the following:

4 321.297 **Driving on right-hand side of roadway—exceptions.**
5 1. A vehicle shall be driven upon the right half of the roadway upon
6 all roadways of sufficient width, except as follows:

- 7 a. When overtaking and passing another vehicle proceeding in the
8 same direction under the rules governing such movement.
- 9 b. When an obstruction exists making it necessary to drive to the
10 left of the center of the roadway, provided, any person so doing shall
11 yield the right-of-way to all vehicles traveling in the proper direc-
12 tion upon the unobstructed portion of the roadway within such dis-
13 tance as to constitute an immediate hazard.
- 14 c. Upon a roadway divided into three marked lanes for traffic under
15 the rules applicable thereon.
- 16 d. Upon a roadway restricted to one-way traffic.
- 17 2. Any vehicle proceeding at less than the normal speed of traffic
18 at the time and place and under the conditions then existing shall be
19 driven in the right-hand lane then available for traffic upon all road-
20 ways, or as close as practicable to the right-hand curb or edge of the
21 roadway, except when overtaking and passing another vehicle pro-
22 ceeding in the same direction or when preparing for a left turn at
23 an intersection, an alley, private road or driveway.
- 24 3. A vehicle shall not be driven upon any roadway having four or
25 more lanes for moving traffic and providing for two-way movement of
26 traffic, to the left of the center line of the roadway, except when au-
27 thorized by official traffic-control devices designating certain lanes to
28 the left side of the center of the roadway for use by traffic not other-
29 wise permitted to use such lanes, or except as permitted under sub-
30 section one (1), paragraph b of this section. This subsection shall not
31 be construed as prohibiting the crossing of the center line in making
32 a left turn into or from an alley, private road, or driveway.

1 SEC. 2. Section three hundred twenty-one point two hundred
2 ninety-eight (321.298), Code 1973, is amended by striking the section
3 and inserting in lieu thereof the following:

4 **321.298 Meeting and turning to right.** Except as otherwise pro-
5 vided in section three hundred twenty-one point two hundred ninety-
6 seven (321.297) of the Code, vehicles or persons on horseback meeting
7 each other on any roadway shall yield one-half of the roadway by
8 turning to the right.

Approved February 23, 1973.

CHAPTER 217

LEFT-TURNING VEHICLES

H. F. 18

AN ACT relating to duties of operators of vehicles turning left.

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

1 SECTION 1. Section three hundred twenty-one point three hundred
2 twenty (321.320), Code 1973, is amended to read as follows:
3 **321.320 Vehicles turning left ~~at intersection~~.** The driver of a
4 vehicle ~~within an intersection~~ intending to turn to the left *within an*
5 *intersection or into an alley, private road, or driveway* shall yield the
6 right of way to all vehicles approaching from the opposite direction
7 which are within the intersection or so close thereto as to constitute

8 an immediate hazard, then said driver, having so yielded and having
9 given a signal when and as required by this chapter, may make such
10 left turn.

Approved April 6, 1973.

CHAPTER 218

METAL TRACK VEHICLES

H. F. 220

AN ACT relating to the operation of metal tracked and metal tired vehicles on streets and roads.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
2 forty-one (321.441), Code 1973, is amended to read as follows:

3 321.441 **Metal tires prohibited.** No person shall operate or move
4 on ~~any~~ a paved highway any motor vehicle, trailer, or semitrailer
5 having any metal tire or metal track in contact with the roadway.

1 SEC. 2. Section three hundred twenty-one point four hundred
2 forty-three (321.443), Code 1973, is amended to read as follows:

3 321.443 **Exceptions.** The state highway commission and local au-
4 thorities in their respective jurisdictions shall review any application
5 for a special permit and may, in their discretion with good cause being
6 shown, issue special permits authorizing the operation upon a highway
7 of traction engines or tractors having movable tracks with transverse
8 corrugations upon the periphery of such movable tracks or farm trac-
9 tors or other farm machinery, the operation of which upon a highway
10 would otherwise be prohibited under this chapter.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 219

TRANSPORTING VEHICLES

H. F. 608

AN ACT relating to the length of vehicles used for the transportation of certain vehicles, boats and farm implements.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
2 fifty-seven (321.457), subsection five (5), Code 1973, is amended to
3 read as follows:

4 5. No combination of vehicles coupled together which are used ex-
5 clusively for the transportation of ~~vehicles~~ passenger vehicles, light
6 delivery trucks, panel delivery trucks, pickup trucks, travel trailers,
7 and boats, farm and industrial tractors and self-propelled farm imple-

8 *ments, and self-propelled vehicles unladen or with load, shall have an*
 9 *overall an unladen length, inclusive of front and rear bumpers in*
 10 *excess of sixty feet, but the passenger vehicles, light delivery trucks,*
 11 *panel delivery trucks, pickup trucks, or boats being transported may*
 12 *extend up to three feet beyond the front and rear bumpers of the trans-*
 13 *porting vehicles when the overall length of the vehicle with load does*
 14 *not exceed sixty-five feet.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 220

TEMPORARY WEIGHT AND LOAD RESTRICTIONS

H. F. 41

AN ACT relating to temporary restrictions on weight and load of certain motor vehicles, and to provide penalties for violation of temporary restrictions.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
 2 seventy-one (321.471), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 **321.471 Local authorities may restrict.** Local authorities with
 5 respect to highways under their jurisdiction may by ordinance or
 6 resolution prohibit the operation of vehicles upon any such highway
 7 or impose restrictions as to the weight of vehicles to be operated upon
 8 any such highway, *except farm tractors as defined in section three*
 9 *hundred twenty-one point one (321.1), subsection seven (7), of the*
 10 *Code*, for a total period of not to exceed ninety days in any one calen-
 11 *dar year, whenever any said highway by reason of deterioration, rain,*
 12 *snow, or other climatic condition will be seriously damaged or de-*
 13 *stroyed unless the use of vehicles thereon is prohibited or the permis-*
 14 *sible weights thereof reduced.*

1 SEC. 2. Section three hundred twenty-one point four hundred
 2 seventy-one (321.471), unnumbered paragraph two (2), Code 1973, is
 3 amended to read as follows:

4 Any person who violates the provisions of such ordinance or resolu-
 5 tion shall be punished by a fine as provided in the schedule for gross or
 6 group of axles weight violations in section 321.463. The violation shall
 7 be that weight in excess of the maximum weight established by the
 8 ordinance or resolution, and the fine shall be imposed accordingly, upon
 9 conviction or a plea of guilty, be subject to a fine determined by divid-
 10 ing the difference between the actual weight and the maximum weight
 11 established by the ordinance or resolution by one hundred, and multi-
 12 plying the quotient by two dollars. Local authorities may issue special
 13 permits, during periods such restrictions are in effect, to permit lim-
 14 ited operation of vehicles upon specified routes with loads in excess
 15 of any restrictions imposed under this section, but not in excess of load
 16 restrictions imposed by any other provision of this chapter, and such
 17 authorities shall issue such permits upon a showing that there is a

18 need to move to market farm produce of the type subject to rapid
19 spoilage ~~and or~~ loss of value *or to move to any farm feeds or fuel for*
20 *home heating purposes.*

1 SEC. 3. Section three hundred twenty-one point four hundred
2 seventy-four (321.474), Code 1973, is amended to read as follows:

3 **321.474 Highway commission may restrict.** The state highway
4 commission shall likewise have authority as hereinabove granted to
5 local authorities to determine by resolution and to impose restrictions
6 as to the weight of vehicles *except farm tractors as defined in section*
7 *three hundred twenty-one point one (321.1), subsection seven (7) of*
8 *the Code* operated upon any highway under the jurisdiction of said
9 commission and such restrictions shall be effective when signs giving
10 notice thereof are erected upon the highway or portion of any highway
11 affected by such resolution. *Resolutions imposing restrictions under*
12 *section three hundred twenty-one point four hundred seventy-three*
13 *(321.473) of the Code shall be for a definite period of time not to*
14 *exceed twelve months. The expiration date of the resolution shall*
15 *appear on all signs posted as required by this section.*

16 Any person who violates the provisions of such resolution shall be
17 punished by a fine as provided in the schedule for gross or group of
18 ~~axles~~ weight violations in section 321.463. The violation shall be that
19 ~~weight in excess of the maximum weight established by the resolution,~~
20 ~~and the fine shall be imposed accordingly, upon conviction or a plea of~~
21 ~~guilty, be subject to a fine determined by dividing the difference~~
22 ~~between the actual weight and the maximum weight established by~~
23 ~~the resolution by one hundred, and multiplying the quotient by two~~
24 ~~dollars. The highway commission may issue special permits, during~~
25 ~~periods such restrictions are in effect, to permit limited operation of~~
26 ~~vehicles upon specified routes with loads in excess of any restrictions~~
27 ~~imposed under this section, but not in excess of load restrictions~~
28 ~~imposed by any other provision of this chapter. The highway com-~~
29 ~~mission shall issue special permits in accordance with the foregoing~~
30 ~~to trucks moving farm produce, which decays and or loses its value if~~
31 ~~not speedily put to its intended use, to market upon a showing to the~~
32 ~~highway commission that there is a requirement for trucking such~~
33 ~~produce or to trucks moving to any farm feeds or fuel necessary for~~
34 ~~home heating purposes.~~

Approved April 26, 1973.

CHAPTER 221

SPECIAL MOBILE EQUIPMENT

H. F. 191

AN ACT relating to the movement of registered special mobile equipment on vehicles registered for the weight of the unladen vehicle.

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

1 SECTION 1. Section three hundred twenty-one E point twelve
2 (321E.12), Code 1973, is amended to read as follows:

3 **321E.12 Registration must be consistent.** Any vehicle traveling
4 under permit shall be properly registered for the gross weight of the

5 vehicle and load. The gross weight of any vehicle used to transport
 6 special mobile equipment registered and in compliance with section
 7 321.21 shall be the gross weight of the vehicle without load. Any
 8 person owning special mobile equipment registered and in compliance
 9 with section three hundred twenty-one point twenty-one (321.21) of
 10 the Code, may use a transport vehicle registered for the gross weight
 11 of the transport without a load.

Approved May 24, 1973.

CHAPTER 222

MOVEMENT OF TRUCK TRAILERS

H. F. 189

AN ACT relating to the movement of truck trailers manufactured in this state.

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

1 SECTION 1. Section three hundred twenty-one E point ten
 2 (321E.10), Code 1973, is amended to read as follows:
 3 321E.10 **Truck trailers manufactured in Iowa.** The state highway
 4 commission or local authorities may in their discretion and upon appli-
 5 cation issue annual trip permits for the movement of truck trailers
 6 manufactured or assembled in this state that exceed the maximum
 7 length specified in section 321.457 and the maximum width specified
 8 in section three hundred twenty-one point four hundred fifty-four
 9 (321.454) of the Code. Movement of such truck trailers shall be
 10 solely for the purpose of delivery or transfer from the point of manu-
 11 facture or assembly to another point of manufacture or assembly
 12 within the state or to a point outside the state, shall be only on road-
 13 ways of twenty-four feet or more in width or on four-lane highways,
 14 shall be on the most direct route necessary for ~~delivery such move-~~
 15 ~~ment~~, and shall display the special plates designated in section 321.57.
 16 All truck trailers under permit for ~~delivery such movement~~ shall con-
 17 tain no freight or additional load. All truck trailers under permit for
 18 ~~delivery such movement~~ shall be at a speed not to exceed forty-five
 19 miles an hour or the established speed limit whichever is lower. No
 20 vehicle or combination of two or more vehicles inclusive of front and
 21 rear bumpers, including towing units, involved in the ~~delivery move-~~
 22 ~~ment~~ of truck trailers shall exceed ~~sixty-five~~ *seventy* feet in length
 23 and an overall width of ten feet. All such vehicles or combinations
 24 shall be distinctly marked on both the front and rear of the unit in
 25 such manner as the commissioner of public safety shall designate to
 26 indicate that the vehicles or combinations are being moved for delivery
 27 or transfer purposes only.
 28 Permits issued under the provisions of this section shall be in writ-
 29 ing and shall be carried in the cabs of the vehicles for which the
 30 permits have been issued and shall be available for inspection at all
 31 times. The vehicles for which the permits have been issued shall be

32 open to inspection by any peace officer or to any authorized agent of
33 any permit granting authority.

Approved June 13, 1973.

CHAPTER 223

MOVEMENT OF OVERSIZE VEHICLES

H. F. 193

AN ACT relating to the movement of vehicles and loads of excessive size and weight under permit during daylight hours and holidays.

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

1 SECTION 1. Section three hundred twenty-one E point eleven
2 (321E.11), Code 1973, is amended to read as follows:

3 321E.11 Daylight movement only—holidays. Movements by per-
4 mit in accordance with this chapter shall be permitted only during
5 ~~daylight~~ the hours from sunrise to sunset unless it is established by
6 the issuing authority that the movement can be better accomplished
7 at another period of time because of traffic volume conditions.

8 Except as provided in section 321.457, no movement of ~~over-~~
9 ~~dimension~~ vehicles by permit shall be permitted on Saturdays, Sun-
10 days, holidays, ~~or days preceding and following holidays~~ after twelve
11 o'clock noon on Saturdays, or after twelve o'clock noon on days pre-
12 ceding holidays and holiday weekends, or special events when abnor-
13 mally high traffic volumes can be expected. Such restrictions shall
14 not be applicable to urban transit systems as defined in section
15 386C.1. For the purposes of this chapter, holidays shall include New
16 Years Day, Memorial Day, Independence Day, Veterans Day, Labor
17 Day, Thanksgiving Day, and Christmas Day.

Approved June 13, 1973.

CHAPTER 224

COUNTY OFFICERS COMPENSATION

S. F. 441

AN ACT relating to the compensation of county officers and authorizing the establish-
ment of group insurance, health, or medical service for county officers.

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

1 SECTION 1. Section three hundred thirty-one point twenty-two
2 (331.22), Code 1973, is amended by adding the following new para-
3 graph:

4 NEW PARAGRAPH. In addition to the annual salary provided for in
5 the schedule in this section, each member of a board of supervisors
6 shall receive as salary compensation a sum equal to ten percent of the
7 salary to which he is entitled as of June 30, 1973. The additional com-
8 pensation provided in this paragraph applies to boards of supervisors
9 whether paid on a per diem basis or by annual salary.

1 SEC. 2. Section three hundred thirty-one point twenty-two
2 (331.22), unnumbered paragraphs two (2) and three (3), Code 1973,
3 are amended to read as follows:

4 These salaries shall be in full payment of all services rendered to
5 the county by said supervisors except statutory mileage while actually
6 engaged in the performance of official duties. Such mileage shall be
7 limited to *the aggregate of* one thousand dollars for each supervisor
8 *per year. Supervisors on boards of more than five members shall*
9 *receive a salary equal to the total salaries received by a five member*
10 *board pursuant to the population schedule, divided by the number of*
11 *members of such board.*

12 In counties of forty thousand population or less, the board of super-
13 visors may on their own motion elect to receive their compensation on
14 a per diem basis. If they so elect, the members of the board of super-
15 visors shall each receive ~~twenty-five~~ *forty* dollars per day for each day
16 actually in session or employed on committee service or as a ditch or
17 drainage board considering drainage matters. No such member shall
18 receive per diem pay in excess of five thousand *five hundred* dollars in
19 any one calendar year. In addition, he shall receive ten cents for every
20 mile traveled in going to and from sessions and in going to and from
21 the place of performing committee service, however, such mileage
22 payment shall not exceed *the aggregate of* one thousand dollars *per*
23 *supervisor per year.*

1 SEC. 3. Section three hundred forty point one (340.1), Code 1973,
2 is amended by striking the section and inserting in lieu thereof the
3 following:

4 **340.1 Compensation of auditor, treasurer, recorder and clerk.** In
5 addition to the annual compensation to which each county auditor,
6 county treasurer, county recorder, and clerk of the district court is
7 entitled as of January 1, 1973, each such county officer shall receive
8 as salary compensation the sum of one thousand eight hundred dol-
9 lars annually.

1 SEC. 4. Section three hundred forty point seven (340.7), Code
2 1973, is amended to read as follows:

3 **340.7 Sheriff.** Each sheriff shall receive for his annual salary in
4 counties having a population of:

- 5 1. Less than ten thousand, ~~eight~~ *ten* thousand dollars.
- 6 2. Ten thousand and less than twenty thousand, ~~eight~~ *ten* thousand
7 five hundred dollars.
- 8 3. Twenty thousand and less than thirty thousand, ~~nine~~ *eleven* thou-
9 sand dollars.
- 10 4. Thirty thousand and less than forty thousand, ~~nine thousand five~~
11 ~~hundred~~ *eleven thousand seven hundred fifty* dollars.
- 12 5. Forty thousand and less than fifty thousand, ~~ten thousand~~ *twelve*
13 *thousand two hundred fifty* dollars.
- 14 6. Fifty thousand and less than sixty thousand, ~~ten thousand five~~
15 ~~hundred~~ *twelve thousand seven hundred fifty* dollars.
- 16 7. Sixty thousand and less than seventy-five thousand, ~~eleven thou-~~
17 ~~sand~~ *thirteen thousand five hundred* dollars.
- 18 8. Seventy-five thousand and less than one hundred thousand, ~~eleven~~
19 *fourteen thousand five hundred* dollars.

20 9. One hundred thousand and less than one hundred fifty thousand,
21 ~~twelve thousand~~ *fourteen thousand five hundred* dollars.

22 10. One hundred fifty thousand and less than two hundred thousand,
23 ~~fourteen thousand~~ *sixteen thousand five hundred* dollars.

24 11. Two hundred thousand and less than three hundred thousand,
25 ~~fifteen thousand~~ *seventeen thousand five hundred* dollars.

26 12. In counties of three hundred thousand or more, ~~sixteen thousand~~
27 *eighteen thousand five hundred* dollars.

28 13. In counties where the sheriff is not furnished a residence by the
29 county, an additional sum of seven hundred and fifty dollars per annum
30 in addition to the foregoing schedule. The foregoing additional allow-
31 ance for residence shall not be considered as salary in computing the
32 salary of deputies as provided in section 340.8.

33 *However, effective July 1, 1973, a sheriff shall not receive an annual*
34 *salary of less than two thousand dollars more than the annual salary*
35 *to which he is entitled on January 1, 1973.*

1 SEC. 5. Section three hundred forty point nine (340.9), the first
2 unnumbered paragraph and subsections one (1) through nine (9),
3 Code 1973, are amended to read as follows:

4 **340.9 County attorney.** Each county attorney shall receive as his
5 *minimum* annual salary in counties having a population of:

6 1. Less than ~~ten~~ *nine* thousand population, ~~seven~~ *eight* thousand dol-
7 lars.

8 2. ~~Ten~~ *Nine* thousand and less than ~~fifteen~~ *twelve* thousand popula-
9 tion, ~~seventy-five~~ *eight thousand five hundred* dollars.

10 3. ~~Fifteen~~ *Twelve* thousand and less than ~~twenty~~ *fifteen* thousand
11 population, ~~eight~~ *nine* thousand dollars.

12 4. ~~Twenty~~ *Fifteen* thousand and less than ~~twenty-five~~ *nineteen* thou-
13 sand population, ~~eight~~ *nine* thousand ~~five~~ *two hundred fifty* dollars.

14 5. ~~Twenty-five~~ *Nineteen* thousand and less than ~~thirty~~ *twenty-five*
15 thousand population, ~~nine~~ *ten* thousand ~~two~~ *hundred fifty* dollars.

16 6. ~~Thirty~~ *Twenty-five* thousand and less than thirty-five thousand
17 population, ~~nine~~ *eleven* thousand ~~five~~ *hundred* dollars.

18 7. Thirty-five thousand and less than fifty thousand population, ~~ten~~
19 *twelve* thousand ~~five~~ *hundred* dollars.

20 8. Fifty thousand and less than ~~seventy-five~~ *eighty* thousand popu-
21 lation, ~~eleven~~ *thirteen* thousand ~~five~~ *hundred* dollars.

22 9. ~~Seventy-five~~ *Eighty* thousand and less than one hundred thousand
23 population, ~~twelve~~ *fifteen* thousand dollars.

1 SEC. 6. Section three hundred forty point nine (340.9), Code 1973,
2 is amended by striking unnumbered paragraph five (5) and inserting
3 in lieu thereof the following new paragraph:

4 The board of supervisors may establish an annual salary for the
5 county attorney higher than the minimum salary established in this
6 section. The board may accept private grants, state or federal funds
7 and may utilize such funds in addition to, or as replacement for,
8 county funds to pay the salary of the county attorney and the salaries
9 of the assistant county attorneys.

1 SEC. 7. Notwithstanding the provisions of section three hundred
2 forty point three (340.3) of the Code, the salary increases provided
3 for in this Act shall be effective July 1, 1973.

1 SEC. 8. Section five hundred nine A point one (509A.1), Code
2 1973, is amended to read as follows:
3 509A.1 **Authority of governing body.** The governing body of the
4 state, county, school district, city, town or any institution supported
5 in whole or in part by public funds may establish plans for and pro-
6 cure group insurance, health or medical service for the employees of
7 the state, county, school district, city, town or tax-supported institu-
8 tion. *The county board of supervisors may establish plans for and*
9 *procure group insurance, health or medical service for the county*
10 *auditor, the county treasurer, the county attorney, the county recorder,*
11 *the clerk of the district court, the members of the board of super-*
12 *visors, and the sheriff.*

Approved June 30, 1973.

CHAPTER 225

FEDERAL TAX LIENS ON VEHICLES

H. F. 135

AN ACT relating to federal tax lien registration.

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

1 SECTION 1. Section three hundred thirty-five point eighteen
2 (335.18), subsection three (3), Code 1973, is amended to read as
3 follows:
4 3. In the event a lien encumbers a vehicle for which a certificate of
5 title is required under the provisions of chapter 321, a security interest
6 in such vehicle is perfected by the delivery of federal notice of attach-
7 ment to the county ~~treasurer~~ recorder of the county where the certifi-
8 cate of title was issued and it shall take priority according to the order
9 of time in which the same is placed on the certificate of title for the
10 vehicle to which said lien applies by the county treasurer and as pro-
11 vided in sections 321.45 and 321.50. *The county recorder shall report*
12 *the filing to the county treasurer within the next working day so that*
13 *the lien may be noted on the certificate of title.* The county treasurer
14 shall note such lien without fee. *Tax liens filed with the treasurer shall*
15 *not be valid against a good-faith purchaser without knowledge of the*
16 *lien unless the lien was shown on the certificate of title at the time of*
17 *purchase. Such good-faith purchaser shall be entitled to receive a new*
18 *title without notation of lien.*

Approved April 6, 1973.

CHAPTER 226

BOARDING PRISONERS

H. F. 175

AN ACT relating to compensation for boarding and caring for prisoners in certain* counties.

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

1 SECTION 1. Section three hundred thirty-seven point eleven
2 (337.11), Code 1973, is amended by striking subsections eleven (11)
3 and twelve (12).

1 SEC. 2. Section three hundred thirty-seven point fourteen
2 (337.14), Code 1973, is amended to read as follows:

3 337.14 **Fees Mileage** in addition to salary. The amounts allowed
4 by law for mileage and for actual, necessary expenses paid by him,
5 and for beard, washing, and care of prisoners, may be retained by him
6 in addition to his salary.

1 SEC. 3. Section three hundred thirty-eight point one (338.1),
2 Code 1973, is amended to read as follows:

3 338.1 **Prisoners—duty of sheriff.** The duty of the sheriff to board,
4 lodge, wait on, wash for and care for prisoners in his custody in the
5 county jail in counties having a population in excess of fifty thousand
6 shall be performed by the sheriff without compensation, reimburse-
7 ment or allowance therefor except his salary as fixed by law. *How-*
8 *ever, the board may reimburse the sheriff for the actual cost of board*
9 *furnished prisoners directly by the sheriff, upon presentation of suffi-*
10 *cient documentation showing the actual cost.*

1 SEC. 4. Section three hundred thirty-eight point two (338.2),
2 Code 1973, is amended to read as follows:

3 **Purchase of supplies.** The board of supervisors in such counties
4 shall may, in such manner and under such regulations as it may deem
5 fit, furnish to the sheriff at the county jail and at the expense of the
6 county all supplies, wholesome provisions, and utensils, including gas,
7 fuel, electricity and water, or may contract for the goods and services,
8 which in its judgment are necessary to enable the sheriff to discharge
9 said his duty.

1 SEC. 5. Section three hundred thirty-eight point twelve (338.12),
2 Code 1973, is hereby repealed.

Approved May 24, 1973.

*According to enrolled Act.

CHAPTER 227

DEPUTY SHERIFFS CIVIL SERVICE

H. F. 439

AN ACT relating to the establishment of civil service for deputy county sheriffs and providing penalties for violations.

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

1 SECTION 1. NEW SECTION. As used in this Act, unless the con-
2 text otherwise requires:

3 1. "Commission" means the civil service commission or a combined
4 county civil service commission created pursuant to the provisions of
5 this Act.

6 2. "Commissioner" means a member of the commission defined in
7 subsection one (1) of this section.

8 3. "County" means a single county or several counties combined
9 for the purposes enumerated in section three (3) of this Act.

1 SEC. 2. NEW SECTION. Subject to the alternate plan enumerated
2 in section three (3) of this Act, there is created in each county a civil
3 service commission composed of three members. One member shall
4 be appointed by the county board of supervisors, one member shall
5 be appointed by the presiding district court judge of each county, and
6 one member shall be appointed by the county attorney of each county.
7 Commission members shall be appointed within sixty days after the
8 effective date of this Act. Appointees to the commission shall be
9 residents of the county for at least two years immediately preceding
10 appointment, and shall be electors. Terms of office shall be six
11 years, however, the initial members of the commission shall be ap-
12 pointed as follows:

13 The member appointed by the board of supervisors shall serve for
14 a period of two years, the member appointed by the county attor-
15 ney shall serve for a period of four years, and the member appointed
16 by the district court judge shall serve for a period of six years.

17 Any member of the commission may be removed by the appoint-
18 ing authority for incompetence, dereliction of duty, malfeasance in
19 office, or for other good cause, however, no member of the com-
20 mission shall be removed until apprised in writing of the nature of
21 the charges against him and a hearing on such charges has been held
22 before the board of supervisors. In the event a vacancy occurs in
23 the commission for any reason other than expiration of the term, an
24 appointment to fill the vacancy for the unexpired term shall be made
25 in the same manner as the original appointment.

26 A majority vote of the membership of the commission shall be
27 sufficient to transact the business of the commission. Not more than
28 two commissioners shall be members of the same political party.
29 Commissioners shall hold no elective or other appointive public office
30 during their terms of appointment to the commission. Commission-
31 ers shall serve without compensation but shall be reimbursed for
32 necessary expense and mileage incurred in the actual performance
33 of their duties.

1 SEC. 3. NEW SECTION. Any combination of counties in this state
2 may, by resolution of the boards of supervisors in each county, estab-

3 lish a combined civil service system to serve such counties. The spe-
 4 cific terms of the agreement regarding the operation of the combined
 5 civil service system, including the appointment of qualified commis-
 6 sioners, and any other matters pertinent to the operation of such sys-
 7 tem shall be contained in the resolutions adopted by the respective
 8 boards of supervisors of the participating counties. Counties partici-
 9 pating in a combined civil service system need not be contiguous.
 10 Appointment of commissioners in combined counties shall be by
 11 joint meeting of the boards of supervisors, district court judges, and
 12 county attorneys, respectively. Each group meeting jointly shall
 13 appoint one commissioner whose term shall be six years, except that
 14 initial terms shall be as provided in section two (2) of this Act.

1 SEC. 4. NEW SECTION. If a county or combination of counties
 2 has a civil service commission, this commission shall serve as the
 3 commission established by this Act and shall have all the powers and
 4 duties provided by this Act.

5 If more than one civil service commission exists, the one from the
 6 county with the largest population shall serve as the commission
 7 under this Act.

1 SEC. 5. NEW SECTION. The commission shall hold an organiza-
 2 tional meeting immediately after its establishment and shall elect one
 3 of its members as chairman. The commission shall hold regular meet-
 4 ings at least once every three months, and may hold such additional
 5 meetings as may be required in the fulfillment of its responsibilities.
 6 All commission meetings shall be public meetings.

7 The commission shall appoint a personnel director who shall act
 8 as its secretary and such other personnel as may be necessary. The
 9 personnel director shall keep and preserve all records of the commis-
 10 sion, including reports submitted to it and examinations held under
 11 its direction, advise the commission in all matters pertaining to the
 12 civil service system, and perform such other duties as the commis-
 13 sion may prescribe. The commission may add the personnel direc-
 14 tor's duties to a presently employed county employee.

1 SEC. 6. NEW SECTION. The commission shall have the following
 2 powers and duties:

3 1. To adopt, and amend as necessary, rules and regulations pursu-
 4 ant to the provisions of this Act, which shall specify the manner in
 5 which examinations are to be held and appointments, promotions,
 6 transfers, reinstatements, demotions, suspensions, and discharges are
 7 to be made. The rules and regulations may make such other provi-
 8 sions regarding personnel administration and practices as are neces-
 9 sary or desirable in carrying out the purposes of this Act. The com-
 10 mission rules and regulations, and their amendments, shall be printed
 11 and made available without cost to the public.

12 2. To administer practical tests designed to determine the ability
 13 of persons examined to perform the duties of the position for which
 14 they are seeking appointment. Such tests shall be designed and pre-
 15 pared by the director of the Iowa law enforcement academy, shall be
 16 administered by each commission in a uniform manner prescribed by
 17 the director, and shall be consistent with standards established pursu-
 18 ant to chapter eighty B (80B) of the Code governing standards for em-

19 ployment of Iowa law enforcement officers. Notice of such tests shall
20 be posted in the office of the sheriff and the office of the board of
21 supervisors not less than thirty days prior to giving such tests.

22 3. To conduct and prepare annual investigations and reports con-
23 cerning the effectiveness of, and compliance with, the provisions of
24 this Act and the rules and regulations adopted by the commission,
25 and pursuant thereto, to inspect all departments, offices, and positions
26 of employment affected by this Act. In making such investigations
27 a commissioner or the personnel director may administer oaths, issue
28 subpoenas and require the attendance of witnesses and the production
29 of books, documents, and accounts pertaining to such investigation,
30 and may also cause the deposition of witnesses to be taken as in
31 civil actions in the district court.

32 4. To conduct informal hearings concerning matters contemplated
33 by this Act. The validity of any such hearing shall not be affected
34 by the manner in which it is conducted, however, a majority of the
35 commissioners shall affirm all orders, rules, and decisions made pur-
36 suant to such hearings.

37 5. To hear and determine appeals or complaints respecting the allo-
38 cation of positions of employment, rejection of those persons certified
39 to the sheriff for appointment, and such other matters as may be
40 referred to the commission.

41 6. To arrange, compile, and administer competitive tests to deter-
42 mine the relative qualifications of persons seeking employment in
43 any class of position and as a result thereof establish eligible lists
44 for the various classes of positions, and provide that persons dis-
45 charged because of curtailment of expenditures, reduction in force,
46 and for like causes, head the list in the order of their seniority, to the
47 end that they shall be the first to be reemployed. Notice of competi-
48 tive tests to be given shall be published at least two weeks prior to
49 holding the tests in a newspaper of general circulation in the county
50 or counties in which a vacancy exists.

51 7. To certify to the county sheriff when a vacant position is to be
52 filled, on written request, a list of the names of the persons passing
53 the examination.

54 8. To keep such records as may be necessary for the proper ad-
55 ministration of this Act.

56 9. To classify deputy sheriffs and subdivide them into groups ac-
57 cording to rank and grade which shall be based upon the duties and
58 responsibilities of the deputy sheriffs.

59 10. To purchase all necessary supplies, enter into contracts, and
60 do all things necessary to carry out the provisions of this Act.

61 11. To keep records of the service of each employee in the classified
62 service. These records shall contain facts and statements on all mat-
63 ters relating to the character and quality of the work done and the
64 attitude of the individual to his work. All such service records and
65 employee records shall be subject only to the inspection of the com-
66 mission.

1 SEC. 7. NEW SECTION. The classified civil service positions covered
2 by this Act shall include persons actually serving as deputy sher-
3 iffs who are salaried pursuant to section three hundred forty point
4 eight (340.8) of the Code, but do not include a chief deputy sheriff,
5 two second deputy sheriffs in counties with a population of more than

6 one hundred thousand, and four second deputy sheriffs in counties
7 with a population of more than two hundred thousand. A deputy
8 sheriff serving with permanent rank under this Act may be designated
9 chief deputy sheriff or second deputy sheriff and retain such rank dur-
10 ing the period of his service as chief deputy sheriff and shall, upon
11 termination of his duties as chief deputy sheriff, revert to his per-
12 manent rank.

1 SEC. 8. NEW SECTION. All appointments to and promotions to
2 classified civil service positions in the office of county sheriff shall
3 be made solely on merit, efficiency, and fitness, which shall be ascer-
4 tained by open competitive examinations and impartial investiga-
5 tions, and no person in the classified civil service shall be reinstated
6 in or transferred, suspended, or discharged from any such place, posi-
7 tion, or employment contrary to the provisions of this Act.

8 Whenever possible, vacancies shall be filled by promotion. Pro-
9 motion shall be made from among deputy sheriffs qualified by com-
10 petitive examination, training and experience to fill the vacancies
11 and whose length of service entitles them to consideration. The com-
12 mission shall for the purpose of certifying to the sheriff the list of
13 deputy sheriffs eligible for promotion, rate the qualified deputy sher-
14 iffs on the basis of their service record, experience in the work, sen-
15 iority, and military service ratings. Seniority shall be controlling
16 only when other factors are equal. The names of not more than the
17 ten highest on the list of ratings shall be certified. The certified elig-
18 ible list for promotion shall hold preference for promotion until the
19 beginning of a new examination, but in no case shall such preference
20 continue longer than two years following the date of certification,
21 after which said list shall be cancelled and no promotion to such grade
22 shall be made until a new list has been certified eligible for promo-
23 tion. The sheriff shall appoint one of the ten certified persons.

1 SEC. 9. NEW SECTION. All persons holding a position on the ef-
2 fective date of this Act which is deemed classified by section seven (7)
3 of this Act are eligible for a permanent appointment under civil serv-
4 ice to the offices or positions currently held if they qualify for appoint-
5 ment pursuant to section eight (8) of this Act, and every such person
6 shall be inducted permanently into civil service in the office or posi-
7 tion of employment which he then holds. The commission shall des-
8 ignate a permanent rank for those persons as chief deputy on the
9 effective date of this Act and such persons shall be inducted perma-
10 nently into civil service in that rank.

1 SEC. 10. NEW SECTION. An applicant for any position under
2 civil service shall be a citizen of the United States who can read and
3 write the English language, and shall meet the minimum requirements
4 of the Iowa law enforcement academy for a law enforcement officer.

1 SEC. 11. NEW SECTION. The tenure of every deputy sheriff hold-
2 ing an office or position of employment under the provisions of this
3 Act shall be conditional upon a probationary period of not more than
4 twelve months, and where such deputy sheriff attends the law-enforce-
5 ment academy or a regional training facility certified by the director
6 of the Iowa law enforcement academy, a probationary period of not
7 more than six months, during which time the appointee may be

8 removed or discharged by the sheriff. Thereafter, he may be re-
9 moved or discharged, suspended without pay, demoted, or reduced in
10 rank, or deprived of vacation privileges or other privileges for any
11 of the following reasons:

12 1. Incompetency, inefficiency, or inattention to or dereliction of
13 duty.

14 2. Dishonesty, intemperance, immoral conduct, insubordination,
15 discourteous treatment of the public or a fellow employee, or any
16 other act of omission or commission tending to injure the public, or
17 any other willful failure to properly conduct himself, or any willful
18 violation of the provisions of this Act or the rules and regulations
19 to be adopted hereunder.

20 3. Mental or physical unfitness for the position held.

21 4. Dishonest, disgraceful, or prejudicial conduct.

22 5. Drunkenness or habitual use of intoxicating liquor, or use of nar-
23 cotics, or any other habit-forming drug, liquid, preparation or con-
24 trolled substance.

25 6. Conviction of a felony or a misdemeanor involving moral turpi-
26 tude.

27 7. Any other act or failure to act or to follow reasonable regula-
28 tions prescribed by the sheriff which in the judgment of the commis-
29 sion is sufficient to show the offender to be unsuitable or unfit for em-
30 ployment.

1 SEC. 12. NEW SECTION. No person in the classified civil service
2 who has been permanently appointed or inducted into civil service
3 under provisions of this Act shall be removed, suspended, or demoted
4 except for cause, and only upon written accusation of the county sher-
5 iff, which shall be served upon the accused, and a duplicate filed with
6 the commission. Any person so removed, suspended, or reduced in
7 rank or grade may, within ten days after presentation to him of the
8 order of removal, suspension or reduction, appeal to the commission
9 from such order. The commission shall, within two weeks from the
10 filing of such appeal, hold a hearing thereon, and fully hear and deter-
11 mine the matter, and either affirm, modify, or revoke such order. The
12 appellant shall be entitled to appeal personally, produce evidence, and
13 to have counsel. The finding and decision of the commission shall be
14 certified to the sheriff, and shall be enforced and followed by him, but
15 under no condition shall the employee who has appealed to the com-
16 mission be permanently removed, suspended, or reduced in rank until
17 such finding and decision of the commission is certified to the sheriff
18 pursuant to the rules of civil procedure.

19 If the order of removal, suspension, or demotion is concurred in by
20 a majority of the commission, the accused may appeal therefrom to
21 the district court of the county where he resides. Such appeal shall
22 be taken by serving upon the commission within thirty days after the
23 entry of its order, a written notice of appeal, stating the grounds
24 thereof, and demanding that a certified transcript of the record and
25 of all papers on file in the office of the commission affecting or relat-
26 ing to its order, be filed by the commission with the court. The com-
27 mission shall, within ten days after the filing of the notice make, cer-
28 tify, and file such transcript with the court. The court shall proceed
29 to hear and determine the appeal in a summary manner. Such hear-
30 ing shall be confined to the determination of whether the order of re-

31 moval, suspension, or demotion made by the commission was made in
32 good faith and for cause, and no appeal shall be taken except upon
33 such grounds. The decision of the district court may be appealed to
34 the supreme court.

1 SEC. 13. NEW SECTION. Whenever a position in the classified
2 service is to be filled, the sheriff shall notify the commission of that
3 fact, and the commission shall certify the names and addresses of
4 the ten candidates standing highest on the eligibility list for the class
5 or grade for the position to be filled. The sheriff shall appoint one of
6 the ten persons so certified, and the appointment shall be deemed
7 permanent.

1 SEC. 14. NEW SECTION. No treasurer, auditor, or other officer,
2 or employee of any county subject to this Act shall approve the pay-
3 ment of or be in any manner involved in paying, auditing, or approv-
4 ing salary, wage, or other compensation for services to any person
5 subject to the provisions of this Act, unless a payroll, estimate, or
6 account for such salary, wage or other compensation containing the
7 names of the persons to be paid, the amount to be paid to each per-
8 son, the services on account of which same is paid, and any other in-
9 formation which, in the judgment of the civil service commission
10 should be furnished on such payroll, bears the certificate of the civil
11 service commission, or of its personnel director or other duly author-
12 ized agent. The certificate shall state that the persons named therein
13 have been appointed or employed in compliance with the terms of this
14 Act and the rules of the commission, and that the payroll, estimate,
15 or account is, insofar as known to the commission, a true and accurate
16 statement. The commission shall refuse to certify the pay of any pub-
17 lic officer or employee whom it finds to be illegally or improperly ap-
18 pointed, and may further refuse to certify the pay of any public offi-
19 cer or employee who, willfully or through culpable negligence, violates
20 or fails to comply with this Act or with the rules of the commission.

1 SEC. 15. NEW SECTION. Leave of absence, without pay, may be
2 granted by any county sheriff to any person under civil service, how-
3 ever, the sheriff shall give notice of leave to the commission.

1 SEC. 16. NEW SECTION. The commission shall initiate and con-
2 duct all civil suits necessary for the proper enforcement of this Act
3 and the rules of the commission. The commission shall be repre-
4 sented in such suits by the county attorney. In the case of the com-
5 bined counties, any one or more of the county attorneys of such com-
6 bined counties may be selected by the commission to represent it.

1 SEC. 17. NEW SECTION. A commissioner or any other person
2 shall not, by himself or in cooperation with another, deceive or ob-
3 struct any person in respect to his right of examination or registra-
4 tion according to the commission rules, or falsely mark, grade, esti-
5 mate, or report upon the examination or proper standing of any per-
6 son examined, registered, or certified pursuant to this Act, or aid in
7 so doing, or make any false representation concerning the same, or
8 concerning the person examined. A commissioner or other person
9 shall not furnish any person with special or secret information for
10 the purpose of improving or reducing the prospects or chances of any

11 person who is or will be examined, registered, or certified, or persuade
12 any other person, or permit or aid in any manner any other person
13 to impersonate him, in connection with any examination or registra-
14 tion of application or request to be examined or registered. The right
15 of any person to an appointment or promotion shall not be withheld
16 because of sex, color, creed, national origin, political affiliation or be-
17 lief, nor shall any person be dismissed, demoted, or reduced in grade
18 for such reason.

1 SEC. 18. NEW SECTION. A person shall not be appointed or pro-
2 moted to, or demoted or discharged from, any position subject to civil
3 service, or in any way favored or discriminated against with respect
4 to employment in the sheriff's office because of his political or religious
5 opinions or affiliations or race or national origin or sex, or age.

6 A person holding a position subject to civil service shall not, dur-
7 ing his scheduled working hours or when performing his duties or
8 when using county equipment or at any time on county property, take
9 part in any way in soliciting any contribution for any political party
10 or any person seeking political office, nor shall such employee engage
11 in any political activity that will impair his efficiency during work-
12 ing hours or cause him to be tardy or absent from his work. The pro-
13 visions of this section do not preclude any employee from holding any
14 office for which no pay is received or any office for which only token
15 pay is received.

16 A person shall not seek or attempt to use any political endorsement
17 in connection with any appointment to a position subject to civil
18 service.

19 A person shall not use or promise to use, directly or indirectly, any
20 official authority or influence, whether possessed or anticipated, to se-
21 cure or attempt to secure for any person an appointment or advan-
22 tage in the appointment to a position subject to civil service, or an
23 increase in pay or other advantage in employment in any such posi-
24 tion, for the purpose of influencing the vote or political action of any
25 person or for any consideration.

26 An employee shall not use his official authority or influence for the
27 purpose of interfering with an election or affecting the results there-
28 of.

29 Any officer or employee subject to civil service who violates any of
30 the provisions of this section shall be subject to suspension, dismissal,
31 or demotion subject to the right of appeal herein.

32 All employees shall retain the right to vote as they please and to
33 express their opinions on all subjects.

34 Any officer or employee subject to civil service who shall become a
35 candidate for any partisan elective office for remuneration shall, com-
36 mencing thirty days prior to the date of the primary or general elec-
37 tion and continuing until such person is eliminated as a candidate,
38 either voluntarily or otherwise, automatically receive leave of absence
39 without pay and during such period shall perform no duties connected
40 with the office or position so held.

1 SEC. 19. NEW SECTION. All officers and employees of each county
2 shall aid in carrying out the provisions of this Act. Rules and regu-
3 lations as may, from time to time, be prescribed by the commission
4 shall afford the commission, its members, and employees, all reason-

5 able facilities and assistance in the inspection of books, documents,
6 and accounts applying or in any way pertaining to all offices, places,
7 positions, and employments subject to civil service. All officers and
8 employees of a county shall produce books, documents, and ac-
9 counts, and attend and testify, whenever required to do so by the com-
10 mission or any commissioner.

1 SEC. 20. NEW SECTION. The county board of supervisors of each
2 county shall provide in the county budget for each fiscal year a sum
3 equal to one-half of one percent of the preceding year's total payroll
4 of those included under the jurisdiction and scope of this Act. The
5 funds so provided shall be used for the support of the commission.
6 Any part of the funds not expended for the support of the commis-
7 sion during the fiscal year shall be placed in the general fund of the
8 county, or counties, according to the ratio of contribution, on the first
9 day of January following the end of such fiscal year.

1 SEC. 21. NEW SECTION. Any person who willfully violates any
2 of the provisions of this Act shall be guilty of a misdemeanor, and upon
3 conviction thereof, shall be punished by a fine of not more than one
4 hundred dollars or by imprisonment in the county jail for not longer
5 than thirty days or punished by both such fine and imprisonment. The
6 district court shall have jurisdiction of all such offenses.

1 SEC. 22. Section three hundred sixty-five point six (365.6), sub-
2 section one (1), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 1. The provisions of this chapter shall apply to all appointive offi-
5 cers and employees, including former deputy clerks and deputy bailiffs
6 of the municipal court who became deputies of the district court clerks
7 and sheriffs, in cities under any form of government having a popula-
8 tion of more than fifteen thousand except:

Approved July 19, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 228

SANITARY DISPOSAL PROJECTS

H. F. 693

AN ACT relating to the issuance of general obligation bonds for sanitary disposal projects.

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

1 SECTION 1. Section three hundred forty-six point twenty-three
2 (346.23), Code 1973, is amended to read as follows:

3 346.23 **General obligation bonds for sanitary disposal.** The boards
4 of supervisors of counties are hereby authorized to contract indebted-
5 ness and to issue general obligation bonds of the county to provide
6 funds to pay the cost of establishing, constructing, acquiring, purchas-
7 ing, equipping, improving, extending, reconstructing and repairing

8 sanitary disposal projects as defined in section **406.2** *four hundred*
9 *fifty-five B point seventy-five (455B.75) of the Code.*

10 Such bonds shall be in denominations of not less than one hundred
11 dollars nor more than ten thousand dollars, and shall draw interest at
12 a rate not to exceed seven percent per annum, payable annually or
13 semiannually. Such bonds shall be due and payable in not more than
14 twenty years from the date of issuance but may be made subject to
15 redemption in such manner and upon such terms as is stated on the
16 face thereof, shall be in such form as the board of supervisors shall by
17 resolution provide, and shall show on their face that they are county
18 sanitary disposal bonds payable from the fund hereinafter provided.
19 Funds available pursuant to the levy authorized by section **406.8** *four*
20 *hundred fifty-five B point eighty-one (455B.81) of the Code* shall be
21 used to pay the interest and principal of such bonds as they become
22 due. The millage limitation referred to in section **406.8** *four hundred*
23 *fifty-five B point eighty-one (455B.81) of the Code* shall not limit the
24 source of payment of bonds and interest but shall only restrict the
25 amount of bonds which may be issued. The money arising from such
26 levies shall be known as the sanitary disposal bond fund and shall be
27 used for the payment of such bonds and interest thereon only; and the
28 treasurer shall open and keep in his books a separate account thereof,
29 which shall show the exact condition of such fund. Such bonds shall be
30 sold at public sale and the county treasurer shall comply with and be
31 governed by all provisions of chapter 75.

1 SEC. 2. Section three hundred ninety-four point one (394.1),* Code
2 1973, is amended to read as follows:

3 **394.1 Sewage treatment plants and sanitary disposal projects—**
4 **acquisition — bonds.** Cities, towns, counties and sanitary districts
5 incorporated under the provisions of chapter 358 are hereby author-
6 ized and empowered to own, acquire, establish, construct, purchase,
7 equip, improve, extend, operate, maintain, reconstruct and repair
8 within or without the corporate limits of such city, town, county or
9 sanitary district, works and facilities useful and convenient for the
10 collection, treatment, purification and disposal in a sanitary manner
11 of the liquid and solid waste, sewage, and industrial waste of any
12 such city, town, county or sanitary district, including sanitary dis-
13 posal projects as defined in section **406.2** *four hundred fifty-five B*
14 *point seventy-five (455B.75) of the Code*, also swimming pools or golf
15 courses, and shall have authority to acquire by gift, grant, purchase,
16 or condemnation, or otherwise, all necessary lands, rights of way, and
17 property therefor, within or without the said city, town, county or
18 sanitary district, to purchase and acquire an interest in such sanitary
19 disposal project or such works and facilities which are owned by
20 another city, town, county or sanitary district and which are to be
21 jointly used by them, and to issue revenue bonds to pay all or any part
22 of the cost of establishing, acquiring, purchasing, constructing, equip-
23 ping, improving, extending, reconstructing, repairing, operating, or
24 maintaining such sanitary disposal project or such works and facili-
25 ties, including the amount agreed upon for the purchase and acquisi-
26 tion by a city, town, county or sanitary district of an interest in the
27 sanitary disposal project or works and facilities which are owned by

*See 64-1088-9, 199.

28 another city, town, county or sanitary district and which are to be
 29 jointly used. As used in this chapter the words "works and facilities",
 30 "works", or "facilities" shall include but not be limited to sanitary
 31 disposal projects as defined in section 406.2 four hundred fifty-five B
 32 point seventy-five (455B.75) of the Code.

1 SEC. 3. Section four hundred four point nineteen (404.19),* sub-
 2 section two (2), Code 1973, is amended to read as follows:

3 2. Dump grounds. Cities and towns are hereby authorized to
 4 contract indebtedness and to issue general obligation bonds to provide
 5 funds to pay the cost of establishing, constructing, acquiring, purchas-
 6 ing, equipping, improving, extending, reconstructing and repairing
 7 sanitary disposal projects as defined in section 406.2 four hundred
 8 fifty-five B point seventy-five (455B.75) of the Code or acquiring land
 9 for dump ground purposes. Taxes for the payment of said bonds shall
 10 be levied in accordance with chapter 76 and said bonds shall be payable
 11 through the debt service fund in not more than twenty years and bear
 12 interest at a rate not exceeding five percent per annum, and shall be of
 13 such form as the city or town council shall by resolution provide. The
 14 indebtedness incurred for the purpose herein provided in this section
 15 shall not be considered an indebtedness incurred for general or ordi-
 16 nary purposes.

1 SEC. 4. Section four hundred eight A point seven (408A.7),* Code
 2 1973, is amended to read as follows:

3 408A.7 Prior issues not affected. Nothing herein contained shall
 4 be construed to apply to bonds issued in connection with street im-
 5 provements, bridges, viaducts, sanitary disposal projects as defined in
 6 section 406.2 four hundred fifty-five B point seventy-five (455B.75) of
 7 the Code, sewers or sewage treatment works nor to funding or refund-
 8 ing bonds nor to bonds that have theretofore been authorized or ap-
 9 proved at an election required or provided to be held under any other
 10 law.

Approved June 29, 1973.

*See 64-1088-9, 199.

CHAPTER 229

CITY OR COUNTY HOSPITAL LAND

S. F. 459

AN ACT relating to the sale or lease of property by a city or county hospital.

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

1 SECTION 1. NEW SECTION. Any county or city hospital may
 2 lease or sell any of its property which is not needed for hospital pur-
 3 poses to any person for use as a physician's office, medical clinic, or
 4 any other health-related purpose.

1 SEC. 2. NEW SECTION. Any county or city hospital may use prop-
 2 erty received by gift, devise, bequest or otherwise, or the proceeds from
 3 the sale of such property, for the construction of facilities for lease or
 4 sale as a medical clinic or a physician's office subject to the approval
 5 of the appropriate local health planning agency.

1 SEC. 3. NEW SECTION. A county or city hospital shall advertise
 2 for bids before selling or leasing any property pursuant to sections
 3 one (1) and two (2) of this Act. The advertisement shall definitely
 4 describe the property and shall be published by at least one insertion
 5 each week for two consecutive weeks in a newspaper having general
 6 circulation in the county where the property is located. Bids shall
 7 not be accepted prior to two weeks after the second publication nor
 8 later than six months after the second publication. The highest com-
 9 petent bid must be accepted unless all bids received are deemed inade-
 10 quate and rejected.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 230

DOGS

S. F. 473

AN ACT relating to the delinquency of dog license fees.

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

1 SECTION 1. Section three hundred fifty-one point seventeen
 2 (351.17), Code 1973, is amended to read as follows:
 3 351.17 Delinquency. All license fees shall become delinquent on
 4 the first day of ~~May~~ *July* of the year in which they are due and payable
 5 and a penalty of one dollar shall be added to each unpaid license on
 6 and after said date.

1 SEC. 2. Section three hundred fifty-one point eighteen (351.18),
 2 Code 1973, is amended to read as follows:
 3 351.18 Certification of list. On or before ~~May 15~~ *the fifteenth of*
 4 *July*, the auditor shall certify to the county treasurer:
 5 1. The name of the owner of each unlicensed dog.
 6 2. The number of dogs so owned by said person and the sex thereof.
 7 3. The amount of the unpaid license fee, plus a penalty of one dollar
 8 for each dog.

Approved May 24, 1973.

CHAPTER 231

SANITARY DISTRICTS

S. F. 245

AN ACT relating to the conveyance of sanitary districts to a city or town.

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

1 SECTION 1. Chapter three hundred fifty-eight (358), Code 1973,
 2 is amended by adding sections two (2) through ten (10) of this Act.

1 SEC. 2. NEW SECTION. A board of trustees of a sanitary district
2 may, by resolution, authorize the filing of a petition in the office of the
3 county auditor of the county in which the sanitary district or a major
4 portion of it is located, requesting the conveyance and discontinuance
5 of the sanitary district. The petition shall be addressed to the board
6 of supervisors of the county where it is filed and must set forth:

7 1. The name of the sanitary district.

8 2. That the sanitary district lies wholly or partially within the cor-
9 porate limits of a city or town, or the depository for the sanitary dis-
10 trict is a municipal sanitary sewage system.

11 3. That the public health, comfort, convenience or welfare will be
12 promoted by the conveyance and discontinuance of the sanitary district
13 and the assumption of the duties, responsibilities and functions of the
14 sanitary district by the city or town.

15 4. A statement that the city or town has agreed to assume the duties,
16 responsibilities and functions of the sanitary district upon the convey-
17 ance and discontinuance. A copy of the agreement shall be attached to
18 the petition.

19 5. A listing of the assets and liabilities of the sanitary district, in-
20 cluding a complete statement of indebtedness.

21 6. A copy of the resolution of the board of trustees of the sanitary
22 district.

1 SEC. 3. NEW SECTION. The board of supervisors of the county in
2 which the sanitary district or a major portion of it is located shall have
3 jurisdiction of the proceedings on the petition, and the decision of a
4 majority of the members of the board shall be necessary for approval
5 of the petition for conveyance and discontinuance. Orders of the board
6 made under this section shall be spread upon the records of the pro-
7 ceedings of the board of supervisors, and shall be filed with the county
8 recorder but need not be published under section three hundred forty-
9 nine point sixteen (349.16) of the Code.

1 SEC. 4. NEW SECTION. It shall be the duty of the board of super-
2 visors to whom the petition is addressed, at its next regular meeting
3 to set the time and place when it shall meet for a hearing on the peti-
4 tion, and it shall direct the county auditor in whose office the petition
5 is filed to cause notice to be given to all persons whom it may concern,
6 without naming them, of the pendency and request of the petition for
7 the conveyance and discontinuance by publication of a notice once each
8 week for two consecutive weeks in a newspaper of general circulation
9 in the sanitary district, the last of the publications to be not less than
10 twenty days prior to the date set for hearing on the petition. Proof of
11 giving notice shall be made by affidavit of the publisher and shall be
12 filed with the county auditor at the time the hearing begins.

1 SEC. 5. NEW SECTION. The notice of hearing shall state the fol-
2 lowing:

3 1. That a petition has been filed with the county auditor of the
4 county for the conveyance and discontinuance of the sanitary district.

5 2. An intelligible description of the boundaries of the sanitary dis-
6 trict.

7 3. The date, hour and place where the petition will be heard before
8 the board of supervisors of the county.

9 4. That the board of supervisors will hear all persons having an
10 interest in the matter and that after the hearing, the board of super-
11 visors will take action as is in the best interest of the sanitary district.

1 SEC. 6. NEW SECTION. The board of supervisors to whom the
2 petition is addressed shall preside at the hearing and shall continue
3 the same in session with adjournments from day to day, if necessary,
4 and until completed, without being required to give further notice.
5 At the hearing, all persons interested in the matter of the conveyance
6 and discontinuance of the sanitary district may appear and shall be
7 heard, for and against the conveyance and discontinuance, and the
8 board shall examine into the matter and the equitable distribution of
9 the assets, and equitable distribution and assumption of the liabilities
10 which have accrued during the time the sanitary district has been in
11 existence. The board shall receive evidence on the question from the
12 parties interested, and, after hearing and reviewing the statements,
13 evidence, and suggestions made and offered at the hearing, if it finds
14 that the sanitary district lies wholly or partially within the corporate
15 limits of a city or town or that the depository of the district is a
16 municipal sanitary sewage system, that the public health, comfort,
17 convenience or welfare will be promoted by the conveyance and dis-
18 continuance of the sanitary district and the assumption of the duties,
19 responsibilities and functions of the sanitary district by the city or
20 town, and that the city or town has agreed to assume the duties,
21 responsibilities and functions of the sanitary district, shall enter an
22 order specifying the matter and specifying the equitable distribution
23 of the assets, and the equitable distribution and assumption of the
24 liabilities and responsibilities of the sanitary district and setting an
25 effective date of the conveyance and discontinuance.

1 SEC. 7. NEW SECTION. When a sanitary district has been discon-
2 tinued by order of the board of supervisors, as provided in this Act,
3 the order of the board of supervisors shall be filed in the office of the
4 recorder in the county or counties in which the sanitary district is
5 located. The agreement of the city or town in which the sanitary dis-
6 trict is located and which has agreed to assume the duties, responsi-
7 bilities and functions of the sanitary district shall also be filed along
8 with, and as part of the order of the board of supervisors conveying
9 and discontinuing the district.

1 SEC. 8. NEW SECTION. The assumption by the city or town shall
2 not affect or impair any rights or liabilities then existing for or
3 against either the sanitary district or the city or town, and they may
4 be enforced as provided in this Act.

1 SEC. 9. NEW SECTION. The indebtedness of the sanitary district
2 shall be assumed and paid by the city or town, and may be paid by a
3 tax to be levied exclusively upon the property within the jurisdiction
4 of the sanitary district as it existed prior to the conveyance and dis-
5 continuance, or by the issuance of such bonds as cities or towns may
6 issue for purchasing and acquiring any sanitary sewer system or
7 sewage disposal works and facilities or both.

1 SEC. 10. NEW SECTION. Suits to enforce claims or demands exist-
2 ing at the time of the conveyance, discontinuance and assumption may

3 be prosecuted or brought against the city or town which assumes the
4 obligations of the sanitary district, and judgments obtained shall be
5 paid as provided in section nine (9) of this Act for the payment of the
6 indebtedness.

1 SEC. 11. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Ankeny
3 Press-Citizen, a newspaper published in Ankeny, Iowa, and in the
4 Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved June 19, 1973.

I hereby certify that the foregoing Act, Senate File 245, was published in the Ankeny Press-Citizen, Ankeny, Iowa, June 28, 1973, and in the Evening Democrat, Fort Madison, Iowa, June 27, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 232
TOWNSHIP CLERK

H. F. 373

AN ACT relating to a duty of a township clerk.

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

1 SECTION 1. Section three hundred fifty-nine point twenty-three
2 (359.23), Code 1973, is amended to read as follows:
3 359.23 Receipts and expenditures. Each township clerk, on the
4 morning of the day of the general election and before the hour for
5 opening the polls, shall post, at the place where such election is to be
6 held in his township, a statement in writing, showing all receipts of
7 money and disbursements in his office for the preceding two years,
8 which shall be certified as correct by the trustees of the township.
9 *Each township clerk shall also send a copy of this written statement*
10 *to the county auditor no later than seven (7) days after the posting.*

Approved May 24, 1973.

CHAPTER 233
POLICE AND FIRE CHIEFS

H. F. 547

AN ACT relating to the requirements for the chief of police and the chief of the fire department.

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

1 SECTION 1. Section three hundred sixty-five point ten (365.10),
2 Code 1973, is amended to read as follows:
3 365.10 Preferences. In all examinations and appointments under
4 the provisions of this chapter, other than promotions *and appoint-*
5 *ments of chief of the police department and chief of the fire depart-*
6 *ment*, honorably discharged men and women from the military or

7 naval forces of the United States in any war in which the United
 8 States was or is now engaged, including the Philippine Insurrection,
 9 China Relief Expedition and the Korean Conflict at anytime between
 10 June 27, 1950 and July 27, 1953, both dates inclusive, and the Vietnam
 11 Conflict beginning August 5, 1964, who are citizens and residents of
 12 this state, shall be given the preference, if otherwise qualified.

13 For the purposes of this section World War II shall be from Decem-
 14 ber 7, 1941, to September 2, 1945, both dates inclusive.

1 SEC. 2. Section three hundred sixty-five point thirteen (365.13),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **365.13 Chief of police and chief of fire department.** The chief of
 5 the fire department and the chief of the police department shall be ap-
 6 pointed from the chiefs' civil service eligible lists. Such lists shall
 7 be determined by original examination open to all persons applying,
 8 whether or not members of the employing city. The chief of a fire
 9 department shall have had a minimum of five years experience in a
 10 fire department. The chief of a police department shall have had a
 11 minimum of five years experience in a public law enforcement agency.
 12 A chief of a police department or fire department shall maintain his
 13 civil service rights as determined by section three hundred sixty-five
 14 point twelve (365.12) of the Code.

15 Any person who becomes chief of police or chief of the fire depart-
 16 ment shall be allowed to transfer all rights he may have acquired
 17 under chapter four hundred ten (410) or chapter four hundred eleven
 18 (411) of the Code, including employer contributions during his years
 19 of service in a city or town, employee contributions, and interest, to
 20 the retirement system of the city or town that hires him as chief.
 21 Such person shall also transfer with him his number of years served
 22 as seniority toward other benefits provided by the city or town which
 23 hires him. If a chief of a police or fire department is relieved of that
 24 position, he shall be entitled to remain in the department for which
 25 he was chief at a position commensurate with his civil service status,
 26 even if this means that the city must create a position for him to fill
 27 until a regular position becomes vacant.

28 In cities under the commission plan of government the superintend-
 29 ent of public safety, with the approval of the city council, shall appoint
 30 the chief of the fire department and the chief of the police depart-
 31 ment. In cities under the city manager plan the city manager shall
 32 make such appointments with the approval of the city council, and in
 33 all other cities such appointments shall be made by the mayor.

1 SEC. 3. Section three hundred sixty-five point fourteen (365.14),
 2 Code 1973, is amended to read as follows:

3 **365.14 Civil service status of chief of police chiefs.** A police officer
 4 under civil service may be appointed chief of police and a fireman
 5 under civil service may be appointed chief of the fire department with-
 6 out losing his civil service status, and shall retain, while holding the
 7 office of chief, the same civil service rights he may have had immedi-
 8 ately previous to his appointment as chief, but nothing herein shall be

9 deemed to extend to such individual any civil service right upon which
10 he may retain the position of chief.

Approved June 29, 1973.

CHAPTER 234

TELEVISION TRANSLATORS

H. F. 803

AN ACT to permit certain cities to modify and rebuild municipally-owned television translator facilities and issue bonds to pay the cost thereof.

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

1 SECTION 1. Chapter three hundred sixty-eight (368),* Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. Cities which acquired ownership of television
4 translator facilities and have operated such facilities for a period of
5 not less than two years prior to July 1, 1973, may contract for the pur-
6 pose of extending, modifying, rebuilding or improving such translator
7 facilities, including the site, tower, building and equipment thereof,
8 and may issue general obligation bonds to pay all or any part of the
9 cost thereof and may operate such facilities. The issuance of said
10 bonds shall be subject to the provisions contained in chapter four hun-
11 dred eight A (408A) of the Code. Said bonds shall be payable from
12 taxes levied in accordance with chapter seventy-six (76) of the Code,
13 through the debt service fund in not more than twenty years and bear
14 interest at a rate not exceeding seven percent per annum and shall
15 be of such form as the city council shall by resolution provide, but
16 no city shall become indebted in excess of five percent of the actual
17 value of the taxable property within said city as shown by the last
18 preceding state and county tax lists. The indebtedness incurred for
19 the purpose provided in this section shall not be considered an indebt-
20 edness incurred for general or ordinary purposes. The provisions of
21 this section shall be applicable to all cities regardless of form of gov-
22 ernment or manner of incorporation and shall be construed as grant-
23 ing additional power without limiting the power already existing in
24 cities.

Approved June 29, 1973.

*See 64-1088-9, 199.

CHAPTER 235

COMPENSATION OF CITY OFFICERS

S. F. 453

AN ACT relating to the compensation of elected city officers.

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

1 SECTION 1. Section three hundred sixty-eight A point twenty-one
 2 (368A.21),* Code 1973, is amended to read as follows:
 3 368A.21 **Ineligibility—change of compensation.** No member of any
 4 city or town council shall, during the time for which he has been
 5 elected, be appointed to any municipal office which has been created
 6 or the emoluments of which have been increased during the term for
 7 which he was elected, nor shall the emoluments of any city or town
 8 officer be changed during the term for which he has been elected, *ex-*
 9 *cept that an increase in compensation of councilmen shall become effec-*
 10 *tive for all councilmen at the beginning of the term of the councilmen*
 11 *elected at the election next following the increase in compensation.*
 12 No person who shall resign or vacate any office shall be eligible to
 13 the same during the time for which he was elected, when, during the
 14 time, the emoluments of the office have been increased.

1 SEC. 2. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088),** section fifty-nine (59),
 3 subsection eight (8), is amended to read as follows:
 4 8. By ordinance, the council shall prescribe the compensation of
 5 the mayor, councilmen, and other elected city officers, but an increase
 6 in the compensation of the mayor ~~or councilmen~~ shall not become ef-
 7 fective during the term in which the increase is adopted, and the coun-
 8 cil shall not adopt such an ordinance *increasing the compensation*
 9 *of the mayor or councilmen* during the months of November and
 10 December immediately following a regular city election. *An increase*
 11 *in the compensation of councilmen shall become effective for all coun-*
 12 *cilmen at the beginning of the term of the councilmen elected at the*
 13 *election next following the increase in compensation.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

*See 64-1088-9, 199.

**See 64-1088-9.

CHAPTER 236

PUBLIC IMPROVEMENTS OUTSIDE CITIES

S. F. 3

AN ACT relating to improvement bonds and special assessments on certain property outside of cities.

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

1 SECTION 1. Acts of the General Assembly, Second Session of the
 2 Sixty-fourth General Assembly, chapter one thousand eighty-eight

3 (1088),* section one hundred nineteen (119), is amended to read as
4 follows:

5 Sec. 119. 1. A city may assess to private property within the city
6 the cost of construction and repair of public improvements within the
7 city, and main sewers, sewage pumping stations, disposal and treat-
8 ment plants, waterworks, water mains, extensions, and drainage con-
9 duits extending outside the city.

10 2. *Upon petition as provided in section one hundred twenty-two*
11 *(122), subsection one (1), of this chapter, a city may assess to private*
12 *property affected by public improvements within three miles of the*
13 *city's boundaries the cost of construction and repair of public improve-*
14 *ments within that area. The right of way of a railway company shall*
15 *not be assessed unless the company joins as a petitioner for said im-*
16 *provements. In the petition the property owners shall waive the limita-*
17 *tion provided in section one hundred forty-three (143) of this chapter*
18 *that an assessment may not exceed twenty-five percent of the value of*
19 *the lot. The petition shall contain a statement that the owners agree*
20 *to pay the city an amount equal to five percent of the cost of the im-*
21 *provements, to cover administrative expenses incurred by the city.*
22 *This amount may be added to the cost of the improvements. Before the*
23 *council may adopt the resolution of necessity, the preliminary resolu-*
24 *tion, preliminary plans and specifications, plat, schedule, and estimate*
25 *of cost must be submitted to, and receive written approval from the*
26 *board of supervisors of any county which contains part of the prop-*
27 *erty, and the city development board established in section thirty-three*
28 *(33) of this chapter.*

1 SEC. 2. Acts of the General Assembly, Second Session of the Sixty-
2 fourth General Assembly, chapter one thousand eighty-eight (1088),*
3 section one hundred forty-nine (149), subsection two (2), unnumbered
4 paragraph two (2), is amended to read as follows:

5 Such bonds must be called "improvement bonds", must designate the
6 general type of improvement or improvements for which issued, and
7 may be issued in any denomination, not exceeding ten thousand dollars.
8 *Bonds issued for a public improvement authorized in section one hun-*
9 *dred nineteen (119), subsection two (2), of this chapter must be named*
10 *in a way to distinguish them from other improvement bonds of the city,*
11 *and to designate the property specially assessed for the improvement.*

1 SEC. 3. Acts of the General Assembly, Second Session of the Sixty-
2 fourth General Assembly, chapter one thousand eighty-eight (1088),*
3 section one hundred forty-nine (149), subsection five (5), is amended
4 to read as follows:

5 5. Any excess of proceeds from special assessments remaining after
6 all of the bonds for a particular improvement have been paid with
7 interest may be credited to the fund from which deficiencies for the
8 improvement could have been paid. *However, any excess in a default*
9 *fund established for a public improvement authorized in section one*
10 *hundred nineteen (119), subsection two (2), of this chapter shall be*
11 *held by the city in a special fund to guarantee other improvement*

*See 64-1088-9.

