

MAR 7 1974

HOUSE FILE 1392

Place On Calendar
per Judiciary 4/4, Row 1/17

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Passed House, Date 3-22-74 (1189) Passed Senate, Date 5-2-74 (1880)

Vote: Ayes 89 Nays 0 Vote: Ayes 47 Nays 0

Approved 5-27-74

*Motion to reconsider filed 4/25 (1231) prevailed 3/26 Passed Senate as amended by House
Passed 3-29-74 (1341) 5-3-74 (1459)
48-0*

*Passed as amended by Senate 88-0 further
amended by House 5-3-74 (23%) 80-1*

A BILL FOR

1 An Act relating to correcting erroneous, inconsistent and
2 obsolete sections of the Code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

25 Sec. 2. Section twenty-seven A point four (27A.4), Code
26 1973, is amended to read as follows:

27 27A.4 PAYMENTS IN LIEU OF TAXES. The state shall make
28 payments in lieu of taxes to compensate for the loss of tax
29 revenues occasioned by the fact that property is owned by
30 the upper Mississippi riverway commission, and thereby exempt
31 from taxation by subdivisions of this state. ~~Such-payments~~
32 ~~shall-be-to-the-same-extent-and-pursuant-to-the-same-proce-~~
33 ~~dures-that-apply-to-payments-in-lieu-of-taxes-under-chapter~~
34 ~~284-~~

35 Sec. 3. Section twenty-eight D point eight (28D.8), Code

1 1973, is amended to read as follows:

2 28D.8 ADMINISTRATION. The ~~state-personnel-director~~ Iowa
3 merit employment department is hereby directed to explore
4 means of implementing this chapter and to assist departments,
5 agencies, and instrumentalities of the state and its political
6 subdivisions in participating in employee interchange programs.

7 Sec. 4. Section sixty-four point six (64.6), Code 1973,
8 is amended by striking subsections twenty-six (26) and twenty-
9 seven (27) and inserting in lieu thereof the following:

10 26. Judicial magistrates, five thousand dollars.

11 The state shall pay the reasonable costs of bonds required
12 by this section.

13 Sec. 5. Section ninety-eight point seven (98.7), unnum-
14 bered paragraph one (1), Code 1973, is amended to read as
15 follows:

16 The state ~~printing-board~~ superintendent of printing shall
17 be and is hereby required to design and have printed or
18 manufactured, cigarette tax stamps of such size, denomination,
19 and type and in such quantities as may be determined by the
20 director. The stamps shall be so manufactured as to render
21 them easy to be securely attached to each individual package
22 of cigarettes or cigarette papers. Such stamps shall be in
23 the possession of and under the control of the comptroller.

24 Sec. 6. Section one hundred twenty-three point one hundred
25 forty-three (123.143), subsection one (1), Code 1973, as
26 amended by Acts of the Sixty-fifth General Assembly, 1973
27 Session, chapter one hundred sixty-three (163), section six
28 (6) and chapter one hundred sixty-five (165), section one
29 (1), is amended to read as follows:

30 1. All retail beer permit fees collected by any local
31 authority at the time application for the permit is made,
32 shall be retained by the local authority. A certified copy
33 of the receipt for the permit fee shall be submitted to the
34 department with the application and the local authority shall
35 be notified at the time the permit is issued. Those amounts

1 ~~refunded-to~~ retained by the appropriate local authority out
2 of the fee collected for the privilege authorized under ~~section~~
3 ~~four-(4)-of-this-Act~~ chapter one hundred sixty-three (163),
4 section four (4), Acts of the Sixty-fifth General Assembly,
5 1973 Session, shall be deposited in the county mental health
6 and institutions fund to be used only for the care and
7 treatment of persons admitted or committed to the alcoholic
8 treatment center at Oakdale or any facilities as provided
9 in chapter one hundred twenty-three B (123B) of the Code.

10 Sec. 7. Section two hundred nineteen point six (219.6),
11 Code 1973, is amended to read as follows:

12 219.6 CERTIFICATE OF ELIGIBILITY. Before admission, each
13 applicant shall file with the commandant an affidavit signed
14 by two members of the ~~soldiers-relief~~ commission of veterans
15 affairs of the county in which such person resides, stating
16 that such person to the best of their knowledge and belief
17 is a resident of such county as required under this chapter
18 and that such person is unable to earn a livelihood and his
19 income is less than twelve hundred dollars per annum exclusive
20 of pension, compensation, war risk insurance payments, or
21 pensions or annuities under the social security Act and the
22 railroad retirement Acts. Such affidavit shall be conclusive
23 evidence of the residence of such persons and prima facie
24 only in all other matters affecting the eligibility of the
25 applicant and the liability of the county with respect to
26 the expense of any such person for which the county may be
27 liable. All records of admission shall show the residence
28 of the applicant.

