



# SUMMARY of LEGISLATION

Iowa General  
Assembly  
1988 Session  
and  
1987 Second  
Extraordinary  
Session

Iowa  
Legislative  
Service  
Bureau

SUMMARY OF LEGISLATION  
APPROVED IN THE YEARS 1987 AND 1988  
BY THE SECOND EXTRAORDINARY SESSION OF 1987  
AND THE SECOND REGULAR SESSION IN 1988  
OF THE SEVENTY-SECOND GENERAL ASSEMBLY  
AND SIGNED BY THE GOVERNOR

Prepared by the Iowa Legislative Service Bureau

This summary of legislation approved by the Second Extraordinary Session 1987 and the 1988 General Assembly has been prepared for the use of legislators and other interested persons. The summary includes tables on pages 285 through 290 that may be used to obtain subject categories under which particular items of legislation will be found. The legislative enactments are included under the specific subject categories. If an Act is found under two categories, both a "major subject" and "secondary subject" are listed; otherwise only the "major subject" is listed. The summary descriptions are the work product of the Legislative Service Bureau. The effective date of the legislative enactments is July 1, 1988, unless otherwise specified in the summary.

It is believed that the purpose of this compilation -- that of providing interested persons with quick reference to legislation enacted in specific areas and generally informing persons of the contents and effective date of the legislation -- will be served by this publication.

The Act approved by the 1987 Second Extraordinary Session is included in the subject category of Taxation.

The bills which were vetoed by the Governor in their entirety are included and noted in this summary. The items vetoed by the Governor are specified in their particular summary.

The compilation also contains a list of the sections of the Code of Iowa amended or repealed during the 1988 Session, a table of Senate and House files which indicates the Chapter number in the 1988 Acts, and a summary listing of reports and studies that are to be conducted by executive branch agencies and reported to the General Assembly.

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## AGRICULTURE

The 1988 Session produced a variety of Acts affecting agriculture in the context of consumer protection, environmental protection, assistance to producers, agriculture promotion, and regulation of agriculturally related business.

Three Acts were passed which relate directly to consumer protection. Senate File 2011 provides that a person who introduces meat or poultry as human food into intrastate commerce without complying with inspection requirements under the Meat and Poultry Inspection Act (Chapter 189A), is guilty of a fraudulent practice. Senate File 2262 provides for the regulation of food products other than beef or pork which are sold as organic food. Senate File 356 (see Health and Safety) provides exemptions from certain requirements relating to the inspection of food establishments for food sold at farmers markets or provided in homes.

A number of Acts were passed relating to environmental protection and in response to the Groundwater Protection Act as passed last year in particular. Senate File 38 extends the registration requirement for agricultural drainage wells to September 30, 1988, provides for an appeals process for violations of the requirement, and clarifies language regarding the appropriation of certain funds in the agriculture management account of the groundwater protection fund. Senate File 2051 requires each soil and water conservation district to develop a comprehensive long-range soil and water resource conservation plan for the district. House File 2381 allows commissioners in soil and water conservation districts to enter into agreements to provide financial assistance to an owner or occupier of land to carry out water protection practices and allows soil and conservation districts to enter into agreements with other federal and state agencies to prevent or control water contamination. A water protection fund is created as a revolving fund to support water protection practices. Senate File 2106 prohibits the sale or application of chlordane on or after January 1, 1989. Senate File 2274 (see Environmental Protection) provides for the licensure of pesticide dealers and reporting requirements by dealers.

While the number and scope of Acts providing assistance to agricultural producers was not as extensive as in previous years, Senate File 2061 extends for another year the Governor's declaration of an economic emergency to March 30, 1989, allowing courts to grant a continuance from foreclosure on real estate used for farming or a small business. Senate File 2050 appropriates \$60,000 to the office of the Attorney General for the Legal Assistance for Farmers Program. Senate File 2335 provides that use of the modern soil survey is to be emphasized by the local assessor to ensure that individual parcels are treated equally within the assessing jurisdiction. Under House File 2346, a committee composed of persons interested in agriculture, including the Secretary of Agriculture and the Office of Rural Resources Coordinator, is

established to study the needs of rural communities and assist in programs designed to foster rural development (see State Government).

Similarly, measures designed to promote agricultural products were not as extensive as in last year's session, but the most innovative, Senate File 2086 requires certain state agencies to purchase soybean based inks and starch-based plastics when the price is reasonable. House File 2433 creates a Vocational Agriculture Education Advisory Council to recommend vocational agriculture curricular standards and encourages school districts to develop vocational programs in agriculture technology. A bill which failed to pass the General Assembly, House File 2436, would have established the position of Agricultural Trade specialist in each foreign trade office operated by the Department of Economic Development.

Senate File 2058 provides an exemption to the requirement that state income taxes be withheld from payments to a non-resident from the sale of certain agricultural commodities if the withholding agent submits information on the sale to the Department of Revenue and Finance. Senate File 2302 allows state banks to invest in the newly-formed Federal Agricultural Mortgage Corporation or to purchase equity shares of certified loan pools formed in response to certain agriculturally related financial objectives. House File 2283 subjects limited partnerships holding agricultural land to the same restrictions and regulations which govern authorized farm corporations or authorized trusts, imposes production restrictions upon certain processors contracting for the care and feeding of swine, and requires reporting of agricultural property.

House File 2355 and House File 2395 distinguish a cooperative association from an agricultural association under Chapter 499 and expand the purposes for which a cooperative association may be organized.

House File 2471 creates a milk fund in the State Treasurers' Office funded with licensure and inspection fees to pay for the inspection of dairy facilities. Senate File 394 regulates the care of animals in commercial establishments. Senate File 2055 relates to the regulation of commercial, public, and private pesticide applicators. Certification fees are raised and requirements for pesticide applications in and around a home are expanded to include other structures including restaurants, schools, hospitals, industrial sites and grain warehouses. Senate File 2135 relates to the Department of Agriculture and Land Stewardship's regulation of the grain trade by providing instances when the Department may deny a person's application for a permit to act as a grain bargaining agent, by providing penalties for late payments of fees assessed on grain dealers, and by providing procedures for the Department to monitor the grain depositors and sellers identification fund.

## AGRICULTURE

### S.F. 38

BY PRIEBE. Extends the registration requirement for agricultural drainage wells to September 30, 1988, and directs the Department of Agriculture and Land Stewardship and the Department of Natural Resources to adopt rules which provide for an appeals process for violations of the registration requirement. The Act also clarifies language regarding the appropriation of certain funds in the Agriculture Management Account of the Groundwater Protection Fund concerning agricultural drainage wells, sinkholes, and alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way projects.

### S.F. 394

BY RIORDAN AND DIELEMAN. Amends certain provisions relating to the care of animals in commercial establishments regulated by the Department of Agriculture and Land Stewardship under Chapter 162. Pet shops which offer fish other than live bait for sale are regulated. The regulation of commercial kennels includes kennels which perform grooming, boarding, or training services for dogs or cats in return for consideration, whether or not boarding is also offered. The Act classifies commercial breeders and provides for their licensure. Licenses issued to pet shops, commercial kennels, public auctions, dealers, commercial breeders, research facilities, and board kennel operators expire one year from the date of issue rather than on March 1st. Research facilities become subject to regulation and are required to obtain certification. The classification of hobby kennel is abolished, but an exception to regulation is provided for animals kept for the hobby of a person when consideration for breeding the animals is not involved. Finally, an animal cared for by a commercial establishment governed under Chapter 162 may be destroyed only by use of euthanasia.

### S.F. 2011

BY TIEDEN. Provides that a person is guilty of a fraudulent practice if the person introduces an article of meat or poultry capable of use as human food into intrastate commerce without complying with requirements related to meat and poultry inspection under Chapter 189A. Authority is provided to a district court to enjoin a person from acting in violation of the Chapter. The Department of Agriculture and Land Stewardship may apply to enjoin a violator without having to post bond or prove an adequate remedy exists at law.

### S.F. 2050

BY COMMITTEE ON AGRICULTURE. Appropriates \$60,000 for the 1987-1988 fiscal year to the office of the Attorney General for the Legal Assistance for Farmers Program. This bill also provides that unexpended or unencumbered funds carry forward to the 1988-1989 fiscal year to be used for the same program. The Act takes effect upon enactment.

### S.F. 2051

BY COMMITTEE ON AGRICULTURE. Requires each soil and water conservation district to develop a comprehensive long-range soil and water resource conservation plan for the district, under the supervision of the Division of Soil Conservation, Department of Agriculture and Land Stewardship. The district may receive assistance from several sources including federal agencies and the Iowa Cooperative Extension Service. The plan must be filed with the Division as part of a state soil and conservation plan after review by the Division and approval by the State Soil Conservation Committee.

### S.F. 2055

BY COMMITTEE ON AGRICULTURE. Relates to the regulation of commercial, public, and private pesticide applicators. A person servicing a device in which pesticides are applied is no longer subject to requirements of a commercial applicator. A certified private applicator may now be a person who supervises the use of a pesticide as well as a person who uses the pesticide.

Certification fees for commercial applicators are raised. All public applicators, and not just those employed by the government, pay a lower annual certification fee. A commercial, public, or private applicator is required to be reexamined every three years by either written or oral exam. A private, commercial, or public applicator need not be certified to apply pesticides for a twenty-one day period if under the direct supervision of a certified applicator. A commercial applicator applying pesticides to agricultural land may elect to be exempt from certification requirements for twenty-one days if the applicator meets the requirements of a private applicator.

An employee of a food processing and distribution establishment is exempt from certification requirements if supervised by a person who is certified and the employer provides a program for training, testing, and certification of employees who apply pesticides as an incidental part of their duties. A person who uses certain services and is not solely a pesticide applicator is exempt from certification requirements.

Requirements for applying pesticides in and around a home have been expanded to include "structures", including restaurants, schools, hospitals, industrial sites, and grain warehouses.

The Department of Natural Resources, in conjunction with the Department of Public Health, is required to conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste and report the results to the General Assembly and the Governor.

#### S.F. 2058

BY SCOTT AND BOSWELL. Exempts the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident if the payments are from the sale of commodity credit certificates, grain, livestock, domestic fowl, or other farm products by the nonresident or the nonresident's agent and if the withholding agent submits information relating to the sale to the Department of Revenue and Finance. The Act is retroactive to January 1, 1985, for payments made to nonresidents on or after that date.

#### S.F. 2061

BY HUTCHINS. Extends for another year the Governor's declaration of economic emergency; from March 30, 1988 to March 30, 1989. The owner of real estate used for farming or for operating a small business may thus be granted a continuance from foreclosure action by a court due to the owner's inability to pay, pursuant to Section 654.15 of the Iowa Code. The language has been drafted to remove uncertainty regarding the deadline for filing for a continuance. The deadline is expressly set at March 30, 1989. The Act is retroactive to March 30, 1989 if enacted after that date.

#### S.F. 2070

BY COMMITTEE ON TRANSPORTATION. Provides numerous exemptions from certain transportation safety regulations. Includes in the definition of "implements of husbandry", portable tanks, nurse tanks, trailers, and bulk spreaders which are not self-propelled and which have gross weights of not more than 12 tons and are used for the transportation of fertilizer and chemicals; used for farm crop productions; and other types of equipment which are used primarily for the application of fertilizers and chemicals in farm fields or for farm storage. Thus, since under the Code, the safety rules adopted under Section 321.499 concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to trucks moving implements of husbandry, the regulations also do not apply to the tanks, trailers, spreaders, and other equipment which are now defined as being "implements of husbandry". The items which are defined as "implements of husbandry" are deleted from the definition of "special mobile equipment" under the Act.



Pertains to safety rules adopted by the State Department of Transportation under Section 321.449 by creating a number of exemptions. Rules adopted concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce are not to be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce prior to January 1, 1988. Rules adopted shall not impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations. Rules adopted under Section 321.449 concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of fertilizers and chemicals used in the farmer's crop production or the intrastate transportation of agricultural commodities or feed.

A provision exempting drivers of commercial vehicles when not operated more than 100 miles from the truck driver's place of business was stricken and rewritten in Senate File 2314. See Senate File 2314 for an explanation of the rewritten provisions.

The Act creates an exemption from rules relating to the transportation of hazardous materials. The Act exempts from the rules cargo tank motor vehicles with a capacity of 4000 gallons or less used to transport gasoline in intrastate commerce which were manufactured between 1950 and 1979 and which are in compliance with the American Society of Mechanical Engineers specifications in effect at the time of their manufacture.

#### S.F. 2086

BY COMMITTEE ON AGRICULTURE. Requires the Department of General Services, the State Board of Regents, the Department of Transportation, and the Division for the Blind of the Department of Human Rights, whenever the price is reasonably competitive and of the quality intended, to purchase soybean based inks and starch-based plastics. By July 1, 1989, a minimum of fifty percent of purchases of inks used for newsprint printing services must be soybean-based and fifteen percent of the purchases of garbage can liners must be from starch-based plastic with an increase in the amount of starch-based plastic liners purchased of five percent per year until fifty percent of all liners purchased are made from starched based plastics.

The Department of General Services, the State Board of Regents and the Commission for the Blind are required to report to the General Assembly by January 1 of each year regarding the purchases of products for which plastic product alternatives are available.

### S.F. 2106

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Prohibits the offering for sale, selling, purchasing, application, or use of chlordane in this state on or after January 1, 1989. The Department of Agriculture and Land Stewardship, in conjunction with the Department of Natural Resources, is directed to make recommendations to owners of existing stocks of chlordane regarding safe disposal. The Act also repeals existing sections of the Code relative to chlordane which are no longer necessary with the implementation of this Act.

### S.F. 2135

BY COMMITTEE ON AGRICULTURE. Provides that the Department of Agriculture and Land Stewardship may deny a person's application for a permit to act as a bargaining agent of grain under Chapter 542A, if the person's grain dealer's license is under suspension or has been revoked. If a complaint is filed with the Department against the person as a grain dealer, the Department may delay approving the application for a bargaining agent's permit until after a hearing on the complaint.

Penalties for late payments of per-bushel fees assessed on grain dealers or warehouse operators are to be no more than ten dollars for each day the grain dealer or operator is delinquent or an amount equal to the amount of the deficiency, whichever is less. The Department is authorized to establish a margin of error in determining a delinquency.

The Department must determine the amount of assets in the Grain Depositors and Sellers Indemnification Fund to determine whether the fund has reached its six million dollar cap each three month period instead of at the end of a fiscal year. Once the cap has been reached, further dealer-warehouse fees are not owing or assessable.

These provisions are effective upon enactment, and apply retroactively to July 1, 1987.