12 *bonds which may be issued by the city for public improvements author-*
 13 *ized under that section.*

Approved April 19, 1973.

CHAPTER 237

SPECIAL ASSESSMENT DEFICIENCIES

H. F. 219

AN ACT relating to special assessment deficiencies.

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

1 SECTION 1. Acts of the General Assembly, 1972 Session of the
 2 Sixty-fourth General Assembly, Chapter one thousand eighty-eight
 3 (1088),* Section one hundred twenty-eight (128), is amended to read
 4 as follows:

5 Sec. 128. The schedule, as prepared by the engineer, must show the
 6 following information for each lot within the district:

7 1. A description of each lot and the name of the property owner.
 8 2. The valuation of each lot as determined by the council.
 9 3. The total amount proposed to be assessed to each lot, including
 10 the assessment for the default fund, if any.

11 4. *The proportion of the estimated total cost of the public improve-*
 12 *ment which is allocated to each lot.*

13 4 5. The amount of deficiency, if any, between the amount proposed
 14 to be assessed and the proportion of the estimated total cost of the
 15 public improvement allocated to each lot. *The amount of deficiency*
 16 *shall be shown as a conditional deficiency assessment as authorized by*
 17 *sections three (3) through five (5) of this Act.*

1 SEC. 2. Acts of the General Assembly, 1972 Session of the Sixty-
 2 fourth General Assembly, Chapter one thousand eighty-eight (1088),*
 3 Section one hundred forty (140), is amended to read as follows:

4 Sec. 140. Within thirty days after the council adopts a resolution
 5 fixing the amount to be assessed against private property, the engineer
 6 shall file with the clerk an assessment schedule showing:

7 1. A description of each lot to be assessed.
 8 2. The valuation of each lot as fixed by the council.
 9 3. The amount to be assessed against each lot, which shall include
 10 the assessment for the default fund, if any, *and the amount of defi-*
 11 *ciency, if any, which may be subsequently assessed against each lot*
 12 *under section five (5) of this Act.* No special assessment against any
 13 lot shall be more than ten percent in excess of the estimated cost, as
 14 provided in the preliminary schedule required under section one hun-
 15 dred twenty-eight (128) of this Act.

1 SEC. 3. Acts of the General Assembly, 1972 Session of the Sixty-
 2 fourth General Assembly, Chapter one thousand eighty-eight (1088),*
 3 Section one hundred forty-one (141), Subsection one (1), is amended
 4 to read as follows:

5 1. Confirm and levy assessments, *including a conditional levy of the*

*See 64-1088-9.

6 *amount of deficiencies which may be subsequently assessed against*
7 *each lot under section five (5) of this Act.*

1 SEC. 4. Acts of the General Assembly, 1972 Session of the Sixty-
2 fourth General Assembly, Chapter one thousand eighty-eight (1088),*
3 Section one hundred forty-three (143), Unnumbered paragraph one
4 (1), is amended to read as follows:

5 Sec. 143. A special assessment against a lot for a public improve-
6 ment may not be in excess of the amount of the assessment, *including*
7 *the conditional deficiency assessment*, as shown in the schedule con-
8 firmed by the court, or if court confirmation is not utilized, then on
9 the original plat and schedule adopted by the council, and an assess-
10 ment may not exceed twenty-five percent of the value of the lot as
11 shown by the plat and schedule approved by the council or as reduced
12 by the court.

1 SEC. 5. Acts of the General Assembly, 1972 Session of the Sixty-
2 fourth General Assembly, Chapter one thousand eighty-eight (1088),*
3 Section one hundred forty-four (144), is amended by adding the fol-
4 lowing new paragraph:

5 NEW PARAGRAPH. The council shall, by resolution, provide that the
6 deficiencies for the lots specially benefited by a public improvement
7 shall be certified to the county auditor, who shall record them in a
8 separate book entitled "Special Assessment Deficiencies", and to the
9 appropriate city official charged with the responsibility of issuing
10 building permits, who shall notify the council when a private improve-
11 ment is subsequently constructed on any lot subject to a deficiency.
12 Certification to county auditor shall include a legal description of
13 each lot. The council shall establish by ordinance a period of amorti-
14 zation for a public improvement for which there are deficiencies,
15 based upon the useful life of the public improvement, but not to ex-
16 ceed ten years. Deficiencies may be assessed only during the period
17 of amortization, which shall also be certified to the county auditor and
18 the city official charged with the responsibility of issuing building
19 permits. Certification to the county auditor shall include a legal de-
20 scription of each lot. When a private improvement is constructed on
21 a lot subject to a deficiency, during the period of amortization, the coun-
22 cil shall, by resolution, assess a pro rata portion of the deficiency on
23 that lot, in the same proportion to the total deficiency on that lot as the
24 number of full calendar years remaining in the period of amortization
25 is to the total number of years in the period of amortization, subject
26 to the twenty-five percent limitation of section one hundred forty-three
27 (143) of this division. A deficiency assessment becomes a lien on the
28 property and is payable in the same manner, and subject to the same
29 interest and penalties as the other special assessments. The council
30 shall direct the clerk to certify a deficiency assessment to the county
31 auditor, and to send a notice of the deficiency assessment by certified
32 mail to each owner, as provided in section one hundred forty-one
33 (141), subsection five (5), of this division, but publication of the no-
34 tice is not required. An owner may appeal from the amount of the
35 assessment within thirty days of the date notice is mailed. County

*Sec 64-1088-9.

36 officials shall collect a deficiency assessment, commencing in the year
 37 following the assessment, in the manner provided for the collection of
 38 other special assessments. Upon collection, the county auditor shall
 39 make the appropriate credit entries in the "Special Assessment Defi-
 40 ciencies" book, and shall credit the amounts collected as provided for
 41 other special assessments on the same public improvement, or to the
 42 city, to the extent that the deficiency has been previously paid from
 43 other city funds.

Approved June 13, 1973.

CHAPTER 238

JOINTLY OWNED MUNICIPAL UTILITIES

H. F. 609

AN ACT to amend title fifteen (XV) of the Code to provide authority for municipally-owned utilities to participate with other utilities and electric cooperatives in the acquiring and financing of jointly-owned facilities for the generation, acquisition or transmission of electric energy.

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

1 SECTION 1. Title fifteen (XV), Code 1973, is amended by adding
 2 sections two (2) through seven (7) of this Act as a new chapter.

1 SEC. 2. NEW SECTION. As used in this Act, unless the context
 2 otherwise requires:

3 1. "City" means a municipal corporation including a town, but not
 4 including a county, township, school district or special purpose district
 5 or authority.

6 2. "City utility" has the same meaning provided in section two (2),
 7 subsection twenty-two (22), of the City Code of Iowa, contained in
 8 Acts of the Sixty-fourth General Assembly, 1972 Session, chapter
 9 one thousand eighty-eight (1088), and includes a "combined utility
 10 system", as defined in section one hundred sixty-one (161) of the City
 11 Code of Iowa, which operates facilities for the generation or transmis-
 12 sion of electric energy.

13 3. "Joint facility" means all property necessary or useful for gen-
 14 erating, purchasing, obtaining by exchange or otherwise acquiring, or
 15 transmitting electric power and energy, which is owned and operated
 16 pursuant to a joint agreement.

17 4. "Joint agreement" means an agreement of participants pursuant
 18 to the provisions of this Act. A joint agreement may be one or more
 19 documents, and may be entitled joint agreement, agreement, contract
 20 or otherwise.

21 5. "Electric cooperative" means a cooperative association which
 22 owns and operates property for generating, purchasing, obtaining
 23 by exchange or otherwise acquiring, or transmitting electric power
 24 and energy.

25 6. "Participant" means a city utility, electric cooperative or pri-
 26 vately-owned utility company which is a party to a joint agreement.

27 7. "Governing body" means the public body which by law is charged
 28 with the management and control of a city utility.

29 8. "Or" includes the conjunctive "and" and "and" includes the dis-
30 junctive "or", unless the context clearly indicates otherwise.

31 9. "Acquisition" of a joint facility includes the purchase, lease,
32 construction, reconstruction, extension, remodeling, improvement, re-
33 pair, and equipping of the joint facility.

1 SEC. 3. NEW SECTION. In addition to other powers conferred by
2 the constitution and laws of this state, any city utility which operates
3 an existing electric generating facility or distribution system may en-
4 ter into and carry out joint agreements with other participants for the
5 acquisition of ownership of an undivided interest in a joint facility
6 and for the planning, financing, operation and maintenance of the
7 joint facility.

1 SEC. 4. NEW SECTION. Before a city utility may enter into or
2 amend a joint agreement, its governing body shall adopt a proposed
3 form of agreement and give notice and conduct a public hearing on
4 the agreement in the manner provided by sections twenty-three point
5 one (23.1) through twenty-three point eleven (23.11) of the Code,
6 which action shall be subject to appeal as provided in chapter twenty-
7 three (23) of the Code.

8 However, in the performance of a joint agreement, the governing
9 body shall not be subject to statutes generally applicable to public
10 contracts, including hearings on plans, specifications, form of con-
11 tracts, costs, notice and competitive bidding required under chapters
12 twenty-three (23) or three hundred ninety-seven (397) of the Code
13 or part six (6) of division seven (VII) of the City Code of Iowa, un-
14 less all parties to the joint agreement are city utilities located within
15 the state of Iowa.

1 SEC. 5. NEW SECTION. A joint agreement shall:

2 1. Provide that each participant shall own an undivided interest in
3 the joint facility, the interest being equal to the percentage of the
4 money furnished, value of property furnished, or services rendered by
5 each participant toward the total cost of the joint facility, and that
6 each participant shall own and control a like percentage of the output
7 of the joint facility.

8 2. Provide that each participant shall undertake to finance its por-
9 tion of the cost of planning, acquisition, operation, and maintenance
10 of the joint facility.

11 3. Provide that each participant in the ownership of the joint facil-
12 ity shall bear all taxes, if any, chargeable to its ownership of the joint
13 facility under statutes now or hereafter in effect.

14 4. Provide for the planning, financing, acquisition, operation and
15 maintenance of the joint facility, or for any one or more of said pur-
16 poses, including the cost to be contributed by each participant.

17 5. Provide for a uniform method of determining and allocating
18 operation and maintenance expenses of the joint facility.

19 6. Provide that a participant shall be liable only for its own acts
20 with regard to the joint facility and shall not be jointly or severally
21 liable for the acts, omissions or obligations of other participants.

22 7. Provide that the undivided interest of a participant in the joint
23 facility may not be charged directly or indirectly with a debt or obli-
24 gation of another participant or be subject to any lien as a result
25 thereof.

26 8. Provide for the management and operation of the affairs of the
27 joint facility, which may include a provision that the joint facility
28 shall be managed and operated by one or more of the participants.

29 9. Provide that no participant may withdraw from the joint agree-
30 ment so long as obligations payable in whole or in part from revenues
31 derived from the operation of the joint facility, and issued by a city
32 utility, are outstanding, unless prior consent is first granted by each
33 of the other participants.

34 10. Provide for the method to be employed in accomplishing the
35 partial or complete termination of the agreement and for dispos-
36 ing of property and assets upon partial or complete termination. The
37 provisions of the joint agreement for disposition of the joint facili-
38 ties shall not be subject to the statutes limiting or prescribing proce-
39 dure for the sale of city-owned properties.

40 11. Provide for the duration of the agreement. An agreement
41 authorized by this Act shall not be limited as to period of existence,
42 except as may be limited by the terms of the agreement itself.

43 12. Include other provisions as the parties may deem necessary
44 or appropriate with respect to the conduct of the participants, the op-
45 eration or ownership of the joint facility, or the settlement of dis-
46 putes.

1 SEC. 6. NEW SECTION. A city utility may finance its share of the
2 cost of a joint facility by the use of any method of financing available
3 to city utilities under the statutes of this state, for the financing of
4 electric generation or transmission facilities to be owned by a city
5 utility in their entirety, including but not limited to the provisions of
6 chapters three hundred ninety-seven (397) and four hundred seven
7 (407) of the Code, and parts three (3) and five (5) of division seven
8 (VII) of the City Code of Iowa as applicable. Revenues derived by
9 a city utility from its share of ownership or operation of a joint facil-
10 ity shall be deemed to be revenues of the city utility for all purposes
11 including the issuance and payment of bonds secured by or payable
12 from the revenues of a city utility.

1 SEC. 7. NEW SECTION. This Act being necessary for the public
2 health, public safety and general welfare, shall be liberally construed
3 to effectuate its purposes. This Act shall be construed as providing
4 a separate and independent method for accomplishing its purposes,
5 and except as provided or necessarily implied shall not be construed
6 as subject to or an amendment of any other law. In particular, with-
7 out limiting the generality of the foregoing, no restrictions or re-
8 quirements contained in this Act shall be construed as applying to
9 bonds issued pursuant to the provisions of chapter four hundred nine-
10 teen (419) of the Code. Nothing contained in this Act shall be con-
11 strued to limit the powers and authority of privately-owned utility
12 companies or electric cooperatives under any other law.

Approved June 29, 1973.

CHAPTER 239

MUNICIPAL RECREATION FUND

H. F. 372

AN ACT relating to the municipal recreation fund.

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

- 1 SECTION 1. Section four hundred four point eleven (404.11),*
 2 subsection seven (7), Code 1973, is amended to read as follows:
 3 7. For the construction, acquisition, operation, and maintenance of
 4 an area television translator system. All or any part of the apparatus
 5 and mechanical devices of any such translator system may be located
 6 outside of the corporate limits of a city or town. Municipal corpora-
 7 tions which have granted a franchise to a privately owned business
 8 or company for cable transmission or translator service shall be pro-
 9 hibited from allocating any money from the recreation fund for the
 10 purpose of this subsection. *However, a municipal corporation which*
 11 *owns and operates an area television translator system prior to grant-*
 12 *ing a cable transmission or translator franchise shall not be prohibited*
 13 *from allocating money to its system from its recreation fund.*

Approved May 8, 1973.

*See 64-1088-9, 199.

CHAPTER 240

POLICEMEN AND FIREMEN PENSIONS

H. F. 717

AN ACT relating to pension benefits for policemen and firemen.

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

- 1 SECTION 1. Section four hundred ten point one (410.1), unnum-
 2 bered paragraph five (5), Code 1973, is amended to read as follows:
 3 The provisions of this chapter shall not apply to policemen and
 4 firemen who entered employment after March 2, 1934, *except that any*
 5 *policeman or fireman who had been making payments of membership*
 6 *fees and assessments as provided in section four hundred ten point*
 7 *five (410.5) of the Code prior to July 1, 1971, shall on the effective date*
 8 *of this Act be fully restored and entitled to all pension rights and ben-*
 9 *efits, vested or not vested, under this chapter if the city has not re-*
 10 *turned to such policeman or fireman the membership fees and assess-*
 11 *ments paid by him prior to July 1, 1971 and if such policeman or fire-*
 12 *man pays to the city within six months after the effective date of*
 13 *this Act the amount of the fees and assessments that he would have*
 14 *paid to his policemen's or firemen's pension fund from July 1, 1971*
 15 *to the effective date of this Act if Acts of the General Assembly, 1971*
 16 *Session, chapter one hundred eight (108) had not been adopted. If*
 17 *the membership fees and assessments paid by such policeman or fire-*
 18 *man prior to July 1, 1971 have been returned to him, all pension*

19 *rights and benefits, vested or not vested, under this chapter shall be*
20 *fully restored to him on the effective date of this Act if, within six*
21 *months after the effective date of this Act, such policeman or fire-*
22 *man repays the fees and assessments so returned and pays the*
23 *amount of the fees and assessments to the city that he would have*
24 *paid to his policemen's or firemen's pension fund from July 1, 1971*
25 *to the effective date of this Act if Acts of the General Assembly, 1971*
26 *Session, chapter one hundred eight (108) had not been adopted.*

Approved June 13, 1973.

CHAPTER 241

POLICEMEN AND FIREMEN RETIREMENT

H. F. 400

AN ACT relating to the investment of funds of retirement systems for policemen and firemen.

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

1 SECTION 1. Section four hundred eleven point seven (411.7), sub-
2 section two (2), Code 1973, is amended to read as follows:
3 2. The city treasurer may invest at the direction of the respective
4 boards of trustees such portion of the several funds created by this
5 chapter as in the judgment of the respective boards are not needed for
6 current payment of benefits under this chapter in interest-bearing
7 securities issued by the United States, or interest-bearing bonds issued
8 by the state of Iowa, *or make deposits of such funds in banks as pro-*
9 *vided in chapter four hundred fifty-three (453) of the Code, or in*
10 *bonds issued by counties, school districts, or general obligation or*
11 *limited levy bonds issued by municipal corporations in this state as*
12 *authorized for investment by insurance companies under section 511.8*
13 *and subject to all limitations contained in said section. In the event of*
14 *loss on the redemption or sale of securities, where invested as pre-*
15 *scribed by law, neither the treasurer nor the trustees shall be person-*
16 *ally liable, but such loss shall be charged against the retirement funds.*
17 *The city treasurer may sell any securities in such funds and reinvest*
18 *the proceeds in accordance with the direction of the respective boards*
19 *of trustees when such action may be deemed advisable by the trustees*
20 *for the protection of said funds or the preservation of the value of*
21 *the investment.*

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 242

INCOME TAX

S. F. 234

AN ACT relating to individual income tax.

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

1 SECTION 1. Section four hundred twenty-two point five (422.5),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 However, no tax shall be imposed on any resident or nonresident
5 whose net income, as defined in section 422.7, is ~~three~~ four thousand
6 dollars or less; but in the event that the payment of tax under this
7 division would reduce the net income to less than ~~three~~ four thousand
8 dollars, then the tax shall be reduced to that amount which would
9 result in allowing the taxpayer to retain a net income of ~~three~~ four
10 thousand dollars. The preceding sentence does not apply to estates
11 or trusts. For the purpose of this paragraph, the entire net income,
12 including any part thereof not allocated to Iowa, shall be taken into
13 account. If the combined net income of a husband and wife exceeds
14 ~~three~~ four thousand dollars, neither of them shall receive the benefit
15 of this paragraph, and it is immaterial whether they file a joint return
16 or separate returns. An unmarried child under twenty-one years of
17 age who is a dependent of his parent or parents as defined in section
18 422.12, shall not receive the benefit of this paragraph if such parent's
19 net income exceeds ~~three~~ four thousand dollars or if the combined net
20 income of such parents exceeds ~~three~~ four thousand dollars.

1 SEC. 2. Section four hundred twenty-two point thirteen (422.13),
2 subsections one (1) and two (2), Code 1973, are amended to read as
3 follows:

4 1. Every resident of Iowa who is required to file a federal income
5 tax return under the Internal Revenue Code of 1954, or who has a net
6 income of ~~one~~ two thousand dollars or more for the tax year from
7 sources taxable under this division, shall make and sign a return.

8 2. Every nonresident who is required to file a federal income tax
9 return under the Internal Revenue Code of 1954 and who has a net
10 income of ~~one~~ two thousand dollars or more for the tax year from
11 sources taxable under this division, shall make and sign a return.

1 SEC. 3. The provisions of this Act shall be effective for tax periods
2 beginning on or after January 1, 1973.

Approved June 19, 1973.

CHAPTER 243

CO-OPERATIVE ASSOCIATIONS TAX RETURNS

S. F. 48

AN ACT relating to the filing requirements for cooperative associations for income tax purposes.

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

1 SECTION 1. Section four hundred twenty-two point twenty-one
2 (422.21), unnumbered paragraph one (1), Code 1973, is amended to
3 read as follows:

4 Returns shall be in such form as the director may, from time to
5 time, prescribe, and shall be filed with the department on or before
6 the last day of the fourth month after the expiration of the tax year
7 *except that co-operative associations as defined in section six thousand*
8 *seventy-two (d) (6072 (d)) of the Internal Revenue Code of 1954 shall*
9 *file their returns on or before the fifteenth day of the ninth month fol-*
10 *lowing the close of the taxable year.* In case of sickness, absence, or
11 other disability, or whenever good cause exists, the director may allow
12 further time for filing returns. The director shall cause to be pre-
13 pared blank forms for said returns and shall cause them to be dis-
14 tributed throughout the state and to be furnished upon application,
15 but failure to receive or secure the form shall not relieve the tax-
16 payer from the obligations of making any return herein required. The
17 department may as far as consistent with the provisions of the Code
18 so draft income tax forms as to conform to the income tax forms of
19 the internal revenue department of the United States government.
20 Each return by a taxpayer upon whom a tax is imposed by subsec-
21 tion 7 of section 422.5 shall show the county of the residence of the
22 taxpayer.

1 SEC. 2. The provisions of this Act shall become effective for tax
2 periods beginning on or after January 1, 1973.

Approved February 26, 1973.

CHAPTER 244

INCOME TAX AUDITS

S. F. 76

AN ACT relating to state income tax audits.

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

1 SECTION 1. Section four hundred twenty-two point twenty-five
2 (422.25), subsection one (1), Code 1973, is amended to read as fol-
3 lows:

4 1. As soon as practicable and in any event within three years after
5 the return is filed the department shall examine it and determine the
6 correct amount of tax, and the amount so determined by the depart-
7 ment shall be the tax; provided that if the taxpayer omits from income
8 such an amount as will, under the Internal Revenue Code of 1954,

9 extend the statute of limitations for assessment of federal tax to six
 10 years under said Code, the period for examination and determination
 11 shall be six years; and provided further that the period for examina-
 12 tion and determination shall be unlimited in the case of a false or
 13 fraudulent return with intent to evade tax or in the case of failure to
 14 file a return. Notwithstanding the periods of limitation for exami-
 15 nation and determination heretofore specified, the department shall
 16 have six months from the date of final disposition of any controversy
 17 between the taxpayer and the internal revenue service with respect to
 18 the particular tax year to make the examination and determination
 19 to make an examination and determination from the date of receipt by
 20 the department of notice from the taxpayer of the final disposition of
 21 any matter between the taxpayer and the internal revenue service with
 22 respect to the particular tax year. In order to begin the running of the
 23 six-months period, the notice shall be in writing in any form sufficient
 24 to inform the department of such final disposition with respect to such
 25 year, and a copy of the federal document showing the final disposition
 26 or final federal adjustments shall be attached to the notice. The burden
 27 of proof of additional tax owing under the six-year period, or unlim-
 28 ited period, shall be on the department. If the tax found due is greater
 29 than the amount paid, the department shall compute the amount due,
 30 together with interest and penalties as provided in subsection 2 of this
 31 section, and shall notify the taxpayer by certified mail of the total,
 32 which shall be a sum certain if paid on or before the last day of the
 33 month in which the notice is postmarked, or on or before the last day
 34 of the following month if the notice is postmarked after the twentieth
 35 day of any month. The notice shall also inform the taxpayer of the
 36 additional interest and penalty which will be added to the total due if
 37 not paid on or before the last day of the applicable month.

1 SEC. 2. The provisions of this Act shall be effective for all out-
 2 standing tax audits conducted by the internal revenue service where
 3 final disposition of such audits has not been determined by July 1,
 4 1973.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 245

CORPORATE INCOME TAX RETURNS

S. F. 64

AN ACT relating to signatures required on corporate income tax returns.

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

1 SECTION 1. Section four hundred twenty-two point thirty-six
 2 (422.36), subsection one (1), Code 1973, is amended to read as follows:
 3 1. Every corporation shall make a return and the same shall be
 4 signed by the president, ~~vice-president,~~ or other ~~principal~~ *duly author-*
 5 ~~ized officer and by the treasurer or assistant treasurer.~~ Before a cor-
 6 poration shall be dissolved and its assets distributed it shall make a

7 return for any settlement of the tax for any income earned in the
8 income year up to its final date of dissolution.

1 SEC. 2. The provisions of this Act shall become effective for tax
2 periods beginning on or after January 1, 1973.

Approved February 26, 1973.

CHAPTER 246

SALES TAX LIABILITY OF BUILDERS

S. F. 124

AN ACT relating to sales tax on purchases made by contractors who are retailers.

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

1 SECTION 1. Section four hundred twenty-two point forty-two
2 (422.42), subsection nine (9), Code 1973, is amended by adding the
3 following new paragraph:

4 NEW PARAGRAPH. Where the owner, contractor, subcontractor or
5 builder is also a retailer holding a retail sales tax permit and transact-
6 ing retail sales of building materials, supplies, and equipment, he shall
7 purchase such items of tangible personal property without liability for
8 the tax if such property will be subject to the tax at the time of resale
9 or at the time it is withdrawn from inventory for construction pur-
10 poses. The sales tax shall be due in the reporting period when the
11 materials, supplies, and equipment are withdrawn from inventory for
12 construction purposes or when sold at retail.

Approved March 23, 1973.

CHAPTER 247

MOTOR FUEL SALES TAX EXEMPTIONS

H. F. 314

AN ACT relating to exemptions from the sales and use tax on sales subject to a special tax.

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

1 SECTION 1. Section four hundred twenty-two point forty-five
2 (422.45), Code 1973, is amended by adding the following new sub-
3 section:

4 NEW SUBSECTION. The gross receipts from the sale of motor fuel
5 and special fuel consumed for highway use or in watercraft where the
6 fuel tax has been imposed and paid and no refund has been or will be
7 allowed.

1 SEC. 2. Section four hundred twenty-two point forty-six (422.46),
2 Code 1973, is amended to read as follows:

3 422.46 Credit on tax. A credit shall be allowed against the amount
4 of tax computed to be due and payable on the gross receipts from sales
5 at retail of any tangible personal property or from services rendered,

6 furnished, or performed upon which the state now imposes a special
 7 tax, whether in the form of a license tax, stamp tax, or otherwise, to
 8 the extent of the amount of such tax imposed and paid. This provision
 9 shall not apply to the sale of airplanes or to the sale at retail of beer,
 10 alcoholic beverages and cigarettes. Taxes paid on gross receipts repre-
 11 sented by accounts found to be worthless and actually charged off for
 12 income tax purposes may be credited upon a subsequent payment of
 13 the tax herein provided; provided, that if such accounts are thereafter
 14 collected by the retailer, a tax shall be paid upon the amount so col-
 15 lected.

1 SEC. 3. Section four hundred twenty-three point four (423.4),
 2 Code 1973, is amended by striking subsection three (3).

Approved April 6, 1973.

CHAPTER 248

MONEYS AND CREDITS REPLACEMENT FUND

S. F. 375

AN ACT relating to recalculation of amounts payable to counties from the moneys and credits tax replacement fund.

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

1 SECTION 1. Section four hundred twenty-two point seventy-eight
 2 (422.78), Code 1973, is amended by adding the following new para-
 3 graph:

4 NEW PARAGRAPH. Not later than December 31, 1973, the county
 5 auditor may file a certified statement with the state comptroller
 6 demonstrating errors made in calculating the aggregate taxable value
 7 for the year of 1965. The comptroller, upon verifying that an error
 8 was made, shall recalculate the amount payable to counties for the
 9 previous seven years, based upon the amounts which were available
 10 in the moneys and credits tax replacement fund in January of each
 11 year, and shall notify each county of its total overpayment or under-
 12 payment for the seven-year period. If a county has received an over-
 13 payment, it shall refund the overpayment to the comptroller for
 14 deposit in the moneys and credits tax replacement fund. The refund
 15 of an overpayment shall be made not later than December 31, 1976.
 16 If a county has received an underpayment, the comptroller shall pay
 17 the amount of the underpayment to the county from the moneys and
 18 credits tax replacement fund, not later than January of 1977. The
 19 refund of an overpayment shall be made from the county general fund,
 20 and the amount received for an underpayment shall be deposited in
 21 the county general fund, but the board of supervisors shall distribute
 22 thirty percent of the overpayment to cities and towns in the county
 23 in proportion to the corrected taxable values for each city and town
 24 for 1965.

Approved May 16, 1973.

CHAPTER 249

USE TAX ON TRUCKS

H. F. 122

AN ACT to repeal the use tax exemption for tangible personal property used in interstate transportation or commerce.

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

1 SECTION 1. Section four hundred twenty-three point four (423.4),
2 Code 1973, is amended by striking subsection two (2).

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the
3 Muscatine Journal, a newspaper published in Muscatine, Iowa, and
4 in the Ames Daily Tribune, a newspaper published in Ames, Iowa.

Approved May 24, 1973.

I hereby certify that the foregoing Act, House File 122, was published in the Muscatine Journal, Muscatine, Iowa, May 29, 1973, and in the Ames Daily Tribune, Ames, Iowa, May 26, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 250

HOMESTEAD AND MILITARY TAX CREDITS

S. F. 265

AN ACT relating to the method of filing reports on homestead tax credits and military service tax credits.

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

1 SECTION 1. Section four hundred twenty-five point four (425.4),
2 Code 1973, is amended to read as follows:

3 **425.4 Certification to treasurer.** All claims which have been
4 allowed by the board of supervisors shall be certified on or before
5 August $\frac{1}{2}$ first, in each year, by the county auditor to the county
6 treasurer, which certificates shall list the name of each owner, legal
7 description of the claimed homestead, and the assessed valuation of
8 said homestead in an amount not to exceed twenty-five hundred dol-
9 lars for each homestead total amount of dollars, listed by taxing dis-
10 trict in the county, due for homestead tax credits claimed and allowed.
11 The county treasurer shall forthwith certify to the department of
12 revenue the total assessed valuation of all homesteads so certified in
13 an amount not to exceed twenty-five hundred dollars for each heme-
14 stead amount of dollars, listed by taxing district in the county, due for
15 homestead tax credits claimed and allowed.

1 SEC. 2. Section four hundred twenty-six A point three (426A.3),
2 Code 1973, is amended to read as follows:

3 **426A.3 Computation by auditor.** On or before August $\frac{1}{2}$ first of
4 each year the county auditor shall certify to the county treasurer all
5 claims for military service tax exemptions which have been allowed by
6 the board of supervisors. Such certificate shall list the name of each
7 owner and the legal description of the property upon which military

8 service tax exemption has been granted, or the nature of the property
 9 upon which such military service tax exemption has been allowed on
 10 property other than real estate total amount of dollars, listed by taxing
 11 district in the county, due for military service tax credits claimed and
 12 allowed. The county treasurer shall forthwith certify to the depart-
 13 ment of revenue the amount of taxes which would be levied upon each
 14 property net in excess of twenty-five mills on each dollar of assessed
 15 valuation, at the regular property rate imposed on other real and per-
 16 sonal property in the taxing district where such military service tax
 17 exemption has been granted, were such property subject to normal
 18 property taxation dollars, listed by taxing district in the county, due
 19 for military service tax credits claimed and allowed.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 251

TAX RELIEF FOR ELDERLY AND DISABLED

S. F. 376

AN ACT to provide property tax relief by providing a reimbursement for property taxes paid and rent constituting property taxes paid for persons sixty-five years of age or totally disabled, providing a penalty, and making an appropriation therefor.

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

1 SECTION 1. Chapter four hundred twenty-five (425), Code 1973,
 2 is amended by adding sections two (2) through twenty-two (22),
 3 inclusive, of this Act.

1 SEC. 2. NEW SECTION. **Additional tax credit.** In addition to the
 2 homestead tax credit allowed under section four hundred twenty-five
 3 point one (425.1), subsections one (1) through four (4), inclusive, of
 4 the Code, persons who own or rent their homesteads and who meet
 5 the qualifications provided in this Act are eligible for an extraordi-
 6 nary property tax reimbursement payable in September, 1974 and
 7 in September of any subsequent year.

1 SEC. 3. NEW SECTION. **Definitions.** As used in this Act, unless
 2 the context otherwise requires:

3 1. "Income" means the sum of Iowa net income as defined in sec-
 4 tion four hundred twenty-two point seven (422.7) of the Code, plus
 5 all of the following to the extent not already included in Iowa net
 6 income: capital gains, alimony, child support money, cash public
 7 assistance and relief, except property tax relief granted under this
 8 Act, the gross amount of any pension or annuity, including but not
 9 limited to railroad retirement benefits, all payments received under
 10 the federal social security act, and all military retirement and vet-
 11 eran's disability pensions, interest received from the state or federal
 12 government or any of its instrumentalities, workmen's compensation,
 13 the gross amount of disability income or "loss of time" insurance,
 14 and that part of net worth considered as income under subsection
 15 two (2) of this section. "Income" does not include gifts from non-
 16 governmental sources, or surplus foods or other relief in kind sup-

17 plied by a governmental agency.

18 2. "Net worth" means the total assets of a person less his total
19 liabilities as of December thirty-first of the base year. The value of
20 property shall be its market value as defined in section four hundred
21 forty-one point twenty-one (441.21) of the Code. For purposes of
22 computing a person's income, ten percent of his net worth exceeding
23 thirty-five thousand dollars shall be considered as income.

24 3. "Household" means a claimant, spouse, and any person related
25 to the claimant or spouse by blood, marriage, or adoption and living
26 with the claimant at any time during the base year. "Living with"
27 refers to domicile and does not include a temporary visit.

28 4. "Household income" means all income of all persons of a house-
29 hold during their respective twelve-month income tax accounting
30 periods ending with or during the base year.

31 5. "Homestead" means the dwelling actually used as a home by the
32 claimant during all or part of the base year, whether owned or
33 rented, and so much of the land surrounding it, not exceeding one
34 acre, as is reasonably necessary for use of the dwelling as a home,
35 and may consist of a part of a multi-dwelling or multi-purpose build-
36 ing and a part of the land upon which it is built. It does not include
37 personal property except that a mobile home may be a homestead.
38 Any dwelling or a part of a multi-dwelling or multi-purpose building
39 which is exempt from taxation shall not qualify as a homestead under
40 the provisions of this Act. A homestead must be located in this state.

41 6. "Claimant" means a person filing a claim for reimbursement
42 under this Act who has attained the age of sixty-five years on or
43 before December thirty-first of the base year, or who is totally dis-
44 abled and was totally disabled on or before December thirty-first of
45 the base year, and was domiciled in this state during the entire base
46 year and is domiciled in this state at the time the claim is filed.
47 "Claimant" includes a vendee in possession under a contract for deed
48 and may include one or more joint tenants or tenants in common.
49 In the case of a claim for rent constituting property taxes paid, the
50 claimant shall have rented the property during any part of the base
51 year. When two persons of a household are able to meet the quali-
52 fications for a claimant, they may determine between them who will
53 be the claimant. If they are unable to agree, the matter shall be
54 referred to the director of revenue not later than July thirty-first of
55 each year and his decision shall be final. If a homestead is occupied
56 by two or more persons, and more than one person is able to qualify
57 as a claimant, and some or all of the qualified persons are not related,
58 the persons may determine among them who will be the claimant.
59 If they are unable to agree, the matter shall be referred to the direc-
60 tor of revenue not later than July thirty-first of each year and his
61 decision shall be final.

62 7. "Totally disabled" means the inability to engage in any sub-
63 stantial gainful employment by reason of any medically determinable
64 physical or mental impairment which can be expected to result in
65 death or which has lasted or is reasonably expected to last for a con-
66 tinuous period of not less than twelve months.

67 8. "Rent constituting property taxes paid" means twenty percent
68 of the gross rent actually paid in cash or its equivalent during the
69 base year by the claimant or his household solely for the right of

70 occupancy of their homestead in the base year, and which rent con-
71 stitutes the basis, in the succeeding year, of a claim for reimburse-
72 ment under this Act by the claimant.

73 9. "Gross rent" means rental paid at arm's length solely for the
74 right of occupancy of a homestead, exclusive of charges for any
75 utilities, services, furniture, furnishings, or personal property appli-
76 ances furnished by the landlord as a part of the rental agreement
77 whether or not expressly set out in the rental agreement. If the
78 director of revenue determines that the landlord and tenant have not
79 dealt with each other at arm's length, and the director of revenue is
80 satisfied that the gross rent charged was excessive, he shall adjust
81 the gross rent to a reasonable amount as determined by the director.
82 If the landlord does not supply the charges for any utilities, services,
83 furniture, furnishings, or personal property appliances furnished by
84 him, or if the charges appear to be incorrect, the director of revenue
85 may apply a percentage determined from samples of similar gross
86 rents paid solely for the right of occupancy.

87 10. "Property taxes paid" means property taxes, exclusive of spe-
88 cial assessments, delinquent interest, and charges for services, paid
89 on a claimant's homestead in this state, but includes only property
90 taxes for which the claimant or a person of his household was liable
91 and which were actually paid by the claimant or a person of his house-
92 hold. If the property taxes have actually been paid, they shall be
93 deemed to have been paid when due, regardless of the date of actual
94 payment. "Property taxes paid" shall be computed with no deduc-
95 tion for any credit under this Act or for any homestead credit allowed
96 under section four hundred twenty-five point one (425.1) of the Code.
97 Claims for property tax reimbursement filed in 1974 shall be based
98 upon the property taxes paid in 1973. Claims for property tax reim-
99 bursement filed in 1975 shall be limited to two-thirds of the property
100 taxes paid in 1974 and the first one-half of 1975. Each year there-
101 after, each claim shall be based upon the taxes paid during the base
102 year. If a homestead is owned by two or more persons as joint ten-
103 ants or tenants in common, and one or more persons are not a mem-
104 ber of claimant's household, "property taxes paid" is that part of
105 property taxes paid on the homestead which equals the ownership
106 percentage of the claimant and his household. The county treasurer
107 shall include with the tax receipt a statement that if the owner of
108 the property is sixty-five years of age or over or is totally disabled,
109 he may be eligible for the credit allowed under this Act. If a claim-
110 ant changes his homestead, this shall not prevent him from filing a
111 claim based on property taxes for which the claimant or a person
112 of his household was liable and which were actually paid by the
113 claimant or a person of his household, but duplication of claims shall
114 not be allowed. If a homestead is an integral part of a farm, the
115 claimant may use the total property taxes paid for the larger unit,
116 but not exceeding forty acres of land. If a homestead is an integral
117 part of a multi-dwelling or multi-purpose building the property
118 taxes paid for the purpose of this subsection shall be prorated to
119 reflect the portion which the value of the property that the household
120 occupies as its homestead is to the value of the entire structure. For
121 purposes of this subsection, "unit" refers to that parcel of property

122 covered by a single tax statement of which the homestead is a part.

123 11. "Base year" means:

124 a. For a claimant filing a claim for rent constituting property taxes
125 paid, the calendar year last ending before the claim is filed.

126 b. For a claimant filing a claim for property taxes paid, the state
127 fiscal year ending in the calendar year in which the claim is filed.

1 SEC. 4. NEW SECTION. **Claim is personal.** The right to file a
2 claim under this Act shall be personal to the claimant and shall not
3 survive his death, but the right may be exercised on behalf of a
4 claimant by his legal guardian or attorney. If a claimant dies after
5 having filed a claim, the amount of the reimbursement may be paid
6 to another member of the household as determined by the director.
7 If the claimant was the only member of his household, the reim-
8 bursement may be paid to his executor or administrator, but if
9 neither is appointed and qualified within one year from the date of
10 the filing of the claim, the reimbursement shall escheat to the state.

1 SEC. 5. NEW SECTION. **Claim and reimbursement.** Subject to
2 the limitations provided in this Act, a claimant may annually claim
3 a reimbursement for property taxes paid or rent constituting prop-
4 erty taxes paid in the base year. The amount of the reimbursement
5 for property taxes paid for a homestead, after audit or certification
6 by the director, shall be paid by joint payee check to the claimant
7 and the treasurer of the county in which the homestead of the claim-
8 ant is located, and the amount of the reimbursement for rent consti-
9 tuting property taxes paid shall be paid to the claimant only, from
10 the state general fund on or before September twenty-fifth of each
11 year commencing in 1974. If the amount of the reimbursement to the
12 claimant and county treasurer exceeds the tax due from the claimant
13 on or about October first, the county treasurer shall credit the re-
14 mainder of the reimbursement to be applied against property tax due
15 from the claimant on or about April first of the next calendar year
16 with any remaining excess to be paid by the county treasurer to the
17 claimant or his agent.

1 SEC. 6. NEW SECTION. **Filing date.** A claim for reimbursement
2 for property taxes paid or rent constituting property taxes paid shall
3 not be paid or allowed, unless the claim is actually filed with and in
4 the possession of the department of revenue on or before July thirty-
5 first of the year following the base year, beginning July 31, 1974.

6 In case of sickness, absence, or other disability of the claimant or
7 if, in the judgment of the director of revenue, good cause exists and
8 the claimant requests an extension prior to August first, the director
9 may extend the time for filing a claim for reimbursement for a period
10 not to exceed three months. The director may also extend the time
11 for filing for all claimants or for any reasonable group or class of
12 claimants for a period not to exceed three months if, in his judgment,
13 good cause exists.

1 SEC. 7. NEW SECTION. **Satisfaction of outstanding tax liabili-**
2 **ties.** The amount of any claim for reimbursement payable under this
3 Act may be applied by the department of revenue against any tax
4 liability outstanding on the books of the department against the

5 claimant, or against a spouse who was a member of the claimant's
6 household in the base year.

1 SEC. 8. NEW SECTION. **One claimant per household.** Only one
2 claimant per household per year shall be entitled to reimbursement
3 under this Act.

1 SEC. 9. NEW SECTION. **Schedule for claims for reimbursement.**
2 The amount of any claim for reimbursement filed under this Act shall
3 be determined as provided in this section.

4 1. The tentative reimbursement shall be the higher of the two
5 amounts determined as follows:

6 a. The amount shall be determined according to the following
7 schedule:

10 11	If the Household Income is:	Percent of Property Taxes Paid or Rent Constituting Property Taxes Paid Allowed As A Reimbursement:
12	\$ 0 - 999.99	95%
13	1,000 - 1,999.99	80
14	2,000 - 2,999.99	65
15	3,000 - 3,999.99	50
16	4,000 - 4,999.99	35
17	5,000 - 5,999.99	25

18 b. If the claim is for property taxes paid, the alternative tentative
19 reimbursement shall be one hundred twenty-five dollars, but not
20 exceeding the amount of property taxes paid in the base year, if both
21 of the following are true:

22 (1) The claimant was entitled to and received the alternative
23 homestead tax credit as provided in section four hundred twenty-five
24 point one (425.1), subsection five (5) of the Code against property
25 taxes paid in the calendar year 1973.

26 (2) The household income is less than four thousand dollars.

27 2. The actual reimbursement for property taxes paid shall be
28 determined by subtracting from the tentative reimbursement the
29 amount of the homestead credit under section four hundred twenty-
30 five point one (425.1) of the Code which was allowed as a credit
31 against property taxes paid in the base year by the claimant or any
32 person of his household. If the subtraction produces a negative
33 amount, there shall be no reimbursement but no refund shall be
34 required. The actual reimbursement for rent constituting property
35 taxes paid shall be equal to the tentative reimbursement.

1 SEC. 10. NEW SECTION. **Maximum property tax.** In any case in
2 which property taxes paid or rent constituting property taxes paid
3 in any base year for any household exceeds six hundred dollars, the
4 amount of property taxes paid or rent constituting property taxes
5 paid shall be deemed to have been six hundred dollars for purposes
6 of this Act.

1 SEC. 11. NEW SECTION. **Administration.** The director of reve-
2 nue shall make available suitable forms with instructions for claim-
3 ants. Each assessor and county treasurer shall make available the
4 forms and instructions. The claim shall be in such form as the direc-

5 tor may prescribe. The director may also devise a tax reimbursement
6 table, with amounts rounded to the nearest whole dollar. Reimburse-
7 ments in the amount of less than one dollar shall not be paid.

1 SEC. 12. NEW SECTION. **Proof of claim.** Every claimant shall
2 give the department of revenue, in support of his claim reasonable
3 proof of:

4 1. Age and total disability, if any;

5 2. Property taxes paid or rent constituting property taxes paid,
6 including the portion of gross rent paid for providing utilities, ser-
7 vices, furniture, furnishings, and personal property appliances, and
8 the name and address of the owner or manager of the property rented
9 and a statement whether the claimant is related by blood, marriage
10 or adoption to the owner or manager of the property rented;

11 3. Homestead credit allowed against property taxes paid;

12 4. Changes of homestead;

13 5. Household membership;

14 6. Household income and a statement of the claimant's net worth
15 above thirty-five thousand dollars;

16 7. Size and nature of property claimed as the homestead; and

17 8. A statement that the property taxes paid and used for purposes
18 of this Act have been or will be paid by him, and that there are no
19 delinquent property taxes on the homestead.

20 9. Any information needed to determine whether the claimant is
21 eligible for the alternative reimbursement under section nine (9),
22 subsection one (1), paragraph b of this Act.

23 The director may require any additional proof necessary to support
24 a claim.

1 SEC. 13. NEW SECTION. **Audit of claim.** If on the audit of any
2 claim for reimbursement under this Act, the director determines the
3 amount of the claim to have been incorrectly calculated or that the
4 claim is not allowable, he shall recalculate the claim and notify the
5 claimant of the recalculation or denial and his reasons for it. The
6 director shall not adjust any claim after three years from July thirty-
7 first of the year in which the claim was filed. If the claim for reim-
8 bursement has been paid, the amount may be recovered by assessment
9 in the same manner that income taxes are assessed under sections
10 four hundred twenty-two point twenty-six (422.26) and four hundred
11 twenty-two point thirty (422.30) of the Code. The recalculation of
12 the claim shall be final unless appealed as provided in section seven-
13 teen (17) of this Act. The provisions of section four hundred twenty-
14 two point seventy (422.70) of the Code shall be applicable with
15 respect to this Act.

1 SEC. 14. NEW SECTION. **Waiver of confidentiality.** A claimant
2 shall expressly waive any right to confidentiality relating to all in-
3 come tax information obtainable through the department of revenue,
4 including all information covered by sections four hundred twenty-
5 two point twenty (422.20) and four hundred twenty-two point
6 seventy-two (422.72) of the Code. This waiver shall apply to infor-
7 mation available to the county or city assessor who shall hold the
8 information confidential except that it may be used as evidence to
9 disallow the credit.

1 **SEC. 15. NEW SECTION. False claim — penalty.** Any person
2 making a false affidavit for the purpose of obtaining reimbursement
3 provided for in this Act or who knowingly receives the reimburse-
4 ment without being legally entitled to it or makes claim for the reim-
5 bursement in more than one county in the state shall be guilty of a
6 misdemeanor, and upon conviction shall be fined not more than one
7 hundred dollars or imprisoned in the county jail for not more than
8 thirty days or be subject to both such fine and imprisonment. An
9 action under this section shall be brought in the county in which the
10 affidavit was filed. The claim for reimbursement shall be disallowed
11 in full and if the claim has been paid the amount may be recovered
12 by assessment in the manner that income taxes are assessed pursuant
13 to sections four hundred twenty-two point twenty-six (422.26) and
14 four hundred twenty-two point thirty (422.30) of the Code. The
15 director of revenue shall send a notice of disallowance of the claim.

1 **SEC. 16. NEW SECTION. Notices.** Section four hundred twenty-
2 two point fifty-seven (422.57), subsection one (1) of the Code shall
3 apply to all notices under this Act.

1 **SEC. 17. NEW SECTION. Appeals.** Any person aggrieved by an
2 act or decision of the director of revenue or the department of reve-
3 nue under this Act shall have the same rights of appeal and review
4 as provided in sections four hundred twenty-one point one (421.1)
5 and four hundred twenty-two point fifty-three (422.53) of the Code
6 and the rules of the department of revenue.

1 **SEC. 18. NEW SECTION. Disallowance of certain claims.** A claim
2 for reimbursement shall be disallowed if the department finds that
3 the claimant or a person of his household received title to his home-
4 stead primarily for the purpose of receiving benefits under this Act.

1 **SEC. 19. NEW SECTION. Rent increase—request and order for**
2 **reduction.** If upon petition by a claimant the department of revenue
3 determines that a landlord has increased the claimant's rent primar-
4 ily because the claimant is eligible for reimbursement under this Act,
5 the department of revenue shall request the landlord by certified mail
6 to reduce the rent appropriately.

7 In determining whether a landlord has increased a claimant's rent
8 primarily because the claimant is eligible for reimbursement under
9 this Act, the department of revenue shall consider the following
10 factors:

- 11 1. The amount of the increase in rent.
- 12 2. If the landlord operates other rental property, whether a similar
13 increase was imposed on the other rental property.
- 14 3. Increased or decreased costs of materials, supplies, services, and
15 taxes in the area.
- 16 4. The time the rent was increased.
- 17 5. Other relevant factors in each particular case.

18 If the landlord fails to comply with the request of the department
19 of revenue within fifteen days after the request is mailed by the de-
20 partment, the department of revenue shall order the rent reduced by
21 an appropriate amount.

1 **SEC. 20. NEW SECTION. Hearings and appeals.** If the depart-
2 ment of revenue orders a landlord to reduce rent to a claimant, then
3 upon the request of the landlord the department of revenue shall hold
4 a prompt hearing of the matter, to be conducted in accordance with
5 the rules of the department. The department of revenue shall give
6 notice of the decision by certified mail to the claimant and to the
7 landlord.

8 The claimant and the landlord shall have the rights of appeal and
9 review as provided in section seventeen (17) of this Act.

1 **SEC. 21. NEW SECTION. Defense to action for nonpayment of**
2 **rent.** It is an affirmative defense to any action by a landlord based
3 upon nonpayment or partial payment of rent that the landlord in-
4 creased the rent primarily because the tenant had received, or was
5 eligible for, reimbursement under this Act.

1 **SEC. 22. NEW SECTION. Discrimination in rentals or rent charges.**
2 Discrimination by a landlord in the rental of or in rent charges for a
3 homestead because the tenant has received or is eligible for reim-
4 bursement under this Act is a misdemeanor and the punishment shall
5 be the same as provided in section fifteen (15) of this Act.

1 **SEC. 23. NEW SECTION. Rules.** The director of revenue shall
2 adopt rules in accordance with chapter seventeen A (17A) of the
3 Code for the interpretation and proper administration of this Act,
4 including rules to prevent and disallow duplication of benefits and to
5 prevent any unreasonable hardship or advantage to any person.

1 **SEC. 24. NEW SECTION.**

2 1. Any person who is entitled to the alternative homestead tax
3 credit as provided in section four hundred twenty-five point one
4 (425.1), subsection five (5) of the Code and who properly applies for
5 the credit on or before July 1, 1973, shall be allowed the credit against
6 taxes on the eligible homestead payable in the extended fiscal year
7 beginning January 1, 1974 and ending June 30, 1975, in an amount
8 equal to one hundred twenty-five dollars, except that the credit shall
9 not exceed two-thirds of the amount of the property taxes payable
10 on the homestead in the extended fiscal year.

11 2. The credits referred to in subsection one (1) of this section shall
12 be the final credits allowed under section four hundred twenty-five
13 point one (425.1), subsection five (5) of the Code, and thereafter no
14 credit shall be allowed thereunder.

15 3. Credits allowed under section four hundred twenty-five point
16 one (425.1), subsection five (5) of the Code against taxes payable in
17 1973 or in the extended fiscal year beginning January 1, 1974 and
18 ending June 30, 1975, shall be subtracted in determining reimburse-
19 ment under this Act as provided in section nine (9), subsection two
20 (2) of this Act.

1 **SEC. 25. NEW SECTION. Fund created—appropriation.** There is
2 appropriated annually from the general fund of the state to the
3 department of revenue to be credited to the extraordinary property
4 tax reimbursement fund, which fund is hereby created, funds not
5 otherwise appropriated, an amount sufficient to carry out the provi-
6 sions of this Act.

- 1 SEC. 26. Effective December 31, 1973, section four hundred
 2 twenty-five point one (425.1), Code 1973, is amended by striking
 3 subsection five (5).

Approved July 19, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 252

ELECTRIC UTILITIES UNDER JOINT OWNERSHIP

S. F. 516

AN ACT to provide for the assessment and taxation of the property of municipally-owned electric utilities held under joint ownership.

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

- 1 SECTION 1. Section four hundred twenty-seven point one (427.1),
 2 subsection two (2), Code 1973, is amended to read as follows:
 3 2. Municipal and military property. The property of a county,
 4 township, city, town, school corporation, levee district, drainage dis-
 5 trict or military company of the state of Iowa, when devoted to public
 6 use and not held for pecuniary profit *except property of a municipally-*
 7 *owned electric utility held under joint ownership which shall be subject*
 8 *to assessment and taxation under provisions of chapters four hundred*
 9 *twenty-eight (428) and four hundred thirty-seven (437) of the Code.*

Approved July 18, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 253

CEMETERY EXEMPTION FROM TAXES

H. F. 208

AN ACT relating to the property tax exemption for property owned by cemetery associations.

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

- 1 SECTION 1. Section four hundred twenty-seven point one (427.1),
 2 subsection seven (7), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:
 4 7. Property of cemetery associations. Burial grounds, mausoleums,

5 buildings and equipment owned and operated by nonprofit cemetery
6 associations and used exclusively for the maintenance and care of the
7 cemeteries devoted to interment of human bodies and human remains.

Approved April 6, 1973.

CHAPTER 254

LIVESTOCK TAX EXEMPTION

S. F. 571

AN ACT to exempt from taxation all livestock valued and assessed on January 1, 1973, for which taxes would otherwise be due in 1974 and succeeding years and making an appropriation.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),
2 subsection thirteen (13), Code 1973, is amended to read as follows:
3 13. Agricultural produce. Growing agricultural and horticultural
4 crops and products, except commercial orchards and vineyards, and all
5 horticultural and agricultural produce harvested by or for the person
6 assessed within one year previous to the listing, all wool shorn from
7 his sheep within such time, all poultry, ten stands of bees, honey and
8 beeswax produced during that time and remaining in the possession
9 of the producer, ~~all swine and sheep under nine months of age,~~ and all
10 ~~other livestock and fur-bearing animals under one year of age.~~

1 SEC. 2. Section four hundred twenty-seven point thirteen (427.13),
2 Code 1973, is amended by striking subsections two (2) and three (3).

1 SEC. 3. Acts of the General Assembly, 1970 Session of the Sixty-
2 third General Assembly, Chapter twelve hundred five (1205), Section
3 twenty-two (22), is repealed.

1 SEC. 4. Chapter four hundred twenty-seven (427), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION.

4 1. The personal property tax levied on all livestock assessed for
5 taxation as of January 1, 1973, shall not be collected in 1974, or any
6 subsequent year, from the owners of the livestock or from those hav-
7 ing liability for the payment of the tax.

8 2. A tax credit shall be allowed each taxing district in the state
9 for each head of livestock that was assessed as of January 1, 1973.
10 The tax credit shall commence and be effective for the tax year 1974
11 and each year thereafter based upon the livestock assessed as of Jan-
12 uary 1, 1973.

13 3. On or before January 15, 1974, the county auditor of each county
14 shall prepare a statement listing for each taxing district in the county
15 the assessed or taxable values of all livestock assessed for taxation

16 as of January 1, 1973. The statement shall also show the tax rates
17 of the various taxing districts and the total amount of taxes which in
18 the absence of this Act would have been levied upon livestock assessed
19 as of January 1, 1973. The county auditor shall certify and forward
20 copies of the statement to the director of revenue not later than Jan-
21 uary 15, 1974. The director of revenue shall compute the applicable
22 tax credit and certify to the state comptroller the amount due to each
23 taxing district, which amount shall be the dollar amount which would
24 be payable if all livestock so assessed were taxed, based upon those
25 assessed as of January 1, 1973.

26 4. The amounts due each taxing district shall be paid on warrants
27 payable to the respective county treasurers in two equal payments by
28 the state comptroller on March fifteenth and September fifteenth of
29 each year with the first payment starting March 15, 1974. The county
30 treasurer shall apportion the proceeds to the various taxing districts
31 in the county.

32 5. In the event that the amount appropriated for reimbursement
33 of the taxing districts is insufficient to pay in full the amounts due
34 to each of the taxing districts, then the amount of each payment shall
35 be reduced by the director of revenue according to the ratio that the
36 total amount of funds to be paid to each taxing district bears to the
37 total amount to be paid to all taxing districts in the state.

1 SEC. 5. Section four hundred forty-two point two (442.2), Code
2 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. The amount paid to each school
5 district for the tax credit for livestock under this Act shall be re-
6 garded as property tax. The portion of the payment which is founda-
7 tion property tax shall be determined by applying the foundation
8 property tax millage rate to the taxable value of livestock assessed
9 for taxation in the district as of January 1, 1973, determined pursu-
10 ant to this Act.

1 SEC. 6. NEW SECTION. There is appropriated from the general
2 fund of the state of Iowa to the state comptroller for the fiscal year
3 beginning July 1, 1973, and ending June 30, 1974, the sum of four
4 million (4,000,000) dollars, or so much thereof as may be neces-
5 sary, and for each succeeding fiscal year the sum of eight million
6 (8,000,000) dollars, or so much thereof as may be necessary, to carry
7 out the provisions of section four (4) of this Act.

Approved July 13, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 255

PERSONAL PROPERTY TAX CREDIT

H. F. 740

AN ACT relating to the personal property tax credit, establishing the personal property tax replacement fund and making an appropriation thereto, and relating to debt limitations for municipalities, political subdivisions, school districts and taxing districts.

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

1 SECTION 1. Chapter four hundred twenty-seven A (427A), Code
2 1973, is amended by adding the following new sections:

3 NEW SECTION. Each taxpayer entitled to the personal property
4 tax credit granted pursuant to sections four hundred twenty-seven
5 A point one (427A.1) through four hundred twenty-seven A point
6 five (427A.5) of this chapter is granted an additional personal prop-
7 erty tax credit against the taxpayer's assessed value of personal
8 property which would otherwise be taxable in the tax year.

9 The amount of the additional personal property tax credit shall
10 be a fixed amount for each tax year. The amount of the additional
11 personal property tax credit shall be increased for the extended
12 tax year beginning January 1, 1974 and ending June 30, 1975 and
13 shall be increased for each tax year immediately following a tax
14 year in which the growth of state general fund revenues, adjusted
15 for changes in rate or basis, exceeds five and one-half percent. An
16 increase in the additional personal property tax credit, once granted,
17 shall continue for each succeeding tax year. For the purposes of
18 this chapter the state comptroller may estimate the state percent of
19 growth if necessary to avoid delay in the collection of taxes. After
20 nine such increases have been made, all taxes on personal property
21 shall be repealed as provided in the following section. The director
22 of revenue and the state comptroller, jointly, shall determine the
23 amount of the credit for each such tax year. Such amount shall be
24 the maximum amount, rounded to the nearest ten dollars, which will
25 permit complete funding of the replacement obligation under this
26 Act, including the replacement obligation for the tax credit granted
27 pursuant to sections four hundred twenty-seven A point one
28 (427A.1) through four hundred twenty-seven A point five (427A.5)
29 of this chapter, out of the appropriation provided in this chapter.

30 As used in this Act "additional personal property tax credit"
31 means the additional personal property tax credit granted pursuant
32 to this section.

33 As used in this Act "tax year" means the year in which taxes are
34 payable.

35 No application shall be required for the additional personal prop-
36 erty tax credit. The assessor and county auditor shall take all
37 necessary action to assure that each taxpayer receives the credit.

38 NEW SECTION. Effective on July first after the tax year in which
39 the ninth increase in the additional personal property tax credit be-
40 comes effective, all taxes on personal property as defined in section
41 four hundred twenty-seven A point one (427A.1) of the Code are
42 repealed, and personal property shall not thereafter be listed or
43 assessed. This section shall prevail over all inconsistent statutes.

44 NEW SECTION. For each annual assessment of personal property
45 through the final assessment, the total assessed value of all personal
46 property in each assessing jurisdiction shall not exceed the total
47 assessed value of all personal property in the assessing jurisdiction
48 as of January 1, 1973, excluding livestock. The assessor shall deter-
49 mine the tentative assessed value of all taxable personal property
50 in accordance with chapter four hundred forty-one (441) of the
51 Code. If the total tentative assessed value exceeds the limitation
52 established by this section, the assessor shall reduce the tentative
53 assessed value of each taxpayer's personal property by the same
54 percentage, so that the total assessed value of all personal property
55 in the assessing jurisdiction shall be equal to the total assessed value
56 of all personal property in the assessing jurisdiction as of January
57 1, 1973, excluding livestock. This section shall prevail over all in-
58 consistent statutes.

59 NEW SECTION.

60 1. A personal property tax replacement fund is established as a
61 permanent fund in the office of the treasurer of state, for the pur-
62 pose of reimbursing the taxing districts for their loss of revenue
63 from personal property taxes due to the provisions of this chapter,
64 determined as provided in this section.

65 2. On or before January 15, 1974, the county auditor of each
66 county shall prepare a statement listing for each taxing district in
67 the county:

68 a. The total assessed value of all personal property assessed for
69 taxation as of January 1, 1973, excluding livestock but including
70 other personal property eligible for tax credits granted by this chap-
71 ter.

72 b. The millage rate of each taxing district levied in 1972 and pay-
73 able in 1973.

74 c. The personal property tax replacement base for each taxing
75 district, which shall be equal to the amount determined pursuant to
76 paragraph a of this subsection multiplied by the millage rate speci-
77 fied in paragraph b of this subsection.

78 3. The county auditor shall certify and forward one copy each of
79 the statement to the state comptroller and to the director of revenue
80 not later than January 15, 1974. The director of revenue shall make
81 any necessary corrections and certify to the state comptroller the
82 amount of the personal property tax replacement base for each taxing
83 district in the state, determined pursuant to subsection two (2) of
84 this section.

85 4. The personal property tax replacement base for each taxing
86 district shall be permanent and shall not be adjusted, except that
87 the state comptroller shall make any necessary corrections and shall
88 make appropriate adjustments to reflect mergers, annexations, and
89 other changes in taxing districts or their boundaries.

90 5. For each state fiscal year ending with or before the year in
91 which the ninth increase in the additional personal property tax
92 credit under this Act becomes effective, each taxing district shall be
93 reimbursed from the personal property tax replacement fund in an
94 amount equal to its personal property tax replacement base multi-
95 plied by a fraction the numerator of which is the total assessed value
96 of all personal property, excluding livestock, in the taxing district on

97 which taxes are not payable during such fiscal year because of the
98 various tax credits granted by this chapter, and the denominator of
99 which is the total assessed value of all personal property in the taxing
100 district, excluding livestock but including other personal property
101 eligible for tax credits granted by this chapter. For the half year
102 beginning January 1, 1974 and ending June 30, 1974, the amount of
103 reimbursement shall be half the amount determined pursuant to this
104 subsection. The county auditor shall certify and forward to the
105 state comptroller and the director of revenue, at the times and in
106 the form directed by the director of revenue, any information needed
107 for the purposes of this paragraph. The director of revenue shall
108 make any necessary corrections and certify the appropriate informa-
109 tion to the state comptroller.

110 6. For each state fiscal year beginning after the year in which
111 the ninth increase in the additional personal property tax credit
112 under this Act becomes effective, each taxing district shall be reim-
113 bursed from the personal property tax replacement fund in an
114 amount equal to its personal property tax replacement base.

115 7. The amount due each taxing district shall be paid in the form
116 of warrants payable to the respective county treasurers by the state
117 comptroller in two equal payments on September fifteenth and March
118 fifteenth of each fiscal year. The first payment shall be made on
119 March 15, 1974. The county treasurer shall pay the proceeds
120 to the various taxing districts in the county.

121 8. It is the intent of the general assembly that the amounts appro-
122 priated by this Act shall be sufficient to pay in full the amounts due
123 to all taxing districts. If, for any fiscal year the amount appropr-
124 iated to the personal property tax replacement fund is insufficient to
125 pay in full the amounts due to all taxing districts, then the amount
126 of each payment shall be reduced by the same percentage, so that
127 the aggregate payments to all taxing districts shall be equal to the
128 amount appropriated for such payments.

129 **NEW SECTION.** There is hereby appropriated from the general
130 fund of the state of Iowa to the personal property tax replacement
131 fund the following sums, or so much thereof as may be necessary,
132 to carry out the provisions of this chapter as amended by this Act.
133 For the fiscal year beginning July 1, 1973 and ending June 30, 1974,
134 there is appropriated the sum of thirty-one million nine hundred
135 thousand (31,900,000) dollars. For the fiscal year beginning July 1,
136 1974 and ending June 30, 1975, and each succeeding fiscal year,
137 there is appropriated the sum of thirty-five million seven hundred
138 thousand (35,700,000) dollars. For each fiscal year for which an
139 increase in the additional personal property tax credit becomes effec-
140 tive as provided in this Act, the appropriation under this section shall
141 be increased by three million eight hundred thousand (3,800,000)
142 dollars, and such increased appropriation shall continue for each
143 succeeding fiscal year. For the fiscal year for which the ninth
144 increase in the additional personal property tax credit becomes effec-
145 tive as provided in this Act, and for each succeeding fiscal year, the
146 total appropriation shall be sixty-eight million (68,000,000) dollars
147 per year.

1 SEC. 2. Section four hundred twenty-seven A point three
2 (427A.3), Code 1973, is amended by striking everything after un-
3 numbered paragraph one (1).

1 SEC. 3. Section four hundred twenty-seven A point six (427A.6),
2 Code 1973, is amended to read as follows:
3 427A.6 **Listing by auditor.** On or before January 1 of each year,
4 the auditor of each county shall prepare a statement listing for each
5 taxing district in the county all personal property upon which taxes
6 shall not be collected due to the tax credit granted in this chapter.
7 The statement shall show the tax rates of the various taxing dis-
8 tricts and the total amount of taxes which shall not be collected in
9 each district because of the tax credit. The auditor shall certify and
10 forward one copy each of the statement to the state comptroller and
11 to the department of revenue on or before January 15 of such year.
12 The department of revenue shall have the responsibility of auditing
13 credits allowed in all counties in the state, *and the assessed values*
14 *and assessment practices which affect the amounts of credits* and
15 such audit shall be completed within eighteen months from July 1
16 of the year the claims were filed. A copy of the audit containing dis-
17 allowed credits shall be sent to the county auditor, the county treas-
18 urer and state comptroller, and such individuals shall be directed to
19 correct their books and records accordingly. The amount of such
20 erroneous credit shall be charged to the county by the state comp-
21 troller. The director of revenue shall be authorized and directed to
22 disallow any claim where the audit or investigation revealed that the
23 claimant was not entitled to the credit claimed. Persons and business
24 enterprises may appeal any disallowed personal property credit to the
25 state board of tax review.

1 SEC. 4. Effective January 1, 1974, sections four hundred twenty-
2 seven A point seven (427A.7) and four hundred twenty-seven A
3 point eight (427A.8), Code 1973, are repealed.

1 SEC. 5. Section four hundred forty-two point two (442.2), Code
2 1973, is amended by adding the following new paragraph:
3 **NEW PARAGRAPH.** The amount paid to each school district from
4 the personal property tax replacement fund established by this Act
5 shall be regarded as property tax. For budget years beginning after
6 the year in which the ninth increase in the additional personal prop-
7 erty tax credit become effective as provided in this Act, the portion
8 of the payment which is foundation property tax shall be deter-
9 mined by applying the foundation property tax millage rate to the
10 total assessed value of all personal property assessed for taxation
11 in the district as of January 1, 1973, excluding livestock, but includ-
12 ing other personal property eligible for tax credits granted by chap-
13 ter four hundred twenty-seven A (427A) of the Code as amended by
14 this Act. For budget years to and including the year in which the
15 ninth increase in the additional personal property tax credit becomes
16 effective as provided in this Act, the portion of the payment which is
17 foundation property tax shall be determined by the state comptroller
18 pursuant to uniform methods established by him.

