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SENATE FILE 2238

BY COMMITTEE ON JUDICIARY
Approved 2/28 (p. 565)

Passed Senate, Date 3-6-84 (p. 681) Passed House, Date 3-30-84 (P. 1523)
Vote: Ayes 48 Nays 0 Vote: Ayes 96 Nays 0
Approved May 7, 1984

A BILL FOR

1 An Act making Code corrections which strike or replace
2 incorrect references, strike expired provisions, and
3 make statutes consistent, including statutes relating
4 to penalties.

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

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S. 2238

1 Section 1. Section 8.15, unnumbered paragraph 1, Code
2 Supplement 1983, is amended to read as follows:

3 Before a warrant or its equivalent is issued for a claim
4 payable from the state treasury, the department shall file
5 an itemized voucher showing in detail the items of service,
6 expense, thing furnished, or contract for which payment is
7 sought. The claimant's original invoice shall be attached
8 to a department's approved voucher. The comptroller shall
9 adopt rules specifying the form and contents for invoices
10 submitted by a vendor to a department. The requirements apply
11 to acceptance of an invoice by a department. A department,
12 ~~the-general-assembly,-or-the-courts~~ shall not impose additional
13 or different requirements on submission of invoices than those
14 contained in rules of the comptroller unless the comptroller
15 exempts the department from the invoice requirements or a
16 part of the requirements upon a finding that compliance would
17 result in poor accounting or management practices.

18 Sec. 2. Section 49.113, Code 1983, is amended to read
19 as follows:

20 49.113 OFFICIAL NEGLIGENCE OR MISCONDUCT. Any A public
21 officer upon whom a duty is imposed by this chapter, who shall
22 willfully ~~neglect~~ neglects to perform ~~such~~ the duty, or who
23 shall willfully ~~perform~~ performs it in such a way as to hinder
24 the object ~~thereof~~ of it, or shall ~~disclose~~ discloses to
25 anyone, except as ~~may-be~~ ordered by any a court ~~of-competent~~
26 jurisdiction, the manner in which any a ballot ~~may-have~~ has
27 been voted, ~~shall-be-punished-by-a-fine-of-not-less-than-five~~
28 ~~dollars-not-more-than-one-thousand-dollars,-or-by-imprisonment~~
29 ~~in-the-county-jail-for-not-more-than-one-year,-or-by-both~~
30 ~~fine-and-imprisonment~~ is guilty of a serious misdemeanor.

31 Sec. 3. Section 53.40, unnumbered paragraphs 1 and 3,
32 Code 1983, are amended to read as follows:

33 Request in writing for a ballot for the primary election
34 and for the general election may be made by any member of
35 the armed forces of the United States who is or will be a

1 qualified voter on the day of the election at which said the
2 ballot is to be cast, at any time prior to either of said
3 the elections, the request stating for which election the
4 request is made. In the case of the general election such
5 request may likewise be made, not more than seventy days
6 before said the election, for and on behalf of a voter in
7 the armed forces of the United States by a spouse, parent,
8 parent-in-law, adult brother, adult sister, or adult child
9 of any-such the voter, residing in the county of said the
10 voter's residence, ~~provided that any such~~. However, a request
11 made by other than the voter may be required to be made on
12 forms prescribed by the ~~Iowa-servicemen's-ballot-commissioner~~
13 state commissioner.

14 The commissioner shall immediately on the fortieth day
15 prior to the particular election transmit ballots to the voter
16 by mail or otherwise, postage prepaid, as ~~may be~~ directed
17 by the ~~Iowa-servicemen's-ballot-commissioner~~ state commissioner,
18 requests for which are in his the commissioner's hands at
19 that time, and thereafter so transmit ballots immediately
20 upon receipt of requests ~~for same~~. A request for ballot for
21 the primary election which does not state the party affiliation
22 of the voter making the request ~~shall be~~ is void and of no
23 effect. A request which does not show that the person for
24 whom a ballot is requested will be a qualified voter in the
25 precinct in which said the ballot is to be cast on the day
26 of the election for which the ballot is requested, shall not
27 be honored, ~~provided that~~. However, a request which states
28 the age and the city, including street address, if any, or
29 township, and county ~~wherein~~ where the voter resides, and
30 which shows a sufficient period of residence, ~~shall be~~ is
31 sufficient to show that he the person is such a qualified
32 voter. A request by the voter containing substantially the
33 information required ~~herein shall be~~ is sufficient.

34 Sec. 4. Section 125.78, unnumbered paragraph 1, Code 1983,
35 is amended to read as follows:

1 As soon as practical after the filing of an application
2 for involuntary commitment ~~for~~ or treatment, the court shall:

3 Sec. 5. Section 172C.1, subsection 11, paragraph a, Code
4 1983, is amended to read as follows:

5 a. In which a majority interest in the trust is held by
6 and the majority of the beneficiaries are persons related
7 to each other as spouse, parent, grandparent, lineal
8 ~~descendants~~ ascendants of grandparents or their spouses and
9 other lineal descendants of the grandparents or their spouses,
10 or persons acting in a fiduciary capacity for persons so
11 related; and

12 Sec. 6. Section 172D.1, subsection 2, Code 1983, is amended
13 to read as follows:

14 2. "Department" means the department of environmental
15 quality in a reference to a time before July 1, 1983, and
16 the department of water, air and waste management in a
17 reference to a time on or after July 1, 1983, and includes
18 any officer or agency within that department.

19 Sec. 7. Section 172D.3, subsection 2, paragraph b,
20 subparagraphs (3) and (4), Code 1983, are amended to read
21 as follows:

22 (3) A rule of the department adopted after November 1,
23 1976 ~~shall~~ does not apply to a feedlot holding any-DEQ a
24 wastewater permit from the department and having an established
25 date of operation prior to the effective date of the rule
26 until either the expiration of the term of the permit in
27 effect on the effective date of the rule, or ten years from
28 the established date of operation of the feedlot, whichever
29 time period is greater.

30 (4) A rule of the department adopted after November 1,
31 1976 ~~shall~~ does not apply to a feedlot not previously required
32 to hold a DEQ wastewater permit from the department and having
33 an established date of operation prior to the effective date
34 of the rule for either a period of ten years from the
35 established date of operation of the feedlot or five years

1 from the effective date of the rule, whichever time period
2 is greater.

3 Sec. 8. Section 220.38, subsection 2, Code 1983, is amended
4 to read as follows:

5 2. Only individuals who meet the principal requirements
6 for an original mortgagor ~~shall be~~ are eligible to assume
7 a ~~tax-exempt~~ mortgage loan issued under this chapter.

8 Sec. 9. Section 233.2, Code 1983, is amended to read as
9 follows:

10 233.2 PENALTY--BAR. A violation of section 233.1 shall
11 ~~be punishable by a fine of not exceeding one hundred dollars~~
12 ~~or by imprisonment in the county jail not exceeding thirty~~
13 ~~days, or by both such fine and imprisonment is a simple~~
14 misdemeanor. ~~Said~~ A conviction ~~shall~~ does not bar a
15 prosecution of ~~such~~ the convicted person for an indictable
16 offense when the acts which caused or contributed to the
17 delinquency or dependency of ~~such~~ the child are indictable.

18 Sec. 10. Section 263.11, subsection 2, Code 1983, is
19 amended to read as follows:

20 2. Persons who are not eligible for admission to the
21 schools already established for the deaf, blind, epileptic,
22 or ~~feeble-minded~~ mentally retarded.

23 Sec. 11. Section 273.8, subsection 1, Code 1983, is amended
24 to read as follows:

25 1. BOARD OF DIRECTORS. The board of directors of an area
26 education agency shall consist of not less than five nor more
27 than nine members, each a resident of and elected in the
28 manner provided in this section from a director district that
29 is approximately equal in population to the other director
30 districts in the area education agency. Each director shall
31 serve a three-year term which ~~expires on the first Monday~~
32 ~~in October~~ commences at the organization meeting.

33 Sec. 12. Section 273.8, subsection 3, Code 1983, is amended
34 to read as follows:

35 3. ORGANIZATION. The board of directors of each area

1 education agency shall meet and organize at the first regular
2 meeting in October of each year at a suitable place designated
3 by the president. Directors whose terms commence at the
4 organization meeting shall qualify by taking the oath of
5 office required by section ~~279-31~~ 277.28 at or before the
6 organization meeting.

7 The provisions of section 280A.12 relating to organization,
8 officers, appointment of secretary and treasurer, and meetings
9 of the merged area board ~~shall~~ apply to the area education
10 agency board.

11 Sec. 13. Section 280A.11, unnumbered paragraph 1, Code
12 1983, is amended to read as follows:

13 The governing board of a merged area ~~shall-be~~ is a board
14 of directors composed of one member elected from each director
15 district in the area by the electors of the respective
16 district. Members of the board shall be residents of the
17 district from which elected. Successors shall be chosen at
18 the annual school elections for members whose terms expire
19 ~~on-the-first-Monday-in-October-following-such-elections.~~
20 ~~Terms-of-members~~ The term of a member of the board of directors
21 ~~shall-be~~ is three years and commences at the organization
22 meeting. Vacancies on the board which occur more than ninety
23 days prior to the next regular school election may be filled
24 at the next regular meeting of the board by appointment by
25 the remaining members of the board. A member so chosen shall
26 be a resident of the district in which the vacancy occurred
27 and shall serve until a member ~~shall-be~~ is elected pursuant
28 to section 69.12 to fill the vacancy for the balance of the
29 unexpired term. A vacancy ~~shall-be~~ is defined as in section
30 277.29. ~~No~~ A member shall not serve on the board of directors
31 who is a member of a board of directors of a local school
32 district or a member of an area education agency board.

33 Sec. 14. Section 291.9, subsection 4, Code 1983, is amended
34 to read as follows:

35 4. The name, sex, age, and disability of every physically

1 handicapped or ~~feeble-minded~~ mentally retarded person of
2 school age, with the name and post-office address of the
3 parent or guardian.

4 Sec. 15. Section 291.10, subsection 11, Code 1983, is
5 amended to read as follows:

6 11. The name, age and post-office address of each person
7 resident of the corporation, without regard to age, so blind
8 as to be unable to acquire an education in the common schools,
9 and of each person between the ages of five and thirty-five
10 whose faculties with respect to speech and hearing are so
11 deficient as to prevent ~~him~~ the person from obtaining an
12 education in the common schools, and the name, sex, age, and
13 disability of every physically handicapped or ~~feeble-minded~~
14 mentally retarded person of school age, with the name and
15 post-office address of the parent or guardian.

