

CHAPTER 1015

OMNIBUS CORRECTIONS — GIFTS ACCEPTED

H. F. 687

AN ACT correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

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

Section 1. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, rules of criminal procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, and the Iowa administrative bulletin as follows:

Sec. 2. Section twenty-four point twenty-four (24.24), Code 1979, is amended to read as follows:

24.24 VIOLATIONS. Failure on the part of any a public official to perform any of the duties prescribed in ~~chapters-22,~~ chapter 23, and this chapter, and sections 8.39 and 11.1 to 11.5, ~~shall-constitute~~ constitutes a simple misdemeanor, and ~~shall--be~~ is sufficient ground for removal from office.

Sec. 3. Section forty-three point five (43.5), Code 1979, is amended to read as follows:

43.5 APPLICABLE STATUTES. The provisions of chapters 39, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 61, 62 and ~~730~~ seven hundred twenty-two (722) of the Code shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 4. Section forty-six point sixteen (46.16), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purpose of initial appointments to the court of appeals, two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fourth year after expiration of the initial term prescribed in subsection 1 and two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fifth year after expiration of the initial term prescribed in subsection 1. Expiration of irregular terms shall be deemed expiration of regular terms for all purposes.

Sec. 5. Section fifty-six point six (56.6), subsection three (3), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The name and mailing address of each person who has made one or more contributions of money to the committee including the proceeds from any fund-raising events except those reportable under paragraph "g" "f" of this subsection, when the aggregate amount in a calendar year exceeds the amount specified in the following schedule:

Sec. 6. Section sixty-eight B point two (68B.2), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Candidate" means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly.

NEW SUBSECTION. "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received. However, "gift" does not mean any of the following:

a. Anything received by a donee whose official action or lack of official action will potentially have no material effect, distinguishable from material effects on the public generally, on the interests of the donor.

b. Campaign contributions.

c. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals.

d. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

e. Anything which is donated within thirty days after its receipt to a public body or to a bona fide educational or charitable organization, without the donation being claimed at any time as a charitable contribution for tax purposes.

f. An inheritance.

g. Anything available to or distributed to the public generally without regard to official status of the recipient.

h. Reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal public appearances.

NEW SUBSECTION. "Local official" and "local employee" mean an official or employee of the political subdivisions of this state.

NEW SUBSECTION. "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

NEW SUBSECTION. "Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter.

Sec. 7. Chapter sixty-eight B (68B), Code 1979, is amended by adding the following new section:

NEW SECTION. REPORTING OF GIFTS.

1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the

state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor.

Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence.

Sec. 9. Section sixty-nine point eight (69.8), subsection three (3), Code 1979, is amended to read as follows:

3. SUPREME COURT APPOINTERS APPOINTEE. In the ~~offices~~ office of clerk and ~~code editor~~, by the supreme court.

Sec. 10. Section seventy-eight point one (78.1), subsection five (5), Code 1979, is amended by striking the subsection.

Sec. 11. Section seventy-nine point three (79.3), Code 1979, is amended to read as follows:

79.3 APPRAISERS OF PROPERTY. The ~~compensation of~~ appraisers appointed by authority of law to appraise property for any purpose shall be ~~fifty cents per hour for each appraiser for the time necessarily spent in effecting the appraisement and the mileage expense for the distance traveled in going to and returning from the place of appraisement, which shall, unless paid a reasonable amount determined by the sheriff of the county in which the property appraised is located. Unless otherwise provided, the amount paid shall~~ be paid out of the property appraised or by the owner thereof.

Sec. 12. Section eighty-one point twelve (81.12), Code 1979, is amended to read as follows:

81.12 EXEMPTION FROM PEDDLER'S LICENSE. ~~Nothing in this~~ This chapter ~~shall be construed to~~ does not repeal or amend any statute delegating authority to any county or municipal corporation to license, tax, or regulate peddlers or itinerant merchants, ~~provided that any person licensed under the provisions of this chapter shall not be required to obtain the license required by section 332.45.~~

Sec. 13. Section ninety-seven B point forty-nine (97B.49), subsection six (6), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

On January 1, 1976, for each member who retired before January 1, 1976, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for December, 1975 is increased by ten percent for the first calendar year or portion of a calendar year the member was retired, and by an additional five percent for each calendar year after the first calendar year the member was retired through the calendar year beginning January 1, 1975. The total increase shall not exceed one hundred percent. There is appropriated from the general fund of the state to the ~~employment security commission~~ Iowa department of job service from funds not otherwise appropriated an amount sufficient to fund the provisions of this subsection.