1 SEC. 6. NEW SECTION. For the purposes of computing all debt
 2 limitations for municipalities, political subdivisions, school districts
 3 and taxing districts with respect to any debt incurred or proposed to
 4 be incurred after July 1, 1973, the actual value of all personal prop-
 5 erty as defined in section four hundred twenty-seven A point one
 6 (427A.1) of the Code shall not exceed its actual value as of Janu-
 7 ary 1, 1973.

Approved July 21, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 256

ELECTRIC POWER PLANTS

S. F. 557

AN ACT providing a method of apportionment of valuation of electric power generating plants of more than twelve million dollars in taxable valuation.

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

1 SECTION 1. Chapter four hundred twenty-eight (428), Code 1973,
 2 is amended by adding the following new section:
 3 NEW SECTION. 1. As used in this section, unless the context other-
 4 wise requires:
 5 a. "Taxable value" means twenty-seven percent of the actual value
 6 of an electric power generating plant.
 7 b. "Electric power generating plant" means each taxable name
 8 plate rated electric power generating plant owned solely or jointly by
 9 any person in which electrical energy is produced from other forms
 10 of energy, including all equipment used in the production of such en-
 11 ergy through its step-up transformer.
 12 c. "Electric operating property" means all electric property be-
 13 longing to such owner, as determined by the department of revenue
 14 and assessed by it under chapter four hundred twenty-eight (428)
 15 and chapter four hundred thirty-seven (437) of the Code, except elec-
 16 tric power generating plants.
 17 2. Notwithstanding sections four hundred twenty-eight point twen-
 18 ty-five (428.25) and four hundred twenty-eight point twenty-seven
 19 (428.27) of the Code, the taxable value of an electric power generating
 20 plant placed in commercial service after December 31, 1972, shall be
 21 apportioned by the director of revenue, commencing with the year
 22 1973, as follows:
 23 a. The first twelve million dollars of taxable value shall be appor-
 24 tioned to the taxing districts in which each such electric power gen-
 25 erating plant is situated.
 26 b. The remaining taxable value shall be apportioned to each taxing
 27 district in which electric operating property of the owner thereof is
 28 located, in the ratio that the actual value of that part of such owner's
 29 electric operating property which is located in the affected taxing
 30 district bears to the total actual value of the electric operating prop-
 31 erty of such owner located in the state. If the owner has no taxable
 32 property in this state other than the electric power generating plant

33 which is assessed, then the remainder shall be assessed and levied on
 34 at the current rate of the taxing district in which the plant is located.
 35 Tax moneys received from such remainder assessments and levies
 36 shall be paid to the county treasurer, who shall pay such tax moneys
 37 to the treasurer of state not later than fifteen days from the date the
 38 moneys are received by the county treasurer for deposit in the gen-
 39 eral fund of the state.

40 c. Notwithstanding the provisions of paragraph b of this subsection,
 41 if the owner is a municipal electric utility, the remaining taxable value
 42 shall be allocated to each taxing district in which the municipal elec-
 43 tric utility is serving customers and has electric meters in operation in
 44 the ratio that the number of operating electric meters of the municipi-
 45 pal electric utility located in the taxing district bears to the total num-
 46 ber of operating electric meters of the municipal electric utility in
 47 the state as of January first of the calendar year in which the assess-
 48 ment is made. If the municipal electric utility has no operating elec-
 49 tric meters in this state, then the remainder shall be assessed and
 50 levied on at the current rate of the taxing district in which the elec-
 51 tric power generating plant is located. Tax moneys received from
 52 such remainder assessment and levies shall be paid to the county
 53 treasurer, who shall pay such tax moneys to the treasurer of state not
 54 later than fifteen days from the date the tax moneys are received by
 55 the county treasurer for deposit in the general fund of the state.

56 All municipal electric utilities which shall have taxable value ap-
 57 portioned under this section shall, annually on or before the first day
 58 of May of each calendar year, make a report listing the total operat-
 59 ing meters of the municipal electric utility in each taxing district it
 60 serves as of the first day of January of each calendar year on forms
 61 provided by the department of revenue.

62 d. If an electric power generating plant is jointly owned by two or
 63 more owners, each owner's pro rata share of the first twelve million
 64 dollars of taxable value shall be apportioned to the taxing district or
 65 districts in which such plant is situated. Each owner's pro rata share
 66 of the remainder of such taxable value shall be allocated as provided
 67 in paragraphs b and c of this subsection, whichever is applicable.

Approved July 18, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 257

MARINE INSURANCE TAXATION

S. F. 123

AN ACT relating to the taxation of marine insurance underwriting profits.

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

1 SECTION 1. NEW SECTION. Every insurer authorized to do the
 2 business of selling marine insurance in this state, as authorized in
 3 section five hundred fifteen point forty-eight (515.48) of the Code,
 4 shall, with respect to all insurance written within this state upon
 5 hulls, freights, or disbursements, or upon goods, wares, merchandise
 6 and all other personal property and interests therein, in the course of

7 exportation from or importation into any country, or transportation
8 coastwise including transportation by land or water from point of
9 origin to final destination in respect to or appertaining to or in con-
10 nection with, any and all risks or perils of navigation, transit or
11 transportation and upon the property while being prepared for and
12 while awaiting shipment, and during any delays, storage, transship-
13 ment or reshipment incident thereto, including war risks and marine
14 builder's risks, pay a tax of six and one-half percent on its taxable
15 underwriting profit ascertained as provided in section two (2) of this
16 Act, from such insurance written within this state.

1 SEC. 2. NEW SECTION. The underwriting profit on such insur-
2 ance written within this state shall be that proportion of the total
3 underwriting profit of such insurer from such insurance written
4 within the United States which the amount of net premiums of such
5 insurer from such insurance written within this state bears to the
6 total amount of net premiums of such insurer from such insurance
7 written within the United States.

1 SEC. 3. NEW SECTION. The underwriting profit of such insurer
2 on such insurance written within the United States shall be deter-
3 mined by deducting from the net earned premiums on such ocean
4 marine insurance written within the United States during the taxable
5 year which is the calendar year preceding the date on which such tax
6 is due, the following items:

7 1. Net losses incurred, which means gross losses incurred during
8 such calendar year under ocean marine insurance contracts written
9 within the United States, less reinsurance claims collected or collect-
10 ible and less net salvages or recoveries collected or collectible from any
11 source applicable to the corresponding losses under such contracts.

12 2. Net expenses incurred in connection with such ocean marine con-
13 tracts, including all state and federal taxes in connection therewith,
14 but in no event shall the aggregate amount of such net expenses de-
15 ducted exceed forty percent of the net premiums on such ocean marine
16 insurance contracts, ascertained as provided in section four (4) of this
17 Act.

18 3. Net dividends paid or credited to policyholders on such ocean
19 marine insurance contracts.

1 SEC. 4. NEW SECTION. In determining the amount of the tax
2 imposed by this Act, net earned premiums on ocean marine insurance
3 contracts written within the United States during the taxable year
4 shall be arrived at by deducting from gross premiums written on such
5 contracts during the taxable year all return premiums, premiums on
6 policies not taken, premiums paid for reinsurance of such contracts
7 and net unearned premiums on all such outstanding contracts at the
8 end of the taxable year, and adding to such amount net unearned pre-
9 miums on such outstanding marine insurance contracts at the end of
10 the calendar year preceding the taxable year.

1 SEC. 5. NEW SECTION. In determining the amount of the tax
2 imposed by this Act, net expenses incurred shall be determined as the
3 sum of the following:

4 1. Specific expenses incurred on such ocean marine insurance busi-
5 ness, consisting of all commissions, agency expenses, taxes, licenses,
6 fees, loss adjustment expenses, and all other expenses incurred directly
7 and specifically in connection with such business, less recoveries or
8 reimbursements on account of or in connection with such commissions
9 or other expenses collected or collectible because of reinsurance or
10 from any other source.

11 2. General expenses incurred on such ocean marine insurance busi-
12 ness, consisting of that proportion of general or overhead expenses
13 incurred in connection with such business which the net premiums on
14 such ocean marine insurance written during the taxable year bear to
15 the total net premiums written by such insurer from all classes of
16 insurance written by it during the taxable year. Within the meaning
17 of this subsection, general or overhead expenses shall include salaries
18 of officers and employees, printing and stationery, all taxes of this
19 state and of the United States, except as included in subsection one
20 (1) of this section, and all other expenses of such insurer, not included
21 in subsection one (1) of this section, after deducting expenses spe-
22 cifically chargeable to any or all other classes of insurance business.

1 SEC. 6. NEW SECTION. In determining the amount of the tax
2 imposed by this Act, the taxable underwriting profit of such insurer
3 on such ocean marine insurance business written within this state,
4 shall be ascertained as follows:

5 1. In the case of every such insurer which has written any such
6 business within this state during three calendar years immediately
7 preceding the year in which such taxes were payable, the taxable
8 underwriting profit shall be determined by adding or subtracting, as
9 the case may be, the underwriting profit or loss on all such insurance
10 written within the United States, ascertained as hereinbefore pro-
11 vided, for each of such three years and dividing by three.

12 2. In the case of every such insurer other than as specified in sub-
13 section one (1) of this section such taxable underwriting profit, if
14 any, shall be the underwriting profit, if any, on such ocean marine
15 insurance business written within this state during the taxable year,
16 ascertained as hereinbefore provided, but after such insurer has writ-
17 ten such ocean marine insurance business within this state during
18 three calendar years, an adjustment shall be made on the three-year
19 average basis by ascertaining the amount of tax payable in accordance
20 with subsection one (1) of this section.

1 SEC. 7. NEW SECTION. The tax imposed by this Act shall be paid
2 annually, on or before the first day of June, by every insurer author-
3 ized to do the business of marine insurance in this state during any
4 one or more of the preceding three calendar years, and the calendar
5 year next preceding such June first shall be deemed the taxable year
6 within the meaning of this section.

1 SEC. 8. NEW SECTION. Every insurer liable to pay the tax shall,
2 on or before June first of each year, file with the commissioner of
3 insurance a tax return in accordance with or upon forms prescribed
4 by the commissioner of insurance. The tax shown to be due, if any,
5 shall be paid to the director of revenue who shall issue to the insurer
6 a receipt in duplicate, one of which shall be filed with the commissioner

7 of insurance before issuance of the annual certificate as provided by
8 law.

1 SEC. 9. NEW SECTION. The tax imposed by this Act shall be paid
2 upon the marine underwriting profits, if any, upon all marine insur-
3 ance business written in this state during the calendar year nineteen
4 hundred seventy-three and each calendar year thereafter. The tax on
5 gross premiums under section four hundred thirty-two point one
6 (432.1) of the Code shall not be levied on marine insurance premiums
7 reportable in a tax return prescribed by the commissioner of insurance
8 to record taxable underwriting profit, if any, defined herein. The tax
9 return required shall be in lieu of all other tax requirements imposed
10 by section four hundred thirty-two point one (432.1) of the Code.

1 SEC. 10. Section four hundred thirty-two point one (432.1), sub-
2 section two (2), Code 1973, is amended to read as follows:

3 2. Two percent of gross amount of premiums, assessments, and fees
4 received during the preceding calendar year by every company or
5 association other than life on contracts of insurance other than life
6 for business done in this state, including all insurance upon property
7 situated in this state, after deducting the amounts returned upon can-
8 celed policies, certificates and rejected applications *but not including*
9 *the gross premiums, assessments and fees in connection with ocean*
10 *marine insurance authorized in section five hundred fifteen point forty-*
11 *eight (515.48) of the Code.*

Approved May 25, 1973.

CHAPTER 258

SCHOOL FOUNDATION PROGRAM

H. F. 359

AN ACT amending the state school foundation program by providing that special methods of computing state school foundation aid will be continued for only two years, providing two alternate dates for determining enrollment, including in enrollment certain pupils for which the school district pays tuition to attend an Iowa area school, excluding pupils attending a university laboratory school from any district's enrollment, defining miscellaneous income and other terms, adding new definitions, excluding miscellaneous income from certain computations, limiting proposed and actual expenditures, establishing state percent of growth at five percent for the school year beginning July 1, 1973, limiting state percent of growth to a maximum of five percent for the school year beginning July 1, 1974, providing greater equalization by increasing the allowable growth for districts whose district cost per pupil is below state cost per pupil, establishing the state cost per pupil for certain years, requiring the use of budget amounts rather than actual expenditures for certain computations, revising the determination of district cost, district cost per pupil, and the additional school district property tax levy, revising and clarifying the duties and powers of the school budget review committee, requiring the school budget review committee to permit or increase allowable growth in certain hardship situations related to the exclusion of miscellaneous income from certain computations, permitting the school budget review committee to establish a modified allowable growth, to authorize certain expenditures by a school district, or to authorize a limited tax levy for one year under certain conditions, or to grant supplemental aid from funds appropriated for this purpose, revising the procedures for establishing, increasing, or continuing a school district income surtax, repealing

the requirement for a tentative budget, repealing chapter two hundred eighty-four (284), Code 1973, and making related technical and procedural changes.

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

1 SECTION 1. Section four hundred forty-two point one (442.1),
2 Code 1973, is amended to read as follows:

3 442.1 **State school foundation program.** This chapter establishes
4 a state school foundation program. For each school year, each school
5 district in the state is entitled to receive state school foundation aid,
6 which shall be an amount per pupil ~~in fall enrollment~~ equal to the
7 difference between the amount per pupil ~~in fall enrollment~~ of founda-
8 tion property tax ~~plus miscellaneous income~~ in the district, and the
9 state foundation base or the district cost per pupil, whichever is less.
10 However, *for the school years beginning July 1, 1973, and July 1,*
11 *1974, only*, if the amount so determined for any district is less than
12 two hundred dollars per pupil ~~in fall enrollment~~, the district is
13 entitled to receive not less than two hundred dollars per pupil ~~in fall~~
14 ~~enrollment~~ except when a district's total general fund millage rate
15 ~~for any school year~~, is reduced to ninety percent *or less* of the dis-
16 trict's total general fund millage rate for the school year beginning
17 July 1, 1970. In this case the district is entitled to receive only that
18 portion of the two hundred dollars per pupil necessary to retain that
19 ten percent reduction. *In making computations and payments under*
20 *this chapter, the state comptroller shall round amounts to the nearest*
21 *whole dollar.*

1 SEC. 2. Section four hundred forty-two point three (442.3), Code
2 1973, is amended to read as follows:

3 442.3 **State foundation base.** The state foundation base for the
4 school year beginning July 1, 1972, is seventy percent of the state
5 cost per pupil. For each succeeding school year the state foundation
6 base shall be increased by the amount of one percent of the state cost
7 per pupil, up to a maximum of eighty percent of the state cost per
8 pupil. The district foundation base is the larger of the state founda-
9 tion base or the amount per pupil ~~in fall enrollment~~ which the district
10 will receive from foundation property tax, ~~miscellaneous income~~, and
11 state school foundation aid.

1 SEC. 3. Section four hundred forty-two point four (442.4), Code
2 1973, is amended to read as follows:

3 442.4 **Fall Enrollment.** *Fall* ~~Except as otherwise provided in this~~
4 ~~section~~, enrollment shall be determined by adding the resident pupils
5 ~~and the out-of-state pupils~~ who are enrolled on the second Friday
6 ~~of September of each year of January in the base year or the second~~
7 ~~Friday of September in the budget year, whichever number is larger,~~
8 in public elementary and secondary schools of the district, in public
9 elementary and secondary schools in another district or state for
10 which tuition is paid by the district, and in special education pro-
11 grams for which tuition is paid by the district whether the special
12 education program is conducted by a county board of education or an-
13 other school district. *The September enrollment may be estimated for*
14 *budget purposes but actual enrollment shall be used for final com-*
15 *putations. If actual September enrollment is higher than the enroll-*
16 *ment estimated for the certified budget, the certified budget may be*

17 *amended as provided in section twenty-four point nine (24.9) of the*
18 *Code.*

19 *Resident pupils of high school age for which the district pays*
20 *tuition to attend an Iowa area school shall be counted in the enroll-*
21 *ment of the district on a full-time equivalent basis as of the same*
22 *date.*

23 *Shared-time and part-time pupils of school age shall be counted*
24 *as of the same date in the proportion that the time for which they*
25 *are enrolled or receive instruction for the school year bears to the*
26 *time that full-time pupils carrying a normal course schedule, at the*
27 *same grade level, in the same school district, for the same school*
28 *year, are enrolled and receive instruction.*

29 *Each school district shall certify its fall enrollment to the state*
30 *department of public instruction by January twenty-fifth and Sep-*
31 *tember 25 twenty-fifth of each year, and the information shall be*
32 *promptly forwarded to the state comptroller.*

33 *Pupils attending a university laboratory school shall be reported*
34 *directly to the department of public instruction by the laboratory*
35 *school, and shall not be counted in any district's enrollment.*

1 SEC. 4. Section four hundred forty-two point five (442.5), Code
2 1973, as contained* in Acts of the General Assembly, 1972 Session,
3 chapter one thousand one hundred seven (1107), section two (2), is
4 amended by striking the section and inserting in lieu thereof the
5 following:

6 **442.5 Miscellaneous income—expenditures.**

7 1. As used in this chapter:

8 a. "Miscellaneous income" means all receipts deposited to the gen-
9 eral fund of a school district which are not obtained from state aid
10 provided under section four hundred forty-two point one (442.1) or
11 four hundred forty-two point eleven (442.11) of the Code, or from
12 property tax.

13 b. "Expenditures" means the total amounts paid out of the gen-
14 eral fund of a school district, exclusive of amounts paid for the follow-
15 ing purposes, for which special levies are authorized:

16 (1) A contract for the use of a library under section two hundred
17 ninety-eight point seven (298.7) of the Code.

18 (2) A judgment under sections two hundred ninety-eight point
19 fifteen (298.15) through two hundred ninety-eight point seventeen
20 (298.17) of the Code.

21 (3) Tort liability under chapter six hundred thirteen A (613A)
22 of the Code.

23 2. The proposed expenditures in a certified budget may not exceed
24 the district cost for the budget year plus the anticipated miscella-
25 neous income for the budget year and any unspent balance from the
26 preceding year's budget. Actual expenditures during a school year
27 may not exceed the district cost for that year plus the actual miscel-
28 laneous income received for that year and any unspent balance from
29 the preceding year's budget. If actual miscellaneous income for a
30 school year exceeds the anticipated miscellaneous income in the cer-
31 tified budget for that year, a school district may amend its certified
32 budget.

*According to enrolled Act.

1 SEC. 5. Section four hundred forty-two point six (442.6), Code
2 1973, is amended to read as follows:

3 442.6 **District cost—district cost per pupil—base year—budget**
4 **year.** As used in this chapter, *“district 1. “District cost” and*
5 *“district cost per pupil” mean means the total expenditures for the*
6 *current year or anticipated expenditures for the budget year of a*
7 *district which are payable from the school general fund the amounts*
8 *computed as provided in section four hundred forty-two point nine*
9 *(442.9) of the Code.*

10 2. *“Base year” means the school year ending during the calendar*
11 *year in which a budget is certified.*

12 3. *“Budget year” means the school year beginning during the cal-*
13 *endar year in which a budget is certified.*

1 SEC. 6. Section four hundred forty-two point seven (442.7), Code
2 1973, is amended to read as follows:

3 442.7 **Allowable growth.** Each year the state comptroller shall
4 compute the state percent of growth by adding the percents of in-
5 crease for the second and third years of the most recent three-year
6 period for which accurate figures are available, for each of the fol-
7 lowing sources of revenue, and dividing the total by four:

8 1. State general fund revenues, adjusted for changes in rates or
9 basis.

10 2. Statewide assessed valuation of taxable property, adjusted for
11 statewide changes in assessment practices.

12 Each year the state comptroller shall compute the dollar equivalent
13 of the state percent of growth by multiplying the state cost per pupil
14 for the preceding school year by the current state percent of growth,
15 except that this dollar equivalent is limited to a maximum amount of
16 forty-six dollars for the school year beginning on July 1, 1972, forty-
17 eight dollars for the school year beginning on July 1, 1973, and fifty-
18 one dollars for the school year beginning on July 1, 1974. As used in
19 this chapter, “allowable growth” means the dollar equivalent of the
20 state percent of growth.

21 *However, except as otherwise provided in this section, the state*
22 *percent of growth is established at five percent for the school year*
23 *beginning July 1, 1973, and the state percent of growth is limited to*
24 *a maximum of five percent for the school year beginning July 1, 1974.*

25 *For each school district whose district cost per pupil is below the*
26 *state cost per pupil for the budget year, “allowable growth” means*
27 *the lesser of the dollar equivalent of the state percent of growth mul-*
28 *tiplied by one hundred twenty-five percent, or the amount required to*
29 *make the district cost per pupil equal to the state cost per pupil.*

30 *If the school budget review committee has established a modified*
31 *allowable growth for a district, “allowable growth” for the district*
32 *means its modified allowable growth.*

1 SEC. 7. Section four hundred forty-two point eight (442.8), Code
2 1973, is amended to read as follows:

3 442.8 **State cost per pupil.** The state cost per pupil for the school
4 year beginning July 1, 1971 1972, is nine hundred twenty three dol-
5 lars. The state cost per pupil for the school year beginning on July 1,
6 1972 1973, and for each succeeding school year is the previous
7 year's state cost per pupil plus the allowable growth. If the state

8 percent of growth is zero or less, the state cost per pupil shall be the
9 same as the previous year's state cost per pupil.

1 SEC. 8. Section four hundred forty-two point nine (442.9), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 442.9 **Maximum general fund budget and District cost per pupil—**
4 **district cost—additional school district property tax levy.**

5 1. The state comptroller shall determine the additional school dis-
6 trict property tax levy for each school district, which is in addition
7 to the foundation property tax levy, as follows:

8 a. The district cost per pupil in fall enrollment for the current
9 school year ending June 30 each for the budget year, plus the allow-
10 able growth, determines is equal to the district cost per pupil for the
11 school base year beginning July 1 each year plus the allowable growth.
12 However, if the district cost per pupil in fall enrollment for the cur-
13 rent school year ending June 30 each year exceeds one hundred ten
14 percent of the state cost per pupil, the school budget review commit-
15 tee shall review the proposed budget and establish the amount of
16 allowable growth for that district, not to exceed the limitations in
17 section 442.7 in determining the district cost per pupil for the budget
18 year beginning July 1, 1973, district cost per pupil in the base year
19 means the general fund budget for the school year beginning July 1,
20 1971, as authorized and funded under Acts of the General Assembly,
21 1971 Session, chapter seventy-two (72), including additional ap-
22 proved funding authorized by the school budget review committee,
23 less the amount of adjusted miscellaneous income including adjust-
24 ments pursuant to section four hundred forty-two point twenty-five
25 (442.25) of the Code, divided by the fall enrollment certified in Sep-
26 tember of 1971, plus the allowable growth for the school year begin-
27 ning July 1, 1972, as computed on the basis of state cost per pupil
28 excluding miscellaneous income.

29 b. The district cost per pupil for the budget year is equal to the
30 district cost per pupil for the budget year multiplied by the number
31 of pupils in fall enrollment for the school year beginning July 1 each
32 year, determines the maximum district cost for each district. A
33 school district may not exceed increase its maximum district cost
34 unless additional for the budget year except to the extent that excess
35 millage is authorized or supplemental state aid is distributed to the
36 district by the school budget review committee as provided in section
37 442.13, subsection 5, or unless an additional amount is raised by a
38 school district income surtax approved by the voters eight (8).

39 c. The district foundation base multiplied by the number of pupils
40 in fall enrollment, and the product, plus any moneys excluded from
41 miscellaneous income, subtracted from the lesser of the actual or
42 maximum amount to be raised by the additional school district prop-
43 erty tax levy is equal to the district cost for the school budget year
44 beginning July 1 each year, determines the amount to be raised by
45 the additional school district property tax levy, subject to, less the
46 product of the state or district foundation base and the enrollment.
47 However, said amount shall be adjusted in accordance with the maxi-
48 mum millage provided in section 442.10; any additional millage
49 authorized by the school budget review committee under section
50 442.13, subsection 5, paragraph "a", or and the maximum millage
51 reduction provided in section 442.21.

1 SEC. 9. Section four hundred forty-two point ten (442.10), Code
2 1973, is amended to read as follows:

3 442.10 **Maximum millage levy.** For the purpose of determining
4 the maximum millage levy *for the general fund* in a school district,
5 the state comptroller shall determine the sum of the foundation
6 property tax levy and the additional property tax levy, in mill's. When
7 this total millage ~~rate~~ *levy* exceeds the district general fund levy in
8 mills for the school year which began July 1, 1970, he shall adjust
9 the district general fund millage levy to a rate equal to the millage
10 levy for the school year beginning July 1, 1970, ~~unless additional~~
11 ~~except that excess millage is approved~~ *authorized* by the school
12 budget review committee, as provided in section 442.13, subsection
13 5, ~~paragraph "a" eight (8)~~, *may be added to that rate.*

1 SEC. 10. Section four hundred forty-two point eleven (442.11),
2 Code 1973, is amended to read as follows:

3 442.11 **Guaranteed state aid.** For the school year beginning July
4 1, 1972, and for the next four succeeding school years, the state shall
5 provide specific funds, called guaranteed state aid, to any school
6 district in which the *amount to be raised by the maximum millage,*
7 *excluding any additional millage approved by the school budget*
8 *review committee, levy* plus the district's miscellaneous income and
9 state school foundation aid, does not meet the ~~actual or maximum~~
10 ~~district cost, whichever is less.~~

11 There is hereby appropriated from the general fund of the state
12 to the department of public instruction moneys sufficient to pay the
13 guaranteed state aid provided in this section. The state comptroller
14 shall pay this aid ~~no later than May 15 of each year, beginning in 1973~~
15 ~~for the school year beginning July 1, 1972 in installments, at the same~~
16 *time as the installments of state school foundation aid are paid.*

1 SEC. 11. Section four hundred forty-two point thirteen (442.13),
2 Code 1973, is amended to read as follows:

3 442.13 **Duties of the committee.**

4 1. The school budget review committee may recommend the revi-
5 sion of any rules, regulations, directives, or forms relating to school
6 district budgeting and accounting, confer with local school boards or
7 their representatives and make recommendations relating to any
8 budgeting or accounting matters, and may direct the superintendent
9 of public instruction or the state comptroller to make studies and
10 investigations of school costs in any school district.

11 2. The committee shall report to each session of the general assem-
12 bly, which report shall include any recommended changes in laws
13 relating to school districts, and shall specify the number of hearings
14 held annually, the reasons for the committee's recommendations, and
15 other information as the committee deems advisable.

16 3. The committee shall review the proposed or certified budget of
17 any school district if the district cost per pupil in estimated fall
18 enrollment has increased over the district cost per pupil in fall enroll-
19 ment for the previous year by more than the allowable growth of the
20 district.

21 4. The committee may review the proposed or certified budget of
22 any school district as follows:

23 a. If the budget shows district costs per pupil in estimated fall
24 enrollment of more than the state cost per pupil.

25 b. If in the judgment of the committee, the budget shows the
26 district cost to be unreasonably high in relation to the comparative
27 cost factors of similar districts, even if the district cost per pupil in
28 estimated fall enrollment does not exceed the state cost per pupil.

29 5. The committee may authorize a school budget in excess of limita-
30 tions provided in sections 442.9 and 442.10 of this division as fol-
31 lows:

32 a. If a nonpublic school closes wholly or in part, the committee
33 may authorize an increase in the school general fund millage beyond
34 the maximum permitted under section 442.10, but only to the extent
35 necessary to cover the cost of absorbing the former nonpublic school
36 pupils into the public school system. The school board shall establish
37 the amount of necessary increased cost to the satisfaction of the
38 school budget review committee before an increase in millage is
39 authorized.

40 b. Additional supplemental state aid may be paid to any district
41 from any discretionary funds appropriated specifically to the com-
42 mittee for this purpose.

43 6. If the committee does not authorize a school district's budget,
44 it shall state its recommendations in terms of a specific reduction in
45 the district cost, and in terms of a projected reduction in the millage
46 rate of the school district, and shall notify the school board of its
47 recommendations through the state comptroller.

48 7. The committee, when making decisions relating to school budg-
49 ets, shall consider each district's circumstances and facts which are
50 unique and unusual, including but not limited to any unusual in-
51 creases or decreases in enrollments, natural disasters, unusual trans-
52 portation problems, and initial staffing problems.

53 3. The committee shall meet beginning not later than March first
54 of each year, shall review the proposed budget and certified budget
55 of each school district, and may make recommendations. The com-
56 mittee may make decisions affecting budgets to the extent provided
57 in this chapter. The costs and computations referred to in this section
58 relate to the budget year unless otherwise expressly stated.

59 4. If the district cost per pupil exceeds one hundred ten percent
60 of the state cost per pupil, the committee shall establish a modified
61 allowable growth by reducing the allowable growth. In making deci-
62 sions under this subsection, the committee shall permit allowable
63 growth to the extent necessary to prevent severe hardship to a
64 district whose district cost per pupil would not have exceeded one
65 hundred ten percent of the state cost per pupil if miscellaneous
66 income were included in computations under this chapter to the same
67 extent that it was included for the school year beginning July 1, 1972.

68 5. The committee may establish a modified allowable growth by
69 reducing the allowable growth:

70 a. If the district cost per pupil exceeds the state cost per pupil.

71 b. If in the committee's judgment the district cost is unreasonably
72 high in relation to the comparative cost factors of similar districts,
73 even if the district cost per pupil does not exceed the state cost per
74 pupil.

- 75 6. If a district has unusual circumstances, creating an unusual
76 need for additional funds, including but not limited to the following
77 circumstances, the committee may grant supplemental aid to the
78 district from any funds appropriated to the department of public
79 instruction for the use of the school budget review committee for this
80 purpose, and such aid shall be miscellaneous income and shall not
81 be included in district cost; or may establish a modified allowable
82 growth for the district by increasing its allowable growth; or both:
- 83 a. Any unusual increase or decrease in enrollment.
 - 84 b. Unusual natural disasters.
 - 85 c. Unusual transportation problems.
 - 86 d. Unusual initial staffing problems.
 - 87 e. The closing of a nonpublic school, wholly or in part.
 - 88 f. Substantial reduction in miscellaneous income due to circum-
89 stances beyond the control of the district.
 - 90 g. Unusual necessity for additional funds to permit continuance of
91 a course or program which provides substantial benefit to pupils.
 - 92 h. Unusual need for a new course or program which will provide
93 substantial benefit to pupils, if the district establishes such need and
94 the amount of necessary increased cost.
 - 95 i. Unusual need for additional funds for special education or com-
96 pensatory education programs.
 - 97 j. Year-round or substantially year-round attendance programs
98 which apply toward graduation requirements, including but not lim-
99 ited to tri-semester or four-quarter programs. Enrollment in such
100 programs shall be adjusted to reflect equivalency to normal school
101 year attendance.
 - 102 k. Severe hardship due to the exclusion of miscellaneous income
103 from computations under this chapter. For the school year beginning
104 July 1, 1973, the committee shall increase the district's allowable
105 growth to the extent necessary to prevent such hardship.
- 106 7. If a nonpublic school closes wholly or in part, the committee may
107 authorize an increase in the district general fund millage levy beyond
108 the maximum permitted by section four hundred forty-two point ten
109 (442.10) of the Code, but only to the extent necessary to cover the
110 cost of absorbing the former nonpublic school pupils into the public
111 school system. The school board shall establish the amount of neces-
112 sary increased cost to the satisfaction of the school budget review
113 committee before an increase in millage is authorized.
- 114 8. The committee may authorize a district to spend a reasonable
115 and specified amount from its unexpended cash balance for the sole
116 purpose or purposes of furnishing, equipping, and contributing to the
117 construction of a new building or structure for which the voters of
118 the district have approved a bond issue as provided by law or a tax
119 as provided in chapter two hundred seventy-eight (278) of the Code.
120 No other expenditure, including but not limited to expenditures for
121 salaries or recurring costs, shall be authorized under this subsection.
122 Expenditures authorized under this subsection shall not be included
123 in allowable growth or district cost, and the portion of the unex-
124 pended cash balance which is authorized to be spent shall be regarded
125 as if it were miscellaneous income. Any part of such amount which
126 is not actually spent for the authorized purpose shall revert to its

127 former status as part of the unexpended cash balance.

128 9. The committee may approve or modify the initial base year dis-
129 trict cost of any district which changes accounting procedures.

130 10. When the committee makes a decision under subsections three
131 (3) through nine (9) of this section, it shall make all necessary
132 changes in the district cost, budget, and millage levy. It shall give
133 written notice of its decision, including all such changes, to the school
134 board through the state comptroller.

135 11. All decisions by the committee under this chapter shall be made
136 in accordance with reasonable and uniform policies which shall be
137 consistent with this chapter. All such policies of general application
138 shall be stated in rules adopted in accordance with chapter seventeen
139 A (17A) of the Code. The committee shall take into account the
140 intent of this chapter to equalize educational opportunity, to provide
141 a good education for all the children of Iowa, to provide property tax
142 relief, to decrease the percentage of school costs paid from property
143 taxes, and to provide reasonable control of school costs. The commit-
144 tee shall also take into account the amount of funds available.

145 § 12. Failure by any school district to provide information or
146 appear before the committee as requested for the accomplishment of
147 review or hearing shall constitute justification for the committee to
148 instruct the state comptroller to withhold any state aid to that dis-
149 trict until the committee's inquiries are satisfied completely.

150 § 13. The school budget review committee may call in any county
151 board of education for the purpose of reviewing its budget as it
152 relates to the individual districts within the county.

1 SEC. 12. Section four hundred forty-two point fourteen (442.14),
2 unnumbered paragraphs one (1), two (2), and three (3), Code 1973,
3 are amended to read as follows:

4 442.14 Election to exceed maximum district cost for school district
5 income surtax. If a school board wishes to exceed its maximum dis-
6 trict cost, as determined under section 442.9, it shall first submit its
7 proposed budget to the school budget review committee. The com-
8 mittee may approve the proposed budget or may make other recom-
9 mendations, but if the board decides that the district should exceed
10 its maximum district cost, and the committee has not authorized an
11 additional millage or supplemental state aid as provided in section
12 442.13, subsection 5, spend more than is permitted under sections
13 four hundred forty-two point one (442.1) through four hundred forty-
14 two point thirteen (442.13) of the Code, after review by the school
15 budget review committee, the board shall may submit to the voters
16 of the school district, at a regular or special school election held not
17 later than September 15 *fifteenth*, the question of whether the pro-
18 posed budget shall be approved, and the excess amount financed by a
19 school district income surtax of a specified rate, or whether the dis-
20 trict shall be limited to its maximum district cost.

21 If a majority of those voting approves the proposed budget and the
22 specified school district income surtax rate, the surtax, determined
23 as provided in section 442.15, may be imposed by resolution of the
24 school board.

25 If the proposed budget and surtax does do not receive approval by
26 a majority of those voting, the school board shall reduce its general

27 ~~fund budget proposed expenditures~~ to an amount which does not
 28 exceed its ~~maximum~~ district cost *plus miscellaneous income and any*
 29 *unspent balance from the preceding year's budget.*

1 SEC. 13. Section four hundred forty-two point fifteen (442.15),
 2 subsections two (2) and three (3), Code 1973, are amended to read
 3 as follows:

4 2. A school district income surtax rate approved by the voters, or
 5 as much of it as may be necessary, shall continue to be in effect in
 6 that school district until the school board finds that the surtax or a
 7 part of it is unnecessary, or until the amount of the surtax is altered
 8 by another election. If a school board wishes to increase the ~~district~~
 9 ~~costs so that they cannot be met by the combination of maximum~~
 10 ~~millage, state aid, miscellaneous income, and the approved school~~
 11 ~~district income surtax rate~~, the school board may hold another elec-
 12 tion to submit the question of whether to increase the surtax rate for
 13 the district, and may increase the rate only if an increase is approved
 14 by a majority of those voting.

15 3. At least once every five years, if a school district income surtax
 16 is found to be necessary, the school board shall submit to the voters
 17 of the school district, at a regular or special school election held not
 18 later than September ~~15~~ *fifteenth*, the question of whether to continue
 19 imposition of the established rate of school district income surtax or
 20 of a lesser rate as necessary. If a majority of those voting does not
 21 approve the proposed school district income surtax rate, the school
 22 board shall reduce its ~~general fund budget proposed expenditures~~
 23 to an amount which does not exceed its ~~maximum~~ district cost *plus*
 24 *miscellaneous income and any unspent balance from the preceding*
 25 *year's budget.*

1 SEC. 14. Section four hundred forty-two point twenty-one
 2 (442.21), Code 1973, is amended to read as follows:

3 442.21 **Maximum millage reduction.** If the functioning of the
 4 state school foundation program established by this chapter causes
 5 a reduction in any school district, for the school year beginning July
 6 1, 1972, of more than ten percent of the district's total general fund
 7 millage for the school year beginning July 1, 1970, the reduction for
 8 the school year beginning July 1, 1972, is limited to that ten percent,
 9 and the reduction for each of the school years beginning July 1, 1973,
 10 and July 1, 1974, is limited to ten percent of the preceding year's
 11 millage. However, if this limitation results in a district millage levy
 12 which raises more than the district needs to meet ~~the lesser~~ of its
 13 ~~actual or maximum~~ district cost, the ten percent limitation does not
 14 apply, and the district may reduce its millage as much as can be done
 15 without entitling the district to state school foundation aid. The state
 16 comptroller shall compute any maximum millage reduction required
 17 by this section, and shall notify the school boards accordingly.

1 SEC. 15. Section four hundred forty-two point twenty-five
 2 (442.25), Code 1973, is amended to read as follows:

3 442.25 **Estimates of miscellaneous aids.** No later than September
 4 ~~1~~ *first* of each year, the department of public instruction shall certify
 5 to the state comptroller the amounts of any state aids other than the
 6 amounts provided in this division that will be received by each school

7 district in the state. In the event any estimate of state aids in any
 8 school budget certified to the auditor as provided by section 24.17 is
 9 more or less than the amount of state aids certified to the state comp-
 10 troller by the department of public instruction as provided by this
 11 section, the state comptroller shall certify to the county auditors the
 12 final millage for each school district.

1 SEC. 16. Chapter two hundred eighty-four (284),* and section
 2 four hundred forty-two point twenty-two (442.22), Code 1973, are
 3 repealed.

1 SEC. 17. The committee may, for the school year beginning July
 2 1, 1972, in cases where hardship can be shown because of decrease in
 3 allowable budget caused by decrease in enrollment, authorize school
 4 boards to levy, in excess of other allowable levies, an amount suffi-
 5 cient to reimburse their general fund and permit expenditure for the
 6 current year of an amount up to ninety-seven percent of the 1971-
 7 1972 fall enrollment multiplied by the 1972-1973 per-pupil cost.

Approved May 16, 1973.

*See references in ch. 284 to §§27A.4 and 274.46 of the Code.

CHAPTER 259

INHERITANCE TAX PAYMENT

S. F. 131

AN ACT relating to the time of payment of inheritance tax.

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

1 SECTION 1. Section four hundred fifty point six (450.6), Code
 2 1973, is amended to read as follows:

3 450.6 **Accrual of tax—maturity—extension of time.** The tax here-
 4 by imposed shall be for the use of the state, shall accrue at the death
 5 of the decedent owner, and shall be paid to the department of revenue
 6 within ~~eighteen~~ fifteen months after the death of the decedent owner
 7 except when otherwise provided in this chapter. When in the opinion
 8 of the director of revenue additional time should be granted for pay-
 9 ment to avoid hardship, the director may extend the period to a date
 10 not exceeding three years from date of death of decedent, but in case
 11 of any such extension the tax shall bear six percent interest from the
 12 expiration of ~~eighteen~~ fifteen months from decedent's death.

1 SEC. 2. Section four hundred fifty point twenty (450.20), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 It shall also keep a separate record of any deferred estate upon
 4 which the tax due is not paid within ~~eighteen~~ fifteen months from the
 5 death of the decedent, showing substantially the same facts as are
 6 required in other cases, and also showing:

1 SEC. 3. Section four hundred fifty point forty-five (450.45), Code
 2 1973, is amended to read as follows:

3 450.45 **Life and term estates—appraisalment.** Subject to the pro-
 4 visions of section 450.39 when an estate or interest for life or term of

5 years in real property is given to a party other than those especially
 6 exempt by this chapter, the clerk shall cause the property to be ap-
 7 praised at the actual market value thereof, as is provided in ordinary
 8 cases, and the party entitled to the estate or interest shall, within
 9 ~~eighteen~~ *fifteen* months from the death of decedent owner, pay the tax,
 10 and in default thereof the court shall order the estate or interest, or so
 11 much thereof as necessary to pay the tax and interest, to be sold.

1 SEC. 4. Section four hundred fifty point forty-seven (450.47), Code
 2 1973, is amended to read as follows:

3 **450.47 Life and term estates in personal property.** Subject to the
 4 provisions of section 450.39, when an estate or interest for life or term
 5 of years in personal property is given to one or more persons other
 6 than those especially exempt by this chapter and the remainder or
 7 deferred estate to others, the clerk shall cause the property devised or
 8 conveyed to be appraised as provided herein in ordinary estates and
 9 the value of the several estates or interests devised or conveyed shall
 10 be determined as provided in section 450.51, and the tax upon such
 11 estates or interests as are liable for the tax imposed by this chapter
 12 shall be paid to the department of revenue from the property appraised
 13 or by the persons entitled to the estate or interest within ~~eighteen~~
 14 *fifteen* months from the death of the testator, grantor, or donor;
 15 provided, however, that payment of the tax upon any deferred estate
 16 or remainder interest may be deferred until the determination of the
 17 prior estate by the giving of a good and sufficient bond as provided in
 18 section 450.48.

1 SEC. 5. Section four hundred fifty point sixty-three (450.63), Code
 2 1973, is amended to read as follows:

3 **450.63 Maturity of tax—interest.** All taxes imposed by this chap-
 4 ter shall be payable to the department of revenue and, except when
 5 otherwise provided in this chapter, shall be paid within ~~eighteen~~
 6 *fifteen* months from the death of the testator or intestate. All taxes
 7 not paid within the time prescribed in this chapter shall draw interest
 8 at the rate of eight percent per annum thereafter until paid.

1 SEC. 6. The provisions of this Act shall apply only to the estates
 2 of decedents who die after the effective date of this Act.

Approved April 26, 1973.

CHAPTER 260

DEPOSIT OF PUBLIC FUNDS

S. F. 203

AN ACT relating to the deposit of public funds.

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

1 SECTION 1. Chapter four hundred fifty-three A (453A), Code 1973,
 2 is repealed.

Approved April 2, 1973.

CHAPTER 261

ENVIRONMENTAL INVESTIGATIONS

H. F. 405

AN ACT relating to the authority of the department of environmental quality to enter public or private property for the purpose of conducting investigations, relating to the powers and duties of the water quality commission, and providing penalties.

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

- 1 SECTION 1. Section four hundred fifty-five B point three (455B.3),
2 Code 1973, is amended by adding the following new subsection:
3 NEW SUBSECTION. Conduct investigations of complaints received
4 directly or referred by any of the commissions created in section four
5 hundred fifty-five B point four (455B.4) of the Code or such other
6 investigations deemed necessary. While conducting an investigation,
7 the executive director may enter at any reasonable time in and upon
8 any private or public property, except private dwellings, to investi-
9 gate any actual or possible violation of the provisions of this chapter
10 or the rules or standards adopted under this chapter.
11 a. If the owner or occupant of any property refuses admittance
12 thereto, or if prior to such refusal the executive director demonstrates
13 the necessity for a warrant, the executive director may make applica-
14 tion under oath or affirmation to the district court of the county in
15 which the property is located for the issuance of a search warrant.
16 b. In the application the executive director shall state that an in-
17 spection of the premises is mandated by the laws of this state or that
18 a search of certain premises, areas, or things designated in the appli-
19 cation may result in evidence tending to reveal the existence of viola-
20 tions of public health, safety, or welfare requirements imposed by
21 statutes, rules or ordinances established by the state or a political
22 subdivision thereof. The application shall describe the area, prem-
23 ises, or thing to be searched, give the date of the last inspection if
24 known, give the date and time of the proposed inspection, declare the
25 need for such inspection, recite that notice of desire to make an in-
26 spection has been given to affected persons and that admission was
27 refused if that be the fact, and state that the inspection has no pur-
28 pose other than to carry out the purpose of the statute, ordinance, or
29 regulation pursuant to which inspection is to be made. If an item of
30 property is sought by the executive director it shall be identified in the
31 application.
32 c. If the court is satisfied from the examination of the applicant,
33 and of other witnesses, if any, and of the allegations of the applica-
34 tion of the existence of the grounds of the application, or that there
35 is probable cause to believe their existence, he may issue such search
36 warrant.
37 d. In making inspections and searches pursuant to the authority of
38 this division, the executive director must execute the warrant:
39 1. Within ten days after its date.
40 2. In a reasonable manner, and any property seized shall be treated
41 in accordance with the provisions of chapter seven hundred fifty-one
42 (751) of the Code.
43 3. Subject to any restrictions imposed by the statute, ordinance or
44 regulation pursuant to which inspection is made.

1 SEC. 2. Section four hundred fifty-five B point thirty-two
2 (455B.32), subsection three (3), Code 1973, is amended to read as
3 follows:

4 3. Establish, modify, or repeal rules specifying the conditions under
5 which the executive director shall issue, revoke, modify, or deny
6 permits for the installation or operation of disposal systems, or for
7 the discharge of sewage, industrial waste or other wastes, or for the
8 disposal of water wastes resulting from poultry and livestock opera-
9 tions. ~~Persons engaged in livestock and poultry operations or persons~~
10 ~~intending to initiate such operations shall register with the department~~
11 ~~and provide information relating to their operations or intended opera-~~
12 ~~tions as the executive director may reasonably require. Except as~~
13 ~~otherwise provided in section 455B.45, no such registrant shall be~~
14 ~~required to make application and obtain a permit for disposal of waste~~
15 ~~water unless the department determines that the livestock and poultry~~
16 ~~operations of such registrant are polluting or may pollute the water of~~
17 ~~the state.~~

1 SEC. 3. Section four hundred fifty-five B point thirty-two
2 (455B.32), Code 1973, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. Adopt by rule a fee schedule for applications
5 for permits required under part one (1) of this division. The fee
6 schedule shall be based on the reasonable cost of reviewing, issuing
7 and enforcing such permits. The fee schedule may be amended peri-
8 odically by rule of the commission.

1 SEC. 4. Section four hundred fifty-five B point forty-five
2 (455B.45), Code 1973, is amended to read as follows:

3 455B.45 **Written permits required.** It shall be unlawful to carry
4 on any of the following activities without first securing a written per-
5 mit from the ~~department~~ *executive director* as required by the com-
6 mission: ~~for the disposal of all sewage, industrial waste, or other~~
7 ~~wastes which are or may be discharged into the water of the state.~~

8 1. The construction, installation or modification of any disposal
9 system or part thereof or any extension or addition thereto.

10 2. The construction or use of any new outlet for the discharge of
11 any sewage or wastes directly into the water of the state. However,
12 no permit shall be required for any new disposal system or extension
13 or addition to any existing disposal system that receives only domestic
14 or sanitary sewage from a building, housing or occupied by fifteen
15 persons or less.

16 3. *The operation of any waste disposal system or any part of or*
17 *extension or addition to such system. This provision shall not apply*
18 *to any pretreatment system the effluent of which is to be discharged*
19 *directly to another waste disposal system for final treatment and dis-*
20 *posal.*

21 Plans and specifications for any waste disposal system covered by
22 this section shall be submitted to the department before a written
23 permit may be issued and the construction of any such waste disposal
24 system shall be in accordance with plans and specifications approved
25 by the department. If it is necessary or desirable to make material
26 changes in such plans or specifications, revised plans or specifications
27 together with reasons for the proposed changes must be submitted to

28 the department for a supplemental written permit.

29 ~~Any person convicted of violating this section shall be fined in a sum~~
30 ~~not to exceed one thousand dollars.~~

1 SEC. 5. Section four hundred fifty-five B point forty-nine
2 (455B.49), Code 1973, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 455B.49 Penalties—burden of proof.

5 1. Any person who violates any provision of part one (1) of divi-
6 sion three (III) of this chapter or any permit, rule, standard, or order
7 issued under part one (1) of division three (III) of this chapter shall
8 be subject to a civil penalty not to exceed five thousand dollars for
9 each day of such violation. The civil penalty shall be an alternative
10 to any criminal penalty provided under part one (1) of division three
11 (III) of this chapter.

12 2. Any person who willfully or negligently discharges any pollu-
13 tants in violation of section four hundred fifty-five B point forty-five
14 (455B.45) of the Code or in violation of any condition or limitation
15 included in any permit issued under section four hundred fifty-five
16 B point forty-five (455B.45) of the Code or, with respect to the intro-
17 duction of pollutants into publicly-owned treatment works, violates
18 a pretreatment standard or toxic effluent standard, shall be punished
19 by a fine not to exceed ten thousand dollars for each day of violation.
20 If the conviction is for a violation committed by a person after his
21 first conviction under this section, the punishment shall be a fine not
22 to exceed twenty thousand dollars for each day of violation.

23 3. Any person who knowingly makes any false statement, repre-
24 sentation, or certification in any application, record, report, plan or
25 other document filed or required to be maintained under part one (1)
26 of division three (III) of this chapter, or who falsifies, tampers with
27 or knowingly renders inaccurate any monitoring device or method
28 required to be maintained under part one (1) of division three (III)
29 of this chapter or by any permit, rule, regulation, or order issued
30 under part one (1) of division three (III) of this chapter, shall upon
31 conviction be punished by a fine of not more than ten thousand dol-
32 lars or by imprisonment in the county jail for not more than six
33 months or by both such fine and imprisonment.

34 4. The attorney general shall, at the request of the commission or
35 the executive director, institute any legal proceedings necessary to
36 enforce the penalty provisions of part one (1) of division three (III)
37 of this chapter or to obtain compliance with the provisions of part
38 one (1) of division three (III) of this chapter or any rules promul-
39 gated or any provision of any permit issued under part one (1) of
40 division three (III) of this chapter.

41 5. In all proceedings with respect to any alleged violation of the
42 provisions of this part one (1) of division three (III) or any rule
43 established by the commission or the department, the burden of proof
44 shall be upon the commission or the department except in an action
45 for contempt as provided in section four hundred fifty-five B point
46 forty-four (455B.44) of the Code.

1 SEC. 6. Section four hundred fifty-five B point thirteen (455B.13),
2 subsection three (3), section four hundred fifty-five B point thirty-

3 six (455B.36), and section four hundred fifty-five B point eighty-nine
4 (455B.89), subsection four (4), Code 1973, are repealed.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 262

WATER QUALITY COMMISSION

H. F. 762

AN ACT to appropriate any moneys in the operators certification fund of the water quality commission to the department of environmental quality.

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

1 SECTION 1. Section four hundred fifty-five B point sixty-one
2 (455B.61), Code 1973, is amended to read as follows:
3 455B.61 Fee. The executive director, with the approval of the
4 board submitted through the commission, is authorized to charge a fee
5 for certificates issued under the provisions of this part 2 of division
6 III, but such fees shall not exceed five dollars for an initial certificate,
7 nor more than three dollars for the annual renewal certificate. All such
8 fees collected shall be remitted to the treasurer of state, who shall hold
9 such moneys in a special fund to be known as the "operators certifica-
10 tion fund"; . *Any moneys in the operators certification fund are*
11 *appropriated to the department to be used by the department to*
12 *administer and enforce the provisions of said part and to pay the*
13 *expenses of the board. Such fund shall be subject at all times to the*
14 *warrant of the state comptroller, drawn upon written requisition of*
15 *the executive director.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 263

EMINENT DOMAIN APPEAL

H. F. 116

AN ACT relating to the appeal of a condemnation award.

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

1 SECTION 1. Section four hundred seventy-two point twenty-one
2 (472.21), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:
4 472.21 Appeals—how docketed and tried. The appeal shall be
5 docketed in the name of the person appealing and all other interested
6 parties to the action shall be defendants. In the event the condemnor
7 and the condemnee appeal, the appeal shall be docketed in the name
8 of the appellant which filed the application for condemnation and all

9 other parties to the action shall be defendants. The appeal shall be
10 tried as in an action by ordinary proceedings.

Approved May 15, 1973.

CHAPTER 264

EMINENT DOMAIN

H. F. 741

AN ACT relating to eminent domain.

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

1 SECTION 1. Chapter four hundred seventy-two (472), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. In any condemnation proceedings instituted under
4 this chapter by the state highway commission in any court of the state
5 wherein the property owner has delivered proper notice of appeal to
6 the sheriff of the proper county with the intent that it be served im-
7 mediately upon the person selected by the owner from among those
8 persons designated for such service in section four hundred seventy-
9 two point nineteen (472.19) of the Code, the delivery of the notice of
10 appeal to the sheriff shall be deemed a commencement of the appeal
11 proceedings. If the sheriff, after delivery to him of notice of appeal,
12 fails or is unable to serve the notice of appeal upon such designated
13 person within the statutory period required under section four hun-
14 dred seventy-two point eighteen (472.18) of the Code, such inability
15 or failure shall not deprive the court of jurisdiction of the appeal if
16 the property owner shall, within twenty days after delivery of notice
17 of appeal to the sheriff, make application for further direction as to
18 service to the proper district court as provided by section four hundred
19 seventy-two point nineteen (472.19) of the Code.

1 SEC. 2. Any condemnation proceeding pending or filed subsequent
2 to December 1, 1971 which has been dismissed by reason of the failure
3 to serve notice of appeal on a person as selected from among the three
4 persons designated in section four hundred seventy-two point nineteen
5 (472.19) of the Code, within the statutory period required under sec-
6 tion four hundred seventy-two point eighteen (472.18) of the Code,
7 shall be reinstated by the court wherein such proceeding was dismissed,
8 after notice and hearing as prescribed by the court.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 265

ANNUAL REPORTS OF CORPORATIONS

H. F. 318

AN ACT relating to annual reports of corporations.

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

- 1 SECTION 1. Section four hundred ninety-six point two (496.2),
 2 Code 1973, is amended to read as follows:
 3 496.2 ~~Signature and oath.~~ The report required by section 496.1
 4 shall be signed ~~and sworn to~~ by an officer of the corporation and when
 5 filed with the secretary of state shall be accompanied by the fee
 6 required in section 496.4.

Approved May 24, 1973.

CHAPTER 266

BUSINESS CORPORATIONS

H. F. 529

AN ACT relating to business corporations.

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

- 1 SECTION 1. Section four hundred ninety-six A point four (496A.4),
 2 subsection nineteen (19), paragraph e, Code 1973, is amended to read
 3 as follows:
 4 e. Expenses, *including attorney fees*, incurred in defending a civil
 5 or criminal action, suit, or proceeding may be paid by the corporation
 6 in advance of the final disposition of such action, suit, or proceeding
 7 as authorized in the manner provided in paragraph "d" upon receipt
 8 of an undertaking by or on behalf of the director, officer, employee, or
 9 agent to repay such amount unless it shall ultimately be determined
 10 that he is entitled to be indemnified by the corporation as authorized
 11 in this section.
- 1 SEC. 2. Section four hundred ninety-six A point twenty-eight
 2 (496A.28), Code 1973, is amended to read as follows:
 3 496A.28 **Notice of shareholders' meetings.** Written or printed no-
 4 tice stating the place, day and hour of the meeting and, in case of a
 5 special meeting, the purpose or purposes for which the meeting is
 6 called, shall be delivered not less than ten nor more than ~~fifty sixty~~
 7 days before the date of the meeting, either personally or by mail, by
 8 or at the direction of the president, the secretary, or the officer or
 9 persons calling the meeting, to each shareholder of record entitled to
 10 vote at such meeting. If mailed, such notice shall be deemed to be
 11 delivered when deposited in the United States mail addressed to the
 12 shareholder at his address as it appears on the stock transfer books
 13 of the corporation, with postage thereon prepaid.
- 1 SEC. 3. Section four hundred ninety-six A point twenty-nine
 2 (496A.29), Code 1973, is amended to read as follows:
 3 496A.29 **Closing of transfer books and fixing record date.** For the

4 purpose of determining shareholders entitled to notice of or to vote
 5 at any meeting of shareholders or any adjournment thereof, or en-
 6 titled to receive payment of any dividend, or in order to make a
 7 determination of shareholders for any other proper purpose, the
 8 board of directors of a corporation may provide that the stock trans-
 9 fer books shall be closed for a stated period but not to exceed, in any
 10 case, ~~forty~~ *sixty* days. If the stock transfer books shall be closed for
 11 the purpose of determining shareholders entitled to notice of or to vote
 12 at a meeting of shareholders, such books shall be closed for at least
 13 ten days immediately preceding such meeting. In lieu of closing the
 14 stock transfer books, the bylaws, or in the absence of an applicable
 15 bylaw the board of directors, may fix in advance a date as the record
 16 date for any such determination of shareholders, such date in any case
 17 to be not more than ~~forty~~ *sixty* days and, in case of a meeting of share-
 18 holders, not less than ten days prior to the date on which the particular
 19 action, requiring such determination of shareholders, is to be taken.
 20 If the stock transfer books are not closed and no record date is fixed
 21 for the determination of shareholders entitled to notice of or to vote
 22 at a meeting of shareholders, or shareholders entitled to receive pay-
 23 ment of a dividend, the date on which notice of the meeting is mailed
 24 or the date on which the resolution of the board of directors declaring
 25 such dividend is adopted, as the case may be, shall be the record date
 26 for such determination of shareholders. When a determination of
 27 shareholders entitled to vote at any meeting of shareholders has been
 28 made as provided in this section, such determination shall apply to any
 29 adjournment thereof.

1 SEC. 4. Section four hundred ninety-six A point sixty-eight
 2 (496A.68), subsection three (3), Code 1973, is amended to read as
 3 follows:

4 3. The manner and basis of converting the shares of each ~~merging~~
 5 corporation into shares ~~or~~ obligations or other securities of the surviv-
 6 ing corporation or *of any other corporation or*, in whole or in part, into
 7 cash, *or other property or shares, obligations or other securities of any*
 8 ~~other corporation.~~

1 SEC. 5. Section four hundred ninety-six A point sixty-nine
 2 (496A.69), subsection three (3), Code 1973, is amended to read as
 3 follows:

4 3. The manner and basis of converting the shares of each corpora-
 5 tion into shares ~~or~~ obligations or other securities of the new corpora-
 6 tion, *or of any other corporation*, in whole or in part, into cash, *or*
 7 *other property or shares, obligations or other securities of any other*
 8 ~~corporation.~~

1 SEC. 6. Section four hundred ninety-six A point one hundred
 2 three (496A.103), subsection seven (7), Code 1973, is amended to
 3 read as follows:

4 7. ~~Creating evidences of debt, mortgages or liens on as borrower or~~
 5 *lender, or acquiring, indebtedness or mortgages or other security*
 6 *interests in real or personal property.*

1 SEC. 7. Section four hundred ninety-six A point one hundred
 2 twenty-one (496A.121), subsection nine (9), unnumbered paragraph
 3 two (2), Code 1973, is amended to read as follows:

4 Such annual report shall be made on forms prescribed and fur-
 5 nished by the secretary of state, and the information therein contained
 6 shall be given as of the first day of January of the year in which the
 7 report is due. It shall be executed by the corporation by its presi-
 8 dent, a vice-president, secretary, an assistant secretary, or treasurer,
 9 and verified by the officer executing the report, or, if the corporation
 10 is in the hands of a receiver, trustee, or assignee for benefit of credi-
 11 tors, it shall be executed on behalf of the corporation and verified by
 12 such receiver, trustee or assignee.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 267

ECONOMIC DEVELOPMENT CORPORATIONS

S. F. 239

AN ACT relating to the obligations of a development corporation for loan purposes.

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

1 SECTION 1. Section four hundred ninety-six B point nine (496B.9),
 2 subsection two (2), Code 1973, is amended to read as follows:

3 2. No loan to a development corporation shall be made if immedi-
 4 ately thereafter the total amount of the obligations of the development
 5 corporation calling for the loan would exceed ~~eight~~ *ten* times the
 6 amount then paid in on the outstanding capital stock of such corpo-
 7 ration.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 268

INCORPORATION AMENDMENTS

S. F. 289

AN ACT relating to amendment of the articles of incorporation of cooperatives.

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

1 SECTION 1. Section four hundred ninety-nine point forty-one
 2 (499.41), unnumbered paragraph one (1), Code 1973, is amended to
 3 read as follows:

4 Notwithstanding the provisions of the articles of incorporation of
 5 any association pertaining to amendment thereto now in effect, any
 6 association may amend its articles of incorporation by a vote of
 7 ~~seventy-five sixty-six and two-thirds~~ percent of the members present,
 8 or represented by mailed ballot, and having voting privileges, at any
 9 annual meeting or any special meeting called for that purpose, pro-
 10 vided that at least ten days before said annual meeting or special
 11 meeting a copy of the proposed amendment or summary thereof be

12 sent to all members having voting rights; or said articles of incorpo-
 13 ration may be amended in accordance with the amendment require-
 14 ments contained in the articles or bylaws of said association that are
 15 adopted subsequent to July 4, 1963, or are in effect on or after July 4,
 16 1964, provided said amendment requirements in the articles or bylaws
 17 are not less than established in this section.

Approved May 24, 1973.

CHAPTER 269

INSURANCE COMMISSIONER

H. F. 222

AN ACT relating to the powers of the commissioner of insurance.

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

1 SECTION 1. Section five hundred five point eight (505.8), Code
 2 1973, is amended to read as follows:

3 505.8 **General powers and duties.** The commissioner of insurance
 4 shall be the head of the insurance department, and shall have general
 5 control, supervision, and direction over all insurance business trans-
 6 acted in the state, and shall enforce all the laws of the state relating
 7 to such insurance.

8 *He shall, subject to the provisions of chapter seventeen A (17A) of*
 9 *the Code, establish, publish and enforce rules not inconsistent with law*
 10 *for the enforcement of the provisions of this title and for the enforce-*
 11 *ment of the laws, the administration and supervision of which are*
 12 *imposed on the department.*

13 He shall supervise all transactions relating to the organization, re-
 14 organization, liquidation, and dissolution of domestic insurance cor-
 15 porations, and all transactions leading up to the organization of such
 16 corporations.

17 He shall also supervise the sale in the state of all stock, certificates,
 18 or other evidences of interest, either by domestic or foreign insurance
 19 companies or organizations proposing to engage in any insurance busi-
 20 ness.

1 SEC. 2. Section five hundred twenty-two point three (522.3), un-
 2 numbered paragraph one (1), Code 1973, is amended to read as fol-
 3 lows:

4 The commissioner shall require of each first-time applicant such
 5 reasonable proof of character and competency with respect to the type
 6 and kind of insurance the applicant proposes to sell as will protect
 7 public interest, before issuing such license and may, for good cause,
 8 after hearing held within sixty days from the date of application,
 9 decline to issue such license. Any license, whether it be a first-time
 10 or renewal license, may be suspended or revoked by the commissioner
 11 for good cause, after hearing. The commissioner is authorized and
 12 directed to establish and publish reasonable rules and regulations set-
 13 ting forth the required qualifications for such license. Competency for
 14 any applicant not previously licensed shall be established in accordance
 15 with the rules and regulations established by the commissioner as

16 ~~provided herein.~~ The commissioner may issue a temporary license for
 17 a period of not to exceed six months and for such temporary license
 18 may waive the requirements established herein.

1 SEC. 3. Section five hundred seven A point four (507A.4), subsec-
 2 tion one (1), Code 1973, is amended to read as follows:

3 1. The lawful transaction of surplus lines insurance as permitted by
 4 sections 515.147 through ~~515.150~~ *five hundred fifteen point one hun-*
 5 *dred forty-nine (515.149) of the Code.*

1 SEC. 4. Section five hundred fifteen point one hundred forty-nine
 2 (515.149), Code 1973, is amended to read as follows:

3 515.149 **Information required.** The information required of non-
 4 admitted insurers under section 515.148 may consist of a copy of such
 5 insurer's current annual statement, duly verified, or evidence of any
 6 trust funds or deposits maintained by such insurers for the protection
 7 of their policyholders, or both, or other material of such general
 8 description and relevancy, as the commissioner may require. Such
 9 information shall be furnished at the sole cost and expense of the
 10 unauthorized insurers either to the commissioner directly, or furnished
 11 to the National Association of Insurance Commissioners for the use of
 12 its members and their staffs, including the commissioner of insurance
 13 of this state and his staff, or for dissemination to him by the Central
 14 Nonadmitted Insurers Information Bureau of the said association or
 15 by any other agency or instrumentality of that association designed
 16 to receive and disseminate such information. The provisions of sec-
 17 tions 515.147 to ~~515.150~~ *five hundred fifteen point one hundred forty-*
 18 *nine (515.149) of the Code, inclusive, shall not apply to insurance of*
 19 *vessels, craft or hulls, cargoes, marine builder's risk, marine protec-*
 20 *tion and indemnity or other risk including strikes and war risks*
 21 *commonly insured under ocean or wet marine forms of policy.*

1 SEC. 5. Section five hundred fifteen point one hundred fifty
 2 (515.150), Code 1973, is repealed.

Approved June 19, 1973.

CHAPTER 270

FOREIGN LIFE INSURANCE

H. F. 798

AN ACT relating to foreign life insurance companies becoming domestic companies and providing for a transfer tax therefor.

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

1 SECTION 1. Chapter five hundred eight (508), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Foreign companies may become domestic.** Any
 4 company organized under the laws of any other state or country, and
 5 which has been admitted to do business in this state for the purpose
 6 of writing insurance authorized by this chapter, upon complying with
 7 all of the requirements of law relative to the organization of domestic
 8 insurance companies and to the execution, filing, recording and pub-

9 lishing of notice of incorporation and payment of corporation fees by
 10 like domestic corporations, and designating its principal place of
 11 business at a place in this state, and upon payment to the commis-
 12 sioner of insurance of a transfer tax in a sum equal to twenty-five
 13 percent of the premium tax paid pursuant to the provisions of chapter
 14 four hundred thirty-two (432) of the Code for the last calendar year
 15 immediately preceding its becoming a domestic corporation or the
 16 sum of ten thousand dollars, whichever is the lesser but not less than
 17 one thousand dollars, may become a domestic corporation and be en-
 18 titled to like certificates of its corporate existence and license to trans-
 19 act business in this state, and be subject in all respects to the author-
 20 ity and jurisdiction thereof.

1 SEC. 2. Chapter four hundred ninety-one (491), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION. Foreign life insurance companies becoming domes-**
 4 **tic.** The secretary of state upon a corporation complying with the
 5 provisions of this Act and upon the filing of articles of incorporation
 6 and upon receipt of the fees as provided in this chapter shall issue a
 7 certificate of incorporation as of the date of the corporation's original
 8 incorporation in its state of original incorporation. The certificate of
 9 incorporation shall state on its face that it is issued in accordance
 10 with the provisions of this Act. The secretary of state shall forward
 11 said articles as provided in this chapter to the county recorder where
 12 the principal place of business of the corporation is to be located. The
 13 secretary of state shall then notify the appropriate officer of the
 14 state or country of the corporation's last domicile that the corporation
 15 is now a domestic corporation domiciled in this state.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 271

VARIABLE ANNUITIES

H. F. 642

AN ACT relating to variable contracts of annuities and life insurance.

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

1 **SECTION 1. NEW SECTION.** A domestic life insurance company
 2 organized under chapter five hundred eight (508) of the Code may
 3 establish one or more separate accounts, and may allocate thereto
 4 amounts, including without limitation proceeds applied under optional
 5 modes of settlement or under dividend options, to provide for life
 6 insurance or annuities, and benefits incidental thereto, payable in fixed
 7 or variable amounts or both, subject to the following:

8 1. The income, gains and losses, realized or unrealized, from assets
 9 allocated to a separate account shall be credited to or charged against
 10 the account, without regard to other income, gains or losses of the
 11 company.

12 2. Except as may be provided with respect to reserves for guaran-

13 teed benefits and funds referred to in subsection three (3) of this
14 section:

15 a. Amounts allocated to any separate account and accumulations
16 thereon may be invested and reinvested without regard to any require-
17 ments or limitations prescribed by the laws of this state governing the
18 investments of such life insurance companies; and

19 b. The investments in such separate account or accounts shall not be
20 taken into account in applying the investment limitations otherwise
21 applicable to the investments of such company.

