

*See Judiciary 3/21 Do Pass 4/1 (p. 991)*

HOUSE FILE 2465

Judiciary  
Doyle, Chair  
Lura  
Coleman

MAR. 12 1982

Place On Calendar

HOUSE FILE 2465

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly Study Bill 616)

Passed House, Date 3-26-82 (p. 1029) Passed Senate, Date 4-8-82 (p. 1113)

Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0

Approved April 30, 1982

## A BILL FOR

1 An Act correcting erroneous, inconsistent, or obsolete  
2 provisions of the Code.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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2465

1 Section 1. Section 144.37, unnumbered paragraph 1, Code  
2 1981, as amended by Acts of the Sixty-ninth General Assembly,  
3 1981 Session, chapter 64, section 6, is amended to read as  
4 follows:

5 For each ~~divorce~~ dissolution or annulment of marriage  
6 granted by any court in this state, a record shall be prepared  
7 by the clerk of court or by the petitioner or the petitioner's  
8 legal representative if directed by the clerk and filed by  
9 the clerk of court with the state registrar. The information  
10 necessary to prepare the report shall be furnished with the  
11 petition, to the clerk of court by the petitioner or the  
12 petitioner's legal representative, on forms supplied by the  
13 state registrar.

14 Sec. 2. Section 144.43, unnumbered paragraph 2, Code 1981,  
15 as amended by Acts of the Sixty-ninth General Assembly, 1981  
16 Session, chapter 64, section 10, is amended to read as follows:

17 However, the following vital statistics may be inspected  
18 and copied as of right under chapter 68A when they are in  
19 the custody of a county or of a local ~~register~~ registrar:

20 Sec. 3. Section 216.2, unnumbered paragraph 1, Code 1981,  
21 is amended to read as follows:

22 As used in this ~~division~~ chapter:

23 Sec. 4. Section 217.14, subsection 1, Code 1981, is amended  
24 to read as follows:

25 1. Administer and control the operation of the men's  
26 reformatory, women's reformatory and state penitentiary and  
27 the Iowa security and medical facility.

28 Sec. 5. Section 218.92, Code 1981, is amended to read  
29 as follows:

30 218.92 DANGEROUS MENTAL PATIENTS. ~~Whenever~~ When a patient  
31 in any state hospital-school for the mentally retarded, any  
32 mental health institute, or any institution under the  
33 administration of the director of the division of mental  
34 health of the department of social services, has become so  
35 mentally disturbed as to constitute a danger to self, to other

1 patients in the institution or to the public, and the  
2 institution involved cannot provide adequate security, the  
3 director of mental health with the consent of the director  
4 of corrections of the department of social services may order  
5 the patient to be transferred to the Iowa security and medical  
6 facility, provided that the executive head of the institution  
7 from which the patient is to be transferred, with the support  
8 of a majority of ~~his~~ the medical staff recommends the transfer  
9 in the interest of the patient, other patients or the public.  
10 If the patient transferred was hospitalized pursuant to  
11 sections 229.6 to 229.15, the transfer shall be promptly  
12 reported to the court which hospitalized the patient, as  
13 required by section 229.15, subsection 3. The Iowa security  
14 and medical facility ~~shall have~~ has the same rights, duties  
15 and responsibilities with respect to the patient as the  
16 institution from which the patient was transferred had while  
17 the patient was hospitalized there. The cost of the transfer  
18 shall be paid from the funds of the institution from which  
19 the transfer is made.

20 Sec. 6. Section 226.30, Code 1981, is amended to read  
21 as follows:

22 226.30 TRANSFER OF DANGEROUS PATIENTS. When a patient  
23 of any hospital for the mentally ill becomes incorrigible,  
24 and unmanageable to such an extent that ~~he~~ the patient is  
25 dangerous to the safety of others in the hospital, the state  
26 director may apply in writing to the district court or to  
27 any judge thereof, of the county in which ~~such~~ the hospital  
28 is situated, for an order to transfer ~~said~~ the patient to  
29 the Iowa security and medical facility and if ~~such~~ the order  
30 be is granted ~~such~~ the patient shall be so transferred. The  
31 county attorney of ~~said~~ the county shall appear in support  
32 of ~~such~~ the application on behalf of the state director.

33 Sec. 7. Section 229.1, subsection 8, paragraph c, Code  
34 1981, is amended to read as follows:

35 c. Any other publicly supported hospital or institution,

1 or part thereof, which is equipped and staffed to provide  
2 inpatient care to the mentally ill, except that this definition  
3 ~~shall~~ is not be applicable to the Iowa security and medical  
4 facility established by chapter 223.

5 Sec. 8. Section 235.3, subsection 8, Code 1981, is amended  
6 to read as follows:

7 8. License and inspect maternity hospitals, ~~private~~  
8 ~~boarding-homes-for-children~~, and private child-placing  
9 agencies; make reports regarding ~~the same~~ them and revoke  
10 such licenses.

11 Sec. 9. Section 245.12, Code 1981, is amended to read  
12 as follows:

13 245.12 TRANSFER OF MENTALLY ILL. The ~~said~~ state director  
14 may cause any woman committed to ~~said~~ the reformatory and  
15 suspected of being mentally ill to be examined by one of the  
16 superintendents or ~~his~~ the superintendent's qualified designee  
17 of a state hospital for the mentally ill or transferred to  
18 the Iowa security and medical facility for examination. If  
19 the woman is found to be mentally ill, the department may  
20 order ~~such~~ the woman transferred to or retained at a state  
21 hospital or the Iowa security and medical facility where she  
22 shall thereafter be maintained and treated at the expense  
23 of the state until such time as she regains her good mental  
24 health when she shall be returned to ~~said~~ the reformatory.  
25 The cost of ~~such~~ transfer and return shall be paid as  
26 ~~heretofore~~ provided for other transfers.

27 Sec. 10. Section 246.3, unnumbered paragraph 1, Code 1981,  
28 is amended to read as follows:

29 The warden and other employees of the penitentiary, men's  
30 reformatory, medium security institution at Mount Pleasant,  
31 Luster Heights camp, Iowa security and medical facility, and  
32 Riverview release center shall receive ~~such~~ salaries or ~~such~~  
33 compensation as ~~shall-be~~ determined by the state director  
34 and in addition shall receive a midshift meal when on duty.