### S.F. 2262

BY COMMITTEE ON AGRICULTURE. Provides for the regulation of food products other than beef or pork which are advertised for sale as organic food. The Department of Agriculture and Land Stewardship is directed to establish standards for such food upon completing a one year study in cooperation with producers, processors, and vendors in the organic food industry. To be advertised as "organic", food must be produced from soil which is free of synthetics (as defined by the Department) for one year after 1989, for two years after 1990, and for three years after 1991.

Producers, processors, and vendors advertising food as organic are required to maintain records. Vendors are required to maintain sworn statements from producers stating that the food is produced according to set standards. Food products advertised as organic may be labeled as "certified" or "verified" only if the person providing the certification or verification is declared on the label. A food product must be marked in a manner that identifies the food as organic. An ingredient in a food product advertised as organic must also be marked to identify the ingredient.

The Department of Agriculture and Land Stewardship is provided with a broad range of powers and duties relating to administration and enforcement of the Act's provisions, including the adoption of rules, investigation and inspection, grading of foods, and the creation of a seal of certification.

Penalties are imposed upon a producer, processor, or vendor who does not maintain proper documents or records, sells food advertised as organic which does not meet legal standards, who sells food advertised as organic without properly marking the food, or who mislabels a food product as "certified" or "verified." The Act provides that a suit for injunctive relief may be brought by the Department or by an individual, private organization, county, or city.

Chapter 190.1 relating to the regulation of adulterated food is amended by providing for sorghum syrup.

The Act takes effect on July 1, 1989. However, the Departmental study to establish organic food standards takes effect on July 1, 1988.

#### S.F. 2302

BY COMMITTEE ON AGRICULTURE. Provides that state banks may invest in equity shares of the newly formed federal Agricultural Mortgage Corporation (Farmer Mac) and equity shares of certified loan poolers formed to combine farm loans, repackage the loans, obtain federal guarantees for the new securities made up from repackaged loans, and market the new securities.

#### S.F. 2335

BY COMMITTEE ON WAYS AND MEANS. Provides that use of the modern soil survey is to be emphasized by the local assessor to ensure that individual parcels are treated in an equal and uniform manner to achieve internal equity among parcels within the assessing jurisdiction.

## H.F. 2283

BY COMMITTEE ON AGRICULTURE. Provides restrictions upon agricultural property holdings. After July 1, 1988, a limited partnership shall not acquire, obtain, or lease agricultural land in this state if the total number of acres of agricultural land held equals or exceeds fifteen hundred acres. Thus, limited partnerships are subject to the same cap as authorized farm corporations and authorized trusts. The same exceptions to the cap enjoyed by these corporations and trusts are also extended to limited partnerships. Agricultural land which is leased to the immediate prior owner of the land for the purpose of farming, and land which is held or acquired and maintained to protect significant elements of this state's natural open space heritage, is not counted in calculating the number of acres subject to the restriction.

The General Assembly, in 1987, restricted investors from participating in more than one capital forming venture which is used to purchase farm land (specifically authorized farm corporations and authorized trusts). This year, the General Assembly extended the restriction to prohibit a person from becoming a limited partner in a limited partnership if the person is a stockholder of an authorized farm corporation, a beneficiary of an authorized trust, or a limited partner in a limited partnership which owns or leases agricultural land.

Similar to an authorized farm corporation or authorized trust, a limited partnership which holds agricultural land above the fifteen hundred acre cap is subject to a maximum fifty thousand dollar penalty and must divest itself of land acquired in violation of law within one year from the date of conviction. Similar to a person who invests in more than one authorized farm corporation or authorized trust, an investor in a limited partnership who purchases an interest in another limited partnership or in an authorized farm corporation or authorized trust is subject to a maximum one hundred thousand dollar penalty and must perform necessary divestiture. The court is provided authority to determine the method of any divestiture required under law. Any financial gain realized by a person is forfeited to the General Fund. Any court costs and fees must be paid by the violator.

The law permitting certain investment trusts, classified as authorized trusts, to hold agricultural land (subject to a fifteen hundred acre limitation) has been further restricted. A trust established after July 1, 1988, must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

A new classification, defined as a family farm limited partnership, is created to parallel existing classifications of family farm corporations and family trusts. Each of these entities is exempt from land holding and investor restrictions. To qualify as a family farm limited partnership, the limited partnership must be formed for the purpose of farming, a majority of the limited partners and the general partner must be related, the general partner must manage the day-to-day farming operations, the limited partners must be

natural persons or acting in a fiduciary capacity, and sixty percent of the gross revenues of the partnership accrued over the last three consecutive period must come from farming.

Restrictions are also placed on certain meat processors. The processor is prohibited from controlling the manufacture, processing, or preparation for sale of pork products if the processor contracted for the care and feeding of the swine in this state. However, these restrictions do not apply to cooperative associations organized in this state which contract with farmers for the care and feeding of swine.

Reporting requirements for corporations holding agricultural land repealed in 1986 are reinstated and combined with existing reporting requirements for partnerships and fiduciaries. However, family farm corporations, family trusts, and family farm limited partnerships are exempt from reporting requirements. The information required to be reported includes the type of reporting entity, the name of foreign investors, the number of acres of agricultural land held, the number of acres used for row crop production, and the approximate number of livestock contracted for by the corporation.

Reporting is also required of persons owning more than two thousand five hundred hogs or five thousand head of poultry if the hogs or poultry are subject to a contract for their care and feeding by a person or persons other than the owner on land which is not owned, leased, or held by the owner. A processor is also required to report the total number of hogs for which the processor has contracted to feed.

Reports by corporations, limited partnerships, trusts, and contractors are, similar to processors, now required to be kept confidential. Members of the General Assembly are no longer entitled to view reports relating to agricultural holdings required to be filed with the Secretary of State.

#### H.F. 2318

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Modifies current lending disclosure requirements to permit acknowledgement of receipt of a debt instrument copy anywhere on the document rather than upon the face of the document as currently required. A separate acknowledgement continues to be permissible alternative.

#### H.F. 2355

BY COMMITTEE ON AGRICULTURE. Distinguishes a cooperative association, which may become organized for any lawful purpose and to carry on operations and exercise powers in or outside of the state, from an agricultural association which must be formed as an association to promote some purpose connected with agricultural production.

H.F. 2363

BY COMMITTEE ON AGRICULTURE. Provides the State Apiarist, within the Department of Agriculture and Land Stewardship, with authority to regulate and control infestations of parasites common to bees and colonies of bees infested with such parasites.

H.F. 2381

BY COMMITTEE ON AGRICULTURE. Provides that commissioners in soil and water conservation districts may, under supervision and assistance from the Division of Soil Conservation of the Department of Agriculture and Land Stewardship, enter into agreements to provide financial assistance to an owner or occupier of land within the district or within a cooperating district in carrying out water protection practices, including district and multidistrict projects, to protect this state's groundwater from point and nonpoint sources of contamination. Soil and water conservation districts may enter into agreements with the Federal Government, state agencies, political subdivisions, or other districts in preventing or controlling ground water contamination.

A water protection fund is created within the Division as a revolving loan fund from which moneys may be used for loans, grants, administrative costs, and cost sharing, to support water protection practices described above. The General Assembly has appropriated five hundred thousand dollars to the fund from lottery revenues under S.F. 2328.

H.F. 2395 See Energy and Public Utilities Section.

H.F. 2427

BY COMMITTEE ON AGRICULTURE. Formally removes duties from the Department of Agriculture and Land Stewardship under section 159.6 of the 1987 Code of Iowa, regarding enforcing laws relative to food establishments, food service establishments, and hotels. These duties were transferred to the Department of Inspections and Appeals during reorganization of state government in 1986.

### H.F. 2433

BY COMMITTEE ON AGRICULTURE. Creates a Vocational Agriculture Education Advisory Council to recommend vocational agriculture curriculum standards to the State Board of Education and the House and Senate Education Committees. The Act also contains intent language to encourage the school districts to develop vocational programs in agriculture technology which include twelve-month extended contracts, summer programs, reporting requirements, and agricultural occupational experiences.

### H.F. 2471

BY COMMITTEE ON WAYS AND MEANS. Creates a milk fund in the State Treasurer's office. Moneys in the fund will pay for inspection of dairy facilities and other expenses necessary for the administration of Chapters 192, 194, and 195.

The milk fund will be partially funded with licensure and inspection fees imposed upon the dairy industry and moneys appropriated for dairy control. The Act imposes a maximum annual fee upon milk plants, transfer stations, and milk haulers and graders. The Act also imposes upon the purchasers of milk from milk producers a maximum inspection fee based on the hundredweight of milk purchased. The Secretary of Agriculture must reduce certain fees if the unencumbered balance in the milk fund exceeds one hundred fifty thousand dollars at the end of each fiscal year.

The Act authorizes the Secretary of Agriculture to adopt by rule, requirements recommended by the United States Department of Agriculture for the production and processing of milk for manufacturing purposes.

The Act provides for the inspection of dairy facilities by the Department of Agriculture and Land Stewardship. It also provides that whenever practical and cost-effective, the Department shall enter into agreements with qualified persons, including municipal corporations, and municipal corporations may enter into sub-agreements with qualified persons, to provide services relating to inspection of dairy farms, milk plants, or transfer stations.

## APPROPRIATIONS

In the 1988 Session, the Seventy-second General Assembly made appropriations from the state General Fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to various state departments and agencies in a number of Senate and House Files as follows: In Senate File 2309, \$1,426,061 to the Department of Economic Development for general administration and various programs and activities. In Senate File 2310, \$875,000 to the Iowa Civil Rights Commission, \$1,038,392 to the Department of Human Rights and its divisions, \$1,298,000 to the Department for the Blind, \$2,020,000 to the Department of Elder Affairs, and \$28,580,000 to the Iowa Department of Public Health. In Senate File 2311, \$1,522,907 to the Secretary of State, \$980,025 to the Office of Governor, \$124,664 to the Office of Lieutenant Governor, \$632,543 to the Treasurer of State, \$38,378 to the Executive Council, \$12,975,242 to the Department of General Services, \$3,539,171 to the Department of Personnel, \$2,306,059 to the Iowa Public Employees' Retirement Fund, \$18,130,891 to the Department of Revenue and Finance, \$1,541,751 to the Department of Management, \$186,522 to the Office of State-Federal Relations, \$1,475,000 to the Moneys and Credits Replacement Fund, \$14,500,000 to the Municipal Assistance Fund, and \$5,400,000 to the County Assistance Fund. In Senate File 2312, \$12,462,204 to the Department of Cultural Affairs, \$1,723,244 to the College Aid Commission, \$167,696,052 to the Department of Education, \$441,464,096 to the Board of Regents, and additional funds for various state agencies contingent upon a specified General Fund ending balance. In Senate File 2314, \$707,165 to the Iowa Law Enforcement Academy, \$3,378,731 to the Department of Public Defense, and \$11,578,375 to the Department of Public Safety. In Senate File 2322 for salary and employee benefits, \$1,600,000 to the Judicial System, \$48,984,295 to the Salary Adjustment Fund, and \$16,000,000 to the Payroll Accrual Fund. In House File 2440, \$20,026,047 to the Department of Agriculture and Land Stewardship, and \$11,034,471 to the Department of Natural Resources. In House File 2443, \$4,229,242 to the Department of Justice, \$613,000 to the Board of Parole, \$79,807,627 to the Department of Corrections, and \$67,774,405 to the Judicial Department. In House File 2444, \$1,473,442 to the Auditor of State, \$186,699 to the Campaign Finance Disclosure Commission, \$3,294,739 to the Department of Employment Services, \$4,223,615 to the Department of Inspections and Appeals, \$604,405 to the Public Employment Relations Board, and \$100,000 to the Department of Commerce. In House File 2447, \$471,356,028 to the Department of Human Services. (NOTE: The appropriations listed are line item appropriations from the state General Fund and do not include standing limited appropriations, standing unlimited appropriations, or standing appropriations from special funds designated for specific purposes.)

Items which annually require the action of the General Assembly include the appropriation of federal block grant funds (S.F. 2323), although most of the previously mentioned Acts did appropriate some federal block grant funds, the allocation of lottery revenues (S.F. 2328), and the appropriation of funds from the energy conservation trust fund (H.F. 2469).



## APPROPRIATIONS

### S.F. 2050

BY COMMITTEE ON AGRICULTURE. Appropriates \$60,000 for the 1987-1988 fiscal year to the office of the Attorney General for the Legal Assistance for Farmers Program. This bill also provides that unexpended or unencumbered funds carry forward to the 1988-1989 fiscal year to be used for the same program. The Act takes effect upon enactment.

### S.F. 2309

BY COMMITTEE ON APPROPRIATIONS. Appropriates funds to the Department of Economic Development. The amount appropriated for general administration is reduced. However, unexpended moneys from the export finance program is transferred for the purposes of general administration. Tourism and promotion programs are expanded. The Department is directed to evaluate the feasibility of providing financial and nonfinancial assistance to local and regional tourism organizations to promote local and regional tourism and recreational attractions. Marketing programs have also been expanded. Money is appropriated for a national marketing campaign. Money is also appropriated for the operation and maintenance of a film office. The Department is directed to develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions to assist in developing tourism and marketing efforts.

Funds are appropriated to expand the state's efforts in international trade. The Department is directed to develop a network of trade contacts overseas through the use of alumni from Iowa colleges and universities. The Department is to develop programs to encourage participation in trade shows and trade missions, market Iowa products, and develop an Iowa export trading company. Funding is provided to maintain two Oriental and one European trade offices.

Several programs have received increased appropriations including, small business programs, community progress programs, administration of the Community Development Block Grant program, and administration of the Iowa Youth Corps and Youth Services. The appropriation to support dislocated workers under the Job Training Partnership Act (JTPA) has been reduced. Moneys appropriated last year to assist displaced workers under JTPA, which has not been expended, does not revert to the General Fund, but is rededicated to providing further assistance. There is a specific appropriation to the Iowa Finance Authority to assist the homeless. The Child Care Services program and the Displaced Homemakers program receive an appropriation for additional and supplemental funding.

Two small business programs, the Targeted Small Business Loan Guarantee program and the Targeted Small Business Loan Equity Grant program, have been repealed. Administration of existing agreements and collection of debts under the programs is transferred to the Department of Economic Development. Uncommitted moneys intended to support the Targeted Small Business Loan Equity Grant program may be used by the department to support a case management assistance program established pursuant to House File 2416. Replacing the two business assistance programs is the Targeted Small Business Financial Assistance program which is to provide grants, loans, and loan guarantees to qualifying businesses. Authority to certify businesses as eligible for financial assistance is transferred from the Department of Economic Development to the Department of Inspections and Appeals.

The Ambassador's program does not receive additional appropriations. The program, amended to focus upon national and state marketing efforts, is codified. Moneys appropriated to support the old program are available for the next year to administer the program as codified.