Sec. 14. Section one hundred six point thirty (106.30), Code 1979, is amended to read as follows:

106.30 AIRCRAFT RESTRICTION. It ~~shall be~~ is unlawful for any aircraft to make use of the inland lakes of the state, except in the transportation of persons or property between points separated by a distance of thirty miles or more. ~~Nothing herein shall~~ However, this section does not prohibit the use of such waters by any aircraft in danger or distress or the use of such waters by the operators of private aircraft, not operated for hire. ~~The foregoing provisions notwithstanding~~ In addition, the commission may, on the recommendation of the ~~Iowa aeronautics commission~~ state department of transportation, designate certain areas on inland lakes of the state where seaplane flight instruction may be conducted under such conditions as may be adopted by the commission and the ~~Iowa aeronautics commission~~ state department of transportation.

Sec. 15. Section one hundred ten point twenty-one (110.21), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Upon the conviction of a licensee of any violation of chapter 109 of the Code, or of this ~~Act~~ chapter, or of any administrative order adopted and published by the state conservation commission, the magistrate may, as a part

of the judgment, revoke the license of said the licensee, or suspend ~~the same~~ it for any definite period.

Sec. 16. Section one hundred ten point twenty-five (110.25), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph.

Sec. 17. Section one hundred twenty-three point twenty (123.20), subsection eight (8), Code 1979, is amended to read as follows:

8. To accept intoxicating liquors ordered delivered to the Iowa beer and liquor control department pursuant to ~~section 751.317-subsections-1-and-2~~ one hundred twenty-seven point eight (127.8), subsection one (1) of the Code, and offer such intoxicating liquors for sale through the state liquor stores, unless the director determines that such intoxicating liquors may be adulterated or contaminated. If the director determines that such intoxicating liquors may be adulterated or contaminated ~~he~~ the director shall order their destruction.

Sec. 18. Section one hundred twenty-three point ninety-one (123.91), subsection three (3), Code 1979, is amended to read as follows:

3. Any provision of the laws of the United States or of any other state relating to intoxicating liquors or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of this chapter ~~shall be punished as follows~~ is guilty of the following offenses:

a. For ~~his~~ the second conviction, ~~by a fine of not less than five hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail or the state penitentiary for not less than six months nor more than one year~~ a serious misdemeanor.

b. For ~~his~~ the third and each subsequent conviction, ~~by a fine of not less than one thousand dollars nor more than three thousand dollars and imprisonment in the state penitentiary for not more than three years~~ an aggravated misdemeanor.

Sec. 19. Section one hundred twenty-three point one hundred fifty (123.150), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Notwithstanding ~~sections 123.2,~~ section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 5, a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense such liquor or beer to patrons for consumption on the premises between the hours of noon on Sunday and two a.m. on Monday when that Monday is New Years Day and beer for consumption off the premises between the hours of noon Sunday and ten p.m. Sunday when that Sunday is the day before New Years Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense such liquor or beer on a Sunday when that Sunday is the day before New Years Day shall not be increased because of this privilege.

Sec. 20. Section one hundred forty-two A point seven (142A.7), subsection two (2), Code 1979, is amended to read as follows:

2. The time of death shall be determined by a physician who attends the donor at ~~his~~ the donor's death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part, the enucleation of eyes being the exception. A

licensed funeral director ~~or--embalmer~~, as defined in chapter 156, upon successfully completing a course in eye enucleation and receiving a certificate of competence from the department of ophthalmology, college of medicine, of the University of Iowa, may enucleate the eyes of a donor.