29 Sec. 8. Section two hundred sixty-two point twelve
30 (262.12), Code 1973, is amended to read as follows:

31 262.12 COMMITTEES AND ADMINISTRATIVE OFFICES UNDER BOARD.
32 The board of regents shall also have and exercise all the
33 powers necessary and convenient for the effective adminis-
34 tration of its office and of the institutions under its con-
35 trol, and to this end may create such committees, offices

1 and agencies from its own members or others, and employ persons
2 to staff the same, fix their compensation and tenure and dele-
3 gate thereto, or to the administrative officers and faculty
4 of the institutions under its control, such part of the
5 authority and duties vested by statute in the board, and shall
6 formulate and establish such rules ~~and regulations~~, outline
7 such policies and prescribe such procedures therefor, all
8 as may be desired or determined by the board as recorded in
9 their minutes. ~~Employees-of-the-board-hereunder-shall-not~~
10 ~~come-under-the-division-of-personnel-provided-for-in-section~~
11 ~~6-5-~~

12 Sec. 9. Section two hundred eighty A point fifteen
13 (280A.15), Code 1973, as amended by the Acts of the Sixty-
14 fifth General Assembly, 1973 Session, chapter one hundred
15 thirty-six (136), section two hundred seventy-seven (277),
16 is amended to read as follows:

17 280A.15 CONDUCT OF ELECTIONS. The nomination of candi-
18 dates, preparation of ballots, and canvass for all elections
19 of members of the board of directors of an area vocational
20 school or an area community college, except as otherwise
21 directed, shall be conducted in the manner provided in sections
22 273.5, ~~273-6~~, and 273.7 for members of county boards of educa-
23 tion. Nomination papers in behalf of a candidate shall be
24 filed with the secretary of the board of the merged area.
25 Each candidate shall be nominated by a petition signed by
26 not less than fifty qualified electors of the district from
27 which the member is to be elected. The notice shall be
28 published as provided in chapter forty-nine (49) and the
29 election shall be conducted by the county commissioner of
30 elections pursuant to the provisions of chapters thirty-nine
31 (39) through fifty-three (53) of the Code. The votes cast
32 in the election shall be canvassed by the county board of
33 supervisors and the county commissioner of elections shall
34 issue certificates of election as prescribed in section 273.7.
35 Members elected to the board of directors of a merged area

1 shall qualify by taking the oath of office prescribed in
2 section 277.28.

3 Sec. 10. Section three hundred twenty-one point two hun-
4 dred thirty-eight (321.238), subsection four (4), paragraph
5 b, Code 1973, as amended by Acts of the Sixty-fifth General
6 Assembly, 1973 Session, chapter two hundred eight (208),
7 section three (3), is amended to read as follows:

8 b. Provide instructions and all necessary forms to autho-
9 rized inspection stations for the inspection of vehicles and
10 the issuance of official certificates of inspection. The
11 copy of the ~~certificate~~ statement of inspection to be deliv-
12 ered by the inspection station to the owner of the vehicle
13 inspected shall state the name and address of the inspec-
14 tion station and shall contain a conspicuous notice in sub-
15 stance as follows:

16 "NOTICE: You should immediately notify the inspection
17 station of any complaint about the inspection of this vehicle.
18 If possible, your notice should be given within fifteen days
19 after the date of inspection or before this vehicle has been
20 driven five hundred miles after the inspection, whichever
21 occurs first, or, if the inspection station sold the vehicle
22 to you, within fifteen days after the sale or before this
23 vehicle has been driven five hundred miles after the sale,
24 whichever occurs first. Your notice should be in writing,
25 specifying the complaint. Notice forms are available at any
26 inspection station. You also have the right to make a com-
27 plaint about the inspection to the commissioner of public
28 safety, state house, Des Moines, Iowa."

29 Forms for notice of complaint shall be provided by the
30 department to all authorized inspection stations, who shall
31 provide them to any person upon request. The copy of the
32 certificate of inspection to be delivered by the inspection
33 station to the owner of the vehicle inspected shall also
34 contain a notice, which shall be printed on the face of the
35 certificate of inspection in eight-point bold faced type,

1 which contains the words "THE SAFETY INSPECTION IS APPLICABLE
2 ONLY TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR WARRANT
3 THE CONDITION OF THESE ITEMS OR THE OVERALL CONDITION OF THE
4 VEHICLE".

5 Sec. 11. Section three hundred thirty-three point thir-
6 teen (333.13), subsection three (3), Code 1973, is amended
7 to read as follows:

8 3. The various reports made during the preceding year,
9 by the county treasurer, auditor, recorder, sheriff, clerk
10 of the district court, and the ~~soldiers-relief~~ commission
11 of veterans affairs, as required by law.

12 Sec. 12. Section seven hundred fifty point six (750.6),
13 subsection two (2), Code 1973, is amended to read as follows:

14 2. To enter into lease or contract arrangements for the
15 joint ownership, maintenance, acquisition or leasing of said
16 equipment with any other ~~city, town, or~~ county and may jointly
17 operate the same with such co-operating agency for the mutual
18 economy and efficiency of both.

19 Sec. 13. Acts of the Sixty-fourth General Assembly, 1972
20 Session, chapter one thousand eighty-eight (1088), section
21 twelve (12), subsection two (2), is amended to read as follows:

22 2. A city may not provide a penalty in excess of a one
23 hundred dollar fine or in excess of thirty days imprisonment
24 for the violation of an ordinance. An amount equal to ten
25 percent of all fines collected by cities shall be remitted
26 quarterly to the county treasurer of the county in which the
27 city is located for deposit in the county general fund.