### S.F. 2310

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the Iowa Civil Rights Commission, Department of Human Rights, Department for the Blind, Department of Elder Affairs, and the Department of Public Health. The Act establishes a Division of Criminal and Juvenile Justice Planning within the Department of Human Rights, provides for reversion of certain moneys not expended for the decentralized indigent obstetrical patient program, establishes a fund for the payment of costs incurred by the Division of Deaf Services for provision of interpretation services, allows county boards of supervisors to authorize supplemental levies to defray the costs of the training of emergency medical services personnel and the acquisition of emergency medical services equipment, and provides for the establishment of a Department for the Blind.

The Governor item vetoed the Following:

The provisions which authorize counties to levy additional property taxes to fund the training of emergency medical services personnel and the acquisition of emergency medical services equipment.

### S.F. 2311

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys from the general fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989 to the Secretary of State, Governor, Lieutenant Governor, Treasurer of State, Executive Council, National Conference of State Legislatures, Commission on Uniform State Laws, Pioneer Lawmakers, Department of General Services, Department of Personnel, Department of Revenue and Finance, Department of Management, and Office of State-Federal Relations. The Act appropriates moneys from the general fund to the moneys and credits replacement fund, the municipal assistance fund, and the county assistance fund. The Act

appropriates moneys from the Iowa public employees' retirement fund to the Department of Personnel for the Iowa public employees' retirement system. The Act appropriates moneys from certain designated revolving funds to the Department of General Services. The Act appropriates moneys from the motor vehicle fuel tax fund and the lottery fund to the Department of Revenue and Finance. The Act appropriates moneys from the centralized printing permanent revolving fund and the centralized purchasing permanent revolving fund, and the Iowa economic emergency fund, if necessary to avoid a deficit, to the general fund. The Act defines the term "full-time equivalent position". The Act requires the superintendent of printing to compile an annual report showing the positions and salaries of all state employees. The Act requires the Department of Revenue and Finance to study the fiscal impact if the state were to join the multi-state tax commission. The Act allows members of the General Assembly to receive special session per diem, travel allowances, and expenses for the days of attendance during a special session. The Act requires the Executive Council to consider the original source of funds before committing any moneys for expenses incurred under section 19.29. The Act provides that beginning June 30, 1988, any unencumbered or unobligated balance of the Iowa management training revolving fund in excess of \$50,000 will revert to the general fund. The Act changes several fees collected by the office of the Secretary of State and other filing officers. Notary fees are increased from fifteen to thirty dollars. The fees for federal tax liens, Uniform Commercial Code filings, lien searches, and lien filings are all increased by one dollar. The annual license fee for domestic corporations is increased by five dollars.

#### S.F. 2312

BY COMMITTEE ON APPROPRIATIONS. This Act provides the funding for institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs in the state. Division I contains appropriations for each division of the Department of Cultural Affairs for the next fiscal year. Appropriations to the various divisions increased slightly over last year, the largest increase going to the Public Broadcasting Division, to help replace the channel 12 transmitter. Funding for the Iowa Tomorrow project is provided. Principal and interest on moneys borrowed from the permanent school fund by the Historical Division may be repaid by solicitation of voluntary contributions and will be paid by transfer of credit for interest earned on the permanent school fund that is not used for other purposes.

A blue ribbon task force is created to develop long range planning for the state's libraries using new technology and to report by December 1, 1988, to the Governor and General Assembly.

The deadline for reversion of moneys appropriated in 1986 for various capital improvements throughout the state, is extended to June 30, 1989.

The Arts Division of the Department of Cultural Affairs was designated as the specific recipient of the community cultural arts appropriation.

The Department of Cultural Affairs may credit the fees collected from the Governor's mansion at Montauk to the Department which effectively extends what was done temporarily last year. Fees collected from Montauk for the fiscal year are designated for repayment of moneys borrowed from the permanent school fund.

Division II, which contains 23 sections, relates to the College Aid Commission appropriation. The salary and support appropriation increased slightly, reflecting an increase of .12 full-time equivalent positions. The expenditure increase is, however, limited by a requirement that the Commission expend moneys for an occupational therapist loan repayment program.

There is provision for funding for the subvention program for the College of Osteopathic Medicine and Surgery located in Des Moines. The operating costs appropriation from the guaranteed student loan reserve fund was increased, but the loan consolidation services appropriation from that fund decreased by \$175,000 from last year.

The standing limited appropriation for tuition grants for students at private higher education institutions is qualified by requiring the institutions to provide information on their minority student enrollment and minority faculty employment to the College Aid Commission.

The appropriations for vocational-technical tuition grants and reimbursement for the guaranteed loan payment program are reduced from last year. The appropriation for the science and mathematics loan program was also cut from the previous year. The Legislative Fiscal Bureau is to study and report relating to recommended guaranteed student loan services options. The College Aid Commission will be studying the tuition grant program and the application deadline extension rules promoting the program's accessibility and reporting to the General Assembly by December 1, 1988.

The current summer institute program may have a three week program on classroom technology and the teacher shortage subject matter restriction is changed to a funding preference. The funding for the previous fiscal year is carried over with no new additional appropriation.

An occupational therapists loan program is created. The College Aid Commission is required to prepare and administer the program.

Accredited private institutions must comply with the affirmative action standards set out in the Act, which are substantially similar to that which is required at the State Board of Regents institutions.

The number of hours that a student must take to be eligible for a tuition grant has been reduced. A student also must no longer be at least a half-time student.

The standing limited appropriation to the College Aid Commission for the tuition grant program was increased by more than \$4.5 million.

Prospective students are now allowed to obtain statistics on enrollment and placement of a particular postsecondary institution in addition to the institution's loan default rates under the guaranteed student loan program.

The work-study program at the colleges and universities was expanded to require that postsecondary institutions which receive at least \$20,000 in work-study money use at least ten percent of that money for employment in a public agency or nonprofit organization licensed or operated by the Department of Human Services or Department of Corrections.

The appropriation for work study programs was increased by \$500,000. \$1.5 million of the funds appropriated must be allocated to public postsecondary institutions.

The general administration appropriation for the Department of Education is increased by approximately \$220,000. The appropriation is limited by requirements that the Department do all of the following: (1) develop model human growth and development curricula, (2) participate in a survey to determine why some students aren't pursuing postsecondary education, (3) contract for a summer institute for elementary and secondary gifted and talented students and support existing law-related education centers, (4) expend moneys for the fifth judicial district's lift-up program to assist clients to obtain high school equivalency certificates, and (5) fund pilot projects in school corporations to encourage the advance of women and minorities. There is an appropriation \$750,000 for teacher preparation programs and to assist teachers to use technologies in the classroom.

The appropriations for vocational education administration, vocational, the vocational youth organization fund, and the Iowa Academy of Science, have been reduced from last year's level, while the Professional Teaching Practices Commission received the same funding. The Vocational Rehabilitation Division received an increase in appropriation of about \$35,000. A new appropriation of \$17,715 was made to assist severely physically or mentally disabled persons to function more independently. The appropriation will qualify Iowa for additional federal funds for the program. Operating moneys were appropriated for the merged area schools, and faculty salary increases were built into the merged area school appropriation. Moneys were appropriated for property tax replacement and personal property tax replacement.

An allowance was made for the Department of Education to solicit gifts and grants to finance a study to determine the literacy of Iowa's young adults. Moneys were appropriated for the educational excellence program for the fiscal year.

An area vocational school may still be reclassified by the State Board of Education as an area community college but is now prevented from offering associate of arts degrees until fiscal and educational impact studies of the cost and effect of offering the degree on private institutions in the area have been completed. An area vocational school for which the State Board of Education has approved the creation of an Arts and Science Division is also

prohibited from implementing curricular changes until fiscal and educational impact studies have been completed.

The affirmative action requirements for school corporations are revised. The State Board of Education is required to adopt rules requiring specific steps by school corporations to accomplish equal employment opportunity and affirmative action and the Act requires each school corporation to adopt appropriate standards.

The salary guidelines for the Sac and Fox Indian Settlement's school are changed to remove the 1987 salary schedule, which had been used as the basis for salary increases. There is an appropriation for salary increase for the settlement's teachers.

A National Center for Talented and Gifted Education is established at the University of Iowa.

Last year's requirement that the Department of Education develop a mental retardation model curriculum is extended until June 30, 1989.

Cross-country is removed from the major sports classification, allowing individuals possessing a coaching authorization to contract for varsity head coach of that activity.

Area schools are given the discretion to count out-of-state students from Iowa's sister states as residents for tuition and fee purposes.

A school district is permitted to average the number of enrolled students who resided in foster care facilities for purposes of state aid reimbursement for expenditures made to provide funding for students who were not previously counted under the state aid formula.

Nonpublic school students are permitted to participate in public summer school programs where teacher salaries are paid out of phase III moneys.

Funding for the National Center for Gifted and Talented education is provided by transferring interest from up to \$750,00 of the permanent school fund, provided that the Center can provide or match of double the amount in private contributions. The First in the Nation in Education Foundation can count the private funds donated to the Gifted and Talented Center in excess of \$750,000 as a contribution to FINE for purposes of matching money from the permanent school fund.

The appropriation to the State Board of Regents has been increased. The University of Iowa and Iowa State University's appropriations are conditioned upon the expenditure of \$500,000 for teaching excellence awards. Library materials acquisition moneys have been added for all three universities. A condition has been added to the funds which the three universities receive to reimburse them for the pledging of tuition for financing capital expenditures.

The University of Northern Iowa received a \$460,000 equity adjustment as part of its increase in appropriation. The Iowa Braille and Sight-Saving School and State School for the Deaf received more money this year as well.

Contingency appropriations are set out in the Act. The University of Northern Iowa is appropriated money for construction of a power plant addition if the general fund balance on June 30, 1988 exceeds a specified amount. If insufficient moneys exist for the project, moneys from the next fiscal year will be appropriated to make up the difference. Moneys will not revert back to the General Fund unless the project is completed before June 30, 1991. Any funds left over from the U.N.I. project are appropriated for fire and environmental safety deficiency corrections at the Regents' institutions; to the Department of Corrections for community-based corrections; for planning, site selection and solicitations for juvenile detention centers and adult correctional facilities, to be held by the Department until the General Assembly approves their expenditure; and to the Department of General Services for Capitol restoration. If moneys are not sufficient to fund the other projects, lottery money will be used as a funding mechanism.

Moneys that were appropriated last year as tuition reimbursement moneys will not revert to the General Fund at the end of the fiscal year.

The general appropriations to the three state universities are qualified by stating that if students do not receive the benefit of interest on moneys accumulated by campus organizations, that interest must be used for campus improvements of benefit to students or for work-study money.

Sales by higher education institutions of computers, software, and computer supplies become subject to the sales tax.

The State Board of Regents is required to study faculty, staff, and student child care needs at each of the Regents' higher education institutions and present plans for meeting those needs by November 30, 1988.

The Act increases the reimbursement rate to hospitals providing medical care to indigent persons. This in turn will generate additional moneys to those institutions through the federal Social Security Act Title XIX program, since the federal government matches funds.

A Hall of Fame for graduates of the Iowa Braille and Sight-saving School and School for the Deaf is established.

A legislative task force is created to study the state's postsecondary needs and goals and make recommendations for a twenty-year plan to meet those needs and goals. The task force is to report its recommendations to the General Assembly by July 1, 1990.

Disclosure of pecuniary interests in matters considered by the Iowa Sheep and Wool Promotion Board is required. The law previously forbade receipt by a member of any compensation or salary from an organization agency or education institution receiving funds from the Board.

The special education services funding for the area education agencies is altered by the Act. The calculation is no longer based on the definition contained in section 442.38 and does not include any supplementary weighting which a district might receive as a result of a sharing agreement. There will be no advance payments for increased special education weightings.

The Act contains provisions relating to gifted and talented program funding. The Act removes the three percent of district budget enrollment ceiling and replaces it with a formula using a ceiling of one and two-tenths percent of the district cost per pupil multiplied by budget enrollment.

The sections relating to school aid are applicable to computations made for the budget year beginning July 1, 1988.

The Governor Item-Vetoed the Following:

1. A provision for bonding to finance the purchasing of energy efficiency packages for the Public Broadcasting Division's ultrahigh frequency transmitters.

2. The issuance of certain bonds and notes by the state Board of Regents for energy projects with a projected cost recovery period of six years.

3. The State Board of Regents is placed under the financial purview of the auditor of state for monitoring of costs of examinations of the Board.

4. Language that would eliminate the requirement that the University of Iowa be one of the providers of continuing education for optometrists.

5. Provisions for the accretion of teachers at the Braille and Sight-saving School and School for the Deaf to the collective bargaining unit at the University of Northern Iowa.

6. A section which would have reinstated prior law by requiring gubernatorial and legislative approval for bonding for construction of certain self-liquidating facilities by the State Board of Regents.

S.F. 2314

BY COMMITTEE ON APPROPRIATIONS. The Act makes appropriations to the Iowa Law Enforcement Academy, the Department of Public Defense, the Department of Public Safety, and to the State Department of Transportation. The Act also appropriates money to the permanent school fund.

The Act made several substantive changes in the Code. One of these changes was to add another permissible title for a head of a department and that was the title of "commissioner". The Act then changed the title of the chief executive officer of the Department of Public Safety to "Commissioner of Public Safety".



The Act directed the State Fire Marshall to adopt rules which provide standards for fire resistance of cellulose insulation sold or used in Iowa. The rules shall require approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

The Act requires the State Department of Transportation to maintain maintenance facilities within the boundaries of every county with a population in excess of 8000 persons in which the Department maintained a maintenance facility as of January 1, 1988.

The Act had several provisions requiring information to be provided from departments in making purchases. It requires the State Department of Transportation to give a copy of each contract for construction or reconstruction of roads, streets or bridges, in which the contract price is for \$5,000,000 or more, to the Legislative Service Bureau. The State Department of Transportation is to annually present to the Legislative Fiscal Bureau a purchase report covering all equipment and vehicle purchases through the Highway Materials and Equipment Revolving Fund. The Act also requires the Department of Public Defense, Department of Public Safety, and the State Department of Transportation, when making purchases of \$25,000 or more for which the Department does not have specific prior authority from the General Assembly, to notify the Legislative Fiscal Bureau, the Department of Management, and all members of the Department's respective joint appropriation subcommittee at the time the bids are let.

The Act requires the Director of Transportation to adopt rules governing registration and titling of motor vehicles as compatible with the public interest with respect to the change or substitution of engines, drivetrain assemblies, or related parts in any motor vehicle.