22 3. Except with the approval of the commissioner of insurance and
23 under such conditions as to investments and other matters as he may
24 prescribe, which shall recognize the guaranteed nature of the benefits
25 provided, reserves for benefits guaranteed as to dollar amount and
26 duration and funds guaranteed as to principal amount or stated rate
27 of interest shall not be maintained in a separate account.

28 4. Unless otherwise approved by the commissioner of insurance,
29 assets allocated to a separate account shall be valued at their market
30 value on the date of valuation, or if there is no readily available mar-
31 ket, then as provided under the terms of the contract or the rules or
32 other written agreement applicable to such separate account; however,
33 unless otherwise approved by the commissioner of insurance, the por-
34 tion, if any, of the assets of such separate account equal to the com-
35 pany's reserve liability with regard to the guaranteed benefits and
36 funds referred to in subsection three (3) of this section shall be valued
37 in accordance with the rules otherwise applicable to the company's
38 assets.

39 5. Amounts allocated to a separate account in the exercise of the
40 power granted by this Act shall be owned by the company, and the
41 company shall not be, nor hold itself out to be, a trustee with respect
42 to such amounts. Unless it is provided to the contrary under the
43 applicable contracts, that portion of the assets of any such separate
44 account equal to the reserves and other contract liabilities with respect
45 to such account shall not be chargeable with liabilities arising out of
46 any other business the company may conduct.

47 6. No sale, exchange or other transfer of assets may be made by
48 such company between any of its separate accounts or between any
49 other investment account and one or more of its separate accounts
50 unless, in case of a transfer into a separate account, such transfer is
51 made solely to establish the account or to support the operation of the
52 contracts with respect to the separate account to which the transfer
53 is made, and unless such transfer, whether into or from a separate
54 account, is made by a transfer of cash, or by a transfer of securities
55 having a readily determinable market value, provided that such trans-
56 fer of securities is approved by the commissioner of insurance. The
57 commissioner of insurance may approve other transfers among such
58 accounts if, in his opinion, such transfers would not be inequitable.

59 7. To the extent such company deems it necessary to comply with
60 any applicable federal or state laws, such company, with respect to
61 any separate account, including without limitation any separate ac-
62 count which is a management investment company or a unit invest-
63 ment trust, may provide for persons having an interest therein
64 appropriate voting and other rights and special procedures for the
65 conduct of the business of such account, including without limitation

66 special rights and procedures relating to investment policy, investment
67 advisory services, selection of independent public accountants, and the
68 selection of a committee, the members of which need not be otherwise
69 affiliated with such company, to manage the business of such account.

1 SEC. 2. NEW SECTION. Any contract providing benefits payable
2 in variable amounts delivered or issued for delivery in this state shall
3 contain a statement of the essential features of the procedures to be
4 followed by the insurance company in determining the dollar amount
5 of such variable benefits. Any such contract under which the benefits
6 vary to reflect investment experience, including a group contract and
7 any certificate in evidence of variable benefits issued thereunder, shall
8 state that such dollar amount will so vary and shall contain on its first
9 page a statement to the effect that the benefits thereunder are on a
10 variable basis.

1 SEC. 3. NEW SECTION. No company shall deliver or issue for
2 delivery within this state variable contracts unless it is licensed or
3 organized to do a life insurance or annuity business in this state, and
4 the commissioner of insurance is satisfied that its condition or method
5 of operation in connection with the issuance of such contracts will not
6 render its operation hazardous to the public or its policyholders in this
7 state. In this connection, the commissioner of insurance shall consider
8 among other things:

9 1. The history and financial condition of the company;
10 2. The character, responsibility and fitness of the officers and direc-
11 tors of the company; and

12 3. The law and regulation under which the company is authorized
13 in the state of domicile to issue variable contracts. The state of entry
14 of an alien company shall be deemed its place of domicile for that
15 purpose.

16 If the company is a subsidiary of an admitted life insurance company,
17 or affiliated with such company through common management or own-
18 ership, it may be deemed by the commissioner of insurance to have met
19 the provisions of this section if either it or the parent or the affiliated
20 company meets the requirements hereof.

1 SEC. 4. NEW SECTION. Notwithstanding any other provision of
2 law, the commissioner of insurance shall have sole authority to regu-
3 late the issuance and sale of variable contracts, and to issue such
4 reasonable rules and regulations as may be appropriate to carry out
5 the purposes and provisions of this Act.

1 SEC. 5. NEW SECTION. Except for section five hundred eight
2 point thirty-seven (508.37) and subsection one (1) of section five
3 hundred nine point two (509.2) of the Code, and except as otherwise
4 provided in this Act, all pertinent provisions of chapters five hundred
5 eight (508), five hundred nine (509), five hundred eleven (511) and
6 five hundred twenty-two (522) of the Code shall apply to separate
7 accounts and contracts relating thereto. Any individual variable life
8 insurance contract, delivered or issued for delivery in this state, shall
9 contain nonforfeiture provisions appropriate to such a contract. Any
10 group variable life insurance contract, delivered or issued for delivery
11 in this state, shall contain a grace provision appropriate to such a con-
12 tract. The reserve liability for variable contracts shall be established

13 in accordance with actuarial procedures that recognize the variable
 14 nature of the benefits provided and any mortality guarantees.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 272
 GROUP INSURANCE

H. F. 156

AN ACT relating to the definition of employees eligible for group insurance.

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

1 SECTION 1. Section five hundred nine point one (509.1), subsec-
 2 tion one (1), paragraph a, Code 1973, is amended to read as follows:
 3 a. The employees eligible for insurance under the policy shall be all
 4 of the employees of the employer, or all of any class or classes thereof
 5 determined by conditions pertaining to their employment. The policy
 6 may provide that the term "employees" shall include the employees of
 7 one or more subsidiary corporations, and partners of one or more
 8 affiliated corporations, proprietors or partnerships if the business of
 9 the employer and of such affiliated corporations, proprietors or part-
 10 nerships is under common control through stock ownership, contract,
 11 or otherwise. The policy may provide that the term "employees" shall
 12 include the individual proprietor or partners if the employer is an
 13 individual proprietor or a partnership. The policy may provide that
 14 the term "employees" shall include retired employees. *The policy*
 15 *may also provide that the term "employees" shall include the board*
 16 *of directors if the employer is a corporation.*

1 SEC. 2. Section five hundred nine point one (509.1), subsection
 2 five (5), paragraph a, Code 1973, is amended to read as follows:
 3 a. The persons eligible for insurance shall be all of the employees
 4 of the employers or all of the members of the unions, or all of any
 5 class or classes thereof determined by conditions pertaining to their
 6 employment, or to membership in the unions, or both. The policy may
 7 provide that the term "employees" shall include the individual pro-
 8 prietor or partners if an employer is an individual proprietor or a
 9 partnership. The policy may provide that the term "employees" shall
 10 include the trustees or their employees, or both, if their duties are
 11 principally connected with such trusteeship. The policy may provide
 12 that the term "employees" shall include retired employees. *The pol-*
 13 *icy may also provide that the term "employees" shall include the*
 14 *board of directors if the employer is a corporation.*

1 SEC. 3. Section five hundred nine point three (509.3), Code 1973,
 2 is amended by adding the following new subsection:
 3 NEW SUBSECTION. A provision that if the insurance on a person
 4 or insurance on a person and the person's dependents covered by the
 5 policy ceases because of termination of employment or of member-
 6 ship in the class or classes eligible for coverage under the policies,
 7 such person, if enrolled under the group policy for ninety days, shall be

8 entitled to have issued to him by the insurer without evidence of in-
9 surability an individual or family policy of hospital and medical ex-
10 pense insurance provided application for the individual or family pol-
11 icy is made and the first premium paid to the insurer, within thirty-
12 one days after termination, and provided further that,

13 a. The individual or family policy shall provide insurance protec-
14 tion substantially similar both in type and level of coverage to that
15 which ceases because of such termination, but the coverage shall not
16 exceed that provided under the group policy.

17 b. The individual or family policy may, at the option of such per-
18 son, be on any one of the forms then customarily issued by the in-
19 surer at the age and for the benefits applied for.

20 c. The premium on the individual or family policy shall be at the
21 insurer's customary rate applicable to that policy for a standard class
22 of risk at the insured's attained age on the effective date of the policy.

23 d. Such employee is not then covered by another policy of hospital
24 or surgical expense insurance providing similar benefits or is not
25 covered by or eligible to be covered by a group contract or policy pro-
26 viding similar benefits or is not provided with similar benefits re-
27 quired by any statute or provided by any welfare plan or program,
28 which together with the converted policy would result in overinsur-
29 ance or duplication of benefits.

30 e. The individual or family converted policy may include a pro-
31 vision whereby the insurer may request information at any premium
32 due date of the policy of any person covered thereunder as to whether
33 he is then covered by another policy of hospital or surgical expense
34 insurance or hospital service or medical expense indemnity corpora-
35 tion subscriber contract providing similar benefits or is then covered
36 by a group contract or policy providing similar benefits or is then
37 provided with similar benefits required by any statute or provided by
38 any welfare plan or program. If any such person is so covered or
39 so provided and fails to furnish the details of such coverage when
40 requested, the benefits payable under the converted policy may be
41 based on the hospital, surgical or medical expenses actually incurred
42 after excluding expenses to the extent they are payable under such
43 other coverage or provided under such statute, plan or program.

44 f. The conversion provision shall also be available (1) upon the
45 death of the employee or member, as the case may be, to the surviv-
46 ing spouse with respect to such of the spouse and children as are then
47 covered by the group policy, and shall be available to a child solely
48 with respect to himself upon his attaining the limiting age of coverage
49 under the group policy while covered as a dependent thereunder, and
50 (2) upon the divorce or annulment of the marriage of the employee or
51 member, as the case may be, to the divorced spouse, or former spouse
52 in the event of annulment, of such employee or member.

53 g. The effective date of the individual or family policy shall be the
54 date on which coverage under the group policy ceases.

Approved July 18, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 273

CREDIT LIFE INSURANCE

H. F. 186

AN ACT relating to the regulation of premium rates for credit life and credit accident and health insurance, providing for a maximum level of credit life insurance, and providing a penalty.

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

1 SECTION 1. NEW SECTION. No individual policy of credit life or
2 credit accident and health insurance or certificate under a policy of
3 group credit life or credit accident and health insurance shall be issued
4 for delivery or delivered in this state unless the premium rates charged
5 for the insurance are approved by the commissioner of insurance.

1 SEC. 2. NEW SECTION. Rates shall be made in accordance with
2 the following provisions:

3 1. Rates shall not be excessive, inadequate or unfairly discrimina-
4 tory.

5 2. Due consideration shall be given to past and prospective loss
6 experience within and outside this state, to a reasonable margin for
7 underwriting profit and contingencies, to past and prospective ex-
8 penses both countrywide and those especially applicable to this state,
9 and to all other relevant factors within and outside this state, but rates
10 shall be deemed reasonable under this Act if they reasonably may be
11 expected to produce a ratio of fifty percent by dividing claims incurred
12 by premiums earned.

13 3. The commissioner shall, after a public hearing, approve a reason-
14 able charge or premium for credit accident and health insurance as he
15 deems appropriate and necessary for the implementation of this sec-
16 tion. A charge or premium of not more than seventy-five cents per
17 annum per one hundred dollars of the initial amount of decreasing term
18 credit life insurance, or its actuarial equivalent for credit life insur-
19 ance written on other than the decreasing term basis, shall be conclu-
20 sively presumed to meet the requirements of this section.

1 SEC. 3. Section five hundred thirty-five point two (535.2), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. Except as provided in subsection two (2) hereof, the rate of
4 interest shall be five cents on the hundred by the year in the following
5 cases, unless the parties shall agree in writing for the payment of
6 interest not exceeding nine cents on the hundred by the year:

7 a. Money due by express contract.

8 b. Money after the same becomes due.

9 c. Money loaned.

10 d. Money received to the use of another and retained beyond a rea-
11 sonable time, without the owner's consent, express or implied.

12 e. Money due on the settlement of accounts from the day the bal-
13 ance is ascertained.

14 f. Money due upon open accounts after six months from the date of
15 the last item.

16 g. Money due, or to become due, where there is a contract to pay
17 interest, and no rate is stipulated.

18 ~~Excessive charges or premiums for credit life, accident or health~~

19 insurance written in connection with money loaned shall be included
20 in the rate of interest unless

21 a. the coverage of the debtor by the insurance is not a factor in the
22 approval by the creditor of the extension of credit, and this fact is
23 clearly disclosed in writing to the person applying for or obtaining the
24 extension of credit; and

25 b. in order to obtain the insurance in connection with the extension
26 of credit, the person to whom the credit is extended must give specific
27 affirmative written indication of his desire to do so after written dis-
28 closure to him of the cost thereof.

29 The foregoing provision regarding excessive charges or premiums
30 to be included in the rate of interest shall have application only to the
31 original parties to an agreement and shall in no manner affect the
32 negotiability of instruments or the rights of subsequent holders.

33 The insurance commissioner, after hearing where all interested par-
34 ties shall be given an opportunity to be heard, shall approve a reason-
35 able charge or premium for credit life and accident or health credit
36 insurance. Such reasonable charge or premium shall allow a fair and
37 reasonable return or profit for the risk involved in providing such
38 coverage.

1 SEC. 4. Section five hundred nine point one (509.1), subsection
2 three (3), paragraph d, Code 1973, is amended as follows:

3 d. The amount of insurance on the life of any debtor shall at no time
4 exceed the amount owed by him to the creditor, or the face amount of
5 any loan or loan commitment, totally or partially executed, creating
6 personal liability and made in good faith for general agricultural or
7 horticultural purposes to a debtor with seasonal income; however, it
8 shall not exceed thirty-five thousand dollars, ~~or ten thousand dollars,~~
9 ~~whichever is less.~~

1 SEC. 5. NEW SECTION. A company or its agent licensed to sell a
2 policy of credit life or credit accident and health insurance or certifi-
3 cate under a policy of group credit life or credit accident and health
4 insurance shall not deposit or offer to deposit funds in a financial
5 institution of this state in exchange for the privilege of selling such
6 insurance to or on behalf of the financial institution. Any person
7 violating the provisions of this section shall be guilty of a misde-
8 meanor.

Approved May 24, 1973.

CHAPTER 274

HEALTH MAINTENANCE ORGANIZATIONS

S. F. 25

AN ACT to authorize the establishment and continuing regulation of health maintenance organizations and to provide penalties.

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

1 SECTION 1. NEW SECTION. **Purpose.** The general assembly de-
2 termines that health maintenance organizations, when properly regu-

3 lated, encourage methods of treatment and controls over the quality of
 4 care which effectively contain costs and provide for continuous health
 5 care by undertaking responsibility for the provision, availability, and
 6 accessibility of services. It is the intent of this Act that legal barriers
 7 be removed to allow a variety of organizational structures to establish
 8 and operate health maintenance organizations in order to provide for
 9 experimentation with and improvement in this alternative system of
 10 health care delivery. For this reason, and because the primary respon-
 11 sibility of a health maintenance organization lies in providing quality
 12 health care services on a prepaid basis without regard to the type and
 13 number of services actually rendered, rather than providing indemni-
 14 fication against the cost of such services, the general assembly finds it
 15 necessary to provide a statutory framework for the establishment and
 16 continuing regulation of health maintenance organizations which is
 17 separate from the insurance laws of this state, except as otherwise
 18 provided in this Act, and the general assembly further finds it desir-
 19 able to make a special exception, limited to health maintenance organ-
 20 izations, in order that health maintenance organizations may have the
 21 option of contracting with or employing providers of health care ser-
 22 vices notwithstanding the provisions of Title VIII and section one
 23 hundred thirty-five B point twenty-six (135B.26) of the Code.
 24 This section shall be printed in the Acts of the Sixty-fifth General
 25 Assembly but shall not be printed as part of the Code of Iowa.

1 **SEC. 2. NEW SECTION. Definitions.** As provided in this Act, un-
 2 less the context otherwise requires:

- 3 1. "Commissioner" means the commissioner of insurance.
- 4 2. "Health care services" means services included in the furnishing
 5 to any individual of medical or dental care, or hospitalization, or inci-
 6 dent to the furnishing of such care or hospitalization, as well as the
 7 furnishing to any person of all other services for the purposes of pre-
 8 venting, alleviating, curing, or healing human illness, injury, or physi-
 9 cal disability.
- 10 3. "Health maintenance organization" means any person which:
 11 a. Provides either directly or through arrangements with others,
 12 health care services to enrollees on a fixed prepayment basis;
 13 b. Provides either directly or through arrangements with other per-
 14 sons for basic health care services; and,
 15 c. Is responsible for the availability, accessibility and quality of the
 16 health care services provided or arranged.
- 17 4. "Enrollee" means an individual who is enrolled in a health main-
 18 tenance organization.
- 19 5. "Provider" means any physician, hospital, or person as defined
 20 in chapter four (4) of the Code which is licensed or otherwise author-
 21 ized in this state to furnish health care services.
- 22 6. "Basic health care services" means services which an enrollee
 23 might reasonably require in order to be maintained in good health,
 24 including as a minimum, emergency care, inpatient hospital and
 25 physician care, and outpatient medical services rendered within or
 26 outside of a hospital.
- 27 7. "Evidence of coverage" means any certificate, agreement, or con-
 28 tract issued to an enrollee setting out the coverage to which he is
 29 entitled.

1 **SEC. 3. NEW SECTION. Establishment of health maintenance or-**
2 **ganizations.** Any person may apply to the commissioner for and
3 obtain a certificate of authority to establish and operate a health
4 maintenance organization in compliance with this Act. A person shall
5 not establish or operate a health maintenance organization in this
6 state, nor sell, offer to sell, or solicit offers to purchase or receive ad-
7 vance or periodic consideration in conjunction with a health mainte-
8 nance organization without obtaining a certificate under this Act.

9 Every person operating a health maintenance organization on Janu-
10 ary 1, 1974 shall submit an application for a certificate of authority
11 under section four (4) of this Act not later than January 31, 1974.
12 The health maintenance organization may continue to operate until
13 the commissioner acts upon the application, but if the application is
14 denied the applicant shall be treated as a health maintenance organi-
15 zation whose certificate of authority has been revoked.

1 **SEC. 4. NEW SECTION. Application for a certificate of authority.**
2 An application for a certificate of authority shall be verified by an
3 officer or authorized representative of the health maintenance organi-
4 zation, shall be in a form prescribed by the commissioner, and shall set
5 forth or be accompanied by the following:

6 1. A copy of the basic organizational document, if any, of the appli-
7 cant such as the articles of incorporation, articles of association, part-
8 nership agreement, trust agreement, or other applicable documents,
9 and all of its amendments.

10 2. A copy of the bylaws, rules or similar document, if any, regulat-
11 ing the conduct of the internal affairs of the applicant.

12 3. A list of the names, addresses, and official positions of the per-
13 sons who are to be responsible for the conduct of the affairs of the
14 applicant, including all members of the board of directors, board of
15 trustees, executive committee, or other governing board or committee,
16 the principal officers if a corporation and the partners or members if
17 a partnership or association.

18 4. A copy of any contract made or to be made between any provid-
19 ers or persons listed in subsection three (3) of this section and the
20 applicant.

21 5. A statement generally describing the health maintenance organi-
22 zation including, but not limited to, a description of its facilities and
23 personnel.

24 6. A copy of the form of evidence of coverage.

25 7. A copy of the form of the group contract, if any, which is to be
26 issued to employers, unions, trustees or other organizations.

27 8. Financial statements showing the applicant's assets, liabilities,
28 and sources of financial support. If the applicant's financial affairs
29 are audited by an independent certified public accountant, a copy of
30 the applicant's most recent regular certified financial statement shall
31 satisfy this requirement unless the commissioner directs that addi-
32 tional financial information is required for the proper administration
33 of this Act.

34 9. A description of the proposed method of marketing the plan, a
35 financial plan which includes a three-year projection of operating
36 results anticipated, and a statement as to the sources of funding.

37 10. A power of attorney executed by any applicant who is not domi-
38 ciled in this state appointing the commissioner, his successors in office

39 and deputies as the true and lawful attorney of the applicant for this
 40 state upon whom all lawful process in any legal action or proceeding
 41 against the health maintenance organization on a cause of action
 42 arising in this state may be served.

43 11. A statement reasonably describing the geographic area to be
 44 served.

45 12. A description of the complaint procedures to be utilized as re-
 46 quired under section fifteen (15) of this Act.

47 13. A description of the procedures and programs to be implemented
 48 to meet the requirements for quality of health care as determined by
 49 the commissioner of public health under section five (5) of this Act.

50 14. A description of the mechanism by which enrollees shall be
 51 allowed to participate in matters of policy and operation as required
 52 by section eight (8) of this Act.

53 15. Other information the commissioner finds reasonably necessary
 54 to make the determinations required in section six (6) of this Act.

55 A health maintenance organization shall, unless otherwise provided
 56 for in this Act, file notice with the commissioner and receive approval
 57 from him before modifying the operations described in the information
 58 required by this section.

59 Upon receipt of an application for a certificate of authority, the
 60 commissioner shall immediately transmit copies of the application and
 61 accompanying documents to the commissioner of public health and the
 62 affected regional health planning council, as authorized by Public Law
 63 89-749 (42 U.S.C. 246 (b) 2b), for their nonbinding consultation and
 64 advice.

1 SEC. 5. NEW SECTION. Duties of the commissioner of public
 2 health. The commissioner of public health shall determine whether
 3 the applicant for a certificate of authority, with respect to health care
 4 services to be furnished:

5 1. Has demonstrated the willingness and potential ability to assure
 6 the availability, accessibility and continuity of service through ade-
 7 quate personnel and facilities.

8 2. Has arrangements established in accordance with regulations
 9 promulgated by the commissioner of public health for a continuous
 10 review of health care processes and outcomes.

11 3. Has a procedure established in accordance with regulations of the
 12 commissioner of public health to develop, compile, evaluate and report
 13 statistics relating to the cost of its operations, the pattern of utiliza-
 14 tion of its services, the availability and accessibility of its services,
 15 and other matters as may be reasonably required by the commissioner
 16 of public health.

17 The commissioner of public health, in carrying out his obligations
 18 under this section and sections twenty-six (26) and twenty-seven (27)
 19 of this Act, may contract with qualified persons to make recommenda-
 20 tions concerning the determinations required to be made by him. Such
 21 recommendations may be accepted in full or in part by the commis-
 22 sioner of public health.

23 Within a reasonable period of time from the receipt of the applica-
 24 tion for a certificate of authority, the commissioner of public health
 25 shall certify to the commissioner whether the proposed health mainte-
 26 nance organization meets the requirements of this section. If the

27 commissioner of public health certifies that the health maintenance
28 organization does not meet these requirements, he shall specify in what
29 respects it is deficient.

1 **SEC. 6. NEW SECTION. Issuance and denial of a certificate of**
2 **authority.** The commissioner shall issue or deny a certificate of au-
3 thority to any person filing an application pursuant to section four (4)
4 of this Act within a reasonable period of time after receiving certifi-
5 cation from the commissioner of public health. Issuance of a certificate
6 of authority shall be granted upon payment of the application fee
7 prescribed in section twenty-three (23) of this Act if the commis-
8 sioner is satisfied that the following conditions are met:

9 1. The persons responsible for the conduct of the affairs of the
10 applicant are competent and trustworthy.

11 2. The commissioner of public health certifies that the health main-
12 tenance organization's proposed plan of operation meets the require-
13 ments of section five (5) of this Act.

14 3. The health maintenance organization provides or arranges for
15 the provision of basic health care services on a prepaid basis, except
16 that the health maintenance organization may impose deductible and
17 coinsurance charges which might be required to be paid by persons
18 on whose behalf the federal government contracts with the health
19 maintenance organization for health care services.

20 4. The health maintenance organization is fiscally sound and may
21 reasonably be expected to meet its obligations to enrollees. In making
22 this determination, the commissioner may consider:

23 a. The financial soundness of the health maintenance organization's
24 arrangements for health care services in relation to its schedule of
25 charges.

26 b. The adequacy of the health maintenance organization's working
27 capital.

28 c. Any agreement made by the health maintenance organization
29 with an insurer, a corporation authorized under chapter five hundred
30 fourteen (514) of the Code or any other organization for insuring the
31 payment of the cost of health care services or for providing immediate
32 alternative coverage in the event of discontinuance of the health
33 maintenance organization.

34 d. Any agreement made with providers for the provision of health
35 care services.

36 e. Any surety bond or deposit of cash or securities submitted in
37 accordance with section seventeen (17) of this Act.

38 5. The enrollees may participate in matters of policy and operation
39 pursuant to section eight (8) of this Act.

40 6. Nothing in the proposed method of operation as shown by the
41 information submitted pursuant to section four (4) of this Act or by
42 independent investigation is contrary to the public interest.

43 7. Any deficiencies certified by the commissioner of public health
44 have been corrected.

45 A certificate of authority shall be denied only after compliance with
46 the requirements of section twenty-seven (27) of this Act.

1 **SEC. 7. NEW SECTION. Powers of health maintenance organiza-**
2 **tions.** The powers of a health maintenance organization include, but
3 are not limited to, the following:

4 1. The purchase, lease, construction, renovation, operation or main-
5 tenance of hospitals, medical facilities, or both, and their ancillary
6 equipment, and such property as may reasonably be required for trans-
7 acting the business of the organization.

8 2. The making of loans to a medical group under contract with it
9 or to a corporation under its control for the purpose of acquiring or
10 constructing medical facilities and hospitals or in furtherance of a
11 program providing health care services to enrollees.

12 3. The furnishing of health care services to the public through pro-
13 viders which are under contract with or employed by the health
14 maintenance organization.

15 4. The contracting with any person for the performance on its
16 behalf of certain functions such as marketing, enrollment and ad-
17 ministration.

18 5. The contracting with an insurance company authorized to insure
19 groups or individuals in this state for the cost of health care or with
20 a corporation authorized under chapter five hundred fourteen (514)
21 of the Code for the provision of insurance, indemnity, or reimburse-
22 ment against the cost of health care services provided by the health
23 maintenance organization.

24 6. The offering, in addition to basic health care services, of health
25 care services and indemnity benefits to enrollees or groups of enrollees.

26 7. The acceptance from any person of payments covering all or part
27 of the charges made to enrollees of the health maintenance organiza-
28 tion.

29 A health maintenance organization shall file notice with the commis-
30 sioner before the exercise of any power granted in subsections one (1)
31 and two (2) of this section. The notice shall be accompanied by ade-
32 quate supporting information obtained from the commissioner of
33 public health relating to the health maintenance organization's need
34 for physical facilities. The commissioner shall disapprove the exercise
35 of power if in his opinion it would substantially and adversely affect
36 the financial soundness of the health maintenance organization and
37 endanger its ability to meet its obligations. The commissioner may
38 promulgate rules exempting from the filing requirement of this section
39 those activities having a minimum effect.

1 **SEC. 8. NEW SECTION. Governing body.** The governing body of
2 any health maintenance organization shall be a legal entity separate
3 from the governing body of any other legal entity and may include
4 providers, other individuals, or both, but it shall establish a mechanism
5 to allow a reasonable representation of enrollees to participate in mat-
6 ters of policy and operation as members of the governing body. The
7 commissioner shall establish guidelines to implement this section.

1 **SEC. 9. NEW SECTION. Fiduciary responsibilities.** Any director,
2 officer or partner of a health maintenance organization who receives,
3 collects, disburses or invests funds in connection with the activities
4 of a health maintenance organization shall be responsible for these
5 funds in a fiduciary relationship to the enrollees.

1 **SEC. 10. NEW SECTION. Evidence of coverage.** Every enrollee
2 shall receive an evidence of coverage and any amendments. If the
3 enrollee obtains coverage through an insurance policy or a contract

4 issued by a corporation authorized under chapter five hundred four-
5 teen (514) of the Code, the insurer or the corporation shall issue the
6 evidence of coverage. No evidence of coverage or amendment shall be
7 issued or delivered to any person in this state until a copy of the form
8 of the evidence of coverage or amendment has been filed with and
9 approved by the commissioner.

10 An evidence of coverage shall contain a clear and complete state-
11 ment of:

12 1. The health care services and the insurance or other benefits, if
13 any, to which the enrollee is entitled in the total context of the organi-
14 zational structure of the health maintenance organization.

15 2. Any limitations on the services or benefits to be provided, includ-
16 ing any deductible or coinsurance charges permitted under section six
17 (6), subsection three (3) of this Act.

18 3. The manner in which information is available on the method of
19 obtaining health care services.

20 4. The total amount of payment for health care services and indem-
21 nity or service benefits, if any, which the enrollee is obligated to pay
22 with respect to individual contracts, or an indication whether the plan
23 offered through the health maintenance organization is contributory
24 or noncontributory with respect to group contracts.

25 5. The health maintenance organization's method for resolving en-
26 rollee complaints.

27 6. The mechanism by which enrollees shall be allowed to participate
28 in matters of policy and operation.

29 A copy of the form of the evidence of coverage to be used in this
30 state and any amendment shall be subject to the filing and approval
31 requirements of this section unless it is subject to the jurisdiction of
32 the commissioner under the laws governing health insurance or cor-
33 porations authorized under chapter five hundred fourteen (514) of
34 the Code in which event the filing and approval provisions of such laws
35 apply. To the extent, however, that those provisions are less strict
36 than those provided under this section, then the requirements of this
37 section shall apply.

38 Enrollees shall be entitled to receive the most recent annual state-
39 ment of the financial condition of the health maintenance organization
40 in which they are enrolled, which statement shall include a balance
41 sheet and summary of receipts and disbursements.

1 **SEC. 11. NEW SECTION. Charges—approval required.** No sched-
2 ule of charges for enrollee coverage for health care services or amend-
3 ment to the schedule may be used by a health maintenance organization
4 until a copy of the schedule or amendment to the schedule has been
5 filed with and approved by the commissioner. Charges to enrollees
6 may be established in accordance with actuarial principles for various
7 categories of enrollees, but the charges shall not be determined accord-
8 ing to the status of an individual enrollee's health or sex and shall not
9 be excessive, inadequate or unfairly discriminatory.

1 **SEC. 12. NEW SECTION. Disapproval of filings.** If the commis-
2 sioner disapproves a filing made pursuant to sections ten (10) and
3 eleven (11) of this Act, he shall notify the filer and in the notice
4 specify the reasons for his disapproval. A hearing shall be granted
5 by the commissioner within a reasonable period of time from the

6 request for the hearing, which request must be made within thirty
7 days after receipt by the filer of the notice of disapproval. The com-
8 missioner may require the submission of whatever relevant informa-
9 tion he deems necessary in determining whether to disapprove a filing.

1 SEC. 13. NEW SECTION. **Annual report.** A health maintenance
2 organization shall annually before the first day of March file with the
3 commissioner, with a copy to the commissioner of public health, a
4 report verified by at least two of its principal officers and covering the
5 preceding calendar year. The report shall be on forms prescribed by
6 the commissioner and shall include:

7 1. Financial statements of the organization including a balance
8 sheet as of the end of the preceding calendar year and statement of
9 profit and loss for the year then ended, certified by a certified public ac-
10 countant or an independent public accountant.

11 2. Any material changes in the information submitted pursuant to
12 section four (4) of this Act.

13 3. The number of persons enrolled during the year, the number of
14 enrollees as of the end of the year and the number of enrollments
15 terminated during the year.

16 4. A summary of information compiled pursuant to section five (5),
17 subsection three (3) of this Act in the form required by the commis-
18 sioner of public health.

19 5. Other information relating to the performance of the health
20 maintenance organization as is necessary to enable the commissioner
21 to carry out his duties under this Act.

1 SEC. 14. NEW SECTION. **Open enrollment.** After a health main-
2 tenance organization has been in operation twenty-four months, it
3 shall have an annual open enrollment period of at least one month
4 during which it accepts enrollees up to the limits of its capacity, as
5 determined by the health maintenance organization, in the order in
6 which they apply for enrollment. A health maintenance organization
7 may apply to the commissioner for authorization to impose such under-
8 writing restrictions upon enrollment as are necessary to preserve its
9 financial stability, to prevent excessive adverse selection by prospec-
10 tive enrollees, or to avoid unreasonably high or unmarketable charges
11 for enrollee coverage for health care services. The commissioner
12 shall approve or deny the application made pursuant to this section
13 within a reasonable period of time from the receipt of the applica-
14 tion.

15 Health maintenance organizations providing services exclusively on
16 a group contract basis may limit the open enrollment provided for in
17 this section to all members of the group covered by the contract.

1 SEC. 15. NEW SECTION. **Complaint system.** A health mainte-
2 nance organization shall establish and maintain a complaint system
3 which has been approved by the commissioner in consultation with the
4 commissioner of public health and which shall provide for the resolu-
5 tion of written complaints initiated by enrollees concerning health
6 care services. A health maintenance organization shall submit to the
7 commissioner and to the commissioner of public health an annual
8 report in a form prescribed by the commissioner in consultation with
9 the commissioner of public health, which shall include:

- 10 1. A description of the procedures of the complaint system.
11 2. The total number of complaints handled through the complaint
12 system and a compilation of causes underlying the complaints filed.
13 3. The number, amount and disposition of malpractice claims settled
14 during the year by the health maintenance organization and any of its
15 providers.

16 The health maintenance organization shall maintain statistical in-
17 formation of written complaints filed with it concerning benefits over
18 which the health maintenance organization does not have control and
19 shall submit to the commissioner a summary report at the time and in
20 the format that the commissioner may require. Complaints involving
21 other persons shall be referred to those persons and a copy of the com-
22 plaint sent to the commissioner.

1 SEC. 16. NEW SECTION. **Investments.** With the exception of in-
2 vestments made in accordance with section seven (7) of this Act, the
3 investable funds of a health maintenance organization shall be invested
4 only in securities or other investments permitted by section five hun-
5 dred eleven point eight (511.8) of the Code for the investment of
6 assets constituting the legal reserves of life insurance companies or
7 such other securities or investments as the commissioner may permit.
8 For purposes of this section, investable funds of a health maintenance
9 organization are all moneys held in trust for the purpose of fulfilling
10 the obligations incurred by a health maintenance organization in pro-
11 viding health care services to enrollees.

1 SEC. 17. NEW SECTION. **Protection against insolvency.** A health
2 maintenance organization shall furnish a surety bond in an amount
3 satisfactory to the commissioner, or deposit with the commissioner
4 cash or securities acceptable to him in at least the same amount, as a
5 guarantee that its obligations to enrollees will be performed. The
6 commissioner may waive this requirement when satisfied that the
7 assets of the organization or its contracts with other organizations are
8 sufficient to reasonably assure the performance of its obligations.

1 SEC. 18. NEW SECTION. **Cancellation of enrollees.** An enrollee
2 shall not be cancelled except for the failure to pay the charges per-
3 mitted under section eleven (11) of this Act or for other reasons stated
4 in the rules promulgated by the commissioner and subject to review
5 in accordance with chapter seventeen A (17A) of the Code. No notice
6 of cancellation to an enrollee shall be effective unless delivered to the
7 enrollee by the health maintenance organization in a manner pre-
8 scribed by the commissioner and at least thirty days before the effec-
9 tive date of cancellation and unless accompanied by a statement of
10 reason for cancellation. At any time before cancellation of the policy
11 for nonpayment, the enrollee may pay to the health maintenance
12 organization the full amount due, including court costs if any, and
13 from the date of payment by the enrollee or the collection of the judg-
14 ment, coverage shall revive and be in full force and effect.

1 SEC. 19. NEW SECTION. **False representation.** A health mainte-
2 nance organization, unless licensed as an insurer, shall not use in its
3 name, contracts, or literature any words descriptive of an insurance,
4 casualty, or surety business or deceptively similar to the name or
5 description of any insurance or surety corporation doing business in

6 this state. No health maintenance organization or any person on its
7 behalf shall advertise or merchandise its services in a manner to mis-
8 represent its services or capacity for service, nor shall it engage in
9 misleading, deceptive or unfair practices with respect to advertising or
10 merchandising. This section does not exempt health maintenance
11 organizations which are engaged in the business of insurance from
12 regulation under the provisions of chapter five hundred seven B
13 (507B) of the Code.

1 SEC. 20. NEW SECTION. **Regulation of agents.** The commission-
2 er may, after notice and hearing, promulgate such reasonable rules
3 under the provisions of chapter five hundred twenty-two (522) of the
4 Code that are necessary to provide for the licensing of agents who
5 engage in solicitation or enrollment for a health maintenance organi-
6 zation.

1 SEC. 21. NEW SECTION. **Powers of insurers and hospital and med-
2 ical service corporations.** An insurance company authorized to engage
3 in insuring individuals or groups for the cost of health care in this state
4 or a corporation authorized under chapter five hundred fourteen (514)
5 of the Code may either directly or through a subsidiary or affiliate do
6 one or more of the following:

7 1. Organize and operate a health maintenance organization under
8 the provisions of this Act.

9 2. Contract with a health maintenance organization to provide insur-
10 ance or similar protection against the cost of care provided through
11 the health maintenance organization.

12 3. Contract with a health maintenance organization to provide cov-
13 erage in the event of the failure of the health maintenance organiza-
14 tion to meet its obligations.

15 Any two or more insurance companies, corporations, or their sub-
16 sidiaries or affiliates may jointly organize and operate a health main-
17 tenance organization.

1 SEC. 22. NEW SECTION. **Public employees included.** Any em-
2 ployee of the state, political subdivision of the state, or of any institu-
3 tion supported in whole or in part by public funds may authorize the
4 deduction from his salary or wages of the amount charged to him for
5 any health care services provided through health maintenance organi-
6 zations under this Act in the manner provided in section five hundred
7 fourteen point sixteen (514.16) of the Code.

1 SEC. 23. NEW SECTION. **Fees.** Every health maintenance organ-
2 ization subject to this Act shall pay to the commissioner the following
3 fees:

4 1. For filing an application for a certificate of authority or an amend-
5 ment to the certificate, one hundred dollars.

6 2. For filing each annual report, twenty-five dollars. Fees charged
7 under this section shall be remitted to the treasurer of state and cred-
8 ited by him to the general fund.

1 SEC. 24. NEW SECTION. **Rules.** The commissioner and the com-
2 missioner of public health may promulgate rules as are necessary to
3 carry out the provisions of this Act, subject to review in accordance
4 with chapter seventeen A (17A) of the Code.

1 **SEC. 25. NEW SECTION. Examinations permitted.** The commis-
2 sioner shall make an examination of the affairs of any health mainte-
3 nance organization and its providers as often as he deems necessary
4 for the protection of the interests of the people of this state, but not
5 less frequently than once every three years.

6 The commissioner of public health shall make an examination concern-
7 ing the quality of health care services provided through any health
8 maintenance organization as often as he deems necessary for the
9 protection of the interests of the people of this state, but not less
10 frequently than once every three years.

11 Every health maintenance organization and provider shall submit its
12 books and records to the commissioner and the commissioner of public
13 health and in every way facilitate the examination. For the purpose
14 of examinations, the commissioners may administer oaths to and
15 examine the officers and agents of the health maintenance organization
16 and the principals of its providers concerning their business. The
17 expenses of examinations under this section shall be assessed against
18 the organization being examined and remitted to the commissioner or
19 commissioner of public health as the case may be.

20 In lieu of the examination required by this section, either commis-
21 sioner may accept the report of an examination made by the appropri-
22 ate departments in other states.

1 **SEC. 26. NEW SECTION. Suspension or revocation of certificate of**
2 **authority.** The commissioner may suspend or revoke any certificate of
3 authority issued to a health maintenance organization under this Act
4 if he finds that the health maintenance organization is operating in
5 contravention of its proposed plan of operation on the basis of which
6 a certificate of authority was issued to it or has failed to comply with
7 the provisions of and rules promulgated under this Act. When the
8 certificate of authority of a health maintenance organization is sus-
9 pended, the health maintenance organization shall not, during the
10 period of suspension, enroll any additional enrollees except newly ac-
11 quired dependents of existing enrollees and shall not engage in any
12 advertising or solicitation or merchandising for the health mainte-
13 nance organization. When the certificate of authority of a health
14 maintenance organization is revoked, the health maintenance organi-
15 zation shall, immediately following the effective date of the order of
16 revocation, conduct no further business except as may be essential to
17 the orderly conclusion of its affairs and shall engage in no further
18 advertising or solicitation or merchandising. The commissioner may
19 in writing permit continued operation of the organization as he finds
20 to be in the best interest of enrollees to the end that enrollees will be
21 afforded the greatest practical opportunity to obtain continuing health
22 care coverage. If the certificate of authority of a health maintenance
23 organization is revoked, the commissioner shall report the revocation
24 to the attorney general who shall apply to the district court for the
25 appointment of a receiver to close the affairs of the health maintenance
26 organization.

27 The commissioner may, in lieu of suspension or revocation of a cer-
28 tificate of authority, levy an administrative penalty in an amount not
29 more than five thousand dollars, if reasonable notice in writing is given
30 of the intent to levy the penalty and the health maintenance organiza-

31 tion has a reasonable time within which to remedy the defect in its
32 operations which gave rise to the penalty citation.

1 **SEC. 27. NEW SECTION. Administrative procedures.** When the
2 commissioner has cause to believe that grounds for the denial, sus-
3 pension, or revocation of a certificate of authority exist, he shall notify
4 the health maintenance organization in writing of the particular
5 grounds for denial, suspension, or revocation and shall issue a notice
6 of a time fixed for a hearing, which shall be held not less than ten
7 days after the receipt by the health maintenance organization of the
8 notice. The commissioner of public health or his designee shall par-
9 ticipate in the proceedings of the hearing and his recommendation and
10 findings with respect to matters relating to the quality of health care
11 services provided in connection with any decision regarding denial,
12 suspension, or revocation of a certificate of authority, or in connection
13 with an order to the health maintenance organization by the commis-
14 sioner to cease from methods or practices in violation of this Act, shall
15 be conclusive and binding upon the commissioner.

16 At the time and place fixed for a hearing, the person charged shall
17 have an opportunity to be heard and to show cause why the order
18 should not be made by the commissioner. Upon good cause shown, the
19 commissioner may permit any person to intervene, appear and be
20 heard at the hearing by counsel or in person. Nothing contained in
21 this Act shall require the observance at any hearing of formal rules
22 of pleading or evidence. The provisions of section five hundred seven
23 B point six (507B.6), subsections four (4) and five (5) of the Code
24 relating to the powers and duties of the commissioner in relation to
25 the hearing and relating to the rights and obligations of persons upon
26 whom the commissioner has served notice shall apply to this Act.

27 After the hearing, or upon the failure of the health maintenance
28 organization to appear at the hearing, the commissioner shall take
29 action as he deems advisable and which is permitted by him under the
30 provisions of this Act and shall reduce his findings to writing. Copies
31 of the written findings shall be mailed to the health maintenance
32 organization charged with violation of this Act and to the commis-
33 sioner of public health.

1 **SEC. 28. NEW SECTION. Judicial review.** The action of the com-
2 missioner and the recommendation and findings of the commissioner
3 of public health under section twenty-seven (27) of this Act shall be
4 subject to review by the district court of the county where the health
5 maintenance organization's principal place of business is located,
6 according to the proceedings set out under the provisions of section
7 five hundred seven B point eight (507B.8) of the Code. If the health
8 maintenance organization's principal place of business is outside this
9 state, the review shall be by the district court of Polk County. Until
10 the expiration of the ten days allowed for filing a petition for review,
11 if no petition has been filed, or if a petition for review has been filed
12 within that time, then until the transcript of the record in the pro-
13 ceeding has been filed in the district court as provided in section five
14 hundred seven B point eight (507B.8) of the Code, the commissioner
15 may at any time, upon notice, modify or set aside in whole or in part
16 any order issued by him under section twenty-seven (27) of this Act.
17 After the expiration of the ten days allowed for filing a petition for

18 review and if no petition has been filed, the commissioner may at any
19 time, after notice and opportunity for a hearing, reopen and alter,
20 modify, or set aside, in whole or in part, any order issued by him under
21 section twenty-seven (27) of this Act, when in his opinion conditions
22 of fact or of law require the action, or if the public interest shall so
23 require.

1 **SEC. 29. NEW SECTION. Injunction.** The commissioner may, in
2 the manner provided by law, maintain an action in the name of the
3 state for injunction or other process against the person violating any
4 provision of this Act.

1 **SEC. 30. NEW SECTION. Penalties.** Where no other penalty is
2 provided for in this Act, any person who violates any of the provisions
3 of this Act shall be guilty of a misdemeanor and upon conviction shall
4 be punished by a fine not to exceed one hundred dollars or by imprison-
5 ment for a period not to exceed thirty days or be punished by both such
6 fine and imprisonment.

1 **SEC. 31. NEW SECTION. Communications in professional confi-**
2 **dence.** No officer, director, trustee, partner or employee of a health
3 maintenance organization shall testify as to nor make other public
4 disclosure of any communication made to a provider and deemed privi-
5 leged under section six hundred twenty-two point ten (622.10) of the
6 Code, and which communication has come into the knowledge or pos-
7 session of such officer, director, trustee, partner or employee by reason
8 of his employment with said health maintenance organization. To the
9 extent necessary to effectuate the examinations provided in section
10 twenty-five (25) of this Act only, the commissioner or the commis-
11 sioner of public health shall have the right to examine medical or
12 hospital records of a person receiving basic health care services under
13 the provisions of this Act but shall not testify as to such confidential
14 communications or make other public disclosure thereof without the
15 express consent of said person or his legal representative, if he be
16 deceased or incompetent. The provisions of section six hundred twenty-
17 two point ten (622.10) of the Code respecting waiver shall apply to this
18 section.

19 A health maintenance organization is hereby prohibited from releas-
20 ing the names of its membership list of enrollees, whether or not for
21 value or consideration, except to the extent necessary to effectuate the
22 provisions of this Act.

1 **SEC. 32. NEW SECTION. Taxation.** Payments received by a health
2 maintenance organization for health care services, insurance, indem-
3 nity, or other benefits to which an enrollee is entitled through a health
4 maintenance organization authorized under this Act and payments by
5 a health maintenance organization to providers for health care ser-
6 vices, to insurers, or corporations authorized under chapter five hun-
7 dred fourteen (514) of the Code for insurance, indemnity, or other
8 service benefits authorized under this Act are not premiums received
9 and taxable under the provisions of section four hundred thirty-two
10 point one (432.1) of the Code for the first five years of the existence
11 of the health maintenance organization, its successors or assigns.
12 After the first five years, the payments received shall be considered

13 premiums received and shall be taxable under the provisions of section
14 four hundred thirty-two point one (432.1) of the Code.

1 SEC. 33. NEW SECTION. Construction.

2 1. Except as otherwise provided in this Act, laws regulating the
3 insurance business in this state and the operations of corporations
4 authorized under chapter five hundred fourteen (514) of the Code
5 shall not be applicable to any health maintenance organization granted
6 a certificate of authority under this Act with respect to its health
7 maintenance organization activities authorized and regulated pursu-
8 ant to this Act.

9 2. Solicitation of enrollees by a health maintenance organization
10 granted a certificate of authority or its representatives shall not be
11 construed to violate any provision of law prohibiting solicitation or
12 advertising by health professionals. Upon a prospective enrollee's
13 request, a list of locations of services and a list of providers who have
14 current agreements with the health maintenance organization shall be
15 made available. No health maintenance organization shall, in any
16 advertising, identify by name any physician or surgeon, osteopathic
17 physician or surgeon, dentist, optometrist, podiatrist, chiropractor,
18 or professional corporation as defined by chapter four hundred ninety-
19 six C (496C) of the Code, with whom the health maintenance organi-
20 zation has an agreement to provide health care services.

21 3. Any health maintenance organization authorized under this Act
22 is not practicing medicine and shall not be subject to the limitations
23 provided in section one hundred thirty-five B point twenty-six
24 (135B.26) of the Code on types of contracts entered into between
25 doctors and hospitals.

1 SEC. 34. Section two hundred forty-nine A point four (249A.4),
2 subsection four (4), Code 1973, is amended to read as follows:

3 4. Have authority to contract with any corporation ~~or corporations~~,
4 authorized to engage in this state in insuring groups or individuals
5 for all or part of the cost of medical, hospital, or other health care or
6 with any corporation ~~or corporations~~ maintaining and operating a
7 medical, hospital, or health service prepayment plan ~~or plans~~ under
8 the provisions of chapter 514 *or with any health maintenance organi-*
9 *zation authorized to operate in this state*, for any or all of the benefits
10 to which any recipients are entitled under this chapter to be provided
11 by such corporation ~~or corporations~~ *or health maintenance organiza-*
12 *tion* on a prepaid individual or group basis.

1 SEC. 35. Section five hundred nine A point six (509A.6), Code
2 1973, is amended to read as follows:

3 509A.6 Contract with insurance carrier. The governing body may
4 contract with a nonprofit corporation operating under the provisions
5 of this chapter or chapter 514 or with any insurance company having
6 a certificate of authority to transact an insurance business in this state
7 with respect of a group insurance plan, which may include life, acci-
8 dent, health, hospitalization and disability insurance during period of
9 active service of such employees, with the right of any employee to
10 continue such life insurance in force after termination of active ser-
11 vice at such employee's sole expense; ~~and~~ may contract with a non-
12 profit corporation operating under and governed by the provisions of

13 this chapter or chapter 514 with respect of any hospital or medical
 14 service plan; and may contract with a health maintenance organization
 15 authorized to operate in this state with respect to health maintenance
 16 organization activities.

1 SEC. 36. **Effective date.** The provisions of this Act shall become
 2 effective January 1, 1974.

Approved May 25, 1973.

CHAPTER 275

INTEREST ON JUDGMENTS AND DECREES

S. F. 9

AN ACT relating to the interest rates on judgments and decrees.

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

1 SECTION 1. Section five hundred thirty-five point three (535.3),
 2 Code 1973, is amended as follows:
 3 535.3 **Interest on judgments and decrees.** Interest shall be allowed
 4 on all money due on judgments and decrees of courts at the rate of
 5 ~~five~~ seven cents on the hundred by the year, unless a different rate is
 6 fixed by the contract on which the judgment or decree is rendered, in
 7 which case the judgment or decree shall draw interest at the rate ex-
 8 pressed in the contract, not exceeding the maximum applicable rate
 9 permitted by the provisions of section 535.2, which rate must be ex-
 10 pressed in the judgment or decree.

1 SEC. 2. **NEW SECTION.** The provisions of this Act shall not ap-
 2 ply to judgments rendered or decrees entered of record prior to the
 3 effective date of this Act.

Approved February 26, 1973.

CHAPTER 276

GRAIN DEALERS LICENSES

H. F. 383

AN ACT relating to the licensing and regulating of grain dealers and providing penal-
 ties.

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

1 SECTION 1. **NEW SECTION. Definitions.** As used in this Act, un-
 2 less the context otherwise requires:
 3 1. "Commission" means the Iowa state commerce commission.
 4 2. "Grain" means any grain for which the United States depart-
 5 ment of agriculture has established standards including, but not lim-
 6 ited to, corn, wheat, oats, soybeans, rye, barley, grain sorghum, flax-
 7 seeds, sunflower seed, speltz, and field peas.
 8 3. "Grain dealer" shall mean any person who is engaged in the

9 business of buying grain for resale. This shall not be construed to
10 mean a person engaged in buying or selling grain on the board of
11 trade.

1 **SEC. 2. NEW SECTION. Duties and powers of the commission.**

2 The commission may exercise general supervision over the business
3 operations of grain dealers. The supervisory and regulatory powers
4 authorized by this Act shall be the responsibility of the warehouse
5 division of the commission. The commission may inspect or cause
6 to be inspected any grain dealer operating in this state and may re-
7 quire the filing of reports pertaining to the operation of his business.
8 The commission shall adopt rules and regulations to provide for the
9 efficient administration and regulation of the provisions of this chap-
10 ter, and may designate an employee of the commission to act for the
11 commission in any details connected with such administration, includ-
12 ing the issuance of licenses and approval of grain dealers' bonds in
13 the name of the commission.

1 **SEC. 3. NEW SECTION. License required.** No person shall engage

2 in the business of a grain dealer in this state without having ob-
3 tained a license issued by the commission. Each application for a
4 license to engage in business as a grain dealer shall be filed with the
5 commission and shall be in a form prescribed by the commission. The
6 application shall include the name of the applicant, its principal offi-
7 cers if the applicant is a corporation or the active members of a part-
8 nership if the applicant is a partnership and the location of the prin-
9 cipal office or place of business of the applicant. A separate license
10 shall be required for each location at which the records are normally
11 kept for transactions of the grain dealer. The application shall also
12 list the number of trucks or tractor trailer units that will be used in
13 the transportation of grain purchased for resale or grain transported
14 into this state for resale. The application shall be accompanied by
15 a complete financial statement of the applicant setting forth the
16 assets, liabilities and the net worth of the applicant. In order to re-
17 ceive a license the net worth of an applicant must exceed five thou-
18 sand dollars. The commission may require additional information
19 or verification with respect to the financial resources of the applicant
20 and the applicant's ability to pay producers for grain purchased from
21 them.

1 **SEC. 4. NEW SECTION. Bond required.** Any person applying for

2 a license to operate as a grain dealer in accordance with this Act
3 shall, as a condition to the granting of the license, file with the com-
4 mission a bond payable to the state of Iowa with a corporate surety
5 approved by the commission in a penal sum of fifteen thousand dol-
6 lars per license conditioned that the applicant will pay the purchase
7 price of any grain to the seller, and that the grain dealer owns, free
8 of liens, any grain which he offers for sale; provided that the aggre-
9 gate liability of the surety to such persons shall in no event exceed
10 the sum of such bond. One bond, cumulative as to minimum require-
11 ments, shall be required where a person has multiple licenses but in
12 no event shall the total amount of bond exceed one hundred thousand
13 dollars. No bond shall be canceled by a surety before at least sixty-
14 days' notice by certified mail to the commission and the grain dealer.

15 The liability of the surety shall cover all purchases and transactions
16 made by the grain dealer during the time the bond is in force. A
17 grain dealer's bond filed with this commission shall be in continuous
18 force until canceled by the surety. The liability of the surety on any
19 bond required by the provisions of this Act shall not accumulate for
20 each successive license period during which the bond is in force.

1 SEC. 5. NEW SECTION. **License.** Upon the filing of the applica-
2 tion and compliance with the terms and conditions of this Act and
3 rules of the commission, the commission shall issue a license to the
4 applicant. The license shall terminate on the thirtieth of June
5 of each year. A grain dealer's license may be renewed annually by
6 the filing of a renewal application on a form prescribed by the com-
7 mission accompanied by a current financial statement and the renewal
8 fee. An application for renewal shall be received by the commission
9 before the thirtieth of June.

1 SEC. 6. NEW SECTION. **Fees.** The commission shall collect fees
2 as follows:

3 1. For the issuance of a license, twenty-five dollars per year or frac-
4 tion of a year.

5 2. For renewal of license, twenty-five dollars per year.

6 3. An annual registration fee, to be determined by the commission,
7 of not less than five dollars nor more than ten dollars for each vehicle
8 used by the license holder in the transporting of grain.

9 4. A fee of one dollar will be charged for each duplicate identifica-
10 tion to be used on any vehicle.

11 5. All fees collected by the commission under this Act shall be de-
12 posited in the general fund of the state.

1 SEC. 7. NEW SECTION. **Posting of license and registration.** The
2 grain dealer's license shall be posted in a conspicuous place in the
3 place of business. Each vehicle used by a license holder shall be
4 equipped with a special decal or other registration identification as
5 prescribed by the commission so that the decal will be readily visible.
6 A grain dealer's license is not transferable. The registration shall
7 not be transferred from one vehicle to another, except in case of de-
8 struction or other disposition of the vehicle previously bearing the
9 identification. All transfers must first be approved by the commis-
10 sion. If a registration for a vehicle becomes defaced or destroyed,
11 a duplicate shall be obtained from the commission upon request and
12 payment of the fee.

1 SEC. 8. NEW SECTION. **Payment.** A person licensed as a grain
2 dealer shall make payment of the purchase price to the owner or his
3 agent for grain upon delivery or demand of the owner or his agent.
4 A person who holds a bonded warehouse license may issue deferred
5 payment contracts in accordance with the provisions of section five
6 hundred forty-three point seventeen (543.17) of the Code and pay-
7 ment shall be made in accordance with the terms of the contract.

1 SEC. 9. NEW SECTION. **Inspection of premises, books and records.**
2 The commission may inspect the premises used by any grain dealer
3 in the conduct of his business at any time and the books, accounts, rec-
4 ords and papers of every such grain dealer shall, during ordinary busi-

5 ness hours, be subject to inspection by the commission. The trans-
6 porter of grain in transit shall have in his possession bills of lading
7 or other documents covering such grain in transit and such docu-
8 ments shall be available for inspection by the commission upon re-
9 quest. Any grain dealer licensed in this state who does not have a
10 place of business within the state shall make available and furnish to
11 the commission upon request all such books, accounts, records and
12 papers of grain transactions within this state at any reasonable time
13 and place that the commission may set for inspection thereof.

1 SEC. 10. NEW SECTION. **Suspension or revocation of license.** The
2 commission may after hearing and upon information being filed with
3 the commission by the head of the warehouse division of the commis-
4 sion or upon complaint filed by any person, suspend or revoke the
5 license of any person licensed under this Act for the violation of or
6 failure to comply with the provisions of this Act or any rule or reg-
7 ulation adopted under this Act. An information or a verified com-
8 plaint stating the grounds for suspension or revocation shall be filed
9 with the commission in triplicate. The commission shall notify the
10 licensee of the complaint and furnish him with a copy of the infor-
11 mation or the complaint and a copy of the order of the commission
12 fixing the time for a hearing, which time shall be at least five days
13 from the date of notification. If the commission determines that the
14 public good requires immediate action, the commission may, upon the
15 filing of the information or the complaint and without hearing, tem-
16 porarily suspend a license pending the determination by it of the
17 complaint. Any person aggrieved by the decision of the commission
18 may appeal the decision of the commission to the district court by
19 service of notice of appeal upon the commission within thirty days
20 following the filing of the decision of the commission in the office of
21 the commission. The commission shall, upon service of notice of ap-
22 peal, certify the complete record of the proceedings before it to the
23 clerk of the district court.

24 The commission may revoke a grain dealer's license upon informa-
25 tion without hearing if a grain dealer fails to have sufficient bond on
26 file with the commission, or if a grain dealer fails to submit to inspec-
27 tion.

28 Upon revocation of a license, any claim of a creditor shall be filed
29 against the former licensee within one hundred twenty days after the
30 date of revocation.

1 SEC. 11. NEW SECTION. **Penalties — misdemeanor.** Any person
2 who engages in business as a grain dealer without obtaining a license
3 or any person in violation of any other provision of this Act, or any
4 grain dealer who refuses to permit inspection of his premises, books,
5 accounts or records as provided in this Act, shall be guilty of a mis-
6 demeanor and, upon conviction, be punished by a fine of not less than
7 fifty dollars nor more than five hundred dollars, or by imprisonment
8 in the county jail for not more than six months, or by both such fine
9 and imprisonment for each offense. Each day that any violation con-

10 tinues shall constitute a separate offense. Any person violating the
11 provisions of this Act may be restrained by an injunction.

1 SEC. 12. The effective date of this Act shall be September 1, 1973.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 277

ANTITRUST ACTIONS

H. F. 61

AN ACT repealing antitrust fees for a county attorney or the attorney general.

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

1 SECTION 1. Section five hundred fifty-three point nine (553.9),
2 Code 1973, is repealed.

Approved April 6, 1973.

CHAPTER 278

UNCLAIMED UTILITY DEPOSITS

S. F. 22

AN ACT relating to unclaimed utility deposits and refunds.

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

1 SECTION 1. Section five hundred fifty-six point four (556.4), Code
2 1973, is amended to read as follows:

3 556.4 **Deposits and refunds held by utilities.** The following funds
4 held or owing by any utility are presumed abandoned:

5 1. Any deposit ~~in excess of fifty dollars~~ made by a subscriber with
6 a utility to secure payment for, or any sum ~~in excess of fifty dollars~~
7 paid in advance for, utility services to be furnished in this state, less
8 any lawful deductions, that has remained unclaimed by the person
9 appearing on the records of the utility entitled thereto for more than
10 seven years after the termination of the services for which the deposit
11 or advance payment was made.

12 2. Any sum ~~in excess of fifty dollars~~ which a utility has been ordered
13 to refund and which was received for utility services rendered in this
14 state, together with any interest thereon, less any lawful deductions,
15 that has remained unclaimed by the person appearing on the records
16 of the utility entitled thereto for more than seven years after the date
17 it became payable in accordance with the final determination or order
18 providing for the refund.

Approved April 6, 1973.

CHAPTER 279

RELEASE OF CORPORATE LIENS

S. F. 93

AN ACT relating to marginal release of corporate liens.

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

- 1 SECTION 1. Section five hundred fifty-eight point four (558.4),
 2 Code 1973, is repealed.

Approved March 7, 1973.

CHAPTER 280

FARM TENANCIES

H. F. 262

AN ACT relating to the notification of the termination of farm tenancies.

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

- 1 SECTION 1. Section five hundred sixty-two point seven (562.7),
 2 Code 1973, is amended to read as follows:
 3 562.7 Notice—how and when served. The written notice so re-
 4 quired shall be given as follows:
 5 1. By delivery of notice in person on or before ~~November 1~~ *Septem-*
 6 *ber first** by one party to the other with acceptance of service thereon
 7 to be signed by the person receiving the notice, or
 8 2. By service on either party on or before ~~November 1~~ *September*
 9 *first** by a person in behalf of the other party, in the same manner as
 10 original notices are served, or
 11 3. By either party sending to the other at his last known address
 12 before ~~November 1~~ *September first,** a notice by restricted certified
 13 mail.

Approved April 26, 1973.

*According to enrolled Act.

CHAPTER 281

MARRIAGE DOCUMENT RETURN

S. F. 7

AN ACT relating to the return of marriage document.

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

- 1 SECTION 1. Section five hundred ninety-five point fourteen
 2 (595.14), Code 1973, is repealed.
 1 SEC. 2. Section five hundred ninety-five point fifteen (595.15),
 2 Code 1973, is amended to read as follows:
 3 595.15 Inadequate return. If the return of a marriage is not

4 complete in every particular as required by the forms specified in sec-
 5 tion one hundred forty-four point twelve (144.12) of the Code, the
 6 clerk shall require the person making the same to supply the omitted
 7 information.

Approved February 26, 1973.

CHAPTER 282

UNIFIED TRIAL COURT

H. F. 585

AN ACT to amend the unified trial court Act by making certain corrections and changes in the procedure to be followed in cases involving small claims, nonindictable misdemeanors, and traffic violations; relating to the jurisdiction and office of judicial magistrate and district associate judge; and making necessary corrective amendments to various provisions of law to accord with the structure and intent of the unified trial court Act.

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

DIVISION I

1 SECTION 1. Acts of the General Assembly, Second Session of the
 2 Sixty-fourth General Assembly, chapter one thousand one hundred
 3 twenty-four (1124), section two hundred eighty-three (283), subsection
 4 one (1), is amended by striking the subsection and inserting in
 5 lieu thereof the following:

6 1. The provisions of sections three (3) through five (5), twelve
 7 (12) through twenty (20), and twenty-eight (28) through thirty
 8 (30), inclusive, of this Act shall take effect on July 1, 1972.

1 SEC. 2. Section six hundred two point eighteen (602.18), subsections
 2 two (2), three (3), and seven (7), Code 1973, are amended to
 3 read as follows:

4 2. The number of judgeships to which each of the judicial districts
 5 shall be entitled shall be determined from time to time according to
 6 the following formula, giving equal weight to cases filed and popula-
 7 tion: In districts containing a city of fifty thousand or more popula-
 8 tion, there shall be one judgeship per five hundred fifty combined civil
 9 and criminal filings ~~excluding small claims and misdemeanors~~ and
 10 forty thousand population, or major fraction of either; in all other
 11 districts there shall be one judgeship per four hundred fifty combined
 12 civil and criminal filings and forty thousand population, or major
 13 fraction of either; provided, the seat of government shall be entitled
 14 to one additional judgeship. *The filings included in the determina-*
 15 *tions to be made under this subsection shall not include small claims,*
 16 *nonindictable misdemeanors filed after June 30, 1973, and indictable*
 17 *misdemeanors assigned to district associate judges and judicial magis-*
 18 *trates after June 30, 1973 as shown on their administrative reports,*
 19 *but they shall include appeals from decisions of judicial magistrates,*
 20 *district associate judges, and district judges sitting as judicial magis-*
 21 *trates. The figures on filings shall be the average for the latest avail-*
 22 *able previous three-year period and when current census figures on*

23 population are not available, figures shall be taken from the state de-
24 partment of health computations.

25 3. A vacancy, for purposes of this section, is defined as the death,
26 *resignation*, retirement, removal, or failure of retention in office at
27 the judicial election, of a judge or increase in judgeships under this
28 section.

29 7. Vacancies shall not be filled in any district which may become
30 entitled to fewer judgeships under *said subsection two (2) of this sec-*
31 *tion*; but no incumbent judge shall ever be removed from office by rea-
32 son thereof.

1 SEC. 3. Section six hundred two point thirty-six (602.36), Code
2 1973, is amended to read as follows:

3 **602.36 Courts abolished, transition.** All mayor's courts, justice of
4 the peace courts, police courts, superior courts, and municipal courts
5 and offices connected therewith, are abolished as of July 1, 1973.
6 Promptly after July 1, 1973, the officials of these courts shall ~~file~~
7 ~~deposit~~ all ~~documents~~ ~~funds~~, ~~dockets~~ and ~~books~~ ~~records~~ pertaining to
8 their offices with the clerk of the district court of their counties.
9 ~~District judges~~ *The chief judge or his designee shall assign enter an*
10 *order enrolled in the office of the clerk assigning to judicial magis-*
11 *trates, district associate judges, and district judges the pending cases*
12 *within judicial magistrates' jurisdiction their respective jurisdictions,*
13 *and such cases shall then be pending before those judicial magistrates,*
14 *district associate judges, and district judges. All other pending cases*
15 *shall be pending in the district court of the county, and the* ~~The~~ *clerk*
16 *of that court shall within thirty days give written notice of that fact*
17 *such assignment by ordinary mail to the parties or their attorneys of*
18 *record at their last known addresses. Criminal warrants issued by*
19 *courts abolished by this section which are unserved or unreturned on*
20 *July 1, 1973, shall be valid and returnable to the judicial magistrate,*
21 *district associate judge, or district judge to whom the case has been*
22 *assigned.* All municipal court judges, clerks of the municipal court
23 and their deputies, bailiffs of municipal court and their deputies,
24 police court judges, justices of the peace and constables holding office
25 on July 1, 1972, or elected or appointed thereafter, shall continue in
26 office through June 30, 1973.

1 SEC. 4. Section six hundred two point forty-two (602.42), subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 1. A district court judge designated by the chief judge of the district
4 *to serve until a successor is designated.*

1 SEC. 5. Section six hundred two point forty-two (602.42), Code
2 1973, is amended by adding the following new unnumbered paragraph:

3 **NEW PARAGRAPH.** The clerk of the district court shall maintain a
4 permanent record of the name, address, and term of office for each
5 commissioner designated, appointed, or elected.

1 SEC. 6. Section six hundred two point forty-three (602.43), Code
2 1973, is amended to read as follows:

3 **602.43 Appointing commissioners.** The board of supervisors of
4 each county shall appoint three electors to the county judicial magis-
5 trate appointing commission for the county for six-year terms begin-
6 ning January 1, 1973. *The county auditor shall certify the name,*

7 address and expiration date of term for all regular and special ap-
8 pointees of the board of supervisors to the clerk of the court.