28 Sec. 14. Acts of the Sixty-fourth General Assembly, 1972
29 Session, chapter one thousand eighty-eight (1088), section
30 ninety-three (93), subsection one (1), is amended by striking
31 the subsection.

32 Sec. 15. Acts of the Sixty-fourth General Assembly, 1972
33 Session, chapter one thousand eighty-eight (1088), section
34 two hundred fifty-eight (258), unnumbered paragraph two (2),
35 is amended to read as follows:

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

16 Sec. 16. Acts of the Sixty-fourth General Assembly, 1972
17 Session, chapter one thousand eighty-eight (1088), section
18 one (1), is amended to read as follows:

19 1. Counties and sanitary districts incorporated under
20 the provisions of chapter three hundred fifty-eight (358)
21 of the Code may own, acquire, establish, construct, purchase,
22 equip, improve, extend, operate, maintain, reconstruct, and
23 repair within or without the limits of the county or sanitary
24 district, works and facilities useful and necessary for the
25 collection, treatment, purification, and disposal in a sani-
26 tary manner of the liquid and solid waste, sewage, and indus-
27 trial waste of the county or sanitary district, including
28 sanitary disposal projects as defined in ~~section-four-hun-~~
29 ~~dred-six-point-two-(406-2)~~ division four (IV) of chapter four
30 hundred fifty-five B (455B) of the Code, also swimming pools
31 or golf courses, and may acquire by gift, grant, purchase,
32 condemnation, or otherwise all necessary lands, rights-of-
33 way, and property therefor, within or without the county or
34 sanitary district, may purchase and acquire an interest in
35 a sanitary disposal project or such works and facilities which

1 are owned by a city, county, or sanitary district and which
 2 are to be jointly used by them, and may issue revenue bonds
 3 to pay all or any part of the cost of establishing, acquiring,
 4 purchasing, constructing, equipping, improving, extending,
 5 reconstructing, repairing, operating, or maintaining a sani-
 6 tary disposal project or such works and facilities, including
 7 the amount agreed upon for the purchase and acquisition by
 8 a county or sanitary district of an interest in the sanitary
 9 disposal project or works and facilities which are owned by
 10 a city, county, or sanitary district and which are to be
 11 jointly used. As used in this section the words 'works and
 12 facilities', 'works', or 'facilities' shall include but not
 13 be limited to sanitary disposal projects as defined in see-
 14 ~~tion-four-hundred-six-point-two-(406-2)~~ division four (IV)
 15 of chapter four hundred fifty-five B (455B) of the Code.

16 The construction, acquisition, improvement, equipment,
 17 custody, operation, and maintenance of any works for the
 18 collection, treatment, or disposal of sewage, swimming pools,
 19 golf courses, or sanitary disposal projects, and the collection
 20 of revenues for the service rendered, shall be under the
 21 supervision and control of the county or sanitary district.

22 Sec. 17. Acts of the Sixty-fourth General Assembly, 1972
 23 Session, chapter one thousand eighty-eight (1088), section
 24 three hundred forty-three (343), is amended to read as fol-
 25 lows:

26 Sec. 343. Section five hundred sixty-five point twelve
 27 (565.12), Code 1971, is amended as follows:

28 565.12 CONDITION AS TO ANNUITY. When a gift or bequest
 29 is conditioned upon the payment of an annuity to the donor,
 30 or any other person, the governing board of a county or city
 31 may, upon acceptance of such gift or bequest, agree to pay
 32 such annuity providing the amount thereof does not exceed
 33 five percent of the amount of the gift or bequest and does
 34 not exceed the amount realized from a one mill tax levy upon
 35 the taxable property of said ~~municipality~~ county or city.

1 Sec. 18. Acts of the Sixty-fifth General Assembly, 1973
2 Session, chapter seven (7), section five (5), is amended to
3 read as follows:

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

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

21 Sec. 19. Acts of the Sixty-fifth General Assembly, 1973
22 Session, chapter one hundred twenty (120), section two (2),
23 lines one hundred twenty-one (121) through one hundred thirty-
24 three (133), are amended to read as follows:

25 NEW SECTION. DUTIES OF LEGISLATIVE FISCAL DIRECTOR. The
26 legislative fiscal director shall:

27 1. Employ and supervise all employees of the legislative
28 fiscal bureau in such positions and at such salaries as shall
29 be authorized by the legislative council.

30 2. Supervise all expenditures of the legislative fiscal
31 bureau with the approval of the legislative council.

32 3. Attend, or designate a representative who shall attend,
33 the budget hearings required by section eight point twenty-
34 six (8.26) of the Code and may offer explanations or
35 suggestions and make inquiries with respect to such budget

1 hearings within-the-purposes-specified-in-sections-two-point
2 forty-six-(2.46);-two-point-forty-seven-(2.47);-and-two-point
3 forty-eight-(2.48)-of-the-Code.