Sec. 21. Section one hundred fifty-six point thirteen (156.13), Code 1979, is amended to read as follows:

156.13 CERTIFICATE OF NATIONAL BOARD IN LIEU OF EXAMINATION. The state department of health may, with the approval of the board, accept in lieu of the examination prescribed in section 156.4 ~~and section 156-5~~, a certificate of examination issued by the National Conference of Funeral Service Examining Boards, and every applicant for a license upon the basis of such certificate shall be required to pay the fee.

Sec. 22. Section one hundred eighty-eight point twenty-five (188.25), Code 1979, is amended to read as follows:

188.25 UNLAWFUL RELEASE. Any A person who releases any an animal, distrained as provided in this chapter, without the consent of the person distraining the ~~same, shall be~~ animal, is guilty of a simple misdemeanor.

Sec. 23. Section one hundred ninety-three point six (193.6), Code 1979, is amended to read as follows:

193.6 PENALTY. Any A person violating any a provision of this chapter ~~shall be deemed is guilty of a simple misdemeanor and shall be punished by fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment in the county jail not to exceed thirty days, and on~~ upon a third violation ~~of the same~~ may be restrained by injunction from operating such a business.

Sec. 24. Section two hundred four point one hundred one (204.101), subsection seventeen (17), paragraph d, Code 1979, is amended to read as follows:

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, stereoisomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

Sec. 25. Section two hundred four point two hundred six (204.206), subsection five (5), paragraph d, Code 1979, is amended to read as follows:

d. Methylphenidate and its salts.

Sec. 26. Section two hundred four point two hundred six (204.206), subsection six (6), is amended to read as follows:

6. Cocaine and its salts.

Sec. 27. Section two hundred eighteen point sixty (218.60), Code 1979, is amended to read as follows:

218.60 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of five thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. Provided, however, if the improvement be the repair or alteration of any building or grounds and is not new construction and the estimated cost

thereof does not exceed twenty-five thousand dollars, the commissioner with the approval of the ~~budget-and-financial-control-committee~~ executive council may proceed with such repairs or alterations under a negotiated contract on such terms as the commissioner and the ~~budget-and-financial-control-committee~~ executive council may determine to be for the best interests of the state.

Sec. 28. Section two hundred twenty-nine point eight (229.8), subsection one (1), Code 1979, is amended to read as follows:

1. Determine whether the respondent has an attorney who is able and willing to represent him or her in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to him or her, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated in substantially the manner provided by ~~sections-775-5-and-775-6~~ section eight hundred fifteen point seven (815.7) of the Code, except that if the county has a public defender the court may designate the public defender or an attorney on his or her staff to act as the respondent's attorney.

Sec. 29. Section two hundred twenty-nine point twenty (229.20), subsection two (2), Code 1979, is amended to read as follows:

2. When a proceeding under section 229.6 and succeeding sections of this chapter arises under ~~sections--783-5--or-789-8,~~ rule of criminal procedure twenty-two (22), subsection three (3), paragraph c and the respondent through his or her attorney waives the hearing otherwise required by section 229.12, the court may immediately order the respondent placed in a hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13. In such cases, the court may in its discretion order or waive the physician's examination otherwise required under section 229.10.

Sec. 30. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1979, is amended to read as follows:

1. ~~As-seen-as-practicable-after-the-adoption-of-this-Act-the~~ The judges in each judicial district shall meet and shall determine, individually for each county in the district, whether it appears that one or more district judges will be sufficiently accessible in that county to make it feasible for them to perform at all times the duties prescribed by sections 229.7 to 229.20 and by ~~section-125-19,-subsections-17,-27-5-and-9-(1977)~~ sections two hundred twenty-nine point fifty-one (229.51) to two hundred twenty-nine point fifty-three (229.53) of the Code. If the judges find that accessibility of district court judges in any county is not sufficient for this purpose, the chief judge of the district shall appoint in that county a judicial hospitalization referee. The judges in any district may at any time review their determination, previously made under this subsection with respect to any county in the district, and pursuant to that review may authorize appointment of a judicial hospitalization referee, or abolish the office, in that county.