1 SEC. 7. Section six hundred two point forty-six (602.46), Code
2 1973, is amended to read as follows:

3 **602.46 Conduct of elections.** When an election of judicial magis-
4 trate appointing commissioners in a county is to be held, the clerk of
5 the district court for the county shall cause ballots to be mailed to the
6 members of the bar eligible in accordance with section 602.45, sub-
7 stantially as follows:

8 County Judicial Magistrate Appointing Commission

9 **BALLOT**

10 To be cast by the resident members of the bar of County.

11 Vote for (state number) for County judicial magistrate
12 appointing commissioner(s) for term commencing

13

14 **John Doe**

15

16 To be counted, this ballot must be completed and mailed or delivered
17 to Clerk of the District Court,, not later than December 31,
18 19..... (or the appropriate date under section 602.49 of the Code in
19 case of an election to fill a vacancy).
20

1 SEC. 8. Section six hundred two point fifty (602.50), Code 1973,
2 is amended to read as follows:

3 **602.50 Appointment and termination of judicial magistrates.** Dur-
4 ing April, 1973, and in April of the year in which magistrates' terms
5 expire, the judicial magistrate appointing commission shall, by major-
6 ity vote, appoint Iowa judicial magistrates in such number as provided
7 in section ~~602.57~~ six hundred two point fifty-nine (602.59) of the Code.
8 In April of each year in which magistrates' terms expire, the commis-
9 sion shall appoint the number of magistrates allotted to the county by
10 the supreme court administrator as provided in section six hundred
11 two point fifty-seven (602.57) of the Code and the magistrates allowed
12 by section six hundred two point fifty-eight (602.58) of the Code. The
13 commission shall appoint no more magistrates than allotted to the
14 county by the supreme court administrator except as provided in
15 sections 602.57 and 602.58. Within thirty days following receipt of
16 notification of a vacancy in the office of judicial magistrate appointed
17 under this section, the commission shall appoint a person to the office
18 vacated to serve the remainder of the unexpired term. For purposes
19 of this section, vacancy means death, resignation, retirement, removal,
20 or increase in the number of positions authorized. The judicial magis-
21 trates appointed initially shall take office July 1, 1973, and their term
22 of office shall expire June 30, 1974. Thereafter, judicial magistrates
23 shall take office on July 1, 1974, and every two years thereafter, pro-
24 vided however, full-time judicial magistrates appointed pursuant to
25 section six hundred two point fifty-one (602.51) of the Code for the
26 term commencing July 1, 1974, shall hold office for a term of four
27 years and shall be subject to appointment every four years thereafter.
28 The commission shall promptly certify the names and addresses of the
29 magistrates appointed to the clerk of the district court and the chief

30 judge of the judicial district. The clerk shall certify to the supreme
 31 court administrator and to the state comptroller the names and
 32 addresses of magistrates so appointed. The certification of the clerk
 33 to the comptroller shall be authority for the comptroller to pay the
 34 salaries in accordance with section 602.54. Judicial magistrates shall
 35 be officers of the state.

36 Before assuming office, a judicial magistrate shall subscribe and file
 37 in the office of the clerk of the district court of the county of his resi-
 38 dence his oath of office to uphold and support the Constitutions of
 39 the United States of America and state of Iowa, the laws enacted
 40 pursuant thereto, and the law and ordinances of the political sub-
 41 divisions of the state of Iowa. Before July 1, 1973, and annually
 42 thereafter, the supreme court administrator shall cause a school of
 43 instruction to be conducted for ~~district~~ *judicial magistrates, which*
 44 *shall include a comprehensive examination over the material pre-*
 45 *sentated, and which each district judicial magistrate appointed as pro-*
 46 *vided in this chapter prior to the time he takes office shall attend*
 47 *unless excused by the chief justice for good cause. A judicial magis-*
 48 *trate appointed under this section to fill a vacancy shall attend the first*
 49 *school of instruction held following his appointment unless excused by*
 50 *the chief justice for good cause.*

1 SEC. 9. Section six hundred two point fifty-three (602.53), Code
 2 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 10. Section six hundred two point fifty-seven (602.57), un-
 2 numbered paragraph one (1), Code 1973, is amended by striking the
 3 unnumbered paragraph and inserting in lieu thereof the following:

4 Except as provided in section six hundred two point fifty-eight
 5 (602.58) of the Code, there shall be a total of one hundred ninety-one
 6 Iowa judicial magistrates to be appointed pursuant to section six
 7 hundred two point fifty (602.50) of the Code. During January of 1974
 8 and every two years thereafter, the supreme court administrator shall
 9 apportion the number of judicial magistrates to be so appointed among
 10 the counties in accordance with the following criteria:

1 SEC. 11. Section six hundred two point fifty-nine (602.59), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **602.59 Initial allotment.** The allotment of the judicial magistrates
 5 appointed pursuant to section six hundred two point fifty (602.50) of
 6 the Code in 1973 shall be as follows:

7 1. One magistrate for each of the following counties: Adams,
 8 Allamakee, Audubon, Calhoun, Cherokee, Davis, Decatur, Emmet,
 9 Franklin, Fremont, Greene, Guthrie, Hancock, Howard, Humboldt,
 10 Ida, Jasper, Jefferson, Keokuk, Louisa, Lucas, Lyon, Madison, Mar-
 11 shall, Mitchell, Monroe, Montgomery, O'Brien, Osceola, Palo Alto,
 12 Pocahontas, Ringgold, Shelby, Taylor, Union, Van Buren, Wayne,
 13 Winnebago, and Worth.

14 2. Two magistrates for each of the following counties: Adair,
 15 Appanoose, Boone, Buchanan, Buena Vista, Butler, Carroll, Cass,
 16 Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Delaware, Des
 17 Moines, Dubuque, Fayette, Grundy, Hamilton, Hardin, Henry, Iowa,
 18 Jackson, Jones, Kossuth, Mahaska, Marion, Mills, Monona, Muscatine,

19 Page, Poweshiek, Sac, Sioux, Tama, Wapello, Washington, Webster,
20 Winneshiek, and Wright.

21 3. Three magistrates for each of the following counties: Benton,
22 Black Hawk, Bremer, Cerro Gordo, Clinton, Dickinson, Floyd, Har-
23 rison, Johnson, Lee, Plymouth, Story, and Warren.

24 4. Four magistrates for Cedar county and Linn county.

25 5. Five magistrates for Scott county.

26 6. Six magistrates for each of the following counties: Polk, Potta-
27 wattamie, and Woodbury.

1 SEC. 12. Section six hundred five point fifteen (605.15), Code 1973,
2 is amended to read as follows:

3 **605.15 Practice prohibited.** During the time that he a *supreme*
4 *court justice, district judge, district associate judge, or judicial magis-*
5 *trate appointed pursuant to section six hundred two point fifty-one*
6 *(602.51) of the Code* is holding such office he shall not practice as an
7 attorney or counselor or give advice in relation to any action pending
8 or about to be brought in any of the courts of the state. ~~Judicial magis-~~
9 ~~trates who are members of the bar of Iowa may practice as attorneys~~
10 ~~and counselors, except they may not practice as attorneys and coun-~~
11 ~~sors, or give advice, in relation to any matter within the purview of~~
12 ~~the jurisdiction of judicial magistrates.~~

DIVISION II

1 SEC. 13. Section sixty-four point one (64.1), subsection four (4),
2 Code 1973, is amended to read as follows:

3 4. Judges of the supreme and district courts, *and* district associate
4 judges, ~~and judicial magistrates.~~

1 SEC. 14. Section sixty-four point twenty-three (64.23), subsection
2 one (1), Code 1973, is amended to read as follows:

3 1. For all state officers, elective or appointive, except those of the
4 secretary of state *and judicial magistrate*, with the secretary of state.
5 *Bonds and official oaths of judicial magistrates shall be filed in the*
6 *office of the district court clerk.*

1 SEC. 15. Section sixty-four point twenty-four (64.24), unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 The secretary of state, each county auditor, *district court clerk*, and
4 each auditor or clerk of a city or town, shall keep a book, to be known
5 as the "Record of Official Bonds", and all official bonds shall be
6 recorded therein in full as follows:

1 SEC. 16. Section sixty-four point twenty-four (64.24), Code 1973,
2 is amended by adding the following new subsection:

3 **NEW SUBSECTION.** In the record kept by the district court clerk,
4 the official bonds of judicial magistrates.

1 SEC. 17. This section shall take effect July 1, 1974. Section two
2 hundred thirty-one point three (231.3), unnumbered paragraph one
3 (1), Code 1973, is amended to read as follows:

4 The chief judge of the district shall designate one or more of the
5 district judges ~~or~~, district associate judges, ~~or~~ *both judicial magis-*
6 *trates serving pursuant to section six hundred two point fifty-one*

7 (602.51) of the Code, or any thereof, to act as judge or judges of the
8 juvenile court in any county or counties.

1 SEC. 18. Section three hundred twenty-one point two hundred
2 seven (321.207), Code 1973, is amended by striking unnumbered para-
3 graph two (2).

1 SEC. 19. Section three hundred twenty-one point two hundred
2 thirty-six (321.236), subsection one (1), paragraphs a and b, Code
3 1973, are amended to read as follows:

4 a. May be charged upon a simple notice of a fine not exceeding ~~ten~~
5 *five* dollars payable to the city or town clerk, if authorized by ordi-
6 nance.

7 b. Notwithstanding any such ordinance, may be ~~charged and proceed~~
8 ~~before a traffic violations office or a court, as the case may be, the same~~
9 ~~as other traffic violations prosecuted under the provisions of sections~~
10 ~~seven hundred fifty-three point thirteen (753.13) through seven hun-~~
11 ~~dred fifty-three point twenty (753.20) of the Code or as any other~~
12 ~~traffic violation.~~

1 SEC. 20. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 ~~Whenever~~ *Except as provided in sections seven hundred fifty-three*
5 *point thirteen (753.13) through seven hundred fifty-three point*
6 *twenty (753.20) of the Code, whenever a peace officer has reasonable*
7 *cause to believe that a person has violated any provision of this chapter*
8 *punishable as a misdemeanor, such officer may:*

1 SEC. 21. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), subsection two (2), Code 1973, is amended to
3 read as follows:

4 2. Without arresting the person, either

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

10 b. Prepare ~~in triplicate~~ a memorandum of the alleged traffic viola-
11 tion containing the name and address of such person, the registration
12 number if any of his vehicle, the offense alleged to have been com-
13 mitted, and such other information as may be prescribed by the
14 commissioner.

15 *The number of copies and the form of the citations and memoran-*
16 *dums authorized by this section shall be as prescribed by the commis-*
17 *sioner.*

1 SEC. 22. Section three hundred twenty-one point four hundred
2 eighty-six (321.486), unnumbered paragraph three (3), Code 1973, is
3 amended to read as follows:

4 If the officer prepares either a ~~summons~~ *citation* or a memorandum
5 as provided in section 321.485, the alleged offender shall be requested
6 to sign the same ~~in triplicate~~, and if he does sign may be released with-
7 out arrest. In case a ~~summons~~ *citation* is issued, the signing shall consti-
8 tute a written promise to appear as stated in said ~~summons~~ *citation*.

9 ~~The duplicate summons~~ *A copy of the citation* shall be presented to the
 10 person named therein. If memorandum is prepared, the original shall
 11 be retained by the officer, ~~the duplicate a copy~~ sent to the department,
 12 and ~~the triplicate a copy~~ presented to the person named therein.

1 SEC. 23. Section three hundred twenty-one point four hundred
 2 eighty-seven (321.487), unnumbered paragraph two (2), Code 1973,
 3 is amended to read as follows:

4 An appearance in response to such ~~summons~~ *citation* may be made
 5 either in person or by counsel.

1 SEC. 24. Section three hundred twenty-one point four hundred
 2 ninety-one (321.491), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Every *district court judge, district associate judge, and judicial*
 5 *magistrate and clerk of a court of record* shall keep a full record of
 6 every case in which a person is charged with any violation of this
 7 chapter or of any other law regulating the operation of vehicles on
 8 highways.

1 SEC. 25. Section three hundred thirty-six point three (336.3),
 2 Code 1973, is amended to read as follows:

3 **336.3 Absence of county attorney—substitute—compensation.** In
 4 case of absence, sickness, or disability of the county attorney and his
 5 deputies, the court before whom it is his duty to appear, and in which
 6 there may be business requiring his attention, may appoint an attorney
 7 to act as county attorney, by order to be entered upon the records of
 8 the court, and he shall receive out of the compensation allowed to the
 9 county attorney, ~~(when such appearance is in proceedings before a judi-~~
 10 ~~cial magistrate, such sum as the board of supervisors shall determine~~
 11 ~~to be reasonable for the services rendered, and, when it is before a~~
 12 ~~court of record,)* if in proceedings before a district associate judge~~
 13 ~~or a district judge, such sum as the judge shall determine to be a~~
 14 ~~reasonable compensation, and, while acting under said appointment,~~
 15 ~~he shall have all the authority and be subject to all the responsibilities~~
 16 ~~herein conferred upon county attorneys.~~

1 SEC. 26. Section three hundred forty point sixteen (340.16), Code
 2 1973, is amended to read as follows:

3 **340.16 Salaries—general fund.** The salaries fixed by the foregoing
 4 sections of this chapter shall be paid out of the general fund of the
 5 county *except as otherwise provided by law.*

1 SEC. 27. Section three hundred sixty-six point one (366.1),* Code
 2 1973, is amended to read as follows:

3 **366.1 Power to pass.** Municipal corporations shall have power to
 4 make and publish, from time to time, ordinances, not inconsistent with
 5 the laws of the state, for carrying into effect or discharging the powers
 6 and duties conferred by this title, and such as shall seem necessary and
 7 proper to provide for the safety, preserve the health, promote the
 8 prosperity, improve the morals, order, comfort, and convenience of
 9 such corporations and the inhabitants thereof, and to enforce obedi-
 10 ence to such ordinances by fine not exceeding one hundred dollars, or

*See 64-1088-9, 199.

11 by imprisonment not exceeding thirty days. *An amount equal to ten*
 12 *percent of all fines collected by municipal corporations shall be re-*
 13 *mitted quarterly to the county treasurer of the county in which the*
 14 *municipal corporation is located for deposit in the county general fund.*

1 SEC. 28. Section four hundred fifty-three point one (453.1), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **453.1 Deposits in general.** All funds held in the hands of the fol-
 5 lowing officers or institutions shall be deposited in banks as are first
 6 approved by the appropriate governing body as indicated: For the
 7 treasurer of state, by the executive council; for the county treasurer,
 8 recorder, auditor, sheriff, township clerk, clerk of the district court,
 9 and judicial magistrate, by the board of supervisors; for the city or
 10 town treasurer, by the city or town council; for the county public
 11 hospital or merged area hospital, by the board of hospital trustees;
 12 for a memorial hospital, by the memorial hospital commission; for a
 13 school corporation, by the board of school directors; provided, how-
 14 ever, that the treasurer of state and the treasurer of each political
 15 subdivision shall invest all funds not needed for current operating
 16 expenses in time certificates of deposit in banks listed as approved
 17 depositories pursuant to this chapter or in investments permitted by
 18 section four hundred fifty-two point ten (452.10) of the Code. The
 19 list of public depositories and the amounts severally deposited therein
 20 shall be a matter of public record. The term "bank" means a bank or
 21 a private bank, as defined in section five hundred twenty-four point
 22 one hundred three (524.103) of the Code.

1 SEC. 29. Section six hundred two point one (602.1), Code 1973, is
 2 amended to read as follows:

3 **602.1 Unified trial court.** There shall be a unified trial court in the
 4 state of Iowa, known as "Iowa District Court". The Iowa district court
 5 shall have *exclusive*, general and original jurisdiction of all actions,
 6 proceedings, and remedies, civil, criminal, probate, and juvenile, ~~and~~
 7 *except in cases where exclusive or concurrent jurisdiction is conferred*
 8 *upon some other court, tribunal, or administrative body, and it shall*
 9 *have and exercise all the power usually possessed and exercised by*
 10 *trial courts of general jurisdiction and shall be a court of record.*

1 SEC. 30. Section six hundred two point three (602.3), Code 1973,
 2 is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **602.3 Judicial officers.** The jurisdiction of the Iowa district court
 5 shall be exercised by Iowa district judges, district associate judges and
 6 judicial magistrates.

1 SEC. 31. Section six hundred two point eighteen (602.18), unnum-
 2 bered paragraph ten (10), Code 1973, is amended to read as follows:

3 ~~For Judicial election districts are established for purposes of nomi-~~
 4 ~~nation, appointment and election of judges and application of the~~
 5 ~~provisions of subsections 2 through 8 of this section, judicial election~~
 6 ~~districts are established and for the purpose of removal of judicial~~
 7 ~~magistrates as provided in section six hundred two point fifty-six~~
 8 ~~(602.56) of the Code. They shall include the fourth, sixth, and seventh~~

9 districts as above set forth, but the other election districts shall be as
10 follows:

1 **SEC. 32.** Section six hundred two point twenty-nine (602.29), Code
2 1973, is amended to read as follows:

3 **602.29 Term, retention.** District associate judges shall stand for
4 retention in office within the county of ~~his~~ *their* residence at the judi-
5 cial election in 1974 *and every four years thereafter*, under sections
6 46.17 through 46.24. The term of office of the judges who are retained
7 in office at the judicial election shall extend for four years after Janu-
8 ary 1 next following the election, and the term of office of the judges
9 who are not retained in office at such a judicial election shall extend
10 until January 1 next following such election. ~~District court associate~~
11 ~~judges shall be subject to the same removal procedures as that of~~
12 ~~judicial magistrates.~~ District associate judges shall cease to hold
13 office upon attaining age seventy-two.

1 **SEC. 33.** Section six hundred two point thirty (602.30), Code 1973,
2 is amended to read as follows:

3 **602.30 Vacancies.** A vacancy in the office of district associate
4 judge after June 30, 1973, shall not be filled *and all funds, dockets, and*
5 *records relating to the office so vacated shall be promptly deposited*
6 *with the clerk of court who issued the docket.*

1 **SEC. 34.** Section six hundred two point thirty-one (602.31), Code
2 1973, is amended to read as follows:

3 **602.31 Salary, expenses, retirement.** The annual salary of each
4 district associate judge, payable from the general fund of the state of
5 Iowa, shall be ~~the a~~ *a* sum of ~~seventeen thousand two hundred dollars~~
6 *of nineteen thousand five hundred dollars.* District associate judges
7 shall also receive from the state their actual and necessary expenses
8 in the performance of their duties away from the city of their resi-
9 dence, in accordance with section 605.2. District associate judges who
10 are members of the judicial retirement system under chapter 605A
11 shall remain members thereof; but the state of Iowa, instead of the
12 city and county, shall deduct four percent from their salaries for the
13 judicial retirement fund and shall contribute the public's portion to
14 the judicial retirement fund.

1 **SEC. 35.** Section six hundred two point thirty-two (602.32), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.32 Jurisdiction, procedure, appeals.** District associate judges
5 shall have the jurisdiction provided in section six hundred two point
6 sixty (602.60) of the Code. District associate judges shall hold
7 court as directed at any place within the judicial district that a judi-
8 cial magistrate may do so, and shall employ judicial magistrates' prac-
9 tice and procedure. In addition, district associate judges shall have
10 jurisdiction in civil actions for money judgments where the amount
11 in controversy does not exceed three thousand dollars, jurisdiction of
12 indictable misdemeanors and the jurisdiction provided for in section
13 two hundred thirty-one point three (231.3) of the Code when desig-
14 nated as a judge of the juvenile court and while exercising the addi-
15 tional jurisdiction granted herein, shall employ district judges' prac-
16 tice and procedure. When a district court judge is unable to serve

17 as a result of temporary incapacity, a district associate judge may, by
 18 order of the chief judge of the district enrolled in the records of the
 19 clerk of the district court, temporarily exercise any of the jurisdic-
 20 tion of a district judge during the time of incapacity and as to the
 21 specific matters or classes of matters specified in that order. District
 22 associate judges shall have power to act at any place within their
 23 respective judicial districts, and venue shall be the same as in other
 24 district court proceedings.

25 Appeals from judgments or orders of district associate judges
 26 while exercising the jurisdiction possessed by judicial magistrates
 27 shall be governed by the laws relating to appeals and orders from
 28 judicial magistrates. Appeals from judgments or orders of district
 29 associate judges while exercising any other jurisdiction conferred
 30 upon them shall be governed by the laws relating to appeals from
 31 judgments or orders from district judges.

32 For purposes of administration district associate judges shall be
 33 under the jurisdiction of the chief judge of the judicial district and
 34 he shall have the power to allocate their work load as he deems neces-
 35 sary. District associate judges shall be subject to the same rules and
 36 laws that apply to district judges except as otherwise provided in this
 37 chapter.

1 SEC. 36. Section six hundred two point thirty-three (602.33), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **602.33 Reporters.** Each district associate judge and judicial mag-
 5 istrate appointed pursuant to section six hundred two point fifty-one
 6 (602.51) of the Code may appoint a shorthand reporter subject to the
 7 approval of the chief judge of the district. All shorthand reporters
 8 appointed are reporters for the judicial district and their compensa-
 9 tion shall be in accordance with section six hundred five point eight
 10 (605.8) of the Code.

1 SEC. 37. Section six hundred two point thirty-four (602.34),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **602.34 Clerks and bailiffs.** Clerks and bailiffs of municipal courts
 5 who are in office on June 30, 1973, and municipal court deputy clerks
 6 and deputy bailiffs who are in office on that date, shall on July 1, 1973,
 7 become deputies of the district court clerks and sheriffs respectively,
 8 in the counties of their residence. During the two years after June
 9 30, 1973, said persons shall be assigned, to the maximum extent pos-
 10 sible, to duties comparable to their former duties as municipal court
 11 clerks, bailiffs, deputy clerks, or deputy bailiffs. The board of super-
 12 visors may enlarge the district court clerks' and sheriffs' facilities
 13 accordingly, and shall have authority to build, remodel, purchase, and
 14 lease real and personal property and equipment for such purpose, sub-
 15 ject to chapter seventy-five (75) of the Code and sections three hun-
 16 dred thirty-two point seven (332.7) and three hundred thirty-two
 17 point eight (332.8) of the Code, where applicable. The compensation
 18 and other benefits received on January 1, 1972, by the individuals who
 19 so become deputies shall not be reduced after June 30, 1973, from the
 20 amount on that date, unless all the deputies of the office are similarly
 21 reduced, but shall be paid by the counties of their residence; provided,

22 that if the salary of any deputy equals or exceeds the salary of the
23 district court clerk or sheriff of whom he is deputy, then the salary
24 of the particular district court clerk or sheriff shall be increased so
25 as to exceed the salary of the deputy by the sum of two hundred dol-
26 lars per year.

27 Nothing in this section shall be construed to prohibit any increase
28 in compensation and other benefits received by the individuals who so
29 become deputies over the amounts received by them on January 1,
30 1972.

31 The individuals who were municipal court clerks and bailiffs on
32 June 30, 1973, and who were municipal court deputy clerks and dep-
33 uty bailiffs on that date, may as deputies of the district court clerks
34 and sheriffs be suspended, demoted, or discharged by the district
35 court clerks and sheriffs only for neglect of duty, disobedience of or-
36 ders, misconduct, or failure to properly perform duties, by pursuing
37 the procedure provided by sections three hundred sixty-five point
38 nineteen (365.19) through three hundred sixty-five point twenty-six
39 (365.26) of the Code; and in these cases the district court clerk or
40 sheriff shall be deemed to be the person having the appointing power,
41 the county auditor shall perform the functions of the mayor or city
42 manager, the board of supervisors shall perform the functions of the
43 civil service commission, and the county attorney shall perform the
44 functions of the city attorney or solicitor. A municipal court bailiff
45 or deputy bailiff who on June 30, 1973, is a member of the retirement
46 system provided by chapter four hundred eleven (411) of the Code
47 shall continue to be such a member thereafter; and that chapter shall
48 continue to apply to them notwithstanding this chapter, with the
49 appropriate county deducting from his compensation his contribu-
50 tions to the retirement fund and the county contributing the public's
51 portion to such fund out of the court expense fund notwithstanding
52 any other provision of law.

53 Those provisions of this section which provide civil service status
54 for individuals transferred hereunder shall cease to have effect and
55 shall be inoperative as to any of such individuals who become subject
56 to civil service provisions under any other law of this state.

1 SEC. 38. Section six hundred two point thirty-six (602.36), Code
2 1973, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. The district court shall succeed to,
5 and exercise full authority and jurisdiction over, the records of the
6 municipal court, and may enforce all judgments, decrees, and orders
7 thereof in the same manner and to the same extent as it may exercise
8 like jurisdiction and authority over its own records, and, for the pur-
9 pose of the issuance of process, and of any and all other acts neces-
10 sary to the due and efficient enforcement of the orders, judgments,
11 and decrees of the municipal court, the records thereof shall be deemed
12 records of the district court; except that no judgment of the municipal
13 court shall be a lien on real estate unless the person in whose favor
14 the judgment exists files a written request with the district court clerk
15 on forms prescribed by the supreme court administrator. Upon filing
16 the request, the clerk shall enter the judgment in the judgment docket
17 and lien index, and such judgment shall be a lien on real estate for a

18 period ending ten years after date of entry of the judgment in municipi-
19 pal court.

1 SEC. 39. Section six hundred two point fifty-one (602.51), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.51 Additional judicial magistrates; apportionment and appoint-**
5 **ment.** There shall be one judicial magistrate who shall devote his
6 entire time to the duties of his position in those counties having a
7 population, according to the last federal decennial census, of more
8 than thirty-five thousand and less than eighty thousand. There shall
9 be two such magistrates in those counties having a population of more
10 than eighty thousand and less than one hundred twenty-five thou-
11 sand. There shall be three such magistrates in any county having a
12 population of more than one hundred twenty-five thousand and less
13 than two hundred thousand people. There shall be four such magis-
14 trates in counties having a population of two hundred thousand people
15 or above. In those counties in which a district court associate judge
16 resides, the district court associate judge shall be considered a judicial
17 magistrate for the purposes of this section.

18 The judicial magistrates authorized by this section shall be ap-
19 pointed by the district judges of the election district from persons
20 nominated by the county judicial magistrate appointing commission.

21 In March of the year in which the terms of magistrates appointed
22 pursuant to this section expire, and, within thirty days after notifica-
23 tion is received of a vacancy in an office authorized by this section,
24 the county judicial magistrate appointing commission for the county
25 affected shall carefully consider individuals for the available position,
26 and shall, by majority vote, certify to the chief judge of the judicial
27 district the names of three individuals for each office vacated. The
28 nominees shall be chosen solely on the basis of their qualifications
29 and not on the basis of their political affiliation.

30 Within thirty days after the chief judge has received the list of
31 nominees, the district judges in the election district shall, by majority
32 vote, appoint one of the nominees to each vacancy. For purposes of
33 this section, vacancy means death, resignation, retirement, removal,
34 or increase in the number of positions authorized.

1 SEC. 40. This section shall take effect July 1, 1974. Section six
2 hundred two point fifty-two (602.52), Code 1973, is amended by
3 striking the section and inserting in lieu thereof the following:

4 **602.52 Qualifications.** A judicial magistrate shall be an elector
5 of the county of appointment during his term of office, shall be less
6 than seventy-two years of age, and shall cease to hold office upon at-
7 taining that age. A judicial magistrate appointed pursuant to section
8 six hundred two point fifty (602.50) of the Code may be licensed to
9 practice law in Iowa, and the commission in selecting persons for
10 those positions shall first consider for appointment applicants so
11 licensed. After July 1, 1973, a judicial magistrate nominated and
12 appointed pursuant to section six hundred two point fifty-one (602.51)
13 of the Code, as amended by this Act, shall be licensed to practice law
14 in Iowa.

1 SEC. 41. This section shall take effect July 1, 1974. Section six
2 hundred two point fifty-four (602.54), Code 1973, is amended by
3 striking the section and inserting in lieu thereof the following:

4 **602.54 Salary, expenses.** Each judicial magistrate shall receive
5 a salary payable from the general fund of the state and also his actual
6 and necessary expenses in the performance of his duties while away
7 from the city or town of his residence, in accordance with section six
8 hundred five point two (605.2) of the Code. The salary of judicial
9 magistrates, except as otherwise provided herein, shall be the sum of
10 four thousand eight hundred dollars annually. The judicial magis-
11 trates serving pursuant to section six hundred two point fifty-one
12 (602.51) of the Code shall receive an annual salary of nineteen thou-
13 sand five hundred dollars. Judicial magistrates except district asso-
14 ciate judges shall be members of the Iowa public employees' retire-
15 ment system.

1 SEC. 42. Section six hundred two point fifty-five (602.55), unnum-
2 bered paragraph one (1), Code 1973, is amended by striking the para-
3 graph and inserting in lieu thereof the following:

4 Each month each judicial magistrate and district associate judge
5 shall file with the clerk of the district court of the proper county a
6 sworn, itemized statement, by case, of all funds received and dis-
7 bursed, and at least monthly shall remit to the clerk all funds re-
8 ceived by him. The clerk shall provide adequate clerical assistance
9 to judicial magistrates serving pursuant to section six hundred two
10 point fifty-one (602.51) of the Code and district associate judges to
11 carry out this section. The clerk shall remit ninety percent of all
12 fines and forfeited bail received from a magistrate or district asso-
13 ciate judge to the city or town that was the plaintiff in any action.
14 The clerk shall remit the remaining ten percent to the county trea-
15 surer for deposit in the county general fund. The clerk shall remit to
16 the treasurer of the county, for the benefit of the school fund, all
17 other fines and forfeited bail received from a magistrate. All fees
18 and costs for the filing of a complaint or information or upon forfei-
19 ture of bail received from a magistrate shall be remitted monthly by
20 the clerk as follows:

1 SEC. 43. Section six hundred two point fifty-six (602.56), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.56 Removal of judicial magistrates.** The electors residing
5 within a county where a magistrate resides or a district judge of his
6 district may petition the judges of the district court to terminate the
7 appointment of a judicial magistrate sitting in that district. If by
8 the electorate, such petition shall be signed by at least two percent of
9 the electors voting for governor in the last general election of the
10 county of residence of the magistrate. The petition shall contain a
11 general statement of the grounds upon which termination is sought.
12 Within thirty days after the petition is filed with the clerk of the dis-
13 trict court of the county in which the judicial magistrate resides, the
14 chief judge of the judicial district shall appoint a tribunal composed
15 of three other judges of the judicial election district where the mag-
16 istrate resides who shall schedule and hold a hearing to determine
17 if good cause exists to terminate the appointment.

18 The clerk shall give notification of the time and place of hearing
 19 to the magistrate against whom the petition was brought by restricted
 20 certified mail and shall notify all other interested parties by publi-
 21 cation. Notification shall be made at least fifteen days prior to the
 22 time set for hearing. The judicial magistrate may be represented by
 23 counsel at the hearing, shall have the right to confront and cross-
 24 examine all witnesses against him, and may call witnesses and intro-
 25 duce evidence in his own behalf.

26 The tribunal may, by majority vote, dismiss the petition, declare
 27 the office vacant, or make other disposition of the case as is appro-
 28 priate. All decisions of the tribunal are final, and there shall be no
 29 appeal.

1 SEC. 44. Section six hundred two point sixty (602.60), Code 1973,
 2 is amended to read as follows:

3 **602.60 Jurisdiction, venue.** Judicial magistrates shall have juris-
 4 diction of nonindictable misdemeanors, including traffic and ordinance
 5 violations, preliminary hearings, search warrant proceedings, ~~forcible~~
 6 ~~entry and detainer actions,~~ and small claims. They shall also have
 7 *jurisdiction to exercise* the powers specified in ~~section~~ sections 748.2,
 8 *six hundred forty-four point two (644.2), and six hundred forty-four*
 9 *point twelve (644.12) of the Code.* They shall have power to act any
 10 place within the district as directed, and venue shall be the same as
 11 in other district court proceedings. ~~Judicial magistrates serving on a~~
 12 ~~full-time basis and district associate judges shall have jurisdiction of~~
 13 ~~indictable misdemeanors. While exercising that jurisdiction they shall~~
 14 ~~employ district judges' practice and procedure.~~

15 *For purposes of administration judicial magistrates shall be under*
 16 *the jurisdiction of the chief judge of the judicial district. Judicial*
 17 *magistrates shall be subject to the same rules and laws that apply to*
 18 *district judges except as otherwise provided in this chapter.*

1 SEC. 45. This section shall take effect July 1, 1974. Section six
 2 hundred two point sixty (602.60), Code 1973, is amended by striking
 3 the section and inserting in lieu thereof the following:

4 **602.60 Jurisdiction, venue.** Judicial magistrates shall have juris-
 5 diction of nonindictable misdemeanors, including traffic and ordinance
 6 violations, preliminary hearings, search warrant proceedings, and
 7 small claims. They shall also have jurisdiction to exercise the powers
 8 specified in sections seven hundred forty-eight point two (748.2),
 9 *six hundred forty-four point two (644.2), and six hundred forty-four*
 10 *point twelve (644.12) of the Code.* They shall have power to act
 11 any place within the district as directed, and venue shall be the same
 12 as in other district court proceedings. In addition, judicial magis-
 13 trates appointed pursuant to section six hundred two point fifty-one
 14 (602.51) of the Code shall have jurisdiction of indictable misdemea-
 15 nors, the jurisdiction provided for in section two hundred thirty-one
 16 point three (231.3) of the Code when designated a judge of the juve-
 17 nile court, and jurisdiction in civil actions for money judgments where
 18 the amount in controversy does not exceed three thousand dollars and
 19 while exercising that jurisdiction, judicial magistrates shall employ
 20 district judges' practice and procedure.

21 *For purposes of administration judicial magistrates shall be under*
 22 *the jurisdiction of the chief judge of the judicial district. Judicial*

23 magistrates shall be subject to the same rules and laws that apply to
24 district judges except as otherwise provided in this chapter.

1 SEC. 46. Section six hundred two point sixty-one (602.61), Code
2 1973, is amended to read as follows:

3 **602.61 Times and places of holding court.** Judicial magistrates
4 shall hold court at the times and places designated by the chief judge
5 of the district. *The times and places shall be designated so as to in-*
6 *sure accessibility of judicial magistrates at all times throughout the*
7 *district. In addition, the chief judge may allocate the work load*
8 *among the judicial magistrates as he deems necessary.* The chief
9 judge may assign a magistrate to hold court at other designated places
10 within the district outside of the county of the magistrate's residence
11 only if it is necessary for the orderly administration of justice. The
12 boards of supervisors shall provide facilities for the holding of court
13 at the county seats. If court is held in a city or town, outside the
14 county seat, such city or town shall furnish suitable facilities and
15 equipment. The schedule of places and times of availability of mag-
16 istrates and of any changes therein shall be disseminated by the chief
17 judge of the judicial district to the peace officers within the district.

1 SEC. 47. Section six hundred two point sixty-three (602.63), Code
2 1973, is amended to read as follows:

3 **602.63 Dockets, judgments, costs.** The clerk of the district court
4 of the county in which a judicial magistrate resides shall furnish the
5 judicial magistrate, district associate judge, or district judge acting
6 as judicial magistrate, a docket in which shall be entered all proceed-
7 ings except small claims. Such docket shall be indexed and shall con-
8 tain in each case the title and nature of the action; place of hearing;
9 appearances; and notations of the documents filed with the judicial
10 magistrate, of the proceedings in the case and orders made, of the
11 verdict and judgment including costs, of any satisfaction of the judg-
12 ment, of whether the judgment was certified to the clerk of the dis-
13 trict court, of whether an appeal was taken, and of the amount of
14 the appeal bond. ~~The defendant charged with a nonindictable misde-~~
15 ~~meanor who is found guilty or forfeits bail shall be assessed as costs~~
16 ~~five dollars for the filing and docketing of the complaint or information~~
17 ~~which shall be distributed pursuant to section 602.55. All other costs~~
18 ~~in criminal actions shall be assessed and distributed as in chapter 606.~~
19 ~~All costs in criminal cases shall be assessed and distributed as in chap-~~
20 ~~ter six hundred six (606) of the Code, except that the cost of filing and~~
21 ~~docketing of a complaint or information for a nonindictable misde-~~
22 ~~meanor shall be five dollars which shall be distributed pursuant to~~
23 ~~section six hundred two point fifty-five (602.55) of the Code. The five~~
24 ~~dollar cost for filing and docketing a complaint or information for a~~
25 ~~nonindictable misdemeanor shall not apply in cases of overtime park-~~
26 ~~ing. If the judgment and costs are not fully and immediately satisfied~~
27 ~~in criminal cases, the judicial magistrate shall promptly certify a copy~~
28 ~~of the judgment to the clerk of the district court indicating thereon~~
29 ~~the portion unsatisfied; and the clerk shall index and file the judg-~~
30 ~~ment, whereupon it shall be a judgment of the district court without~~
31 ~~recording.~~

1 SEC. 48. Section six hundred two point sixty-four (602.64), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **602.64 Administrative reports.** Each judicial magistrate, district
5 associate judge and district judge acting as a judicial magistrate
6 shall report all judicial business handled by him to the clerk and board
7 of supervisors of the appropriate county in which he held court and
8 the chief judge of his judicial district. Such reports shall be on a
9 form prescribed by the supreme court administrator and be made at
10 such times as required by him. The administrator may require the
11 clerk to forward copies of individual reports to him or require a con-
12 solidated report for the county.

1 SEC. 49. Section six hundred two point sixty-five (602.65), Code
2 1973, is amended to read as follows:

3 **602.65 Magistrates not holding office.** When a ~~district~~ *judicial*
4 magistrate ceases to hold office, his docket and all records relating to
5 his office shall be promptly deposited with the clerk of the district court
6 who issued the docket.

1 SEC. 50. Section six hundred two point seventy-one (602.71), sub-
2 section ten (10), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 In all ~~criminal actions~~ *nonindictable misdemeanors*:

1 SEC. 51. Section six hundred two point seventy-one (602.71), sub-
2 sections one (1), six (6), and nine (9), Code 1973, are amended to read
3 as follows:

4 1. No ~~judgment of conviction of a nonindictable~~ misdemeanor or
5 civil ~~actions~~ *action* tried as a small ~~claims~~ *claim* shall be appealed to
6 the supreme court except by discretionary review as provided herein.
7 No ~~judgment of acquittal of a nonindictable~~ misdemeanor may be
8 reviewed.

9 6. When an application is made for discretionary review, it is the
10 duty of the applicant to serve on the attorney for the adverse party,
11 and if the state is the adverse party, upon the attorney general, a copy
12 of the application within ten days after judgment.

13 9. An application shall not be dismissed for an informality or defect
14 in taking it if corrected as directed by the supreme court. The supreme
15 court, after an examination of the entire record, may dispose of the
16 case by affirmation, reversal or modification of the lower court judg-
17 ment. It may also dismiss the application if it (a) determines that
18 there has been no substantial miscarriage of justice, and (b) ~~no viola-~~
19 ~~tion of the rights of an accused, and that (c) the arguments do not pre-~~
20 ~~sent definite grounds for a hearing. The supreme court may also order~~
21 ~~a new trial, or modify the judgment; provided, however, in criminal~~
22 ~~cases the punishment may not be increased.~~

1 SEC. 52. Section six hundred two point seventy-one (602.71), Code
2 1973, is amended by striking subsections four (4) and ten (10).

1 SEC. 53. Section six hundred five point fourteen (605.14), Code
2 1973, is amended to read as follows:

3 **605.14 Judge to be attorney—exception.** No person shall be eli-

4 gible ~~to~~ for, or hold the office of *supreme court judge, district judge*
 5 *or district associate judge of a court of record, except judicial magis-*
 6 *trates, who is not, at the time of his election, an attorney at law, duly*
 7 *admitted to practice under the laws of this state.*

1 SEC. 54. Section six hundred five point seventeen (605.17), Code
 2 1973, is amended to read as follows:

3 605.17 **When judge disqualified.** A judge or *justice magistrate* is
 4 disqualified from acting as such, except by mutual consent of parties,
 5 in any case wherein he or *any member of any corporation, partnership,*
 6 *firm or association with which he may be associated* is a party or
 7 interested, or where he is related to either party by consanguinity or
 8 affinity within the fourth degree, or where he or *any member of any*
 9 *firm, partnership or association with which he may be associated* has
 10 been attorney for either party in the action or proceeding. This sec-
 11 tion shall not prevent him from disposing of any preliminary matter
 12 not affecting the merits of the case.

1 SEC. 55. Section six hundred five A point three (605A.3), Code
 2 1973, is amended to read as follows:

3 605A.3 **Notice by judge in writing.** This chapter shall not apply
 4 to any judge of the municipal, superior, district or supreme court,
 5 including a district associate ~~judges~~ *judge*, until he gives notice in
 6 writing, while serving as a judge, to the state comptroller and trea-
 7 surer of state, of his purpose to come within its purview. Judges of
 8 the municipal and superior courts shall at the same time give a copy
 9 of such notice to the city treasurer and county auditor within the
 10 district of such court. Such notice shall be given within one year after
 11 the effective date hereof or within one year after any date on which
 12 he takes oath of office as such judge.

1 SEC. 56. Section six hundred five A point four (605A.4), unnum-
 2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 Each judge coming within the purview of this chapter shall, on or
 4 before retirement, pay to the state comptroller for deposit with the
 5 ~~state treasurer~~ *treasurer of state* to the credit of a fund to be known
 6 as the "judicial retirement fund", hereinafter called the "fund", a sum
 7 equal to four percent of his basic salary for services as such judge for
 8 the total period of service as a judge of a municipal, superior, district
 9 or supreme court, including district associate judges, before the date
 10 of said notice, and after the date of the notice there shall be deducted
 11 and withheld from the basic salary of each judge coming within the
 12 purview of this chapter a sum equal to four percent of such basic
 13 salary. Provided that the maximum amount which any judge shall be
 14 required to contribute for past service shall not exceed for municipal
 15 or superior or district associate judges thirty-five hundred dollars, for
 16 district judges four thousand dollars and for supreme court judges
 17 five thousand dollars. The amounts so deducted and withheld from
 18 the basic salary of each said judge shall be paid to the state comp-
 19 troller for deposit with the treasurer of state to the credit of the
 20 judicial retirement fund, and said fund is hereby appropriated for
 21 the payment of annuities, refunds, and allowances herein provided,
 22 except that the amount of such appropriations affecting payment of
 23 annuities, refunds, and allowances to judges of the municipal and
 24 superior court shall be limited to that part of said fund accumulated

25 for their benefit as hereinafter provided. The judges of the municipal,
26 superior, district and supreme court, including district associate
27 judges, coming within the provisions of this chapter shall be deemed
28 to consent and agree to the deductions from basic salary as provided
29 herein, and payment less such deductions shall be a full and complete
30 discharge and acquittance of all claims and demands whatsoever for
31 all regular services rendered by such judges during the period covered
32 by such payment, except the right to the benefits to which they shall
33 be entitled under the provisions of this chapter. The state shall con-
34 tribute a sum not exceeding three percent of the basic salary of all
35 judges of the district and supreme court for the years 1949 and 1950
36 and thereafter such sums as may be necessary over the amount con-
37 tributed by the district and supreme court judges to finance the system,
38 but only to the extent that the system applies to them. After July 1
39 *June 30, 1973*, the state shall contribute such sums as may be necessary
40 over the amount contributed by district associate judges to finance the
41 system as to them for the portion of their tenure ~~prior to~~ *after* July 1,
42 1973, *and thereafter such sums as may be necessary over the amount*
43 *contributed by the district associate judges to finance the system, but*
44 *only to the extent the system applies to them*; and the respective cities
45 and counties within each municipal and superior court district shall
46 contribute the additional amount necessary pursuant to the next para-
47 graph of this section, for the portion of the tenure of such district
48 associate judges prior to July 1, 1973.

1 SEC. 57. Section six hundred five A point four (605A.4), Code
2 1973, is amended by striking unnumbered paragraph two (2).

1 SEC. 58. Section six hundred five A point twelve (605A.12), Code
2 1973, is amended to read as follows:

3 **605A.12 Voluntary retirement for disability.** Any judge of the
4 supreme, district or municipal court *including a district associate*
5 *judge*, who shall have served as a judge of one or both of such courts
6 for a period of six years in the aggregate and who believes he has
7 become permanently incapacitated, physically or mentally, to perform
8 the duties of his office may personally or by his next friend or guard-
9 ian file with the state comptroller a written application for retire-
10 ment. The application shall be filed in duplicate and accompanied by
11 an affidavit as to the duration and particulars of his service and the
12 nature of his incapacity. The state comptroller shall forthwith trans-
13 mit one copy of the application and affidavit to the chief justice who
14 shall request the attorney general in writing to cause an investigation
15 to be made relative to the claimed incapacity and report back the re-
16 sults thereof in writing. If the chief justice finds from the report of
17 the attorney general that the applicant is permanently incapacitated,
18 physically or mentally, to perform the duties of his office he shall by
19 his endorsement thereon declare the applicant retired, and the office
20 vacant, and shall file the report in the office of the state comptroller,
21 and a copy in the office of the secretary of state. From the date of
22 such filing the applicant shall be deemed retired from his office and
23 entitled to the benefits of this chapter to the same extent as if he had
24 retired under the provisions of section 605A.6.

1 SEC. 59. Section six hundred five A point fourteen (605A.14),
2 Code 1973, is amended to read as follows:

3 **605A.14 Forfeiture of benefits—refund.** In the event a judge of
 4 the supreme, district or municipal court *including a district associate*
 5 *judge*, is removed for cause other than permanent disability he shall
 6 forfeit the right to any retirement benefits under the system but the
 7 total amount of his contribution to the fund shall be returned to him
 8 or his legal representative.

1 **SEC. 60.** Section six hundred thirty point one (630.1), Code 1973,
 2 is amended to read as follows:

3 **630.1 Debtor examined.** When execution against the property of
 4 a judgment debtor, or one of several debtors in the same judgment,
 5 has been issued from the district or supreme court to the sheriff of
 6 the county where such debtor resides, or if he ~~de~~ *does* not reside in the
 7 state, to the sheriff of the county where the judgment was rendered,
 8 ~~or a transcript of a justice's judgment has been filed,~~ and execution
 9 issued thereon is returned unsatisfied in whole or in part, the owner
 10 of the judgment is entitled to an order for the appearance and exami-
 11 nation of such debtor.

1 **SEC. 61.** Section six hundred thirty-one point one (631.1), Code
 2 1973, is amended to read as follows:

3 **631.1 Small claims.** A small claim is a civil action for a money
 4 ~~damages judgment~~ where the amount in controversy ~~in money~~ is one
 5 thousand dollars or less, exclusive of ~~interests~~ *interest* and costs, and
 6 actions for forcible entry and detainer *which are based on those*
 7 *grounds set forth in section six hundred forty-eight point one (648.1),*
 8 *subsections one (1), two (2), three (3), and five (5) of the Code.*

1 **SEC. 62.** Section six hundred thirty-one point two (631.2), Code
 2 1973, is amended to read as follows:

3 **631.2 Trial of small claims.** Small claims shall be tried only by
 4 judicial magistrates and district associate judges, except when tried
 5 by regular procedure under section 631.8 when they shall be tried by
 6 a district judge. Small claims shall be commenced, heard, and deter-
 7 mined in accordance with this chapter. Other statutes and rules
 8 relating to civil proceedings shall apply, but only insofar as not in-
 9 consistent with this chapter. Small claims on file for ninety days and
 10 not determined shall be dismissed by the clerk, *with costs assessed to*
 11 *the plaintiff, but* without prejudice unless prior thereto a party se-
 12 cures an order of continuance to a date certain after notice and hear-
 13 ing, upon a ground stated in rule 215.1 of the rules of civil procedure.
 14 Contested claims in an amount of a small claim may be heard *by the*
 15 *court* and determined under this chapter and actions therefor may be
 16 commenced hereunder; if commenced as a regular civil action or un-
 17 der the statutes relating to probate proceedings, they shall be trans-
 18 ferred to the small claims docket and proceed accordingly. Small
 19 claims coming within this chapter but commenced as a regular action
 20 shall not be dismissed but shall be transferred to the small claims
 21 docket. Civil and probate actions not small claims but commenced
 22 hereunder shall be dismissed without prejudice except for defendants
 23 who have appeared, as to whom such actions shall be transferred to
 24 the combination or probate docket, as appropriate.

1 **SEC. 63.** Section six hundred thirty-one point three (631.3), Code
 2 1973, is amended to read as follows:

3 **631.3 Commencement of actions.** All actions shall be commenced

4 by the filing of an original notice with the clerk. The clerk shall mail
5 a copy of the original notice to each defendant at his last known
6 address, as stated in the original notice, by ~~restricted~~ certified mail,
7 *restricted delivery*, return receipt to the clerk requested. Instead of
8 the mailing, the plaintiff may, after filing the original notice with the
9 clerk, cause a copy of same to be served on all or some defendants in
10 the manner provided in the rules of civil procedure pertaining to the
11 commencement of actions. The clerk shall maintain a book known
12 as the small claims docket, which shall contain as to small claims the
13 matters contained in the combination docket as to the regular civil
14 actions.

1 SEC. 64. Section six hundred thirty-one point four (631.4), Code
2 1973, is amended to read as follows:

3 631.4 **Original notice—form.** The original notice must be mailed
4 or otherwise served not less than ten nor more than twenty days prior
5 to the ~~hearing~~ *appearance* date. The original notice and copies shall
6 be signed by the plaintiff, either in person or by attorney, and shall
7 be in substantially the following form:

8 IN THE DISTRICT COURT OF IOWA
9 IN AND FOR COUNTY

10
11 Plaintiff(s)
12
13
14 Address of each plaintiff
15
16 vs
17
18
19 Defendant(s)
20
21
22 Address of each defendant

} SMALL CLAIM NO.

23 ORIGINAL NOTICE

24 To the above named defendant(s):

25 YOU ARE HEREBY NOTIFIED that the above named plaintiff(s) de-
26 mands of you

27 (1. If demand is for money, state amount; 2. If demand is for

28
29 something else, state briefly what is demanded and its value in money; 3. If both

30
31 money and something else are demanded, state both 1 and 2 forcible entry and

32 based on

33 *detainer, state address and grounds*) (state briefly the basis for the

34 and that unless you appear and defend before the clerk of the

35 demand)

36 above named court either by written appearance or in person at

37 in, Iowa, at o'clockM. on the

38 (Place) (City or Town)

39 day of, 19....., judgment will be rendered against

40 you for the relief demanded, together with interest and court costs.

41
42 Plaintiff(s)

1 SEC. 65. Section six hundred thirty-one point five (631.5), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **631.5 Duties of clerk.** The clerk shall furnish forms of original
5 notice. Before filing an original notice, the clerk shall receive a filing
6 fee of two dollars plus the amount of postage for mailing the original
7 notice to each defendant to which it is to be mailed. At the time of
8 filing, the clerk shall enter on the original notice and the copies to be
9 served, the file number, and the time and place of appearance, which
10 appearance may be in writing or in person, and which shall be not
11 less than ten nor more than twenty days after the date on which the
12 notice will be mailed or otherwise served.

13 If the defendant appears before the clerk on or before the time set
14 in the original notice, the clerk shall assign the claim to a judicial
15 magistrate having jurisdiction, for hearing at a place and time cer-
16 tain. The time of hearing shall be not less than five days nor more
17 than ten days from the date of the defendant's appearance before the
18 clerk. The clerk shall immediately notify the plaintiff or his attorney,
19 the defendant or his attorney and the judicial magistrate to which
20 the claim is assigned of the time and place of hearing by ordinary
21 mail. The clerk shall also transmit the original notice, and all other
22 papers relating to the case, to the judicial magistrate to whom the
23 case is assigned, and copies of all papers so transmitted shall be re-
24 tained in the clerk's office.

25 If the defendant fails to appear, judgment shall be rendered against
26 the defendant by the clerk if the relief is readily ascertainable. If
27 the relief is not readily ascertainable the claim shall be assigned to
28 a judicial magistrate for determination and the clerk shall immedi-
29 ately notify the plaintiff or his attorney and the judicial magistrate
30 of such assignment by ordinary mail.

1 SEC. 66. Section six hundred thirty-one point eight (631.8), sub-
2 section four (4), Code 1973, is amended to read as follows:

3 4. In small claims actions, a counterclaim, cross claim, or interven-
4 tion in a greater amount than that of a small claim shall be in the form
5 of a regular pleading. A copy shall be filed for each existing party.
6 New parties, when permitted by order, may be brought in under rule
7 34 of the rules of civil procedure and shall be given notice under the
8 rules of civil procedure pertaining to ~~announcement~~ commencement of
9 actions. The court shall either order such counterclaim, cross claim,
10 or intervention to be tried by regular procedure and the other claim
11 to be heard under this division, or order the entire action to be tried
12 by regular procedure.

1 SEC. 67. Section six hundred thirty-one point nine (631.9), Code
2 1973, is amended to read as follows:

3 **631.9 Proper notice determined.** At the time for *appearance or*
4 hearing the ~~court or~~ clerk or court shall first determine that proper
5 notice has been given a party before proceeding further as to him,
6 unless he has appeared or is an existing party, and also that the action
7 is properly brought as a small claim. *Proper notice shall consist of*
8 *either signed return receipt, returned receipt indicating refusal to*
9 *accept notice, or sheriff's return of service of an original notice, which-*
10 *ever is applicable. In the event the plaintiff appears and the defendant*

11 *fails to appear, and the court or clerk determines that proper notice*
 12 *has not been given a party, he shall reset the hearing date, and direct*
 13 *the plaintiff to serve the party as in the manner prescribed for the*
 14 *service of original notice provided in the rules of civil procedure,*
 15 *which shall be not less than ten nor more than twenty days prior to*
 16 *the hearing date.*

1 SEC. 68. Section six hundred thirty-one point ten (631.10), Code
 2 1973, is amended to read as follows:

3 **631.10 Failure to appear at hearing—effect.** Unless good cause to
 4 the contrary is shown, if the parties fail to appear at the time of
 5 hearing the claim shall be dismissed without prejudice by the court
 6 ~~or clerk~~; if the plaintiff fails to appear but the defendant appears, the
 7 claim shall be dismissed with prejudice by the court ~~or clerk~~ *with*
 8 *costs assessed to the plaintiff*; and if the plaintiff appears but the
 9 defendant fails to appear, judgment ~~shall may~~ be rendered against the
 10 defendant by the court, ~~or by the clerk if the relief to be granted is~~
 11 ~~readily ascertainable.~~ The filing by the plaintiff of a verified account,
 12 or an instrument in writing for the payment of money with an affi-
 13 davit the same is genuine, shall constitute an appearance by plaintiff
 14 for the purpose of this rule section. ~~At the request of either party,~~
 15 ~~the court shall grant such party one continuance to a day certain.~~

1 SEC. 69. Section six hundred thirty-one point eleven (631.11),
 2 Code 1973, is amended to read as follows:

3 **631.11 Hearing.** ~~The time for appearance shall be the time for~~
 4 ~~hearing, unless a continuance has been granted under section 631.10.~~
 5 The hearing shall be to the court, shall be simple and informal, and
 6 shall be conducted by the court itself, without regard to technicalities
 7 of procedure; but the decision must be based on substantial evidence.
 8 The court shall swear the parties and their witnesses, and examine
 9 them in such way as to bring out the truth. The parties may partici-
 10 pate, either personally or by attorney. The court may continue the
 11 hearing from time to time if justice requires. ~~The proceedings shall~~
 12 ~~not be reported unless a party provides a reporter at his own expense~~
 13 ~~or the parties by agreement cause the proceedings to be electronically~~
 14 ~~reported, but there shall be no delay for such purpose.~~

15 *Upon the trial, the judicial magistrate shall make minutes of the*
 16 *testimony of each witness and append the exhibits or copies thereof.*
 17 *The proceedings upon trial shall not be reported, unless the party pro-*
 18 *vides a reporter at such party's expense. By agreement the parties*
 19 *may cause the proceedings upon trial to be reported electronically.*

1 SEC. 70. Section six hundred thirty-one point twelve (631.12),
 2 subsection one (1), Code 1973, is amended to read as follows:

3 1. The judgment shall be entered in a space on the original notice
 4 first filed, and the clerk shall immediately enter the judgment in the
 5 small claims docket and district court lien book, without recording.
 6 Such relief shall be granted as is appropriate. ~~The court may enter~~
 7 ~~judgment~~ *Upon entering judgment, the court may provide* for install-
 8 ment payments to be made directly by the party obligated to the party
 9 entitled thereto; and in such event execution shall not issue as long as
 10 such payments are made but execution shall issue for the full unpaid
 11 balance of the judgment upon the filing of an affidavit of default.

12 When entered on the small claims docket and district court lien book,
 13 a small claims judgment shall constitute a lien to the same extent as
 14 regular judgments entered on the district court judgment docket and
 15 lien book; but if a small claims judgment requires installment pay-
 16 ments, it shall not be enforceable until an affidavit of default is filed,
 17 ~~whereupon it shall constitute a lien for the full unpaid balance of the~~
 18 ~~judgment.~~

1 SEC. 71. Section six hundred forty-eight point five (648.5), Code
 2 1973, is amended to read as follows:

3 **648.5 Jurisdiction.** The ~~district~~ court within the county shall have
 4 jurisdiction of actions for the forcible entry or detention of real prop-
 5 erty. ~~Where an action is brought in the district court it~~ *It shall be*
 6 *tried as an equitable action, and upon presentation of the petition to*
 7 ~~the associate district judge or judicial magistrate after the same has~~
 8 ~~been filed, the~~ *Unless commenced as a small claim, a petition shall be*
 9 *presented to a district court judge. The court shall make an order*
 10 *fixing the time and place for hearing upon said petition and shall*
 11 *prescribe that notice of the hearing be personally served upon the*
 12 *defendant or defendants, which service shall be at least five days prior*
 13 *to the date set for hearing.*

1 SEC. 72. Section six hundred sixty-five point four (665.4), sub-
 2 sections two (2) and three (3), Code 1973, are amended to read as
 3 follows:

4 2. *By Before* district judges and district associate judges, by a fine
 5 not exceeding five hundred dollars or imprisonment in a county jail not
 6 exceeding six months or by both such fine and imprisonment.

7 3. *By Before* judicial magistrates, by a fine not exceeding one hun-
 8 dred dollars or imprisonment in a county jail not exceeding thirty
 9 days.

1 SEC. 73. Section seven hundred forty-eight point four (748.4),
 2 Code 1973, is amended to read as follows:

3 **748.4 Duties.** It shall be the duty of a peace officer and his deputy,
 4 if any, throughout the county, township, or municipality of which he
 5 is such officer, to preserve the peace, to ferret out crime, to apprehend
 6 and arrest all criminals, and insofar as it is within his power, to
 7 secure evidence of all crimes committed, and present the same to the
 8 county attorney, grand jury, ~~mayer or police courts or magistrate,~~ and
 9 to file informations against all persons whom he knows, or has reason
 10 to believe, to have violated the laws of the state, and to perform all
 11 other duties, civil or criminal, pertaining to his office or enjoined upon
 12 him by law. Nothing herein shall be deemed to curtail the powers and
 13 duties otherwise granted to or imposed upon peace officers.

1 SEC. 74. Section seven hundred fifty-one point twenty-six (751.26),
 2 Code 1973, is amended to read as follows:

3 **751.26 Execution—sale—destruction.** Execution shall issue for
 4 the sale of all property, except money, which may have a legitimate
 5 use, and for the destruction of all property having no legitimate use.
 6 Sales shall be made as provided by section ~~626.76~~ *six hundred twenty-*
 7 *six point seventy-five (626.75) of the Code.* Due return of the execu-
 8 tion shall be made thereon by the officer executing it.

1 SEC. 75. Section seven hundred fifty-two point four (752.4), Code
2 1973, is amended to read as follows:

3 **752.4 One-year limitation.** A prosecution for a *nonindictable mis-*
4 *demeanor triable before a magistrate*, or violation of an ordinance of
5 a city or town, must be commenced within one year after the commis-
6 sion thereof, and not after.

1 SEC. 76. Section seven hundred fifty-three point nine (753.9),
2 Code 1973, is amended to read as follows:

3 **753.9 Failure to appear.** ~~Any~~ *Except for citations for traffic viola-*
4 *tions, any* person who willfully fails to appear in court as specified by
5 the citation shall be guilty of a misdemeanor and upon conviction shall
6 be punished by a fine of not more than five hundred dollars or by
7 imprisonment in the county jail not exceeding three months, or by
8 both such fine and imprisonment. *Failure to appear in response to a*
9 *citation for a traffic violation shall be governed by section three hun-*
10 *dred twenty-one point four hundred eighty-seven (321.487) of the*
11 *Code.*

1 SEC. 77. Section seven hundred fifty-three point thirteen (753.13),
2 Code 1973, is amended to read as follows:

3 **753.13 Uniform citation and complaint.** The commissioner of pub-
4 lic safety shall adopt a uniform, combined traffic citation and com-
5 plaint, which shall be used for charging all traffic violations in Iowa
6 under state law or municipal ordinance, unless the defendant is
7 charged by information or section 321.236, subsection 1, is applicable.
8 Each citation and complaint shall be serially numbered and shall be
9 in quadruplicate, and the officer shall deliver the original and a copy
10 to the court where the defendant is to appear, a copy to the defendant,
11 and a copy to the law enforcement agency of the officer. The court
12 shall forward the copy of the citation and complaint in accordance
13 with section 321.207. The citation and complaint shall contain, among
14 other things, spaces for the parties' names and for the information
15 required by section 321.485, subsection 2; a place where the defendant
16 may sign the promise to appear referred to in section ~~321.499~~ *three*
17 *hundred twenty-one point four hundred eighty-six (321.486) of the*
18 *Code*; a list of the minimum fines prescribed by section 753.15, either
19 separately or by groups; a brief explanation of sections 753.16 and
20 753.17; and a space where the defendant may sign an admission of the
21 violation when such section 753.16 is applicable. Every citation and
22 complaint shall require the defendant to appear before a court at a
23 specified time and place. Notwithstanding section 321.485, subsection
24 2, the officer may arrest the defendant although a citation and com-
25 plaint is used to charge the violation, if authorized by section 755.4.

26 *Supplies of the uniform traffic citation and complaint for municipal*
27 *corporations and county agencies shall be paid for out of the court*
28 *expense fund of the county. Supplies of the uniform traffic citation*
29 *and complaint for all other agencies shall be paid for out of the budget*
30 *of the agency concerned.*

1 SEC. 78. Section seven hundred fifty-three point fifteen (753.15),
2 unnumbered paragraphs one (1) and two (2), Code 1973, are amended
3 to read as follows:

4 **753.15 Scheduled violations.** *The following shall be scheduled vio-*

5 *lations and the* minimum fine for all convictions of the following viola-
6 tions, whether of state law or municipal ordinance, shall be:

7 Violations of the schedule of axle and tandem axle and gross or
8 group of axle weight violations in section 321.463 shall be scheduled
9 violations subject to the provisions, procedures and exceptions con-
10 tained in sections ~~753.16 to 753.29~~ *seven hundred fifty-three point*
11 *thirteen (753.13) to seven hundred fifty-three point eighteen (753.18)*
12 *of the Code*, irrespective of the amount of the fine under such sched-
13 ular. Violations of the schedule of weight violations shall be charge-
14 able, where the fine charged does not exceed one hundred dollars, only
15 by uniform citation and complaint. Violations of the schedule of
16 weight violations, where the fine charged exceeds one hundred dollars:
17 (1) Shall, when the violation is admitted and section 753.16 applies,
18 be chargeable upon uniform citation and complaint, indictment, or
19 county attorney's information, (2) but otherwise, shall be chargeable
20 only upon indictment or county attorney's information. In all cases
21 of charges under the schedule of weight violations, the charge shall
22 specify the amount of fine charged under the schedule. Where a
23 defendant is convicted and the fine under the foregoing schedule of
24 weight violations exceeds one hundred dollars, the conviction shall be
25 of an indictable offense although section 753.16 is employed and
26 whether the violation is charged upon uniform citation and complaint,
27 indictment, or county attorney's information.

1 SEC. 79. Section seven hundred fifty-three point fifteen (753.15),
2 subsection two (2), Code 1973, is amended to read as follows:

3 2. Registration card or plate violation *under sections three hundred*
4 *twenty-one point thirty-seven (321.37), three hundred twenty-one*
5 *point thirty-eight (321.38), three hundred twenty-one point thirty-*
6 *nine (321.39), and three hundred twenty-one point three hundred*
7 *eighty-eight (321.388) of the Code*, five dollars.

1 SEC. 80. Section seven hundred fifty-three point fifteen (753.15),
2 Code 1973, is amended by adding the following new subsections:

3 NEW SUBSECTION. Violation of display of identification required by
4 section three hundred twenty-six point twenty-two (326.22) of the
5 Code and violation of trip permits as prescribed by sections three hun-
6 dred twenty-six point twenty-two (326.22), three hundred twenty-six
7 point twenty-four (326.24), ten dollars.

8 NEW SUBSECTION. Violation of intrastate hauling on foreign reg-
9 istration under sections three hundred twenty-one point fifty-four
10 (321.54) and three hundred twenty-one point fifty-five (321.55) of
11 the Code; use of registration under section three hundred twenty-one
12 point ninety-nine (321.99) of the Code; and display of registration
13 or plates under section three hundred twenty-one point ninety-eight
14 (321.98) of the Code, twenty dollars.

15 NEW SUBSECTION. Violation of sections three hundred twenty-four
16 point fifty-two (324.52), three hundred twenty-four point fourteen
17 (324.14), or three hundred twenty-four point seventy-four (324.74),
18 subsections two (2) and six (6), of the Code, ten dollars.

1 SEC. 81. Section seven hundred fifty-three point sixteen (753.16),
2 subsection three (3), paragraph b, Code 1973, is amended to read as
3 follows:

4 b. If the defendant does not comply with paragraph "a" of this
 5 subsection, the officer may release the defendant upon observing him
 6 mail to a court in the county the citation and complaint and ~~twice one~~
 7 ~~and one-half times~~ the minimum fine together with five dollars costs, or
 8 in lieu of ~~twice one and one-half times~~ the fine and the costs, a guaran-
 9 teed arrest bond certificate as provided in section 321.1, subsection 70,
 10 as bail together with the following statement signed by the defendant:
 11 "I agree that either (1) I will appear pursuant to this citation or
 12 (2) if I do not so appear that I hereby admit the violation charged
 13 in the citation and complaint and consent to entry of judgment of
 14 conviction for twice the minimum fine together with five dollars costs
 15 and to application of the enclosed funds or bail in satisfaction of such
 16 fine and costs the amount deposited as bail will be forfeited."

1 SEC. 82. Section seven hundred fifty-three point seventeen
 2 (753.17), Code 1973, is amended to read as follows:

3 753.17 **Required court appearance.** Section 753.16 shall not apply
 4 to a scheduled violation:

5 1. When the violation charged ~~resulted in~~ *involved* an accident or
 6 injury.

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

9 3. When the officer ~~determines that believed~~ the violation was haz-
 10 ardous or aggravated because of highway conditions, visibility, traffic,
 11 repetition, or other circumstances.

12 In such cases, the defendant shall appear before the court and regu-
 13 lar procedure shall apply. If an information is used the officer shall
 14 endorse thereon, "~~Not for traffic violations office~~ *Court appearance*
 15 *required.*" If a citation and complaint is used, the officer shall strike
 16 out the space in which the defendant may admit the violation before
 17 a traffic violations office *and shall endorse thereon "Court appearance*
 18 *required"*. A citation and complaint ~~or information containing a charge~~
 19 ~~under subsections 1 and 2 of this section shall not itself constitute sub-~~
 20 ~~stantive proof of the charge.~~ A defendant shall appear before the court
 21 for any nonscheduled violation *either in person or by attorney.*

1 SEC. 83. Section seven hundred fifty-three point eighteen (753.18),
 2 Code 1973, is amended to read as follows:

3 753.18 **Other penalties.** ~~When section 753.16 does not apply to a~~
 4 ~~scheduled violation or when the defendant denies a scheduled violation,~~
 5 ~~if If the defendant is found guilty convicted of a scheduled violation,~~
 6 the penalty shall be the scheduled fine, without suspension of the fine
 7 prescribed in section 753.15 together with ~~five dollars court~~ costs
 8 ~~assessed and distributed as prescribed by section six hundred two point~~
 9 ~~sixty-three (602.63) of the Code, unless it appears from the evidence~~
 10 ~~that the violation was hazardous or aggravated of the type set forth~~
 11 ~~in section seven hundred fifty-three point seventeen (753.17), subsec-~~
 12 ~~tion three (3), of the Code, in which event the punishment shall be~~
 13 increased accordingly within the limits of law.

1 SEC. 84. Section seven hundred fifty-three point twenty (753.20),
 2 subsection one (1), Code 1973, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 1. Traffic violations may be tried before the nearest magistrate in
5 the judicial district in which the offense is committed.