35 Sec. 11. Section 246.16, Code 1981, is amended to read

1 as follows:

2       246.16 TRANSFER OF MENTALLY ILL. When the state director  
3 has cause to believe that a prisoner in the penitentiary or  
4 reformatory is mentally ill, the department may cause that  
5 prisoner to be transferred to the Iowa security and medical  
6 facility for examination, diagnosis, or treatment. The  
7 prisoner shall be confined at that institution or a state  
8 hospital for the mentally ill until the expiration of the  
9 prisoner's sentence or until the prisoner is pronounced in  
10 good mental health. If the prisoner is pronounced in good  
11 mental health before the expiration of ~~his-or-her~~ the  
12 prisoner's sentence, the prisoner shall be returned to the  
13 penitentiary or reformatory until the expiration of the  
14 prisoner's sentence. The provisions of the Code applicable  
15 to an inmate at the correctional institution from which the  
16 prisoner is transferred shall remain applicable during the  
17 inmate's stay at the Iowa security and medical facility.  
18 However, section 246.32 applies to the total inmate population,  
19 including both convicts and patients.

20       Sec. 12. Section 246.17, Code 1981, is amended to read  
21 as follows:

22       246.17 DISCHARGE OF MENTALLY ILL. When the state director  
23 has reason to believe that a prisoner in the penitentiary  
24 or ~~said~~ reformatory, whose sentence has expired, is mentally  
25 ill, it shall cause examination to be made of ~~such~~ the prisoner  
26 by competent physicians who shall certify to the state director  
27 whether ~~such~~ the prisoner is in good mental health or mentally  
28 ill. The state director may make further investigation and  
29 if satisfied that ~~he~~ the prisoner is mentally ill, ~~he~~ the  
30 state director may cause ~~him~~ the prisoner to be transferred  
31 to one of the hospitals for the mentally ill, or may order  
32 ~~him~~ the prisoner to be confined in the Iowa security and  
33 medical facility.

34       Sec. 13. Section 246.34, Code 1981, is amended to read  
35 as follows:

1 246.34 ESCAPE OF PRISONER. If a convict escapes from  
2 the penitentiary, Iowa security and medical facility or the  
3 men's reformatory, the warden or superintendent shall take  
4 all proper measures for ~~his~~ the convict's apprehension.

5 Sec. 14. Section 246.45, Code 1981, is amended to read  
6 as follows:

7 246.45 APPLICABILITY TO OTHER INSTITUTIONS. ~~The provisions~~  
8 ~~of sections~~ Sections 246.38, 246.39, 246.41, 246.42, and  
9 246.43 also apply to the inmates at the women's reformatory  
10 and the Iowa security and medical facility.

11 Sec. 15. Section 261.18, subsection 1, Code 1981, as  
12 amended by Acts of the Sixty-ninth General Assembly, 1981  
13 Session, chapter 8, section 10, is amended to read as follows:

14 1. There is established a subvention program for resident  
15 students who are enrolled in the ~~college~~ university of  
16 osteopathic medicine and ~~surgery~~ health sciences of Des Moines,  
17 Iowa. The subvention program shall be administered by the  
18 commission in the manner provided in this section and section  
19 261.19. The commission shall initiate an affirmative action  
20 program to ~~insure~~ ensure equal opportunity for participa-  
21 tion by women, men, and minority students in the program  
22 provided for in this section and section 261.19.

23 Sec. 16. Section 307B.6, subsection 10, Code 1981, is  
24 amended to read as follows:

25 10. The counsel of the transportation regulation ~~board~~  
26 authority and the attorney general's office shall provide  
27 legal services for the authority and the board unless a  
28 majority of the board deems outside counsel is required in  
29 a particular instance.

30 Sec. 17. Section 312.1, subsection 2, Code 1981, is amended  
31 to read as follows:

32 2. All the net proceeds of the motor vehicle fuel tax  
33 or license fees under chapter 324, ~~except those net proceeds~~  
34 ~~allocated to the primary road fund under section 324.79.~~

35 Sec. 18. Section 321.210, subsections 1 through 7, Code

1 1981, are amended to read as follows:

2 1. Has committed an offense for which mandatory revocation  
3 of license is required upon conviction.

4 2. Is an habitually reckless or negligent driver of a  
5 motor vehicle.

6 3. Is an habitual violator of the traffic laws.

7 4. Is physically or mentally incapable of safely operating  
8 a motor vehicle.

9 5. Has permitted an unlawful or fraudulent use of ~~such~~  
10 the license.

11 6. Has committed an offense in another state which if  
12 committed in this state would be grounds for suspension or  
13 revocation.

14 7. Has committed a serious violation of the motor vehicle  
15 laws of this state.

16 8. Is subject to a license suspension under section  
17 321.513.

18 Sec. 19. Section 321.210, subsection 8, Code 1981, as  
19 it appeared prior to the effective date of this Act, is amended  
20 by striking the subsection.

21 Sec. 20. Section 325.31, Code 1981, is amended to read  
22 as follows:

23 325.31 DISTINCTIVE MARKINGS ON VEHICLE. There shall be  
24 attached to each motor vehicle ~~such~~ distinctive markings or  
25 tags as ~~shall-be~~ prescribed by the ~~board~~ authority.

26 Sec. 21. Section 327A.8, unnumbered paragraph 1, Code  
27 1981, is amended to read as follows:

28 There shall be attached to each tank vehicle used for the  
29 intrastate transportation of liquid, distinctive markings  
30 or tags as ~~shall-be~~ prescribed by the ~~board~~ authority.

31 Sec. 22. Section 441.21, subsection 1, paragraph a, Code  
32 1981, is amended to read as follows:

33 a. All real and tangible personal property subject to  
34 taxation shall be valued at its actual value which shall be  
35 entered opposite each item, and, except as otherwise provided

1 ~~herein-for-agricultural-and-residential-property~~ in this  
2 section, shall be assessed at one hundred percent of ~~such~~  
3 its actual value, and ~~such~~ the value so assessed shall be  
4 taken and considered as the assessed value and taxable value  
5 of ~~such~~ the property upon which the levy shall be made.