4 Sec. 20. Acts of the Sixty-fifth General Assembly, 1973
5 Session, chapter one hundred fifty-one (151), section three
6 (3), is amended to read as follows:

7 Sec. 3. House File two hundred eighty-seven (287), sec-
8 tion seventeen (17), as enacted by the Sixty-fifth General
9 Assembly, 1973 Session, is amended to read as follows:

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

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

28 Sec. 21. Acts of the Sixty-fifth General Assembly, 1973
29 Session, chapter one hundred eighty-one (181), section fif-
30 teen (15), is amended to read as follows:

31 Sec. 15. NEW SECTION. LICENSE RENEWAL--FEES. Licenses
32 shall expire one year from the date of issuance and shall
33 be renewed upon timely application made in the same manner
34 as for original issuance of a license unless notice of
35 nonrenewal is given to the licensee at least thirty days prior

1 to the expiration of the license. The authority shall charge
2 a fee for licensing and renewal adequate to cover the cost
3 of processing each application and conducting inspection and
4 investigations as required or deemed necessary to properly
5 enforce this Act. Costs incurred by local agencies or bodies
6 approved to assist the authority in administering this Act
7 as permitted by section twenty-one (21), subsection ~~four-(4)~~
8 three (3) of this Act may be reimbursed to the local agencies
9 or bodies by the authority.

10 Sec. 22. Acts of the Sixty-fifth General Assembly, 1973
11 Session, chapter one hundred ninety-four (194), section one
12 (1), article VIII, is amended by striking paragraph c.

13 Sec. 23. Acts of the Sixty-fifth General Assembly, 1973
14 Session, chapter two hundred fifty-one (251), section seven-
15 teen (17), is amended to read as follows:

16 Sec. 17. NEW SECTION. APPEALS. Any person aggrieved
17 by an act or decision of the director of revenue or the depart-
18 ment of revenue under this Act shall have the same rights
19 of appeal and review as provided in sections four hundred
20 twenty-one point one (421.1) and ~~four-hundred-twenty-two-point~~
21 ~~fifty-three-(422.53)~~ four hundred twenty-two point fifty-five
22 (422.55) of the Code and the rules of the department of
23 revenue.

24 Sec. 24. Acts of the Sixty-fifth General Assembly, 1973
25 Session, chapter two hundred ninety-four (294), section twelve
26 (12), is amended to read as follows:

27 Sec. 12. NEW SECTION. DATA PROCESSING. Nothing in this
28 Act shall preclude the use of the equipment and hardware of
29 the data processing service center ~~provided-for-in-section~~
30 ~~nineteen-B-point-three-(19B.3)~~, ~~subsection-five-(5)~~, ~~of-the~~
31 ~~code~~ for the storage and retrieval of criminal history data.
32 Files shall be stored on the computer in such a manner as
33 the files cannot be modified, destroyed, accessed, changed
34 or ~~overlayed~~ overlaid in any fashion by noncriminal justice
35 agency terminals or personnel. That portion of any computer,

1 electronic switch or manual terminal having access to criminal
2 history data stored in the state computer must be under the
3 management control of a criminal justice agency.

4 Sec. 25. Section two hundred seventy-four point forty-
5 six (274.46), Code 1973, is repealed.

6 Sec. 26. Acts of the Sixty-fifth General Assembly, 1973
7 Session, chapter one hundred forty (140), section twelve (12),
8 is repealed.

9 Sec. 27. Acts of the Sixty-fifth General Assembly, 1973
10 Session, chapter one hundred forty-five (145), is repealed.

11 EXPLANATION

12 This bill corrects erroneous provisions and references
13 in sections 1, 3, 6, 7, 8, 11, 12, 14, 16, 17, 18, 20, 21,
14 and 23 of this Act; strikes references to repealed sections
15 of the Code in sections 2, 9, 10, 19, and 24 of this Act;
16 corrects inconsistent reference in the Code in sections 4,
17 5, and 22 of this Act; and inserts conforming amendments to
18 the Code in sections 13 and 15 of this Act.

19

H-2449

1 Amend House File 1392, page 7, by striking all
2 of lines 19 through 27.

H-2449 Filed - *Adopted 3/22*
March 12, 1974

By HARVEY of Scott
CLARK of Lee
CONNORS of Polk

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H-2597

1 Amend House File 1392 as follows:
2 1. Page 8, by striking from lines 29 and 30 the
3 following: "division four (IV) of chapter four
4 hundred fifty-five B (455B)" and inserting in lieu
5 thereof the following: "section four hundred fifty-
6 five B point seventy-five (455B.75)".
7 2. Page 9, by striking from lines 14 and 15 the
8 following: "division four (IV) of chapter four
9 hundred fifty-five B (455B)" and inserting in lieu
10 thereof the following: "section four hundred fifty-
11 five B point seventy-five (455B.75)".

H-2597 Filed - *Adopted 3/26*
March 25, 1974

By RAPP of Black Hawk

H-2653

1 Amend House File 1392, page 13, by inserting after
2 line 10 the following:
3 Sec. _____. House File 177, enacted by the Sixty-
4 fifth General Assembly, 1974 Session, section three
5 (3), is amended by striking from lines one (1) and
6 two (2), the words and figures "two (2) and three (3)"
7 and inserting in lieu thereof the words and figures
8 "one (1) and two (2)".

H-2653 Filed - *Adopted 3/29*
March 27, 1974

By HILL of Polk

H-2681

1 Amend House File 1392 as follows:
2 1. Page 3, by striking lines 13 through 23.
3 2. By renumbering the sections to accord with
4 this amendment.

