

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.