6 Sec. 23. Section 476.6, unnumbered paragraph 1, Code 1981,  
7 as amended by Acts of the Sixty-ninth General Assembly, 1981  
8 Session, chapter 157, section 2, is amended to read as follows:

9 A public utility subject to rate regulation shall not make  
10 effective any new or changed rate, charge, schedule or  
11 regulation except by filing it with the commission at least  
12 thirty days prior to its effective date. The commission,  
13 for good cause shown, may allow changes in rates, charges,  
14 schedules or regulations to become effective on less than  
15 thirty days' notice. Any subscriber of a telephone exchange  
16 or service, who is declared to be legally blind under section  
17 422.12~~(e)~~ subsection 1, paragraph e, ~~shall-be~~ is exempt from  
18 any charges for telephone directory assistance that may be  
19 approved by the commerce commission.

20 Sec. 24. Section 502.102, subsection 2, paragraph a, Code  
21 1981, as amended by Acts of the Sixty-ninth General Assembly,  
22 1981 Session, chapter 163, section 1, is amended to read as  
23 follows:

24 a. Effecting transactions in a security exempted by section  
25 502.202, subsection 1, 2, 3, 4, 6, 10, 11 or 12, or a security  
26 issued by an industrial loan company licensed under chapter  
27 536A~~7~~-Code-1977;

28 Sec. 25. Section 562B.32, subsection 2, Code 1981, is  
29 amended to read as follows:

30 2. If the landlord acts in violation of subsection 1 of  
31 this section, the tenant is entitled to the remedies provided  
32 in section ~~562B-25~~ 562B.24 and has a defense in an action  
33 for possession. In an action by or against the tenant,  
34 evidence of a complaint within six months prior to the alleged  
35 act of retaliation creates a presumption that the landlord's

1 conduct was in retaliation. The presumption does not arise  
2 if the tenant made the complaint after notice of termination  
3 of the rental agreement. For the purpose of this subsection,  
4 "presumption" means that the trier of fact must find the  
5 existence of the fact presumed unless and until evidence is  
6 introduced which would support a finding of its nonexistence.

7 Sec. 26. Acts of the Sixty-ninth General Assembly, 1981  
8 Session, chapter 68, section 3, is amended to read as follows:

9 SEC. 3. Section 175.12, subsection 2 3, paragraph f, Code  
10 1981, is amended to read as follows:

11 f. The authority determines that the beginning farmer  
12 is unable to secure financing from nongovernmental sources  
13 upon terms and conditions which the beginning farmer reasonably  
14 could be expected to fulfill.

15 Sec. 27. Acts of the Sixty-ninth General Assembly, 1981  
16 Session, chapter 94, section 10, is amended to read as follows:

17 SEC. 10. Section 442.27, Code 1981, is amended by adding  
18 the following new subsection after subsection 3:

19 NEW SUBSECTION. For the school year beginning July 1,  
20 1982 and succeeding school years, the total amount funded  
21 in each area for media services in the budget year shall be  
22 computed as provided in this subsection. For the school year  
23 beginning July 1, 1982, the total amount funded in each area  
24 for media services in the base year, including the cost for  
25 media resource material which shall only be used for the  
26 purchase or replacement of material required in section 273.6,  
27 subsection 1, paragraphs a, b, and c, shall be divided by  
28 the enrollment served in the base year to provide an area  
29 media services cost per pupil in the base year, and the state  
30 comptroller shall compute the state media services cost per  
31 pupil in the base year which is equal to the average of the  
32 area media services costs per pupil in the base year. For  
33 the year beginning July 1, 1982 and succeeding school years,  
34 the state comptroller shall compute the allowable growth for  
35 media services in the budget year by multiplying the state

1 media services cost per pupil in the base year times the state  
2 percent of growth for the budget year, and the total amount  
3 funded in each area for media services cost in the budget  
4 year equals the area media services cost per pupil in the  
5 base year plus the allowable growth for media services in  
6 the budget year times the enrollment served in the budget  
7 year. Funds shall be paid to area education agencies as  
8 provided ~~to~~ in section 442.25.

9 Sec. 28. Section 331.756, subsection 60, Code 1981  
10 Supplement, is amended to read as follows:

11 60. Assist, upon request, the transportation regulation  
12 ~~board~~ authority's legal counsel or the department of  
13 transportation's general counsel in the prosecution of  
14 violations of common carrier laws and regulations as provided  
15 in section 327C.30.

16 EXPLANATION

17 This bill corrects various Code sections. Sections 1 and  
18 2 insert more appropriate words for "divorce" and "register".  
19 Section 3 changes a reference to division in a chapter which  
20 has no divisions. Sections 4 through 7 and 9 through 14  
21 correct the name of the Iowa security and medical facility.  
22 Section 8 strikes "private boarding homes for children", an  
23 obsolete term. They are now called "child foster care  
24 facilities" and licensed under chapter 237. Section 15  
25 corrects the title of the university of osteopathic medicine  
26 and health sciences. Sections 16, 20, 21, and 28 change the  
27 transportation regulation "board" to "authority", as was done  
28 for other Code sections in S.F. 524 in 1981.

29 Section 17 strikes a reference no longer applicable because  
30 the allocation was removed in 1979. Sections 18 and 19 move  
31 a subsection to its proper place within a section. Section  
32 22 strikes a reference which is no longer applicable because  
33 forms of property other than agricultural and residential  
34 are now assessed at a percentage of actual value. Sections  
35 23 through 26 correct Code cross references and section 27

1 makes a grammatical correction. The bill will take effect  
2 July 1 following its enactment.

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S-5513

1 Amend House File 2465 as passed by the House, as  
2 follows:

3 1. Page 7, by adding after line 27 the following:

4 "Sec. 225. Section 509.3, Code 1981, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. A provision which will constitute  
7 an offer to make available to the policyholder under  
8 policies providing hospital and medical coverage on  
9 an expense incurred basis, benefits for the necessary  
10 care and treatment of alcohol and other drug dependency  
11 that are not less favorable than for physical illness  
12 generally, subject to the same durational limits,  
13 dollar limits, deductibles and coinsurance factors,  
14 and which offer of benefits shall be subject to the  
15 right of the policyholder to reject the coverage,  
16 or select any alternative level of benefits offered  
17 or negotiated with the insurer. Any benefits provided  
18 in a facility defined in section 125.2, subsection  
19 2, not meeting the definition of a hospital, shall  
20 be payable as if provided in a hospital if determined  
21 to be necessary care and treatment, approved and  
22 monitored by a physician licensed to practice medicine  
23 and surgery or osteopathic medicine and surgery.  
24 This provision shall apply to policies delivered or  
25 issued for delivery more than one hundred twenty days  
26 after the effective date of this Act, but shall not  
27 apply to blanket, short-term travel, accident only,  
28 limited or specified disease, individual or group  
29 conversion policies, nor to policies designed only  
30 for issuance to persons eligible for coverage under  
31 Title XVIII of the Social Security Act, known as  
32 medicare, or any other similar coverage under state  
33 or federal governmental plans.