16 Sec. 16. Section 312.3, subsection 1, Code 1983, is amended
17 to read as follows:

18 1. Apportion among the counties in the ratio that the
19 needs of the secondary roads of each county bear to the total
20 needs of the secondary roads of the state ~~for-the-twenty-year~~
21 ~~improvement-program-developed-by-the-automotive-safety~~
22 ~~foundation-and-filed-with-the-Iowa-highway-study-committee~~
23 ~~created-by-chapter-4267-Acts-of-the-Fifty-eighth-General~~
24 ~~Assembly7-through-the-period-ending-June-307-19797-and for~~
25 each fiscal year ~~beginning-July-17-19797~~, based upon the total
26 needs of secondary roads of the state as shown in the latest
27 quadrennial need study report developed by the state department
28 of transportation, and which is on record at the department,
29 sixty percent of the allocation from road use tax funds which
30 is credited to the secondary road fund of the counties, and
31 apportion among the counties in the ratio that the area of
32 ~~such~~ each county bears to the total area of the state, forty
33 percent of the allocation from road use tax funds which is
34 credited to the secondary road fund of the counties. However,
35 for a hold harmless period each county ~~shall-be~~ is guaranteed

1 a base year amount. The amount in the secondary road fund
2 of the counties in each fiscal year during the hold harmless
3 period in excess of the sum of the base period amounts
4 allocated to all counties shall be distributed proportionally
5 based on the relative needs and area factors to only those
6 counties entitled to receive more than the base year amount.

7 For the purposes of this subsection:

8 a. "Hold harmless period" means the fiscal years beginning
9 July 1, 1979 and ending June 30, 1985.

10 b. "Base year amount" means the amount of the secondary
11 road fund of the counties received by a county for the fiscal
12 year beginning July 1, 1977.

13 Sec. 17. Section 312.5, unnumbered paragraphs 3 and 4
14 and paragraphs a and b, Code 1983, are amended to read as
15 follows:

16 Need allotment farm-to-market road funds shall be allotted
17 among the counties in the ratio that the needs of the farm-
18 to-market roads in each county bear to the total needs of
19 the farm-to-market roads in the state ~~for the twenty-year~~
20 ~~program developed by the automotive safety foundation and~~
21 ~~filed with the Iowa highway study committee created by chapter~~
22 ~~4267 Acts of the Fifty-eighth General Assembly, through the~~
23 ~~period ending June 30, 1979, and for each fiscal year beginning~~
24 ~~July 1, 1979, based upon the total needs of the farm-to-market~~
25 roads in the state as shown in the latest quadrennial need
26 study report developed by the state department of
27 transportation, and which is on record at the department.
28 ~~However, for a hold harmless period each county shall be~~
29 ~~guaranteed a base year amount. The amount in the farm-to-~~
30 ~~market road fund in each fiscal year during the hold harmless~~
31 ~~period in excess of the sum of the base period amounts~~
32 ~~allocated to all counties shall be distributed proportionally~~
33 ~~based on the relative needs and area factors to only those~~
34 ~~counties entitled to receive more than the base year amount.~~
35 ~~For the purposes of this section:~~

1 a. ~~---"Held-harmless-period" means the fiscal years beginning~~
 2 ~~July 1, 1979 and ending June 30, 1983.~~

3 b. ~~---"Base-year amount" means the amount of the farm-to-~~
 4 ~~market-road-fund-received-by-a-county-for-the-fiscal-year~~
 5 ~~beginning July 1, 1977.~~

6 Sec. 18. Section 317.19, Code Supplement 1983, is amended
 7 to read as follows:

8 317.19 ROAD CLEARING APPROPRIATION. The board of
 9 supervisors may appropriate moneys to be used for the purposes
 10 of cutting, burning, or otherwise destroying ~~all~~ weeds, ~~second,~~
 11 or ~~undergrowth~~ brush between the fence rows on the county
 12 trunk roads and local county roads in time to prevent
 13 reseeding.

14 The board of supervisors may purchase or hire necessary
 15 equipment or contract with the adjoining landowner to carry
 16 out ~~the purposes of~~ this section.

17 Sec. 19. Section 321.1, subsection 2, Code Supplement
 18 1983, is amended to read as follows:

19 2. a. "Motor vehicle" means every a vehicle which is
 20 self-propelled, but not including vehicles known as trackless
 21 trolleys which are propelled by electric power obtained from
 22 overhead trolley wires, ~~but~~ and are not operated upon rails.
 23 ~~The terms "car," "new car," "used car" or "automobile" shall~~
 24 ~~be synonymous with the term "motor vehicle."~~

25 b. "Used motor vehicle" or "second-hand motor vehicle"
 26 means any a motor vehicle of a type subject to registration
 27 under the laws of this state which have has been sold "at
 28 retail" as defined in chapter 322 and previously registered
 29 in this or any other state.

30 c. "New car" means ~~every motor vehicle designed primarily~~
 31 ~~for carrying nine passengers or less, excluding motorcycles,~~
 32 a car which has not been sold "at retail" as defined in chapter
 33 322.

34 d. "Used car" means ~~every motor vehicle designed primarily~~
 35 ~~for carrying nine passengers or less, excluding motorcycles,~~

1 a car which has been sold "at retail" as defined in chapter
2 322 and previously registered in this state or any other
3 state.

4 e. "Car" or "automobile" means a motor vehicle designed
5 primarily for carrying nine passengers or less, excluding
6 motorcycles and motorized bicycles.

7 Sec. 20. Section 321.184, Code 1983, is amended to read
8 as follows:

9 321.184 APPLICATIONS OF UNMARRIED MINORS. The application
10 of ~~any~~ an unmarried person under the age of eighteen years
11 for an instruction permit, operator's license, motorized
12 bicycle license, restricted license, or ~~permit~~ school license
13 issued under section 321.194 shall contain the verified consent
14 and confirmation of the applicant's birthday by either parent
15 of the applicant, the guardian of the applicant, or a person
16 having custody of the ~~minor~~ applicant under chapter 600A may
17 ~~consent~~. Officers and employees of the department are
18 ~~authorized to~~ may administer the oaths without charge.

19 Sec. 21. Section 321.194, unnumbered paragraphs 1 and
20 2, Code Supplement 1983, are amended to read as follows:

21 Upon certification of a special need by the school board
22 or the superintendent of the applicant's school, the department
23 may issue a ~~restricted~~ school license to a person between
24 the ages of fourteen and eighteen years. The license shall
25 entitle the holder, while having the license in immediate
26 possession, to operate a motor vehicle during the hours of
27 6 a.m. to 9 p.m. over the most direct and accessible route
28 between the licensee's residence and schools of enrollment
29 and between schools of enrollment for the purpose of attending
30 duly scheduled courses of instruction and extracurricular
31 activities at the schools or at any time when accompanied
32 by a parent or guardian, driver education instructor, or
33 prospective driver education instructor who is a holder of
34 a valid operator's or chauffeur's license, and who is actually
35 occupying a seat beside the driver. The license shall expire

1 on the licensee's eighteenth birthday or upon issuance of
2 a ~~probationary-operator's~~ restricted license under section
3 321.178, subsection 2 or operator's license.

4 Each application shall be accompanied by a statement from
5 the school board or superintendent of the applicant's school.
6 The statement shall be upon a form provided by the department.
7 The school board or superintendent shall certify that a need
8 exists for the license and that the board and superintendent
9 are not responsible for actions of the applicant which pertain
10 to the use of the ~~restricted~~ school license. The department
11 of public instruction shall adopt rules pursuant to chapter
12 17A establishing criteria for issuing a statement of necessity.
13 Upon receipt of a statement of necessity, the department shall
14 issue a ~~restricted~~ school license. The fact that the applicant
15 resides at a distance less than one mile from the applicant's
16 schools of enrollment is prima-facie evidence of the
17 nonexistence of necessity for the issuance of a license.

18 Sec. 22. Section 321.196, unnumbered paragraph 3, Code
19 1983, is amended by striking the unnumbered paragraph.

20 Sec. 23. Section 321.215, subsection 3, Code 1983, is
21 amended to read as follows:

22 3. A temporary restricted permit ~~shall-be~~ is valid only
23 if the department is in receipt of records required by this
24 section. The permit shall be canceled upon conviction of
25 a moving traffic violation ~~as-defined-in-section-321-18-~~
26 or upon any a violation of ~~the-terms~~ a term of the permit.

27 Sec. 24. Section 321.366, unnumbered paragraph 1 and sub-
28 sections 1 through 5, Code 1983, are amended to read as fol-
29 lows:

30 It is unlawful for any a person, except a person operating
31 highway maintenance equipment or an authorized emergency
32 vehicle, to do any of the following on fully controlled access
33 facilities:

34 1. Drive a vehicle over, upon, or across any a curb,
35 central dividing section, or other separation or dividing

1 line ~~en-fully-controlled-access-facility~~.

2 2. Make a left turn or a semicircular or U-turn at a
3 maintenance cross-over where an official sign prohibits the
4 turn.

5 3. Drive any a vehicle except in the proper lane provided
6 for that purpose and in the proper direction and to the right
7 of the central dividing curb, separation, section, or line.

8 4. Drive any a vehicle into the ~~fully-controlled-access~~
9 facility from a local service road.

10 5. Stop, park, or leave standing any a vehicle, whether
11 attended or unattended, upon the paved portion, the shoulders,
12 or the right of way except at designated rest areas or in
13 case of an emergency or other dire necessity.

14 Sec. 25. Section 327A.19, Code 1983, is amended to read
15 as follows:

16 327A.19 FEE FOR OPERATION. ~~No~~ A certificate of convenience
17 and necessity shall not be issued nor continued in force until
18 the holder ~~thereof-shall-have~~ has paid to the ~~board~~ authority
19 an annual certificate fee for each motor vehicle operated
20 ~~thereunder~~ under the certificate in the amount of five dollars,
21 except that the fee for a tractor or truck tractor ~~shall-be~~
22 is fifteen dollars, and except that the fee ~~herein-provided~~
23 shall not be imposed on any a trailer or semitrailer. Fees
24 collected pursuant to ~~the-provisions-of~~ this section shall
25 be remitted to the treasurer of state and credited to the
26 road use tax fund.

27 Sec. 26. Section 331.302, subsection 2, Code 1983, is
28 amended to read as follows:

29 2. A county shall not provide a penalty in excess of a
30 one hundred dollar fine or in excess of thirty days
31 imprisonment for the violation of an ordinance. The criminal
32 penalty surcharge required by section 911.2 shall be added
33 to a county fine and is not a part of the county's penalty.

34 Sec. 27. Section 364.3, subsection 2, Code Supplement
35 1983, is amended to read as follows:

1 2. A city ~~may~~ shall not provide a penalty in excess of
 2 a one hundred dollar fine or in excess of thirty days
 3 imprisonment for the violation of an ordinance. An amount
 4 equal to ten percent of all fines collected by ~~municipal~~
 5 ~~corporations~~ cities shall be remitted quarterly to the county
 6 treasurer of the county in which the ~~municipal-corporation~~
 7 city is located. However, one hundred percent of all fines
 8 collected by a city pursuant to section 321.236, subsection
 9 1, shall be retained by the city. The criminal penalty
 10 surcharge required by section 911.2 shall be added to a city
 11 fine and is not a part of the city's penalty.

12 Sec. 28. Section 427.3, subsections 1 and 2, Code
 13 Supplement 1983, are amended to read as follows:

14 1. The property, not to exceed eleven thousand one hundred
 15 eleven dollars in taxable value, ~~and poll-tax~~ of any an
 16 honorably discharged union soldier, sailor, or marine of the
 17 Mexican war or the war of the rebellion.

18 2. The property, not to exceed six thousand six hundred
 19 sixty-seven dollars in taxable value, ~~and poll-tax~~ of any
 20 an honorably discharged soldier, sailor, marine or nurse of
 21 the war with Spain, Tyler Rangers, Colorado volunteers in
 22 the war of the rebellion, 1861 to 1865, Indian wars, Chinese
 23 relief expedition or ~~the~~ Philippine insurrection.

