

- d. The amount of any fees.
- e. How to apply for any permits or regulatory approvals.
- f. A brief statement of the purpose of requiring the permit or regulatory approval or requiring compliance with the standards or criteria.

3. Each state agency shall promptly inform the Iowa development commission of any changes in the information provided under subsection 2 or the establishment of a new regulatory program. The information provided to or disseminated by the Iowa commission shall not be binding upon the regulatory program of a state agency; however, a person shall not be subject to the imposition of a penalty for failure to comply with a regulatory program if the person demonstrates that he or she relied upon information provided by the commission indicating compliance was not required and either ceases the activity upon notification by the regulatory agency or brings the activity or facility into compliance.

4. Subsections 2 and 3 do not apply to the following:

- a. The commerce commission insofar as the information relates to public utilities.
- b. The department of banking.
- c. The office of the supervisor of savings and loan associations in the office of the auditor of state.
- d. The credit union department.

Sec. 2. The Iowa development commission shall make the regulatory information service available for public use by January 1, 1983.

Approved May 21, 1982

CHAPTER 1100
CODE EDITOR'S CORRECTIONS
H.F. 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~~ 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.

Approved April 30, 1982