H-2681 Filed - *Adopted 3/29*
March 28, 1974

By RAPP of Black Hawk

51 General Assembly, 1972 Session, chapter one thousand
52 eighty-eight (1088), section two hundred eleven
53 (211), and Acts of the Sixty-fifth General Assembly,
54 1973 Session, chapter one hundred twenty-two (122),
55 section eleven (11), is amended by striking the
56 section and inserting in lieu thereof the following:
57 26.6 POPULATION OF COUNTIES, TOWNSHIPS, CITIES,
58 AND TOWNS. Whenever the population of any county,
59 township, city or political subdivision is referred
60 to in any law of this state, it shall be determined
61 by the latest preceding certified federal census
62 unless otherwise provided. Whenever a special federal
63 census is taken by any city, the mayor and council
64 shall certify the said census as soon as possible
65 to the secretary of state and to the treasurer of
66 state as otherwise herein provided, and failing to
67 do so, the treasurer of state shall, after six months
68 from the date of said special census, withhold
69 allocation of such moneys from the city, and continue
70 to do so until such time as certification by said
71 mayor and council is made, or until the next decennial
72 federal census. If there be a difference between
73 the original certified record in the office of the
74 secretary of state and the published census the
75 former shall prevail.

76 Sec. 30. Acts of the Sixty-fifth General Assembly,
77 1973 Session, chapter one hundred thirty-six (136),
78 sections two hundred eighty-three (283) through three
79 hundred fifteen (315), are repealed.

80 Sec. 31. Acts of the Sixty-fifth General Assembly,
81 1973 Session, chapter one hundred forty (140),
82 sections forty-one (41) and forty-two (42), are
83 repealed.

84 Sec. 32. Acts of the Sixty-fifth General Assembly,
85 1973 Session, chapter one hundred fifty-three (153),
86 section sixteen (16), is repealed.

87 Sec. 33. Acts of the Sixty-fifth General Assembly,
88 1973 Session, chapter two hundred twenty-eight (228),
89 sections two (2), three (3), and four (4), are re-
90 pealed.

91 Sec. 34. Acts of the Sixty-fifth General Assembly,
92 1973 Session, chapter two hundred thirty-four (234),
93 is repealed.

94 Sec. 35. Acts of the Sixty-fifth General Assembly,
95 1973 Session, chapter two hundred thirty-nine (239),
96 is repealed.

97 Sec. 36. Acts of the Sixty-fifth General Assembly,
98 1973 Session, chapter two hundred eighty-two (282),
99 section twenty-seven (27), is repealed.

100 Sec. 37. The Code editor is authorized to delete
101 obsolete references to the word "town" from the Code.

102 Sec. 38. Sections twenty-eight (28) through
103 thirty-seven (37) of this Act shall be effective
104 July 1, 1975.

H-2521 Filed 1 Thru 8 adopted
March 15, 1974 9 withdrawn 3/22
Motion to reconsider filed
3/23 (200), prevailed 3/26
By RAPP of Black Hawk
HILL of Polk
7 withdrawn, 1 thru 6 adopted 3/26

HOUSE FILE 1392

H-2521

1 Amend House File 1392 as follows:

2 1. Page 5, by striking lines 12 through 35.

3 2. Page 6, by striking lines 1 and 2.

4 3. Page 6, line 32, by striking the word
5 "certificate" and inserting in lieu thereof the word
6 "statement".

7 4. Page 6, line 35, by striking the word
8 "certificate" and inserting in lieu thereof the word
9 "statement".

10 5. Page 7, by inserting after line 11 the fol-
11 lowing:

12 Sec. _____. Section seven hundred fifty point five
13 (750.5), Code 1973, as amended by Acts of the Sixty-
14 fourth General Assembly, 1972 Session, chapter one
15 thousand eighty-eight (1088), section three hundred
16 fifty-one (351), and Actsof the Sixty-fifth General
17 Assembly, 1973 Session, chapter one hundred four
18 (104), section seven (7), is amended by striking
19 the section and inserting in lieu thereof the
20 following:

21 750.5 OPTION OF CITY COUNCIL TO INSTALL--COSTS.

22 The council of each city of two thousand or more
23 population may install at least one radio receiving
24 set for use in law enforcement and police work.

25 6. Page 8, lines 17 and 18, by striking the words
26 "section one (1)" and inserting in lieu thereof the
27 words "section two hundred eighty-one (281), sub-
28 section one (1)".

29 7. Page 8, line 30, by striking the figure
30 "(455B)" and inserting in lieu thereof the words
31 and figure "point seventy-five (455B.75)".

32 8. Page 9, line 15, by striking the figure
33 "(455B)" and inserting in lieu thereof the words
34 and figure "point seventy-five (455B.75)".

35 9. Page 13, by inserting after line 10 the follow-
36 ing sections:

37 Sec. 28. Section four point one (4.1), Code 1973,
38 as amended by Acts of the Sixty-fourth General
39 Assembly, 1972 Session, chapter one thousand eighty-
40 eight (1088), section two hundred (200) and Acts
41 of the Sixty-fifth General Assembly, 1973 Session,
42 chapter one hundred twenty-two (122), section one
43 (1), is amended by striking subsection twenty-six
44 (26) and inserting in lieu thereof the following:

45 26. POPULATION. The word "population" where
46 used in this Code or any statute means the population
47 shown by the latest preceding certified federal
48 census, unless otherwise specially provided.