24 Sec. 29. Section 427.8, Code 1983, is amended to read
 25 as follows:

26 427.8 PETITION FOR EXEMPTION. ~~Whenever~~ If a person, by
 27 reason of age or infirmity, is unable to contribute to the
 28 public revenue, ~~such~~ the person may file a petition, duly
 29 sworn to, with the board of supervisors, stating ~~such~~ that
 30 fact and giving a statement of property, real and personal,
 31 owned or possessed by ~~such-applicant~~ the petitioner, and ~~such~~
 32 other information as the board may require. The board of
 33 supervisors may ~~thereupon~~ order the county treasurer to suspend
 34 the collection of the taxes assessed against ~~such~~ the
 35 ~~petitioner, his polls~~ or the petitioner's estate, or both,

1 for the current year, or ~~such~~ the board may cancel and remit
2 ~~said the taxes, provided, however, that such.~~ However, the
3 ~~petition shall~~ must first ~~have been~~ be approved by the council
4 of the city in which the property of the petitioner is located,
5 or by the township trustees of the township in which ~~said~~
6 the property is located.

7 Sec. 30. Section 427.10, Code 1983, is amended to read
8 as follows:

9 427.10 ADDITIONAL ORDER. The board of supervisors may,
10 if in their judgment it is for the best interests of the
11 public and the petitioner referred to in section 427.8, or
12 the public and the aged person referred to in section 427.9,
13 cancel and remit the taxes assessed against the petitioner
14 ~~referred to in section 427.8,~~ or the aged person ~~referred~~
15 ~~to in section 427.9, his polls~~ or the petitioner's or person's
16 estate or both, even though ~~said~~ the taxes have previously
17 been suspended as provided in sections 427.8 ~~and~~ or 427.9.

18 Sec. 31. Section 427.12, Code 1983, is amended to read
19 as follows:

20 427.12 SUSPENDED TAX LIST. The county treasurer shall
21 ~~keep and~~ maintain ~~in his office~~ a book which shall be known
22 as the "suspended tax list" and in which ~~he~~ the treasurer
23 shall enter the following data relative to all taxes, ~~and~~
24 ~~polls,~~ the collection of which have has been suspended by
25 order of the board of supervisors, ~~to wit:~~

- 26 1. A governmental or platted description of the land on
- 27 which the ~~said~~ tax has been levied or on which it is a lien.
- 28 2. The name of the owner of ~~said~~ the land.
- 29 3. The amount, and current year, of ~~said~~ the tax.
- 30 4. The date of the order suspending collection of ~~said~~
31 the tax.

32 ~~Said~~ The book shall be so prepared, ruled, and headed that
33 all entries of taxes and polls against the land in a ~~given~~
34 section or in a ~~given~~ city plat, addition, or auditor's plat
35 shall be separate from the entry of taxes against the land

1 in any other section, or city plat, addition, or auditor's
2 plat.

3 ~~The county treasurer shall, prior to January 1, 1946, enter~~
4 ~~in said book the aforesaid data as to all unpaid, unanceled~~
5 ~~and unremitted taxes, and polls, the collection of which have~~
6 ~~been ordered suspended by the board of supervisors since July~~
7 ~~4, 1921. The data relative to all other suspended taxes and~~
8 ~~polls shall be entered immediately following the entry of~~
9 ~~such suspension.~~

10 If a tax or poll on said the book be is paid, or be
11 subsequently legally canceled and remitted, the treasurer
12 shall enter in said the book and over ~~his~~ the treasurer's
13 official signature a notification of satisfaction thereof.

14 ~~Said~~ The suspended tax list ~~shall be considered~~ is the
15 only official record of suspended tax list of taxes in the
16 county. When any a suspension, ~~heretofore or hereafter~~ ordered
17 by the board of supervisors for any reason provided by law,
18 has been entered ~~therein, such~~ in the suspended tax list,
19 the entry shall, on and after its date ~~of said entry,~~ be is
20 a lien and notice ~~thereof~~ of a lien in accordance with the
21 ~~provisions of sections 427.9 and section 445.10. Such entries~~
22 ~~of suspended taxes shall and is~~ not be required to be entered
23 in or carried forward to any other book or tax list,
24 ~~notwithstanding any provision of law to the contrary.~~

25 Sec. 32. Section 805.8, subsection 1, Code Supplement
26 1983, is amended to read as follows:

27 1. APPLICATION. Except as otherwise indicated, violations
28 of sections of the Code specified in this section are scheduled
29 violations, and the scheduled fine for each of those violations
30 is as provided in this section, whether the violation is of
31 state law or of a county or city ordinance. The criminal
32 penalty surcharge required by section 911.2 shall be added
33 to the scheduled fine.

34 Sec. 33. Section 902.9, Code 1983, is amended by adding
35 the following new unnumbered paragraph:

1 introduced and the enrolled bill.

2 Sections 6 and 7 amend definitions which were not made
3 clear when the department of water, air and waste management
4 replaced the department of environmental quality. This change
5 was approved by the new department.

6 Section 8 strikes the words "tax-exempt", as a mortgage
7 loan is neither taxed nor tax-exempt, although bonds under
8 this chapter are tax-exempt.

9 Sections 10, 14 and 15 substitute "mentally retarded" for
10 "feeble minded", which is no longer considered a desirable
11 term. The two are listed as synonyms in section 218.95.

12 Sections 11, 12 and 13 replace an incorrect reference,
13 and require terms of board members to commence at the or-
14 ganization meeting, which is now set as the first meeting
15 in October, rather than the first Monday in October. Chapters
16 273 and 280A are similar in these organizational provisions.

17 Section 16 and 17 strike temporary provisions which have
18 expired, relating to apportionment of road use tax moneys.

19 Section 18 strikes "second," and "undergrowth" which add
20 nothing to the meaning of "weeds or brush". The department
21 of agriculture approved this amendment.

22 Section 19 strikes an incorrect statement; "car", under
23 other definitions, is not the same as "motor vehicle".

24 Sections 20 and 21 change references to certain restricted
25 licenses, to be consistent with other sections and with the
26 rules.

27 Sections 22 and 23 strike references to "moving violations"
28 which are inaccurate or not used. The definition is in de-
29 partmental rules.

30 Section 24 inserts words to provide that all parts of the
31 section apply only to fully controlled-access highways. The
32 section has been interpreted this way and this amendment was
33 cleared with the department of transportation.

34 Section 25 changes a reference to the transportation
35 regulation authority, which apparently was missed when the

1 name was changed from "board" to "authority".

2 Sections 26, 27, 32, 33 and 34 provide references to the
3 10 percent criminal penalty surcharge in the sections pro-
4 viding for city and county fines, scheduled violation fines,
5 and fines for felonies and misdemeanors. An amendment of
6 this nature was requested by a person in the department of
7 public safety.

8 Sections 28 through 31 delete references to a "poll tax",
9 which has not existed for some time, and delete a temporary
10 provision.

11 Section 35 contains repeals of chapter 221, which is no
12 longer needed as its subject matter is covered in newer chap-
13 ter 225C; and of sections 144.57 and 600.23, which are tied
14 to and were passed in conjunction with a temporary section
15 in 1975 Acts, chapter 145, section 1, which expired November
16 1, 1975.

17 This bill takes effect July 1 following its enactment.

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5-5211

1 Amend Senate File 2238 as follows:
2 1. Page 4, by inserting after line 2 the following:
3 "Sec. ____ . Section 217A.2, subsections 5, 6, and
4 7, Code Supplement 1983, are amended to read as
5 follows:
6 5. North central medium security correctional
7 facility at Rockwell City.
8 6. Mount Pleasant medium security correctional
9 facility.
10 7. Clarinda correctional ~~treatment~~ facility."
11 2. Page 11, by inserting after line 13 the
12 following:
13 "Sec. ____ . Section 321B.2, unnumbered paragraph
14 2, Code 1983, is amended to read as follows:
15 As used in this chapter and sections 29B.106,
16 321.209, 321.281, ~~321-494~~ and 690.2 the words
17 "alcoholic beverage" include alcohol, wine, spirits,
18 beer, or any other beverage which contains ethyl
19 alcohol and is fit for human consumption."
20 3. Page 14, by inserting after line 24 the
21 following:
22 "Sec. ____ . Section 602.6501, subsection 3, Code
23 Supplement 1983, is amended to read as follows:
24 3. A member of a magistrate appointing commission
25 shall be reimbursed for actual and necessary expenses
26 reasonably incurred in the performance of official
27 duties. Reimbursements are payable ~~out-of-the-court~~
28 ~~expense-fund-of~~ by the county in which the member
29 serves, upon certification of the expenses to the
30 county auditor by the clerk of the district court.
31 The district judges of each judicial district may
32 prescribe rules for the administration of this
33 subsection."
34 4. Page 15, by inserting after line 10 the
35 following:
36 "Sec. ____ . Section 905.11, Code Supplement 1983,
37 is amended to read as follows:
38 905.11 BIENNIAL PLAN. The Iowa department of
39 ~~human-services~~ corrections shall prepare a biennial
40 plan relating to the management of the community-based
41 corrections programs and services.
42 The plan shall include:
43 1. Goals, objectives, operations, and funding
44 allocations for programs and projects to accomplish
45 the requirements of this chapter and the orderly
46 development of the community-based corrections programs
47 and services.
48 2. The plans for coordination with the state
49 agencies responsible for substance abuse services,
50 mental health services, employment programs and other

S-5211

PAGE 2

1 programs needed to improve the availability of
2 services.

3 The plan shall be prepared and submitted by the
4 Iowa department of ~~human-services~~ corrections to the
5 ~~senate~~-on-human-services board of corrections. The
6 ~~senate~~ board shall submit the plan to the governor
7 and the general assembly in January of each odd-
8 numbered year."

9 5. Page 15, line 11, by inserting after the figure
10 "144.57" the figure ", 321.494".

11 6. By renumbering sections as necessary.

S-5211 FILED
MARCH 2, 1984
Adopted 3/6 (p. 631)

BY DOUG RITSEMA

Judiciary and Law Enforcement: Chapman, Chair: Jay and Schroeder.

Do Pass 3/23 (p. 1248)

SENATE FILE

2238

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 6, 1984)

Re Passed Senate, Date 4-6-84 (p. 1361) Passed House, Date 3-30-84 (p. 1523)

Vote: Ayes 44 Nays 0 Vote: Ayes 96 Nays 0

Approved May 7 1984

Repassed Senate 4-19-84 (p. 1663) 29-0

A BILL FOR

1 An Act making Code corrections which strike or replace
2 incorrect references, strike expired provisions, and
3 make statutes consistent, including statutes relating to
4 penalties.