Sec. 31. Section two hundred thirty point twenty (230.20), subsection five (5), Code 1979, is amended to read as follows:

5. An individual statement shall be prepared for any a patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by ~~sections--224A-2--and-224A-3~~ section one hundred twenty-five point thirty-three (125.33) of the Code, the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for one hundred percent of the stated charge for each patient, unless otherwise specified in the current appropriation for support of the state hospitals. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 32. Section two hundred thirty-four point twenty-eight (234.28), Code 1979, is amended to read as follows:

234.28 OBSCENITY LAWS NOT APPLICABLE. The provisions of chapter ~~725~~ shall seven hundred twenty-eight (728) of the Code do not apply to services provided under the terms of this division.

Sec. 33. Section two hundred fifty-two B point seven (252B.7), paragraphs a, b, c and d, Code 1979, are amended to read as follows:

a 1. Contempt of court proceedings to enforce any order of court pertaining to child support.

b 2. Cases under chapter 252A, the Uniform Support of Dependents Law.

e 3. An information charging ~~desertion under the provisions of chapter 731~~ a violation of section seven hundred twenty-six point three (726.3), seven hundred twenty-six point five (726.5), or seven hundred twenty-six point six (726.6) of the Code.

d 4. Any other lawful action which will secure collection of support for minor children.

Sec. 34. Section two hundred sixty-one point twelve (261.12), subsection one (1), paragraph a, is amended to read as follows:

a. The total tuition and mandatory fees for that student for two semesters or the trimester or quarter equivalent, less the base amount determined annually by the ~~higher--education--facilities~~ college aid commission, which base amount shall be within ten dollars of the average tuition for two semesters or the trimester equivalent of undergraduate study at the state universities under the board of regents, but in any event the base amount shall not be less than four hundred dollars; or

Sec. 35. Section two hundred seventy-five point forty-one (275.41), subsections two (2) and five (5), Code 1979, are amended to read as follows:

2. The ~~boards~~ board of the ~~old~~ former school district with the largest population involved in the merger shall designate four directors to be retained as members of the board of the newly formed district. Other school districts involved in the merger shall each be allowed to retain directors in proportion to the ratio that the population of the former school district bears to the most populous district involved in the merger, except that no district involved in the merger shall retain less than one director.

5. The boards of directors of ~~other~~ school districts which are involved in the merger which have three or more directors who are retained, shall each designate two of the directors who are retained to serve terms that expire at the organizational meeting following the second regular school election held thereafter. All other directors who are retained shall serve terms that expire at the organizational meeting following the third regular school election held thereafter.

Sec. 36. Section three hundred seven A point five (307A.5), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

~~Municipalities~~ Cities and counties may assess the cost of a public improvement when such improvement benefits property owned by the state and under the jurisdiction and control of the highway division of the department. The commission shall pay from the primary road fund such portion of the cost of the improvement as would be legally assessable against the land if privately owned.

Assessments against property under the jurisdiction of the highway division of the department shall be made in the same manner as those made against private property, except that the ~~municipality~~ city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the ~~commission~~ director of transportation by ~~restricted~~ certified mail.

Sec. 37. Section three hundred ten point thirty-six (310.36), Code 1979, is amended to read as follows:

310.36 REPORT TO GOVERNOR. The research projects and engineering studies authorized herein shall be conducted in ~~co-operation~~ cooperation with the county engineers. ~~Once~~ On or before January thirty-first each year the department shall file a report with the governor, and county engineers, chief clerk of the house of representatives and secretary of the senate showing the work accomplished and projects undertaken under section 310.35; ~~and copies of a biennial report of the same for the use and benefit of the general assembly shall be filed with the chief clerk of the house of representatives and the secretary of the senate on or before January 31 of each odd-numbered year.~~

Sec. 38. Section three hundred sixteen point one (316.1), subsection nine (9), Code 1979, is amended to read as follows:

9. "~~Departmental~~ Administrative rules" means all rules subject to the provisions of chapter 17A.

Sec. 39. Section three hundred sixteen point five (316.5), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. The amount, if any, which when added to the acquisition cost of the dwelling acquired by the department, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this paragraph shall be made in accordance with ~~departmental~~ administrative rules established by the department in making these additional payments.

