

CHAPTER 1087

OMNIBUS CORRECTIONS

H. F. 1392

AN ACT relating to correcting erroneous, inconsistent and obsolete sections of the Code.

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

1 SECTION 1. Section four point one (4.1), subsection twenty-three
2 (23), Code 1973, is amended to read as follows:

3 23. Computing time—legal holidays. In computing time, the first
4 day shall be excluded and the last included, unless the last falls on
5 Sunday, in which case the time prescribed shall be extended so as to
6 include the whole of the following Monday, provided that, whenever
7 by the provisions of any statute or rule prescribed under authority of
8 a statute, the last day for the commencement of any action or pro-
9 ceedings, the filing of any pleading or motion in a pending action or
10 proceedings or the perfecting or filing of any appeal from the deci-
11 sion or award of any court, board, commission or official falls on a
12 Saturday, a Sunday, the first day of January, the twelfth day of Feb-
13 ruary, the third Monday in February, the last Monday in May, the
14 fourth day of July, the first Monday in September, ~~the fourth Monday~~
15 ~~in October~~ *the eleventh day of November*, the fourth Thursday in
16 November, the twenty-fifth day of December, and the following Mon-
17 day whenever any of the foregoing named legal holidays may fall on
18 a Sunday, and any day appointed or recommended by the governor of
19 Iowa or the president of the United States as a day of fasting or
20 thanksgiving, the time therefor shall be extended to include the next
21 day which is not a Saturday, Sunday or such day hereinbefore enumer-
22 ated.

1 SEC. 2. Section twenty-seven A point four (27A.4), Code 1973, is
2 amended to read as follows:

3 27A.4 **Payments in lieu of taxes.** The state shall make payments
4 in lieu of taxes to compensate for the loss of tax revenues occasioned
5 by the fact that property is owned by the upper Mississippi riverway
6 commission, and thereby exempt from taxation by subdivisions of this
7 state. ~~Such payments shall be to the same extent and pursuant to the~~
8 ~~same procedures that apply to payments in lieu of taxes under chapter~~
9 ~~284.~~

1 SEC. 3. Section twenty-eight D point eight (28D.8), Code 1973,
2 is amended to read as follows:

3 28D.8 **Administration.** ~~The state personnel director~~ *Iowa merit*
4 *employment department* is hereby directed to explore means of imple-
5 menting this chapter and to assist departments, agencies, and instru-
6 mentalities of the state and its political subdivisions in participating in
7 employee interchange programs.

1 SEC. 4. Section forty-nine point thirty-three (49.33), Code 1973, is
2 amended to read as follows:

3 49.33 **One square for president and vice president.** Upon the left-
4 hand margin of each separate column of the ballot, immediately oppo-
5 site the names of the candidates for president and vice-president, a
6 single square, the sides of which shall not be less than one-fourth of an

7 inch in length, shall be printed in front of a bracket enclosing the
 8 names of the said candidates for president and vice-president. The
 9 votes for said candidates shall be counted and certified to by the elec-
 10 tion ~~judges~~ *board* in the same manner as the votes for other candidates.

1 SEC. 5. Section forty-nine point thirty-four (49.34), Code 1973, is
 2 amended to read as follows:

3 **49.34 United States senators.** At all general elections next preced-
 4 ing the expiration of the term of office of United States senator,
 5 there shall be placed upon the official ballot in the proper place the
 6 names of candidates for all parties or groups of petitioners for said
 7 office that have been nominated by law. The votes for said candidate
 8 shall be counted and certified to by the election ~~judges~~ *board* in the
 9 same manner as the votes for other candidates.

1 SEC. 6. Section forty-nine point one hundred (49.100), Code 1973,
 2 is amended to read as follows:

3 **49.100 Spoiled ballots.** Any voter who shall spoil his ballot may,
 4 on returning the same to the ~~judges~~ *precinct election officials*, receive
 5 another in place thereof, but no voter shall receive more than three
 6 ballots including the one first delivered to him. None but ballots pro-
 7 vided in accordance with the provisions of this chapter shall be
 8 counted.

1 SEC. 7. Section forty-nine point one hundred twenty-four (49.124),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred thirty-six (136), section one hun-
 4 dred seventy-seven (177), is amended to read as follows:

5 **49.124 Training course by commissioner.** It shall be the duty of
 6 the commissioner to conduct, not less than three days before each
 7 primary and general election, a training course of not more than two
 8 hours for all election personnel, and the commissioner may do so
 9 before any other election he administers. Such personnel shall include
 10 ~~judges, clerks~~ *all precinct election officials*, and any other persons who
 11 will be employed in or around the polling places on election day. At
 12 least ~~one judge and one clerk~~ *two precinct election officials* who will
 13 serve on each precinct election board at the forthcoming election shall
 14 attend the training course, and if the entire board does not attend,
 15 those members who do attend shall so far as possible be persons who
 16 have not previously attended a similar training course.