The Act raises the charges for receipt of certified operating records from \$4 to \$5 per record. The Director of Transportation may allow a person to view operating records through one of the Department's computer terminals or through a computer printout generated by the Department. No fee is required for viewing one's own operating record, but a fee of \$1 is imposed for each of the first five operating records viewed within a calendar day and \$2 for each additional operating record viewed within the calendar day. The Director is authorized to enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. Should the Director of Transportation make available copies of abstracts of operating records on magnetic tape, on disk, or through electronic data transfer, the \$5 fee applies to each abstract supplied. All of these provisions relating to operating records take effect April 15, 1988.

The Act requires the Legislative Fiscal Bureau to conduct a program evaluation of the administration of motor vehicles of the State Department of Transportation and make recommendations about the appropriateness of those functions in the State Department of Transportation by December 1, 1988.

The Act also requires the Legislative Fiscal Bureau to conduct a study evaluating the administration of the Department of Public Safety specifically identifying areas of duplication or overlap of functions within the Department of Public Safety and with other departments, and reviewing the organizational structure of the Department of Public Safety. The study is to evaluate the Department of Public Safety's employee recruitment, management, and retention policies and practices. The study is to be completed by January 14, 1989.

Finally, in order to effectively track the use of moneys appropriated under Senate File 2196 to the State Department of Transportation for a network of commercial and industrial highways and other expenditures, the Act requires the State Department of Transportation to submit a spending plan on moneys appropriated to it under Senate File 2196 to the Legislative Fiscal Bureau and each member of the Fiscal Committee of the Legislative Council prior to any expenditure of moneys appropriated to the Department under Senate File 2196.

#### S.F. 2315

BY COMMITTEE ON APPROPRIATIONS. Appropriates funds from the road use tax fund to pay a claim against the state.

#### S.F. 2322

BY COMMITTEE ON APPROPRIATIONS. Appropriates \$1,600,000 to the Judicial Department for salary and related benefit increases for the 1989 fiscal year: \$24,081,295 to the salary adjustment fund for state and local public officials and employee salary and benefit increases: \$24,903,000 to the state Board of Regents for faculty and employee salary and benefit increases at the institutions of higher learning: \$16,000,000 to the payroll accrual account for the twenty-seventh pay period, and smaller amounts from the road use tax fund and primary road fund to fund salary and benefit increases to the Department of Transportation, the Department of Inspections and Appeals, and the Department of Public Safety. Specific amounts are appropriated from the salary adjustment fund to each department, office or local agency which receive funds for salary adjustments. 1988 Iowa Acts, Senate File 2314, is also amended to impose qualifications on expenditures from the law enforcement training reimbursement fund which is available to the Department of Public Safety. The amendment to 1988 Iowa Acts, Senate File 2314 is effective on June 30, 1988.

#### S.F. 2323

BY COMMITTEE ON APPROPRIATIONS. Appropriates funding received from various block grants from the federal government to state agencies for the federal fiscal year which begins October 1, 1988. The Act establishes a mechanism to be used if more or less federal funding is received than predicted, or if block grants are consolidated. A requirement to notify all the members of the relevant appropriations subcommittee was added to notification requirements.

Appropriates the Alcohol and Drug Abuse and Mental Health Services Block Grant to the Iowa Department of Public Health, with a portion of the funds transferred to the Department of Human Services for community mental health centers; the Maternal and Child Health Services Block Grant to the Iowa Department of Public Health; the Narcotics Control Assistance Block Grant to the Iowa Department of Public Health; the Community Services Block Grant to the Division of Community Action of the Department of Human Rights; the Community Development Block Grant to the Department of Economic Development; the Education Block Grant to the Department of Education; the Low-income Home Energy Assistance Block Grant to the Division of Community Action Agencies of the Department of Human Rights; and the Social Services Block Grant to the Department of Human Services. A percentage of the block grants is designated for administrative costs of the state agency and provision is made for auditing the use of the funds. A procedure is established for proration of block grant amounts by the Governor of the block grant funds if the amounts actually received are less than the amounts appropriated in the Act.

Certain amounts were specifically designated within the appropriations made to particular agencies. Moneys were designated for programs concerning acquired immune deficiency syndrome under the appropriation to the Iowa Department of Public Health. Communities which receive grants under the appropriation to the Department of Economic Development are required to file a multiyear strategic plan according to rules adopted by the Department and a minimum of four percent of the appropriation is to be spent for projects for the homeless and for housing of low income families. The Division of Mental Health, Mental Retardation, and Developmental Disabilities of the Department of Human Services is required to administer any block grant received for mental health services for the homeless according to certain specifications.

#### S.F. 2328

BY COMMITTEE ON APPROPRIATIONS. Sets the amounts of the appropriations for the 1988-1989 fiscal year from four accounts of the Iowa Plan Fund, where lottery revenues are deposited, as follows:

**JOBS NOW CAPITALS ACCOUNT:** Appropriates for the small business development centers (\$825,000); for the construction, equipment, renovation, and other costs associated with buildings in the capitol complex (\$1,500,000); for armory planning (\$50,000); for AFIS-fingerprint computer (\$250,000); for advertising for in-state and out-of-state tourism marketing and promotion (\$793,000); and for marketing and advertising contracts for out-of-state national marketing programs (\$1,207,000).

**JOBS NOW ACCOUNT.** Appropriates for the development and expansion of parks and other recreational areas (\$2,000,000); for welcome centers (\$700,000); for the Iowa product development corporation (\$1,250,000); for the community cultural grants program (\$650,000); for satellite centers (\$935,000); for federal procurement offices (\$100,000); for Iowa Main Street program (\$393,000); for business incubators (\$250,000); for rural incubators (\$150,000); for rural development programs (\$80,000); for a summer jobs program for young adults

(\$800,000); for the area school job training fund (\$750,000); for public/private partnerships to aid agricultural marketing (\$150,000); for area school equipment purchases (\$750,000); for labor management councils (\$100,000); for wool and sheep promotion (\$100,000); for a local economic development pilot project (\$50,000); for the water protection fund (\$500,000) [See H.F. 2381]; for the community and rural development loan program (\$4,650,000) [See S.F. 2092]; and for the business development finance corporation fund (\$4,650,000) [See H.F. 2396].

EDUCATION AND AGRICULTURAL RESEARCH AND DEVELOPMENT ACCOUNT: Maintains the appropriation for research and development at state colleges and universities (\$7,000,000) but out of this comes funds for the water research institute (\$150,000); for a patent depository library (\$40,000); for research to improve reproduction performance and disease resistance in swine (\$200,000); for establishment of three university and private industry research and development consortiums at Iowa State University, the University of Northern Iowa, and the University of Iowa (\$360,000); and for the decision-making institute and an economic development training program at the University of Northern Iowa (\$350,000). Unobligated lottery funds from the fiscal year beginning July 1, 1985 are transferred for purposes of the Iowa Peace Institute (\$250,000).

COMMUNITY ECONOMIC BETTERMENT ACCOUNT: Lowers the appropriation to \$4,650,000 with a provision that funds not needed for the Community and Rural Development Loan Program (up to \$1,000,000) or the business development finance corporation fund (up to \$3,000,000) may be transferred to this account. The Act restricts the use of the account to providing financial assistance for small business gap financing, new business opportunities, new product and entrepreneurial development, and comprehensive management assistance.

The Act also appropriates from the "Gamblers Anonymous" fund for reimbursing providers for material costs incurred in providing unit dose drug distribution systems in long-term care facilities (\$125,000) and provides for the establishment of research and development consortiums at Iowa State University, University of Northern Iowa, and the University of Iowa.

#### S.F. 2344

BY COMMITTEE ON APPROPRIATIONS. Appropriates \$65,000 from the General Fund to the Attorney General to provide legal assistance to the Department of Economic Development for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

#### H.F. 2082

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the Department of Human Services to supplement prior appropriations for medical assistance, for state supplementary assistance, and for foster care. The Act takes effect upon enactment.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. An appropriation reduction for the Department of Human Services for field operations.
2. An increase in the schedule of basic needs for aid-to-families-with-dependent-children grant recipients.
3. An appropriation to the Iowa Finance Authority to be used to aid homeless families.
4. Various provisions relating to the extension of medical assistance programs to cover additional needy individuals.
5. An appropriation for displaced homemaker programs.
6. A provision relating to the recruitment and retention of psychiatrists at the state mental health institutes.
7. An appropriation to the Department of Human Services for rural mental health services.
8. An appropriation to the Department of Human Services for administrative support, service coordination, and diagnosis and evaluation related to persons with mental retardation, developmental disabilities, or chronic mental illness.
9. The establishment and setting of provider reimbursement rates for intermediate care facilities, skilled nursing facilities, rural health clinics, residential care facilities, in-home health related care programs, social service programs, foster group care, and shelter care services.
10. A provision relating to the use of moneys from the gamblers assistance fund.

H.F. 2240

BY COMMITTEE ON APPROPRIATIONS. Appropriates money to the Department of Agriculture and Land Stewardship and the Department of Natural Resources as follows:

Department of Agriculture and Land Stewardship. There is an increase in the amount of moneys appropriated to the Administrative Division, Farm Commodity Division, Regulatory Division, Laboratory Division, and Soil Conservation Division.

The Farmer's Market Coupon program is expanded to provide federal special supplemental food program recipients with coupons redeemable at farmer's markets.

The Department is appropriated, from unclaimed pari-mutual wagering winnings, certain funds to administer a program to promote the state's horse and dog breeding industries.

Moneys transferred by the Department from certain funds relating to the regulation of marketing dairy products, commercial feeds, fertilizers and soil conditioners, and pesticides, and moneys transferred by the Department or by the Department of Natural Resources from line items appropriated in the Act must occur only after the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee are notified for comment.

The Code is amended to provide an increase in a variety of miscellaneous fees. There is an increase in the fees charged to persons requiring inspections, licenses, or certificates to operate a commercial establishment related to the care of animals. The fee charged to persons selling, distributing or advertising agricultural seeds is increased. The license fee for gasoline pumps is raised. An inspection fee charged to persons owning or operating railroad track scales is increased. The fee for inspecting and testing liquid petroleum gas meters is increased. And for this year, the fee for a mine site permit is increased.

Department of Natural Resources. There is an increase in the amount appropriated to the Department for administration. The amount appropriated to the Division of Fish and Game from the State Fish and Game Protection Fund is increased. An appropriation from fees in the fund for the enforcement of snowmobile laws and navigation laws is also increased.

The amount dedicated to reimburse federal agencies for cooperative contracts is reduced. The Green Thumb program for the employment of the elderly in conservation and outdoor recreation areas is funded at the same level as last year. Funding is provided for the payment of assessments to the Midwest Interstate Low-Level Radioactive Waste Compact.

Moneys are appropriated at the same level as last year from the marine fuel tax fund to maintain and develop boating facilities. An amount is appropriated from the fund to deposit in the State Fish and Game Protection Fund for administration and enforcement of navigation laws and boat safety.

The Natural Resources Commission is directed to establish a priority list of watersheds which are of highest importance based on soil loss, for purposes of appropriating moneys for permanent soil conservation practices.

The Department is directed to establish prices of plant material grown at the state forest nurseries to cover expenses related to growing of the plants. The Department is also directed to develop programs to encourage the wise management and preservation of woodlands, to expand forestation in the state, and to encourage a cooperative relationship between state forest nurseries and private nurseries.

## H.F. 2443

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys for the 1988-1989 fiscal year to the Justice System including the Attorney General's office and the Office of Consumer Advocate within the Department of Justice, the Board of Parole, correctional facilities and judicial district department of correctional services within the Department of Corrections, and the Judicial Department. The Act was enacted without item veto.

The farm mediation service program, which was item vetoed in 1987, was funded at \$200,000.

Amounts appropriated to the Department of Corrections for the operation of each adult correctional institution are conditioned upon the Department employing a designated number of correctional officers at that facility. Amounts appropriated to the Department for each judicial district department of correctional services, are conditioned upon each facility using designated amounts of each facility's total appropriation for either sex offender programs established within the district or intensive supervision programs established within the district.

The Act also provides that the Legislative Council is to create a corrections task force to review and assess the state's correctional system. The task force is to address how to achieve the maximum safety for the public in the most cost-effective and efficient manner for the taxpayers and citizens of Iowa. The task force is to recommend a long-term master plan including a study and evaluation of the custody classification system regarding the availability of minimum, medium, and maximum security beds in the correctional institutions and the availability of beds within the judicial district departments of correctional services.

## HF 2444

Provides appropriations for various regulatory agencies of business and commerce. Agencies funded include the Auditor of State, Campaign Finance, Employment Services, Labor Services, Industrial Services, Job Services, Inspections and Appeals, Public Employment Relations Board, Commerce, Professional Licensing and Regulation, Insurance, Alcoholic Beverages, Banking, Credit Union, Savings and Loan, and Utilities. The Act also mandates several studies related to certain agencies' operations or concerning the needs of the regulated industry. Certain regulatory fees are increased and other policies and actions mandated. Expenses are allocated between state agencies for services, such as auditing, provided by a central agency. A summary of key changes follows.

Under the Auditor of State's appropriation, certain agencies are to be billed directly to take advantage of federal funding procedures. Savings from prior years and from the Governor's recommendation are accomplished by auditing

state agencies not receiving federal funds every other year, rather than annually, and by increasing the workload standard for auditors from 1700 hours to 1803 hours annually. The Campaign Finance Disclosure Commission is funded at the prior fiscal year's level. The Department of Employment Services received a supplemental appropriation for fiscal year 1988 (effective April 13, 1988) from the administrative surcharge trust fund in the amount of \$1,300,000 to operate rural job service offices. Under the appropriation for the Department of Employment Service's divisions of Labor Services and Industrial Services, three full-time employees are added to speed the processing of workers' compensation cases and a sixty-five dollar filing fee for new workers' compensation cases is imposed to fund the increased service level. Intent language requires the Director of the Department of Employment Services to continue to act in the dual capacity of Chief of the Industrial Services Division rather than filling the position of Job Service Commissioner. Fifty thousand dollars is authorized to implement the contractor registration requirement of Senate File 2318. The Division of Job Services is authorized to spend moneys from the special employment security contingency fund to replace the roof of the state administrative office building (up to \$50,000) and to support the county, labor survey, and economic development teams (up to \$452,000). The balance in the contingency fund is allocated to the division-approved training fund for payment of instructional costs for persons who are financially incapable of paying for approved training. A Rural Job Service Operations Study Committee is mandated to establish criteria for changes in service delivery. Included in the scope of study are evaluation of Job Service's administrative structure, staffing levels, methods of service, organizational structure, location of offices, and access to services. Recommendations regarding the feasibility of office consolidations, automation, and telecommunications for improved service delivery are specifically contemplated. Moneys are appropriated from the administrative contribution surcharge fund to the Department of Employment Services for Job Service satellite offices and the Job Service Division-approved training fund.