1 SEC. 85. Section seven hundred fifty-four point three (754.3),
2 Code 1973, is amended to read as follows:

3 754.3 **Filing—issuing warrant.** When a preliminary information
4 is made before a magistrate, or district court clerk or his deputy,
5 charging the commission of some designated public offense triable on
6 indictment in the county in which such magistrate, or district court
7 clerk or his deputy, has local jurisdiction, by some person named
8 therein, he may issue a warrant for the arrest of such person.

9 Whenever the preliminary information or complaint charges a mis-
10 demeanor the magistrate, or district court clerk or his deputy, may in
11 his discretion issue a citation instead of a warrant of arrest. The
12 citation shall set forth substantially the nature of the offense and
13 shall command the person against whom the complaint was made to
14 appear before the magistrate issuing the citation at a time and place
15 stated therein.

16 The citation may be served in the same manner as an original notice
17 in a civil action.

18 If the person named in the citation is actually served as provided
19 herein and fails without good cause to appear as commanded by the
20 citation, he shall be ~~considered in contempt of court and may be pun-~~
21 ~~ished by a fine of not more than twenty dollars~~ *guilty of a misde-*
22 *memeanor, and, upon conviction, shall be punished as provided in section*
23 *seven hundred fifty-three point nine (753.9) of the Code.* Upon such
24 failure to appear, the magistrate, or district court clerk or his deputy,
25 shall issue a warrant of arrest for the offense originally charged, ~~and~~
26 ~~institute proceedings in contempt as provided by chapter 665.~~ *Failure*
27 *to appear in response to a citation for a traffic violation shall be gov-*
28 *erned by section three hundred twenty-one point four hundred eighty-*
29 *seven (321.487) of the Code.*

30 ~~If~~ *Except for citations for traffic violations, if* after issuing a cita-
31 tion the magistrate, or district court clerk or his deputy, becomes
32 satisfied that the person to whom such citation has been directed will
33 not appear, he may at once issue a warrant of arrest without waiting
34 for the date mentioned in the citation. A warrant or citation issued by
35 a clerk or deputy shall be returnable before a magistrate for the
36 county, or in his absence, before the nearest magistrate, whether the
37 warrant is for a felony as under section 757.2 or for a misdemeanor.
38 *If a citation or warrant is issued by the clerk, the preliminary infor-*
39 *mation shall be transmitted to the magistrate before whom the*
40 *defendant is to appear.*

1 SEC. 86. Section seven hundred sixty-two point two (762.2), Code
2 1973, is amended to read as follows:

3 762.2 **Information—complaint.** Criminal actions for the commis-
4 sion of a public offense must be commenced before a magistrate *or dis-*
5 *trict court clerk or his deputy* by an information or complaint, sub-
6 scribed and sworn to, and filed with the magistrate *or district court*
7 *clerk or his deputy.*

1 SEC. 87. Section seven hundred sixty-two point five (762.5), Code
2 1973, is amended to read as follows:

3 **762.5 Filing of information.** The magistrate *or district court clerk*
4 *or his deputy* must file such information and mark thereon the time of
5 filing the same.

1 SEC. 88. Section seven hundred sixty-two point six (762.6), Code
2 1973, is amended to read as follows:

3 **762.6 Warrant of arrest.** Immediately upon the filing of such infor-
4 mation, the magistrate, or ~~in his absence~~, the district court clerk or
5 deputy may, in his discretion, issue a warrant for the arrest of the
6 defendant, directed in the same manner as a warrant of arrest upon
7 a preliminary information, which may be served in like manner.

1 SEC. 89. Section seven hundred sixty-two point twelve (762.12),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **762.12 Trial.** Upon a plea other than guilty, the magistrate shall
5 set a trial date which shall be at least fifteen days after the plea is
6 entered. He shall notify the prosecuting attorney of the trial date
7 and shall advise the defendant that the trial will be without jury un-
8 less demand for jury trial is made at least ten days prior to the date
9 set for trial. Upon the request of the defendant, the magistrate may
10 set the date of trial at a time less than fifteen days after a plea other
11 than guilty is entered. The magistrate shall notify the defendant that
12 a request for earlier trial date shall constitute a waiver of jury.

13 Upon the trial, the judicial magistrate shall make minutes of the tes-
14 timony of each witness and append the exhibits or copies thereof. The
15 proceedings upon trial shall not be reported, unless the party provides
16 a reporter at such party's expense. By agreement the parties may
17 cause the proceedings upon trial to be reported electronically. If the
18 defendant is indigent and requests that the proceedings upon trial
19 be reported, the judicial magistrate shall cause them to be reported
20 by a reporter, or electronically, at public expense.

1 SEC. 90. Section seven hundred sixty-two point fifteen (762.15),
2 Code 1973, is amended to read as follows:

3 **762.15 Jury trial.** ~~Either party~~ *A defendant* in a criminal action
4 shall be entitled to jury trial by filing with the magistrate a written
5 jury demand ~~within at least ten days after the information or com-~~
6 ~~plaint is filed, or at least two days before the time set for trial~~ *trial if*
7 ~~the action is tried before ten days elapses.~~ Failure to make a jury
8 demand in the manner prescribed herein constitutes a waiver of jury.
9 If demand is made, the action shall be tried by a jury of six members.

1 SEC. 91. Section seven hundred sixty-two point thirty-five
2 (762.35), Code 1973, is amended to read as follows:

3 **762.35 Appeal.** In either case the prosecuting witness may appeal
4 from such judgment to a district judge, by giving notice thereof as
5 provided with reference to appeals by defendant, and the fact of the
6 giving of such notice shall be entered ~~(by the)~~ magistrate on his
7 record. The same procedure shall obtain as upon an appeal by the
8 defendant.

1 SEC. 92. Section seven hundred sixty-two point forty-three
2 (762.43), Code 1973, is amended to read as follows:

3 **762.43 Appeal.** *An appeal may be taken by the plaintiff only*
4 *upon a finding of invalidity of an ordinance or statute. In all other cases,*

5 *an appeal may only be taken by the defendant and only upon a judg-*
 6 *ment of conviction. Execution of the judgment shall be stayed upon*
 7 *the filing with the clerk of the district court an appeal bond with*
 8 *surety approved by the clerk, in the sum specified in the judgment.*
 9 *The defendant may take an appeal, by giving notice orally to the mag-*
 10 *istrate that he appeals, or by delivering to the magistrate not later*
 11 *than ten days thereafter, a written notice of his appeal, and in either*
 12 *case the magistrate must make an entry on its docket of the giving*
 13 *of such notice. Payment of fine or service of a sentence of impris-*
 14 *onment does not waive the right to appeal, nor render the appeal*
 15 *moot. When an appeal is taken, the magistrate shall forward to the*
 16 *appropriate district court clerk a copy of the docket entries in his*
 17 *court, together with copies of the complaint, warrant, motions, plead-*
 18 *ings ~~ex~~, his minutes of the witness' testimony and the exhibits or*
 19 *copies thereof, and all other papers in the case. Within ten days after*
 20 *an appeal is taken, unless extended by order of a district judge or by*
 21 *stipulation of the parties, any party may file with the clerk, as a part*
 22 *of the record, a transcript of the official report, if any, and, in the event*
 23 *the report was made electronically, the tape or other medium on which*
 24 *the proceedings were preserved. A district judge shall promptly hear*
 25 *the appeal upon the record thus filed without further evidence. If the*
 26 *original action was tried before a district judge acting as a judicial*
 27 *magistrate, the appeal shall be to a different district judge. The judge*
 28 *shall decide the appeal without regard to technicalities or defects.*
 29 *Judgment shall be rendered as though the case were being originally*
 30 *tried. The case shall stand for trial anew in the district court in the*
 31 *same manner as it should have been tried before the judicial magis-*
 32 *trate, without regard to technical errors or defects which have not*
 33 *substantially prejudiced the rights of either party. The court shall*
 34 *have full power over the case, the judicial magistrate and his record,*
 35 *and shall give judgment as though the case were being originally tried.*

1 SEC. 93. Section seven hundred sixty-two point forty-four
 2 (762.44), Code 1973, is amended by striking the section and inserting
 3 in lieu thereof the following:

4 **762.44 Appeal to supreme court.** After appeal to a district judge
 5 in a nonindictable case, either party may appeal from the judgment
 6 of the district judge to the supreme court in the same manner as from
 7 a judgment in a prosecution by indictment, and the defendant may be
 8 admitted to bail in like manner, and similar proceedings shall be had
 9 on the appeal in all respects, as far as applicable. The same proceed-
 10 ings shall be had to carry into effect the judgment of the supreme
 11 court upon the appeal as if it had been taken from a judgment prose-
 12 cuted by indictment.

1 SEC. 94. Section seven hundred sixty-nine point two (769.2),
 2 Code 1973, is amended to read as follows:

3 **769.2 Filing by county attorney.** The county attorney may file
 4 with ~~a magistrate or~~ the clerk of the district court, upon approval by a
 5 district judge or district associate judge, an information charging a
 6 person with an indictable offense.

1 SEC. 95. Section seven hundred sixty-nine point eight (769.8),
 2 Code 1973, is amended to read as follows:

3 769.8 **Approval by judge.** The information, before being filed,
4 shall be presented to ~~some judge of the district court~~ *a district judge*
5 *or district associate judge* of the county having jurisdiction of the
6 offense, which judge shall endorse his approval or disapproval thereon.
7 If the information receive the approval of the judge, the same shall be
8 filed. If not approved, the charge shall be presented to the next grand
9 jury for consideration.

1 SEC. 96. Section seven hundred seventy-four point twelve
2 (774.12), Code 1973, is amended to read as follows:

3 774.12 **Transfer of misdemeanors.** District judges may transfer
4 any indictable misdemeanors pending before them to the nearest ~~full-~~
5 ~~time judicial magistrate or~~ district associate judge *within the judicial*
6 *district.*

1 SEC. 97. Section seven hundred ninety-three point one (793.1),
2 Code 1973, is amended to read as follows:

3 793.1 **Office of appeal—who may appeal.** The mode of reviewing
4 in the supreme court any judgment, action, or decision of the district
5 court ~~by a magistrate~~ in a criminal case which is an indictable offense
6 is by appeal. Either the defendant or state may appeal.

1 SEC. 98. This section shall take effect July 1, 1974. Section seven
2 hundred seventy-four point twelve (774.12), Code 1973, is amended
3 by striking the section and inserting in lieu thereof the following:

4 774.12 **Transfer of misdemeanors.** District judges may, within
5 the judicial district, transfer any indictable misdemeanors pending
6 before them to the nearest district associate judge or judicial magis-
7 trate having jurisdiction.

1 SEC. 99. The provisions of section six hundred two point fifty-one
2 (602.51) of the Code relating to the nomination and appointment of
3 judicial magistrates shall apply to vacancies occurring after July 1,
4 1973.

Approved June 29, 1973.

CHAPTER 283

JUDGES SALARIES

H. F. 801

AN ACT relating to the salaries of supreme court justices and district court judges and juvenile court officers.

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

1 SECTION 1. Section six hundred five point one (605.1), Code 1973,
2 is amended to read as follows:

3 605.1 **Salary of judges.** The salary of each judge of the district
4 court *and the chief judge of each judicial district* shall be ~~twenty-one~~
5 ~~thousand dollars per year as fixed by the general assembly.~~

1 SEC. 2. Section six hundred eighty-four point seventeen (684.17),
2 Code 1973, is amended to read as follows:

3 684.17 **Salary.** Each *judge justice and the chief justice of the*

4 supreme court hereafter elected shall receive a salary of ~~twenty-four~~
 5 ~~thousand dollars per year as fixed by the general assembly.~~

1 SEC. 3. The salary rates specified in this section shall be in effect
 2 for the fiscal biennium commencing July 1, 1973 and ending June 30,
 3 1975. For each fiscal year after the fiscal year ending June 30, 1975,
 4 the salary rate shall be the same as the rate specified for the fiscal
 5 year commencing July 1, 1974 until otherwise provided by the gen-
 6 eral assembly. Salaries provided for in this section shall be paid
 7 from funds appropriated to the office, department, or entity specified
 8 in this section, and pursuant to any Act of the general assembly mak-
 9 ing such an appropriation.

10 The following annual salary rates shall be paid to the person hold-
 11 ing the position indicated from funds appropriated by the general
 12 assembly for such purpose:

	1973-74 Fiscal Year	1974-75 Fiscal Year
15 1. District court judges.		
16 Salary of a chief judge of a judicial district....	\$27,000	\$29,500
17 Salary of a district court judge	\$26,500	\$29,000
18 2. Supreme Court.		
19 Salary of the chief justice	\$31,000	\$34,000
20 Salary of a justice	\$30,000	\$33,000

1 SEC. 4. Section two hundred thirty-one point eight (231.8), un-
 2 numbered paragraphs one (1), two (2) and four (4), Code 1973, are
 3 amended to read as follows:

4 The judge designated as judge of the juvenile court in any county,
 5 or where there is more than one judge designated such judges acting
 6 jointly, may appoint such probation officers as may be necessary to
 7 carry out the work of the court. In counties where more than one
 8 officer is appointed one of such officers shall be designated as chief
 9 probation officer. The salaries of such officers shall be fixed by the
 10 judge or judges making the appointments but in no case shall the
 11 salary of a chief probation officer exceed ~~seventy percent of the salary~~
 12 ~~of the district court judge sixteen thousand dollars per year~~ nor shall
 13 the salary of a deputy probation officer exceed ~~sixty percent of the~~
 14 ~~salary of such judge fourteen thousand dollars per year.~~

15 Probation officers may be appointed to serve two or more counties.
 16 The salaries of such officers and their deputies, if any, shall be fixed
 17 by the judges of the judicial district who are designated juvenile court
 18 judges for such counties and such salaries and the expenses of the
 19 probation offices shall be prorated among the counties served in such
 20 proportion as may be determined by said judges who shall in making
 21 such determination, consider the volume of work in the several coun-
 22 ties. Such officers may be paid not to exceed ~~sixty percent of the salary~~
 23 ~~of a district court judge fourteen thousand dollars per year.~~

24 Such secretarial and clerical help as may be needed in the admin-
 25 istration of any probation office may be appointed by the judge or
 26 judges of the juvenile court who may fix their salaries, subject to the
 27 approval of the board of supervisors, at not more than ~~forty percent~~
 28 ~~of the salary of a district court judge nine thousand dollars per year.~~

Approved June 29, 1973.

CHAPTER 284

SHORTHAND REPORTERS

H. F. 223

AN ACT relating to the compensation paid to shorthand reporters of the district court and participation in group insurance plans.

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

1 SECTION 1. Section six hundred five point eight (605.8), Code 1973,
2 is amended to read as follows:

3 **605.8 Compensation.** Each full-time shorthand reporter of the dis-
4 trict court shall be paid, *in equal installments*, an annual salary in equal
5 installments as hereinafter provided. Each district judge, upon the
6 appointment of a full-time shorthand reporter as ~~hereinbefore~~ provided,
7 shall certify the name and address of ~~such~~ *the* reporter and the date
8 upon which his term of service begins, to each county auditor in the
9 judicial district.

10 Salaries of certified shorthand reporters of the district court shall be
11 as follows:

12 1. The annual salary of a full-time shorthand reporter in a judicial
13 district which does not contain a city having a population of more than
14 fifty thousand shall be ten thousand seven hundred fifty dollars.

15 2. The annual salary of a full-time shorthand reporter in a judicial
16 district which contains a city having a population of fifty thousand or
17 more but less than one hundred twenty-five thousand, shall be eleven
18 thousand seven hundred fifty dollars.

19 3. The annual salary of a full-time shorthand reporter in a judicial
20 district which contains a city having a population of one hundred
21 twenty-five thousand, or more, shall be twelve thousand seven hundred
22 fifty dollars.

23 4. Population shall be determined according to the latest federal
24 decennial census.

25 *The base starting salary of a full-time certified shorthand reporter*
26 *shall be twelve thousand dollars. The base salary may be increased by*
27 *an amount not to exceed five hundred dollars for each year of experi-*
28 *ence as a shorthand reporter. The maximum salary shall not exceed*
29 *sixteen thousand dollars except as provided in this section.*

30 5. All of the judges in a judicial district may, by joint order, in-
31 crease the annual salary of a full-time shorthand reporter in that
32 district for length of service in excess of five years by an additional
33 amount not to exceed ten percent of a reporter's annual salary in such
34 a district.

35 In the event a judge shall have died or resigned his office, the court
36 reporter appointed by him shall continue to serve in such capacity as
37 may be directed by the remaining judges of said judicial district, and
38 shall be paid his regular compensation, until his successor has been
39 appointed and certified to the county auditor.

40 Shorthand reporters of the district court *who are* employed on an
41 emergency basis shall be paid ~~thirty-seven dollars and fifty cents~~ per
42 day for each day's attendance upon said *a forty dollar per diem while*
43 *employed by the court, or employment while employed under the direc-*
44 *tion of the judge, out of. The per diem shall be paid from the county*
45 *treasury where such the court is held, upon the certificate of the judge*

46 holding the court, or directing the employment, ~~provided however,~~
 47 ~~that.~~ *However*, the maximum compensation for one-day attendance at
 48 court shall not exceed the per diem herein designated. Payments shall
 49 be made at least once each month. ~~Provided further that if any judicial~~
 50 ~~district contains a city having a population of fifty thousand or more,~~
 51 ~~the district court judges of said district may by joint order fix the~~
 52 ~~compensation of any shorthand reporter of said district at an amount~~
 53 ~~in excess of the per diem designated herein, but not more than five~~
 54 ~~percent thereof. If any judicial district contains a city having a popu-~~
 55 ~~lation of one hundred fifty thousand or more, the district court judges~~
 56 ~~of said district may by joint order fix the compensation of any short-~~
 57 ~~hand reporter of said district at an amount in excess of the per diem~~
 58 ~~designated herein, but not more than ten percent thereof.~~

59 *Full-time certified shorthand reporters serving district associate*
 60 *judges shall be entitled to receive the same compensation they would*
 61 *be entitled to receive if they were serving district court judges.*

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

1 SEC. 2. Section six hundred five point nine (605.9), Code 1973, is
 2 amended to read as follows:

3 **605.9 Population determined—proportion of payment—assistants.**
 4 Immediately after the results of each decennial federal census are pub-
 5 lished, the chief judge of each judicial district shall determine there-
 6 from the population of each county of said district, and shall certify to
 7 the county auditor of each such county the percentage proportion of
 8 the population of each such county to the aggregate population of all
 9 of the counties in said judicial district. *The chief judge shall select one*
 10 *county to issue warrants to the reporter in the amount of his total*
 11 *compensation. Each county auditor of the other counties in the dis-*
 12 *trict shall issue warrants to ~~said reporter~~ the county treasurer of the*
 13 *county paying the reporter in the percentage amount of the total com-*
 14 *penetration of said reporter as certified by the district judges, and the*
 15 *county treasurer shall pay same out of any funds in the county trea-*
 16 *sury not otherwise appropriated.*

17 In the event it is determined by any judge of the district court that
 18 it is necessary to employ an additional shorthand reporter because of
 19 an extraordinary volume of work, or because of the temporary illness
 20 or incapacity of a regular shorthand reporter, such judge may appoint
 21 a temporary shorthand reporter who shall serve as required by said
 22 judge, and shall be paid compensation on a per diem basis at the pre-
 23 vailing rates of compensation for such reporters as may be determined
 24 by the judge. *In such event, the district judge shall certify to each*
 25 *county auditor in his judicial district the name of the shorthand*
 26 *reporter so appointed, and the amount of compensation which shall*
 27 *be paid, and said reporter shall be paid in the same manner and in the*
 28 *same proportions as is herein provided. A temporary shorthand re-*
 29 *porter shall be paid in the same manner as a regular reporter.*

1 SEC. 3. Section six hundred five point ten (605.10), Code 1973, is
 2 amended to read as follows:

3 **605.10 Expenses.** Where a shorthand court reporter is required,
4 in the discharge of his official duties, to leave the county of his resi-
5 dence or leave the city or town of his residence to perform such duties,
6 he shall be paid his actual and necessary hotel and living expenses not
7 to exceed the sum of ~~fifteen~~ *twenty* dollars per day and transportation
8 expenses as shall be incurred, which account shall be itemized and
9 approved by the presiding judge of the district court and certified to
10 the county auditor of the county in which such expenses are incurred,
11 and shall be paid in the same manner as the per diem of such reporter
12 is paid.

1 SEC. 4. No district court reporter shall receive a full-time salary
2 in an amount less than he received on June 30, 1973.

1 SEC. 5. Section five hundred nine A point seven (509A.7), Code
2 1973, is amended to read as follows:

3 **509A.7 Employee defined.** The word "employee" as used in this
4 division shall not include temporary or retired employees; however,
5 nothing herein shall be construed as preventing a retired employee
6 from voluntarily continuing in force, at his own expense, an existing
7 contract. *For purposes of group insurance, the word "employee"*
8 *includes a full-time certified court reporter as an employee of each*
9 *county within the judicial district which employs him, on a percentage*
10 *basis as provided in section six hundred five point nine (605.9) of the*
11 *Code. However, group insurance for the certified court reporter may*
12 *be obtained through only one of the counties within the district, at the*
13 *reporter's option, with a percentage contribution from the other*
14 *counties, on the basis provided in section six hundred five point nine*
15 *(605.9) of the Code, for the employer's share of the premium.*

1 SEC. 6. Section six hundred five point twelve (605.12), Code 1973,
2 is amended to read as follows:

3 **605.12 Taxed as part of costs.** A charge of ~~eight~~ *fifteen* dollars
4 per day for reporting in all cases, except where the defendant in a
5 criminal case is acquitted, shall be taxed as part of the costs in the case
6 by the clerk of the court and paid into the county treasury when col-
7 lected.

1 SEC. 7. Any certified shorthand court reporter employed on June
2 30, 1973 in this state shall not receive a salary of less than the rate
3 that he receives on June 30, 1973.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 285

JUDICIAL QUALIFICATIONS ACT

S. F. 199

AN ACT to provide a judicial qualifications Act under the authority of the constitutional amendment adopted at the general election in November, 1972.

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

1 **SECTION 1. NEW SECTION. Commission on judicial qualifications.**
 2 A "Commission on Judicial Qualifications" is hereby created consist-
 3 ing of one district court judge and two members who are practicing
 4 attorneys in Iowa licensed under the provisions of chapter six hundred
 5 ten (610) of the Code, appointed by the chief justice of the supreme
 6 court, and four electors of the state who are not attorneys, no more
 7 than two of whom shall belong to the same political party, to be ap-
 8 pointed by the governor and subject to confirmation by a vote of
 9 two-thirds of the membership of the senate. The commission members
 10 shall serve for six-year terms, shall be ineligible for a second term,
 11 shall hold no other office of and shall not be employed by the United
 12 States or the state of Iowa or of its political subdivisions, except for
 13 the judicial member. The first commission members shall take office
 14 January 1, 1974. Initially, two members shall serve for two years,
 15 two for four years, and three for six years, as shall be determined by
 16 lot among the first commission members. Vacancies shall be filled by
 17 appointment by the chief justice or governor as the case may be, for
 18 the unexpired portion of the term of the previous commission member.
 19 If the judicial member or a judge who is a resident judge of the
 20 same judicial district as the judicial member is the subject of a charge
 21 before the commission, the chief justice shall appoint a judge of
 22 another district court to act in his place on the commission until he
 23 is exonerated of the charge or for the unexpired portion of his term
 24 as member of the commission if he is not exonerated of the charge.
 25 The commission shall elect its own chairman and the supreme court
 26 administrator of the judicial department or his designee shall be
 27 executive secretary of the commission, without additional compensa-
 28 tion. The members of the commission other than the judicial member
 29 shall receive compensation of forty dollars for each day spent in the
 30 performance of their duties. The commission members and the execu-
 31 tive secretary shall be paid their actual and necessary expenses for
 32 transportation, meals and lodging in the performance of their duties,
 33 and all other actual and necessary expenses of the operation of the
 34 commission.

1 **SEC. 2. NEW SECTION. Power of supreme court.** Upon applica-
 2 tion by the commission on judicial qualifications, the supreme court
 3 shall have power to do either of the following:
 4 1. Retire a district judge or district associate judge of the district
 5 court or a judge of the supreme court for permanent physical or
 6 mental disability which substantially interferes with the performance
 7 of his judicial duties.
 8 2. Discipline or remove any such judge for persistent failure to
 9 perform his duties, habitual intemperance, willful misconduct in office,
 10 conduct which brings judicial office into disrepute, or substantial vio-
 11 lation of the canons of judicial ethics. Discipline may include suspen-

12 sion without pay for a definite period of time not to exceed twelve
13 months.

1 **SEC. 3. NEW SECTION. Operation of commission.** A quorum of
2 the commission shall be four members. Only commission members
3 present at commission meetings or hearings may vote. Any applica-
4 tion by the commission to the supreme court to retire, discipline, or
5 remove a judge or any action by the commission which affects the final
6 disposition of a complaint shall require the affirmative vote of at least
7 four commission members. Notwithstanding the provisions of chapter
8 twenty-eight A (28A) of the Code, all records, papers, proceedings,
9 meetings and hearings of the commission shall be confidential, but if
10 the commission applies to the supreme court to retire, discipline or
11 remove a judge, the application and all of the records and papers in
12 that proceeding shall become public documents.

1 **SEC. 4. NEW SECTION. Procedure before commission.**
2 1. Charges before the commission shall be in writing but may be
3 simple and informal. The commission shall investigate each charge
4 as indicated by its gravity. If the charge is groundless, it shall be
5 dismissed by the commission. If the charge appears to be substanti-
6 ated but does not warrant application to the supreme court, the
7 commission may dispose of it informally by conference with or com-
8 munication to the judge involved, but if the charge appears to be
9 substantiated and if proved would warrant application to the supreme
10 court, notice to the judge shall be given and hearing shall be held
11 before the commission. The commission may employ such additional
12 investigative personnel, including but not limited to the executive
13 secretary, as it deems necessary.
14 2. In case of hearing before the commission, notice in writing of the
15 charge and of the time and place of hearing shall be mailed to the
16 judge at his residence at least twenty days prior to the time set for
17 hearing. Hearing shall be held in the county where the judge resides
18 unless the commission and the judge agree to a different location. The
19 judge shall continue his judicial duties during the pendency of the
20 charge unless otherwise ordered by the commission. The commission
21 shall have subpoena power on behalf of the state and the judge, and
22 disobedience of the commission's subpoena shall be punishable as con-
23 tempt in the district court in and for the county in which the hearing
24 is held. The attorney general shall prosecute the charge before the
25 commission on behalf of the state. The judge may defend and shall
26 have the right to participate in person and by counsel, to cross-
27 examine, to be confronted by the witnesses, and to present evidence
28 in accordance with the rules of civil procedure. A complete record
29 shall be made of the evidence by a certified shorthand reporter. In
30 accordance with its findings on the evidence, the commission shall
31 dismiss the charge or make application to the supreme court to retire,
32 discipline, or remove the judge.

1 **SEC. 5. NEW SECTION. Procedure before supreme court.**
2 1. If the commission makes application to the supreme court to
3 retire, discipline, or remove a judge, it shall promptly file in the
4 supreme court a transcript of its proceedings at the hearing. The

5 statutes and rules relative to proceedings following the filing of rec-
6 ords in appeals of equity suits shall apply.

7 2. The attorney general shall prosecute the proceedings in the
8 supreme court on behalf of the state, and the judge may defend in
9 person and by counsel. If the supreme court finds the application
10 should be granted in whole or in part, it shall render such decree as
11 it deems appropriate and may retire the judge from office, discipline
12 him or remove him from office.

13 Its decree retiring him from office for permanent physical or mental
14 disability shall constitute an adjudication within the provisions of
15 section six hundred five A point thirteen (605A.13) of the Code.

1 SEC. 6. NEW SECTION. **Defamation.** The making of charges be-
2 fore the commission, the giving of evidence or information before the
3 commission or to an investigator employed by the commission and the
4 presentation of transcripts, extensions of evidence, briefs and argu-
5 ments in the supreme court shall be privileged in actions for defa-
6 mation.

1 SEC. 7. NEW SECTION. **Rules.** The commission may adopt rules
2 for its operation and procedure.

1 SEC. 8. Section six hundred five A point thirteen (605A.13), Code
2 1973, is amended to read as follows:

3 **605A.13 Retirement benefits for disability.** An adjudication as to
4 permanent physical or mental disability under the provisions of ~~chap-~~
5 ~~ter 605~~ *this Act* shall entitle the judge to the same retirement benefits
6 as provided for voluntary retirement for such cause.

1 SEC. 9. Section six hundred five A point fourteen (605A.14), Code
2 1973, is amended to read as follows:

3 **605A.14 Forfeiture of benefits—refund.** In the event a judge of
4 the supreme, district or municipal court is removed for cause other
5 than permanent disability he *and his survivor* shall forfeit the right
6 to any retirement benefits under the system but the total amount of
7 his contribution to the fund shall be returned to him or his legal repre-
8 sentative.

1 SEC. 10. Sections six hundred five point twenty-six (605.26), six
2 hundred five point twenty-seven (605.27), six hundred five point
3 twenty-eight (605.28), six hundred five point twenty-nine (605.29),
4 six hundred five point thirty (605.30), six hundred five point thirty-
5 one (605.31), and six hundred five point thirty-two (605.32), Code
6 1973, are repealed.

Approved May 24, 1973.

CHAPTER 286

COURT RECORDS DESTROYED

H. F. 108

AN ACT relating to the destruction of original court records.

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

1 SECTION 1. Section six hundred six point twenty-one (606.21),
2 Code 1973, is amended to read as follows:

3 606.21 Destruction of original records. After the clerk has repro-
4 duced the original records, as authorized in section 606.20, and upon
5 the application of the clerk, a majority of the judges of the district
6 court may order the clerk to destroy the original records ~~en file ten~~
7 ~~years or more~~, including, but not limited to, dockets, journals, scrap-
8 books, files, and marriage license applications. Any order of the court
9 authorizing destruction of any of the records referred to in this Act
10 shall state what records are to be destroyed.

11 *Original court files cannot be destroyed until the passage of ten*
12 *years after a decree or judgment entry is signed and entered of rec-*
13 *ord and after the contents have been reproduced as authorized in*
14 *section six hundred and six point twenty (606.20) of the Code, how-*
15 *ever, if the matter is dismissed with prejudice before judgment or*
16 *decree the file may be destroyed one year from the date of the dismis-*
17 *sal and after reproduction as authorized in section six hundred and*
18 *six point twenty (606.20) of the Code.*

Approved March 9, 1973.

CHAPTER 287

PRINTING

H. F. 670

AN ACT relating to printing controversies.

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

1 SECTION 1. Section six hundred eighteen point eleven (618.11),
2 Code 1973, is amended to read as follows:

3 618.11 Fees for publication. The compensation, when not other-
4 wise fixed, for the publication in a newspaper of any notice, order,
5 citation, or other publication required or allowed by law, shall not
6 exceed twenty-four cents for one insertion, and ~~thirteen and one-third~~
7 ~~sixteen~~ cents for each subsequent insertion, for each line of eight-point
8 type two inches in length, or the equivalent thereof. In case of con-
9 troversy or doubt regarding measurements, style, manner or form,
10 said controversy shall be referred to the ~~state printing board~~ *executive*
11 *council* and its decision shall be final.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 288

REPLEVIN

S. F. 536

AN ACT relating to court actions for the recovery of property.

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

1 SECTION 1. Section six hundred forty-three point five (643.5),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 643.5 **Writ issued.** Upon direction of the court after notice and
5 opportunity for such hearing as it may prescribe, the clerk shall issue
6 a writ under his hand, and the seal of the court, directed to the proper
7 officer, requiring him to take the property therein described and de-
8 liver it to the plaintiff.

1 SEC. 2. Section six hundred forty-three point six (643.6), Code
2 1973, is amended to read as follows:

3 643.6 **Filing—purpose of bond.** Said A bond shall be filed with the
4 clerk, and be for the use of any person injured by the proceeding.

1 SEC. 3. Section six hundred forty-three point seven (643.7), Code
2 1973, is amended by striking the section and inserting in lieu thereof
3 the following:

4 643.7 **Bond.** When the plaintiff desires the immediate delivery
5 of the property, he shall execute a bond to the defendant, with sure-
6 ties to be approved by the clerk, in a penalty at least equal to twice
7 the value of the property sought to be taken, conditioned that he will
8 appear in court on or before the day fixed in the original notice, and
9 prosecute his action to judgment, and return the property, if a return
10 is awarded, and pay all costs and damages that may be adjudged
11 against him.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 289

SUPREME COURT FEES

H. F. 34

AN ACT relating to supreme court fees.

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

1 SECTION 1. **NEW SECTION.** The supreme court shall by rule
2 prescribe fees for the services of the court and clerk of the supreme
3 court. The court shall account for fees as provided in section twelve
4 point ten (12.10) of the Code and shall keep account of and report in
5 a like manner all uncollected fees.

1 SEC. 2. **NEW SECTION.** Rules prescribed under section one (1)
2 of this Act shall be reported to the general assembly within twenty
3 days after the commencement of a regular session and shall take effect

4 July first following the adjournment of such session, with such
5 changes, if any, as may have been enacted at such session; and there-
6 after all laws in conflict therewith shall be of no further force or effect.

7 At adjournment of the general assembly where such report has been
8 filed, an enrolled copy thereof, together with any changes, shall be
9 made in substantially the same manner as Acts are enrolled. The
10 enrolled copy shall be certified as to whether or not any action was
11 taken by the general assembly and if any, what action, and thereupon
12 it shall be filed with the secretary of state and bound with the Acts of
13 the general assembly.

1 SEC. 3. Section six hundred eighty-five point three (685.3), Code
2 1973, is repealed effective July 1, 1974.

Approved March 9, 1973.

CHAPTER 290

COURSES OF INSTRUCTION SALES PENALTY

S. F. 107

AN ACT relating to the penalty for violation of the provisions for advertising and sell-
ing courses of instruction.

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

1 SECTION 1. Section seven hundred thirteen A point five (713A.5),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 713A.5 Penalty. Violation of any of the provisions of this chapter
5 shall be punishable upon conviction by a fine not exceeding five hundred
6 dollars or six months in jail, or both.

Approved May 15, 1973.

CHAPTER 291

DOOR-TO-DOOR SALES REGULATED

S. F. 329

AN ACT relating to door-to-door sales and providing penalties.

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

1 SECTION 1. NEW SECTION. Definitions. As used in this Act,
2 unless the context otherwise requires:

3 1. "Door-to-door sale" means a sale, lease, or rental of consumer
4 goods or services with a purchase price of twenty-five dollars or more,
5 whether under single or multiple contracts, in which the seller or his
6 representative personally solicits the sale, including those in response
7 to or following an invitation by the buyer, and the buyer's agreement
8 or offer to purchase is made at a place other than the place of business
9 of the seller. Door-to-door sale does not include a transaction:

10 a. Made pursuant to prior negotiations in the course of a visit by
 11 the buyer to a retail business establishment having a fixed permanent
 12 location where the goods are exhibited or the services are offered for
 13 sale on a continuing basis.

14 b. In which the consumer is accorded the right of rescision* by the
 15 provisions of the Consumer Credit Protection Act, title fifteen (15)
 16 United States Code section one thousand six hundred thirty-five
 17 (1635), or regulations issued pursuant to this Act.

18 c. In which the buyer has initiated the contact and the goods or
 19 services are needed to meet a bona fide immediate personal emergency
 20 of the buyer, and the buyer furnishes the seller with a separate dated
 21 and signed personal statement in the buyer's handwriting describing
 22 the situation requiring immediate remedy and expressly acknowledg-
 23 ing and waiving the right to cancel the sale within three business days.

24 d. Conducted and consummated entirely by mail or telephone; and
 25 without any other contact between the buyer and the seller or its repre-
 26 sentative prior to delivery of the goods or performance of the services.

27 e. In which the buyer has initiated the contact and specifically re-
 28 quested the seller to visit his home for the purpose of repairing or
 29 performing maintenance upon the buyer's personal property. If in
 30 the course of such a visit, the seller sells the buyer the right to receive
 31 additional services or goods other than replacement parts necessarily
 32 used in performing the maintenance or in making the repairs, the sale
 33 of those additional goods or services would not fall within this exclu-
 34 sion.

35 f. Pertaining to the sale or rental of real property, to the sale of
 36 insurance and prepaid health service plans, or to the sale of securities
 37 or commodities by a broker-dealer registered with the securities and
 38 exchange commission.

39 2. "Consumer goods or services" means goods or services purchased,
 40 leased, or rented primarily for personal, family, or household purposes,
 41 including courses of instruction or training regardless of the purpose
 42 for which they are taken.

43 3. "Seller" means any person engaged in the door-to-door sale of
 44 consumer goods or services.

45 4. "Place of business" means the main or permanent branch office or
 46 local address of a seller.

47 5. "Purchase price" means the total price paid or to be paid for the
 48 consumer goods or services, including all interest and service charges.

49 6. "Business day" means any calendar day except Saturday, Sun-
 50 day, or public holiday, including holidays observed on Mondays.

1 SEC. 2. NEW SECTION. Contract. Every seller shall furnish the
 2 buyer with a fully completed receipt or copy of any contract pertaining
 3 to a door-to-door sale at the time of its execution, which is in the same
 4 language as that principally used in the oral sales presentation and
 5 which shows the date of the transaction and contains the name and
 6 address of the seller, and in immediate proximity to the space reserved
 7 in the contract for the signature of the buyer or on the front page of
 8 the receipt if a contract is not used and in bold face type of a mini-
 9 mum size of ten points, a statement in substantially the following
 10 form:

11 "You, the buyer, may cancel this transaction at any time prior to

*According to enrolled Act.

12 midnight of the third business day after the date of this transaction.
 13 See the attached notice of cancellation form for an explanation of this
 14 right.”

1 SEC. 3. NEW SECTION. Cancellation. Every seller shall furnish
 2 each buyer, at the time he signs the door-to-door sales contract or
 3 otherwise agrees to buy consumer goods or services from the seller,
 4 a completed form in duplicate, captioned “Notice of Cancellation”,
 5 which shall be attached to the contract or receipt and easily detach-
 6 able, and which shall contain in ten point bold face type the following
 7 information and statements in the same language as that used in the
 8 contract:

9 NOTICE OF CANCELLATION

10 [enter date of transaction]

11 (Date)

12 You may cancel this transaction, without any penalty or obligation,
 13 within three business days from the above date.

14 If you cancel, any property traded in, any payments made by you
 15 under the contract or sale, and any negotiable instrument executed by
 16 you will be returned within ten business days following receipt by the
 17 seller of your cancellation notice, and any security interest arising out
 18 of the transaction will be cancelled.

19 If you cancel, you must make available to the seller at your resi-
 20 dence, in substantially as good condition as when received, any goods
 21 delivered to you under this contract or sale; or you may if you wish,
 22 comply with the instructions of the seller regarding the return ship-
 23 ment of the goods at the seller's expense and risk.

24 If you do not agree to return the goods to the seller or if the seller
 25 does not pick them up within twenty days of the date of your notice
 26 of cancellation, you may retain or dispose of the goods without any
 27 further obligation.

28 To cancel this transaction, mail or deliver a signed and dated copy
 29 of this cancellation notice or any other written notice, or send a tele-
 30 gram, to [Name of seller], at [address of seller's place of business]
 31 not later than midnight of

32 (Date)

33 I hereby cancel this transaction.

34

35 (Date)

36

37 (Buyer's signature)

1 SEC. 4. NEW SECTION. Duties of seller. A seller shall:

2 1. Furnish two copies of the notice of cancellation to the buyer, and
 3 complete both copies by entering the name of the seller, the address of
 4 the seller's place of business, the date of the transaction, and the date,
 5 not earlier than the third business day following the date of the trans-
 6 action, by which the buyer may give notice of cancellation.

7 2. Not include in any contract or receipt any confession of judgment
 8 or any waiver of any of the rights to which the buyer is entitled under
 9 this Act including specifically his right to cancel the sale in accordance
 10 with the provisions of this Act.

11 3. Inform each buyer orally, at the time he signs the contract or
 12 purchases the goods or services, of his right to cancel.

13 4. Not misrepresent in any manner the buyer's right to cancel.

14 5. Honor any valid notice of cancellation by a buyer and within ten
 15 business days after the receipt of notice shall refund all payments made
 16 under the contract or sale, return any goods or property traded in,
 17 in substantially as good condition as when received by the seller, and
 18 cancel and return any negotiable instrument executed by the buyer in
 19 connection with the contract or sale and take any action necessary or
 20 appropriate to terminate promptly any security interest created in the
 21 transaction.

22 6. Not negotiate, transfer, sell, or assign any note or other evidence
 23 of indebtedness to a finance company or other third party prior to
 24 midnight of the seventh business day following the day the contract
 25 was signed or the goods or services were purchased.

26 7. Within ten business days of receipt of the buyer's notice of can-
 27 cellation notify him whether the seller intends to repossess or to
 28 abandon any shipped or delivered goods.

1 SEC. 5. NEW SECTION. Effect on indebtedness. Rescission of
 2 any contract pursuant to this Act or the failure to provide a copy of
 3 the contract to the buyer as required by this Act shall void any con-
 4 tract, note, instrument, or other evidence of indebtedness executed or
 5 entered into in connection with the contract and shall constitute a
 6 complete defense in any action based on the contract, note, instrument
 7 or other evidence of indebtedness brought by the seller, his successors
 8 or assigns unless a successor or assignee of the seller after the seventh
 9 business day following the day the contract was signed has detrimen-
 10 tally relied upon a representation of the buyer that the contract has not
 11 been rescinded. This section shall not affect the rights of holders in
 12 due course of checks made by the buyer.

1 SEC. 6. NEW SECTION. Penalty. Any seller who violates the
 2 provisions of this Act shall be guilty of a misdemeanor.

Approved May 15, 1973.

CHAPTER 292

OBSOLETE REFERENCE CORRECTED

H. F. 198

AN ACT to correct an obsolete reference in section seven hundred forty point thirteen (740.13) of the Code.

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

1 SECTION 1. Section seven hundred forty point thirteen (740.13),
 2 Code 1973, is amended to read as follows:

3 **740.13 Solicitation for political purposes.** It shall be unlawful for
 4 any person or political organization either directly or indirectly to
 5 solicit or demand from ~~any member of the board of control~~ or any
 6 employee of any commission, board or agency created under the stat-
 7 utes of Iowa, any contribution of money or any other thing of value
 8 for election purposes or for the purpose of paying expenses of any
 9 political organization or any person seeking election to public office.

Approved April 6, 1973.

CHAPTER 293

PEACE OFFICERS MUTUAL ASSISTANCE

S. F. 224

AN ACT relating to the jurisdiction of peace officers.

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

1 SECTION 1. Section seven hundred forty-eight point four (748.4),
 2 Code 1973, is amended to read as follows:
 3 748.4 Duties. It shall be the duty of a peace officer and his deputy,
 4 if any, throughout the county, township, or municipality of which he
 5 is such officer, or to which he is assigned or employed under any mutual
 6 assistance arrangement or intergovernmental agreement, to preserve
 7 the peace, to ferret out crime, to apprehend and arrest all criminals,
 8 and insofar as it is within his power, to secure evidence of all crimes
 9 committed, and present the same to the county attorney, grand jury,
 10 mayor or police courts, and to file informations against all persons
 11 whom he knows, or has reason to believe, to have violated the laws of
 12 the state, and to perform all other duties, civil or criminal, pertaining
 13 to his office or enjoined upon him by law. Nothing herein shall be
 14 deemed to curtail the powers and duties otherwise granted to or im-
 15 posed upon peace officers.

Approved May 15, 1973.

CHAPTER 294

CRIMINAL HISTORY DATA

S. F. 115

AN ACT relating to disclosure of criminal history and intelligence data and providing penalties.

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

1 SECTION 1. NEW SECTION. Definitions of words and phrases. As
 2 used in this Act, unless the context otherwise requires:
 3 1. "Department" means the department of public safety.
 4 2. "Bureau" means the department of public safety, division of
 5 criminal investigation and bureau of identification.
 6 3. "Criminal history data" means any or all of the following infor-
 7 mation maintained by the department or bureau in a manual or auto-
 8 mated data storage system and individually identified:
 9 a. Arrest data.
 10 b. Conviction data.
 11 c. Disposition data.
 12 d. Correctional data.
 13 4. "Arrest data" means information pertaining to an arrest for a
 14 public offense and includes the charge, date, time, and place. Arrest
 15 data includes arrest warrants for all public offenses outstanding and
 16 not served and includes the filing of charges, by preliminary informa-
 17 tion when filed by a peace officer or law enforcement officer or indict-

18 ment, the date and place of alleged commission and county of juris-
19 diction.

20 5. "Conviction data" means information that a person was con-
21 victed of or entered a plea of guilty to a public offense and includes
22 the date and location of commission and place and court of conviction.

23 6. "Disposition data" means information pertaining to a recorded
24 court proceeding subsequent and incidental to a public offense arrest
25 and includes dismissal of the charge, suspension or deferral of sen-
26 tence.

27 7. "Correctional data" means information pertaining to the status,
28 location and activities of persons under the supervision of the county
29 sheriff, the division of corrections of the department of social serv-
30 ices, board of parole or any other state or local agency performing
31 the same or similar function, but does not include investigative, socio-
32 logical, psychological, economic or other subjective information main-
33 tained by the division of corrections of the department of social serv-
34 ices or board of parole.

35 8. "Public offense" as used in subsections four (4), five (5), and
36 six (6) of this section does not include nonindictable offenses under
37 either chapter three hundred twenty-one (321) of the Code or local
38 traffic ordinances.

39 9. "Individually identified" means criminal history data which
40 relates to a specific person by one or more of the following means of
41 identification:

42 a. Name and alias, if any.

43 b. Social security number.

44 c. Fingerprints.

45 d. Other index cross-referenced to paragraphs a, b, or c.

46 e. Other individually identifying characteristics.

47 10. "Criminal justice agency" means any agency or department of
48 any level of government which performs as its principal function the
49 apprehension, prosecution, adjudication, incarceration, or rehabilita-
50 tion of criminal offenders.

51 11. "Intelligence data" means information collected where there
52 are reasonable grounds to suspect involvement or participation in
53 criminal activity by any person.

54 12. "Surveillance data" means information on individuals, pertain-
55 ing to participation in organizations, groups, meetings or assemblies,
56 where there are no reasonable grounds to suspect involvement or par-
57 ticipation in criminal activity by any person.

1 **SEC. 2. NEW SECTION. Dissemination of criminal history data.**

2 The department and bureau may provide copies or communicate infor-
3 mation from criminal history data only to criminal justice agencies,
4 or such other public agencies as are authorized by the confidential
5 records council. The bureau shall maintain a list showing the indi-
6 vidual or agency to whom the data is disseminated and the date of dis-
7 semination.

8 Authorized agencies and criminal justice agencies shall request and
9 may receive criminal history data only when:

10 1. The data is for official purposes in connection with prescribed
11 duties, and

12 2. The request for data is based upon name, fingerprints, or other
13 individual identifying characteristics.

14 The provisions of this section and section three (3) of this Act
 15 which relate to the requiring of an individually* identified request
 16 prior to the dissemination or redissemination of criminal history data
 17 shall not apply to the furnishing of criminal history data to the fed-
 18 eral bureau of investigation or to the dissemination or redissemina-
 19 tion of information that an arrest warrant has been or will be issued,
 20 and other relevant information including but not limited to, the
 21 offense and the date and place of alleged commission, individually
 22 identifying characteristics of the person to be arrested, and the court
 23 or jurisdiction issuing the warrant.

1 **SEC. 3. NEW SECTION. Redissemination.** A peace officer, crimi-
 2 nal justice agency, or state or federal regulatory agency shall not
 3 redisseminate criminal history data, within or without the agency,
 4 received from the department or bureau, unless:

5 1. The data is for official purposes in connection with prescribed
 6 duties of a criminal justice agency, and

7 2. The agency maintains a list of the persons receiving the data
 8 and the date and purpose of the dissemination, and

9 3. The request for data is based upon name, fingerprints, or other
 10 individual identification characteristics.

11 A peace officer, criminal justice agency, or state or federal regula-
 12 tory agency shall not redisseminate intelligence data, within or with-
 13 out the agency, received from the department or bureau or from any
 14 other source, except as provided in subsections one (1) and two (2)
 15 of this section.

1 **SEC. 4. NEW SECTION. Statistics.** The department, bureau, or a
 2 criminal justice agency may compile and disseminate criminal history
 3 data in the form of statistical reports derived from such information
 4 or as the basis of further study provided individual identities are not
 5 ascertainable.

6 The bureau may with the approval of the commissioner of public
 7 safety disseminate criminal history data to persons conducting bona
 8 fide research, provided the data is not individually identified.

1 **SEC. 5. NEW SECTION. Right of notice, access and challenge.**
 2 Any person or his attorney with written authorization and finger-
 3 print identification shall have the right to examine criminal history
 4 data filed with the bureau that refers to the person. The bureau may
 5 prescribe reasonable hours and places of examination.

6 Any person who files with the bureau a written statement to the
 7 effect that a statement contained in the criminal history data that
 8 refers to him is nonfactual, or information not authorized by law to
 9 be kept, and requests a correction or elimination of that information
 10 that refers to him shall be notified within twenty days by the bureau,
 11 in writing, of the bureau's decision or order regarding the correction
 12 or elimination. The bureau's decision or order or failure to allow
 13 examination may be appealed to the district court of Polk county by
 14 the person requesting said examination, correction or elimination.
 15 Immediately upon such appeal the court shall order the bureau to
 16 file with the court a certified copy of the criminal history data and in
 17 no other situation shall the bureau furnish an individual or his attor-

*According to enrolled Act.

18 ney with a certified copy, except as provided by this Act.
19 Upon the request of the appellant, the record and evidence in such
20 cases shall be closed to all but the court and its officers, and access
21 thereto shall be refused unless otherwise ordered by the court. The
22 clerk shall maintain a separate docket for such actions. No person,
23 other than the appellant shall permit a copy of any of the testimony
24 or pleadings or the substance thereof to be made available to any per-
25 son other than a party to the action or his attorney. Violation of the
26 provisions of this section shall be a public offense, punishable under
27 section seven (7) of this Act.

28 Whenever the bureau corrects or eliminates data as requested or as
29 ordered by the court, the bureau shall advise all agencies or individ-
30 uals who have received the incorrect information to correct their files.
31 Upon application to the district court and service of notice on the com-
32 missioner of public safety, any individual may request and obtain a
33 list of all persons and agencies who received criminal history data
34 referring to him, unless good cause be shown why the individual should
35 not receive said list.

1 **SEC. 6. NEW SECTION. Civil remedy.** Any person may institute
2 a civil action for damages under chapters twenty-five A (25A) or six
3 hundred thirteen A (613A) of the Code or to restrain the dissemina-
4 tion of his criminal history data or intelligence data in violation of
5 this Act, and any person, agency or governmental body proven to
6 have disseminated or to have requested and received criminal history
7 data or intelligence data in violation of this Act shall be liable for
8 actual damages and exemplary damages for each violation and shall
9 be liable for court costs, expenses, and reasonable attorneys' fees in-
10 curred by the party bringing the action. In no case shall the award
11 for damages be less than one hundred dollars.

1 **SEC. 7. NEW SECTION. Criminal penalties.**
2 1. Any person who willfully requests, obtains, or seeks to obtain
3 criminal history data under false pretenses, or who willfully communi-
4 cates or seeks to communicate criminal history data to any agency
5 or person except in accordance with this Act, or any person con-
6 nected with any research program authorized pursuant to this Act
7 who willfully falsifies criminal history data or any records relating
8 thereto, shall, upon conviction, for each such offense be punished by
9 a fine of not more than one thousand dollars or by imprisonment in
10 the state penitentiary for not more than two years, or by both fine
11 and imprisonment. Any person who knowingly, but without crimi-
12 nal purposes, communicates or seeks to communicate criminal history
13 data except in accordance with this Act shall for each such offense be
14 fined not more than one hundred dollars or be imprisoned not more
15 than ten days.

16 2. Any person who willfully requests, obtains, or seeks to obtain
17 intelligence data under false pretenses, or who willfully communicates
18 or seeks to communicate intelligence data to any agency or person
19 except in accordance with this Act, shall for each such offense be pun-
20 ished by a fine of not more than five thousand dollars or by imprison-
21 ment in the state penitentiary for not more than three years, or by
22 both fine and imprisonment. Any person who knowingly, but without
23 criminal purposes, communicates or seeks to communicate intelli-
24 gence data except in accordance with this Act shall for each such

25 offense be fined not more than five hundred dollars or be imprisoned
26 not more than six months, or both.

27 3. If the person convicted under this section is a peace officer, the
28 conviction shall be grounds for discharge or suspension from duty
29 without pay and if the person convicted is a public official or public
30 employee, the conviction shall be grounds for removal from office.

31 4. Any reasonable grounds for belief that a public employee has
32 violated any provision of this Act shall be grounds for immediate
33 removal from all access to criminal history data and intelligence data.

1 SEC. 8. NEW SECTION. **Intelligence data.** Intelligence data con-
2 tained in the files of the department of public safety or a criminal
3 justice agency shall not be placed within a computer data storage sys-
4 tem.

5 Intelligence data in the files of the department may be disseminated
6 only to a peace officer, criminal justice agency, or state or federal reg-
7 ulatory agency, and only if the department is satisfied that the need
8 to know and the intended use are reasonable. Whenever intelligence
9 data relating to a defendant for the purpose of sentencing has been
10 provided a court, the court shall inform the defendant or his attorney
11 that it is in possession of such data and shall, upon request of the de-
12 fendant or his attorney, permit examination of such data.

13 If the defendant disputes the accuracy of the intelligence data, he
14 shall do so by filing an affidavit stating the substance of the disputed
15 data and wherein it is inaccurate. If the court finds reasonable doubt
16 as to the accuracy of such information, it may require a hearing and
17 the examination of witnesses relating thereto on or before the time
18 set for sentencing.

1 SEC. 9. NEW SECTION. No surveillance data shall be placed in
2 files or manual or automated data storage systems by the department
3 or bureau or by any peace officer or criminal justice agency. Viola-
4 tion of the provisions of this section shall be a public offense punish-
5 able under section seven (7) of this Act.

1 SEC. 10. NEW SECTION. **Rules.** The department shall adopt rules
2 and regulations designed to assure the security and confidentiality of
3 all criminal history data and intelligence data systems.

1 SEC. 11. NEW SECTION. **Education program.** The department
2 shall require an educational program for its employees and the em-
3 ployees of criminal justice agencies on the proper use and control of
4 criminal history data and intelligence data.

1 SEC. 12. NEW SECTION. **Data processing.** Nothing in this Act
2 shall preclude the use of the equipment and hardware of the data
3 processing service center provided for in section nineteen B point
4 three (19B.3), subsection five (5), of the Code for the storage and
5 retrieval of criminal history data. Files shall be stored on the com-
6 puter in such a manner as the files cannot be modified, destroyed,
7 accessed, changed or overlaid* in any fashion by noncriminal justice
8 agency terminals or personnel. That portion of any computer, elec-
9 tronic switch or manual terminal having access to criminal history
10 data stored in the state computer must be under the management con-
11 trol of a criminal justice agency.

*According to enrolled Act.

1 **SEC. 13. NEW SECTION. Review.** The department shall initiate
2 periodic review procedures designed to determine compliance with the
3 provisions of this Act within the department and by criminal justice
4 agencies and to determine that data furnished to them is factual and
5 accurate.

1 **SEC. 14. NEW SECTION. Systems for the exchange of criminal**
2 **history data.** The department shall regulate the participation by all
3 state and local agencies in any system for the exchange of criminal
4 history data, and shall be responsible for assuring the consistency of
5 such participation with the terms and purposes of this Act.
6 Direct access to such systems shall be limited to such criminal jus-
7 tice agencies as are expressly designated for that purpose by the
8 department. The department shall, with respect to telecommunica-
9 tions terminals employed in the dissemination of criminal history
10 data, insure that security is provided over an entire terminal or that
11 portion actually authorized access to criminal history data.

1 **SEC. 15. NEW SECTION. Reports to department.** When it comes
2 to the attention of a sheriff, police department, or other law enforce-
3 ment agency that a public offense has been committed in its jurisdic-
4 tion, it shall be the duty of the law enforcement agency to report
5 information concerning such crimes to the bureau on a form to be
6 furnished by the bureau not more than thirty-five days from the time
7 the crime first comes to the attention of such law enforcement agency.
8 These reports shall be used to generate crime statistics. The bureau
9 shall submit statistics to the governor, legislature and crime commis-
10 sion on a quarterly and yearly basis.

11 When a sheriff, police department or other law enforcement agency
12 makes an arrest which is reported to the bureau, the arresting law
13 enforcement agency and any other law enforcement agency which
14 obtains custody of the arrested person shall furnish a disposition re-
15 port to the bureau whenever the arrested person is transferred to the
16 custody of another law enforcement agency or is released without
17 having a complaint or information filed with any court.

18 Whenever a criminal complaint or information is filed in any court,
19 the clerk shall furnish a disposition report of such case.

20 The disposition report, whether by a law enforcement agency or
21 court, shall be sent to the bureau within thirty days after disposition
22 on a form provided by the bureau.

1 **SEC. 16. NEW SECTION. Review and removal.** At least every
2 year the bureau shall review and determine current status of all Iowa
3 arrests reported after the effective date of this Act which are at least
4 one year old with no disposition data. Any Iowa arrest recorded
5 within a computer data storage system which has no disposition data
6 after five years shall be removed unless there is an outstanding arrest
7 warrant or detainer on such charge.

1 **SEC. 17. NEW SECTION. Exclusions.** Criminal history data in a
2 computer data storage system does not include:

3 1. Arrest or disposition data after the person has been acquitted
4 or the charges dismissed.

1 SEC. 18. NEW SECTION. Public records. Nothing in this Act
2 shall prohibit the public from examining and copying the public rec-
3 ords of any public body or agency as authorized by chapter sixty-eight
4 A (68A) of the Code.

5 Criminal history data and intelligence data in the possession of the
6 department or bureau, or disseminated by the department or bureau,
7 are not public records within the provisions of chapter sixty-eight A
8 (68A) of the Code.

1 SEC. 19. NEW SECTION. There is hereby created a confidential
2 records council consisting of nine regular members. Two members
3 shall be appointed from the house of representatives by the speaker
4 of the house, no more than one of whom shall be from the same party.
5 Two members shall be appointed from the senate by the lieutenant
6 governor, no more than one of whom shall be from the same party.
7 The other members of the council shall be: a judge of the district
8 court appointed by the chief justice of the supreme court, one local
9 law enforcement official, appointed by the governor; the commissioner
10 of public safety or his designee; and two private citizens not con-
11 nected with law enforcement, appointed by the governor. The coun-
12 cil shall select its own chairman. The members shall serve at the
13 pleasure of those by whom their appointments are made.

14 The council shall meet at least annually and at any other time upon
15 the call of the governor, the chairman of the council, or any three of its
16 members. Each council member shall be entitled to reimbursement
17 for actual and necessary expenses incurred in the performance of
18 official duties from funds appropriated to the department of public
19 safety.

20 The council shall have the following responsibilities and duties:

21 1. Shall periodically monitor the operation of governmental infor-
22 mation systems which deal with the collection, storage, use and dis-
23 semination of criminal history or intelligence data.

24 2. Shall review the implementation and effectiveness of legislation
25 and administrative rules and regulations concerning such systems.

26 3. May recommend changes in said rules and regulations and legis-
27 lation to the legislature and the appropriate administrative officials.

28 4. May require such reports from state agencies as may be neces-
29 sary to perform its duties.

30 5. May receive and review complaints from the public concerning
31 the operation of such systems.

32 6. May conduct such inquiries and investigations as it finds appro-
33 priate to achieve the purposes of this Act. Each criminal justice
34 agency in this state and each state and local agency otherwise author-
35 ized access to criminal history data is authorized and directed to fur-
36 nish to the council, upon its request, such statistical data, reports, and
37 other information in its possession as the council deems necessary to
38 carry out its functions under this Act. However, the council and its
39 members, in such capacity, shall not have access to criminal history
40 data or intelligence data unless it is data from which individual identi-
41 ties are not ascertainable or data which has been masked so that indi-
42 vidual identities are not ascertainable. However, the council may
43 examine data from which the identity of an individual is ascertain-
44 able if requested in writing by that individual or his attorney with

45 written authorization and fingerprint identification.
 46 7. Shall annually approve rules and regulations adopted in accord-
 47 ance with section ten (10) of this Act and rules and regulations to
 48 assure the accuracy, completeness and proper purging of criminal his-
 49 tory data.

50 8. Shall approve all agreements, arrangements and systems for the
 51 interstate transmission and exchange of criminal history data.

1 SEC. 20. NEW SECTION. The provisions of sections two (2) and
 2 three (3) of this Act shall not apply to the certifying of an individ-
 3 ual's operating record pursuant to section three hundred twenty-one
 4 A point three (321A.3) of the Code.

Approved July 21, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 295

CRIMINAL DEFERRED JUDGMENTS OR SUSPENDED SENTENCES

S. F. 26

AN ACT relating to sentencing in criminal cases; relating to probation and the condi-
 tions thereof; providing a procedure for restitution as a condition of probation;
 providing a procedure for deferring judgment in particular cases; relating to the
 conditions of parole; and providing procedures necessary thereto.

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

1 SECTION 1. NEW SECTION. **Deferred judgment or suspended sen-**
 2 **tence—probation.** The trial court may, upon a plea of guilty, ver-
 3 dict of guilty, or a special verdict upon which a judgment of convic-
 4 tion may be rendered, exercise either of the options contained in sub-
 5 sections one (1) and two (2) of this section. However, this section
 6 shall not apply to the crimes of treason, murder, or violation of section
 7 two hundred four point four hundred one (204.401), subsection one
 8 (1) or two (2) of the Code, to which section two hundred four point
 9 four hundred nine (204.409), subsection two (2) of the Code is not
 10 applicable and which is not proved to be an accommodation offense
 11 under section two hundred four point four hundred ten (204.410) of
 12 the Code.

13 1. With the consent of the defendant, the court may defer judg-
 14 ment and place the defendant on probation upon such terms and condi-
 15 tions as it may require. Upon fulfillment of the terms of probation
 16 the defendant shall be discharged without entry of judgment. Upon
 17 violation of the terms, the court may enter an adjudication of guilt
 18 and proceed as otherwise provided.

19 However, this subsection shall not be available if any of the follow-
 20 ing is true:

21 a. The defendant attempted to kill anyone during the commission of
 22 the offense.

23 b. The defendant purposefully inflicted or attempted to inflict a
 24 serious injury upon anyone during the commission of the offense.
 25 "Serious injury" means death, permanent disability or disfigurement,
 26 protracted loss or impairment of the function of any body member or

27 organ, an injury requiring extended treatment or a prolonged healing
28 period, a disabling mental illness requiring extended treatment or pro-
29 longed care, or an injury which at the time of deferment of judgment
30 appears likely to result in any of the foregoing.

31 c. The defendant used, threatened to use or displayed in a threat-
32 ening manner a dangerous weapon during the commission of the
33 offense. "Dangerous weapon" means any instrument or device de-
34 signed primarily for use in inflicting death or injury upon a human
35 being or other living creature, and which is capable of inflicting death
36 upon a human being when used in the manner for which it was de-
37 signed. "Dangerous weapon" also includes any instrument or device
38 of any sort whatsoever which is actually used in such a manner as
39 to indicate that the defendant intends to inflict death or serious injury
40 upon anyone and which, when so used, is capable of inflicting death
41 upon a human being.

42 d. The defendant kidnaped any person for ransom during the com-
43 mission of the offense.

44 e. During the commission of the offense the defendant committed
45 rape or sodomy by force or threat of force, committed assault with
46 intent to commit rape by force or threat of force, committed or at-
47 tempted to commit rape of or sodomy with a child twelve years of age
48 or under, or committed a violation of section seven hundred twenty-five
49 point two (725.2) of the Code with respect to a child twelve years of
50 age or under and which included any of the following: force or threat
51 of force, fondling or touching the child in a lewd manner, or soliciting
52 a sexual act with the child.

53 f. The defendant has been previously convicted of a felony. "Fel-
54 ony" means a conviction in a court of this or any other state or of the
55 United States, of an offense classified as a felony by the law under
56 which he was convicted at the time of his conviction.

57 g. Prior to the commission of the offense the defendant had been
58 granted a deferred judgment or similar relief, two or more times any-
59 where in the United States.

60 h. Prior to the commission of the offense the defendant had been
61 granted a deferred judgment or similar relief in a felony prosecution
62 anywhere in the United States within the preceding five years, meas-
63 ured from the date of granting of deferment of judgment to the date
64 of commission of the offense.

65 Any deferment of judgment under this subsection shall be promptly
66 reported to the supreme court administrator who shall maintain a per-
67 manent record thereof including the name of the defendant, the dis-
68 trict court docket number, the nature of the offense, and the date of
69 the deferment. Before granting deferment in any case, the court
70 shall request of the supreme court administrator a search of the de-
71 ferred judgment docket and shall consider any prior record of a de-
72 ferment of judgment against the defendant. The permanent record
73 provided for in this subsection shall constitute a confidential record
74 exempted from public access under section sixty-eight A point seven
75 (68A.7) of the Code and shall be available only to justices of the
76 supreme court, district judges, district associate judges, and judicial
77 magistrates requesting information pursuant to this subsection.

78 2. By record entry at time of or after sentencing, the court may
79 suspend the sentence and place the defendant on probation upon such
80 terms and conditions as it may require.

81 Before exercising either of the options contained in subsections one
82 (1) and two (2) of this section, the court shall first determine which
83 of them will provide maximum opportunity for the rehabilitation of
84 the defendant and protection of the community from further offenses
85 by the defendant and others. In making this determination the court
86 shall consider the age of the defendant, his prior record of convictions,
87 if any, his employment circumstances, his family circumstances, the
88 nature of the offense committed, whether a dangerous weapon or force
89 was used in the commission of such offense, and such other factors as
90 shall be appropriate. The court shall file a specific written statement
91 of its reasons for and the facts supporting its decision to defer judg-
92 ment or to suspend sentence and its decision on the length of proba-
93 tion.

1 SEC. 2. NEW SECTION. **Length of probation.** The length of the
2 probation shall be for such term as the court may fix but not to ex-
3 ceed five years if the offense is a felony or not to exceed two years if
4 the offense is a misdemeanor, unless the person is ordered placed
5 under the supervision of the chief parole officer, in which case the
6 term of probation shall be determined by the board of parole and the
7 probation of the defendant shall be supervised by the chief parole offi-
8 cer.

9 The length of the probation shall not be less than one year and shall
10 not be less than two years if the offense is a felony. However, the
11 court may subsequently reduce the length of the probation if the court
12 determines that the purposes of probation have been fulfilled, as pro-
13 vided in section six (6) of this Act.

14 In determining the length of the probation, the court shall first
15 determine what period is most likely to provide maximum opportu-
16 nity for the rehabilitation of the defendant, to allow enough time to
17 determine whether or not rehabilitation has been successful, and to
18 protect the community from further offenses by the defendant and
19 others.

1 SEC. 3. NEW SECTION. **Presentence investigation.** Upon a plea
2 of guilty, verdict of guilty, or special verdict upon which a judgment
3 of conviction of any public offense may be rendered, the court shall
4 receive from the state and from the defendant any information which
5 may be offered which is relevant to the question of sentencing. The
6 court may consider information from other sources, and may, if the
7 offense is a felony, order a presentence investigation to be made.

8 The court may withhold execution of any judgment or sentence for
9 such time as shall be reasonably necessary for an investigation with
10 respect to deferment of judgment or suspension of sentence and proba-
11 tion. The investigation shall be made by a probation officer, by
12 the agency in charge of parole agents, or by another appropriate
13 agency, as determined by the court.

1 SEC. 4. NEW SECTION. **Presentence investigation and report.**
2 Whenever a presentence investigation is ordered by the court, the in-
3 vestigator shall promptly inquire into the defendant's characteristics,
4 family and financial circumstances, needs, and potentialities; his crim-
5 inal record and social history; the circumstances of the offense; the
6 time the defendant has been in detention; and the harm to the victim,
7 his immediate family, and the community. All local and state mental

8 and correctional institutions, courts, and police agencies shall furnish
 9 to the investigator on request the defendant's criminal record and
 10 other relevant information. With the approval of the court, a physi-
 11 cal examination of the defendant may be ordered, or the defendant
 12 may be committed to a psychiatric facility for an evaluation of his
 13 personality and mental health. The results of any such examination
 14 shall be included in the report of the investigator.