1 SEC. 8. Section sixty-four point six (64.6), Code 1973, is amended
 2 by striking subsections twenty-six (26) and twenty-seven (27) and
 3 inserting in lieu thereof the following:

4 26. Judicial magistrates, five thousand dollars.

5 The state shall pay the reasonable costs of bonds required by this
 6 section.

1 SEC. 9. Section one hundred twenty-three point one hundred forty-
 2 three (123.143), subsection one (1), Code 1973, as amended by Acts
 3 of the Sixty-fifth General Assembly, 1973 Session, chapter one hun-
 4 dred sixty-three (163), section six (6) and chapter one hundred sixty-
 5 five (165), section one (1), is amended to read as follows:

6 1. All retail beer permit fees collected by any local authority at the
 7 time application for the permit is made, shall be retained by the local

8 authority. A certified copy of the receipt for the permit fee shall be
9 submitted to the department with the application and the local author-
10 ity shall be notified at the time the permit is issued. Those amounts
11 ~~refunded to retained by~~ the appropriate local authority out of the fee
12 collected for the privilege authorized under ~~section four (4) of this~~
13 ~~Act chapter one hundred sixty-three (163), section four (4), Acts of~~
14 ~~the Sixty-fifth General Assembly, 1973 Session,~~ shall be deposited in
15 the county mental health and institutions fund to be used only for the
16 care and treatment of persons admitted or committed to the alcoholic
17 treatment center at Oakdale or any facilities as provided in chapter
18 one hundred twenty-three B (123B) of the Code.

1 SEC. 10. Section two hundred nineteen point six (219.6), Code
2 1973, is amended to read as follows:

3 **219.6 Certificate of eligibility.** Before admission, each applicant
4 shall file with the commandant an affidavit signed by two members of
5 the ~~soldiers relief~~ *commission of veterans affairs* of the county in
6 which such person resides, stating that such person to the best of their
7 knowledge and belief is a resident of such county as required under
8 this chapter and that such person is unable to earn a livelihood and his
9 income is less than twelve hundred dollars per annum exclusive of
10 pension, compensation, war risk insurance payments, or pensions or
11 annuities under the social security Act and the railroad retirement
12 Acts. Such affidavit shall be conclusive evidence of the residence of
13 such persons and prima facie only in all other matters affecting the
14 eligibility of the applicant and the liability of the county with respect
15 to the expense of any such person for which the county may be liable.
16 All records of admission shall show the residence of the applicant.

1 SEC. 11. Section two hundred sixty-two point twelve (262.12),
2 Code 1973, is amended to read as follows:

3 **262.12 Committees and administrative offices under board.** The
4 board of regents shall also have and exercise all the powers necessary
5 and convenient for the effective administration of its office and of the
6 institutions under its control, and to this end may create such commit-
7 tees, offices and agencies from its own members or others, and employ
8 persons to staff the same, fix their compensation and tenure and dele-
9 gate thereto, or to the administrative officers and faculty of the insti-
10 tutions under its control, such part of the authority and duties vested
11 by statute in the board, and shall formulate and establish such rules
12 ~~and regulations,~~ outline such policies and prescribe such procedures
13 therefor, all as may be desired or determined by the board as recorded
14 in their minutes. ~~Employees of the board hereunder shall not come~~
15 ~~under the division of personnel provided for in section 8.5.~~

1 SEC. 12. Section three hundred twenty-one point two hundred
2 thirty-eight (321.238), subsection four (4), paragraph b, Code 1973,
3 as amended by Acts of the Sixty-fifth General Assembly, 1973 Ses-
4 sion, chapter two hundred eight (208), section three (3), is amended
5 to read as follows:

6 b. Provide instructions and all necessary forms to authorized in-
7 spection stations for the inspection of vehicles and the issuance of
8 official certificates of inspection. The copy of the ~~certificate statement~~
9 of inspection to be delivered by the inspection station to the owner of

10 the vehicle inspected shall state the name and address of the inspection
 11 station and shall contain a conspicuous notice in substance as follows:
 12 "NOTICE: You should immediately notify the inspection station of
 13 any complaint about the inspection of this vehicle. If possible, your
 14 notice should be given within fifteen days after the date of inspection
 15 or before this vehicle has been driven five hundred miles after the
 16 inspection, whichever occurs first, or, if the inspection station sold the
 17 vehicle to you, within fifteen days after the sale or before this vehicle
 18 has been driven five hundred miles after the sale, whichever occurs
 19 first. Your notice should be in writing, specifying the complaint.
 20 Notice forms are available at any inspection station. You also have
 21 the right to make a complaint about the inspection to the commissioner
 22 of public safety, state house, Des Moines, Iowa."