The Department of Inspections and Appeals is funded and related policy changes include permitting high scoring food and food service establishments to be inspected annually rather than semiannually to focus enforcement efforts on more critical needs. The demonstration waiver project for residential care and certain other health service facilities is continued, but an evaluation and recommendation on continuation is required. Specific appropriations for the Department include those for the Employment Appeal Board and Foster Care Review Board. Previously authorized, but unfunded analysis positions and that of a revenue examiner are now funded to audit beer distributors and wine wholesalers. Similarly, a revenue examiner is now funded for gaming administration. Compared to the prior fiscal year, additional moneys are appropriated to replace lost federal funding and for inflationary and salary adjustments. The Cosmetology Examiners and the Barber Examiners are required to increase original and renewal license fees to establish equivalent fee schedules as detailed in the statute. Moneys from the road use tax fund are appropriated to the Department of Inspections and Appeals to hear Department of Transportation administrative cases, such as license suspensions. Intent language encourages cross training of Department of Inspections and Appeals



employees to develop expertise in more than one field. A supplemental appropriation for fiscal year 1988 for the Department of Inspections and Appeals is effective upon enactment (April 13, 1988).

A professional licensing revolving fund is created and provides funds to the Professional Licensing and Regulation Division of the Department of Commerce from the new fund. Division operations are to be funded from eighty percent of professional licensing and regulation fees collected, with the remaining twenty percent of fees to be deposited in the General Fund. A study is mandated on the feasibility of adopting financial responsibility rules for various professions and aiding professionals in acquiring group insurance to meet such rules if adopted. The title of the Real Estate Examining Board is changed to its traditional name, the "Real Estate Commission". The Administrative Services Division of the Department of Commerce is funded from the administrative services trust fund. Moneys are appropriated from the beer and liquor control fund to the Alcoholic Beverages Division of the Department of Commerce. Despite staff reductions due to elimination of retail services the appropriation is higher to reimburse Administrative Services for unfunded 1988 expenses. A study is mandated of Iowa's wholesale liquor system to examine the feasibility and policy issues involved in eliminating the current state monopoly wholesale system. The hiring preference is continued for former employees of the Alcoholic Beverages Division whose positions were eliminated as a result of the privatization of retail liquor sales in the state. The Department of Commerce's Divisions of Banking, Credit Unions, Savings and Loan, and Insurance are funded from their respective trust funds. The Insurance Division's percentage of retained fees is reduced from forty-five percent to forty percent, with the remainder transferred to the General Fund. The Insurance Division's revolving fund appropriation includes moneys for one Assistant Attorney General in the insurance enforcement area. Computerization of continuing education files and other automation improvements are also funded. The Division of Insurance is required to increase insurance agent and securities agent license fees as detailed, permitting the reduction in the percentage of fees retained by increasing income. The Utilities Division is funded from the utilities trust fund.

The Racing Commission is required to submit a fiscal year 1990 budget request in the same manner as other state agencies. The position of Chief Deputy Industrial Commissioner is exempted from the merit pay requirements of the Department of Personnel provisions (Chapter 19A). The Iowa Employment Security Law (Chapter 96) is amended to permit use of job service fund moneys for the Division-approved training fund to accommodate other changes in the Act. Job Service is required to make available for consultation by the public, a list of current job openings listed with the Division while still complying with confidentiality requirements. Technical corrections are made to Chapter 99B to permit temporary authorizations to operate games of skill or chance concessions while awaiting issuance of a license. Amusement concession license fees are increased from fifteen to fifty dollars. The gambling license fee for holders of liquor control licenses is increased from one hundred to one hundred fifty dollars. The bingo or raffle license fee is increased from one hundred to one hundred and fifty dollars. Mechanical and electronic amusement devices are prohibited from awarding cash or merchandise

prizes (other than free games), removing a prior authorization for prizes of merchandise not exceeding five dollars in value. Technical amendments are made to conform reimbursement practices of the Accountancy Board and Professional Engineer and Land Surveying Examining Board with current practices required by the Department of Management. A limited exemption is provided to interior designers from restrictions on the illegal practice of architecture by interior designers performing their customary services. The Act eliminates the fifty percent discount in license fees previously offered a business which operated both a licensed food service establishment and a food establishment on the same premises. The Barber Examiners and Cosmetology Examiners must now require a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The Professional Licensing and Regulation Division is authorized to exceed its budget for examinations by increasing examination fees according to a specified procedure. The automatic repeal or sunset of foster care review boards is extended from July 1, 1988, until July 1, 1992. The sunset extension is given a special effective date of June 30, 1988. A coordinated foster care plan is to be submitted to the General Assembly to coordinate foster care services between the Department of Human Services, the Foster Care Review Board, and the Supreme Court. Sections of the Act providing for additional regulation and minimum standards for proprietary schools such as beauty academies were item vetoed by the governor except one provision requiring minimum disclosures to prospective students of proprietary schools. The automatic repeal or sunset of the Department of Commerce contained in the 1986 State Government Reorganization Act is itself repealed.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. Section 45 altered refund requirements for proprietary schools such as beauty academies by defining the maximum financial obligation of a student after termination of a course of instruction prior to completion.
2. Section 46 required a proprietary school to obtain a performance bond to assure payment in the event a school went out of business or otherwise failed to make reimbursements as required by section 45 of the Act. The amount of the performance bond varied, with a maximum of fifty thousand dollars. A related provision requiring additional disclosures by proprietary schools was approved by the Governor.

H.F. 2447

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys for the 1988/89 fiscal year to the Department of Human Services. The Act also contains a supplemental appropriation of \$3.6 million to the medical assistance program for the 1987/88 fiscal year. The total amount appropriated in the bill is \$471,356,028, which is an increase of \$21,692,021 over the expenditures estimated for FY 1987/88.

The Aid to Families with Dependent Children appropriation is reduced by more than \$13,000,000 less than the estimated expenditures for FY 1988 due to projections for a decreased caseload. The actual amount paid to individual recipients will be greater, as the schedule of basic needs is increased.

New funds are appropriated for welfare reform programs intended to make it possible for recipients to leave the welfare system and to focus on long-term welfare dependent families. \$1,175,000 is appropriated for grants to programs that provide new or additional child development services to at-risk children. \$670,000 is appropriated for grants to organizations to provide family development services to families at risk of long-term welfare dependency. Approximately \$70,000 is appropriated to extend medical assistance benefits for up to an additional fifteen months for persons who have lost their benefits due to employment. \$2,500,000 of new funding is also provided for transitional payments of the child care costs for persons who lost benefits due to employment.

The rate reimbursement paid to intermediate care facilities is increased to the sixty-fourth percentile of all facility per diem rates upon the effective date of the Bill and to the seventy-fourth percentile on January 1, 1989. When the reimbursement rate reaches the seventy-fourth percentile, then the minimum number of hours of care per resident per day will be increased to two hours of care per resident per day as computed on a seven-day week.

Approximately \$600,000 is appropriated to a new program intended to provide additional medical benefits to pregnant women, infants, and young children under provisions of the federal Sixth Omnibus Budget Reconciliation Act which authorizes additional federal matching funds to states for this purpose. For this program and the medically needy program, the allowable amount of resources is increased from \$1,800 for one person to \$5,000, and for a family from \$2,700 to \$7,500. An incentive rate adjustment of 4% is authorized in reimbursement rate payments to those hospitals which provide a disproportionate share of their services to persons who are indigent.

The appropriation for the juvenile institutions at Toledo and Eldora includes an additional \$150,000 to institute recommendations of the Governor's Foster Care Task Force. The increase is primarily intended for additional staff positions.

The appropriation made to the Iowa Veterans Home includes \$500,000 to phase-in the operation of the sixty new beds available at the Home. The phase-in will begin in 1989, with the funds to be used for additional staff and related costs.

Enhanced funding of \$1,300,000 is appropriated to implement case management services to persons with mental retardation, chronic mental illness, or developmental disabilities. A state candidate services fund is created in the office of the State Treasurer for this purpose. The section contains provisions which describe how the costs of providing case management services which are to be divided between the counties and the state. An Enhanced Mental Health, Mental Retardation, and Developmental Disabilities Services Plan Oversight Committee is established to make recommendations regarding making application to the federal government to obtain Medicaid waivers for certain candidate services and to perform other duties.

The appropriation for State Supplementary Assistance is increased by \$737,400 to eliminate the across-the-board cuts currently in effect, followed by a three percent increase in the reimbursement rates paid to residential care facilities and in-home health care providers.

The block grant supplement appropriation is reduced by \$1,019,000 as the allocation for day care services to counties is placed in a separate section.

\$3,500,000 is appropriated for child day care assistance to be delivered by counties. Approximately \$2,500,000 of the amount is new funding allocated to counties to provide service to families while using an income guideline of 125% of the federal poverty level. In a related section, \$150,000 is appropriated for child day care resource and referral programs.

The appropriation for foster care includes \$2,800,000 for increases in provider reimbursement rates and contains language which requires the Department to revise the reimbursement formula to encourage foster family special care and emergency care in lieu of group foster care placement. Recommendations from the Governor's Foster Care Task Force are incorporated in the Bill. Included are provisions which require and encourage more cooperation between the Department of Human Services and the Judicial Department to provide the most appropriate placement for an adjudicated child. The Department is required to expend up to \$30,000 on a study to determine the impact of establishing a fee schedule for the financial participation of parents in the costs of child welfare services. Another provision requires the Department to develop an alternative system for performance-based payment of foster care providers and make the system available on a demonstration project basis by December 1, 1988. A two-county demonstration project in which all child welfare funds are decategorized and placed into a single fund is slated to begin on April 1, 1989, and continue for a three-year period. The Department is authorized to spend up to \$30,000 on contracts with universities to provide ongoing research and evaluation assistance. \$75,000 is appropriated for grants under the family support subsidy program, enacted in Senate File 2018, and the foster home insurance fund from Senate File 2107 is allocated \$165,000. Several initiatives to encourage in-state placements and family foster care are part of this appropriation, with \$890,000 designated for supplemental payments to in-state providers, additional services for family placements, and foster parent in-service training.

The Department is required to work with the Legislative Fiscal Bureau to develop goals and objectives for AFDC programs which began after July 1, 1987, and for all programs which begin after July 1, 1988.

The across-the-board cuts to providers of services under the appropriations made for medical assistance, state supplementary assistance, and the social service providers under the appropriations to home-based programs, community based programs, foster care, and the social service block grant supplement are eliminated, followed by a three percent increase in the reimbursement rate. This action is contained in sections throughout the Bill.

Sections 222.73 and 230.20 of the Iowa Code are amended to freeze the per diem costs charged to a county for patient services at the state Mental Health Institutes and the state Hospital Schools at the rate in effect on July 1, 1988. The freeze is annually adjustable for inflation as determined by the federal Consumer Price Index. These provisions are part of the package directed to candidate services to the "Bill of Rights" population.

Sections 135.84 and 142B.1 of the Iowa Code which create the Organ Transplant Commission are repealed.

#### GOVERNOR'S ITEM VETOES

1. Nonreversion language which requires that unencumbered or unexpended funds remaining from the appropriation made for Child Development Grants will not revert to the General Fund.
2. Nonreversion language which requires that unencumbered or unexpended funds remaining from the appropriation made for Family Development Grants will not revert to the General Fund.
3. A provision which permits clients mandatorily enrolled in a health maintenance organization to use family planning and mental health services without a referral from the health maintenance organization and permits direct billing of the service to the medical assistance program.
4. A provision relieving a client from mandatory enrollment in a health maintenance organization if there is more than a minimal transportation expense.
5. A subsection requiring the Department of Inspections and Appeals to issue provisional licenses to specialized hospitals for children and adolescents according to certain criteria. A revised version was amended onto H.F. 2456 (summarized under Human Services) which was subsequently approved by the Governor.
6. A clause requiring the approval of the Legislative Council before expending funds to obtain technical assistance.
7. A provision under the appropriation made for community services which requires the Department to seek a supplemental appropriation if the federal cost allocation is less than expected, the average base salary and support cost is more than expected, or the vacancy factor is lower than expected.
8. A provision prohibiting the Department from expending more than \$2,414,103 of the appropriation for community services on items not related to salary and benefits without obtaining the approval of the Legislative Council.
9. A provision prohibiting the Department from placing orders for additional equipment or taking delivery of computer equipment previously ordered related to the Family Assistance Management Information System (FAMIS) project without

notifying the Fiscal Committee of the Legislative Council and obtaining the approval of the Council.

10. A provision under the appropriation made for general administration which requires the Department to seek a supplemental appropriation if the federal cost allocation is less than expected, the average base salary and support cost is more than expected, or the vacancy factor is lower than expected.

11. A provision prohibiting the Department from expending more than \$2,456,517 of the appropriation for general administration on items not related to salary and benefits without obtaining the approval of the Legislative Council.

12. A requirement that the juvenile institution at Eldora maintain an average population of 200 and the juvenile institution at Toledo maintain an average population of 90 during the fiscal year ending June 30, 1989.

13. A provision permitting the Department to increase the income guidelines for eligibility to receive supplemental payments for child care assistance in order to fully expend all the funds appropriated for this purpose.

14. A provision prohibiting the transfer of funds, except as specified, for purposes other than those for which the funds were appropriated.

15. A provision requiring that when employees below a certain merit grade classification are laid off, the ratio of employees below that grade compared to the ratio of the total number of employees of the Department shall not change.

16. A provision which makes the prohibition against the purchase of computer equipment for FAMIS effective upon enactment.

#### H.F. 2469

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys from the funds within the energy conservation trust to the Division of Community Action Agencies of the Department of Human Rights, the Department of Natural Resources, and the Department of Economic Development; renames the energy conservation fund the energy conservation trust and the accounts within the trust are made funds; repeals the repeal of the energy development and conservation chapter; repeals the solar energy systems portion of the energy development and conservation chapter; and provides for moneys from the General Fund to be appropriated for the purchase of energy efficiency packages for ultrahigh frequency transmitters by the Public Broadcasting Division of the Department of Cultural Affairs.

H.F. 2473

BY COMMITTEE ON APPROPRIATIONS. Provides for the appropriation of moneys from the General Fund instead of the military service tax credit fund to pay the cost of the military service tax credit and eliminates the military service tax credit fund. The Act allows for the military service tax credit on mobile homes and makes members of the United States Merchant Marine eligible for the tax credit. The Act directs that all franchise tax revenues be deposited into the General Fund before 45% of those revenues are appropriated quarterly to cities and counties. Present law requires the 45% to be deposited into a special franchise tax fund.