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

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_____ = New Language
by the Senate

1 Section 1. Section 8.15, unnumbered paragraph 1, Code
2 Supplement 1983, is amended to read as follows:

3 Before a warrant or its equivalent is issued for a claim
4 payable from the state treasury, the department shall file
5 an itemized voucher showing in detail the items of service,
6 expense, thing furnished, or contract for which payment is
7 sought. The claimant's original invoice shall be attached
8 to a department's approved voucher. The comptroller shall
9 adopt rules specifying the form and contents for invoices
10 submitted by a vendor to a department. The requirements apply
11 to acceptance of an invoice by a department. A department,
12 ~~the-general-assembly,-or-the-courts~~ shall not impose additional
13 or different requirements on submission of invoices than those
14 contained in rules of the comptroller unless the comptroller
15 exempts the department from the invoice requirements or a
16 part of the requirements upon a finding that compliance would
17 result in poor accounting or management practices.

18 Sec. 2. Section 49.113, Code 1983, is amended to read
19 as follows:

20 49.113 OFFICIAL NEGLECT OR MISCONDUCT. Any A public
21 officer upon whom a duty is imposed by this chapter, who ~~shall~~
22 willfully ~~neglect~~ neglects to perform ~~such~~ the duty, or who
23 ~~shall~~ willfully ~~perform~~ performs it in ~~such~~ a way as to hinder
24 the object ~~thereof~~ of it, or ~~shall-disclose~~ discloses to
25 anyone, except as ~~may-be~~ ordered by any a court of-competent
26 jurisdiction, the manner in which any a ballot may-have has
27 been voted, ~~shall-be-punished-by-a-fine-of-not-less-than-five~~
28 ~~dollars-nor-more-than-one-thousand-dollars,-or-by-imprisonment~~
29 ~~in-the-county-jail-for-not-more-than-one-year,-or-by-both~~
30 ~~fine-and-imprisonment~~ is guilty of a serious misdemeanor.

31 Sec. 3. Section 53.40, unnumbered paragraphs 1 and 3,
32 Code 1983, are amended to read as follows:

33 Request in writing for a ballot for the primary election
34 and for the general election may be made by any member of
35 the armed forces of the United States who is or will be a

1 qualified voter on the day of the election at which said the
2 ballot is to be cast, at any time prior to either of said
3 the elections, the request stating for which election the
4 request is made. In the case of the general election such
5 request may ~~likewise~~ be made, not more than seventy days
6 before said the election, for and on behalf of a voter in
7 the armed forces of the United States by a spouse, parent,
8 parent-in-law, adult brother, adult sister, or adult child
9 of ~~any-such~~ the voter, residing in the county of said the
10 voter's residence, ~~provided-that-any-such~~. However, a request
11 made by other than the voter may be required to be made on
12 forms prescribed by the ~~Iowa-servicemen's-ballot-commission~~
13 state commissioner.

14 The commissioner shall immediately on the fortieth day
15 prior to the particular election transmit ballots to the voter
16 by mail or otherwise, postage prepaid, as ~~may-be~~ directed
17 by the ~~Iowa-servicemen's-ballot-commission~~ state commissioner,
18 requests for which are in ~~his~~ the commissioner's hands at
19 that time, and thereafter so transmit ballots immediately
20 upon receipt of requests ~~for-same~~. A request for ballot for
21 the primary election which does not state the party affiliation
22 of the voter making the request ~~shall-be~~ is void and of no
23 effect. A request which does not show that the person for
24 whom a ballot is requested will be a qualified voter in the
25 precinct in which said the ballot is to be cast on the day
26 of the election for which the ballot is requested, shall not
27 be honored, ~~provided-that~~. However, a request which states
28 the age and the city, including street address, if any, or
29 township, and county ~~wherein~~ where the voter resides, and
30 which shows a sufficient period of residence, ~~shall-be~~ is
31 sufficient to show that he the person is ~~such~~ a qualified
32 voter. A request by the voter containing substantially the
33 information required ~~herein-shall-be~~ is sufficient.

34 Sec. 4. Section 125.78, unnumbered paragraph 1, Code 1983,
35 is amended to read as follows:

1 As soon as practical after the filing of an application
2 for involuntary commitment ~~for~~ or treatment, the court shall:

3 Sec. 5. Section 172C.1, subsection 11, paragraph a, Code
4 1983, is amended to read as follows:

5 a. In which a majority interest in the trust is held by
6 and the majority of the beneficiaries are persons related
7 to each other as spouse, parent, grandparent, lineal
8 ~~descendants~~ ascendants of grandparents or their spouses and
9 other lineal descendants of the grandparents or their spouses,
10 or persons acting in a fiduciary capacity for persons so
11 related; and

12 Sec. 6. Section 172D.1, subsection 2, Code 1983, is amended
13 to read as follows:

14 2. "Department" means the department of environmental
15 quality in a reference to a time before July 1, 1983, and
16 the department of water, air and waste management in a
17 reference to a time on or after July 1, 1983, and includes
18 any officer or agency within that department.

19 Sec. 7. Section 172D.3, subsection 2, paragraph b,
20 subparagraphs (3) and (4), Code 1983, are amended to read
21 as follows:

22 (3) A rule of the department adopted after November 1,
23 1976 ~~shall~~ does not apply to a feedlot holding ~~any~~ BEQ a
24 wastewater permit from the department and having an established
25 date of operation prior to the effective date of the rule
26 until either the expiration of the term of the permit in
27 effect on the effective date of the rule, or ten years from
28 the established date of operation of the feedlot, whichever
29 time period is greater.

30 (4) A rule of the department adopted after November 1,
31 1976 ~~shall~~ does not apply to a feedlot not previously required
32 to hold a ~~BEQ~~ wastewater permit from the department and having
33 an established date of operation prior to the effective date
34 of the rule for either a period of ten years from the
35 established date of operation of the feedlot or five years

1 from the effective date of the rule, whichever time period
2 is greater.

3 Sec. 8. Section 217A.2, subsections 5, 6, and 7, Code
4 Supplement 1983, are amended to read as follows:

5 5. North central medium security correctional facility
6 at Rockwell City.

7 6. Mount Pleasant medium security correctional facility.

8 7. Clarinda correctional treatment facility.

9 Sec. 9. Section 220.38, subsection 2, Code 1983, is amended
10 to read as follows:

11 2. Only individuals who meet the principal requirements
12 for an original mortgagor ~~shall be~~ are eligible to assume
13 a ~~tax-exempt~~ mortgage loan issued under this chapter.

14 Sec. 10. Section 233.2, Code 1983, is amended to read
15 as follows:

16 233.2 PENALTY--BAR. A violation of section 233.1 ~~shall~~
17 ~~be punishable by a fine of not exceeding one hundred dollars~~
18 ~~or by imprisonment in the county jail not exceeding thirty~~
19 ~~days, or by both such fine and imprisonment~~ is a simple
20 misdemeanor. ~~Said~~ A conviction ~~shall~~ does not bar a
21 prosecution of ~~such~~ the convicted person for an indictable
22 offense when the acts which caused or contributed to the
23 delinquency or dependency of ~~such~~ the child are indictable.

24 Sec. 11. Section 263.11, subsection 2, Code 1983, is
25 amended to read as follows:

26 2. Persons who are not eligible for admission to the
27 schools already established for the deaf, blind, epileptic,
28 or ~~feeble-minded~~ mentally retarded.

29 Sec. 12. Section 273.8, subsection 1, Code 1983, is amended
30 to read as follows:

31 1. BOARD OF DIRECTORS. The board of directors of an area
32 education agency shall consist of not less than five nor more
33 than nine members, each a resident of and elected in the
34 manner provided in this section from a director district that
35 is approximately equal in population to the other director

1 districts in the area education agency. Each director shall
2 serve a three-year term which ~~expires-on-the-first-Monday~~
3 ~~in-October~~ commences at the organization meeting.

4 Sec. 13. Section 273.8, subsection 3, Code 1983, is amended
5 to read as follows:

6 3. ORGANIZATION. The board of directors of each area
7 education agency shall meet and organize at the first regular
8 meeting in October of each year at a suitable place designated
9 by the president. Directors whose terms commence at the
10 organization meeting shall qualify by taking the oath of
11 office required by section ~~279-31~~ 277.28 at or before the
12 organization meeting.

13 The provisions of section 280A.12 relating to organization,
14 officers, appointment of secretary and treasurer, and meetings
15 of the merged area board ~~shall~~ apply to the area education
16 agency board.

17 Sec. 14. Section 280A.11, unnumbered paragraph 1, Code
18 1983, is amended to read as follows:

19 The governing board of a merged area ~~shall-be~~ is a board
20 of directors composed of one member elected from each director
21 district in the area by the electors of the respective
22 district. Members of the board shall be residents of the
23 district from which elected. Successors shall be chosen at
24 the annual school elections for members whose terms expire
25 ~~on-the-first-Monday-in-October-following-such-elections.~~
26 ~~Terms-of-members~~ The term of a member of the board of directors
27 ~~shall-be~~ is three years and commences at the organization
28 meeting. Vacancies on the board which occur more than ninety
29 days prior to the next regular school election may be filled
30 at the next regular meeting of the board by appointment by
31 the remaining members of the board. A member so chosen shall
32 be a resident of the district in which the vacancy occurred
33 and shall serve until a member ~~shall-be~~ is elected pursuant
34 to section 69.12 to fill the vacancy for the balance of the
35 unexpired term. A vacancy ~~shall-be~~ is defined as in section

1 277.29. No A member shall not serve on the board of directors
2 who is a member of a board of directors of a local school
3 district or a member of an area education agency board.

4 Sec. 15. Section 291.9, subsection 4, Code 1983, is amended
5 to read as follows:

6 4. The name, sex, age, and disability of every physically
7 handicapped or ~~feeble-minded~~ mentally retarded person of
8 school age, with the name and post-office address of the
9 parent or guardian.

10 Sec. 16. Section 291.10, subsection 11, Code 1983, is
11 amended to read as follows:

12 11. The name, age and post-office address of each person
13 resident of the corporation, without regard to age, so blind
14 as to be unable to acquire an education in the common schools,
15 and of each person between the ages of five and thirty-five
16 whose faculties with respect to speech and hearing are so
17 deficient as to prevent ~~him~~ the person from obtaining an
18 education in the common schools, and the name, sex, age, and
19 disability of every physically handicapped or ~~feeble-minded~~
20 mentally retarded person of school age, with the name and
21 post-office address of the parent or guardian.

22 Sec. 17. Section 312.3, subsection 1, Code 1983, is amended
23 to read as follows:

24 1. Apportion among the counties in the ratio that the
25 needs of the secondary roads of each county bear to the total
26 needs of the secondary roads of the state ~~for-the-twenty-year~~
27 ~~improvement-program-developed-by-the-automotive-safety~~
28 ~~foundation-and-filed-with-the-Iowa-highway-study-committee~~
29 ~~created-by-chapter-426,-Acts-of-the-Fifty-eighth-General~~
30 ~~Assembly,-through-the-period-ending-June-30,-1979,-and for~~
31 each fiscal year ~~beginning-July-1,-1979,~~ based upon the total
32 needs of secondary roads of the state as shown in the latest
33 quadrennial need study report developed by the state department
34 of transportation, and which is on record at the department,
35 sixty percent of the allocation from road use tax funds which

1 is credited to the secondary road fund of the counties, and
2 apportion among the counties in the ratio that the area of
3 ~~such~~ each county bears to the total area of the state, forty
4 percent of the allocation from road use tax funds which is
5 credited to the secondary road fund of the counties. However,
6 for a hold harmless period each county ~~shall-be~~ is guaranteed
7 a base year amount. The amount in the secondary road fund
8 of the counties in each fiscal year during the hold harmless
9 period in excess of the sum of the base period amounts
10 allocated to all counties shall be distributed proportionally
11 based on the relative needs and area factors to only those
12 counties entitled to receive more than the base year amount.