1 **SEC. 5. NEW SECTION. Report confidential.** The court may, in
 2 its discretion, make the presentence investigation report or parts of
 3 it available to the defendant, or the court may make the report or
 4 parts of it available while concealing the identity of the person who
 5 provided confidential information. The report of any medical exami-
 6 nation or psychiatric evaluation shall be made available to the attor-
 7 ney for the state and to the defendant upon request. Such reports
 8 shall be part of the record but shall be sealed and opened only on or-
 9 der of the court. In any case where the defendant is committed to
 10 the custody of the department of social services, a copy of the presen-
 11 tence investigation report shall be sent to the department at the time
 12 of commitment.

1 **SEC. 6. NEW SECTION. Discharge from probation.** At any time
 2 that the court determines that the purposes of probation have been
 3 fulfilled, the court may order the discharge of any person from proba-
 4 tion. At the expiration of the period of probation, in cases where the
 5 court fixes the term of probation, the court shall order the discharge
 6 of such person from probation, and the court shall forward to the
 7 governor a recommendation for or against restoration of citizenship
 8 rights to such person. A person who has been discharged from pro-
 9 bation shall no longer be held to answer for his offense. Upon dis-
 10 charge from probation, if judgment has been deferred under section
 11 one (1) of this Act, the court's criminal record with reference to the
 12 deferred judgment shall be expunged. The record maintained by the
 13 supreme court administrator required by section one (1) of this Act
 14 shall not be expunged. The court's record shall never be expunged
 15 in any other circumstances except as provided in section six hundred
 16 two point fifteen (602.15) of the Code.

1 **SEC. 7. NEW SECTION. Custody of court probationer—record to**
 2 **chief parole officer.** When probation is granted under section one (1)
 3 of this Act, the court shall order said person committed to the custody,
 4 care, and supervision:

5 1. Of any suitable resident of this state; or
 6 *2. Of the chief parole officer. The chief parole officer shall not,
 7 however, accept the custody, care and supervision of any person
 8 granted probation from a sentence to a term in a county jail or any
 9 other person who in the judgment of the chief parole officer could not
 10 be properly supervised.

11 In each case wherein the court shall order said person committed to
 12 the custody, care, and supervision of the chief parole officer, the clerk
 13 of the district court shall at once furnish the chief parole officer with
 14 certified copies of the indictment or information, the minutes of tes-

*See ch. 176, §7, herein.

15 timony attached thereto, the judgment entry if judgment is not de-
16 ferred, and the original mittimus. The county attorney shall at once
17 advise the chief parole officer, by letter, that the defendant has been
18 placed under the chief parole officer's supervision and give to the chief
19 parole officer a detailed statement of the facts and circumstances sur-
20 rounding the crime committed and the record and history of the de-
21 fendant as may be known to him. If the defendant is confined in the
22 county jail at the time of sentence, the court may order him held until
23 arrangements are made by the chief parole officer for his employment
24 and he has signed the necessary probation papers. If the defendant
25 is not confined in the county jail at the time of sentence, the court
26 may order him to remain in the county wherein he has been convicted
27 and sentenced and report to the sheriff as to his whereabouts.

1 **SEC. 8. NEW SECTION. Restitution.**

2 1. As used in this section, unless the context otherwise requires:

3 a. "Victim" means any person who has suffered pecuniary dam-
4 ages as a result of the defendant's criminal activities. However, with
5 respect to any part of a victim's pecuniary damages paid by an in-
6 surer, the insurer shall be regarded as the victim only if the insurer
7 has no right of subrogation and the insured has no duty to pay the
8 proceeds of restitution to the insurer.

9 b. "Pecuniary damages" means all damages which a victim could
10 recover against the defendant in a civil action arising out of the same
11 facts or event, except punitive damages and damages for pain, suffer-
12 ing, mental anguish, and loss of consortium. Without limitation, "pe-
13 cuniary damages" includes damages for wrongful death.

14 c. "Criminal activities" includes any crime for which there is a plea
15 of guilty, verdict of guilty, or special verdict upon which a judgment
16 of conviction may be rendered and any other crime committed after
17 July 1, 1972 which is admitted or not contested by the defendant,
18 whether or not prosecuted. However, "criminal activities" does not
19 include misdemeanors under chapter three hundred twenty-one (321)
20 of the Code.

21 d. "Restitution" means full or partial payment of pecuniary dam-
22 ages to a victim.

23 2. It is the policy of this state that restitution be made by each vi-
24 olator of the criminal laws to the victims of his criminal activities to
25 the extent that the violator is reasonably able to do so. This section
26 shall be interpreted and administered to effectuate this policy.

27 3. If the trial court exercises either of the sentencing options under
28 section one (1) of this Act, the court shall require as a condition of
29 probation that the defendant, in cooperation with the probation officer
30 assigned to the defendant, promptly prepare a plan of restitution, in-
31 cluding a specific amount of restitution to each victim and a schedule
32 of restitution payments. If the defendant is presently unable to make
33 any restitution but there is a reasonable possibility that the defendant
34 may be able to do so at some time during his probation period, the plan
35 of restitution shall also state the conditions under which or the event
36 after which the defendant will make restitution. If the defendant be-
37 lieves that he will not be able to make any restitution, he shall so state
38 and shall specify the reasons. If the defendant believes that no per-
39 son suffered pecuniary damages as a result of the defendant's criminal
40 activities, he shall so state.

41 4. The defendant's plan of restitution and the comments of his pro-
42 bation officer shall be submitted promptly to the court. The court
43 shall promptly enter an order approving the plan or modifying it and
44 providing for restitution payments to the extent that the defendant is
45 or may become reasonably able to make restitution, taking into ac-
46 count the factors enumerated in subsection five (5) of this section.
47 Compliance with the plan of restitution as approved or modified by
48 the court shall be a condition of the defendant's probation. Restitu-
49 tion payments shall be made to the clerk unless otherwise directed by
50 the court. The court thereafter may modify the plan at any time
51 upon the defendant's request or upon the court's own motion. If the
52 plan as approved or modified does not require full payment of pecu-
53 niary damages to all victims, or if the court determines that the de-
54 fendant is not able and will not be able to make any restitution at any
55 time during his probation period or that no person suffered pecuni-
56 ary damages as a result of the defendant's criminal activities, the
57 court shall file a specific written statement of its reasons for and the
58 facts supporting its action or determination.

59 5. The probation officer when assisting the defendant in preparing
60 the plan of restitution, and the court before approving or modifying
61 the plan of restitution, shall consider the physical and mental health
62 and condition of the defendant, his age, his education, his employment
63 circumstances, his potential for employment and vocational training,
64 his family circumstances, his financial condition, the number of vic-
65 tims, the pecuniary damages of each victim, what plan of restitution
66 will most effectively aid the rehabilitation of the defendant, and such
67 other factors as shall be appropriate. The probation officer shall at-
68 tempt to determine the name and address of each victim and the
69 amount of his pecuniary damages.

70 6. The clerk shall mail to each known victim a copy of the court's
71 order approving or modifying the plan of restitution, including the
72 court's statement, if any, under subsection four (4) of this section.

73 7. At any time during the probation period the defendant may re-
74 quest and the court shall grant a hearing on any matter related to the
75 plan of restitution.

76 8. Failure of the defendant to comply with subsection three (3) of
77 this section or to comply with the plan of restitution as approved or
78 modified by the court shall constitute a violation of the conditions of
79 probation. Without limitation, the court may modify the plan of resti-
80 tution or extend the period of time for restitution, but not beyond the
81 maximum probation period specified in section two (2) of this Act.

82 9. This section and proceedings under this section shall not limit or
83 impair the rights of victims to sue and recover damages from the
84 defendant in a civil action. However, any restitution payment by the
85 defendant to a victim shall be set off against any judgment in favor
86 of the victim in a civil action arising out of the same facts or event.
87 The fact that restitution was required or made shall not be admissible
88 as evidence in a civil action unless offered by such defendant.

1 SEC. 9. Section two hundred forty-seven point six (247.6), Code
2 1973, is amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. The rules and conditions of parole
4 may require that restitution be made by the parolee to the victims who
5 suffered pecuniary damages as a result of the parolee's criminal activi-

6 ties. Words defined in section eight (8) of this Act shall have the same
7 meaning in this paragraph.

1 SEC. 10. Section three hundred twenty-one point two hundred
2 eighteen (321.218), Code 1973, is amended to read as follows:

3 **321.218 Driving while license denied, suspended, or revoked.** Any
4 person whose operator's or chauffeur's license, or driving privilege, has
5 been denied, canceled, suspended or revoked as provided in this chap-
6 ter, and who drives any motor vehicle upon the highways of this state
7 while such license or privilege is denied, canceled, suspended, or re-
8 voked, is guilty of a misdemeanor and upon conviction shall be pun-
9 ished by imprisonment for not less than two days or more than thirty
10 days. The sentence imposed under this section shall not be suspended
11 by the court, notwithstanding the provisions of section ~~247.29~~ *one (1)*
12 *of this Act* or any other provision of statute. The department, upon
13 receiving the record of the conviction of any person under this section
14 upon a charge of driving a motor vehicle while the license of such
15 person was suspended or revoked, shall extend the period of suspension
16 or revocation for an additional like period, and the department shall
17 not issue a new license during such additional period.

1 SEC. 11. Section six hundred two point fifteen (602.15), Code 1973,
2 is amended to read as follows:

3 **602.15 Amending or expunging entry.** The record of any court
4 proceedings is under the control of the court and, *except as provided*
5 *in section six (6) of this Act*, may be amended or any entry therein
6 expunged before it has been signed by the judge or within sixty days
7 thereafter.

1 SEC. 12. Section seven hundred eighty-nine point two (789.2),
2 Code 1973, is amended to read as follows:

3 **789.2 Judgment of conviction—time for.** Upon a plea of guilty,
4 verdict of guilty, or a special verdict upon which a judgment of con-
5 viction ~~must~~ *may* be rendered, the court must fix a time for pronounc-
6 ing judgment, which must be at least three days after the verdict is
7 rendered, if the court remains in session so long, or, if not, as remote a
8 time as can reasonably be allowed; but in no case can it be pronounced
9 in less than six hours after the verdict is rendered, unless defendant
10 consents thereto *within a reasonable time but not less than eight days*
11 *after the plea is entered or the verdict is rendered, unless the defendant*
12 *consents thereto.*

1 SEC. 13. Section seven hundred eighty-nine point eleven (789.11),
2 Code 1973, is amended to read as follows:

3 **789.11 Judgment entered.** If *judgment is not deferred, and no*
4 *sufficient cause is shown why judgment should not be pronounced, and*
5 *none appears to the court upon the record, judgment shall be rendered.*
6 *In every case in which judgment is entered, the court shall include in*
7 *the judgment entry the number of the particular section of the Code*
8 *under which the defendant is sentenced.*

1 SEC. 14. **Prosecutions prohibited.** The action of any court in de-
2 ferring judgment or conviction in a criminal case prior to the effective
3 date of this Act is valid. No person previously prosecuted shall be tried,
4 sentenced, or convicted based on the same facts as in a prior prosecu-

5 tion on the grounds that a sentence, conviction, or judgment as a result
6 of that prosecution was deferred, and the deferment was later declared
7 by the supreme court of this state to be unauthorized by law. This
8 section shall not apply to any case in which an appeal was pending on
9 June 1, 1973.

1 SEC. 15. This section shall take effect July 1, 1974. Section three
2 (3) of this Act is amended to read as follows:

3 **Presentence investigation.** Upon a plea of guilty, verdict of guilty,
4 or special verdict upon which a judgment of conviction of any public
5 offense may be rendered, the court shall receive from the state and
6 from the defendant any information which may be offered which is
7 relevant to the question of sentencing. The court may consider infor-
8 mation from other sources, and ~~may~~ *shall*, if the offense is a felony,
9 order a presentence investigation to be made.

10 The court may withhold execution of any judgment or sentence for
11 such time as shall be reasonably necessary for an investigation with
12 respect to deferment of judgment or suspension of sentence and pro-
13 bation. The investigation shall be made by a probation officer, by the
14 agency in charge of parole agents, or by another appropriate agency,
15 as determined by the court.

1 SEC. 16. Sections two hundred forty-seven point twenty (247.20)
2 and two hundred forty-seven point twenty-one (247.21),* Code 1973,
3 are repealed.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

*See §7(2), hereof; also, ch. 176, §7, herein.

SPECIAL AND LEGALIZING ACTS

SPECIAL AND LEGALIZING ACTS

CHAPTER 296

SPECIAL HIGHWAY REST AREA

H. F. 109

AN ACT relating to the establishment of a rest area and rest area building.

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

1 SECTION 1. Notwithstanding the provisions of section three hun-
2 dred thirteen point two (313.2) of the Code relating to intervals at
3 which rest areas and rest area buildings may be constructed on inter-
4 state highways, the state highway commission is directed to establish
5 and construct a rest area facility on the scenic overlook at Loveland
6 in Pottawattamie county on interstate highway eighty N.

1 SEC. 2. In no case shall more than one hundred eleven thousand
2 dollars (\$111,000) be expended in carrying out the provisions of this
3 Act.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 297

JEFFERSON COUNTY LEGALIZING ACT

S. F. 619

AN ACT permitting the Jefferson county board of supervisors to make payments for the purchase and acquisition of a one-fifth interest in the city-county law enforcement center and further to purchase and acquire the Jefferson county holding facility, so long as both purchases and acquisitions may be accomplished without a levy of additional taxes.

WHEREAS, the county of Jefferson was in need of a new jail; and

WHEREAS, the city of Fairfield was in need of holding facilities and a new law enforcement center; and

WHEREAS, during 1971 both bodies did jointly enter into the creation of a Jefferson county service agency organized under chapter 28E of the 1971 Code of Iowa to plan for and operate a joint facility; and

WHEREAS, a contract was subsequently entered into between Jefferson county and the Conner Brothers' Construction Company of Sigourney, Iowa, for the construction of such county holding facility on county-owned property adjacent to the city-county law enforcement center; and

WHEREAS, the city of Fairfield, Iowa has constructed said city-county law enforcement center with city funds and has provided offices therein for the Jefferson county sheriff; and

WHEREAS, the city of Fairfield and the county of Jefferson are now desirous that the county of Jefferson should purchase a one-fifth interest in said law enforcement center; and

WHEREAS, such a purchase could be made without a levy of additional taxes; and

WHEREAS, the county is desirous of paying the general contractor of the county holding facility in advance of the dates set forth in a lease-purchase agreement; and

WHEREAS, the total cost of the county holding facility and the total cost of the one-fifth interest in the city-county law enforcement center would total more than \$50,000.00 in aggregate; and

WHEREAS, the final cost of the purchase of a one-fifth interest in the city-county law enforcement center is the sum of \$34,781.00, and the submission to the voters of the county was not conducted pursuant to section 345.1 of the 1971 Code of Iowa; and doubts have arisen concerning the legal sufficiency of the Jefferson county board of supervisors' compliance with the provisions of section 345.1 of the 1971 Code of Iowa; and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same to rest; NOW THEREFORE,

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

1 SECTION 1. That all acts and proceedings heretofore taken by the
2 Jefferson county board of supervisors in connection with the entering
3 into a contract with the city of Fairfield, Iowa, the Jefferson county
4 service agency, and the Conner Brothers' Construction Company of
5 Sigourney, Iowa, for the construction of a county holding facility in
6 Fairfield, Iowa, are hereby legalized, validated and confirmed.

1 SEC. 2. The Jefferson county board of supervisors may purchase a
2 one-fifth interest in the city-county law enforcement center, Fairfield,
3 Iowa, in order to provide offices for the sheriff of Jefferson county,
4 said payment being in the amount of \$34,781.00, as long as said pur-
5 chase does not require any levy of additional tax.

Approved June 29, 1973.

CHAPTER 298

SAC CITY LEGALIZING ACT

H. F. 678

AN ACT to legalize and validate the proceedings of the city council of the city of Sac City, Sac county, state of Iowa, in connection with the award of a contract and the levying of special assessments for the construction of sanitary sewer program No. 1, 1972.

WHEREAS, it appears from the records of the City Council of the City of Sac City, Sac County, State of Iowa, that at a meeting held on the 7th day of August, 1972, said City Council received bids for the construction of Sanitary Sewer Program No. 1, 1972, and upon engineering evaluation of the bids received, said City Council awarded the contract to the Lundell

Construction Co., Inc., of Cherokee, Iowa, in the amount of \$60,922.66 by resolution adopted on the 10th day of August, 1972; and

WHEREAS, it appears from the record, publication of the notice of public hearing and letting was made as required by Section Three Ninety-one A point Sixteen (391A.16) of the Code, in THE SAC SUN, except that said newspaper omitted the second publication; and

WHEREAS, it further appears that notice of the plans and specifications were directed to all firms reasonably expected to bid; and

WHEREAS, it appears that a competitive letting was held as contemplated by law and a responsible bid was received so that it is deemed advisable that all doubts with respect to the validity thereof should be put to rest; NOW, THEREFORE

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

1 SECTION 1. That the proceedings heretofore taken by the City
2 Council of the City of Sac City, Iowa, preliminarily to and in connec-
3 tion with the aforesaid contract awarded to Lundell Construction
4 Co., Inc., by resolution adopted on the 10th day of August, 1972, are
5 hereby legalized, validated and confirmed and the aforesaid contract
6 shall constitute a valid and binding obligation of the City according
7 to its terms, and all proceedings heretofore taken by the City Council
8 of the City of Sac City preliminarily to and in connection with the
9 levying of assessments by resolution adopted on the 24th day of Jan-
10 uary, 1973, for Sanitary Sewer Program No. 1, 1972, and such assess-
11 ments, are hereby legalized, validated and confirmed.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Sac
3 Sun, a newspaper published in Sac City, Iowa, and in The Odebolt
4 Chronicle, a newspaper published in Odebolt, Iowa, without expense to
5 the State.

Approved June 19, 1973.

I hereby certify that the foregoing Act, House File 678, was published in The Sac Sun, Sac City, Iowa, July 4, 1973, and in The Odebolt Chronicle, Odebolt, Iowa, July 5, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 299

SANBORN LEGALIZING ACT

H. F. 676

AN ACT to legalize and validate the proceedings of the town council of the town of Sanborn, in the county of O'Brien, state of Iowa, in connection with the placing of the management and control of the waterworks system of said town in the town council.

WHEREAS, it appears from the records of the Council of the Town of Sanborn, in the County of O'Brien, State of Iowa, that heretofore the Council of the Town of Sanborn, Iowa, did submit to the voters of said Town the proposition of whether the management in control of the Town's

Waterworks should be placed in the hands of a Board of Trustees, and said proposition carried at such election and the management and control of the Town's Waterworks was, in fact, placed in the hands of the Board of Trustees, and such Board of Trustees continuously managed the Waterworks for many years, and until the election mentioned hereafter; and

WHEREAS, at a special election on October 5, 1951, the question of whether the management and control of the Waterworks System be placed in the hands of the duly elected Council, and at said election there were 198 votes cast, of which 102 votes were for the proposition and 96 votes were against the proposition and said proposition carried, and the management and control of the Waterworks was assumed by the Council; and

WHEREAS, thereafter, the management and control of the Waterworks in the Town of Sanborn has been exercised by the Council, but doubts have arisen concerning the validity and legal sufficiency of the election of October 5, 1951, and concerning the jurisdiction of the Council to exercise the management and control over the Municipal Waterworks in the Town of Sanborn, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW THEREFORE

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

1 SECTION 1. That all proceedings heretofore taken by the Town
2 Council of the Town of Sanborn, O'Brien County, Iowa, preliminary to
3 and in connection with the election of October 5, 1951, in said Town,
4 and the adoption by the voters of the proposition whether the
5 management and control of the Waterworks System be placed in the
6 hands of the duly elected Council, and the authority and jurisdiction
7 of the Council over the management and control over such Waterworks
8 are hereby legalized, validated and confirmed, and all actions taken and
9 all contracts made by the Sanborn Town Council, of the type and na-
10 ture which may be taken and made by town councils invested with the
11 management and control of their municipal waterworks, in regard to
12 the management and control of the Waterworks System of the Town
13 of Sanborn prior to the effective date of this Act are hereby legalized,
14 validated and confirmed.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The
3 Sanborn Pioneer, a newspaper published in Sanborn, Iowa, and in The
4 Hartley Sentinel, a newspaper published in Hartley, Iowa, without
5 expense to the State.

Approved June 19, 1973.

I hereby certify that the foregoing Act, House File 676, was published in The Sanborn Pioneer, Sanborn, Iowa, June 28, 1973, and in The Hartley Sentinel, Hartley, Iowa, June 28, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 300

STUART LEGALIZING ACT

H. F. 679

AN ACT to legalize and validate the proceedings of the board of trustees of the Stuart municipal utilities of the town of Stuart, Iowa, in the counties of Adair and Guthrie, state of Iowa, in amending certain resolutions for the authorization and issuance of water revenue bonds, dated March 15, 1963, and March 1, 1967, to increase the maximum rates which may be charged to consumers of water.

WHEREAS, it appears from the records of the Board of Trustees of the Stuart Municipal Utilities, that on March 18, 1963, the Board of Trustees adopted a resolution entitled "A resolution authorizing and providing for the issuance of \$55,000 water revenue bonds, of the town of Stuart, Iowa, for the purpose of refunding a like amount of presently outstanding revenue obligation of said town, prescribing the form of said proposed bonds and providing for safeguarding, protecting and paying said bonds"; and

WHEREAS, it also appears from the records of the Board of Trustees of the Stuart Municipal Utilities, that on April 3, 1967, the Board of Trustees adopted a resolution entitled "A resolution authorizing and providing for the issuance of \$48,000 water revenue bonds of the town of Stuart, Iowa, for the purpose of refunding a like amount of presently outstanding revenue obligations of said town, prescribing the form of said proposed bonds and providing for safeguarding, protecting and paying said bonds"; and

WHEREAS, it further appears that pursuant to the aforesaid Resolution adopted on March 18, 1963, Water Revenue Bonds, dated March 15, 1963, were issued and remain outstanding in the amount of \$10,000.00, maturing at the rate of \$5,000.00, annually on December 1, 1973, and at December 1, 1974, and further pursuant to the aforesaid Resolution adopted on April 3, 1967, Water Revenue Bonds, dated March 1, 1967, were issued and remain outstanding in the amount of \$48,000.00, maturing at the rate of \$5,000.00 annually on December 1, 1975 to 1983, inclusive, and \$3,000.00 on December 1, 1984; and

WHEREAS, it appears that the maximum rates chargeable to consumers of water, as fixed in the aforesaid Resolutions, were insufficient to permit the continued operation of an adequate Municipal Water Utility, and unduly restricts the financing of the cost of additional proposed improvements and extensions to said Utility, and that the Board of Trustees by a Resolution adopted on February 6th, 1973, amended the provisions of said Resolutions adopted on March 18, 1963, and April 3, 1967, to provide for increased maximum water rates to consumers; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said Resolution adopted February 6th, 1973, and the increased maximum water rates as provided therein; and, it is deemed advisable to put such doubts and all others that might arise concerning the same, forever at rest, NOW, THEREFORE:

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

- 1 SECTION 1. The proceedings of the Board of Trustees of the Stuart
- 2 Municipal Utilities of the Town of Stuart, in the Counties of Adair
- 3 and Guthrie, State of Iowa, taken on February 6th, 1973, in adopting

4 a Resolution entitled "A resolution amending the resolution of March
 5 18, 1963, entitled 'A resolution authorizing and providing for the issu-
 6 ance of \$55,000 water revenue bonds, of the town of Stuart, Iowa for
 7 the purpose of refunding a like amount of presently outstanding
 8 revenue obligations of said town, prescribing the form of said pro-
 9 posed bonds and providing for safeguarding, protecting and paying
 10 said bonds', and amending the resolution of April 3, 1967, entitled 'A
 11 resolution authorizing and providing for the issuance of \$48,000 water
 12 revenue bonds of the town of Stuart, Iowa, for the purpose of refund-
 13 ing a like amount of presently outstanding revenue obligations of said
 14 town, prescribing the form of said proposed bonds and providing for
 15 safeguarding, protecting and paying said bonds'", and the said Reso-
 16 lution and its provisions are hereby legalized, validated and confirmed,
 17 and the maximum water rates fixed in said Resolution adopted Feb-
 18 ruary 6th, 1973, as chargeable to consumers of water are declared to
 19 be legal; and the Town, during the term of the aforesaid Water Re-
 20 venue Bonds, dated March 15, 1963, and March 1, 1967, or bonds issued
 21 hereafter to refund a like amount thereof, shall be obligated to charge
 22 such rates as are sufficient at least to pay for the operation and main-
 23 tenance of the Municipal Water Utility of the Town and the interest
 24 on and principal of any Water Revenue Bonds which may be issued
 25 or outstanding, provided that such charges do not exceed the maxi-
 26 mum water rates fixed in the aforesaid Resolution adopted February
 27 6th, 1973.

1 SEC. 2. This Act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its passage, approval and publi-
 3 cation in The Stuart Herald, a newspaper published at Stuart, Iowa,
 4 and The Guthrie County Vedette, a newspaper published at Panora,
 5 Iowa, without expense to the State.

Approved June 19, 1973.

I hereby certify that the foregoing Act, House File 679, was published in The Stuart Herald, Stuart, Iowa, June 28, 1973, and in The Guthrie County Vedette, Panora, Iowa, July 5, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 301

MUSCATINE LEGALIZING ACT

H. F. 732

AN ACT to legalize and validate the proceedings of the city council of the city of Muscatine, Iowa, preliminary to and in connection with an election on the proposition of annexing certain territory to the city of Muscatine, and declaring the validity of said proceedings and said election.

WHEREAS, It appears from the records of the City of Muscatine, Iowa, that, pursuant to published notice, the Council held a public hearing, and heard objectors and proponents for the annexation of certain territory to the City of Muscatine described as follows:

A tract of land situated in Muscatine County, Iowa, and located adjacent to the City of Muscatine, Iowa, more particularly described as follows:

Beginning at the southwest corner of Section 10, T 76N, R 2W, of the Fifth PM, which point is also the present southwest corner of said City; thence north along the west line of said Section 10, and Section 3, T 76N, R 2W, and Section 34, T 77N R 2W, to a point 200 feet south of the intersection of said west section line, and the centerline of Lucas Street in said City; thence due west to the centerline of the east half of Section 33, T 77N, R 2W; thence north along the centerline of the east half of Sections 33 and 28, T 77N, R 2W, to the north line of said Section 28 thence east along the north line of Sections 28, 27, 26, and 25, T 77N, R 2W, to a point on said line 95.50 feet east of the south quarter corner of Section 24, T 77N, R 2W; thence north 00 degrees 07' 00" west a distance of 514.49 feet; thence north 89 degrees 52' 37" east a distance of 130.00 feet; thence north 00 degrees 07' 00" west distance of 294.00 feet; thence north 89 degrees 52' 37" a distance of 1109.99 feet; thence south 00 degrees 25' 55" east a distance of 808.50 feet; thence east to the east line of said Section 24; thence north along the east line of said Section 24, to the northeast corner of the southeast quarter of the northeast quarter of said Section 24; thence west to the northwest corner of the southwest quarter of the northwest quarter of said Section 24; thence south along the west line of said Section 24, to the northwest corner of the southwest quarter of the southwest quarter of said Section 24; thence west to the northwest corner of the southwest quarter of the southeast quarter of Section 21, T 77N, R 2W; thence south along the centerline of Sections 21, 28, and 33, T 77N, R 2W, and Sections 4 and 9, T 76N, R 2W, to the south quarter corner of said Section 9; thence west along the north line of Sections 16 and 17, T 76N, R 2W, to the north quarter corner of said Section 17; thence south to the center of said Section 17, thence west to the west quarter corner of said Section 17; thence south to the southwest corner of said Section 17; thence west along the north line of Section 19, T 76N, R 2W, to the northwest corner of said Section 19; thence south to the southwest corner of the northwest quarter of the northwest quarter of said Section 19; thence west to the southwest corner of the northwest quarter of the northwest quarter of Section 24, T 76N, R 3W; thence south to the southwest corner of the northwest quarter of the northwest quarter of Section 25, T 76N, R 3W; thence east along the centerline of the north half of said Section 25, and Section 30, T 76N, R 2W, to the intersection of said line with the centerline of the main tract* of the Chicago, Rock Island and Pacific Railroad; thence northeasterly along the centerline of the main track of said railroad to its point of intersection with the south line of Section 9, T 76N, R 2W; thence east to the southeast corner of said Section 9, the point of beginning; and

WHEREAS, at a subsequent meeting of the City Council held on September 21, 1972, a resolution was adopted directing the submission of the proposition of annexing the aforementioned territory to the City of Muscatine and directing the City Clerk to publish notice thereof; and

WHEREAS, thereafter and on the 7th day of November, 1972, an election was held on the proposition of annexing the territory described above to the City of Muscatine and such proposition carried by a majority of those voting thereon; and

*According to enrolled Act.

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings of the City Council preliminary to such election and the validity and legal sufficiency of such election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the City
2 Council of the City of Muscatine, Iowa, preliminary to and in connec-
3 tion with the election on the proposition of annexing the aforescribed
4 territory to the City of Muscatine, on November 7, 1972, and said elec-
5 tion, are hereby legalized, validated and confirmed.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Mus-
3 catine Journal, a newspaper published in Muscatine, Iowa, and in The
4 Lone Tree Reporter, a newspaper published in Lone Tree, Iowa, with-
5 out expense to the state.

Approved June 19, 1973.

I hereby certify that the foregoing Act, House File 732, was published in the Muscatine Journal, Muscatine, Iowa, June 30, 1973, and in The Lone Tree Reporter, Lone Tree, Iowa, July 5, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 302

POTTAWATTAMIE COUNTY LEGALIZING ACT

S. F. 324

AN ACT to legalize and validate the proceedings of the board of township trustees of Lewis township of Pottawattamie county, Iowa, in connection with a certain election held to authorize a tax levy for fire protection purposes and the issuance of bonds in anticipation of said tax and declaring the validity of said election and that bonds issued pursuant to said proceedings shall be enforceable obligations of said township.

WHEREAS, it appears from the records of the Board of Township Trustees of Lewis Township in Pottawattamie County, Iowa, that said Board of Township Trustees adopted a resolution on July 14, 1972, calling a special election to be held in said Township concurrent with the primary election on August 1, 1972, at which there was submitted to the voters of said Township the proposition of authorizing the levy of a tax of 1½ mills on the taxable property in the Township for fire protection as authorized by Sections 359.42 and 359.43, Code of Iowa (1973); and

WHEREAS, after canvassing the results of the election on the proposition of levying said tax it was found and determined that said proposition was approved by more than sixty percent of the total number of votes cast for and against said proposition at said election, the vote being 129 in favor and 45 opposed; and

WHEREAS, in reliance upon the favorable vote cast at said election, the Board of Township Trustees of said Township proposes to provide for the issuance of bonds in an amount not to exceed \$35,000.00 for the purpose of

purchasing new fire fighting equipment in anticipation of the collection of the tax levy of 1½ mills authorized on August 1, 1972; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings, the records thereof available to evidence the proceedings, and authority for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Township Trustees of Lewis Township, Pottawattamie County, Iowa,
3 preliminary to and in connection with the special election held in said
4 Township on August 1, 1972, providing for the levy of a tax of 1½
5 mills for the purposes authorized by Sections 359.42 and 359.43, Code
6 of Iowa (1973), and providing for the issuance of fire equipment bonds
7 of said Township to the amount of not to exceed \$35,000.00 in antici-
8 pation of and to be retired from the proceeds of said tax, and said
9 election and that tax of 1½ mills authorized thereat are hereby legal-
10 ized, validated and confirmed and said bonds payable from the antici-
11 pated collections of said tax when issued, sold and delivered pursuant
12 to and in accordance with the provisions of Chapters 75, 76 and 359,
13 Code of Iowa (1973), are hereby declared to be legal and to constitute
14 valid and binding obligations of said township.

1 SEC. 2. This Act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Council Bluffs Nonpareil, a newspaper published in Council Bluffs,
4 Iowa, and in The Red Oak Express, a newspaper published in Red Oak,
5 Iowa, without expense to the State.

Approved June 19, 1973.

I hereby certify that the foregoing Act, Senate File 324, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, June 27, 1973, and in The Red Oak Express, Red Oak, Iowa, June 25, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 303

DES MOINES AREA COMMUNITY COLLEGE LEGALIZING ACT

H. F. 309

AN ACT to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

WHEREAS, it appears from the records of the Des Moines Area Community College (Merged Area XI) that at a special election held coincident with the regular school election in and for said Merged Area on September 13, 1971, on the following proposition, to-wit:

“Shall the Board of Directors of the Des Moines Area Community College (Merged Area XI), in the Counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, State of Iowa, cause to continue to be levied a tax not to exceed three-fourths ($\frac{3}{4}$ ths) mill on the dollar in any one (1) year for a period of five (5) years, beginning with the 1972 tax levy, for any one or more of the following purposes: for the purchase of grounds; construction of buildings; payment of debts contracted for the construction of buildings; purchase of buildings and equipment for buildings; and the acquisition of libraries; and for the purpose of maintaining, remodeling, improving, or expanding the Des Moines Area Community College of the merged area; or for such other purposes as authorized by law, as provided in Chapter 280A, Section 22 of the Code of Iowa?” was approved by more than fifty percent of the total number of votes cast for and against said proposition, and in reliance upon said election said Board of Directors proposes to levy and collect said tax in each year as authorized; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Directors of the Des Moines Area Community College (Merged Area
3 XI), preliminary to and in connection with said election held in said
4 Merged Area District on September 13, 1971, said election and the
5 adoption by the voters of the proposition set forth above are hereby
6 legalized, validated and confirmed and by authority of said election
7 and this Act said Board of Directors are authorized to levy said tax
8 of not to exceed three-fourths ($\frac{3}{4}$ ths) of one (1) mill on all taxable
9 property within said Merged Area for the purposes authorized at said
10 election, said authorization to be effective for a period of five years
11 commencing with the levy for the 1972 taxes payable in 1973.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Ankeny
3 Press-Citizen, a newspaper published in Ankeny, Iowa, and in the
4 Ames Daily Tribune, a newspaper published in Ames, Iowa, without
5 expense to the state.

Approved May 15, 1973.

I hereby certify that the foregoing Act, House File 309, was published in the Ankeny Press-Citizen, Ankeny, Iowa, June 7, 1973, and in the Ames Daily Tribune, Ames, Iowa, June 1, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 304

POLK COUNTY LEGALIZING ACT

S. F. 253

AN ACT to legalize and validate the proceedings of the board of township trustees of Saylor Township of Polk County, Iowa, in connection with a certain election held to authorize a tax levy for fire protection purposes and the issuance of bonds in anticipation of said tax and declaring the validity of said election and that bonds issued pursuant to said proceedings shall be enforceable obligations of said township.

WHEREAS it appears from the records of the Board of Township Trustees of Saylor Township in Polk County, Iowa, that said Board of Township Trustees adopted a resolution on October 20, 1952, calling a special election to be held in said Township concurrent with the general election on said date, at which there was submitted to the voters of said Township the proposition of authorizing the levy of a tax of 1-1/2 mills on the taxable property in the Township for fire protection as authorized by Sections 359.42 and 359.43, Code of Iowa (1971); and

WHEREAS after canvassing the results of the election on the proposition of levying said tax it was found and determined that said proposition was approved by more than sixty percent of the total number of votes cast for and against said proposition at said election, and the tax authorized at said election has been levied from year to year thereafter; and

WHEREAS in reliance upon the favorable vote cast at said election, the Board of Township Trustees of said Township proposes to provide for the issuance of bonds in the amount of \$60,000.00 for the purpose of purchasing new fire fighting equipment in anticipation of the collection of the tax levy of 1-1/2 mills authorized on November 4, 1952; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said election and proceedings, the records thereof available to evidence the proceedings, and authority for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Township Trustees of Saylor Township, Polk County, Iowa, prelimi-
3 nary to and in connection with the special election held in said Town-
4 ship on November 4, 1952 providing for the levv of a tax of 1-1/2 mills
5 for the purposes authorized by Sections 359.42 and 359.43, Code of
6 Iowa (1971), and providing for the issuance of fire equipment bonds
7 of said Township to the amount of not to exceed \$60,000.00 in antici-
8 pation of and to be retired from the proceeds of said tax, and said
9 election and the tax of 1-1/2 mills authorized thereat are hereby legal-
10 ized, validated and confirmed and said bonds when issued, sold and
11 delivered pursuant to and in accordance with said proceedings and
12 payable from the anticipated collections of said tax are hereby de-
13 clared to be legal and to constitute valid and binding obligations of
14 said Township.

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Des
3 Moines Register, a newspaper published in Des Moines, Iowa, and in

4 the Lee Town News, a newspaper published in Des Moines, Iowa,
5 without expense to the state.

Approved May 15, 1973.

I hereby certify that the foregoing Act, Senate File 253, was published in The Des Moines Register, Des Moines, Iowa, May 25, 1973, and in the Lee Town News, Des Moines, Iowa, May 31, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 305

SIOUX COUNTY LEGALIZING ACT

H. F. 675

AN ACT to legalize and validate the procedures followed by Sioux county board of supervisors in contracting with the Fischer Construction Company, Haarsma Plumbing and Heating Company, and Fred's Electrical Company for the construction of a new office building in Orange City, Iowa, for the county engineer's office.

WHEREAS, on the 26th day of October, 1971, the Sioux County Board of Supervisors contacted Beuttler Associated Architects, Inc. for a preliminary study to determine the feasibility of constructing a new office building for the Sioux County Engineer's office; and

WHEREAS, on the 14th day of November, 1972, the Sioux County Board of Supervisors advertised for bids for the construction of a new office building for the Sioux County Engineer's office; and

WHEREAS, the Sioux County Board of Supervisors entered into a contract on the 14th day of November, 1972, with Fischer Construction Company, Haarsma Plumbing and Heating Company, and Fred's Electrical Company for the construction of a new office building in Orange City, Iowa, for the County Engineer's office; and

WHEREAS, the original estimate of the price was the sum of \$48,000.00; and

WHEREAS, due to inflation and winter construction, the actual cost is in the sum of \$60,360.00 for the construction of said office building; and

WHEREAS, the total cost is in excess of \$50,000.00; and

WHEREAS, said sums may still be paid without the levy of additional taxes; and

WHEREAS, the final cost is in the sum of \$60,360.00 and a submission to the voters of Sioux County was not conducted as required by Section 345.1 of the 1973 Code of Iowa and doubts have arisen concerning the legal sufficiency of the Sioux County Board of Supervisors' compliance with the provisions of Section 345.1 of the 1973 Code of Iowa; and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same forever to rest; NOW THEREFORE,

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

1 SECTION 1. That all acts and proceedings heretofore taken by the
2 Sioux County Board of Supervisors in connection with the entering

3 into a contract with Fischer Construction Company, Haarsma Plumb-
 4 ing and Heating Company, and Fred's Electrical Company, to construct
 5 a new office building in Orange City, Iowa, for the County Engineer's
 6 office, at a total cost of \$60,360.00 are hereby legalized, validated and
 7 confirmed.

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Sioux
 3 County Capital, a newspaper published in Orange City, Iowa, in the
 4 Sioux Center News, a newspaper published in Sioux Center, Iowa, and
 5 in The Independent, a newspaper published in Hawarden, Iowa, with-
 6 out expense to the state.

Approved June 29, 1973.

I hereby certify that the foregoing Act, House File 675, was published in The Sioux
 County Capital, Orange City, Iowa, July 18, 1973, in the Sioux Center News, Sioux
 Center, Iowa, July 19, 1973, and in The Independent, Hawarden, Iowa, July 19, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 306

WORTH COUNTY LEGALIZING ACT

H. F. 677

AN ACT to legalize and validate the proceedings of the board of supervisors of Worth
 county, Iowa, acting for and on behalf of drainage districts No. 24, No. 34 and No. 52,
 Worth county, Iowa, in connection with the assessing of benefits for a common outlet
 for such drainage districts, the levying of special assessments against the lands in
 such drainage districts, and the issuance of special assessment bonds of such drain-
 age districts, and declaring the validity of such special assessments, and proceed-
 ings authorizing the issuance of special assessment bonds and declaring that such
 bonds issued pursuant to and authorized thereby shall constitute valid and binding
 obligations according to their terms.

WHEREAS, it appears from the records of the Board of Supervisors of
 Worth County, Iowa, that heretofore, and in the year 1963, and thereafter,
 action was taken pursuant to Chapter 455, and Sections 455.202 through
 455.217, of the Code of Iowa, to establish the Deer Creek Watershed Work
 Plan involving, in part, Drainage Districts No. 24, No. 34 and No. 52,
 Worth County, Iowa; and

WHEREAS, thereafter and pursuant to a resolution adopted by such
 Board of Supervisors acting for and on behalf of such Drainage Districts,
 on August 8, 1967, a hearing was set on the clean-out and repair work
 set out in such work plan; and

WHEREAS, thereafter and on November 19, 1971, such Board of Super-
 visors, acting for and on behalf of such Drainage Districts ordered hear-
 ing on the assessment of common outlet benefits for such Drainage Dis-
 tricts and, pursuant to notice, a hearing was held on such assessment of
 common outlet benefits on January 7, 1972, and thereafter, on January 19,
 1972, such Board of Supervisors by resolution assessed benefits for a com-
 mon outlet to Drainage Districts No. 24, No. 34 and No. 52; and

WHEREAS, thereafter on May 8, 1972, such Board of Supervisors, act-
 ing for and on behalf of such Drainage Districts, adopted resolutions levy-
 ing such assessments against the lands in such Drainage Districts and

authorized publication of notice thereof and, thereafter, notice was duly published and no appeals from such action, or any other prior action of the Board of Supervisors has ever been taken by any owners of any property within such Drainage Districts; and

WHEREAS, thereafter and on August 22, 1972, such Board of Supervisors, acting for and on behalf of Drainage District No. 24, authorized the issuance of \$8,200 of Special Assessment Drainage Bonds, and acting for and on behalf of Drainage District No. 34, authorized the issuance of \$19,600 of Special Assessment Drainage Bonds, and acting for and on behalf of Drainage District No. 52, authorized the issuance of \$1,400 of Special Assessment Drainage Bonds, all of such Drainage Bonds to be sold at public sale; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the acts and proceedings of such Board of Supervisors in making assessments for common outlet benefits, levying and assessing such special benefits, and authorizing the issuance of such Special Assessment Bonds, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest, NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Supervisors of Worth County, Iowa, acting for and on behalf of
3 Drainage District No. 24, Drainage District No. 34 and Drainage Dis-
4 trict 52 preliminary to and in connection with the assessing of bene-
5 fits for a common outlet, as referred to in the resolution of such
6 Board of Supervisors adopted on January 19, 1972, and such assessing
7 of benefits, are hereby legalized, validated and confirmed.

1 SEC. 2. That all proceedings heretofore taken by the Board of
2 Supervisors of Worth County, Iowa, acting for and on behalf of
3 Drainage District No. 24, Drainage District No. 34 and Drainage Dis-
4 trict No. 52 preliminary to and in connection with the levying of
5 assessments by resolutions of such Board of Supervisors made on May
6 8, 1972, and such special assessments, are hereby legalized, validated
7 and confirmed.

1 SEC. 3. That all proceedings heretofore taken by the Board of
2 Supervisors of Worth County, Iowa, acting for and on behalf of
3 Drainage District No. 24, Drainage District No. 34, and Drainage Dis-
4 trict No. 52 preliminary to and in connection with the authorization
5 of the issuance of the aforementioned Special Assessment Drainage
6 Bonds, authorized pursuant to resolutions adopted on August 22, 1972,
7 are hereby legalized, validated and confirmed and such Special Assess-
8 ment Drainage Bonds to be issued, sold and delivered pursuant to and
9 by authority of such resolutions shall constitute valid and binding
10 obligations of such Drainage Districts, according to their terms.

1 SEC. 4. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The North-
3 wood Anchor, a newspaper published in Northwood, Iowa, and in the

4 Manly Signal, a newspaper published in Manly, Iowa, without expense
5 to the state.

Approved June 29, 1973.

I hereby certify that the foregoing Act, House File 677, was published in *The Northwood Anchor*, Northwood, Iowa, July 18, 1973, and in the *Manly Signal*, Manly, Iowa, July 19, 1973.

MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 307

KNOXVILLE SCHOOL LEGALIZING ACT

S. F. 585

AN ACT relating to ratification of the sale of certain real estate owned by the Knoxville Community School District, in Marion county, Iowa.

WHEREAS, the board of directors of the Knoxville Community School District, in Marion County, Iowa, under the provisions of Chapter 297 of the Code of Iowa, entered into an agreement to convey certain real estate owned by the district and no longer needed for school purposes because of reorganization, and did complete such conveyance by the execution and delivery of a Deed Without Warranty from the Knoxville Community School District, by Dexter H. Hake, President, to the Town of Harvey, Iowa, said Deed being dated May 5, 1962, filed August 9, 1962 and recorded in Book 60, Page 219 of Town Lot Deed Records of Marion County, Iowa; and

WHEREAS, said Deed conveyed real estate described as:

Lots 3, 4, 5, 6, and 7 of Rietveld & Emmel's Factory Site Addition to the Town of Harvey, Iowa, except a strip 50 feet wide on the South side of said Lot 7 adjacent and running parallel with the C.B. & Q. RR. right of way; Together with all of the buildings presently located thereon, and

WHEREAS, doubts have arisen as to the legality of the sale of said real estate by the Knoxville Community School District to the Town of Harvey, Iowa; and

WHEREAS, the rights of no other persons are adversely affected by legalizing said sale by the Knoxville Community School District to the Town of Harvey, Iowa; THEREFORE,

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

1 SECTION 1. The sale and conveyance by the board of directors of
2 the Knoxville Community School District, of Marion County, Iowa, to
3 the Town of Harvey, Iowa, of the following described real estate sit-
4 uated in Marion County, Iowa, to-wit:
5 Lots 3, 4, 5, 6, and 7 of Rietveld & Emmel's Factory Site Addition
6 to the Town of Harvey, Iowa, except a strip 50 feet wide on the South
7 side of said Lot 7 adjacent and running parallel with the C.B. & Q.
8 RR. right of way; Together with all of the buildings presently located
9 thereon, which conveyance was made by deed dated May 5, 1962, filed
10 August 9, 1962 and recorded in Book 60, Page 219 of Town Lot Deed

11 Records of Marion County, Iowa, is hereby ratified and confirmed,
12 and declared to be legal, valid and binding.

Approved June 29, 1973.

CHAPTER 308

LAMONI SCHOOL LEGALIZING ACT

H. F. 364

AN ACT to legalize and validate the special election of the Lamoni Community School District, in the county of Decatur, state of Iowa, held on December 28, 1972, on the proposition of issuing school bonds in the sum of not to exceed \$50,000.00 for the purpose of purchasing from Graceland College one existing building, known as Herald Hall, remodeling the same for use as a school house,* purchasing from Marvin Johnston one existing building, and for such allied development or improvement as shall be required for proper utilization of such property.

WHEREAS, on the 16 day of October, 1972, the Board of Directors of the Lamoni Community School District, in the County of Decatur, State of Iowa, called a special election of said District for December 28, 1972, on the following question:

“Shall the Board of Directors of the Lamoni Community School District, in the County of Decatur, State of Iowa, be authorized to contract an indebtedness on behalf of said school corporation in an amount less than one and one-quarter percent of the assessed value of the total taxable property therein, and not exceeding 5 percent of the actual value of such property, by issuing negotiable, interest bearing school bonds of said school corporation in the amount of \$50,000, or so much thereof as may be required for the purpose of purchasing, from Graceland College, Lamoni, Iowa, one certain existing building located at 202 North Walnut, commonly known as Herald Hall, for the sum of \$20,000, for the remodeling of the same for use as a school house*; and for the purchase, from said Marvin Johnston, Lamoni, Iowa, one certain locker building, located at 318 West 8th for the sum of \$3,500; and for such allied development or improvement as shall be required for the proper utilization of such property?”
and

WHEREAS, at said election the proposition was approved by more than sixty percent of the total votes cast for or against said proposition; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is advisable to put such doubts and all other doubts that might arise concerning such election forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the Board of
2 Directors of the Lamoni Community School District, in the County of
3 Decatur, State of Iowa, pursuant to and in connection with the call of
4 the special election held on December 28, 1972, for the submission of
5 the said proposition of issuing School Bonds of the sum of not to

*According to enrolled Act.

6 exceed \$50,000.00 for the purpose of purchasing from Graceland Col-
 7 lege one existing building, known as Herald Hall, remodeling the same
 8 for use as a school house,* purchasing from Marvin Johnston one
 9 existing building, and for such allied development or improvement
 10 as shall be required for proper utilization of such property, as more
 11 particularly described in detail in the preamble hereof; including also
 12 the notice of election, the publication of said election notice, the elec-
 13 tion ballot, the election staff, the conduct of said election, and the
 14 adoption of said proposition at said election by the voters of said
 15 School District, are hereby legalized, validated and confirmed and
 16 shall constitute full authority by the Board of Directors of said School
 17 District to issue and sell said bonds for the aforesaid proposition
 18 authorized at said election in an amount not to exceed \$50,000.00, and
 19 said bonds, when issued, shall constitute valid and binding obligations
 20 of said School District.

1 SEC. 2. This Act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its passage and publication in
 3 The Lamoni Chronicle, a newspaper published in Lamoni, Iowa, and
 4 in Mount Ayr Record-News, a newspaper published in Mount Ayr,
 5 Iowa, all without expense to the State of Iowa.

Approved May 15, 1973.

I hereby certify that the foregoing Act, House File 364, was published in The Lamoni Chronicle, Lamoni, Iowa, May 31, 1973, and in the Mount Ayr Record-News, Mount Ayr, Iowa, May 31, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act

CHAPTER 309

NISHNA VALLEY SCHOOL LEGALIZING ACT

H. F. 804

AN ACT to legalize and validate the procedures whereby the Nishna valley community school district in the county of Mills contracted for the sale of several tracts of real estate and the contracts entered into with the respective purchasers.

WHEREAS, the electors of Nishna Valley Community School District in Mills County, State of Iowa, at their regular school election held September 11, 1972, authorized sale of the following described parcels of real estate, to-wit:

Parcel 1: A tract of land described as follows: Commencing at the Northwest corner of Section Nineteen (19), Township Seventy-one (71) North, Range Forty (40) West of the 5th P.M., Mills County, Iowa, thence East along section line 7 chains, thence South 8.19 chains, thence West 7 chains to the section line, thence North 8.19 chains on section line to the place of beginning, containing 5 acres, more or less, subject to easements of record.

Parcel 2: Lot Nine Hundred Seven (907) and North Half (N ½) of Lot Nine Hundred Eight (908)—all in the Town of Hastings, Mills County, Iowa.

Parcel 3: Lots One (1), Two (2), Three (3), Four (4) and Five (5) in Block Two (2) in the Town of Henderson, Mills County, Iowa.

Parcel 4: A part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Seventy-three (73) North, Range Forty (40) West of the 5th P.M., Mills County, Iowa, bounded and described as follows: The point of commencing is a point 222 feet south of and thence 373 feet East from the Northwest corner of the above described forty-acre tract, thence South 340 feet, thence West 280 feet, thence North 340 feet to the place of beginning, containing 2 $\frac{19}{100}$ acre, sometimes known as Lot Seventeen (17) of Boileau's Addition to the Town of Henderson, Iowa; ALSO—

Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15) in Lawrence's Addition to the Town of Henderson, Iowa.

Parcel 5: A tract of land located in Lot Eleven (11) of the official plat of Section Ten (10), Township Seventy-three (73) North, Range Forty (40) West of the 5th P.M., in Mills County, Iowa, more particularly described as follows: Commencing at a point 751 feet North and 653 feet East of the Southwest corner of said Lot Eleven (11) and running thence South 280 feet, thence West 280 feet, thence North 280 feet, thence East 280 feet to the point of beginning; and

WHEREAS, the said tracts were appraised by appraisers appointed by the County Superintendent of Mills County pursuant to the provisions of Section 297.22, Code of Iowa, 1973; and

WHEREAS, the Board of Directors advertised for bids on said property, but through error or misunderstanding notice was published in one publication in each of several newspapers rather than by two consecutive publications in one newspaper of general circulation within the district as required by Section 297.23, Code of Iowa, 1973; and

WHEREAS, said parcels were sold at public auction April 7, 1973, at which there was competitive bidding, for considerations in excess of the appraised valuations of the respective tracts and contracts entered into on that date with the high bidders on all parcels offered for sale as follows:

Parcel—Name of Purchaser	Consideration	Down Payment
1 Jered S. Woodfill	\$6,500.	\$1,300.
2 Earl Ridgely	8,100.	1,620.
3 Floyd D. Timson	7,500.	1,500.
4 Henderson Little League, Inc.	6,500.	1,300.
5 Albert T. and Dorothy L. Benton....	2,700.	540.

and

WHEREAS, doubts have arisen concerning the legality of the notice to bidders and subsequent proceedings for the sale of said lands and it is deemed advisable to remove forever all such doubts as to the validity of these transactions; NOW THEREFORE,

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

- 1 SECTION 1. All proceedings heretofore taken by the Board of Di-
- 2 rectors of Nishna Valley Community School District in the County of
- 3 Mills, State of Iowa, in connection with the advertising for bids, pub-

4 lic auction, and contracting for sale of the following described parcels, to-wit:

6 Parcel 1: A tract of land described as follows: Commencing at
7 the Northwest corner of Section Nineteen (19), Township Seventy-
8 one (71) North, Range Forty (40) West of the 5th P.M., Mills County,
9 Iowa, thence East along section line 7 chains, thence South 8.19
10 chains, thence West 7 chains to the section line, thence North 8.19
11 chains on section line to the place of beginning, containing 5 acres,
12 more or less, subject to easements of record.

13 Parcel 2: Lot Nine Hundred Seven (907) and North Half (N $\frac{1}{2}$)
14 of Lot Nine Hundred Eight (908)—all in the Town of Hastings, Mills
15 County, Iowa.

16 Parcel 3: Lots One (1), Two (2), Three (3), Four (4) and Five
17 (5) in Block Two (2) in the Town of Henderson, Mills County, Iowa.

18 Parcel 4: A part of the Northwest Quarter of the Southeast Quarter
19 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Seventy-three
20 (73) North, Range Forty (40) West of the 5th P.M., Mills County,
21 Iowa, bounded and described as follows: The point of commencing
22 is a point 222 feet South of and thence 373 feet East from the North-
23 west corner of the above described forty-acre tract, thence South 340
24 feet, thence West 280 feet, thence North 340 feet to the place of be-
25 ginning, containing 2 $\frac{19}{100}$ acre, sometimes known as Lot Seventeen
26 (17) of Boileau's Addition to the Town of Henderson, Iowa.

27 ALSO—

28 Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14) and
29 Fifteen (15) in Lawrence's Addition to the Town of Henderson, Iowa.

30 Parcel 5: A tract of land located in Lot Eleven (11) of the official
31 plat of Section Ten (10), Township Seventy-three (73) North, Range
32 Forty (40) West of the 5th P.M., in Mills County, Iowa, more partic-
33 ularly described as follows: Commencing at a point 751 feet North
34 and 653 feet East of the Southwest corner of said Lot Eleven (11)
35 and running thence South 280 feet, thence West 280 feet, thence North
36 280 feet, thence East 280 feet to the point of beginning;
37 and the contracts of sale entered into with Jered S. Woodfill for
38 sale and purchase of Parcel 1, Earl Ridgely for sale and purchase of
39 Parcel 2, Floyd D. Timson for sale and purchase of Parcel 3, Hender-
40 son Little League, Inc., for sale and purchase of Parcel 4, and Albert
41 T. Benton and Dorothy L. Benton for sale and purchase of Parcel 5
42 are hereby legalized, validated and confirmed.

Approved June 29, 1973.

**JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

**JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

CHAPTER 310

R.E.A. LOANS

H. J. R. 1

A JOINT RESOLUTION proposing to the President of the United States, Richard M. Nixon, United States Secretary of Agriculture, Earl Butz, and members of the Iowa congressional delegation, that the funds being withheld for the rural environmental assistance program (ASCS), the rural electrification administration loan programs (REA), and the rural emergency loans program (FHA) be released.

WHEREAS, soil conservation cost sharing programs have been successful for the past thirty-six years in assisting the people of Iowa, and this nation, in establishing soil conservation practices on their lands, protecting water resources, preventing floods, creating recreational areas and maintaining a productive agricultural base for future generations; and

WHEREAS, the Rural Electrification Administration Loan Programs have provided the people of Iowa an economic energy source for the comfort and welfare of its citizens and the development of a strong agricultural state; and

WHEREAS, the Rural Emergency Loans Program has provided financial assistance to farmers and rural home owners in times of disaster; and

WHEREAS, the United States Department of Agriculture has announced that no future funds would be released for the Rural Environmental Assistance Program or the future funding of loans through the Rural Electrification Administration for the use of Rural Electric Cooperatives and the curtailment of Rural Emergency Loans Program; and

WHEREAS, all of these programs have provided for the economic betterment, comfort and welfare of the citizens of Iowa, and have been catalysts in Iowa's growth, NOW THEREFORE,

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

- 1 That the people of Iowa have benefited from the Rural Environ-
- 2 mental Assistance Program, the Rural Electrification Administration
- 3 Loan Programs, and the Rural Emergency Loans Program, and desire
- 4 to continue to participate in these programs under such terms and con-
- 5 ditions as may be reasonable and therefore respectfully request Presi-
- 6 dent Richard M. Nixon to release the funds for these programs at the
- 7 earliest opportunity.

CHAPTER 311

SOCIAL SERVICES DELINEATION

H. J. R. 22

A JOINT RESOLUTION directing the department of social services to delineate the intent and objectives of programs for young persons at certain institutions under its control.

WHEREAS, the determination of the proper level of appropriations for department, institutions, and programs is a most difficult task without the availability of accurate and detailed information relating to the performance of the departments, institutions, and programs; and

WHEREAS, the members of the general assembly are often requested to appropriate funds for purposes the results of which are not often detailed or the objectives of which are not specified; and

WHEREAS, the members of the general assembly have a sincere concern regarding the rehabilitation of young persons and wish to achieve the objective of aiding young persons to become useful and happy citizens who will participate in society in a manner beneficial to themselves and others; and

WHEREAS, the programs conducted at Mitchellville, Eldora, Toledo, and the Annie Wittenmyer home for young persons should have as their objectives the goal of aiding young persons to become useful and happy citizens who will participate in society in a manner beneficial to themselves and others; and

WHEREAS, there is lacking information in regard to the programs being conducted at Mitchellville, Eldora, Toledo, and the Annie Wittenmyer home which will aid the members of the general assembly to determine the appropriate level of funds to be appropriated to aid in accomplishing the proper rehabilitation of young persons; NOW THEREFORE,

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

1 SECTION 1. The department of social services shall be directed to
2 clearly delineate the intent and the objectives of the programs being
3 carried out for young persons at Mitchellville, Eldora, Toledo, and the
4 Annie Wittenmyer home, including an explanation of the program that
5 each is attempting to deliver, the program goals, and the program
6 expenditures.

1 SEC. 2. The department of social services shall initiate follow-up
2 programs to determine if the intent and objectives of the programs
3 are being accomplished and in so doing the department shall include
4 the viewpoints and recommendations of the young persons who are
5 or have been a part of the programs.

1 SEC. 3. The department of social services shall make a report to
2 the general assembly annually, if possible, but at least biennially, of
3 the information requested in this resolution, including any recommen-
4 dations for administrative or legislative changes designed to accom-
5 plish programs objectives.

CHAPTER 312

NO-FAULT INSURANCE ANALYSES

H. J. R. 19

A JOINT RESOLUTION to approve contracting for cost analyses of no-fault motor vehicle insurance legislation.

WHEREAS, legislation relating to no-fault motor vehicle insurance is under consideration by both houses of the general assembly; and

WHEREAS, meaningful consideration cannot be given to these measures without reliable studies of their projected effects on the cost of motor vehicle insurance; and

WHEREAS, the Ford Foundation and the United States Department of Transportation have made arrangements for providing cost analyses of no-fault insurance proposals to states requesting such service at a reasonable cost through a grant to the National Association of Insurance Commissioners to retain consulting actuaries Milliman and Robertson, Inc. of Chicago, Illinois, NOW THEREFORE,

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

1 SECTION 1. There is appropriated to the legislative service bureau
2 from the general fund of the state commencing with the effective date
3 of this Act, the sum of eight thousand (8,000) dollars, or so much
4 thereof as may be necessary, to be used to contract with the firm of
5 Milliman and Robertson, Inc. of Chicago, Illinois, to provide detailed
6 cost analyses of legislation relating to no-fault motor vehicle insurance
7 including the cost analyses of alternative approaches thereto, specifi-
8 cally including but not limited to a no-threshold approach and consider-
9 ing an adjustment for claimants who will not claim general damages
10 because of prompt payment of expenses. The chairmen of the com-
11 mittees on commerce of the house and senate in consultation with the
12 commissioner of insurance, shall negotiate and enter into a contract
13 with Milliman and Robertson, Inc. to provide such cost analyses. Such
14 analyses shall be provided at the earliest possible date to the chairmen
15 of the house and senate committees on commerce and to each member
16 of the general assembly. The legislative service bureau shall make
17 payments of the funds appropriated by this Act pursuant to the con-
18 tract approved.

1 SEC. 2. Any unencumbered funds not expended as provided in this
2 Act shall revert to the general fund of the state on September 30, 1973.

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

Approved May 24, 1973.

I hereby certify that the foregoing Act, House Joint Resolution 19, was published in the Times-Democrat, Davenport, Iowa, May 28, 1973, and in The Allison Tribune, Allison, Iowa, May 30, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 313

MULTIPURPOSE DAMS

S. J. R. 4

A JOINT RESOLUTION to urge requirement with approved soil conservation practices on land in the watershed of proposed United States Army Corps of Engineers multipurpose dams prior to construction of such dams.

WHEREAS, excessive siltation has lessened the flood control and recreational values of some multipurpose reservoirs now in existence in the state; and

WHEREAS, siltation has deteriorated the water quality and has threatened the anticipated life of existing multipurpose reservoirs; and

WHEREAS, the watershed program under Public Law 566 requires that seventy-five percent of the land above water impounding structures be subject to approved soil conservation practices before construction operations can begin; and

WHEREAS, there is evidence that the accumulation of chemical substances in reservoirs above multipurpose dams has been detrimental to some aquatic life and to some animals which feed upon aquatic life; and

WHEREAS, authoritative studies indicate that construction of some multipurpose dams would drastically disturb the ecological balance of the affected areas; and

WHEREAS, effective long-range land use programs would enhance benefits derived from our natural resources for future generations, NOW THEREFORE,

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

1 SECTION 1. It is the policy of this state regarding construction of
2 multipurpose dams in Iowa by the United States army corps of engi-
3 neers that the United States army corps of engineers be advised that
4 this state desires and urges that before any proposed plans for and
5 construction of multipurpose dams are approved that seventy-five per-
6 cent of the land in the affected watersheds be protected by soil conser-
7 vation practices approved by the department of soil conservation and
8 plans for such proposed dams should be in compliance with other cri-
9 teria established by those public agencies of this state responsible for
10 proper use of our natural resources.

CHAPTER 314

COMPENSATION OF HOUSE MEMBERS

H. J. R. 23

A JOINT RESOLUTION establishing legislative compensation to be paid because of a vacancy resulting in the House membership.

WHEREAS, a vacancy was created in the thirteenth district due to the death of Representative Delbert Trowbridge; and

WHEREAS, this vacancy was filled by the election of Representative Rollin Howell at a special election held on March 27, 1973; and

WHEREAS, some question has arisen with reference to the language in section two point ten (2.10), subsection four (4) of the Code, regarding proportional compensation when a vacancy occurs because it appears that such subsection anticipates that legislative salaries be paid over a twelve month period rather than a six month period as provided in subsection five (5) of section two point ten (2.10) of the Code; and

WHEREAS, the proceedings for computing the proportional compensation of a member of the General Assembly are vague and subject to ambiguity and Article three (III), section nine (9), of the Constitution of the State of Iowa grants to each house of the General Assembly the power to determine its rules and proceedings, NOW THEREFORE,

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

- 1 SECTION 1. Representative Delbert Trowbridge or his surviving
- 2 spouse shall be paid a total of \$1,833.32 in salary for the calendar year
- 3 1973, and Representative Rollin Howell be paid a total of \$4,125 in
- 4 salary for the calendar year 1973.

Approved June 29, 1973.

CHAPTER 315

RULES OF CIVIL PROCEDURE AMENDED

S. F. 514

AN ACT to amend the rules of civil procedure proposed by the supreme court.

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

- 1 SECTION 1. Amend the proposed rules of civil procedure found in
- 2 Senate Journal, January 18, 1973, page 104, Rule thirty-four (34),
- 3 unnumbered paragraph one (1) to read as follows:

4 That "rule ~~31~~ 33" be stricken from line 2 of rule 74 and "rules 33
5 and 34" be substituted, that "(a) AGAINST COPARTIES." be
6 stricken from rule 33, and that rules 33(b) and 34 be stricken and
7 the following be substituted:

- 1 SEC. 2. Amend the proposed rules of civil procedure found in
- 2 Senate Journal, January 18, 1973, page 116, Rule one hundred ninety-
- 3 six (196), by striking subdivision one (1).

1 SEC. 3. Amend the proposed rules of civil procedure found in
2 Senate Journal, January 18, 1973, pages 104 and 105, Rule one hun-
3 dred twenty-two (122), subdivision three (3), unnumbered paragraph
4 two (2) to read as follows:

5 A party may obtain without the required showing a statement con-
6 cerning the action or its subject matter previously made by that party.
7 Upon request, a person not a party may obtain without the required
8 showing a statement concerning the action or its subject matter pre-
9 viously made by that person. If the request is refused, the person may
10 move for a court order. The provisions of rule 134(a)(4) apply to the
11 award of expenses incurred in relation to the motion. For purposes
12 of this paragraph, a statement previously made ~~in~~ is (A) a written
13 statement signed or otherwise adopted or approved by the person
14 making it, or (B) a stenographic, mechanical, electrical, or other
15 recording, or a transcription thereof, which is a substantially verbatim
16 recital of an oral statement by the person making it and contempo-
17 raneously recorded.

1 SEC. 4. Amend the proposed rules of civil procedure found in
2 Senate Journal, January 18, 1973, page 116, Rule two hundred three
3 (203), subdivision two (2), paragraph (a), by adding the following
4 new sentence: However, no general verdict, special verdict, or answers
5 to interrogatories may be rendered by five-sixths of the jurors or less
6 until the jurors have deliberated for a period of not less than six hours
7 after the issues to be decided have been submitted to them.

Approved July 6, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 316

RULES OF CIVIL PROCEDURE

IN THE MATTER OF THE RULES OF CIVIL PROCEDURE	}	REPORT OF THE SUPREME COURT
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To the First Regular Session of the Sixty-fifth General Assembly of the State of Iowa:

1 Pursuant to Sections 684.18 and 684.19, Code 1973, the Supreme
2 Court of Iowa has prescribed and hereby reports to the General
3 Assembly changes in the existing Rules of Civil Procedure as follows:

4 **Rule 8. Injury or death of a minor.**

5 That rule 8 be stricken and the following be substituted:

6 A parent, or the parents, may sue for the expense and actual loss
7 of services, companionship and society resulting from injury to or
8 death of a minor child.