## BUSINESS, FINANCIAL INSTITUTIONS, AND INSURANCE

A wide range of reforms and new initiatives were enacted in the general category of business, financial institutions, and insurance. Activity was limited to fine tuning earlier reforms in debtor/creditor relations, an area of frequent activity in recent years. Dominant themes included regulatory reform and modernization, consumer protection, acquired immune deficiency syndrome policy, and economic development. Action was taken in the areas of insurance industry incentives for economic development, rental car collision damage waivers and other automobile insurance issues, consumer fraud, AIDS testing, incentives to encourage adoption of enhanced 9-1-1 emergency telephone communication systems statewide, mail order sales tax, restrictions on the agricultural land holdings of limited partnerships, regulation of previously unregulated mortgage bankers and brokers, construction contractor registration requirements, changes in allowable debtor exemptions, and others.

Several Acts affect commerce in general or have particularly broad impact beyond the interested industry. Senate File 2061 extends the Governor's declaration of economic emergency stemming from the farm crisis through March 30, 1989. House File 529 prohibits a state agency or political subdivision from competing with private enterprise unless specifically authorized by statute. House File 2400 provides for the planning and local funding of Enhanced 9-1-1 Emergency Telephone Communication Systems statewide. Senate File 456 extends the rights and duties afforded owners of guide dogs for the blind to a disabled or handicapped person with a service dog trained to provide other forms of assistance. Two major revisions to the sales tax are worth noting for their impact upon commerce. House File 2458 extends to modular homes the same forty percent exemption of the purchase price from the state sales and use tax currently granted mobile homes. House File 2459 imposes the state sales tax on out-of-state retailers that solicit sales within the state. A major bill which did not pass affecting business and commerce in general was House File 2382 which would have created a retraining board and fund to assist the retraining of at-risk employees. The retraining fund was to have been funded by diverting moneys from the unemployment compensation fund.

Financial institution and financial instrument laws were the subject of regulatory reform and modernization. One major new regulatory initiative, House File 613, subjects mortgage brokers and bankers to certain standards of conduct and state regulation. Several Acts affect financial instruments or the authorized investments of financial institutions. House File 2127 has broad impact by prohibiting a retailer from requiring a credit card number as a condition of accepting a check or share draft. House File 2315 permits a variable interest rate for a negotiable instrument under the Uniform Commercial Code to be determined from a source other than the instrument itself. Senate File 2302 permits state banks to invest in equity shares of the newly formed federal Agricultural Mortgage Corporation (Farmer Mac) among other forms of mortgage-backed securities packaged for the secondary market. Senate File 2289 resolves a regulatory interpretation of prior law by not



requiring solvent out-of-state savings and loan associations to register to do business in the state. House File 2319 permits a bank to include Saturday business in the next Monday's banking day for purposes of the mandatory reconciliation of bank books at the close of each "banking day". House File 2320 makes several changes to the powers, regulation, and organization of credit unions, including, among other changes, permitting a credit union to purchase the obligations of out-of-state credit union members. House File 2407 makes several alterations in the title guaranty program. House File 2472 extends the financial institution franchise tax to any financial institution with an office and employees within Iowa and doing business in Iowa. House File 2474 restricts the establishment of electronic funds transfer satellite terminals at retail sales locations.

Two Acts directly affect creditor and debtor relations, a marked reduction from legislative activity in the peak years of the farm crisis. House File 2318 is a refinement on the recent lending disclosure requirements to expand the authorized means of documenting acknowledgment of receipt of a debt instrument. House File 649 revises the authorized list of debtor's property which is exempt from legal execution and attachment to pay debts. A third credit related Act, House File 2011, modifies the procedure for perfecting a security interest in a vessel subject to titling under state law by requiring an application for a security interest to be presented along with the original title.

Insurance regulation reform and modernization were again major issues, with special attention directed to problem areas and focusing enforcement efforts. For instance, House File 653 restricts the sale of collision damage waivers in conjunction with the rental of a motor vehicle by requiring certain disclosures and barring unfair or deceptive advertising. House File 382 requires a fire and casualty insurer to retain the greater of \$5,000 or ten percent of a property damage for ninety days in certain circumstances to assure a source of funds to pay for the demolition of property if required for health and safety reasons. Senate File 2117 prohibits insurance companies from considering certain speeding violations of ten miles or less over the speed limit for purposes of establishing rates or cancelling or refusing to renew a motor vehicle policy. Senate File 149 is a provider discrimination provision which mandates that accident and sickness policies make payments to a dentist on the same basis as to a physician or oral surgeon. Senate File 2107 creates a foster home insurance fund to fill a gap in coverage offered by the private market and to remove an obstacle to attracting people to provide foster care. Senate File 2060 deletes the sunset or automatic repeal of the new benefit array system for unemployment compensation insurance and makes other changes, especially changes for federal conformity. Senate File 2338 removes the premium tax for annuity contracts to encourage economic growth of the insurance industry in Iowa, to avoid retaliatory taxes imposed on annuity contracts sold by Iowa companies in other states, and also requires the Insurance Commissioner to prepare reports relating to insurance company investments. House File 2307 is the Insurance Division's reform Act. The Act changes the dates on which several types of annual reports are due to better distribute workload and to coordinate state reviews with information from other regulators and sources along with many other changes in insurance

practices. House File 2303 contains additional changes relating to the Insurance Division and regulated groups, especially benevolent associations and risk retention groups. House File 2294 contains certain restrictions on the requirement of testing of an individual for the presence of the human immunodeficiency virus by a person engaged in the business of insurance.

Two major insurance related bills were vetoed in whole or in part by the Governor. House File 2441 established a state insurance fund for petroleum underground storage tanks as an interim measure before anticipated federal rules will require tank owners to demonstrate \$1 million in aggregate financial responsibility. Senate File 484, the "Medical Malpractice Bill" was vetoed by the Governor. The Act would have provided for a patient catastrophic injury fund to protect health care providers and hospitals by payment of compensation to injured parties as a result of acts of medical malpractice in certain circumstances.

Regulation of corporations, limited partnerships, and securities was an active area for the Legislature. Senate File 2248 further refines the changes to directors' and officers' liability made in the 1987 Session and requires an interim study. House File 2283 imposes restrictions upon a limited partnership's ownership of agricultural property similar to that currently imposed on nonfamily farm corporations. House File 2283 also requires new reporting requirements of farming operation trusts, landowners, places certain ownership practices of meat processors, and provides confidentiality provisions. Several bills relate to cooperative associations. Senate File 2248 extends officer and director liability reforms to cooperatives. House File 2395 expands the purposes for which a cooperative association may be organized to include any lawful purpose, the same scope as for business corporations, and makes other changes. House File 2355 distinguishes a cooperative association from an agricultural association. House File 2303 bars the creation of any new benevolent associations but existing associations are left subject to regulation by the Insurance Division. Senate File 2280 changes the deadline for the filing of a nonprofit corporation's annual report. House File 2451 makes a correction in the formula for computing the corporate alternative minimum tax and is retroactive to January 1, 1988.

Two Acts deal directly with securities. House File 433 creates an exemption from state securities registration to securities approved for listing upon the National Association of Securities Dealers Automated Quotations -- National Market System (NASDAQ/NMS), an electronic quotation service for certain over-the-counter stocks. House File 2377 authorizes the State Board of Regents to issue tax exempt revenue bonds to encourage parents to save for the future college costs of their children.

Liquor control and gaming legislation primarily refined the dramatic changes in both areas over the past few years. Senate File 2201 removes the requirement of a bond in favor of the state prior to issuance of a license or permit for a class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits. House File 393 includes a new definition of unincorporated towns to calculate the appropriate license fee and makes other changes related to enforcement, purchasing, and licensing. Senate File 2263

permits the restricted use of the drugs lasix and phenylbutazone on race horses, outlines duties of the Racing Commissioner, and makes other changes related to horse racing.

Several new pieces of consumer protection legislation were enacted. Senate File 464 creates a comprehensive regulatory framework for the promotion, sale, and operation of physical exercise clubs and health club memberships, with special emphasis on membership sales made prior to opening. Senate File 394 amends standards for the care of animals in kennels, pet shops, and research facilities. Senate File 2262 provides for the regulation of food products, other than beef or pork, which are advertised for sale as "organic food". Senate File 2318 requires the registration of construction contractors with the Labor Commissioner to assure compliance with laws on workers' compensation and unemployment compensation. House File 2127 prohibits a retailer from requiring a credit card number as a condition to acceptance of a check or share draft in order to protect credit card security. Senate File 2267 regulates the sale, leasing, rental, or advertising of water treatment systems. House File 102 revises restrictions on the use of polygraph examinations by employers.

House File 2128 expands the scope of existing restriction against false advertising and alters the scope of jurisdiction of the Iowa Drug and Cosmetic Act. House File 2106 prohibits the sale or advertising for sale of home testing kits for human immunodeficiency virus antibody or antigen (AIDS). House File 2294 mandates procedures for human immunodeficiency virus-related testing, including required educational information, confidentiality standards, counseling, written notification requirements, and other AIDS related issues.

Two transportation and motor vehicle related Acts affecting business or commerce were passed. House File 2259 permits licensure as wholesalers of persons involved in the business of rebuilding new vehicles, such as conversions of new vehicles into emergency vehicles. House File 2011 modifies the procedure for licensure of and the definition of a vessel, and also modifies the procedure for perfecting a security interest in a vessel subject to titling.

## BUSINESS, FINANCIAL INSTITUTIONS, AND INSURANCE

### S.F. 149

BY GRONSTAL. Mandates that accident and sickness insurance policies make payments to a dentist on the same basis as to a physician or oral surgeon, if the covered service provided by the dentist is within the dentist's lawful scope of practice.

### S.F. 394

BY RIORDAN AND DIELEMAN. Amends certain provisions relating to the care of animals in commercial establishments regulated by the Department of Agriculture and Land Stewardship under Chapter 162. Pet shops which offer fish other than live bait for sale are regulated. The regulation of commercial kennels includes kennels which perform grooming, boarding, or training services for dogs or cats in return for consideration, whether or not boarding is also offered. The bill classifies commercial breeders and provides for their licensure. Licenses issued to pet shops, commercial kennels, public auctions, dealers, commercial breeders, research facilities, and board kennel operators expire one year from the date of issue rather than on March 1st. Research facilities become subject to regulation and are required to obtain certification. The classification of hobby kennel is abolished, but an exception to regulation is provided for animals kept for the hobby of a person when consideration for breeding the animals is not involved. Finally, an animal cared for by a commercial establishment governed under Chapter 162 may be destroyed only by use of euthanasia.

### S.F. 456

BY HOLDEN. Extends the rights and duties afforded owners of guide dogs for the blind to a disabled or handicapped person with a service dog trained to provide other forms of assistance. "Service dogs" must be specially trained to assist a disabled or handicapped person at a recognized training facility. A handicapped or disabled person has the right to be accompanied by a service dog in places otherwise barring animals. Lease restrictions on pets are waived. The disabled person is liable for any damage done to a premises by a service dog. A person who knowingly denies or interferes with a person's right to be accompanied by a service dog is guilty of a simple misdemeanor, punishable by a hundred dollar fine or thirty days in jail.

### S.F. 464

COMMITTEE ON COMMERCE. Establishes a comprehensive regulatory framework for the promotion, sale, and operation of physical exercise clubs and health club memberships. "Physical exercise club" is broadly defined to include health clubs, spas, tennis clubs, racquetball courts, golf clubs, gymnasiums, figure salons, weight control studios, and martial arts or self-defense classes, among others. There are some specific exemptions from the Act, such as nonprofit organizations, private clubs, and physical rehabilitation facilities. A contract which violates this Act is unenforceable. Buyers of club contracts are granted a three-day right of cancellation similar to that provided for door-to-door sales. Certain disclosures and other contents are required to be included in a physical exercise club contract. Rules of the club must be delivered at the time of entering into the contract. A contract may not be for longer than thirty-six months. Rights of assignment of a physical exercise club contract are limited. If prepayments are required before services are actually available (i.e. during the period in which a club is being built), the club must list the equipment to be made available to the buyer, and the club is not considered fully open for business until all of the equipment and services so listed are actually available for use by the buyer. The date of a club's opening is key to certain remedies afforded buyers of contracts. Money received in prepayments must be placed in escrow until thirty days after the club is fully open for business. A violation of this Act grants the buyer a right of action against the club, in addition to action by the Attorney General and other remedies at law or equity. It is unlawful for a club to make any misrepresentations regarding: qualifications of staff; the availability, quality, or extent of facilities or services; results obtained through exercise, dieting, or weight control programs; membership rights; or the duration of a special offer. A club is required to file an annual registration statement with the Attorney General's Consumer Protection Division containing certain required information. Other requirements and standards are detailed by the Act.

### S.F. 484

BY COMMITTEE ON COMMERCE. VETOED BY GOVERNOR. The Act would have provided for the creation of a patient catastrophic injury fund for health care providers and hospitals to be used for the payment of compensation to parties injured as a result of acts of medical malpractice. The fund would have been liable for amounts awarded in excess of \$500,000 but not exceeding \$5,000,000.

The Act would have established certain reporting requirements for insurance companies regarding claims involving medical malpractice. A mediation system would have been established to assist in the resolution of disputes involving

alleged acts of medical malpractice. Reporting requirements for health care providers regarding acts which may constitute medical malpractice would have been established.

Authorization to the Insurance Commissioner to establish a system of regional pricing of insurance would have been given and a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of health care to all citizens would have been established.

The Act would have also established a study to determine where the state is experiencing a shortage of needed medical services.

#### S.F. 2060

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. Deletes the prospective repeal of the new benefit ratio array system under the unemployment insurance laws. The Act abolishes, for calendar year 1988 and subsequent calendar years, the special employer contribution rate for employers with certain negative balances in their employer accounts. The Act resolves federal conformity issues by providing new nonconstruction employees with an experience rating after 12 quarters of experience, rather than after 20 quarters of experience, and by deleting the access of business and labor organization representatives to certain Job Service information. The Act allows new construction employers, with at least 12 consecutive chargeable calendar quarters prior to the rate year, to be given an experience - based contribution rate. Portions of the Act take effect upon enactment.

#### S.F. 2061

BY HUTCHINS. Extends for another year the Governor's declaration of economic emergency from March 30, 1988 to March 30, 1989. The owner of real estate used for farming or for operating a small business may thus be granted a continuance from foreclosure action by a court due to the owner's inability to pay, pursuant to Section 654.15 of the Iowa Code. The language has been drafted to remove uncertainty regarding the deadline for filing for a continuance. The deadline is expressly set at March 30, 1989. The Act is retroactive to March 30, 1989 if enacted after that date.

