

## CHAPTER 1013

## OMNIBUS CORRECTIONS

S. F. 1132

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

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

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

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

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

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

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

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

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

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

\*According to enrolled Act.

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

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

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

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

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

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

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

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

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

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

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

9 AFFIDAVIT OF THE BANKER

10 State of \_\_\_\_\_ )

11 ) ss.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved April 22, 1972.