34 Sec. 226. Section 514.5, Code 1981, is amended  
35 by adding the following new subsection:

36 NEW SUBSECTION. Hospital service organizations  
37 shall offer and make available under group plans  
38 providing hospital and medicare coverage on an expense  
39 incurred, or service basis, benefits for the necessary  
40 care and treatment of alcohol and other drug dependency  
41 that are not less favorable than for physical illness  
42 generally, subject to the same durational limits,  
43 dollar limits, deductibles and coinsurance factors,  
44 and which offer of benefits shall be subject to the  
45 right of the subscriber to reject the coverage, or  
46 select any alternative level of benefits offered or  
47 negotiated with the hospital service organization.  
48 Any benefits provided in a facility defined in section  
49 125.2, subsection 2, not meeting the definition of  
50 a hospital, shall be payable as if provided in a

1 hospital if determined to be necessary care and  
 2 treatment, approved and monitored by a physician  
 3 licensed to practice medicine and surgery or  
 4 osteopathic medicine and surgery. This provision  
 5 shall apply to contracts delivered or issued for  
 6 delivery more than one hundred twenty days after the  
 7 effective date of this Act, but shall not apply to  
 8 contracts designed only for issuance to subscribers  
 9 eligible for coverage under Title XVIII of the Social  
 10 Security Act, known as medicare, or any other similar  
 11 coverage under state or federal governmental plans.  
 12 Sec. 227. Section 514B.9, Code 1981, is amended  
 13 by adding the following new subsection:  
 14 NEW SUBSECTION: The health care services under  
 15 group plans shall make available to enrollees benefits  
 16 for the necessary care and treatment of alcohol and  
 17 other drug dependency that are not less favorable  
 18 than for physical illness generally, subject to the  
 19 same durational limits, dollar limits, deductibles  
 20 and coinsurance factors, and which offer of benefits  
 21 shall be subject to the right of the enrollee to  
 22 reject the coverage, or select any alternative level  
 23 of benefits offered or negotiated with the  
 24 organization. Any benefits provided in a facility  
 25 defined in section 125.2, subsection 2, not meeting  
 26 the definition of a hospital, shall be payable as  
 27 if provided in a hospital if determined to be necessary  
 28 care and treatment, approved and monitored by a  
 29 physician licensed to practice medicine and surgery  
 30 or osteopathic medicine and surgery. This coverage  
 31 shall apply to services or benefits provided after  
 32 one hundred twenty days after the effective date of  
 33 this Act, but shall not apply to enrollees eligible  
 34 for coverage under Title XVIII of the Social Security  
 35 Act, known as medicare, or any other similar coverage  
 36 under state or federal governmental plans.  
 37 2. Renumber as necessary.

S-5513 FILED

BY SUE YENGER

APRIL 7, 1982

EDGAR H. HOLDEN

TOM SLATER

## HOUSE FILE 2465

S-5534

1 Amend House File 2465 as passed by the House as  
 2 follows:  
 3 1. Page 9, by inserting after line 15 the  
 4 following new section:  
 5 "Sec. 29. Acts of the Sixty-Eighth General Assembly,  
 6 1980 Session, chapter 1036, section 33, subsection 1,  
 7 is repealed."

S-5534 FILED

BY FORREST V. SCHWENGELS

APRIL 8, 1982

TOM SLATER

RULED NOT GERMANE (p 1112)

RICHARD COMITO

RICHARD RAMSEY

HOUSE FILE 2465

H-5575

Amend the Lind amendment, H-5459, to House File  
2 2465 as follows:

3 1. Page 1, by striking lines 2 through 25 and  
4 inserting in lieu thereof the following:

5 "1. Page 5, by inserting after line 34 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 321.200, Code 1981, is amended  
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
10 321.491 and other contrary provisions of the Code,  
11 records of the department of speeding violations in  
12 speed zones of thirty-five miles per hour or greater  
13 shall remain confidential with the department if the  
14 violations are not greater than ten miles per hour  
15 over the legal speed limit. However such violations  
16 shall be public records during any period when more  
17 than six violations have occurred in the preceding  
18 twelve months. This paragraph does not prohibit  
19 disclosures by the department under section 321.513  
20 or chapter 321C."

21 2. Page 6, by inserting after line 20 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 321.210, unnumbered paragraph  
24 6, Code 1981, is amended to read as follows:

25 However, a warning memorandum, summons, conviction  
26 or forfeiture of bail not vacated, for a violation  
27 of any section of the Code or any municipal ordinance  
28 pertaining to the standards to be maintained for motor  
29 vehicle equipment, except sections 321.430 or 321.431  
30 or any municipal ordinance pertaining to motor vehicle  
31 brake requirements, shall not be taken into  
32 consideration in determining suspension or the length  
33 of suspension of an operator's or chauffeur's license.  
34 A violation of sections 321.430 or 321.431 or any  
35 municipal ordinance pertaining to motor vehicle brake  
36 requirements shall not be taken into consideration  
37 in determining suspension or the length of suspension  
38 of an operator's or chauffeur's license if the  
39 equipment in violation of the Code or municipal  
40 ordinance has been repaired within seventy-two hours  
41 of such warning memorandum, summons, conviction, or  
42 forfeiture of bail not vacated, and evidence of such  
43 repair has immediately been sent to the director.  
44 The accumulation by a licensee of six or fewer  
45 scheduled speeding violations within a twelve-month  
46 period in speed zones of thirty-five miles per hour  
47 or greater is not sufficient cause for the department  
48 to suspend the person's operator's or chauffeur's  
license if none of the violations are greater than  
ten miles per hour over the legal speed limit."