49 Sec. 29. Section twenty-six point six (26.6),
50 Code 1973, as amended by Acts of the Sixty-fourth

SENATE AMENDMENT TO HOUSE FILE 1392

1 Amend House File 1392, as amended and passed by the
2 House as follows:

3 1. Page 3, by adding the following sections after
4 line 7:

5 Sec. _____. Section forty-nine point thirty-three
6 (49.33), Code 1973, is amended to read as follows:

7 49.33 ONE SQUARE FOR PRESIDENT AND VICE PRESI-
8 DENT. Upon the left-hand margin of each separate
9 column of the ballot, immediately opposite the names
10 of the candidates for president and vice-president,
11 a single square, the sides of which shall not be
12 less than one-fourth of an inch in length, shall be
13 printed in front of a bracket enclosing the names
14 of the said candidates for president and vice-
15 president. The votes for said candidates shall be
16 counted and certified to by the election judges
17 board in the same manner as the votes for other
18 candidates.

19 Sec. _____. Section forty-nine point thirty-
20 four (49.34), Code 1973, is amended to read as
21 follows:

22 49.34 UNITED STATES SENATORS. At all general
23 elections next preceding the expiration of the term
24 of office of United States senator, there shall be
25 placed upon the official ballot in the proper place
26 the names of candidates for all parties or groups of
27 petitioners for said office that have been nominated
28 by law. The votes for said candidate shall be counted
29 and certified to by the election judges board in the
30 same manner as the votes for other candidates.

31 Sec. _____. Section forty-nine point one hundred
32 (49.100), Code 1973, is amended to read as follows:

33 49.100 SPOILED BALLOTS. Any voter who shall spoil
34 his ballot may, on returning the same to the judges
35 precinct election officials, receive another in place
36 thereof, but no voter shall receive more than three
37 ballots including the one first delivered to him. None
38 but ballots provided in accordance with the provisions
39 of this chapter shall be counted.

40 Sec. _____. Section forty-nine point one hundred
41 twenty-four (49.124), Code 1973, as amended by Acts of
42 the Sixty-fifth General Assembly, 1973 Session, chapter
43 one hundred thirty-six (136), section one hundred seventy-
44 seven (177), is amended to read as follows:

45 49.124 TRAINING COURSE BY COMMISSIONER. It shall
46 be the duty of the commissioner to conduct, not less
47 than three days before each primary and general election,
48 a training course of not more than two hours for all
49 election personnel, and the commissioner may do so be-
50 fore any other election he administers. Such personnel

51 shall include ~~judges, clerks~~ all precinct election
52 officials, and any other persons who will be employed
53 in or around the polling places on election day. At
54 least ~~one-judge-and-one-clerk~~ two precinct election
55 officials who will serve on each precinct election
56 board at the forthcoming election shall attend the
57 training course, and if the entire board does not
58 attend, those members who do attend shall so far as
59 possible be persons who have not previously attended
60 a similar training course.

61 2. Page 5, by adding the following section after
62 line 11:

63 Sec. ____ . Section two hundred eighty A point
64 fifteen (280A.15), Code 1973, as amended by Acts of
65 the Sixty-fifth General Assembly, 1973 Session, chap-
66 ter one hundred thirty-six (136), section two hundred
67 seventy-seven (277), and House File one thousand three
68 hundred ninety-nine (1399), section sixty-nine (69),
69 is amended by striking the section and inserting in
70 lieu thereof the following:

71 280A.15 CONDUCT OF ELECTIONS. The nomination of
72 candidates, preparation of ballots, and canvass for
73 all elections of members of the board of directors
74 of an area vocational school or an area community
75 college, except as otherwise directed, shall be
76 conducted in the manner provided in sections two
77 hundred seventy-three point five (273.5) and two
78 hundred seventy-three point seven (273.7) of the
79 Code for members of county boards of education.
80 Nomination papers in behalf of a candidate shall be
81 filed with the secretary of the board of the merged
82 area. Each candidate shall be nominated by a pet-
83 ition signed by not less than fifty eligible electors
84 of the district from which the member is to be
85 elected. The election notice shall be published as
86 provided in section forty-nine point fifty-three
87 (49.53) of the Code and the election shall be con-
88 ducted by the county commissioner of elections pur-
89 suant to the provisions of chapters thirty-nine (39)
90 through fifty-three (53) of the Code. The votes cast
91 in the election shall be canvassed by the county
92 board of supervisors and the county commissioner of
93 elections shall issue certificates of election as
94 prescribed in section two hundred seventy-three point
95 seven (273.7) of the Code. Members elected to the
96 board of directors of a merged area shall qualify by
97 taking the oath of office prescribed in section two
98 hundred seventy-seven point twenty-eight (277.28) of
99 the Code.
100 3. Page 6, by striking line 30 and inserting in lieu