23 Forms for notice of complaint shall be provided by the department
 24 to all authorized inspection stations, who shall provide them to any
 25 person upon request. The copy of the ~~certificate~~ *statement* of inspec-
 26 tion to be delivered by the inspection station to the owner of the vehicle
 27 inspected shall also contain a notice, which shall be printed on the face
 28 of the ~~certificate~~ *statement* of inspection in eight-point bold-faced type,
 29 which contains the words "THE SAFETY INSPECTION IS APPLICABLE
 30 ONLY TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR WARRANT
 31 THE CONDITION OF THESE ITEMS OR THE OVERALL CONDITION OF THE
 32 VEHICLE".

1 SEC. 13. Section three hundred thirty-three point thirteen
 2 (333.13), subsection three (3), Code 1973, is amended to read as fol-
 3 lows:

4 3. The various reports made during the preceding year, by the
 5 county treasurer, auditor, recorder, sheriff, clerk of the district court,
 6 and the ~~soldiers relief~~ *commission of veterans affairs*, as required by
 7 law.

1 SEC. 14. Section seven hundred fifty point five (750.5), Code 1973,
 2 as amended by Acts of the Sixty-fourth General Assembly, 1972 Ses-
 3 sion, chapter one thousand eighty-eight (1088), section three hundred
 4 fifty-one (351), and Acts of the Sixty-fifth General Assembly, 1973
 5 Session, chapter one hundred four (104), section seven (7), is
 6 amended by striking the section and inserting in lieu thereof the fol-
 7 lowing:

8 750.5 **Option of city council to install—costs.** The council of each
 9 city of two thousand or more population may install at least one radio
 10 receiving set for use in law enforcement and police work.

1 SEC. 15. Section seven hundred fifty point six (750.6), subsection
 2 two (2), Code 1973, is amended to read as follows:

3 2. To enter into lease or contract arrangements for the joint own-
 4 ership, maintenance, acquisition or leasing of said equipment with any
 5 other ~~city, town, or~~ county and may jointly operate the same with such
 6 co-operating agency for the mutual economy and efficiency of both.

1 SEC. 16. Acts of the Sixty-fourth General Assembly, 1972 Ses-
 2 sion, chapter one thousand eighty-eight (1088), section ninety-three
 3 (93), subsection one (1), is amended by striking the subsection.

1 SEC. 17. Acts of the Sixty-fourth General Assembly, 1972 Session,
 2 chapter one thousand eighty-eight (1088), section two hundred fifty-

3 eight (258), unnumbered paragraph two (2), is amended to read as
4 follows:

5 Any person, firm, corporation, or company operating an urban tran-
6 sit system shall pay to the county treasurer annually as a registration
7 fee for each bus, car, or vehicle used in the transportation of pas-
8 sengers, ~~twenty-five~~ five dollars, which shall be paid into the city gen-
9 eral fund. Any urban transit company operated by a municipality is
10 not required to pay such registration fees. The motor vehicle depart-
11 ment, in accordance with section three hundred twenty-one point
12 nineteen (321.19) of the Code, shall furnish distinguishing plates for
13 vehicles used by urban transit companies operated by a municipality.
14 No other provision of law providing for the payment of taxes, regis-
15 tration, or license fees for vehicles shall be applicable to any bus, car,
16 or vehicle for the transportation of passengers owned and operated by
17 any urban transit company.

1 SEC. 18. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section two hundred eighty-
3 one (281), subsection one (1), is amended to read as follows:

4 1. Counties and sanitary districts incorporated under the provi-
5 sions of chapter three hundred fifty-eight (358) of the Code may own,
6 acquire, establish, construct, purchase, equip, improve, extend, operate,
7 maintain, reconstruct, and repair within or without the limits of the
8 county or sanitary district, works and facilities useful and necessary for
9 the collection, treatment, purification, and disposal in a sanitary manner
10 of the liquid and solid waste, sewage, and industrial waste of the
11 county or sanitary district, including sanitary disposal projects as
12 defined in ~~section four hundred six point two (406.2)~~ *section four*
13 *hundred fifty-five B point seventy-five (455B.75)* of the Code, also
14 swimming pools or golf courses, and may acquire by gift, grant, pur-
15 chase, condemnation, or otherwise all necessary lands, rights-of-way,
16 and property therefor, within or without the county or sanitary dis-
17 trict, may purchase and acquire an interest in a sanitary disposal
18 project or such works and facilities which are owned by a city, county,
19 or sanitary district and which are to be jointly used by them, and may
20 issue revenue bonds to pay all or any part of the cost of establishing,
21 acquiring, purchasing, constructing, equipping, improving, extending,
22 reconstructing, repairing, operating, or maintaining a sanitary dis-
23 posal project or such works and facilities, including the amount agreed
24 upon for the purchase and acquisition by a county or sanitary district
25 of an interest in the sanitary disposal project or works and facilities
26 which are owned by a city, county, or sanitary district and which are
27 to be jointly used. As used in this section the words 'works and facili-
28 ties', 'works', or 'facilities' shall include but not be limited to sanitary
29 disposal projects as defined in ~~section four hundred six point two~~
30 ~~(406.2)~~ *section four hundred fifty-five B point seventy-five (455B.75)*
31 of the Code.

32 The construction, acquisition, improvement, equipment, custody,
33 operation, and maintenance of any works for the collection, treatment,
34 or disposal of sewage, swimming pools, golf courses, or sanitary dis-
35 posal projects, and the collection of revenues for the service rendered,
36 shall be under the supervision and control of the county or sanitary
37 district.

1 SEC. 19. Acts of the Sixty-fourth General Assembly, 1972 Session,
2 chapter one thousand eighty-eight (1088), section three hundred forty-
3 three (343), is amended to read as follows:

4 Sec. 343. Section five hundred sixty-five point twelve (565.12),
5 Code 1971, is amended as follows:

6 **565.12 Condition as to annuity.** When a gift or bequest is condi-
7 tioned upon the payment of an annuity to the donor, or any other per-
8 son, the governing board of a county or city may, upon acceptance of
9 such gift or bequest, agree to pay such annuity providing the amount
10 thereof does not exceed five percent of the amount of the gift or be-
11 quest and does not exceed the amount realized from a one mill tax
12 levy upon the taxable property of said ~~municipality~~ county or city.

1 SEC. 20. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter seven (7), section five (5), is amended to read as follows:

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

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

1 SEC. 21. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred twenty (120), section two (2), lines one hundred
3 twenty-one (121) through one hundred thirty-three (133), are
4 amended to read as follows:

5 **NEW SECTION. Duties of legislative fiscal director.** The legislative
6 fiscal director shall:

7 1. Employ and supervise all employees of the legislative fiscal
8 bureau in such positions and at such salaries as shall be authorized by
9 the legislative council.

10 2. Supervise all expenditures of the legislative fiscal bureau with
11 the approval of the legislative council.

12 3. Attend, or designate a representative who shall attend, the
13 budget hearings required by section eight point twenty-six (8.26) of
14 the Code and may offer explanations or suggestions and make in-
15 quiries with respect to such budget hearings ~~within the purposes~~
16 ~~specified in sections two point forty-six (2.46), two point forty-seven~~
17 ~~(2.47), and two point forty-eight (2.48) of the Code.~~

1 SEC. 22. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred fifty-one (151), section three (3), is amended to
3 read as follows:

4 Sec. 3. House File two hundred eighty-seven (287), section seven-
5 teen (17), as enacted by the Sixty-fifth General Assembly, 1973 Ses-
6 sion, is amended to read as follows:

7 Sec. 17. Section ninety-seven B point seven (97B.7), subsection
8 two (2), paragraph a b, subparagraph seven (7), unnumbered para-
9 graph one (1), Code 1973, is amended to read as follows:

10 (7). The total cost price of common stocks held by the retirement
11 fund shall not exceed twenty-five percent of the total value of the
12 retirement fund. The cost price of stock investments in any one cor-
13 poration shall not exceed five percent of the maximum amount which
14 may be invested in stocks. Not more than five percent of the issued
15 stock of any one corporation may be owned by the fund. For purposes
16 of this chapter value consists of cash, the par value or unpaid balance
17 of all unmatured or unpaid investments requiring the payment of a
18 fixed amount at payment date, and the cost price of all other invest-
19 ments. The total cost of common stocks purchased during any year
20 shall not exceed twenty-five percent of all moneys collected under
21 chapter 97B together with investment income received by the system
22 during that year.