#### S.F. 2107

BY VANDE HOEF AND BRUNER. Creates a foster home insurance fund within the office of the Treasurer of State, consisting of all moneys appropriated by the General Assembly for deposit to the fund. The fund will pay any valid and approved claim of foster children, their parents, guardians, or guardians ad litem, for damages arising from the foster care relationship and the provision

of foster care services, as well as certain legal costs and damages caused by foster children. The fund is not liable for damages in certain prescribed circumstances; a \$150 deductible applies per occurrence; and the maximum liability per foster home per year is \$300,000. The Department of Human Services is required to administer the fund, prescribe procedures for the filing of claims, and issue decisions regarding a properly filed claim within 180 days of its presentation. The term "foster home" is defined.

#### S.F. 2117

BY COMMITTEE ON TRANSPORTATION. Requires the State Department of Transportation to designate on a person's abstract of operating records, certain minor speeding violations. For violations occurring on or after July 1, 1986, but before May 12, 1987, the special notation is for violations of 10 miles per hour or less over the speed limit in speed zones greater than 35 m.p.h. For speeding violations occurring on or after May 12, 1987, the special notation is for violations of 10 miles per hour or less over the speed limit in speed zones equal to or greater than 35 m.p.h. but not greater than 55 m.p.h. Insurance companies are prohibited from considering the first two such specially noted speeding violations occurring in any 12-month period for the purpose of establishing rates for motor vehicle insurance or for the purpose of cancelling or refusing to renew a motor vehicle insurance policy. A violation constitutes an unfair method of competition and unfair or deceptive act or practice in the business of insurance and subjects the insurance company to a monetary penalty of up to ten thousand dollars for each and every act or violation if the company refuses to follow a cease and desist order of the Insurance Commissioner.

Also allows a person whose motor vehicle license or operating privilege has been, or is being revoked, to reopen the hearing or to prevail at the hearing to rescind the revocation if a court has held that the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. The decision by the court is binding on the State Department of Transportation and the Department shall rescind the revocation.

Requires the State Department of Transportation to provide a report to the 73rd General Assembly by January 31, 1989, which shall describe the various operating records maintained by the Department. The report is to include the Director of Transportation's recommendations concerning the appropriate length of time the records should be maintained by the Department.

#### S.F. 2135

BY COMMITTEE ON AGRICULTURE. Provides that the Department of Agriculture and Land Stewardship may deny a person's application for a permit to act as a

bargaining agent of grain under Chapter 542A, if the person's grain dealer's license is under suspension or has been revoked. If a complaint is filed with the Department against the person as a grain dealer, the Department may delay approving the application for a bargaining agent's permit until after a hearing on the complaint.

Penalties for late payments of per-bushel fees assessed on grain dealers or warehouse operators are to be no more than ten dollars for each day the grain dealer or operator is delinquent or an amount equal to the amount of the deficiency, whichever is less. The Department is authorized to establish a margin of error in determining a delinquency.

The Department must determine the amount of assets in the Grain Depositors and Sellers Indemnification Fund to determine whether the fund has reached its six million dollar cap each three month period instead of at the end of a fiscal year. Once the cap has been reached, further dealer-warehouse fees are not owing or assessable.

These provisions are effective upon enactment, and apply retroactively to July 1, 1987.

#### S.F. 2201

BY COMMITTEE ON STATE GOVERNMENT. Removes the requirement of execution of a bond in favor of the state prior to the issuance of a license or permit for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

#### S.F. 2248

BY COMMITTEE ON JUDICIARY. Relates to changes made by Senate File 471 (Directors and Officers Liability) passed during the 1987 session. References to "stockholders" have been struck and replaced with "shareholders". Provides that a corporation may include a provision in its articles of incorporation eliminating or limiting the liability of a director, officer, or other covered individual, but that the corporation is not required to do so. However, if the corporation decides to create a provision eliminating or limiting liability, the provision must be included in the articles of incorporation. Language is struck which disallows indemnification for expenses of a director or officer when the director or officer is found to be liable to the corporation pursuant to section 496A.44. This section imposes liability on the director or officer for certain acts when the director or officer fails to comply with the required standard for performance of duties. The Act expands the application of S.F. 471 by providing that a cooperative association may indemnify directors, officers, employees, members, and volunteers for judgments, penalties, fines, settlements, and reasonable expenses in the same manner as a for-profit corporation may under section 496A.4A. Cooperative associations were not included in S.F. 471.



The Department of Human Services is to establish volunteer programs designed to enhance the services provided by the Department. Volunteers registered with the Department are considered state employees for purposes of Chapter 25A.

An interim study committee is established to study issues relating to guardianship and conservatorship services including the means to provide for surrogate decision makers and case management services for persons temporarily or permanently incapacitated in their decision-making ability.

### S.F. 2262

BY COMMITTEE ON AGRICULTURE. Provides for the regulation of food products other than beef or pork which are advertised for sale as organic food. The Department of Agriculture and Land Stewardship is directed to establish standards for such food upon completing a one year study in cooperation with producers, processors, and vendors in the organic food industry. To be advertised as "organic", food must be produced from soil which is free of synthetics (as defined by the Department) for one year after 1989, for two years after 1990, and for three years after 1991.

Producers, processors, and vendors advertising food as organic are required to maintain records. Vendors are required to maintain sworn statements from producers stating that the food is produced according to set standards. Food products advertised as organic may be labeled as "certified" or "verified" only if the person providing the certification or verification is declared on the label. A food product must be marked in a manner that identifies the food as organic. An ingredient in a food product advertised as organic must also be marked to identify the ingredient.

The Department of Agriculture and Land Stewardship is provided with a broad range of powers and duties relating to administration and enforcement of the Act's provisions, including the adoption of rules, investigation and inspection, grading of foods, and the creation of a seal of certification.

Penalties are imposed upon a producer, processor, or vendor who does not maintain proper documents or records, sells food advertised as organic which does not meet legal standards, who sells food advertised as organic without properly marking the food, or who mislabels a food product as "certified" or "verified." The Act provides that a suit for injunctive relief may be brought by the Department or by an individual, private organization, county, or city.

Chapter 190.1 relating to the regulation of adulterated food is amended by providing for sorghum syrup.

The Act takes effect on July 1, 1989. However, the Departmental study to establish organic food standards takes effect on July 1, 1988.

### S.F. 2263

BY COMMITTEE ON AGRICULTURE. Relates to horse and dog racing and the duties of the Racing Commission. The Act allows the use of the drugs lasix and phenylbutazone on horses under the restrictions provided by the Act and the rules of the Commission. The duties of the Commission and the commission veterinarian are increased regarding the monitoring of the administration of the drugs, the actions of veterinarians on the track grounds, and random testing and autopsies on horses. The Act allows the use of icepacks on horses and dogs not less than two hours before the start of a race. The Act also provides that Iowa-foaled horses finishing second, third, or fourth qualify for purse supplements as well as those Iowa-foaled horses which finish first. The purse supplements will be paid in proportion to the purse structure of the race in which the horse qualifies. The Act also requires the racing program to provide certain information as to the use of drugs on individual horses in a race.

### S.F. 2267

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Makes unlawful the selling, leasing, rental, or advertising for the sale, lease, or rental of a water treatment system in the state for which claims or representations of removing health-related contaminants are made, unless certain conditions are met. The Act also makes unlawful the sale, lease, or rental or advertisement for the sale, lease, or rental of a water treatment system in this state for which false or deceptive claims or representations of removing health-related contaminants are made, and makes unlawful the making of any representation or claim that a seller's water treatment system has been approved or endorsed by an agency of the state. The Act also provides effective dates.

### S.F. 2271

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Provides for the waiver of certain bonding requirements for targeted small businesses contracting on public improvement projects. The elimination of the bond removed a normal source of remedy for subcontractors and material suppliers against a targeted small business in event of default. This Act provides an alternative remedy for persons ordinarily protected by the bond, by permitting suit directly against the public corporation for the same remedies as would otherwise be available in an action on the bond.

### S.F. 2280

BY COMMITTEE ON JUDICIARY. Changes the deadline dates for the filing of a nonprofit corporation's annual report, making them four months later than currently provided for.

### S.F. 2289

BY COMMITTEE ON COMMERCE. Provides a limited exemption from the admission requirements that an out-of-state savings and loan association must meet to transact business in Iowa. Solvent associations are not required to be admitted to Iowa if their business within the state is limited to the sale of certificates of deposit through independent broker-dealers registered under the Blue Sky State Securities Act. The Act also provides that broker-dealers selling certificates of deposit insured by a federal insurer are not violating a prohibition on the sale of stock of an out-of-state association not admitted to do business in Iowa.

### S.F. 2302

BY COMMITTEE ON AGRICULTURE. Provides that state banks may invest in equity shares of the newly formed federal Agricultural Mortgage Corporation (Farmer Mac) and equity shares of certified loan poolers formed to combine farm loans, repackage the loans, obtain federal guarantees for the new securities made up from repackaged loans, and market the new securities.

### S.F. 2318

BY HUTCHINS AND HULTMAN. Requires construction contractors to register with the Labor Commissioner and provide evidence of compliance with laws on workers' compensation and unemployment compensation. An exemption from the registration requirement is provided for those who earn less than \$1,000 annually and those whose work is performed on their own property. There will be a one-time registration fee not to exceed \$12.50. The fee is not required for contractors who are self employed, do not pay more than \$1,000 annually to employ other persons in the business, and do not work with or for other contractors in the same phases of construction.

The application for registration must give the contractor's name, address, telephone number, the principal place of business in this state, the principal products and services provided, and the names and addresses of the corporate officers or owners. Changes in the information provided must be reported promptly to the Labor Commissioner. Each contractor will be issued an identifying public registration number. This number and the registration

information provided by the contractor will be matters of public record. A contractor who is not registered with the Labor Commissioner is not eligible to be awarded a contract to perform work for the state.

The Labor Commissioner is responsible for rules and enforcement of the registration requirement. A system of citations and administrative penalties is provided. The penalty for a first violation will be not more than \$500 and for subsequent violations will be not more than \$5,000. A citation or proposed assessment of penalty may be appealed to the Employment Appeal Board. An order of the Employment Appeal Board is subject to judicial review. The Act takes effect July 1, 1988 for purposes of rulemaking and administrative preparation and February 15, 1989 for all other purposes.

### S.F. 2338

BY COMMITTEE ON WAYS AND MEANS. Beginning with the 1988 calendar year, allows the deduction of premiums for annuity contracts received after July 1, 1988, in determining gross premiums for purposes of the gross premiums tax and not just those premiums received from annuity contracts which qualify under certain sections of the federal income tax code. The bill requires the Insurance Commissioner to prepare reports relating to investments by insurance companies in the state, to alternatives and incentives for increasing investments in the state, to the increase in jobs, tax revenues, and insurance companies as a result of this Act, and to the premium volume of nonqualified insurance annuities by large domestic insurance companies and projections for increase in such volume.

### H.F. 102

BY SHERZAN. Revises provisions on polygraph examinations by employers by broadening the prohibitions, increasing the penalty, and providing for enforcement through a civil action. The Act makes it a serious misdemeanor for an employer, as a condition of employment, promotion, or change in status, to request or require an employee or applicant to take a polygraph examination, administer such an examination to the employee or applicant, or request or require a waiver. The exception for peace officers is retained, and corrections officers are also excepted. The Act prohibits reprisals against employees who in good faith file complaints or participate in litigation and provides for compensation of lost wages and restoration of status. A person who commits an act in violation of the new provisions is liable to an aggrieved employee or applicant in a civil action for affirmative relief, including reinstatement or hiring, with or without back pay, or any other appropriate equitable relief, including attorney fees and court costs, and may be enjoined from continuing such acts. A plaintiff who in good faith initiates a civil action must establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred; thereafter, the employer has the burden of proving that the requirements of the Act were met.

### H.F. 382

BY HATCH. Requires an insurer to reserve the greater of five thousand dollars or ten percent of the payment of damages to real property for fire and casualty loss if the property is located in a city with a population of twenty thousand or more, and the loss is seventy-five percent of the face value or more. The issuer shall send notice to the city within five days of notice of a claim in excess of seventy-five percent of the value of a policy and the city shall provide for notice of the claim to the reserve if it institutes a legal proceeding for the demolition of the property within ninety days of receiving notice. The reserve shall be released if the city fails to provide such notice or if the insured commences repairs to or demolition of the property. If the city is required to demolish the property, it is entitled to compensation for costs to the extent of the reserve with any remainder of the reserve payable to the insured.

### H.F. 393

BY JAY. Relates to the regulation of the sale of alcoholic beverages. A new definition of an unincorporated town is created for the purpose of determining the license fees of liquor control licensees and wine and beer permittees located in such unincorporated towns. The Act provides that the Department of Inspections and Appeals shall aid in beer and liquor law enforcement, and codifies the Division of Alcoholic Beverages purchase of alcoholic liquor on a bailment system. The Act further provides that the Division may send notice of nonpayment and penalty to class "E" liquor control licensees by certified mail rather than service by a peace officer as previously required. The Act restricts warrantless searches of a liquor control licensee's or wine or beer permittee's premises by requiring a warrant for a search or inspection of private records, a private business office, or attached living quarters with an exception for undercover criminal investigations. It provides exceptions to certain restrictions on class "E" liquor control licensees, and expands restrictions affecting persons involved in the manufacture or the wholesale of alcoholic beverages in regard to any other interest in the liquor business. The Act provides that a liquor control licensee or wine or beer permittee convicted as a first offense of selling alcoholic beverages to a minor after January 1, 1988, shall not be subject to suspension of the person's license or permit for fourteen days, but shall instead be assessed a civil penalty of three hundred dollars. Class "A" beer permit premises are required to be located within the state.

### H.F. 433

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Extends an exemption from state securities registration to securities approved for listing upon the National Association of Securities Dealers Automated Quotations -- National Market System (NASDAQ/NMS). NASDAQ/NMS is an electronic market for certain approved over-the-counter securities, and the exemption is parallel to that provided certain other securities exchanges such as the New York and American Stock Exchange.

### H.F. 613

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Subjects mortgage brokers and bankers to certain standards of conduct and state regulation. Some brokers and dealers, already subject to regulation, are exempt from the new registration provisions. Those exempt include banks, savings and loan associations, credit unions, and some insurance companies. A nonexempt mortgage broker or banker is required to annually register with, and obtain a license from, the Superintendent of Savings and Loan. License applications must include certain specified information, including a certified financial statement. The Superintendent is given the authority to deny, suspend, or revoke a mortgage broker or dealer's license on various grounds, including violation of this Act or insolvency. Operating without a license is a class "D" felony. Each applicant for a license is required to file either a certified financial statement evidencing a net worth of one million dollars or more or a bond in the amount of fifty thousand dollars. The bond or certified net worth provides some assurance of security for the state or persons having a cause of action against the applicant. The Superintendent is empowered to conduct investigations and examinations to discover and remedy violations of this Act.