Page 2

1 3. Renumber sections as necessary."

H-5575 FILED & ADOPTED  
MARCH 26, 1982 (p. 1025)

BY SCHROEDER of Pottawattamie  
LIND of Black Hawk

HOUSE FILE 2465

H-5569

- 1 Amend House File 2465 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 97B.41, subsection 1, paragraph  
5 a, unnumbered paragraph 2, Code 1981, is amended by  
6 striking the unnumbered paragraph.  
7 Sec. \_\_\_\_ . Section 97B.41, subsection 3, paragraph  
8 b, subparagraph (2), Code 1981, is amended to read  
9 as follows:  
10 (2) ~~Members of the general assembly of Iowa and~~  
11 ~~temporary~~ Temporary employees of the general assembly  
12 of Iowa ~~unless such members of~~ the employees shall  
13 make an application to the department to be covered  
14 under the provisions of this chapter. A member of  
15 ~~the general assembly of~~ temporary employee of the  
16 general assembly who made an application to the  
17 department to be covered under this chapter may  
18 terminate membership under this chapter by informing  
19 the department in writing of the ~~member's of temporary~~  
20 ~~employee's~~ termination."  
21 2. By renumbering sections as needed.

H-5569 FILED MARCH 25, 1982 BY TYRRELL of Iowa

*Revised not germane 3/26 (p. 1023)*

HOUSE FILE 2465

H-5515.

- 1 Amend H-5508 to House File 2465 as follows:  
2 1. By striking lines 9 through 13 and inserting  
3 in lieu thereof the following: "regular session and  
4 shall be submitted directly to the general assembly  
5 as one or more House or Senate Joint Resolutions which  
6 if not amended or acted upon by either house shall  
7 have full force and effect as submitted July 1  
8 following their submission, or if acted upon shall  
9 take effect July 1 following the date of their  
10 submission as provided by law, with such any changes,  
11 if any, as may have been enacted at such the session;  
12 and thereafter all laws in conflict therewith shall  
13 be of no further force or effect."

H-5515 FILED MARCH 23, 1982 BY SCHROEDER of Pottawattamie

*Adopted 3/26 (p. 1028)*

HOUSE FILE 2465

H-5571

1 Amend the Lind amendment, H-5459, to House File  
2 2465 as follows:

3 1. Page 1, by striking lines 2 through 25 and  
4 inserting in lieu thereof the following:

5 "1. Page 5, by inserting after line 34 the  
6 following:

7 "Sec. \_\_\_\_ . Section 321.200, Code 1981, is amended  
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
10 321.491 and other contrary provisions of the Code,  
11 records of the department of speeding violations in  
12 speed zones of thirty-five miles per hour or greater  
13 shall remain confidential with the department if the  
14 violations are not greater than ten miles per hour  
15 over the legal speed limit. However such violations  
16 shall be public records during any period when more  
17 than six violations have occurred in the preceding  
18 twelve months."

19 2. Page 6, by inserting after line 20 the  
20 following:

21 "Sec. \_\_\_\_ . Section 321.210, unnumbered paragraph  
22 6, Code 1981, is amended to read as follows:

23 However, a warning memorandum, summons, conviction  
24 or forfeiture of bail not vacated, for a violation  
25 of any section of the Code or any municipal ordinance  
26 pertaining to the standards to be maintained for motor  
27 vehicle equipment, except sections 321.430 or 321.431  
28 or any municipal ordinance pertaining to motor vehicle  
29 brake requirements, shall not be taken into  
30 consideration in determining suspension or the length  
31 of suspension of an operator's or chauffeur's license.  
32 A violation of sections 321.430 or 321.431 or any  
33 municipal ordinance pertaining to motor vehicle brake  
34 requirements shall not be taken into consideration  
35 in determining suspension or the length of suspension  
36 of an operator's or chauffeur's license if the  
37 equipment in violation of the Code or municipal  
38 ordinance has been repaired within seventy-two hours  
39 of such warning memorandum, summons, conviction, or  
40 forfeiture of bail not vacated, and evidence of such  
41 repair has immediately been sent to the director.  
42 The accumulation by a licensee of six or fewer  
43 scheduled speeding violations within a twelve-month  
44 period in speed zones of thirty-five miles per hour  
45 or greater is not sufficient cause for the department  
46 to suspend the person's operator's or chauffeur's  
47 license if none of the violations are greater than  
48 ten miles per hour over the legal speed limit."

49 3. Renumber sections as necessary."

H-5571 FILED

MARCH 25, 1982

5575 substituted

3/26 (p. 1024)

Please get of order (p. 1025)

BY LIND of Black Hawk

HOFFMANN-BRIGHT of Muscatine

SCHROEDER of Pottawattamie

HOUSE FILE 2465

H-5556

1 Amend House File 2465 as follows:

2 1. Page 7, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 524.706, subsection 1, paragraph  
5 a, Code 1981, is amended to read as follows:

6 a. An executive officer of a state bank may receive  
7 loans or extensions of credit from a state bank of  
8 which ~~he~~ the person is an executive officer, resulting  
9 in obligations as defined in section 524.904,  
10 subsection 1, not exceeding, in the aggregate:

11 ~~(1) Such amount as the bank is permitted to lend~~  
12 ~~pursuant to section 524.905, subsection 2, if, at~~  
13 ~~the time such obligation is incurred, it is~~ An amount  
14 secured by a first lien on a dwelling which is  
15 expected, after the obligation is incurred, to be  
16 owned by the executive officer and used by him as  
17 his the officer's residence, provided that at the  
18 time after the loan is made there is no other loan  
19 by the bank to the executive officer, under authority  
20 of this subparagraph, outstanding, and.

21 (2) An amount not exceeding an aggregate of twenty  
22 thousand dollars outstanding at any one time, to  
23 finance the education of a child or children of the  
24 executive officer, and.

25 (3) Any other loans or extensions of credit which  
26 in the aggregate do not at any one time exceed ten  
27 thousand dollars.