9 **Rule 34. Bringing in new parties—procedure.**

10 That "rule 33" be stricken from line 2 of rule 74 and "rules 33 and
11 34" be substituted, that "(a) AGAINST COPARTIES." be stricken from
12 rule 33, and that rules 33(b) and 34 be stricken and the following
13 be substituted:

14 **Rule 34. Third party practice.**

15 (a) When Defendant May Bring in Third Party. At any time after
 16 commencement of the action a defending party, as a third-party plain-
 17 tiff, may file a cross-petition and cause an original notice to be served
 18 upon a person not a party to the action who is or may be liable to him
 19 for all or part of the plaintiff's claim against him. The third-party
 20 plaintiff need not obtain leave to make the service if he files the cross-
 21 petition not later than 10 days after he files his original answer.
 22 Otherwise he must obtain leave on motion upon notice to all parties
 23 to the action. The person served with the original notice, hereinafter
 24 called the third-party defendant, shall make his defenses to the third-
 25 party plaintiff's claim as provided in rule 85 and his counterclaims
 26 against the third-party plaintiff as provided in rule 29 and cross-
 27 claims against other third-party defendants as provided in rule 33.
 28 The third-party defendant may assert against the plaintiff any de-
 29 fenses which the third-party plaintiff has to the plaintiff's claim.
 30 The third-party defendant may also assert any claim against the
 31 plaintiff arising out of the transaction or occurrence that is the sub-
 32 ject matter of the plaintiff's claim against the third-party plaintiff,
 33 and the plaintiff thereupon shall assert his defenses as provided in
 34 rule 85 and his counterclaims under rule 29. Any party may move to
 35 strike the third-party claim or for its severance or for separate trial.
 36 A third-party defendant may proceed under this rule against any
 37 person not a party to the action who is or may be liable to him for all
 38 or part of the claim made in the action against the third-party de-
 39 fendant.

40 (b) When Plaintiff May Bring in Third Party. When a counter-
 41 claim is asserted against a plaintiff, he may cause a third party to be
 42 brought in under circumstances which under this rule would entitle
 43 a defendant to do so.

44 **Rule 55. Failure to file petition.**

45 That rule 55 be amended by adding thereto the following:

46 Dismissals under this rule shall be without prejudice, but if the
 47 plaintiff has previously dismissed an action against the same de-
 48 fendant in any court of any state or of the United States, including
 49 or based on the same cause, such dismissal shall operate as an ad-
 50 judication against him on the merits unless otherwise ordered by the
 51 court in the interest of justice.

52 **Rule 121. Discovery methods.**

53 That rule 121 be stricken and the following be substituted:

54 Parties may obtain discovery by one or more of the following
 55 methods: depositions upon oral examination or written questions;
 56 written interrogatories; production of documents or things or per-
 57 mission to enter upon land or other property, for inspection and other
 58 purposes; physical and mental examinations; and requests for ad-
 59 mission. Unless the court orders otherwise under rule 123, the fre-
 60 quency of use of these methods is not limited.

61 **Rule 122. Scope of discovery.**

62 That rule 122 be stricken and the following be substituted:

63 Unless otherwise limited by order of the court in accordance with
 64 these rules, the scope of discovery is as follows:

65 (1) In General. Parties may obtain discovery regarding any mat-
66 ter, not privileged, which is relevant to the subject matter involved
67 in the pending action, whether it relates to the claim or defense of
68 the party seeking discovery or to the claim or defense of any other
69 party, including the existence, description, nature, custody, condition
70 and location of any books, documents, or other tangible things and the
71 identity and location of persons having knowledge of any discoverable
72 matter. It is not ground for objection that the information sought
73 will be inadmissible at the trial if the information sought appears
74 reasonably calculated to lead to the discovery of admissible evidence.

75 (2) Insurance Agreements. A party may obtain discovery of the
76 existence and contents of any insurance agreement under which any
77 person carrying on an insurance business may be liable to satisfy part
78 or all of a judgment which may be entered in the action or to indem-
79 nify or reimburse for payments made to satisfy the judgment.
80 Information concerning the insurance agreement is not by reason of
81 disclosure admissible in evidence at trial. For purposes of this para-
82 graph, an application for insurance shall not be treated as part of an
83 insurance agreement.

84 (3) Trial Preparation: Materials. Subject to the provisions of
85 subdivision (4) of this rule, a party may obtain discovery of docu-
86 ments and tangible things otherwise discoverable under subdivision
87 (1) of this rule and prepared in anticipation of litigation or for trial
88 by or for another party or by or for that other party's representative
89 (including his attorney, consultant, surety, indemnitor, insurer, or
90 agent) only upon a showing that the party seeking discovery has
91 substantial need of the materials in the preparation of his case and
92 that he is unable without undue hardship to obtain the substantial
93 equivalent of the materials by other means. In ordering discovery of
94 such materials when the required showing has been made, the court
95 shall protect against disclosure of the mental impressions, conclu-
96 sions, opinions, or legal theories of an attorney or other representative
97 of a party concerning the litigation.

98 A party may obtain without the required showing a statement concern-
99 ing the action or its subject matter previously made by that party.
100 Upon request, a person not a party may obtain without the required
101 showing a statement concerning the action or its subject matter pre-
102 viously made by that person. If the request is refused, the person
103 may move for a court order. The provisions of rule 134(a)(4) apply
104 to the award of expenses incurred in relation to the motion. For pur-
105 poses of this paragraph, a statement previously made in (A) a written
106 statement signed or otherwise adopted or approved by the person
107 making it, or (B) a stenographic, mechanical, electrical, or other
108 recording, or a transcription thereof, which is a substantially ver-
109 batim recital of an oral statement by the person making it and
110 contemporaneously recorded.

111 (4) Trial Preparation: Experts. Except as provided in rule 133,
112 discovery of facts known and opinions held by experts, otherwise dis-
113 coverable under the provisions of subdivision (1) of this rule and
114 acquired or developed in anticipation of litigation or for trial, may
115 be obtained only as follows:

116 (A) (i) A party may through interrogatories require any other
117 party to identify each person whom the other party expects to call

118 as an expert witness at trial, to state the subject matter on which the
 119 expert is expected to testify, and to state the substance of the facts
 120 and opinions to which the expert is expected to testify and a sum-
 121 mary of the grounds for each opinion. (ii) Upon motion, the court
 122 may order further discovery by other means, subject to such re-
 123 strictions as to scope and such provisions, pursuant to subdivision
 124 (4) (C) of this rule, concerning fees and expenses as the court may
 125 deem appropriate.

126 (B) A party may discover facts known or opinions held by an
 127 expert who has been retained or specially employed by another party
 128 in anticipation of litigation or preparation for trial and who is not
 129 expected to be called as a witness at trial, only as provided in rule
 130 133 or upon a showing of exceptional circumstances under which it
 131 is impracticable for the party seeking discovery to obtain facts or
 132 opinions on the same subject by other means.

133 (C) Unless manifest injustice would result, (i) the court shall
 134 require that the party seeking discovery pay the expert a reasonable
 135 fee for time spent in responding to discovery under subdivisions
 136 (4) (A) (ii) and (4) (B) of this rule; and (ii) with respect to discov-
 137 ery obtained under subdivision (4) (A) (ii) of this rule the court may
 138 require, and with respect to discovery obtained under subdivision
 139 (4) (B) of this rule the court shall require, the party seeking discov-
 140 ery to pay the other party a fair portion of the fees and expenses
 141 reasonably incurred by the latter party in obtaining facts and opin-
 142 ions from the expert.

143 **Rule 123. Protective orders.**

144 That rule 123 be stricken and the following be substituted:

145 Upon motion by a party or by the person from whom discovery is
 146 sought or by any person who may be affected thereby, and for good
 147 cause shown, the court in which the action is pending or alternatively,
 148 on matters relating to a deposition, the court in the district where the
 149 deposition is to be taken, may make any order which justice requires
 150 to protect a party or person from annoyance, embarrassment, oppres-
 151 sion, or undue burden or expense, including one or more of the follow-
 152 ing: (1) that the discovery not be had; (2) that the discovery may
 153 be had only on specified terms and conditions, including a designa-
 154 tion of the time or place; (3) that the discovery may be had only by
 155 a method of discovery other than that selected by the party seeking
 156 discovery; (4) that certain matters not be inquired into, or that the
 157 scope of the discovery be limited to certain matters; (5) that discov-
 158 ery be conducted with no one present except persons designated by
 159 the court; (6) that a deposition after being sealed be opened only by
 160 order of the court; (7) that a trade secret or other confidential
 161 research, development, or commercial information not be disclosed
 162 or be disclosed only in a designated way; (8) that the parties simul-
 163 taneously file specified documents or information enclosed in sealed
 164 envelopes to be opened as directed by the court.

165 If the motion for a protective order is denied in whole or in part,
 166 the court may, on such terms and conditions as are just, order that
 167 any party or person provide or permit discovery. The provisions of
 168 rule 134(a)(4) apply to the award of expenses incurred in relation
 169 to the motion.

170 **Rule 124. Sequence and timing of discovery.**

171 That rule 124 be stricken and that the following be substituted:

172 Unless the court upon motion orders otherwise for the convenience
173 of parties and witnesses and in the interests of justice, methods of
174 discovery may be used in any sequence and the fact that a party is
175 conducting discovery, whether by deposition or otherwise, shall not
176 operate to delay any other party's discovery.

177 **Rule 125. Supplementation of responses.**

178 That rule 125 be stricken and the following be substituted:

179 A party who has responded to a request for discovery with a
180 response that was complete when made is under no duty to supple-
181 ment his response to include information thereafter acquired, except
182 as follows:

183 (1) A party is under a duty seasonably to supplement his response
184 with respect to any question directly addressed to (A) the identity
185 and location of persons having knowledge of discoverable matters,
186 and (B) the identity of each person expected to be called as an expert
187 witness at trial, the subject matter on which he is expected to testify,
188 and the substance of his testimony.

189 (2) A party is under a duty seasonably to amend a prior response
190 if he obtains information upon the basis of which (A) he knows that
191 the response was incorrect when made, or (B) he knows that the
192 response though correct when made is no longer true and the cir-
193 cumstances are such that a failure to amend the response is in sub-
194 stance a knowing concealment.

195 (3) A duty to supplement responses may be imposed by order of
196 the court, agreement of the parties, or at any time prior to trial
197 through new requests for supplementation of prior responses.

198 **Rule 126. Interrogatories to parties.**

199 That rule 126 be stricken and the following be substituted:

200 (a) Availability; procedures for use. Except in small claims, any
201 party may file written interrogatories to be answered by another
202 party served or, if the other party is a public or private corporation
203 or a partnership or association or governmental agency, by any
204 officer or agent, who shall furnish such information as is available
205 to the party. Copies of interrogatories and answers shall be filed for
206 each adverse party. Interrogatories may, without leave of court, be
207 directed to the plaintiff after commencement of the action and upon
208 any other party with or after service of the original notice upon that
209 party.

210 The clerk shall deliver a copy of the interrogatories as provided in
211 rule 82, unless a copy shall have been served with an original notice.

212 Each interrogatory shall be answered separately and fully in writ-
213 ing under oath, unless it is objected to, in which event the reasons for
214 objection shall be stated in lieu of an answer. The answers are to be
215 signed by the person making them. The party to whom the inter-
216 rogatories are directed shall file the answers, and objections if any,
217 within 30 days after they are filed, except that a defendant may file
218 answers or objections within 45 days after service of the original
219 notice upon that defendant. The court may allow a shorter or longer
220 time. The party submitting the interrogatories may move for an
221 order under rule 134(a) with respect to any objection to or other

222 failure to answer an interrogatory. Copies of answers shall be de-
223 livered as provided in rule 82.

224 (b) Scope; use at trial. Interrogatories may relate to any matters
225 which can be inquired into under rule 122, and the answers may be
226 used to the extent permitted by the rules of evidence.

227 An interrogatory otherwise proper is not necessarily objectionable
228 merely because an answer to the interrogatory involves an opinion
229 or contention that relates to fact or the application of law to fact,
230 but the court may order that such an interrogatory need not be
231 answered until after designated discovery has been completed or
232 until a pretrial conference or other later time.

233 (c) Option to produce business records. Where the answer to an
234 interrogatory may be derived or ascertained from the business rec-
235 ords of the party upon whom the interrogatory has been served or
236 from an examination, audit or inspection of such business records,
237 or from a compilation, abstract or summary based thereon, and the
238 burden of deriving or ascertaining the answer is substantially the
239 same for the party serving the interrogatory as for the party served,
240 it is a sufficient answer to such interrogatory to specify the records
241 from which the answer may be derived or ascertained and to afford
242 to the party serving the interrogatory reasonable opportunity to
243 examine, audit or inspect such records and to make copies, compila-
244 tions, abstracts or summaries.

245 **Rule 127. Requests for admission.**

246 That rule 127 be stricken and the following be substituted:

247 A party may serve upon any other party a written request for the
248 admission, for purposes of the pending action only, of the truth of
249 any matters within the scope of rule 122 set forth in the request that
250 relate to statements or opinions of fact or of the application of law to
251 fact, including the genuineness of any documents described in the
252 request. Copies of documents shall be served with the request unless
253 they have been or are otherwise furnished or made available for
254 inspection and copying. The request may, without leave of court,
255 be served upon the plaintiff after commencement of the action and
256 upon any other party with or after service of the original notice upon
257 that party.

258 Each matter of which an admission is requested shall be separately
259 set forth. The matter is admitted unless, within 30 days after service
260 of the request, or within such shorter or longer time as the court
261 may on motion allow, the party to whom the request is directed
262 serves upon the party requesting the admission a written answer or
263 objection addressed to the matter, signed by the party or by his
264 attorney, but, unless the court shortens the time, a defendant shall
265 not be required to serve answers or objections before the expiration
266 of 45 days after service of the original notice upon him. If objection
267 is made, the reasons therefor shall be stated. The answer shall
268 specifically deny the matter or set forth in detail the reasons why the
269 answering party cannot truthfully admit or deny the matter. A
270 denial shall fairly meet the substance of the requested admission,
271 and when good faith requires that a party qualify his answer or deny
272 only a part of the matter of which an admission is requested, he shall
273 specify so much of it as is true and qualify or deny the remainder.
274 An answering party may not give lack of information or knowledge

275 as a reason for failure to admit or deny unless he states that he has
276 made reasonable inquiry and that the information known or readily
277 obtainable by him is insufficient to enable him to admit or deny. A
278 party who considers that a matter of which an admission has been
279 requested presents a genuine issue for trial may not, on that ground
280 alone, object to the request; he may, subject to the provisions of
281 rule 134(c), deny the matter or set forth reasons why he cannot
282 admit or deny it.

283 The party who has requested the admission may move to determine
284 the sufficiency of the answers or objections. Unless the court deter-
285 mines that an objection is justified, it shall order that an answer be
286 served. If the court determines that an answer does not comply with
287 the requirements of this rule, it may order either that the matter is
288 admitted or that an amended answer be served. The court may, in
289 lieu of these orders, determine that final disposition of the request
290 be made at a pretrial conference or at a designated time prior to trial.
291 The provisions of rule 134(a)(4) apply to the award of expenses
292 incurred in relation to the motion.

293 **Rule 128. Effect of admission.**

294 That rule 128 be stricken and the following be substituted:

295 Any matter admitted under this rule is conclusively established in
296 the pending action unless the court on motion permits withdrawal
297 or amendment of the admission. Subject to the provisions of rule 138
298 governing amendment of a pretrial order, the court may permit with-
299 drawal or amendment when the presentation of the merits of the
300 action will be subserved thereby and the party who obtained the
301 admission fails to satisfy the court that withdrawal or amendment
302 will prejudice him in maintaining his action or defense on the merits.
303 Any admission made by a party under this rule may be used as an
304 evidentiary admission only in any other proceeding.

305 **Rule 129. Production of documents and things and entry upon
306 land for inspection and other purposes.**

307 That rule 129 be stricken and the following be substituted:

308 Any party may serve on any other party a request (1) to produce
309 and permit the party making the request, or someone acting on his
310 behalf, to inspect and copy, any designated documents (including
311 writings, drawings, graphs, charts, photographs, phono-records, and
312 other data compilations from which information can be obtained,
313 translated, if necessary, by the respondent through detection devices
314 into reasonably usable form), or to inspect and copy, test, or sample
315 any tangible things which constitute or contain matters within the
316 scope of rule 122 and which are in the possession, custody or control
317 of the party upon whom the request is served; or (2) except as other-
318 wise provided by statute, to permit entry upon designated land or
319 other property in the possession or control of the party upon whom
320 the request is served for the purpose of inspection and measuring,
321 surveying, photographing, testing, or sampling the property or any
322 designated object or operation thereon, within the scope of rule 122.

323 **Rule 130. Procedure under rule 129.**

324 That rule 130 be stricken and the following be substituted:

325 The request may, without leave of court, be served upon the plain-
326 tiff after commencement of the action and upon any other party with

327 or after service of the original notice upon that party. The request
328 shall set forth the items to be inspected either by individual item or
329 by category, and describe each item and category with reasonable
330 particularity. The request shall specify a reasonable time, place,
331 and manner of making the inspection and performing the related
332 acts.

333 The party upon whom the request is served shall serve a written
334 response within 30 days after the service of the request, except that
335 a defendant may serve a response within 45 days after service of the
336 original notice upon that defendant. The court may allow a shorter
337 or longer time. The response shall state, with respect to each item
338 or category, that inspection and related activities will be permitted
339 as requested, unless the request is objected to, in which event the
340 reasons for objection shall be stated. If objection is made to part of
341 an item or category, the part shall be specified. The party submitting
342 the request may move for an order under rule 134 with respect to any
343 objection to or other failure to respond to the request or any part
344 thereof, or any failure to permit inspection as requested.

345 **Rule 131. Action for production or entry against persons not parties.**

346 That rule 131 be stricken and the following be substituted:

347 Rules 129 and 130 do not preclude an independent action against a
348 person not a party for production of documents and things and per-
349 mission to enter upon land.
350

351 **Rule 132. Physical and mental examination of persons.**

352 That rule 132 be stricken and the following be substituted:

353 When the mental or physical condition (including the blood group)
354 of a party, or of a person in the custody or under the legal control of
355 a party, is in controversy, the court in which the action is pending
356 may order the party to submit to a physical or mental examination
357 by a physician or to produce for examination the person in his cus-
358 tody or legal control. The order may be made only on motion for good
359 cause shown and upon notice to the person to be examined and to all
360 parties and shall specify the time, place, manner, conditions, and
361 scope of the examination and the person or persons by whom it is
362 to be made.

363 **Rule 133. Report of examining physician.**

364 That rule 133 be stricken and the following be substituted:

365 (a) If requested by the party against whom an order is made
366 under rule 132 or the person examined, the party causing the exami-
367 nation to be made shall deliver to him a copy of a detailed written
368 report of the examining physician setting out his findings, including
369 results of all tests made, diagnosis and conclusions, together with
370 like reports of all earlier examinations of the same condition. After
371 delivery the party causing the examination shall be entitled upon
372 request to receive from the party against whom the order is made
373 a like report of any examination, previously or thereafter made, of
374 the same condition, unless, in the case of a report of examination of
375 a person not a party, the party shows that he is unable to obtain it.
376 The court on motion may make an order against a party requiring
377 delivery of a report on such terms as are just, and if a physician fails

378 or refuses to make a report the court may exclude his testimony if
379 offered at the trial.

380 (b) By requesting and obtaining a report of the examination so
381 ordered or by taking the deposition of the examiner, the party
382 examined waives any privilege he may have in that action or any
383 other involving the same controversy, regarding the testimony of
384 every other person who has examined or may thereafter examine him
385 in respect of the same mental or physical condition.

386 (c) This rule applies to examination made by agreement of the
387 parties, unless the agreement expressly provides otherwise. This rule
388 does not preclude discovery of a report of an examining physician or
389 the taking of a deposition of the physician in accordance with the
390 provisions of any other rule or statute.

391 **Rule 134. Failure to make discovery: consequences.**

392 That rule 134 be stricken and the following be substituted:

393 (a) Motion for order compelling discovery. A party, upon reason-
394 able notice to other parties and all persons affected thereby, may
395 apply for an order compelling discovery as follows:

396 (1) Appropriate court. An application for an order to a party may
397 be made to the court in which the action is pending, or, on matters
398 relating to a deposition, to the court in the district where the deposi-
399 tion is being taken. An application for an order to a deponent who
400 is not a party shall be made to the court in the district where the
401 deposition is being taken.

402 (2) Motion. If a deponent fails to answer a question propounded
403 or submitted under rule 140 or 150, or a corporation or other entity
404 fails to make a designation under rule 147(e), or a party fails to
405 answer an interrogatory submitted under rule 126, or if a party, in
406 response to a request for inspection submitted under rule 129, fails
407 to respond that inspection will be permitted as requested or fails to
408 permit inspection as requested, the discovering party may move for
409 an order compelling an answer, or a designation, or an order com-
410 pelling inspection in accordance with the request. When taking a
411 deposition on oral examination, the proponent of the question may
412 complete or adjourn the examination before he applies for an order.

413 In ruling on such motion, the court may make such protective order
414 as it would have been empowered to make on a motion made pursuant
415 to rule 123.

416 (3) Evasive or incomplete answer. For purposes of this subdivi-
417 sion an evasive or incomplete answer is to be treated as a failure to
418 answer.

419 (4) Award of expenses of motion. If the motion is granted, the
420 court shall, after opportunity for hearing, require the party or
421 deponent whose conduct necessitated the motion or the party or
422 attorney advising such conduct or both of them to pay to the moving
423 party the reasonable expenses incurred in obtaining the order, includ-
424 ing attorney's fees, unless the court finds that the opposition to the
425 motion was substantially justified or that other circumstances make
426 an award of expenses unjust.

427 If the motion is denied, the court shall, after opportunity for hear-
428 ing, require the moving party or the attorney advising the motion
429 or both of them to pay to the party or deponent who opposed the
430 motion the reasonable expenses incurred in opposing the motion,

431 including attorney's fees, unless the court finds that the making of
432 the motion was substantially justified or that other circumstances
433 make an award of expenses unjust.

434 If the motion is granted in part and denied in part, the court may
435 apportion the reasonable expenses incurred in relation to the motion
436 among the parties and persons in a just manner.

437 (b) Failure to comply with order.

438 (1) Sanctions by court in district where deposition is taken. If a
439 deponent fails to be sworn or to answer a question after being directed
440 to do so by the court in the district in which the deposition is being
441 taken, the failure may be considered a contempt of that court.

442 (2) Sanctions by court in which action is pending. If a party or
443 an officer, director, or managing agent of a party or a person desig-
444 nated under rule 147(e) to testify on behalf of a party fails to obey
445 an order to provide or permit discovery, including an order made
446 under subdivision (a) of this rule or rule 132, the court in which the
447 action is pending may make such orders in regard to the failure as
448 are just, and among others the following:

449 (A) An order that the matters regarding which the order was
450 made or any other designated facts shall be taken to be established
451 for the purposes of the action in accordance with the claim of the
452 party obtaining the order;

453 (B) An order refusing to allow the disobedient party to support
454 or oppose designated claims or defenses, or prohibiting him from
455 introducing designated matters in evidence;

456 (C) An order striking out pleadings or parts thereof, or staying
457 further proceedings until the order is obeyed, or dismissing the action
458 or proceeding or any part thereof, or rendering a judgment by default
459 against the disobedient party;

460 (D) In lieu of any of the foregoing orders or in addition thereto,
461 an order treating as a contempt of court the failure to obey any orders
462 except an order to submit to a physical or mental examination.

463 In lieu of any of the foregoing orders or in addition thereto, the
464 court shall require the party failing to obey the order or the attorney
465 advising him or both to pay the reasonable expenses, including attor-
466 ney's fees, caused by the failure, unless the court finds that the
467 failure was substantially justified or that other circumstances make
468 an award of expenses unjust.

469 (c) Expenses on failure to admit. If a party fails to admit the
470 genuineness of any document or the truth of any matter as requested
471 under rule 127, and if the party requesting the admissions thereafter
472 proves the genuineness of the document or the truth of the matter, he
473 may apply to the court for an order requiring the other party to pay
474 him the reasonable expenses incurred in making that proof, including
475 reasonable attorney's fees. The court shall make the order unless it
476 finds that (1) the request was held objectionable pursuant to rule 127,
477 or (2) the admission sought was of no substantial importance, or
478 (3) the party failing to admit had reasonable ground to believe that
479 he might prevail on the matter, or (4) there was other good reason
480 for the failure to admit.

481 (d) Failure of party to attend at own deposition or serve answers
482 to interrogatories or respond to request for inspection. If a party
483 or an officer, director, or managing agent of a party or a person

484 designated under rule 147(e) to testify on behalf of a party fails
485 (1) to appear before the officer who is to take his deposition, after
486 being served with a proper notice, or (2) to serve answers or objec-
487 tions to interrogatories submitted under rule 126, after proper service
488 of the interrogatories, or (3) to serve a written response to a request
489 for inspection submitted under rule 129, after proper service of the
490 request, the court in which the action is pending on motion may make
491 such orders in regard to the failure as are just, and among others
492 it may take any action authorized under paragraphs (A), (B), and
493 (C) of subdivision (b)(2) of this rule. In lieu of any order or in
494 addition thereto, the court shall require the party failing to act or
495 the attorney advising him or both to pay the reasonable expenses,
496 including attorney's fees, caused* by the failure, unless the court finds
497 that the failure was substantially justified or that other circum-
498 stances make an award of expenses unjust.

499 The failure to act described in this subdivision may not be excused
500 on the ground that the discovery sought is objectionable unless the
501 party failing to act has applied for a protective order as provided by
502 rule 123.

503 **Rule 140. Depositions upon oral examination.**

504 That rule 140 be stricken and the following be substituted:

505 (a) When depositions may be taken. After commencement of the
506 action, any party may take the testimony of any person, including a
507 party, by deposition upon oral examination. Leave of court, granted
508 with or without notice, must be obtained only if the plaintiff seeks
509 to take a deposition prior to the expiration of 10 days after the
510 appearance date for any defendant, except that leave is not required
511 (1) if a defendant has served a notice of taking deposition or other-
512 wise sought discovery, or (2) if special notice is given as provided
513 in subdivision (b)(2) of this rule. The attendance of witnesses may
514 be compelled by subpoena as provided in rule 155. The deposition of
515 a person confined in prison may be taken only by leave of court on
516 such terms as the court prescribes.

517 (b) Notice of examination: General Requirements: Special Notice:
518 Nonstenographic recording: production of documents and things:
519 Deposition of organization.

520 (1) A party desiring to take the deposition of any person upon oral
521 examination shall give reasonable notice in writing to every other
522 party to the action. The notice shall state the time and place for
523 taking the deposition and the name and address of each person to be
524 examined, if known, and, if the name is not known, a general descrip-
525 tion sufficient to identify him or the particular class or group to
526 which he belongs. If a subpoena duces tecum is to be served on the
527 person to be examined, the designation of the materials to be pro-
528 duced as set forth in the subpoena shall be attached to or included
529 in the notice.

530 (2) Leave of court is not required for the taking of a deposition
531 by plaintiff if the notice (A) states that the person to be examined is
532 about to go out of the state and will be unavailable for examination
533 unless his deposition is taken before expiration of the 30-day period,
534 and (B) sets forth facts to support the statement. The plaintiff's

*According to enrolled Act.

535 attorney shall sign the notice, and his signature constitutes a certi-
 536 fication by him that to the best of his knowledge, information, and
 537 belief the statement and supporting facts are true.

538 If a party shows that when he was served with notice under this
 539 subdivision (b) (2) he was unable through the exercise of diligence
 540 to obtain counsel to represent him at the taking of the deposition,
 541 the deposition may not be used against him.

542 (3) The court may for cause shown enlarge or shorten the time for
 543 taking the deposition.

544 (4) The court may upon motion order that the testimony at a
 545 deposition be recorded by other than stenographic means, in which
 546 event the order shall designate the manner of recording, preserving,
 547 and filing the deposition, and may include other provisions to assure
 548 that the recorded testimony will be accurate and trustworthy. If the
 549 order is made, a party may nevertheless arrange to have a steno-
 550 graphic transcription made at his own expense.

551 (5) The notice to a party deponent may be accompanied by a re-
 552 quest made in compliance with rules 129 and 130 for the production
 553 of documents and tangible things at the taking of the deposition.
 554 The procedure of rule 130 shall apply to the request.

555 (c) Failure to attend or to serve subpoena; expenses.

556 (1) If the party giving the notice of the taking of a deposition fails
 557 to attend and proceed therewith and another party attends in person
 558 or by attorney pursuant to the notice, the court may order the party
 559 giving the notice to pay to such other party the reasonable expenses
 560 incurred by him and his attorney in attending, including reasonable
 561 attorney's fees.

562 (2) If the party giving the notice of the taking of a deposition of
 563 a witness fails to serve a subpoena upon him and the witness does not
 564 attend because of such failure, and if another party attends in person
 565 or by attorney because he expects the deposition of that witness to be
 566 taken, the court may order the party giving the notice to pay to such
 567 other party the reasonable expenses incurred by him and his attorney
 568 attending, including reasonable attorney's fees.

569 **Rule 141. Restrictions.**

570 That rule 141 be stricken and the following be substituted:

571 In small claims, depositions for discovery may not be taken unless
 572 leave of court is first obtained on notice and showing of just cause
 573 therefor and upon such terms as justice may require.

574 **Rule 143. Witness lists.**

575 That rule 143 be stricken and the following be substituted:

576 Except as provided in rule 122, a party shall not be required to list
 577 the witnesses expected to be called at trial.

578 **Rule 147(e). Oral examination—notice.**

579 That the following paragraph be added to rule 147:

580 (e) A party may in his notice and in a subpoena name as the
 581 deponent a public or private corporation or a partnership or associa-
 582 tion or governmental agency and describe with reasonable particu-
 583 larity the matters on which examination is requested. In that event,
 584 the organization so named shall designate one or more officers, direc-
 585 tors, or managing agents, or other persons who consent to testify on

586 its behalf, and may set forth, for each person designated, the matters
587 on which he will testify. A subpoena shall advise a non-party
588 organization of its duty to make such a designation. The persons
589 so designated shall testify as to matters known or reasonably avail-
590 able to the organization. This paragraph does not preclude taking a
591 deposition by any other procedure authorized in these rules.

592 **Rule 148. Conduct of oral examination.**

593 That rule 148 be stricken and the following be substituted:

594 (a) Examination and cross-examination; record of examination;
595 oath; objections. Examination and cross-examination of witnesses
596 may proceed as permitted at the trial. The officer before whom the
597 deposition is to be taken shall put the witness on oath and shall
598 personally, or by someone acting under his direction and in his
599 presence, record the testimony of the witness. The testimony shall
600 be taken stenographically or recorded by any other means ordered
601 in accordance with rule 140(b) (4). If requested by one of the parties,
602 the testimony shall be transcribed. All objections made at the time
603 of the examination to the qualifications of the officer taking the
604 deposition, or to the manner of taking it, or to the evidence presented,
605 or to the conduct of any party, and any other objection to the pro-
606 ceedings, shall be noted by the officer upon the deposition. Evidence
607 objected to shall be taken subject to the objections. In lieu of par-
608 ticipating in the oral examination, parties may serve written ques-
609 tions in a sealed envelope on the party taking the deposition and he
610 shall transmit them to the officer, who shall propound them to the
611 witness and record the answers verbatim.

612 (b) Motion to terminate or limit examination. At any time during
613 the taking of the deposition, on motion of a party or of the deponent
614 and upon a showing that the examination is being conducted in bad
615 faith or in such manner as unreasonably to annoy, embarrass, or
616 oppress the deponent or party, the court in which the action is pend-
617 ing or the court in the district where the deposition is being taken
618 may order the officer conducting the examination to cease forthwith
619 from taking the deposition, or may limit the scope and manner of the
620 taking of the deposition as provided in rule 123. If the order made
621 terminates the examination, it shall be resumed thereafter only upon
622 the order of the court in which the action is pending. Upon demand
623 of the objecting party or deponent, the taking of the deposition shall
624 be suspended for the time necessary to make a motion for an order.
625 The provisions of rule 134(a) (4) apply to the award of expenses
626 incurred in relation to the motion.

627 **Rule 149. Reading and signing.**

628 That rule 149(b) be stricken and the following be substituted:

629 (b) Submission to witness; changes, signing. In other cases, when
630 the testimony is fully transcribed the deposition shall be submitted
631 to the witness for examination and shall be read to or by him, unless
632 such examination and reading are waived by the witness and by the
633 parties. Any changes in form or substance which the witness desires
634 to make shall be entered upon the deposition by the officer with a
635 statement of the reasons given by the witness for making them. If
636 rule 149(a) is not applicable, the deposition shall then be signed by
637 the witness, unless the parties by stipulation waive the signing or

638 the witness is ill or dead or cannot be found or refuses to sign. If
 639 the deposition is not signed by the witness within 30 days of its sub-
 640 mission to him, the officer shall sign it and state on the record the
 641 fact of the waiver or of the illness, death, or absence of the witness
 642 or the fact of the refusal to sign together with the reason, if any,
 643 given therefor; and the deposition may then be used as fully as
 644 though signed unless on a motion to suppress under rule 158(f) the
 645 court holds that the reason given for the refusal to sign require
 646 rejection of the deposition in whole or in part.

647 **Rule 152. Certification and return—copies.**

648 That subsections (a) and (c) of rule 152 be stricken and the follow-
 649 ing be substituted:

650 (a) The officer shall certify on the deposition that the witness was
 651 duly sworn by him and that the deposition is a true record of the
 652 testimony given by the witness. He shall then securely seal the
 653 deposition in an envelope endorsed with the title of the action and
 654 marked "Deposition of (here insert name of witness)" and shall
 655 promptly file it with the court in which the action is pending or send
 656 it by registered or certified mail to the clerk thereof for filing.

657 Documents and things produced for inspection during the examina-
 658 tion of the witness shall, upon the request of a party, be marked for
 659 identification and annexed to and returned with the deposition, and
 660 may be inspected and copied by any party, except that (A) the person
 661 producing the materials may substitute copies to be marked for
 662 identification, if he affords to all parties fair opportunity to verify
 663 the copies by comparison with the originals, and (B) if the person
 664 producing the materials requests their return, the officer shall mark
 665 them, give each party an opportunity to inspect and copy them, and
 666 return them to the person producing them, and the materials may
 667 then be used in the same manner as if annexed to and returned with
 668 the deposition. Any party may move for an order that the original
 669 be annexed to and returned with the deposition to the court, pending
 670 final disposition of the case.

671 (c) Upon payment of reasonable charges therefor, the officer shall
 672 furnish a copy of the deposition to any party or to the deponent.

673 **Rule 155. Subpoena.**

674 That rule 155 be stricken and the following be substituted:

675 (a) On application of any party, or proof of service of a notice to
 676 take depositions under rule 147 or rule 150, the clerk of court where
 677 the action is pending shall issue subpoenas for persons named in and
 678 described in said notice or application. Subpoenas may also be issued
 679 as provided by statute:

680 (b) No resident of Iowa shall be thus subpoenaed to attend out of
 681 the county where he resides, or is employed, or transacts his business
 682 in person.

683 (c) A subpoena may also command the person to whom it is
 684 directed to produce the books, papers, documents or tangible things
 685 designated therein; but the court, upon motion promptly made by the
 686 person to whom the subpoena is directed, or by any other person
 687 stating an interest in the documents affected, and in any event at or
 688 before the time specified in the subpoena for compliance therewith,
 689 may (1) quash or modify the subpoena if it is unreasonable and

690 oppressive or (2) condition denial of the motion upon the advance-
691 ment by the person in whose behalf the subpoena is issued of the
692 reasonable cost of producing the books, papers, documents or tangible
693 things.

694 **Rule 179. Findings of court.**

695 That the first sentence of rule 179(b) be stricken and the following
696 be substituted:

697 On motion joined with or filed within the time allowed for a motion
698 for new trial, the findings and conclusions may be enlarged or
699 amended and the judgment or decree modified accordingly or a
700 different judgment or decree substituted.

701 **Rule 196. Instructions.**

702 1. That present rule 196 be designated paragraph "(a)" of rule 196.

703 2. That the following sentence be stricken from present rule 196:
704 "Before reading them to the jury, the court shall submit to counsel
705 its instructions in their final form, noting this fact of record, and
706 granting reasonable time for counsel to make objections after argu-
707 ment to the jury and before the instructions are read to the jury.";
708 and that the following be substituted:

709 "Before jury arguments, the court shall give to each counsel a copy
710 of its instructions in their final form, noting this fact of record and
711 granting reasonable time for counsel to make objections, which shall
712 be made and ruled on before arguments to the jury."

713 **Rule 203. Rendering verdict.**

714 1. That the title to rule 203 be changed to "rule 203. **Rendering**
715 **verdict and answering interrogatories.**"

716 2. That rule 203(a) and 203(b) be stricken and the following be
717 substituted:

718 (a) Number. Before a general verdict, special verdicts, or answers
719 to interrogatories are returned, the parties may stipulate that the
720 finding may be rendered by a stated majority of the jurors. In the
721 absence of such stipulation, a general verdict, special verdicts, or
722 answers to interrogatories may be rendered by five-sixths of the
723 jurors.

724 (b) Return—poll. The jury agreeing on a general verdict, special
725 verdicts, or answers to interrogatories shall bring the finding into
726 court where it shall be read to the jury and inquiry made if it is the
727 jury's finding. A party may then require a poll, whereupon the court
728 or clerk shall ask each juror if it is his finding. If the required
729 number of jurors do not express agreement, the jury shall be sent
730 out for further deliberation; otherwise, the finding is complete and
731 the jury shall be discharged.

732 3. That the word "verdict" be stricken in line 3 of rule 203(c), and
733 "finding" be substituted.

734 **Rule 204. Form and entry of verdict.**

735 That rule 204 be stricken and the following be substituted:

736 **Rule 204. Form and entry of verdicts.** General verdicts, special
737 verdicts, and answers to interrogatories shall be in writing. When
738 unanimous they shall be signed by the foreman chosen by the
739 jury, and when they are not unanimous they shall be signed by
740 all jurors concurring therein. They shall be sufficient in form if

741 they express the intent of the jury. They shall be filed with the
742 clerk and be entered of record after being put in form by the court
743 if need be.

744 **Rule 248. Nonwaiver.**

745 That rule 248 be stricken and the following substituted:

746 **Rule 248. Conditional rulings on grant of motion.** Any motion
747 may be filed under rule 243 or 244 without waiving the right to file or
748 rely on any other of such motions.

749 (a) If the motion for judgment notwithstanding the verdict pro-
750 vided for in rule 243 is granted, the court shall also rule on the motion
751 for a new trial, if any, by determining whether it should be granted
752 if the judgment is thereafter vacated or reversed, and shall specify
753 the grounds for granting or denying the motion for the new trial.
754 If the motion for a new trial is thus conditionally granted, the order
755 thereon does not affect the finality of the judgment. In case the
756 motion for a new trial has been conditionally granted and the judg-
757 ment is reversed on appeal, the new trial shall proceed unless other-
758 wise ordered by the supreme court. In case the motion for a new trial
759 has been conditionally denied, the appellee on appeal may assert error
760 in that denial; and if the judgment is reversed on appeal, subsequent
761 proceedings shall be in accordance with the order of the supreme
762 court.

763 (b) The party whose verdict has been set aside on motion for judg-
764 ment notwithstanding the verdict may file a motion for a new trial
765 pursuant to rule 244, not later than 10 days after the entry of the
766 judgment notwithstanding the verdict.

767 **Rule 297. Paying small sums.**

768 That rule 297 be amended by striking "five hundred dollars" in lines
769 3 and 4 and by substituting "one thousand dollars."

770 **Rule 319. Limitation.**

771 That the words "six months" be stricken from line three of rule 319
772 and "thirty days" be substituted.

773 **Rule 369. Effect of notice by posting.**

774 That rule 369 be stricken and the following be substituted:
775 Notice by posting shall not have legal effect except where expressly
776 authorized by statute.

777 Respectfully submitted,
778 THE SUPREME COURT OF IOWA
779 s/ C. EDWIN MOORE,
780 CHIEF JUSTICE

781 Des Moines, Iowa

782 January 18, 1973

783 **ACKNOWLEDGEMENT**

784 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa,
785 hereby acknowledge delivery to me on the 18th day of January, 1973

786 of the foregoing report of the Supreme Court of Iowa pertaining to
787 Rules of Civil Procedure.

788 s/ CARROLL A. LANE
789 Secretary of the Senate
790 1973 Regular Session
791 Sixty-fifth General Assembly
792 of the State of Iowa

793 ACKNOWLEDGEMENT

794 I, William H. Harbor, Chief Clerk of the House of Representatives
795 of the State of Iowa, hereby acknowledge delivery to me on this 18th
796 day of January, 1973 of the foregoing report of the Supreme Court of
797 Iowa pertaining to Rules of Civil Procedure.

798 s/ WILLIAM H. HARBOR
799 Chief Clerk of the
800 House of Representatives
801 1973 Regular Session
802 Sixty-fifth General Assembly
803 of the State of Iowa

804 CERTIFICATE

805 I, Arthur A. Neu, do hereby certify that I am the President of the
806 Senate of the 1973 Regular Session of the Sixty-fifth General Assem-
807 bly of the State of Iowa; and I, Ralph R. Brown, do hereby certify
808 that I am the Secretary of the Senate of the 1973 Regular Session
809 of the Sixty-fifth General Assembly of the State of Iowa, and we do
810 hereby jointly certify that as such President and Secretary that on
811 the eighteenth day of January, 1973, the Supreme Court of the State
812 of Iowa reported to said Senate, and filed with it, the attached and
813 foregoing modifications, amendments, revisions and additions to the
814 Rules of Civil Procedure, heretofore reported by said Supreme Court
815 to the Fiftieth General Assembly of the State of Iowa;

816 THAT the date of making said report to the 1973 Regular Session
817 of the Sixty-fifth General Assembly was within the twenty days sub-
818 sequent to the convening of the 1973 Regular Session of the Sixty-
819 fifth General Assembly;

820 THAT no other report pertaining to the Rules of Civil Procedure
821 was made or filed by said Supreme Court with said Senate;

822 THAT there was enacted at such 1973 Regular Session of the Sixty-
823 fifth General Assembly an Act known as Senate File 514, wherein:

824 (1) Proposed Rule thirty-four (34), unnumbered para-
825 graph one (1) was amended to read as follows:

826 That "Rule ~~31~~ 33" be stricken from line 2 of rule
827 74 and "rules 33 and 34" be substituted, that "(a)
828 AGAINST COPARTIES." be stricken from rule 33, and
829 that rules 33(b) and 34 be stricken and the following
830 be substituted:

831 (2) Proposed Rule one hundred ninety-six (196) was
832 amended by striking subdivision one (1).

833 (3) Proposed Rule one hundred twenty-two (122) sub-
834 division three (3), unnumbered paragraph two (2) was
835 amended to read as follows:

836 A party may obtain without the required showing a state-
837 ment concerning the action or its subject matter previously

838 made by that party. Upon request, a person not a party may
 839 obtain without the required showing a statement concerning
 840 the action or its subject matter previously made by that
 841 person. If the request is refused, the person may move for
 842 a court order. The provisions of rule 134(a)(4) apply to
 843 the award of expenses incurred in relation to the motion.
 844 For purposes of this paragraph, a statement previously
 845 made *in is* (A) a written statement signed or otherwise
 846 adopted or approved by the person making it, or (B) a
 847 stenographic, mechanical, electrical, or other recording, or
 848 a transcription thereof, which is a substantially verbatim
 849 recital of an oral statement by the person making it and
 850 contemporaneously recorded.

851 (4) Proposed Rule two hundred three (203), subdivision
 852 two (2), paragraph (a) was amended by adding the follow-
 853 ing new sentence:

854 However, no general verdict, special verdict, or
 855 answers to interrogatories may be rendered by five-
 856 sixths of the jurors or less until the jurors have
 857 deliberated for a period of not less than six hours
 858 after the issues to be decided have been submitted
 859 to them.

860 THAT no other or different changes, modifications, amendments,
 861 revisions or additions to the Rules of Civil Procedure were made or
 862 enacted at such 1973 Regular Session of said Sixty-fifth General
 863 Assembly.

864 Signed this twenty-fourth day of June, 1973, being the last legis-
 865 lative day of the 1973 Regular Session of the Sixty-fifth General
 866 Assembly.

867 s/ ARTHUR A. NEU
 868 President of the Senate

869 s/ RALPH R. BROWN
 870 Secretary of the Senate
 871 1973 Regular Session of the Sixty-
 872 fifth General Assembly of the State
 873 of Iowa

874 CERTIFICATE

875 I, Andrew Varley, do hereby certify that I am the Speaker of the
 876 House of Representatives of the 1973 Regular Session of the Sixty-
 877 fifth General Assembly of the State of Iowa; and I, William H.
 878 Harbor, do hereby certify that I am the Chief Clerk of the House of
 879 Representatives of the 1973 Regular Session of the Sixty-fifth Gen-
 880 eral Assembly of the State of Iowa, and we do hereby jointly certify
 881 that as such Speaker and Chief Clerk that on the eighteenth day of
 882 January, 1973, the Supreme Court of the State of Iowa reported to
 883 said House of Representatives, and filed with it, the attached and
 884 foregoing modifications, amendments, revisions and additions to the
 885 Rules of Civil Procedure, heretofore reported by said Supreme Court
 886 to the Fiftieth General Assembly of the State of Iowa;

887 THAT the date of making said report to the 1973 Regular Session
 888 of the Sixty-fifth General Assembly was within the twenty days sub-

889 sequent to the convening of the 1973 Regular Session of the Sixty-
890 fifth General Assembly;

891 THAT no other report pertaining to the Rules of Civil Procedure
892 was made or filed by said Supreme Court with said House of Repre-
893 sentatives;

894 THAT there was enacted at such 1973 Regular Session of the Sixty-
895 fifth General Assembly an Act known as Senate File 514, wherein:

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897 graph one (1) was amended to read as follows:

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899 74 and "rules 33 and 34" be substituted, that "(a)
900 AGAINST COPARTIES." be stricken from rule 33, and
901 that rules 33(b) and 34 be stricken and the following
902 be substituted:

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904 amended by striking subdivision one (1).

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906 division three (3), unnumbered paragraph two (2) was
907 amended to read as follows:

908 A party may obtain without the required showing a state-
909 ment concerning the action or its subject matter previously
910 made by that party. Upon request, a person not a party may
911 obtain without the required showing a statement concerning
912 the action or its subject matter previously made by that
913 person. If the request is refused, the person may move for
914 a court order. The provisions of rule 134(a)(4) apply to
915 the award of expenses incurred in relation to the motion.
916 For purposes of this paragraph, a statement previously
917 made *in is* (A) a written statement signed or otherwise
918 adopted or approved by the person making it, or (B) a
919 stenographic, mechanical, electrical, or other recording, or
920 a transcription thereof, which is a substantially verbatim
921 recital of an oral statement by the person making it and
922 contemporaneously recorded.

923 (4) Proposed Rule two hundred three (203), subdivision
924 two (2), paragraph (a) was amended by adding the follow-
925 ing new sentence:

926 However, no general verdict, special verdict, or
927 answers to interrogatories may be rendered by five-
928 sixths of the jurors or less until the jurors have
929 deliberated for a period of not less than six hours
930 after the issues to be decided have been submitted
931 to them.

932 THAT no other or different changes, modifications, amendments,
933 revisions or additions to the Rules of Civil Procedure were made or
934 enacted at such 1973 Regular Session of said Sixty-fifth General
935 Assembly.

936 Signed this twenty-fourth day of June, 1973, being the last legis-

937 lative day of the 1973 Regular Session of the Sixty-fifth General
 938 Assembly.
 939 s/ ANDREW VARLEY
 940 Speaker of the House
 941 s/ WILLIAM H. HARBOR
 942 Chief Clerk of the
 943 House of Representatives
 944 1973 Regular Session of the Sixty-
 945 fifth General Assembly of the State
 946 of Iowa

SENATE CONCURRENT RESOLUTION 12

By Committee on Higher Education

WHEREAS, chapter two hundred sixty-three A (263A), Code 1973, provides that the state board of regents after authorization by a constitutional majority of the General Assembly may carry out any project as defined in that chapter of the Code at the state university of Iowa; and

WHEREAS, chapter two hundred sixty-three A (263A), Code 1973, authorizes the state board of regents to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out such projects at the institution payable solely and only from and secured by an irrevocable pledge of a sufficient portion of the University Hospital Income; and

WHEREAS, many of the facilities of the hospitals at the state university of Iowa were built between forty and fifty years ago and are inadequate to meet present and future demands for statewide medical and teaching services; and

WHEREAS, said inadequacy exists in operating room facilities which are located in several different areas at the university hospitals and are not designed for today's advanced surgical techniques and workload of more than fifteen thousand operations annually; and

WHEREAS, present space available for radiological services, one of the most important fields in modern medicine, is less than that recommended by the U. S. Public Health Services for a prototype hospital of five hundred beds although the university hospitals have eleven hundred ninety-two beds; and

WHEREAS, the out-patient clinical facilities are located in widely separated areas of the hospitals and seriously encumber the ability of the clinical specialists to handle almost one-quarter million patient visits annually and concentration of these services in a single area will greatly facilitate services to patients and training for family practice, and improve efficiency; and

WHEREAS, twenty percent or two hundred forty of the beds serving annually more than thirty-three thousand in-patients are located in large sixteen- to twenty-bed wards and do not meet the standards established for Medicare patients or the demands by private patients and, further, detailed studies have shown that remodeling these existing large wards into smaller units would be prohibitively costly and create insurmountable problems in teaching; and

WHEREAS, to alleviate these conditions, the state board of regents requests authorization to construct an eight-story addition of one hundred sixty-eight thousand gross square feet north of the general hospital, to house an operating room suite and facilities, a diagnostic radiology section, out-patient clinic, and in-patient facilities for eighty beds, at an estimated total cost of thirteen million nine hundred thousand dollars (\$13,900,000) of which not more than ten million dollars (\$10,000,000) would be financed by borrowing under the provisions of chapter two hundred sixty-three A (263A), Code 1973, and the remainder to be financed by other funds; Now THEREFORE

Be It Resolved by the Senate the House Concurring, that the state board of regents be and is hereby authorized to construct an addition of one hundred sixty-eight thousand gross square feet of floor space, more or less, to the general hospital of the state university of Iowa to house an operating room suite and facilities, a diagnostic radiology section, out-patient clinic, and in-patient facilities at an estimated cost of thirteen million nine hundred thousand dollars (\$13,900,000) of which not more than ten million (\$10,000,000) would be financed by borrowing authorized by the provisions of chapter two hundred sixty-three A (263A), Code 1973.

Approved June 13, 1973.

SENATE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, HCR 42, page 684]

- SCR 1 Inauguration of Governor and the Lieutenant Governor, joint committee named to make arrangements. Adopted, S. J. 10; Adopted, H. J. 19.
- SCR 2 Code of Iowa and Session Laws to legislature and staff and certain members of the press. Adopted, S. J. 9; Adopted, H. J. 15.
- SCR 3 Bills and journals to county auditors. Adopted, S. J. 10; Adopted, H. J. 15, 16.
- SCR 4 Spring recess, Friday, March 9, 1973, to reconvene Monday, March 19, 1973. Adopted S. J. 52; Adopted H. J. 203.
- SCR 5 Mailing of bills and journals to Iowa senators and congressmen. Adopted, S. J. 52; Adopted, H. J. 203.
- SCR 6 Compensation of joint legislative employees of the Sixty-fifth General Assembly. Adopted, S. J. 52, 53; Adopted, H. J. 73.
- SCR 7 Compensation of chaplains, officers and employees of the Sixty-fifth General Assembly. Adopted, S. J. 55-58; Adopted, H. J. 73.
- SCR 8 Job qualification standards for employees of the General Assembly, committee to study and report findings. Introduced, S. J. 63, 64.
- SCR 9 The "right of life" not to be denied. Introduced, S. J. 100, 101.
- SCR 10 Snow removal procedures for capitol complex during legislative sessions. Adopted, S. J. 134, 135; H. J. 162.
- SCR 11 Shuttle-bus service from parking area to capitol during inclement weather. Adopted, S. J. 128, 129; Adopted, H. J. 162.
- SCR 12 Board of Regents, authorization to construct addition to general hospital of the state university of Iowa. Adopted, S. J. 505-507; Substituted for HCR 16, H. J. 1458). (Approved by Governor June 13, 1973—see page 679 herein.)
- SCR 13 Pioneer Lawmakers invited to joint session, April 5, 1973. Adopted, S. J. 180; Adopted, H. J. 219.
- SCR 14 Gen. Joseph G. May, Col. Eric P. Berner, 186th Military Police Co. and Iowa National Guard, commended for exceptional job in arranging inaugural ceremonies. Adopted, S. J. 180; Adopted, H. J. 219.
- SCR 15 Ledges State Park, minimizing adverse environmental consequences resulting from Saylorville Lake Project. Adopted, S. J. 720, 721; Adopted, H. J. 2177.
- SCR 16 Uniform Probate Code, establishment of study committee. Introduced, S. J. 185, 186.
- SCR 17 Carroll A. Lane, Secretary of Senate, compensation and vacation. Adopted, S. J. 190; Adopted, H. J. 223.
- SCR 18 Railway cars, marking as safety feature, congressional action urged. Adopted, S. J. 725, 726; Introduced, H. J. 725.
- SCR 19 Alcoholic beverage industry, removal of state monopoly, committee to study. Introduced, S. J. 279.
- SCR 20 Examining boards, professional and occupational, use of legal counsel. Introduced, S. J. 323, and withdrawn, S. J. 1786.
- SCR 21 Continuing education by persons licensed or registered by an examining board. Introduced S. J. 323, and withdrawn, S. J. 1786.
- SCR 22 Meat processing by small locker plants, state and federal inspection. Introduced, S. J. 335, 336.
- SCR 23 Senate File 39 recalled from Governor for title correction. Adopted, S. J. 406; Adopted, H. J. 417, 418.
- SCR 24 Rule-making authority, need for uniformity among state agencies, committee to study. Introduced, S. J. 411.
- SCR 25 Recodification of chapter 321, Iowa's motor vehicle laws, committee to study. Introduced, S. J. 426, 427.
- SCR 26 Penal and correctional systems study committee, continuation of study. Introduced, S. J. 474, 475.
- SCR 27 Federal Hatch Act, U. S. Congress memorialized to amend. Adopted, S. J. 1102, 1103; Adopted, H. J. 1647.
- SCR 28 Federal assistance programs reduction, Department of HEW urged to rescind or modify. Adopted, S. J. 533; Adopted, H. J. 545.

RESOLUTIONS—Continued

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- SCR 29 Grain transportation, committee to study. Introduced, S. J. 547.
- SCR 30 Consumer credit charge regulation, committee to continue study. Introduced, S. J. 654.
- SCR 31 Criminal justice system, need for revision. Introduced, S. J. 678, 679.
- SCR 32 State lottery, system of pari-mutuel betting, study committee appointed. Introduced, S. J. 692, 693.
- SCR 33 Mental health and juvenile institutions study committee, continuance. Introduced, S. J. 779, 780.
- SCR 34 Livestock prices, proposed federal roll-back, copies of resolution to proper sources indicating strong opposition. Adopted, S. J. 840; Adopted, H. J. 873.
- SCR 35 Federal Highway Trust Fund, distribution formula to be retained. Introduced, S. J. 907, 908.
- SCR 36 Domestic relations laws in Iowa, committee to study. Introduced, S. J. 918.
- SCR 37 No-fault vehicle insurance, cost study authorized. Introduced, S. J. 940, and withdrawn, S. J. 1257.
- SCR 38 Iowa Public Employees' Retirement System, committee to conduct study. Introduced, S. J. 941, 942.
- SCR 39 Elderly and physically handicapped citizens of Iowa, committee to study. Introduced, S. J. 966-968.
- SCR 40 Agricultural promotion in Iowa, study committee to define authority of state and commodity associations. Introduced, S. J. 1016.
- SCR 41 Policy determination incident to adjournment of first regular session of 65th General Assembly, compensation for services during interim. Adopted, S. J. 1782, 1783; Adopted, H. J. 2208.
- SCR 42 Expense accounts, meetings pertaining to legislative research and services between legislative sessions. Adopted, S. J. 1783, 1784; Introduced, H. J. 1975.
- SCR 43 National Legislative Conference, attendance at 1973 and 1974 sessions. Adopted, S. J. 1784; Adopted, H. J. 2208.
- SCR 44 Maynard, Iowa, congratulations upon its hundredth anniversary. Introduced, S. J. 1197.
- SCR 45 Livestock rustling, committee to make study of brands and brand inspection. Introduced, S. J. 1197, 1198.
- SCR 46 State agencies and political subdivisions, public funds not to be expended for entertainment purposes. Adopted, S. J. 1264, 1265; Tabled, H. J. 1415, 1416.
- SCR 47 Alcohol-related highway fatalities, committee to study. Introduced, S. J. 1330, 1331.
- SCR 48 Multistate Tax Commission national audit program, associate membership therein. Introduced, S. J. 1552.
- SCR 49 Special education programs, financing, committee to study. Introduced, S. J. 1810, 1811.
- SCR 50 Compensation of county officers, study committee to review all aspects. Introduced, S. J. 1811.
- SCR 51 State property tax system, committee to study. Introduced, S. J. 1852, 1853.
- SCR 52 Coralville Reservoir, flood losses to property owners, congressional action urged to provide just compensation. Adopted, S. J. 1938; Adopted, H. J. 2164.
- SCR 53 Wage collection bill, Hilton Homes, Guttenberg, plant closing. Introduced, S. J. 1932, 1933.
- SCR 54 Fuel shortage and long-range "energy crisis", committee to study. Introduced, S. J. 2030, 2031.
- SCR 55 Area vocational schools and community colleges, funding. Introduced, S. J. 2031.

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- HCR 1 Governor Ray's message, joint convention, January 9, 1973. Adopted, H. J. 10; Adopted, S. J. 11.
- HCR 2 Additional employees for work of the session. Adopted, H. J. 13, 14; Adopted, S. J. 11.
- HCR 3 Rural Environmental Assistance Program, reinstatement, petitions to President of U. S. and Congressmen. Introduced, H. J. 62.
- HCR 4 Adjournment, Thursday January 11, 1973, to reconvene Monday, January 15, 1973. Adopted, H. J. 72, 73; Adopted, S. J. 61.
- HCR 5 Military involvement in Southeast Asia, termination, U. S. congressional action urged. Introduced, H. J. 64; Tabled, H. J. 98, 99.
- HCR 6 Official state title—"Hawkeye State." Introduced, H. J. 64, 65.
- HCR 7 Governor Ray's budget message, joint convention, January 25, 1973. Adopted, H. J. 146, 147; Adopted, S. J. 126.
- HCR 8 Former President Lyndon Baines Johnson, expressions of sympathy upon his death. Adopted, H. J. 161, 162; Adopted, S. J. 132.
- HCR 9 Former President Lyndon Baines Johnson, eulogy, joint convention of both houses. Adopted, H. J. 175; Adopted, S. J. 148.
- HCR 10 Vietnam peace settlement, congratulations to U. S. President. Introduced, H. J. 182, 183.
- HCR 11 Uniform Probate Code, committee to study. Introduced, H. J. 224.
- HCR 12 Railway cars, marking as a safety feature, congressional action urged. Introduced, H. J. 224, 225.
- HCR 13 Compensation for Secretary of Senate and Chief Clerk of House, committee to review salary schedules. Adopted, H. J. 234-239; Adopted, S. J. 290-292.
- HCR 14 Joint Rules of the Senate and House, Sixty-fifth General Assembly. Adopted, H. J. 282; Adopted, S. J. 320, 321.
- HCR 15 Abraham Lincoln's birthday observance. Adopted, H. J. 282; Adopted, S. J. 283.
- HCR 16 Board of Regents, addition to University of Iowa hospital. Introduced, H. J. 288, 289; Substituted by SCR 12, H. J. 1458.
- HCR 17 Examining boards, professional and occupational, use of legal counsel. Adopted, H. J. 369; Introduced, S. J. 323, and withdrawn, S. J. 1786.
- HCR 18 Continuing education by persons licensed or registered by an examining board. Adopted, H. J. 370; Introduced, S. J. 365, 366.
- HCR 19 Pari-mutuel betting, study committee to report findings and make recommendations. Introduced, H. J. 344.
- HCR 20 Interest charged consumers by small loan companies, Superintendent of Banking to implement court ruling. Introduced, H. J. 442.
- HCR 21 Uniform Vehicle Code, committee to study recodification of Iowa's motor vehicle laws. Adopted, H. J. 696; Introduced, S. J. 746.
- HCR 22 Child care facilities in Iowa, committee to make study and report findings. Introduced, H. J. 469.
- HCR 23 Memorial session in recognition of public services of departed members of the legislature, April 11, 1973. Adopted, H. J. 505; Adopted, S. J. 558.
- HCR 24 Day care centers for children, funding. Introduced, H. J. 497.
- HCR 25 Microfilming program for storage of state documents, committee to study requests of all departments. Adopted, H. J. 570.
- HCR 26 Penal and correctional systems study committee, continuation of study. Adopted, H. J. 594.
- HCR 27 Residency requirements in Iowa Code, committee to study. Introduced, H. J. 540.
- HCR 28 Health care personnel and facilities in Iowa, committee to study. Introduced, H. J. 578.
- HCR 29 County property tax levy methods, committee to study county finances. Introduced, H. J. 589.

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- HCR 30 Recycled paper and other recycled materials used by state agencies. Adopted, H. J. 746.
- HCR 31 Ansel Briggs, selection of landmark memorializing his burial place and former residence, study committee created. Adopted, H. J. 637.
- HCR 32 Consumer credit charge regulation, re-establishment of study committee. Introduced, H. J. 636.
- HCR 33 Economic redevelopment of planning region XV, City of Ottumwa and other cities and towns. Adopted, H. J. 747; Adopted, S. J. 1028, 1029.
- HCR 34 Grain alcohol, use as motor fuel additive, Congress petitioned to consider. Introduced, H. J. 726.
- HCR 35 Juvenile delinquent standards, need for revision, appointment of study committee. Introduced, H. J. 752.
- HCR 36 Livestock, dairy and other food products, state policy to promote production. Introduced, H. J. 761, 762.
- HCR 37 Mental Health and Juvenile Institutional Study Committee, continuation of study by committee. Introduced, H. J. 802, 803.
- HCR 38 Governor Ray's supplemental budget message, joint convention of both houses, April 11, 1973. Adopted, H. J. 810; Adopted, S. J. 838, 839.
- HCR 39 District attorney and district public defender system, feasibility of establishing. Introduced, H. J. 879.
- HCR 40 Federal Highway Trust Fund, distribution formula to be retained. Adopted, H. J. 926; Introduced, S. J. 955.
- HCR 41 Agricultural promotion in Iowa, study committee to define authority of state and commodity associations. Introduced, H. J. 1014, 1015.
- HCR 42 Legislative Council to determine priorities of study committees not approved. Adopted, H. J. 1272; Adopted, S. J. 1175, 1176.
- HCR 43 Claims, action of joint claims committee approved by Senate and House. Adopted, H. J. 1317; Adopted, S. J. 1418, 1419.
- HCR 44 Steve Coon, WOI, Ames, congratulations for past coverage of legislative sessions. Adopted, H. J. 1168.
- HCR 45 Alcoholic beverage industry, removal of state monopoly, committee to study. Introduced, H. J. 1110, 1111.
- HCR 46 Petroleum supply, availability for Iowa, study committee created. Introduced, H. J. 1198.
- HCR 47 Executive Department, committee to study problems and the effects of HJR's 10, 11 and 12 of 1973 General Assembly. Introduced, H. J. 1198.
- HCR 48 Fuel crisis emergency, study committee to develop state policy for conserving energy. Introduced, H. J. 1232, 1233.
- HCR 49 Livestock rustling, committee to make study of brands and brand inspection. Introduced, H. J. 1261, 1262.
- HCR 50 Governor of Iowa, term of office, limitation. Introduced, H. J. 1323.
- HCR 51 Americans missing in action in Southeast Asia, resolutions to President of U. S., U. S. Congress and Iowa Congressional delegation. Adopted, H. J. 1482.
- HCR 52 Livestock thefts in Iowa, study committee to review penal laws. Introduced, H. J. 1450, 1451.
- HCR 53 Railroad service decline throughout Iowa, committee to study. Introduced, H. J. 1507.
- HCR 54 Special education programs, committee to study methods of financing. Introduced, H. J. 1521, 1522.
- HCR 55 Street closing for town celebrations, Town of Moulton. Adopted, H. J. 1621, 1622; Introduced, S. J. 1540.
- HCR 56 Fiscal Year Act and City Code, committee to study advisability of establishing a uniform fiscal year. Adopted, H. J. 1689; Introduced, S. J. 1550, 1551.
- HCR 57 Police-training academy, study committee created. Introduced, H. J. 1614, 1615.
- HCR 58 Motor vehicle safety inspection effectiveness, committee to study. Introduced, H. J. 1773.
- HCR 59 City of Storm Lake, congratulations upon its centennial anniversary. Adopted, H. J. 1933; Introduced, S. J. 1775, 1776.

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- HCR 60 Education, post-secondary, cost, interim study committee created. Introduced, H. J. 1801, 1802.
- HCR 61 Welfare and assistance programs, state and county administered, committee to study. Introduced, H. J. 1802, 1803.
- HCR 62 Softball game, challenge to Senate by House, proceeds to worthy cause. Adopted, H. J. 1933; Introduced, S. J. 1776.
- HCR 63 Iowa Civil Rights Commission, funding, committee to study. Introduced, H. J. 1858, 1859.
- HCR 64 Cable television, regulation, committee to study total concept. Introduced, H. J. 1868, 1869.
- HCR 65 Co-ordination of state and local governmental activities, committee to study of state into regions. Introduced, H. J. 1869.
- HCR 66 Land use policy for Iowa, committee to study. Introduced, H. J. 1897, 1898.
- HCR 67 Wage collection bill, Hilton Homes, Guttenberg, plant closing. Introduced, H. J. 2020.
- HCR 68 County officers compensation, committee to study. Introduced, H. J. 2021.
- HCR 69 Compensation for Iowa River flood losses, U. S. Congress apprised. Introduced, H. J. 2064, 2065.
- HCR 70 Iowa property tax system, re-evaluation, committee to study. Introduced, H. J. 2065, 2066.
- HCR 71 Special education programs in Iowa, study committee to review financing, scope and adequacy. Introduced, H. J. 2184, 2185.
- HCR 72 Uniform Commercial Code, need for review toward uniformity, committee to study. Introduced, H. J. 2301.
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SENATE RESOLUTIONS

- SR 1 Appointment of secretaries for Lieutenant Governor and each senator and appointment of committee to pass on proficiency of secretaries. Adopted, S. J. 9.
- SR 2 Hon. Carroll A. Lane, Secretary of Senate, retirement, and presentation of chair. Adopted, S. J. 198, 199.
- SR 3 City of Oelwein, congratulations upon its one hundredth anniversary. Introduced, S. J. 526.
- SR 4 Iowa Highway Commission, suggested addition to Commission Laboratory Building, Ames. Adopted, S. J. 1102.
- SR 5 Department of Defense, transfer of funds, authority challenged by Iowa Senate. Adopted, S. J. 1170, 1171.
- SR 6 Personal property tax repeal, study committee to report findings. Introduced, S. J. 1145.
- SR 7 Secretary of Senate and staff, compensation during interim. Adopted, S. J. 1782.
- SR 8 Fuel crisis, curtailment of use of gasoline and other fuels. Introduced, S. J. 1466, 1467.
- SR 9 Charles W. Lakin, legislative news reporter, best wishes upon his retirement. Introduced, S. J. 2030.
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- HR 1 Opening prayers, committee to arrange for ministers. Adopted, H. J. 13.
- HR 2 Clerks, pages and clerical assistance, appointment. Adopted, H. J. 14.
- HR 3 Representative Russel De Jong, extending sympathy in loss of his father-in-law. Adopted, H. J. 165.
- HR 4 Appropriations, recommendations by subcommittees. Introduced, H. J. 229.
- HR 5 William R. "Bill" Kendrick Memorial Fund, establishment of a committee to purchase memorial. Adopted, H. J. 369.

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- HR 6 City of Oelwein, congratulations upon its one hundredth anniversary. Adopted, H. J. 699.
- HR 7 "How a Bill Becomes a Law" booklet, authorization for printing thirteenth edition. Adopted, H. J. 880.
- HR 8 Chief Clerk of House and staff, compensation during interim. Adopted, H. J. 2280.
- HR 9 City of Maynard, congratulations upon its one hundredth anniversary. Adopted, H. J. 1728.
- HR 10 Representative Arlyn E. Danker, extending sympathy in loss of his father. Adopted, H. J. 1662.
- HR 11 Voting nondisclosure in House by individual members. Introduced, H. J. 1867, 1868.
- HR 12 Commitment of persons to mental health institutions, study of statutory procedure urged. Introduced, H. J. 2301, 2302.

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