

CHAPTER 1237

EVIDENCE OF REPORTS AND PAYMENTS TO THE STATE OR
DIVISIONS

H. F. 1408

AN ACT relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

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

1 SECTION 1. Chapter six hundred twenty-two (622), Code 1975, is amended by
2 adding the following new sections:

3 NEW SECTION. **Evidence of date mailed.** Any report, claim, tax return,
4 statement, or any payment required or authorized to be filed or made to the state,
5 or any political subdivision which is transmitted through the United States mail
6 or mailed but not received by the state or political subdivision or received and the
7 cancellation mark is illegible, erroneous or omitted, shall be deemed filed or made
8 and received on the date it was mailed if the sender establishes by competent
9 evidence that the report, claim, tax return, statement, or payment was deposited
10 in the United States mail on or before the date for filing or paying. In the event
11 of nonreceipt of any such report, tax return, statement, or payment, the sender
12 shall file a duplicate within thirty days of receiving written notification of
13 nonreceipt of such report, tax return, statement, or payment. Filing of a duplicate
14 within thirty days of receiving written notification shall be considered to be a
15 filing made on the date of the original filing.

16 For the purposes of this section "competent evidence" means evidence, in
17 addition to the testimony of the sender, sufficient or adequate to prove that the
18 document was mailed on a specified date which evidence is credible and of such a
19 nature to reasonably support the determination that the letter was mailed on a
20 specified date.

21 NEW SECTION. **Certified or registered mail.** If any report, claim, tax return,
22 statement, or payment is sent by United States mail and either registered or
23 certified, a record authenticated by the United States post office shall be
24 considered competent evidence that the report, claim, tax return, statement, or
25 payment was delivered to the state or political subdivision to which addressed,
26 and the date of registration or certification shall be deemed the postmarked date.

Approved May 20, 1976

CHAPTER 1238

AGE OF JUDICIAL MAGISTRATE

H. F. 1462

AN ACT relating to the permissible age for qualifying for appointment as judicial magistrate.

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

1 SECTION 1. Section six hundred two point fifty-two (602.52), Code 1975, is
2 amended to read as follows:

3 **602.52 Qualifications, age.** A judicial magistrate shall be an elector of the
4 county of appointment during his or her term of office; ~~shall be less than seventy-~~

5 two years of age, and shall cease to hold office upon attaining that age. A person
 6 shall not be qualified for appointment and shall not be appointed as a judicial
 7 magistrate unless that person can complete prior to his or her reaching the age of
 8 seventy-two years the entire two-year or four-year term of office of judicial magistrate
 9 for which nomination and appointment is being made. A judicial magistrate
 10 appointed pursuant to section 602.50 may be licensed to practice law in Iowa, and
 11 the commission in selecting persons for those positions shall first consider for
 12 appointment applicants so licensed. After July 1, 1973, a judicial magistrate
 13 nominated and appointed pursuant to section 602.51 shall be licensed to practice
 14 law in Iowa.

1 SEC. 2. This Act shall not apply to any person serving a two-year or four-year
 2 term of office as judicial magistrate on the effective date of this Act, and any
 3 such person may continue to serve until the expiration of the full term for which
 4 appointed.

Approved May 13, 1976

CHAPTER 1239

CITY ORDINANCES—JUDICIAL NOTICE

H. F. 1458

AN ACT relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

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

1 SECTION 1. Section six hundred twenty-two point sixty-two (622.62), Code
 2 1975, is amended to read as follows:

3 **622.62 Ordinances of city.**

4 1. The printed copies of a city code and of supplements to it which are purported or
 5 proved to have been compiled pursuant to section three hundred eighty point eight
 6 (380.8) of the Code shall be admitted in the courts of this state as presumptive
 7 evidence of the ordinances contained therein. When properly pleaded, the courts of this
 8 state shall take judicial notice of ordinances contained in a city code or city code
 9 supplement.

10 2. The printed copies of ~~the an~~ ordinance of any ~~municipal corporation,~~ city
 11 which has not been compiled in a city code or a supplement pursuant to section three
 12 hundred eighty point eight (380.8) of the Code but which has been published by its
 13 authority of the city, or transcripts of any ordinance, act, or proceeding thereof
 14 recorded in any book, or entries on any minutes or journals kept under its
 15 direction of the city, and certified by ~~its~~ the city clerk, shall be received in evidence
 16 for any purpose for which the original ordinances, books, minutes, or journals
 17 would be received, and with the same effect. The clerk shall furnish such
 18 transcripts, and be entitled to charge therefor at the rate that the clerk of the
 19 district court is entitled to charge for transcripts of records from that court.

1 SEC. 2. The actions of any court of this state in taking judicial notice of the
 2 existence and content of a city ordinance in any proceeding which was
 3 commenced between the first day of July, 1973 and the effective date of this Act
 4 shall be conclusively presumed to be lawful, and to the extent required by this
 5 section this Act is retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Sioux City Journal, a