28 (4) Other amounts which do not, in the aggregate,  
29 exceed the principal amounts of time certificates  
30 of deposit in the bank which are held in the name  
31 of the executive officer, if repayment of the loan  
32 or credit amounts is at all times secured by pledge  
33 of the certificates. An interest in or portion of  
34 a time certificate of deposit does not satisfy the  
35 requirements of this subparagraph if that interest  
36 or portion is also pledged to secure the payment of  
37 a debt or obligation of any person other than the  
38 executive officer."

39 2. Renumber sections as necessary.

H-5556 FILED  
MARCH 25, 1982

BY SCHROEDER of Pottawattamie  
VAN MAANEN of Mahaska

*Filed not germane 3/26 (p. 1026)*

HOUSE FILE 2465

H-5554

1 Amend the Lind amendment, H-5459, to House File  
2 2465 as follows:

3 1. Page 1, lines 18 and 19, by striking the words  
4 "the posted speed limit" and inserting in lieu thereof  
5 the words "a posted speed limit of thirty-five miles  
6 per hour or greater".

7 2. Page 1, by inserting after line 23 the  
8 following:

9 "Sec. 321.431. Page 6, by inserting after line 20 the  
10 following:

11 "Sec. 321.431. Section 321.210, unnumbered paragraph  
12 6, Code 1981, is amended to read as follows:

13 However, a warning memorandum, summons, conviction  
14 or forfeiture of bail not vacated, for a violation  
15 of any section of the Code or any municipal ordinance  
16 pertaining to the standards to be maintained for motor  
17 vehicle equipment, except sections 321.430 or 321.431  
18 or any municipal ordinance pertaining to motor vehicle  
19 brake requirements, shall not be taken into  
20 consideration in determining suspension or the length  
21 of suspension of an operator's or chauffeur's license.  
22 A violation of sections 321.430 or 321.431 or any  
23 municipal ordinance pertaining to motor vehicle brake  
24 requirements shall not be taken into consideration  
25 in determining suspension or the length of suspension  
26 of an operator's or chauffeur's license if the  
27 equipment in violation of the Code or municipal  
28 ordinance has been repaired within seventy-two hours  
29 of such warning memorandum, summons, conviction, or  
30 forfeiture of bail not vacated, and evidence of such  
31 repair has immediately been sent to the director.

32 The accumulation by a licensee of six or fewer  
33 scheduled speeding violations within a twelve-month  
34 period in speed zones of thirty-five miles per hour  
35 or greater is not sufficient cause for the department  
36 to suspend the person's operator's or chauffeur's  
37 license if none of the violations are greater than  
38 ten miles per hour over the legal speed limit."

39 3. Renumber as necessary.

BY LIND of Black Hawk  
HOFFMANN-BRIGHT of Muscatine  
SCHROEDER of Pottawattamie  
HORN of Linn  
BYERLY of Polk

H-5554 FILED  
MARCH 25, 1982  
H/D 3/26 (p 1013)

HOUSE FILE 2465

H-5503

1 Amend amendment H-5479 to House File 2465 as follows:  
 2 1. Page 1, by adding after line 9, the following:  
 3 "Sec. \_\_\_\_ . Section 684.19, unnumbered paragraph 1,  
 4 is amended to read as follows:  
 5 Any such rules and forms prescribed by the supreme  
 6 court shall be reported by it to the general assembly  
 7 within twenty days after the commencement of either  
 8 regular session and shall take effect July 1 following  
 9 the date of their submission, with such changes, if  
 0 any, as may have been enacted at such session;--and  
 1 ~~thereafter all laws in conflict therewith shall be of~~  
 2 ~~no further force or effect."~~

H-5503 FILED MARCH 22, 1982 BY SCHROEDER of Pottawattamie  
*H/19 3/26 (p. 1027)*

HOUSE FILE 2465

H-5506

1 Amend House File 2465 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 98A.2, subsection 6, Code  
 5 1981, is amended to read as follows:  
 6 6. A public building, except a liquor store, owned  
 7 by or under the control of this state or any of its  
 8 political subdivisions, except in areas designated  
 9 by the controlling governmental body, officer, or  
 0 agency as smoking areas."  
 1 2. Renumber sections as needed.

H-5506 FILED MARCH 22, 1982 BY JOHNSON of Linn  
*Revised not germane 3/26 (p. 1022)*

HOUSE FILE 2465

H-5508

1 Amend House File 2465 as follows:  
 2 1. Page 8, by inserting after line 6, the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 684.19, unnumbered paragraph 1,  
 5 is amended to read as follows:  
 6 Any such rules and forms prescribed by the supreme  
 7 court shall be reported by it to the general assembly  
 8 within twenty days after the commencement of either  
 9 regular session and shall take effect July 1 following  
 10 the date of their submission, with such changes, if  
 11 any, as may have been enacted at such session;--and  
 12 ~~thereafter all laws in conflict therewith shall be of~~  
 13 ~~no further force or effect."~~

H-5508 FILED MARCH 22, 1982 BY SCHROEDER of Pottawattamie  
*Revised not germane 3/26 (p. 1028)*

H-5459

- 1 Amend House File 2465 as follows:
- 2 1. Page 5, by inserting after line 34 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 321.207, Code 1981 Supplement,
- 5 is amended to read as follows:
- 6 321.207 RECORD FORWARDED. Every court having
- 7 jurisdiction over offenses committed under this
- 8 chapter, or any other law of this state or any city
- 9 or county traffic ordinances, other than parking
- 10 regulations, regulating the operation of motor vehicles
- 11 on highways, shall forward to the department a record
- 12 of the conviction of any person in the court for a
- 13 violation of any said of those laws, and may recommend
- 14 the suspension of the operator's or chauffeur's license
- 15 of the person convicted, and the department shall
- 16 consider and act upon the recommendation. However,
- 17 a record of conviction for a scheduled excessive speed
- 18 violation of ten miles per hour or less over the
- 19 posted speed limit shall not be forwarded to the
- 20 department nor result in a license suspension or
- 21 revocation if the person signed the admission of
- 22 violation on the citation and complaint pursuant to
- 23 section 805.9, subsection 1."
- 24 2. Renumber sections and correct internal
- 25 references to conform with this amendment.