Sec. 40. Section three hundred sixteen point nine (316.9), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department shall make ~~departmental~~ administrative rules and ~~regulations~~ necessary to effect the provisions of this chapter and to assure:

Sec. 41. Section three hundred sixteen point ten (316.10), Code 1979, is amended to read as follows:

316.10 APPLICABLE TO OTHER THAN FEDERAL-AID HIGHWAYS. The department or any political subdivision may provide all or a part of the programs and payments authorized under this chapter to persons displaced by any street or highway project which is financed in whole or in part by the state or a political subdivision, which is not a federal-aid project, and which requires the purchase or condemnation of private property for public use. To the extent that a program or payment is provided under this section, it shall be provided on a uniform basis to all persons so displaced. The department shall make ~~departmental~~ administrative rules and ~~regulations~~ to assure reasonable standards, which need not conform to federal rules and guidelines, for programs and payments provided under this section.

Sec. 42. Section three hundred twenty-one point one (321.1), subsection fifty-three (53), Code 1979, is amended to read as follows:

53. "Through (or thru) highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a ~~police~~ peace officer or traffic-control signal. The term "arterial" ~~shall--be~~ is synonymous with "through" or "thru" when applied to highways of this state.

Sec. 43. Section three hundred twenty-one point eighty-nine (321.89), subsection three (3), paragraph a, Code 1979, is amended to read as follows:

a. A police authority which takes into custody an abandoned vehicle shall notify, within ~~ten~~ twenty days, by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial number of the vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the vehicle within twenty-one days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle and that such failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. If the owner and lienholders do not exercise their right to reclaim such vehicle within the twenty-one-day reclaiming period, such owner and lienholders shall no longer have any right, title, claim, or interest in or to such vehicle. No court in any case in law or equity shall recognize any right, title, claim, or interest of any such owner and lienholders after the expiration of the twenty-one-day reclaiming period.

Sec. 44. Section three hundred twenty-one point one hundred forty-eight (321.148), Code 1979, is amended to read as follows:

321.148 MONTHLY ESTIMATE. The ~~auditor-of-the~~ department shall, on the first day of each month, furnish an estimate in writing to the treasurer of state of the amount of expenditures to be made by the department during that month.

Sec. 45. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph d, Code 1979, is amended to read as follows:

d. A motorized bicycle license is not required to operate a motorized bicycle if ~~possessed-of-an~~ the operator possesses a valid operator's or chauffeur's license.

Sec. 46. Section three hundred twenty-one point two hundred eighty-five (321.285), subsection eight (8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Notwithstanding any other speed restrictions, the speed limits for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. 103 ~~(d)~~ (e) (1977)) shall be fifty-five miles per hour. However, the department or the cities, with the approval of the department, may establish a lower speed limit upon such highways located within the corporate limits of any city used as city alternate routes, commonly referred to as "freeways." For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. It is further provided that a minimum speed of forty miles per hour, road conditions permitting, shall be established on the highways referred to in this subsection.

Sec. 47. Section three hundred twenty-one point two hundred eighty-six (321.286), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purposes of this section, interstate highways are those designated by the federal ~~bureau-of-public-roads~~ highway administration and this state, and primary and secondary roads ~~shall-be~~ are those designated by the federal ~~bureau-of-public-roads~~ highway administration and this state.

Sec. 48.* Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It ~~shall-be~~ is unlawful for any a person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any A person guilty of violating the provisions of this section is guilty of an aggravated misdemeanor and shall ~~upon-conviction~~ be punished by imprisonment in the penitentiary for not more than two years, and notwithstanding the provisions of section ~~687-2,--such-conviction-shall-constitute-a-misdemeanor--and--not--a~~ felony nine hundred three point one (903.1), subsection one (1) of the Code.

*See also ch 1103, §18 herein

Sec. 49. Section three hundred twenty-five point eleven (325.11), Code 1979, is amended to read as follows:

325.11 RULES OF PROCEDURE. The ~~commission~~ board shall adopt rules governing the procedure to be followed in the filing of applications and in the conduct of hearings.