13 For the purposes of this subsection:

14 a. "Hold harmless period" means the fiscal years beginning
15 July 1, 1979 and ending June 30, 1985.

16 b. "Base year amount" means the amount of the secondary
17 road fund of the counties received by a county for the fiscal
18 year beginning July 1, 1977.

19 Sec. 18. Section 312.5, unnumbered paragraphs 3 and 4
20 and paragraphs a and b, Code 1983, are amended to read as
21 follows:

22 Need allotment farm-to-market road funds shall be allotted
23 among the counties in the ratio that the needs of the farm-
24 to-market roads in each county bear to the total needs of
25 the farm-to-market roads in the state ~~for-the-twenty-year~~
26 ~~program-developed-by-the-automotive-safety-foundation-and~~
27 ~~filed-with-the-Iowa-highway-study-committee-created-by-chapter~~
28 ~~426-Aets-of-the-Fifty-eighth-General-Assembly,-through-the~~
29 ~~period-ending-June-30,-1979,-and~~ for each fiscal year beginning
30 ~~July-1,-1979,~~ based upon the total needs of the farm-to-market
31 roads in the state as shown in the latest quadrennial need
32 study report developed by the state department of
33 transportation, and which is on record at the department.
34 ~~However,-for-a-hold-harmless-period-each-county-shall-be~~
35 ~~guaranteed-a-base-year-amount.--The-amount-in-the-farm-to-~~

1 market-road-fund-in-each-fiscal-year-during-the-hold-harmless
 2 period-in-excess-of-the-sum-of-the-base-period-amounts
 3 allocated-to-all-counties-shall-be-distributed-proportionally
 4 based-on-the-relative-needs-and-area-factors-to-only-these
 5 counties-entitled-to-receive-more-than-the-base-year-amount-

6 For-the-purposes-of-this-section:

7 a.---"Hold-harmless-period"-means-the-fiscal-years-beginning
 8 July-1,-1979-and-ending-June-30,-1983-

9 b.---"Base-year-amount"-means-the-amount-of-the-farm-to-
 10 market-road-fund-received-by-a-county-for-the-fiscal-year
 11 beginning-July-1,-1977-

12 Sec. 19. Section 317.19, Code Supplement 1983, is amended
 13 to read as follows:

14 317.19 ROAD CLEARING APPROPRIATION. The board of
 15 supervisors may appropriate moneys to be used for the purposes
 16 of cutting, burning, or otherwise destroying all weeds, second,
 17 or undergrowth brush between the fence rows on the county
 18 trunk roads and local county roads in time to prevent
 19 reseeding.

20 The board of supervisors may purchase or hire necessary
 21 equipment or contract with the adjoining landowner to carry
 22 out the-purposes-of this section.

23 Sec. 20. Section 321.1, subsection 2, Code Supplement
 24 1983, is amended to read as follows:

25 2. a. "Motor vehicle" means every a vehicle which is
 26 self-propelled, but not including vehicles known as trackless
 27 trolleys which are propelled by electric power obtained from
 28 overhead trolley wires, but and are not operated upon rails.
 29 The-terms-"car,"-"new-car,"-"used-car"-or-"automobile"-shall
 30 be-synonymous-with-the-term-"motor-vehicle."

31 b. "Used motor vehicle" or "second-hand motor vehicle"
 32 means any a motor vehicle of a type subject to registration
 33 under the laws of this state which have has been sold "at
 34 retail" as defined in chapter 322 and previously registered
 35 in this or any other state.

1 c. "New car" means every-motor-vehicle-designed-primarily
2 ~~for-carrying-nine-passengers-or-less, excluding motorcycles,~~
3 a car which has not been sold "at retail" as defined in chapter
4 322.

5 d. "Used car" means every-motor-vehicle-designed-primarily
6 ~~for-carrying-nine-passengers-or-less, excluding motorcycles,~~
7 a car which has been sold "at retail" as defined in chapter
8 322 and previously registered in this state or any other
9 state.

10 e. "Car" or "automobile" means a motor vehicle designed
11 primarily for carrying nine passengers or less, excluding
12 motorcycles and motorized bicycles.

§ 21.5

13 Sec. 21. Section 321.184, Code 1983, is amended to read
14 as follows:

15 321.184 APPLICATIONS OF UNMARRIED MINORS. The application
16 of any an unmarried person under the age of eighteen years
17 for an instruction permit, operator's license, motorized
18 bicycle license, restricted license, or permit school license
19 issued under section 321.194 shall contain the verified consent
20 and confirmation of the applicant's birthday by either parent
21 of the applicant, the guardian of the applicant, or a person
22 having custody of the minor applicant under chapter 600A may
23 consent. Officers and employees of the department are
24 authorized-to may administer the oaths without charge.

25 Sec. 22. Section 321.194, unnumbered paragraphs 1 and
26 2, Code Supplement 1983, are amended to read as follows:

27 Upon certification of a special need by the school board
28 or the superintendent of the applicant's school, the department
29 may issue a restricted school license to a person between
30 the ages of fourteen and eighteen years. The license shall
31 entitle the holder, while having the license in immediate
32 possession, to operate a motor vehicle during the hours of
33 6 a.m. to 9 p.m. over the most direct and accessible route
34 between the licensee's residence and schools of enrollment
35 and between schools of enrollment for the purpose of attending

1 duly scheduled courses of instruction and extracurricular
2 activities at the schools or at any time when accompanied
3 by a parent or guardian, driver education instructor, or
4 prospective driver education instructor who is a holder of
5 a valid operator's or chauffeur's license, and who is actually
6 occupying a seat beside the driver. The license shall expire
7 on the licensee's eighteenth birthday or upon issuance of
8 a ~~probationary-operator's~~ restricted license under section
9 321.178, subsection 2 or operator's license.

10 Each application shall be accompanied by a statement from
11 the school board or superintendent of the applicant's school.
12 The statement shall be upon a form provided by the department.
13 The school board or superintendent shall certify that a need
14 exists for the license and that the board and superintendent
15 are not responsible for actions of the applicant which pertain
16 to the use of the ~~restricted~~ school license. The department
17 of public instruction shall adopt rules pursuant to chapter
18 17A establishing criteria for issuing a statement of necessity.
19 Upon receipt of a statement of necessity, the department shall
20 issue a ~~restricted~~ school license. The fact that the applicant
21 resides at a distance less than one mile from the applicant's
22 schools of enrollment is prima-facie evidence of the
23 nonexistence of necessity for the issuance of a license.

24 Sec. 23. Section 321.196, unnumbered paragraph 3, Code
25 1983, is amended by striking the unnumbered paragraph.

26 Sec. 24. Section 321.215, subsection 3, Code 1983, is
27 amended to read as follows:

28 3. A temporary restricted permit ~~shall-be~~ is valid only
29 if the department is in receipt of records required by this
30 section. The permit shall be canceled upon conviction of
31 a moving traffic violation ~~as-defined-in-section-321-181,~~
32 or upon any a violation of ~~the-terms~~ a term of the permit.

33 Sec. 25. Section 321.366, unnumbered paragraph 1 and sub-
34 sections 1 through 5, Code 1983, are amended to read as fol-
35 lows:

1 It is unlawful for any a person, except a person operating
2 highway maintenance equipment or an authorized emergency
3 vehicle, to do any of the following on fully controlled access
4 facilities:

5 1. Drive a vehicle over, upon, or across any a curb,
6 central dividing section, or other separation or dividing
7 line ~~on-fully-controlled-access-facility~~.

8 2. Make a left turn or a semicircular or U-turn at a
9 maintenance cross-over where an official sign prohibits the
10 turn.

11 3. Drive any a vehicle except in the proper lane provided
12 for that purpose and in the proper direction and to the right
13 of the central dividing curb, separation, section, or line.

14 4. Drive any a vehicle into the ~~fully-controlled-access~~
15 facility from a local service road.

16 5. Stop, park, or leave standing any a vehicle, whether
17 attended or unattended, upon the paved portion, the shoulders,
18 or the right of way except at designated rest areas or in
19 case of an emergency or other dire necessity.

20 Sec. 26. Section 321B.2, unnumbered paragraph 2, Code
21 1983, is amended to read as follows:

22 As used in this chapter and sections 29B.106, 321.209,
23 321.281, ~~321-494~~ and 690.2 the words "alcoholic beverage"
24 include alcohol, wine, spirits, beer, or any other beverage
25 which contains ethyl alcohol and is fit for human consumption.

26 Sec. 27. Section 327A.19, Code 1983, is amended to read
27 as follows:

28 327A.19 FEE FOR OPERATION. No A certificate of convenience
29 and necessity shall not be issued nor continued in force until
30 the holder ~~thereof-shall-have~~ has paid to the board authority
31 an annual certificate fee for each motor vehicle operated
32 ~~thereunder~~ under the certificate in the amount of five dollars,
33 except that the fee for a tractor or truck tractor ~~shall-be~~
34 is fifteen dollars, and except that the fee ~~herein-provided~~
35 shall not be imposed on any a trailer or semitrailer. Fees

1 collected pursuant to ~~the provisions of~~ this section shall
2 be remitted to the treasurer of state and credited to the
3 road use tax fund.

4 Sec. 28. Section 331.302, subsection 2, Code 1983, is
5 amended to read as follows:

6 2. A county shall not provide a penalty in excess of a
7 one hundred dollar fine or in excess of thirty days
8 imprisonment for the violation of an ordinance. The criminal
9 penalty surcharge required by section 911.2 shall be added
10 to a county fine and is not a part of the county's penalty.

11 Sec. 29. Section 364.3, subsection 2, Code Supplement
12 1983, is amended to read as follows:

13 2. A city ~~may~~ shall not provide a penalty in excess of
14 a one hundred dollar fine or in excess of thirty days
15 imprisonment for the violation of an ordinance. An amount
16 equal to ten percent of all fines collected by ~~municipal~~
17 ~~corporations~~ cities shall be remitted quarterly to the county
18 treasurer of the county in which the ~~municipal corporation~~
19 city is located. However, one hundred percent of all fines
20 collected by a city pursuant to section 321.236, subsection
21 1, shall be retained by the city. The criminal penalty
22 surcharge required by section 911.2 shall be added to a city
23 fine and is not a part of the city's penalty.

24 Sec. 30. Section 427.3, subsections 1 and 2, Code
25 Supplement 1983, are amended to read as follows:

26 1. The property, not to exceed eleven thousand one hundred
27 eleven dollars in taxable value, ~~and poll tax~~ of any an
28 honorably discharged union soldier, sailor, or marine of the
29 Mexican war or the war of the rebellion.

30 2. The property, not to exceed six thousand six hundred
31 sixty-seven dollars in taxable value, ~~and poll tax~~ of any
32 an honorably discharged soldier, sailor, marine or nurse of
33 the war with Spain, Tyler Rangers, Colorado volunteers in
34 the war of the rebellion, 1861 to 1865, Indian wars, Chinese
35 relief expedition or ~~the~~ Philippine insurrection.