1 SEC. 23. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eighty-one (181), section fifteen (15), is amended
3 to read as follows:

4 Sec. 15. NEW SECTION. **License renewal—fees.** Licenses shall
5 expire one year from the date of issuance and shall be renewed upon
6 timely application made in the same manner as for original issuance
7 of a license unless notice of nonrenewal is given to the licensee at least
8 thirty days prior to the expiration of the license. The authority shall
9 charge a fee for licensing and renewal adequate to cover the cost of
10 processing each application and conducting inspection and investiga-
11 tions as required or deemed necessary to properly enforce this Act.
12 Costs incurred by local agencies or bodies approved to assist the
13 authority in administering this Act as permitted by section twenty-one
14 (21), subsection ~~four (4)~~ *three (3)* of this Act may be reimbursed to
15 the local agencies or bodies by the authority.

1 SEC. 24. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred ninety-four (194), section one (1), article VIII,
3 is amended by striking paragraph c.

1 SEC. 25. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred fifty-one (251), section seventeen (17), is
3 amended to read as follows:

4 Sec. 17. NEW SECTION. **Appeals.** Any person aggrieved by an act
5 or decision of the director of revenue or the department of revenue
6 under this Act shall have the same rights of appeal and review as
7 provided in sections four hundred twenty-one point one (421.1) and
8 ~~four hundred twenty-two point fifty-three (422.53)~~ *four hundred*
9 *twenty-two point fifty-five (422.55)* of the Code and the rules of the
10 department of revenue.

1 SEC. 26. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter two hundred ninety-four (294), section twelve (12), is
3 amended to read as follows:

4 Sec. 12. NEW SECTION. **Data processing.** Nothing in this Act
5 shall preclude the use of the equipment and hardware of the data process-
6 ing service center ~~provided for in section nineteen B point three~~
7 ~~(19B.3), subsection five (5), of the Code for the storage and retrieval~~

8 of criminal history data. Files shall be stored on the computer in such
 9 a manner as the files cannot be modified, destroyed, accessed, changed
 10 or ~~overlayed~~ overlaid in any fashion by noncriminal justice agency
 11 terminals or personnel. That portion of any computer, electronic
 12 switch or manual terminal having access to criminal history data
 13 stored in the state computer must be under the management control
 14 of a criminal justice agency.

1 SEC. 27. Section two hundred seventy-four point forty-six
 2 (274.46), Code 1973, is repealed.

1 SEC. 28. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred forty (140), section twelve (12), is repealed.

1 SEC. 29. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred forty-five (145), is repealed.

1 SEC. 30. Section four point one (4.1), subsection twenty-six (26),
 2 Code 1973, as amended by Acts of the Sixty-fourth General Assembly,
 3 1972 Session, chapter one thousand eighty-eight (1088), section two
 4 hundred (200), and Acts of the Sixty-fifth General Assembly, 1973
 5 Session, chapter one hundred twenty-two (122), section one (1), is
 6 amended by striking the subsection and inserting in lieu thereof the
 7 following:

8 26. Population. The word "population" where used in this Code
 9 or any statute means the population shown by the latest preceding
 10 certified federal census, unless otherwise specifically provided.

1 SEC. 31. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eighty-seven (187), section two (2), is amended
 3 by striking lines 21 and 22 and inserting in lieu thereof the following:
 4 "vacancy in the same manner as the original* appointment. ~~A vacancy~~
 5 ~~shall exist on the commission whenever~~ *If a legislative member*".

1 SEC. 32. The Code editor is authorized to delete obsolete references
 2 to "town" from the statutes.

1 SEC. 33. House File 177, enacted by the Sixty-fifth General Assem-
 2 bly, 1974 Session, section three (3), is amended by striking from lines
 3 one (1) and two (2), the words and figures "two (2) and three (3)"
 4 and inserting in lieu thereof the words and figures "one (1) and two
 5 (2)".

1 SEC. 34. Senate File one thousand two hundred thirty-five (1235)
 2 as enacted by the Sixty-fifth General Assembly, 1974 Session, section
 3 six (6), subsection three (3), is amended to read as follows:

4 3. If it is not labeled as required in section ~~six (6)~~ *five (5)* of this
 5 Act.

1 SEC. 35. House File one thousand three hundred ninety-nine
 2 (1399), enacted by the Sixty-fifth General Assembly, 1974 Session,
 3 section ninety-four (94), is amended by striking from line four (4)
 4 the words and figure "eighty-five (85)" and inserting in lieu thereof
 5 the words and figure "ninety-two (92)".

Approved May 27, 1974

*According to enrolled Act