Sec. 50. Section three hundred twenty-five point thirty-four (325.34), Code 1979, is amended to read as follows:

325.34 SIMPLE MISDEMEANOR--PENALTY. Every owner, officer, agent, or employee of any motor carrier, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, or regulation, direction, demand, or requirement or any part or provision thereof, of the ~~commission~~ department, or who procures, aids, or abets any corporation or person in his or her failure to obey, observe, or comply with any such order, decision, rule, direction, demand, or regulation or any part or provision thereof, shall be guilty of a simple misdemeanor.

Sec. 51. Section three hundred twenty-six point two (326.2), subsection ten (10), Code 1979, is amended to read as follows:

10. "Preceding year" means a period of twelve consecutive months fixed by the board department, which period shall be within the sixteen months immediately preceding the commencement of the registration year for which proportional registration is sought.

Sec. 52. Section three hundred twenty-six point eleven (326.11), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The ~~executive-secretary~~ director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to ~~his~~ the fleet owner's prorated fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after thirty days.

Sec. 53. Section three hundred twenty-six point eighteen (326.18), Code 1979, is amended to read as follows:

326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT. When a nonresident fleet owner has registered vehicles on a prorated basis, the vehicles ~~shall be--considered~~ are fully registered insofar as interstate commerce is concerned. The privileges granted to a nonresident pursuant to this chapter ~~shall~~ permit the operation of a vehicle which is simultaneously engaged in interstate movements and intrastate commerce, provided that the owner has intrastate authority or rights granted by the transportation regulation board. The board may also enter into reciprocity agreements pursuant to section 326.5 to permit interstate and intrastate movement of vehicles registered on a prorated basis by a nonresident fleet owner, provided the owner has intrastate authority granted by the ~~Iowa-state-commerce--commission~~ transportation regulation board and the jurisdiction in which the nonresident is base plated grants the same privilege to an Iowa base plated vehicle. Each vehicle upon which an Iowa base plate is required to be displayed under this chapter ~~shall--be--considered~~ is fully registered for both interstate commerce and intrastate commerce.

Sec. 54. Section three hundred seventy-two point thirteen (372.13), subsection six (6), Code 1979, is amended to read as follows:

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section 28A.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

Sec. 55. Section three hundred eighty-eight point four (388.4), subsection four (4), Code 1979, is amended to read as follows:

4. Immediately following a regular or special meeting of a utility board, the secretary shall prepare a condensed statement of the proceedings of the board and cause the statement to be published in a newspaper of general circulation in the city. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary. In cities having more than one hundred fifty thousand population the utility board shall each month prepare in pamphlet form the statement herein required for the preceding month, and furnish copies to the city library, the daily newspapers of the city, the city clerk, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

Sec. 56. Section four hundred twenty-seven point one (427.1), subsection twenty-two (22), Code 1979, is amended to read as follows:

22. PENSION AND WELFARE PLANS. All intangible property held pursuant to any pension, profit sharing, unemployment compensation, stock bonus or other retirement, deferred benefit or employee welfare plan the income from which is exempt from taxation under divisions II and III of chapter 422, ~~or as the same may hereafter be amended, provided that until the Korean War veterans bonus bonds are retired and paid the tax of twenty-seven cents per thousand dollars of assessed valuation imposed by section 35B.11 shall be levied and collected thereon.~~

Sec. 57. Section four hundred forty-two point two (442.2), subsection four (4), Code 1979, is amended by striking the subsection.

Sec. 58. Section four hundred forty-two point twenty-seven (442.27), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. For the school year beginning July 1, 1978, and for each subsequent school year, if an area education agency does not serve nonpublic school pupils in a manner comparable to services provided public school pupils for media and educational services, as determined by the state board of public instruction, the state board shall instruct the state comptroller to reduce the funds for media services and educational services one time by an amount to compensate for such reduced services. The media services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for media services in the budget year times the difference between the enrollment served and the basic enrollment recorded for the area for the budget year beginning July 1, 1975. The educational services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for educational services in the budget year times the difference between the enrollment served and the basic enrollment recorded for the budget year beginning July 1, 1975.

The provisions of this subsection shall apply only to media and educational services which cannot be diverted for religious purposes.

Notwithstanding the provisions of this subsection, an area education agency shall distribute to nonpublic schools media materials purchased wholly or partially with federal funds in a manner comparable to the distribution of such media materials to public schools as determined by the state board of public instruction.