1 Sec. 31. Section 427.8, Code 1983, is amended to read
2 as follows:

3 427.8 PETITION FOR EXEMPTION. ~~Whenever~~ If a person, by
4 reason of age or infirmity, is unable to contribute to the
5 public revenue, ~~such~~ the person may file a petition, duly
6 sworn to, with the board of supervisors, stating ~~such~~ that
7 fact and giving a statement of property, real and personal,
8 owned or possessed by ~~such-applicant~~ the petitioner, and such
9 other information as the board may require. The board of
10 supervisors may ~~thereupon~~ order the county treasurer to suspend
11 the collection of the taxes assessed against ~~such~~ the
12 petitioner, ~~his-polls~~ or the petitioner's estate, or both,
13 for the current year, or ~~such~~ the board may cancel and remit
14 ~~said~~ the taxes, ~~provided, however, that such.~~ However, the
15 petition ~~shall~~ must first ~~have-been~~ be approved by the council
16 of the city in which the property of the petitioner is located,
17 or by the township trustees of the township in which ~~said~~
18 the property is located.

19 Sec. 32. Section 427.10, Code 1983, is amended to read
20 as follows:

21 427.10 ADDITIONAL ORDER. The board of supervisors may,
22 if in their judgment it is for the best interests of the
23 public and the petitioner referred to in section 427.8, or
24 the public and the aged person referred to in section 427.9,
25 cancel and remit the taxes assessed against the petitioner
26 ~~referred-to-in-section-427-8,~~ or the aged person ~~referred~~
27 ~~to-in-section-427-9,~~ his-polls or the petitioner's or person's
28 estate or both, even though ~~said~~ the taxes have previously
29 been suspended as provided in sections 427.8 ~~and~~ or 427.9.

30 Sec. 33. Section 427.12, Code 1983, is amended to read
31 as follows:

32 427.12 SUSPENDED TAX LIST. The county treasurer shall
33 ~~keep-and~~ maintain ~~in-his-office~~ a book which shall be known
34 as the "suspended tax list" and in which he the treasurer
35 shall enter the following data relative to all taxes, and

1 polls, the collection of which have has been suspended by
2 order of the board of supervisors, ~~to-wit:~~

- 3 1. A governmental or platted description of the land on
- 4 which the ~~said~~ tax has been levied or on which it is a lien.
- 5 2. The name of the owner of ~~said~~ the land.
- 6 3. The amount, and current year, of ~~said~~ the tax.
- 7 4. The date of the order suspending collection of ~~said~~
8 the tax.

9 ~~Said~~ The book shall be so prepared, ruled, and headed that
10 all entries of taxes and polls against the land in a given
11 section or in a given city plat, addition, or auditor's plat
12 shall be separate from the entry of taxes against the land
13 in any other section, or city plat, addition, or auditor's
14 plat.

15 ~~The county treasurer shall, prior to January 1, 1946, enter~~
16 ~~in said book the aforesaid data as to all unpaid, uncanceled~~
17 ~~and unremitted taxes, and polls, the collection of which have~~
18 ~~been ordered suspended by the board of supervisors since July~~
19 ~~4, 1921. The data relative to all other suspended taxes and~~
20 ~~polls shall be entered immediately following the entry of~~
21 ~~such suspension.~~

22 If a tax or poll on ~~said~~ the book be is paid, or be
23 subsequently legally canceled and remitted, the treasurer
24 shall enter in ~~said~~ the book and over ~~his~~ the treasurer's
25 official signature a notification of satisfaction thereof.

26 ~~Said~~ The suspended tax list shall ~~be considered~~ is the
27 only official record of suspended tax list of taxes in the
28 county. When any a suspension, ~~heretofore or hereafter~~ ordered
29 by the board of supervisors for any reason provided by law,
30 has been entered ~~therein, such~~ in the suspended tax list,
31 the entry shall, on and after its date of ~~said entry,~~ be is
32 a lien and notice ~~thereof~~ of a lien in accordance with the
33 ~~provisions of sections 427.9 and~~ section 445.10. Such entries
34 ~~of suspended taxes shall~~ and is not be required to be entered
35 in or carried forward to any other book or tax list.

1 ~~notwithstanding any provision of law to the contrary.~~

2 Sec. 34. Section 602.6501, subsection 3, Code Supplement
3 1983, is amended to read as follows:

4 3. A member of a magistrate appointing commission shall
5 be reimbursed for actual and necessary expenses reasonably
6 incurred in the performance of official duties. Reimbursements
7 are payable out-of-the-court-expense-fund-of by the county
8 in which the member serves, upon certification of the expenses
9 to the county auditor by the clerk of the district court.
10 The district judges of each judicial district may prescribe
11 rules for the administration of this subsection.

12 Sec. 35. Section 805.8, subsection 1, Code Supplement
13 1983, is amended to read as follows:

14 1. APPLICATION. Except as otherwise indicated, violations
15 of sections of the Code specified in this section are scheduled
16 violations, and the scheduled fine for each of those violations
17 is as provided in this section, whether the violation is of
18 state law or of a county or city ordinance. The criminal
19 penalty surcharge required by section 911.2 shall be added
20 to the scheduled fine.

21 Sec. 36. Section 902.9, Code 1983, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The criminal penalty surcharge
24 required by section 911.2 shall be added to a fine imposed
25 on a class "C" or class "D" felon, and is not a part of or
26 subject to the maximums set in this section.

27 Sec. 37. Section 903.1, Code Supplement 1983, is amended
28 by adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. The criminal penalty surcharge
30 required by section 911.2 shall be added to a fine imposed
31 on a misdemeanor, and is not a part of or subject to the
32 maximums set in this section.

33 Sec. 38. Section 905.11, Code Supplement 1983, is amended
34 to read as follows:

35 905.11 BIENNIAL PLAN. The Iowa department of human

1 services corrections shall prepare a biennial plan relating
2 to the management of the community-based corrections programs
3 and services.

4 The plan shall include:

5 1. Goals, objectives, operations, and funding allocations
6 for programs and projects to accomplish the requirements of
7 this chapter and the orderly development of the community-
8 based corrections programs and services.

9 2. The plans for coordination with the state agencies
10 responsible for substance abuse services, mental health
11 services, employment programs and other programs needed to
12 improve the availability of services.

13 The plan shall be prepared and submitted by the Iowa
14 department of human-services corrections to the council-on
15 human-services board of corrections. The council board shall
16 submit the plan to the governor and the general assembly in
17 January of each odd-numbered year.

18 Sec. 39. Sections 144.57, 321.494 and 600.23, Code 1983,
19 and chapter 221, Code Supplement 1983, are repealed.

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SF 2238
jb/slc/26c

HOUSE AMENDMENT TO SENATE FILE 2238

S-5759

1 Amend Senate File 2238 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 33 the
4 following:

5 "Sec. 3. Chapter 79, Code 1983, is amended by
6 adding the following new section:

7 NEW SECTION. REPRISALS PROHIBITED. A person shall
8 not discharge an employee from or take or fail to
9 take action regarding an employee's appointment or
10 proposed appointment to, promotion or proposed
11 promotion to, or any advantage in, a position in a
12 state employment system administered by, or subject
13 to approval of, a state agency as a reprisal for a
14 disclosure of information by that employee to a member
15 of the general assembly, the legislative service
16 bureau, the legislative fiscal bureau or the respective
17 caucus staffs of the general assembly, or a disclosure
18 of information which the employee reasonably believes
19 evidences a violation of law or rule, mismanagement,
20 a gross abuse of funds, an abuse of authority, or
21 a substantial and specific danger to public health
22 or safety. This subsection does not apply if the
23 disclosure of that information is prohibited by
24 statute."

25 2. Page 9, by inserting after line 12 the
26 following:

27 "Sec. ____ . Section 321.135, Code 1983, is amended
28 to read as follows:

29 321.135 WHEN FEES DELINQUENT. ~~Such delinquencies~~
30 ~~shall~~ Delinquencies begin and penalty penalties accrue
31 the first of the month following the purchase of a
32 new vehicle, and the first of the month following
33 the date ~~cars are~~ a vehicle is brought into the state,
34 except as herein otherwise provided."

35 3. Renumbering sections as necessary.

S-5759 FILED
APRIL 4, 1984

RECEIVED FROM THE HOUSE
Senate amended (5812) & concurred 4/6 (p. 1360)

SENATE FILE 2238

S-5812

1 Amend the House amendment S-5759 to Senate File
2 2238 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 3 through 24.

S-5812 FILED
APRIL 6, 1984

BY DONALD V. DOYLE

Adopted 4/6 (p. 1360)

SENATE FILE 2238

H-5979

1 Amend Senate File 2238 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 12, by inserting after line 10 the
 4 following:
 5 "Sec. ____ Section 331.756, subsection 4, Code
 6 Supplement 1983, is amended to read as follows:
 7 4. Prosecute misdemeanors ~~when-not-otherwise~~
 8 ~~engaged-in-the-performance-of-other-official-duties."~~

H-5979 FILED MARCH 29, 1984 BY SCHROEDER of Pottawattamie
H/D 3/30 (p. 1522)

SENATE FILE 2238

H-5982

1 Amend Senate File 2238 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 33 the
 4 following:
 5 "Sec. 3. Chapter 79, Code 1983, is amended by
 6 adding the following new section:
 7 NEW SECTION. REPRISALS PROHIBITED. A person shall
 8 not discharge an employee from or take or fail to
 9 take action regarding an employee's appointment or
 10 proposed appointment to, promotion or proposed
 11 promotion to, or any advantage in, a position in a
 12 state employment system administered by, or subject
 13 to approval of, a state agency as a reprisal for a
 14 disclosure of information by that employee to a member
 15 of the general assembly, the legislative service
 16 bureau, the legislative fiscal bureau or the respective
 17 caucus staffs of the general assembly, or a disclosure
 18 of information which the employee reasonably believes
 19 evidences a violation of law or rule, mismanagement,
 20 a gross abuse of funds, an abuse of authority, or
 21 a substantial and specific danger to public health
 22 or safety. This subsection does not apply if the
 23 disclosure of that information is prohibited by
 24 statute."

BY PAVICH of Pottawattamie
 SCHROEDER of Pottawattamie
 JAY of Appanoose
 BRAMMER of Linn
 VARN of Johnson

H-5982 FILED MARCH 29, 1984
Adopted 3/30 (p. 1521)

SENATE AMENDMENT TO
 HOUSE AMENDMENT TO SENATE FILE 2238

H-6214

1 Amend the House amendment S-5759 to Senate File
 2 2238 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 1, by striking lines 3 through 24.

H-6214 FILED APRIL 10, 1984

RECEIVED FROM THE SENATE

*House referred to committee 4/18 (p. 2181)
 Senate received 4/19 (p. 1663)*

SENATE FILE 2238

H-5875

1 Amend Senate File 2238 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 12 the
4 following:
5 "Sec. ____ Section 321.135, Code 1983, is amended
6 to read as follows:
7 321.135 WHEN FEES DELINQUENT. ~~Such delinquencies~~
8 ~~shall~~ Delinquencies begin and penalty penalties accrue
9 the first of the month following the purchase of a
10 new vehicle, and the first of the month following
11 the date ~~cars are~~ a vehicle is brought into the state,
12 except as ~~herein~~ otherwise provided."
13 2. By renumbering sections as necessary.