101 thereof the following: "~~certificate~~ statement of
102 inspection to be delivered by the inspection".
103 4. Page 6, by striking line 33 and inserting in
104 lieu thereof the following: "~~certificate~~ statement
105 of inspection in eight-point boldfaced type,".
106 5. Page 13, by adding the following sections after
107 line 10:

108 Sec. _____. Section four point one (4.1), sub-
109 section twenty-six (26), Code 1973, as amended by
110 Acts of the Sixty-fourth General Assembly, 1972 Session,
111 chapter one thousand eighty-eight (1088), section
112 two hundred (200), and Acts of the Sixty-fifth General
113 Assembly, 1973 Session, chapter one hundred twenty-two
114 (122), section one (1), is amended by striking the sub-
115 section and inserting in lieu thereof the following:

116 26. POPULATION. The word "population" where
117 used in this Code or any statute means the population
118 shown by the latest preceding certified federal census,
119 unless otherwise specifically provided.

120 Sec. _____. Acts of the Sixty-fifth General Assembly,
121 1973, Session, chapter one hundred eighty-seven (187),
122 section two (2), is amended by striking lines 21 and
123 22 and inserting in lieu thereof the following: "vacancy
124 in the same manner as the original appointment. ~~A-vacaney~~
125 ~~shall-exist-on-the-commission-when-ever~~ If a legislative
126 member".

127 Sec. _____. The Code editor is authorized to
128 delete obsolete references to "town" from the
129 statutes.

130 6. Page 13, by inserting after line 16 the follow-
131 ing new section:

132 Sec. _____. Senate File one thousand two hundred
133 thirty-five (1235) as enacted by the Sixty-fifth
134 General Assembly, 1974 Session, section six (6),
135 subsection three (3), is amended to read as follows:

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

138 7. Page 13, by adding the following section after
139 line 16.

140 Sec. _____. House File one thousand three hundred
141 ninety-nine (1399), enacted by the Sixty-fifth General
142 Assembly, 1974 Session, section ninety-four (94),
143 is amended by striking from line four (4) the
144 words and figure "eighty-five (85)" and inserting in
145 lieu thereof the words and figure "ninety-two (92)".

146 7. By renumbering the sections and correcting internal
147 references.

Received from the Senate
May 2, 1974

*House concurred as
amended by H-3180 5/3*

H—3130

1 Amend the Senate amendment to House File 1392 by
2 striking lines 61 through 99, inclusive.

H—3130 Filed and adopted By HILL of Polk
May 3, 1974

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1392

1 Amend the Senate amendment to House File 1392 by striking
2 lines 61 through 99, inclusive.

Received from the House
May 3, 1974

Senate concurred 5/3

HOUSE FILE 1392

S-2914

1 Amend House File 1392, as amended and passed by the
2 House, as follows:

3 1. Page 3, by adding the following sections after
4 line 7:

5 Sec. _____. Section forty-nine point thirty-
6 three (49.33), Code 1973, is amended to read as
7 follows:

8 49.33 ONE SQUARE FOR PRESIDENT AND VICE PRESI-
9 DENT. Upon the left-hand margin of each separate
10 column of the ballot, immediately opposite the names
11 of the candidates for president and vice-president, a
12 single square, the sides of which shall not be less
13 than one-fourth of an inch in length, shall be printed
14 in front of a bracket enclosing the names of the said
15 candidates for president and vice-president. The votes
16 for said candidates shall be counted and certified to
17 by the election judges board in the same manner as the
18 votes for other candidates.

19 Sec. _____. Section forty-nine point thirty-
20 four (49.34), Code 1973, is amended to read as follows:

21 49.34 UNITED STATES SENATORS. At all general
22 elections next preceding the expiration of the term of
23 office of United States senator, there shall be placed
24 upon the official ballot in the proper place the names
25 of candidates for all parties or groups of petitioners

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1 for said office that have been nominated by law. The
2 votes for said candidate shall be counted and certi-
3 fied to by the election judges board in the same manner
4 as the votes for other candidates.

5 Sec. _____. Section forty-nine point one hundred
6 (49.100), Code 1973, is amended to read as follows:

7 49.100 SPOILED BALLOTS. Any voter who shall spoil
8 his ballot may, on returning the same to the judges pre-
9 inct election officials, receive another in place there-
10 of, but no voter shall receive more than three ballots
11 including the one first delivered to him. None but
12 ballots provided in accordance with the provisions of
13 this chapter shall be counted.

14 Sec. _____. Section forty-nine point one hundred
15 twenty-four (49.124), Code 1973, as amended by Acts of
16 the Sixty-fifth General Assembly, 1973 Session, chapter
17 one hundred thirty-six (136), section one hundred seven-
18 ty-seven (177), is amended to read as follows:

19 49.124 TRAINING COURSE BY COMMISSIONER. It shall
20 be the duty of the commissioner to conduct, not less
21 than three days before each primary and general election,
22 a training course of not more than two hours for all
23 election personnel, and the commissioner may do so be-
24 fore any other election he administers. Such personnel
25 shall include judges, clerks all precinct election

Senate 12
April 30, 1974

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1 officials, and any other persons who will be employed
2 in or around the polling places on election day. At
3 least ~~one-judge-and-one-clerk~~ two precinct election
4 officials who will serve on each precinct election
5 board at the forthcoming election shall attend the
6 training course, and if the entire board does not attend,
7 those members who do attend shall so far as possible
8 be persons who have not previously attended a similar
9 training course.

