

**CHAPTER 1064**  
**CONSERVATION COMMISSION MEETINGS**  
*H.F. 2297*

**AN ACT** relating to the meetings of the state conservation commission.

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

Section 1. Section 107.10, Code 1985, is amended to read as follows:  
107.10 ORGANIZATION AND MEETINGS.

~~Said~~ The commission shall organize annually by the election of a chairperson. The commission shall meet annually at the seat of government on the first Tuesday of January, April, July, and October and at such other times and places as it may deem ~~deems~~ necessary. Meetings may be called by the chairperson, and shall be called by the chairperson on the request of two members of the commission.

Approved April 11, 1986

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**CHAPTER 1065**  
**FELONY DEFINED FOR WEAPONS POSSESSION**  
*H.F. 2347*

**AN ACT** relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

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

Section 1. Section 724.25, subsection 1, Code 1985, is amended to read as follows:

1. As used in sections 724.8, subsection 2, and 724.26, the word "felony" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, other than an offense involving a firearm or explosive, classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

Approved April 11, 1986

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**CHAPTER 1066**  
**NONPROFIT ORGANIZATION UNEMPLOYMENT SURETY BOND**  
*H.F. 2416*

**AN ACT** relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law.

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

Section 1. Section 96.7, subsection 10, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Any~~ A nonprofit organization ~~that~~ which elects, on or after July 1, 1975, to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of ~~its~~ the election to execute and file with the department a surety bond approved by the department or ~~it~~ the nonprofit organization may elect instead to deposit with the department

money or securities. The amount of such the bond or deposit shall be determined in accordance with the provisions of this subsection.

Approved April 14, 1986

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**CHAPTER 1067**  
**PUBLIC INTOXICATION CHEMICAL TEST**  
*H.F. 2435*

**AN ACT** providing the right to a chemical test upon arrest on a charge of public intoxication.

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

Section 1. Section 123.46, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

**123.46 CONSUMPTION IN PUBLIC PLACES — INTOXICATION — RIGHT TO CHEMICAL TEST ON ARREST.**

1. As used in this section unless the context otherwise requires:

a. "Arrest" means the same as defined in section 804.5 and includes taking into custody pursuant to section 232.19.

b. "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.

c. "Peace officer" means the same as defined in section 801.4.

d. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

Approved April 14, 1986