BY JAY of Appanoose

H-5875 FILED MARCH 27, 1984

SCHROEDER of Pottawattamie

Adopted 3/30 (p. 1521)

SENATE FILE 2238

H-5974

1 Amend Senate File 2238, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 10, by inserting after line 32 the
4 following:
5 "Sec. ____ NEW SECTION. 321.270 ACCIDENTS EXEMPT
6 FROM RECORDS. Notwithstanding sections 321.200 and
7 321A.3, a motor vehicle accident involving a motor
8 vehicle operated by a peace officer as defined under
9 section 801.4, or by a member of a fire department
10 as defined under section 321.423, shall not be included
11 as part of the operating record of the peace officer
12 or fire department member if the accident occurred
13 on or after the effective date of this Act, and if
14 all of the following criteria are met:
15 1. The peace officer or the fire department member
16 was involved in the performance of official duties
17 at the time the accident occurred.
18 2. The peace officer or the fire department member
19 was responding to what the officer or member reasonably
20 believed to be a bona fide emergency situation when
21 the accident occurred.
22 3. The peace officer or the fire department member
23 exercised all due care under the circumstances involved
24 in the accident.
25 However, this section does not apply if the officer
26 or member is found guilty of a public offense in
27 connection with the accident.
28 The peace officer or the fire department member
29 desiring that an accident be excluded from the person's
30 operating record under this section, shall request
31 the exclusion in writing and the request shall be
32 attached to the written report of the accident
33 forwarded to the department under section 321.266."

H-5974 FILED MARCH 29, 1984

BY SCHROEDER of Pottawattamie

Not germane 3/30 (p. 1522)

SENATE FILE 2238

AN ACT

MAKING CODE CORRECTIONS WHICH STRIKE OR REPLACE INCORRECT REFERENCES, STRIKE EXPIRED PROVISIONS, AND MAKE STATUTES CONSISTENT, INCLUDING STATUTES RELATING TO PENALTIES.

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

Section 1. Section 8.15, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, thing furnished, or contract for which payment is sought. The claimant's original invoice shall be attached to a department's approved voucher. The comptroller shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department, ~~the general assembly, or the courts~~ shall not impose additional or different requirements on submission of invoices than those contained in rules of the comptroller unless the comptroller exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

Sec. 2. Section 49.113, Code 1983, is amended to read as follows:

49.113 OFFICIAL NEGLIGENCE OR MISCONDUCT. Any A public officer upon whom a duty is imposed by this chapter, who ~~shall~~ willfully neglect ~~neglects~~ to perform ~~such~~ the duty, or who ~~shall~~ willfully ~~perform~~ performs it in ~~such~~ a way as to hinder the object thereof or it, or ~~shall disclose~~ discloses to anyone, except as ~~may be~~ may be ordered by any a court of competent jurisdiction, the manner in which any a ballot ~~may have~~ has

~~been voted, shall be punished by a fine of not less than five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment is guilty of a serious misdemeanor.~~

Sec. 3. Section 53.40, unnumbered paragraphs 1 and 3, Code 1983, are amended to read as follows:

Request in writing for a ballot for the primary election and for the general election may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which ~~said~~ the ballot is to be cast, at any time prior to either of ~~said~~ the elections, the request stating for which election the request is made. In the case of the general election ~~such~~ request may ~~likewise~~ be made, not more than seventy days before ~~said~~ the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of ~~any such~~ the voter, residing in the county of ~~said~~ the voter's residence, ~~provided that any such~~. However, a request made by other than the voter may be required to be made on forms prescribed by the ~~Iowa Servicemen's Ballot Commission~~ state commissioner.

The commissioner shall immediately on the fortieth day prior to the particular election transmit ballots to the voter by mail or otherwise, postage prepaid, as ~~may be~~ directed by the ~~Iowa Servicemen's Ballot Commission~~ state commissioner, requests for which are in ~~his~~ the commissioner's hands at that time, and thereafter so transmit ballots immediately upon receipt of requests ~~for same~~. A request for ballot for the primary election which does not state the party affiliation of the voter making the request ~~shall be~~ is void and of no effect. A request which does not show that the person for whom a ballot is requested will be a qualified voter in the precinct in which ~~said~~ the ballot is to be cast on the day of the election for which the ballot is requested, shall not be honored, ~~provided that~~. However, a request which states

S.F. 2238

the age and the city, including street address, if any, or township, and county ~~wherein~~ where the voter resides, and which shows a sufficient period of residence, ~~shall-be~~ is sufficient to show that ~~he~~ the person is ~~suek~~ a qualified voter. A request by the voter containing substantially the information required ~~herein-shall-be~~ is sufficient.

Sec. 4. Chapter 79, Code 1983, is amended by adding the following new section:

NEW SECTION. REPRISALS PROHIBITED. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a disclosure of information by that employee to a member of the general assembly, the legislative service bureau, the legislative fiscal bureau or the respective caucus staffs of the general assembly, or a disclosure of information which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This subsection does not apply if the disclosure of that information is prohibited by statute.

Sec. 5. Section 125.78, unnumbered paragraph 1, Code 1983, is amended to read as follows:

As soon as practical after the filing of an application for involuntary commitment ~~for~~ or treatment, the court shall:

Sec. 6. Section 1720.1, subsection 11, paragraph a, Code 1983, is amended to read as follows:

a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal ~~descendants~~ ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and

Sec. 7. Section 172D.2, subsection 2, Code 1983, is amended to read as follows:

2. "Department" means the department of environmental quality in a reference to a time before July 1, 1983, and the department of water, air and waste management in a reference to a time on or after July 1, 1983 and includes any officer or agency within that department.

Sec. 8. Section 172D.3, subsection 2, paragraph b, subparagraphs (3) and (4), Code 1983, are amended to read as follows:

(3) A rule of the department adopted after November 1, 1976 ~~shall~~ does not apply to a feedlot holding ~~any-BBQ~~ a wastewater permit ~~from the department~~ and having an established date of operation prior to the effective date of the rule until either the expiration of the term of the permit in effect on the effective date of the rule, or ten years from the established date of operation of the feedlot, whichever time period is greater.

(4) A rule of the department adopted after November 1, 1976 ~~shall~~ does not apply to a feedlot not previously required to hold a ~~BBQ~~ wastewater permit ~~from the department~~ and having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or five years from the effective date of the rule, whichever time period is greater.

Sec. 9. Section 217A.2, subsections 5, 6, and 7, Code Supplement 1983, are amended to read as follows:

5. North central medium security correctional facility at Rockwell City.

6. Mount Pleasant medium security correctional facility.

7. Claranda correctional ~~treatment~~ facility.

Sec. 10. Section 220.38, subsection 2, Code 1983, is amended to read as follows:

2. Only individuals who meet the principal requirements for an original mortgage ~~shall-be~~ is eligible to assume a ~~tax-exempt~~ mortgage loan issued under this chapter.

Sec. 11. Section 233.2, Code 1983, is amended to read as follows:

233.2 PENALTY--BAR. A violation of section 233.1 shall ~~be punishable by a fine of not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment is a simple misdemeanor.~~ Said ~~A~~ conviction shall ~~does~~ not bar a prosecution of ~~such the~~ convicted person for an indictable offense when the acts which caused or contributed to the delinquency or dependency of ~~such the~~ child are indictable.

Sec. 12. Section 263.11, subsection 2, Code 1983, is amended to read as follows:

2. Persons who are not eligible for admission to the schools already established for the deaf, blind, epileptic, or ~~feeble-minded~~ mentally retarded.

Sec. 13. Section 273.8, subsection 1, Code 1983, is amended to read as follows:

1. BOARD OF DIRECTORS. The board of directors of an area education agency shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in this section from a director district that is approximately equal in population to the other director districts in the area education agency. Each director shall serve a three-year term which ~~expires on the first Monday in October~~ commences at the organization meeting.

Sec. 14. Section 273.8, subsection 3, Code 1983, is amended to read as follows:

3. ORGANIZATION. The board of directors of each area education agency shall meet and organize at the first regular meeting in October of each year at a suitable place designated by the president. Directors whose terms commence at the organization meeting shall qualify by taking the oath of office required by section ~~273.8~~ 273.28 at or before the organization meeting.

The provisions of section 280A.12 relating to organization, officers, appointment of secretary and treasurer, and meetings

of the merged area board shall apply to the area education agency board.

Sec. 15. Section 280A.11, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The governing board of a merged area shall ~~be~~ is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire ~~on the first Monday in October following such elections.~~ Terms of members The term of a member of the board of directors shall be is three years and commences at the organization meeting. Vacancies on the board which occur more than ninety days prior to the next regular school election may be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member ~~shall be~~ is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy ~~shall be~~ is defined as in section 277.29. ~~No~~ A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 16. Section 291.9, subsection 4, Code 1983, is amended to read as follows:

4. The name, sex, age, and disability of every physically handicapped or feeble-minded mentally retarded person of school age, with the name and post-office address of the parent or guardian.

Sec. 17. Section 291.10, subsection 11, Code 1983, is amended to read as follows:

11. The name, age and post-office address of each person resident of the corporation, without regard to age, so blind as to be unable to acquire an education in the common schools, and of each person between the ages of five and thirty-five

whose faculties with respect to speech and hearing are so deficient as to prevent ~~him~~ the person from obtaining an education in the common schools, and the name, sex, age, and disability of every physically handicapped or ~~feeble-minded~~ mentally retarded person of school age, with the name and post-office address of the parent or guardian.

Sec. 18. Section 312.3, subsection 1, Code 1983, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state ~~for the twenty-year improvement program developed by the automotive safety foundation and filed with the Iowa highway study committee created by chapter 426, Acts of the Fifty-eighth General Assembly, through the period ending June 30, 1979, and~~ for each fiscal year beginning July 1, 1979; based upon the total needs of secondary roads of the state as shown in the latest quadriennial need study report developed by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of such each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for a hold harmless period each county ~~shall be~~ is guaranteed a base year amount. The amount in the secondary road fund of the counties in each fiscal year during the hold harmless period in excess of the sum of the base period amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the base year amount.

For the purposes of this subsection:

a. "Hold harmless period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985.

b. "Base year amount" means the amount of the secondary road fund of the counties received by a county for the fiscal year beginning July 1, 1977.

Sec. 19. Section 312.5, unnumbered paragraphs 3 and 4 and paragraphs a and b, Code 1983, are amended to read as follows:

Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state ~~for the twenty-year program developed by the automotive safety foundation and filed with the Iowa highway study committee created by chapter 426, Acts of the Fifty-eighth General Assembly, through the period ending June 30, 1979, and~~ for each fiscal year beginning July 1, 1979; based upon the total needs of the farm-to-market roads in the state as shown in the latest quadriennial need study report developed by the state department of transportation, and which is on record at the department. ~~However, for a hold harmless period each county shall be guaranteed a base year amount. The amount in the farm-to-market road fund in each fiscal year during the hold harmless period in excess of the sum of the base period amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the base year amount.~~

~~For the purposes of this section:~~

a. ~~"Hold harmless period" means the fiscal years beginning July 1, 1979 and ending June 30, 1985.~~

b. ~~"Base year amount" means the amount of the farm-to-market road fund received by a county for the fiscal year beginning July 1, 1977.~~

Sec. 20. Section 317.19, Code Supplement 1983, is amended to read as follows:

317.19 ROAD CLEARING APPROPRIATION. The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise destroying all woods, second-

or ~~undergrowth~~ brush between the fence rows on the county trunk roads and local county roads in time to prevent reseeding.