H-5459 FILED MARCH 17, 1982

BY LIND of Black Hawk

*Repealed not given 3/26 (p. 1025)*

## HOUSE FILE 2465

H-5479

- 1 Amend House File 2465 as follows:
- 2 1. Page 3, by inserting after line 6 the following:
- 3 "Sec. \_\_\_\_ Section 595.16, Code 1981, is amended
- 4 to read as follows:
- 5 595.16 SPOUSE RESPONSIBLE FOR RETURN. When a
- 6 marriage is ~~announced~~ solemnized without the services
- 7 of a cleric or magistrate, the required return ~~thereof~~
- 8 of the marriage may be made to the clerk by either
- 9 spouse."
- 10 2. By renumbering sections as necessary.

H-5479 FILED MARCH 18, 1982

BY SPEAR of Lee

*Lost 3/26 (p. 1027)*

## HOUSE FILE 2465

H-5493

- 1 Amend House File 2465 as follows:
- 2 1. Page 9, by inserting after line 15 the follow-
- 3 ing:
- 4 "Sec. \_\_\_\_ Section 281.5, Code 1981, is repealed."

H-5493 FILED MARCH 19, 1982

BY CLEMENTS of Scott

*4/18 3/26 (p. 1028)*

HOUSE FILE 2465

AN ACT  
CORRECTING ERRONEOUS, INCONSISTENT, OR OBSOLETE PROVISIONS  
OF THE CODE.

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

Section 1. Section 144.37, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 64, section 6, is amended to read as follows:

For each ~~divorce~~ dissolution or annulment of marriage granted by any court in this state, a record shall be prepared by the clerk of court or by the petitioner or the petitioner's legal representative if directed by the clerk and filed by the clerk of court with the state registrar. The information necessary to prepare the report shall be furnished with the petition, to the clerk of court by the petitioner or the petitioner's legal representative, on forms supplied by the state registrar.

Sec. 2. Section 144.43, unnumbered paragraph 2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 64, section 10, is amended to read as follows:

However, the following vital statistics may be inspected and copied as of right under chapter 68A when they are in the custody of a county or of a local ~~register~~ registrar:

Sec. 3. Section 216.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

As used in this ~~division~~ chapter:

Sec. 4. Section 217.14, subsection 1, Code 1981, is amended to read as follows:

1. Administer and control the operation of the men's reformatory, women's reformatory and state penitentiary and the Iowa security and medical facility.

Sec. 5. Section 218.92, Code 1981, is amended to read as follows:

218.92 DANGEROUS MENTAL PATIENTS. ~~Whenever~~ When a patient in any state hospital-school for the mentally retarded, any mental health institute, or any institution under the administration of the director of the division of mental health of the department of social services, has become so mentally disturbed as to constitute a danger to self, to other patients in the institution or to the public, and the institution involved cannot provide adequate security, the director of mental health with the consent of the director of corrections of the department of social services may order the patient to be transferred to the Iowa security and medical facility, provided that the executive head of the institution from which the patient is to be transferred, with the support of a majority of ~~his~~ the medical staff recommends the transfer in the interest of the patient, other patients or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court which hospitalized the patient, as required by section 229.15, subsection 3. The Iowa security and medical facility ~~shall have~~ has the same rights, duties and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized there. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 6. Section 226.30, Code 1981, is amended to read as follows:

226.30 TRANSFER OF DANGEROUS PATIENTS. When a patient of any hospital for the mentally ill becomes incorrigible, and unmanageable to such an extent that ~~he~~ the patient is dangerous to the safety of others in the hospital, the state director may apply in writing to the district court or to any judge thereof, of the county in which ~~such~~ the hospital is situated, for an order to transfer ~~said~~ the patient to the Iowa security and medical facility and if ~~such~~ the order ~~be~~ is granted ~~such~~ the patient shall be so transferred. The county attorney of ~~said~~ the county shall appear in support of ~~such~~ the application on behalf of the state director.

Sec. 7. Section 229.1, subsection 8, paragraph c, Code 1981, is amended to read as follows:

c. Any other publicly supported hospital or institution, or part thereof, which is equipped and staffed to provide inpatient care to the mentally ill, except that this definition ~~shall~~ is not be applicable to the Iowa security and medical facility established by chapter 223.

Sec. 8. Section 235.3, subsection 8, Code 1981, is amended to read as follows:

8. License and inspect maternity hospitals, ~~private boarding-homes-for-children,~~ and private child-placing agencies; make reports regarding ~~the-same~~ them and revoke such licenses.

Sec. 9. Section 245.12, Code 1981, is amended to read as follows:

245.12 TRANSFER OF MENTALLY ILL. The ~~said~~ state director may cause any woman committed to ~~said~~ the reformatory and suspected of being mentally ill to be examined by one of the superintendents or ~~his~~ the superintendent's qualified designee of a state hospital for the mentally ill or transferred to the Iowa security and medical facility for examination. If the woman is found to be mentally ill, the department may order ~~such~~ the woman transferred to or retained at a state hospital or the Iowa security and medical facility where she shall thereafter be maintained and treated at the expense of the state until such time as she regains her good mental health when she shall be returned to ~~said~~ the reformatory. The cost of ~~such~~ the transfer and return shall be paid as ~~heretofore~~ provided for other transfers.

Sec. 10. Section 246.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The warden and other employees of the penitentiary, men's reformatory, medium security institution at Mount Pleasant, Luster Heights camp, Iowa security and medical facility, and Riverview release center shall receive ~~such~~ salaries or ~~such~~ compensation as ~~shall~~-be determined by the state director and in addition shall receive a midshift meal when on duty.

Sec. 11. Section 246.16, Code 1981, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the state director has cause to believe that a prisoner in the penitentiary or reformatory is mentally ill, the department may cause that prisoner to be transferred to the Iowa security and medical facility for examination, diagnosis, or treatment. The prisoner shall be confined at that institution or a state hospital for the mentally ill until the expiration of the prisoner's sentence or until the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of ~~his-or-her~~ the prisoner's sentence, the prisoner shall be returned to the penitentiary or reformatory until the expiration of the prisoner's sentence. The provisions of the Code applicable to an inmate at the correctional institution from which the prisoner is transferred ~~shall~~ remain applicable during the inmate's stay at the Iowa security and medical facility. However, section 246.32 applies to the total inmate population, including both convicts and patients.