S—2914 Filed *Adopted 5/2*
April 29, 1974

By RILEY

S—2886
1 Amend House File 1392, as amended and passed by the
2 House, as follows:
3 1. Page 13, by adding the following section after
4 line 16:
5 Sec. _____. House File one thousand three hun-
6 dred ninety-nine (1399), enacted by the Sixty-fifth
7 General Assembly, 1974 Session, section ninety-four
8 (94), is amended by striking from line four (4) the
9 words and figure "eighty-five (85)" and inserting in
10 lieu thereof the words and figure "ninety-two (92)".

S—2886 Filed *Adopted 5/2*
April 25, 1974

By RILEY

HOUSE FILE 1392

S-2874

1 Amend House File 1392, as amended and passed by the
2 House, as follows:

3 1. Page 5, by adding the following section after
4 line 11:

5 Sec. _____. Section two hundred eighty A point
6 fifteen (280A.15), Code 1973, as amended by Acts of
7 the Sixty-fifth General Assembly, 1973 Session, chap-
8 ter one hundred thirty-six (136), section two hundred
9 seventy-seven (277), and House File one thousand three
10 hundred ninety-nine (1399), section sixty-nine (69),
11 is amended by striking the section and inserting in
12 lieu thereof the following:

13 280A.15 CONDUCT OF ELECTIONS. The nomination
14 of candidates, preparation of ballots, and canvass
15 for all elections of members of the board of directors
16 of an area vocational school or an area community
17 college, except as otherwise directed, shall be
18 conducted in the manner provided in sections two
19 hundred seventy-three point five (273.5) and two
20 hundred seventy-three point seven (273.7) of the
21 Code for members of county boards of education.
22 Nomination papers in behalf of a candidate shall be
23 filed with the secretary of the board of the merged
24 area. Each candidate shall be nominated by a pet-
25 ition signed by not less than fifty eligible electors

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1 of the district from which the member is to be
2 elected. The election notice shall be published as
3 provided in section forty-nine point fifty-three
4 (49.53) of the Code and the election shall be con-
5 ducted by the county commissioner of elections pur-
6 suant to the provisions of chapters thirty-nine (39)
7 through fifty-three (53) of the Code. The votes cast
8 in the election shall be canvassed by the county
9 board of supervisors and the county commissioner of
10 elections shall issue certificates of election as
11 prescribed in section two hundred seventy-three point
12 seven (273.7) of the Code. Members elected to the
13 board of directors of a merged area shall qualify by
14 taking the oath of office prescribed in section two
15 hundred seventy-seven point twenty-eight (277.28) of
16 the Code.

17 2. By renumbering the remaining sections.

S-2⁸74 Filed *Adopted 5/2*
April 25, 1974

By RILEY

S-2687

1 Amend House File 1392, as amended and passed by the
2 House, as follows:
3 1. Page 6, by striking line 30 and inserting in lieu
4 thereof the following: "certificate statement of
5 inspection to be delivered by the inspection".
6 2. Page 6, by striking line 33 and inserting in lieu
7 thereof the following: "certificate statement of
8 inspection in eight-point boldfaced type,".
9 3. Page 13, by adding the following sections after
10 line 10:
11 Sec. _____. Section four point one (4.1), sub-
12 section twenty-six (26), Code 1973, as amended by
13 Acts of the Sixty-fourth General Assembly, 1972 Session, chapter
14 one thousand eighty-eight (1088), section two hundred
15 (200), and Acts of the Sixty-fifth General Assembly,
16 1973 Session, chapter one hundred twenty-two (122),
17 section one (1), is amended by striking the subsection
18 and inserting in lieu thereof the following:
19 26. POPULATION. The word "population" where
20 used in this Code or any statute means the population
21 shown by the latest preceding certified federal cen-
22 sus, unless otherwise specially provided.
23 Sec. _____. Acts of the Sixty-fifth General
24 Assembly, 1973 Session, chapter one hundred eighty-
25 seven (187), section two (2), is amended by striking

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1 lines 21 and 22 and inserting in lieu thereof the
2 following: "vacancy in the same manner as the origi-
3 nal appointment. ~~A vacancy shall exist on the~~
4 ~~commission whenever if~~ a legislative member".
5 Sec. _____. The Code editor is authorized to
6 delete obsolete references to "town" from the
7 statutes.

S-2687 Filed *Adopted 5/2*
April 8, 1974

By RILEY

S-2848

1 Amend House File 1392 as amended and passed by
2 the House as follows:
3 1. Page 13, by inserting after line 16 the fol-
4 lowing new section:
5 "Sec. _____. Senate File one thousand two hundred
6 thirty-five (1235) as enacted by the Sixty-fifth
7 General Assembly, 1974 Session, section six (6),
8 subsection three (3), is amended to read as follows:
9 3. If it is not labeled as required in section
10 ~~six-(6)~~ five (5) of this Act."

S-2848 Filed *Adopted 5/2*
April 23, 1974

By RILEY