The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out ~~the purposes of~~ this section.

Sec. 21. Section 321.1, subsection 2, Code Supplement 1983, is amended to read as follows:

2. a. "Motor vehicle" means ~~every~~ a vehicle which is self-propelled, but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, ~~but and are~~ not operated upon rails. ~~The terms "car," "new car," "used car" or "automobile" shall be synonymous with the term "motor vehicle."~~

b. "Used motor vehicle" or "second-hand motor vehicle" means ~~any~~ a motor vehicle of a type subject to registration under the laws of this state which ~~have~~ has been sold "at retail" as defined in chapter 322 and previously registered in this or any other state.

c. "New car" means ~~every motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles,~~ a car which has not been sold "at retail" as defined in chapter 322.

d. "Used car" means ~~every motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles,~~ a car which has been sold "at retail" as defined in chapter 322 and previously registered in this state or any other state.

e. "Car" or "automobile" means ~~a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.~~

Sec. 22. Section 321.135, Code 1983, is amended to read as follows:

321.135 WHEN FEES DELINQUENT. ~~Such delinquencies shall~~ Delinquencies begin and ~~penalty penalties~~ accrue the first of the month following the purchase of a new vehicle, and

the first of the month following the date ~~cars are~~ a vehicle is brought into the state, except as ~~herein~~ otherwise provided.

Sec. 23. Section 321.184, Code 1983, is amended to read as follows:

321.184 APPLICATIONS OF UNMARRIED MINORS. The application of ~~any an~~ unmarried person under the age of eighteen years for an instruction permit, operator's license, motorized bicycle license, restricted license, or ~~permit~~ school license issued under section 321.194 shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the ~~minor applicant~~ under chapter 600A may ~~consent~~. Officers and employees of the department are ~~authorized to~~ may administer the oaths without charge.

Sec. 24. Section 321.194, unnumbered paragraphs 1 and 2, Code Supplement 1983, are amended to read as follows:

Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a ~~restricted~~ school license to a person between the ages of fourteen and eighteen years. The license shall entitle the holder, while having the license in immediate possession, to operate a motor vehicle during the hours of 6 a.m. to 9 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at the schools or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. The license shall expire on the licensee's eighteenth birthday or upon issuance of a ~~probationary operator's~~ restricted license under section 321.178, subsection 2 or operator's license.

Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school

The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that the board and superintendent are not responsible for actions of the applicant which pertain to the use of the ~~restricted school~~ license. The department of public instruction shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a ~~restricted school~~ license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima-facie evidence of the nonexistence of necessity for the issuance of a license.

Sec. 25. Section 321.196, unnumbered paragraph 3, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 26. Section 321.215, subsection 3, Code 1983, is amended to read as follows:

3. A temporary restricted permit ~~shall be~~ is valid only if the department is in receipt of records required by this section. The permit shall be canceled upon conviction of a moving traffic violation ~~as defined in section 321.181,~~ or upon any a violation of ~~the terms~~ a term of the permit.

Sec. 27. Section 321.366, unnumbered paragraph 1 and subsections 1 through 5, Code 1983, are amended to read as follows:

It is unlawful for any a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on fully controlled access facilities:

1. Drive a vehicle over, upon, or across any a curb, central dividing section, or other separation or dividing line ~~on fully controlled access facility.~~
2. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.
3. Drive any a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.

4. Drive any a vehicle into the ~~fully controlled access~~ facility from a local service road.

5. Stop, park, or leave standing any a vehicle, whether attended or unattended, upon the paved portion, the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity.

Sec. 28. Section 321B.2, unnumbered paragraph 2, Code 1983, is amended to read as follows:

As used in this chapter and sections 296.101, 321.203, 321.281, 321-494 and 690.2 the words "alcoholic beverage" include alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

Sec. 29. Section 327A.19, Code 1983, is amended to read as follows:

327A.19 FEE FOR OPERATION. ~~No a~~ certificate of convenience and necessity shall not be issued nor continued in force until the holder ~~thereof shall have~~ has paid to the board authority an annual certificate fee for each motor vehicle operated ~~thereunder under~~ the certificate in the amount of five dollars, except that the fee for a tractor or truck tractor ~~shall be~~ is fifteen dollars, and except that the fee ~~herein provided~~ shall not be imposed on any a trailer or semitrailer. Fees collected pursuant to ~~the provisions of~~ this section shall be remitted to the treasurer of state and credited to the road use tax fund.

Sec. 30. Section 331.302, subsection 2, Code 1983, is amended to read as follows:

2. A county shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. The criminal penalty surcharge required by section 211.2 shall be added to a county fine and is not a part of the county's penalty.

Sec. 31. Section 364.3, subsection 2, Code Supplement 1983, is amended to read as follows:

2. A city ~~may shall~~ shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days

imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by ~~municipal corporations~~ cities shall be remitted quarterly to the county treasurer of the county in which the ~~municipal-corporation~~ city is located. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 32. Section 427.3, subsections 1 and 2, Code Supplement 1983, are amended to read as follows:

1. The property, not to exceed eleven thousand one hundred eleven dollars in taxable value ~~and poll-tax~~ of any an honorably discharged union soldier, sailor, or marine of the Mexican war or the war of the rebellion.

2. The property, not to exceed six thousand six hundred sixty-seven dollars in taxable value ~~and poll-tax~~ of any an honorably discharged soldier, sailor, marine or nurse of the war with Spain, Tyler Rangers, Colorado volunteers in the war of the rebellion, 1861 to 1865, Indian wars, Chinese relief expedition or the Philippine insurrection.

Sec. 33. Section 427.8, Code 1983, is amended to read as follows:

427.8 PETITION FOR EXEMPTION. ~~Whenever~~ If a person, by reason of age or infirmity, is unable to contribute to the public revenue, ~~such~~ the person may file a petition, duly sworn to, with the board of supervisors, stating ~~such~~ that fact and giving a statement of property, real and personal, owned or possessed by ~~such~~ applicant the petitioner, and ~~such~~ other information as the board may require. The board of supervisors may ~~thereupon~~ order the county treasurer to suspend the collection of the taxes assessed against ~~such~~ the ~~petitioner's~~ petitioner's estate, or both, for the current year, or ~~such~~ the board may cancel and remit ~~said~~ the ~~taxes~~ provided ~~however~~ that ~~such~~. However, the petition shall ~~not~~ first ~~have been~~ be approved by the council

of the city in which the property of the petitioner is located, or by the township trustees of the township in which ~~said~~ the property is located.

Sec. 34. Section 427.10, Code 1983, is amended to read as follows:

427.10 ADDITIONAL ORDER. The board of supervisors may, if in their judgment it is for the best interests of the public and the petitioner referred to in section 427.8, or the public and the aged person referred to in section 427.9, cancel and remit the taxes assessed against the petitioner ~~referred to in section 427.8~~, or the aged person ~~referred to in section 427.9~~ his ~~polls~~ or the petitioner's or person's estate or both, even though ~~said~~ the taxes have previously been suspended as provided in sections 427.8 and or 427.9.

Sec. 35. Section 427.12, Code 1983, is amended to read as follows:

427.12 SUSPENDED TAX LIST. The county treasurer shall ~~keep and maintain in his office~~ a book which shall be known as the "suspended tax list" and in which ~~he~~ the treasurer shall enter the following data relative to all taxes, and ~~polls~~, the collection of which ~~have~~ has been suspended by order of the board of supervisors ~~to wit~~:

1. A governmental or platted description of the land on which the ~~said~~ tax has been levied or on which it is a lien.
2. The name of the owner of ~~said~~ the land.
3. The amount, and current year, of ~~said~~ the tax.
4. The date of the order suspending collection of ~~said~~ the tax.

~~Said~~ The book shall be so prepared, ruled, and headed that all entries of taxes and polls against the land in a given section or in a given city plat, addition, or auditor's plat shall be separate from the entry of taxes against the land in any other section, or city plat, addition, or auditor's plat.

~~The county treasurer shall prior to January 1, 1946, enter in said book the~~ the ~~foregoing~~ data ~~as to all unpaid, unexecuted~~

~~and unremitted taxes and penalties, the collection of which have been ordered suspended by the board of supervisors since July 4, 1921. The data relative to all other suspended taxes and penalties shall be entered immediately following the entry of such suspensions.~~

If a tax or penalty on said the book be ~~is~~ paid, or be subsequently legally canceled and remitted, the treasurer shall enter in said the book and over his the treasurer's official signature a notification of satisfaction thereof.

Said ~~The~~ suspended tax list shall be considered ~~is~~ the only official record of suspended tax list of taxes in the county. When any a suspension, heretofore or hereafter ordered by the board of supervisors for any reason provided by law, has been entered therein, such in the suspended tax list, the entry shall, on and after its date of said entry, be ~~is~~ a lien and notice thereof of a lien in accordance with the provisions of sections 427.9 and section 445.10, ~~such entries of suspended taxes shall and is not be~~ required to be entered in or carried forward to any other book or tax list, notwithstanding any provision of law to the contrary.

Sec. 36. Section 602.6501, subsection 3, Code Supplement 1983, is amended to read as follows:

3. A member of a magistrate appointing commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable out-of-the-court-expense-fund-of by the county in which the member serves, upon certification of the expenses to the county auditor by the clerk of the district court. The district judges of each judicial district may prescribe rules for the administration of this subsection.

Sec. 37. Section 805.8, subsection 1, Code Supplement 1983, is amended to read as follows:

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in this section are scheduled violations, and the scheduled fine for each of those violations is as provided in this section, whether the violation is of

state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.2 shall be added to the scheduled fine.

Sec. 38. Section 902.9, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a class "C" or class "D" felon, and is not a part of or subject to the maximums set in this section.

Sec. 39. Section 903.1, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a misdemeanor, and is not a part of or subject to the maximums set in this section.

Sec. 40. Section 905.11, Code Supplement 1983, is amended to read as follows:

905.11 BIENNIAL PLAN. The Iowa Department of human services corrections shall prepare a biennial plan relating to the management of the community-based corrections programs and services.

The plan shall include:

1. Goals, objectives, operations, and funding allocations for programs and projects to accomplish the requirements of this chapter and the orderly development of the community-based corrections programs and services.

2. The plans for coordination with the state agencies responsible for substance abuse services, mental health services, employment programs and other programs needed to improve the availability of services.

The plan shall be prepared and submitted by the Iowa department of human services corrections to the council on human services board of corrections. The council board shall submit the plan to the governor and the general assembly in January of each odd-numbered year.

Sec. 41. Sections 144.57, 321.494 and 600.23, Code 1983, and chapter 221, Code Supplement 1983, are repealed.

CHARLES P. MILLER
President Pro Tempore of the
Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2238, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 7, 1984

TERRY E. BRANSTAD
Governor