Sec. 12. Section 246.17, Code 1981, is amended to read as follows:

246.17 DISCHARGE OF MENTALLY ILL. When the state director has reason to believe that a prisoner in the penitentiary or ~~said~~ reformatory, whose sentence has expired, is mentally ill, it shall cause examination to be made of ~~such~~ the prisoner by competent physicians who shall certify to the state director whether ~~such~~ the prisoner is in good mental health or mentally ill. The state director may make further investigation and if satisfied that ~~he~~ the prisoner is mentally ill, ~~he~~ the state director may cause ~~him~~ the prisoner to be transferred to one of the hospitals for the mentally ill, or may order ~~him~~ the prisoner to be confined in the Iowa security and medical facility.

Sec. 13. Section 246.34, Code 1981, is amended to read as follows:

246.34 ESCAPE OF PRISONER. If a convict escapes from the penitentiary, Iowa security and medical facility or the men's reformatory, the warden or superintendent shall take all proper measures for ~~his~~ the convict's apprehension.

Sec. 14. Section 246.45, Code 1981, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. ~~The provisions of sections~~ Sections 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the inmates at the women's reformatory and the Iowa security and medical facility.

Sec. 15. Section 261.18, subsection 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 10, is amended to read as follows:

1. There is established a subvention program for resident students who are enrolled in the ~~college~~ university of osteopathic medicine and ~~surgery~~ health sciences of Des Moines, Iowa. The subvention program shall be administered by the commission in the manner provided in this section and section 261.19. The commission shall initiate an affirmative action program to ~~insure~~ ensure equal opportunity for participation by women, men, and minority students in the program provided for in this section and section 261.19.

Sec. 16. Section 307B.6, subsection 10, Code 1981, is amended to read as follows:

10. The counsel of the transportation regulation ~~board~~ authority and the attorney general's office shall provide legal services for the authority and the board unless a majority of the board deems outside counsel is required in a particular instance.

Sec. 17. Section 312.1, subsection 2, Code 1981, is amended to read as follows:

2. All the net proceeds of the motor vehicle fuel tax or license fees under chapter 324, ~~except those net proceeds allocated to the primary road fund under section 324.79.~~

Sec. 18. Section 321.210, subsections 1 through 7, Code 1981, are amended to read as follows:

1. Has committed an offense for which mandatory revocation of license is required upon conviction.
2. Is an habitually reckless or negligent driver of a motor vehicle.
3. Is an habitual violator of the traffic laws.
4. Is physically or mentally incapable of safely operating a motor vehicle.
5. Has permitted an unlawful or fraudulent use of ~~such~~ the license.
6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.
7. Has committed a serious violation of the motor vehicle laws of this state.
8. Is subject to a license suspension under section 321.513.

Sec. 19. Section 321.210, subsection 8, Code 1981, as it appeared prior to the effective date of this Act, is amended by striking the subsection.

Sec. 20. Section 325.31, Code 1981, is amended to read as follows:

325.31 DISTINCTIVE MARKINGS ON VEHICLE. There shall be attached to each motor vehicle ~~such~~ distinctive markings or tags as ~~shall be~~ prescribed by the ~~board~~ authority.

Sec. 21. Section 327A.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

There shall be attached to each tank vehicle used for the intrastate transportation of liquid, distinctive markings or tags as ~~shall be~~ prescribed by the ~~board~~ authority.

Sec. 22. Section 441.21, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. All real and tangible personal property subject to taxation shall be valued at its actual value which shall be entered opposite each item, and, except as otherwise provided ~~herein for agricultural and residential property in this section,~~ shall be assessed at one hundred percent of ~~such~~ its actual value, and ~~such~~ the value so assessed shall be

taken and considered as the assessed value and taxable value of ~~such~~ the property upon which the levy shall be made.

Sec. 23. Section 476.6, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 157, section 2, is amended to read as follows:

A public utility subject to rate regulation shall not make effective any new or changed rate, charge, schedule or regulation except by filing it with the commission at least thirty days prior to its effective date. The commission, for good cause shown, may allow changes in rates, charges, schedules or regulations to become effective on less than thirty days' notice. Any subscriber of a telephone exchange or service, who is declared to be legally blind under section 422.12~~(e)~~ subsection 1, paragraph e, shall be is exempt from any charges for telephone directory assistance that may be approved by the commerce commission.

Sec. 24. Section 502.102, subsection 2, paragraph a, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 163, section 1, is amended to read as follows:

a. Effecting transactions in a security exempted by section 502.202, subsection 1, 2, 3, 4, 6, 10, 11 or 12, or a security issued by an industrial loan company licensed under chapter 536A~~-Code-1977~~;

Sec. 25. Section 562B.32, subsection 2, Code 1981, is amended to read as follows:

2. If the landlord acts in violation of subsection 1 of this section, the tenant is entitled to the remedies provided in section 562B~~+25~~ 562B.24 and has a defense in an action for possession. In an action by or against the tenant, evidence of a complaint within six months prior to the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of termination of the rental agreement. For the purpose of this subsection, "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

Sec. 26. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 68, section 3, is amended to read as follows:

SEC. 3. Section 175.12, subsection 2 3, paragraph f, Code 1981, is amended to read as follows:

f. The authority determines that the beginning farmer is unable to secure financing from nongovernmental sources upon terms and conditions which the beginning farmer reasonably could be expected to fulfill.

Sec. 27. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 94, section 10, is amended to read as follows:

SEC. 10. Section 442.27, Code 1981, is amended by adding the following new subsection after subsection 3:

NEW SUBSECTION. For the school year beginning July 1, 1982 and succeeding school years, the total amount funded in each area for media services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1982, the total amount funded in each area for media services in the base year, including the cost for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs a, b, and c, shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the state comptroller shall compute the state media services cost per pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the year beginning July 1, 1982 and succeeding school years, the state comptroller shall compute the allowable growth for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the allowable growth for media services in the budget year times the enrollment served in the budget year. Funds shall be paid to area education agencies as provided ~~to~~ in section 442.25.

Sec. 28. Section 331.756, subsection 60, Code 1981 Supplement, is amended to read as follows:

60. Assist, upon request, the transportation regulation ~~board~~ authority's legal counsel or the department of transportation's general counsel in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

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DELWYN STROMER  
Speaker of the House

---

TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2465, Sixty-ninth General Assembly.

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ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved 4/30, 1982

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ROBERT D. RAY  
Governor