Sec. 59. Section four hundred fifty-five point one hundred nine (455.109), Code 1979, is amended to read as follows:

455.109 REASSESSMENT TO CURE ILLEGALITY. Whenever any special assessment upon any lands within any drainage district shall have been ~~heretofore~~ adjudged to be void for any jurisdictional defect or for any illegality or uncertainty as to the terms of any contract and the improvement shall have been wholly completed, the board or boards of supervisors shall have power to remedy such illegality or uncertainty as to the terms of any such contract with the consent of the person with whom such contract shall have been entered into and make certain the terms of such contract and shall then cause a reassessment of such land to be made on an equitable basis with the other land in the district by taking the steps required by law in the making of an original assessment and relieving the tax in accordance with such assessment, and such tax shall have the same force and effect as though the board or boards of supervisors had jurisdiction in the first instance and no illegality or uncertainty existed in the contract.

Sec. 60. Section four hundred ninety-one point forty-six (491.46), Code 1979, is amended to read as follows:

491.46 BOOKS TO SHOW NAMES OF STOCKHOLDERS. The books of the corporation shall be kept to show the amount of capital stock actually paid in, the number of shares of stock issued, the original stockholders, and all transfers of shares of stock, and there shall be entered upon the books of

the corporation the name of the person by and to whom stock is transferred, the numbers or other designations of the shares of stock and the date of transfer. ~~Nothing herein contained shall~~ This section does not create any rights or impose any duties inconsistent with the provisions of chapter ~~493A~~ five hundred fifty-four (554) of the Code.

Sec. 61. Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections.

Sec. 62. Section six hundred A point nine (600A.9), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. Order the petition dismissed; or, ~~find that the petition should not be granted but that the child is a child in need of assistance as defined in section 232-27, subsection 13, and shall issue an order pursuant to section 232-33, or,~~

Sec. 63. Section seven hundred twenty-two point one (722.1), Code 1979, is amended to read as follows:

722.1 BRIBERY. A person who offers, promises or gives anything of value or any benefit to any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration, ~~with intent to~~ pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision or exercise of discretion of such person with respect to his or her services in such capacity commits a class "D" felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state.

Sec. 64. Section seven hundred twenty-two point two (722.2), Code 1979, is amended to read as follows:

722.2 ACCEPTING BRIBE. Any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration who shall solicit or knowingly accept or receive any promise or anything of value or any benefit given ~~with the intent to~~ pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision or exercise of discretion of such person with respect to his or her services in that capacity commits a class "C" felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state.

Sec. 65. Chapter six hundred seventy-five (675), Code 1979, is amended by adding the following new section:

NEW SECTION. For the purposes of this chapter, "child" means a person less than eighteen years of age.

Sec. 66. Section six hundred seventy-five point twenty-five (675.25), Code 1979, is amended to read as follows:

675.25 FORM OF JUDGMENT. The judgment shall be for annual amounts, equal or varying, having regard to the obligation of the father under section 675.1, as the court directs, until the child reaches the age of ~~sixteen~~ eighteen years. The payments may be required to be made at such periods or intervals as the court directs.

Sec. 67. Section seven hundred twenty-four point twenty-three (724.23), Code 1979, is amended to read as follows:

724.23 RECORDS KEPT BY COMMISSIONER. The commissioner of public safety shall maintain a permanent record of all permits to carry weapons authorized by this chapter and of permit revocations ~~and reports of sales of weapons required by this chapter~~.

Sec. 68. Section seven hundred twenty-four point four (724.4), subsection six (6), is amended to read as follows:

6. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in a vehicle or common carrier.

Sec. 69. Section eight hundred five point eight (805.8), subsection five (5), paragraph b, Code 1979, is amended to read as follows:

b. For violations of sections 109.54, 109.80, first paragraph, 109.82, 109.91, 109.122, 109.123 and ~~110.12~~ one hundred ten point nineteen (110.19) of the Code, the scheduled fine is twenty dollars.

Sec. 70. Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the ~~second~~ first year after completion before commencing construction of the building.

Approved March 6, 1980