All mortgage bankers and brokers, even those exempt from the registration provisions, are subjected to new state standards for servicing mortgages and payoffs. These statutory obligations include: disbursing required funds paid by the mortgagor and held in escrow for the payment of real estate taxes and insurance payments no later than their final due date; performing a complete escrow analysis yearly; answering payoff inquiries in writing within ten days; executing and delivering a release after payoff within forty-five days after payment; and delivering the abstract to the borrower within twenty days of a borrower's request. Additionally a mortgagee may not assess a late charge if full payment is received before the date late charges are authorized in the mortgage documents and must post all periodic payments in full within two business days of receipt. The Superintendent is given broad enforcement and rulemaking authority. Other limitations are included.

#### H.F. 649

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Revises provisions setting forth the property of a debtor which is exempt from execution and attachment, with emphasis on insurance. A \$10,000 limit is placed on the exemption for life insurance acquired within the preceding two years. This life insurance limit applies to interests acquired on or after January 1, 1988. The Act consolidates several other provisions relating to exemptions for the proceeds of insurance policies, including those payable upon the death of the insured. It retains the \$15,000 limit on exemptions of the avails of all matured policies of life, accident, health, or disability insurance payable to the surviving spouse from liability for the debts of the insured.

The Act adds a specific exemption for the debtor's interest in a wedding or engagement ring and another for up to \$100 in cash, bank deposits, or other personal property. Several provisions limiting the value of a particular item within an aggregate limit are deleted.

#### H.F. 653

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act restricts motor vehicle rental agreements containing a collision damage waiver unless certain disclosure and sales practice standards are satisfied. A collision damage waiver as part of a motor vehicle rental agreement waives for a fee the rental company's claims against the customer for any damage to, or loss due to theft of, the rented vehicle. A rental company is subject to the penalties for consumer fraud unless the collision damage waiver includes the following: is simple to understand and readable; is in large type and conspicuous according to the statute's technical standards; a statement of the total charge for the waiver period; a notice in 8 point bold type that a renter's own auto insurance may provide coverage; and a notice that purchase of the waiver is not mandatory and may be declined. This permits a renter to make an informed decision as to whether the waiver is required in the renter's individual circumstances. The waiver may exclude damages caused intentionally by the customer or as a result of the customer's willful and wanton misconduct or damages caused by driving while intoxicated or under the influence of a controlled substance. The waiver may not exclude simple negligence. Certain sales or advertising practices for collision damage waivers are made unfair or deceptive acts or practices and are also punishable as consumer frauds. Deceptive acts include failure to include the required notices and disclosures and any representation that purchase of the waiver is mandatory.

### H.F. 2011

BY GRUHN. Redefines vessels and amends procedures relating to the titling of vessels which are seventeen or more feet in length. The purchaser, rather than the seller, of a vessel which is required to be titled is required to obtain a certificate of title for the vessel upon transfer. In lieu of using a Uniform Commercial Code form and procedure to perfect a security interest in a vessel subject to titling, an application for a security interest is presented along with the original title.

### H.F. 2106

BY COMMITTEE ON HUMAN RESOURCES. Prohibits the advertisement for sale, the offering for sale, or selling of home testing kits for human immunodeficiency virus antibody or antigen testing in the state. The Act provides that a violation of the prohibition is punishable as a class "D" felony and provides additional remedies for violation of the prohibition or violations relative to the prohibition. The Act also exempts from violation of the prohibition certain print or electronic medium which disseminate an advertisement if the medium does not knowingly violate the prohibition. The Act prohibits the advertisement of the kits in this state from a location outside of the state unless the advertisement prominently indicates that the sale of the kits is void in this state.

### H.F. 2127

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This bill prohibits a person or retailer from requiring a credit card number as a condition of accepting a check or share draft. Recording a credit card number or expiration date in connection with a payment for goods or services by check or share draft, or in connection with the acceptance of a check or share draft, is made a simple misdemeanor, punishable by a hundred dollar fine or thirty days in jail. A person is still permitted to request display of a credit card as an indicia of credit worthiness and financial responsibility or as additional identification, but the only information concerning a credit card which may be recorded is the type of credit card displayed and its issuer. This Act also does not prohibit use of a credit card number and expiration date in lieu of a deposit to secure payment in event of default, loss, or damage.



### H.F. 2128

BY COMMITTEE ON HUMAN RESOURCES. Amends the section of the Code relating to false advertising to include arthritis, degenerative neurological diseases, and diseases of the immune system as bases for determination of false advertisement. Provides that the provisions of the Iowa Drug and Cosmetic Act are applicable to a person, firm, or corporation which complies with, rather than which is subject to, the federal Food, Drug, and Cosmetic Act.

### H.F. 2259

BY COMMITTEE ON TRANSPORTATION. Authorizes persons involved in the specialized business of rebuilding new vehicles to be licensed as wholesalers. Currently, a number of specialized Iowa businesses are rebuilding new vehicles into emergency vehicles, but are not large enough to be authorized as wholesalers by the factories.

### H.F. 2283

BY COMMITTEE ON AGRICULTURE. Provides restrictions upon agricultural property holdings. After July 1, 1988, a limited partnership shall not acquire, obtain, or lease agricultural land in this state if the total number of acres of agricultural land held equals or exceeds fifteen hundred acres. Thus, limited partnerships are subject to the same cap as authorized farm corporations and authorized trusts. The same exceptions to the cap enjoyed by these corporations and trusts are also extended to limited partnerships. Agricultural land which is leased to the immediate prior owner of the land for the purpose of farming, and land which is held or acquired and maintained to protect significant elements of this state's natural open space heritage, is not counted in calculating the number of acres subject to the restriction.

The General Assembly, in 1987, restricted investors from participating in more than one capital forming venture which is used to purchase farm land (specifically authorized farm corporations and authorized trusts). This year, the General Assembly extended the restriction to prohibit a person from becoming a limited partner in a limited partnership if the person is a stockholder of an authorized farm corporation, a beneficiary of an authorized trust, or a limited partner in a limited partnership which owns or leases agricultural land.

Similar to an authorized farm corporation or authorized trust, a limited partnership which holds agricultural land above the fifteen hundred acre cap is subject to a maximum fifty thousand dollar penalty and must divest itself of land acquired in violation of law within one year from the date of conviction. Similar to a person who invests in more than one authorized farm corporation or authorized trust, an investor in a limited partnership who

purchases an interest in another limited partnership or in an authorized farm corporation or authorized trust is subject to a maximum one hundred thousand dollar penalty and must perform necessary divestiture. The court is provided authority to determine the method of any divestiture required under law. Any financial gain realized by a person is forfeited to the General Fund. Any court costs and fees must be paid by the violator.

The law permitting certain investment trusts, classified as authorized trusts, to hold agricultural land (subject to a fifteen hundred acre limitation) has been further restricted. A trust established after July 1, 1988, must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

A new classification, defined as a family farm limited partnership, is created to parallel existing classifications of family farm corporations and family trusts. Each of these entities is exempt from land holding and investor restrictions. To qualify as a family farm limited partnership, the limited partnership must be formed for the purpose of farming, a majority of the limited partners and the general partner must be related, the general partner must manage the day-to-day farming operations, the limited partners must be natural persons or acting in a fiduciary capacity, and sixty percent of the gross revenues of the partnership accrued over the last three consecutive period must come from farming.

Restrictions are also placed on certain meat processors. The processor is prohibited from controlling the manufacture, processing, or preparation for sale of pork products if the processor contracted for the care and feeding of the swine in this state. However, these restrictions do not apply to cooperative associations organized in this state which contract with farmers for the care and feeding of swine.

Reporting requirements for corporations holding agricultural land repealed in 1986 are reinstated and combined with existing reporting requirements for partnerships and fiduciaries. However, family farm corporations, family trusts, and family farm limited partnerships are exempt from reporting requirements. The information required to be reported includes the type of reporting entity, the name of foreign investors, the number of acres of agricultural land held, the number of acres used for row crop production, and the approximate number of livestock contracted for by the corporation.

Reporting is also required of persons owning more than two thousand five hundred hogs or five thousand head of poultry if the hogs or poultry are subject to a contract for their care and feeding by a person or persons other than the owner on land which is not owned leased, or held by the owner. A processor is also required to report the total number of hogs for which the processor has contracted to feed.

Reports by corporations, limited partnerships, trusts, and contractors are, similar to processors, now required to be kept confidential. Members of the General Assembly are no longer entitled to view reports relating to agricultural holdings required to be filed with the Secretary of State.

#### H.F. 2294

BY COMMITTEE ON HUMAN RESOURCES. Defines terms for the purposes of the new Chapter, 135I. Provides for required procedures to be followed in human immunodeficiency virus-related testing, including the provision of certain information, the right to anonymity, counseling, written notice of the required provisions, exemptions from the required procedures, and specific provisions regarding the testing information of a minor. The Act also provides for confidentiality of information regarding human immunodeficiency-related testing and provides exemptions from the non-disclosure requirements. The Act also provides for remedies and penalties including but not limited to a civil penalty not to exceed one thousand dollars for each violation of certain provisions of the Act. The Iowa Department of Public Health is required to adopt rules to implement and enforce the new Chapter and rules which require the placing of written notification with the body of a person for the use of a person attending the body of a person who died or was suspected of having died from a contagious or infectious disease. The Department is also required, in cooperation with certain other parties, to establish protocol and procedures for the use of universal precautions to prevent the transmission of contagious and infectious diseases. The Act provides for an exemption from the application of the provisions of certain Chapters relating to human immunodeficiency virus-related matters regarding knowledge and consent if a person is committed to the custody of the Department of Corrections. The Act also prohibits the requirement of testing of an individual for the presence of the human immunodeficiency virus by a person engaged in the business of insurance unless the individual provides a written release on a form approved by the insurance commissioner, provides for the admittance to or retention of a person in a health care facility who has a communicable disease in an active state, and prohibits the denial of admission of a person to a health care facility based solely upon the patient's condition if the health care facility is able to provide the appropriate level of care.

#### H.F. 2296

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Provides coverage under the Iowa Life and Health Guaranty Association to the holders of unallocated annuity contracts issued by insolvent insurers unless protected in certain instances under the Federal Pension Benefit Guarantee Corporation or issued in connection with certain structured settlements. A plan established under section 403(b) of the Internal Revenue Code is protected by the association's annuity account. Limits are set on the liability of the Association to the holder of an unallocated annuity account. The assessment of moneys is provided to fund certain accounts created to carry out the responsibilities of the Association.

### H.F. 2303

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Provides that benevolent associations shall not be incorporated or reincorporated in this state on or after July 1, 1988. Existing benevolent associations are still subject to the provisions relating to the regulation of benevolent associations and continue to be regulated by the the Insurance Division of the Department of Commerce.

The Insurance Division is authorized to regulate risk retention (self-insurance) groups formed under the federal Product Risk Retention Amendments of 1986. A risk retention group seeking to be organized in this state must be licensed as a liability insurance company and submit a plan of operation or feasibility study to the Division. Out-of-state risk retention groups must meet certain requirements, including disclosure rules, designation of the Commissioner of Insurance as an agent for service of legal process, and compliance with the unfair claims settlement practices law. Out-of-state risk retention groups also must submit a plan of operation or feasibility study to the Division.

Risk retention groups are prohibited from joining or contributing to an insurance insolvency guaranty fund. Counter signatures are not required for risk retention policies. A purchasing group which meets federal requirements is exempt from certain state laws, but must furnish specified information to the Division.

The Division is authorized to adopt rules to regulate risk retention groups. Penalties are provided. The state may enforce any order issued by federal court which finds that a group is in a hazardous financial condition. Risk retention group agents must be licensed in the state.

The amount that a reciprocal insurer must maintain in surplus above the liabilities from outstanding losses has been increased from three hundred thousand to two million dollars. Insurers previously authorized to operate without two million dollars in surplus may continue to operate provided certain financial conditions are satisfied.

Provisions exempting certain reciprocal insurance contracts from state law are repealed.

### H.F. 2307

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Relates to the regulation of the state's insurance industry and the administration of the Insurance Division of the Department of Commerce. The bill is divided into the following divisions:

#### Division I

Changes the date from August 1 to September 1 for the delivery of life insurance annual reports. The renewal date for certificates of authority required to be filed by insurance companies is changed from May 1 to June 1.

#### Division II

Provides that certain self-insurance plans no longer have to be submitted to the Insurance Division. The Commissioner's authority to be appointed as conservator if a foreign or alien member insurer is subject to liquidation under the Insurance Guaranty Association Law is removed. The duty is removed from the Commissioner to report to the board of directors when the Commissioner has received a report from a commissioner in another state indicating that certain actions under the Insurance Guaranty Association Law have been taken against a member insurer in the foreign state.

#### Division III

Provides that benevolent associations are subject to examination just as insurance companies. The billing of examination costs for insurance companies is provided at regular intervals prior to examination. It raises the costs charged certain companies for filing documents with the Insurance Commissioner and raises the cost of affixing the official seal to filed documents.

#### Division IV

Prohibits an insurance company from making direct or indirect loans to a director, or employee, or a relative of an officer or director of an insurance company. The amount of admitted assets that an insurance company can invest in property of any kind is raised. A company is prohibited from exposing itself to loss or a risk or hazard for a certain amount exceeding its surplus to policy holders, unless the amount is reinsured. An insurance company must provide notice before a policy or contract of insurance is forfeited, suspended, or cancelled due to nonpayment of a premium, assessment, or installment. An insured person is made liable for any amount due an insurance company upon the suspension, forfeiture, or cancellation of a policy or contract of insurance for coverage provided prior to the suspension, forfeiture, or cancellation. Notice of cancellation by the insurance company is required. The cancellation and nonrenewal of a commercial line policy or contract of insurance is provided.

#### Division V

Provides that certain laws restricting sales of securities apply to domestic insurance companies only. A purchaser of a corporate shell of an insolvent insurer, purchases free of claims against the previous insurer. Guaranty association coverage does not apply to automobile warranty coverage. A person is also prohibited from advertising, in connection with the sale of an

insurance policy, that if the insurance company becomes insolvent, claims will be paid by the insurance guaranty association.

#### Division VI

Provides for the paying of dividends by life insurance stock companies.

#### Division VII

Provides for the sale of individual annuities for school district employees by certain persons. The membership is established for a commission to hear consolidation and reinsurance petitions. Custodial agreements and accounts may be established in lieu of bond under certain required conditions.

#### H.F. 2315

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act modifies the definition of "sum certain" for negotiable instruments under the Uniform Commercial Code. The Act permits variable rates of interest to be determined through reference to other sources than the negotiable instrument itself and the instrument still represents a "sum certain". For instance the then current federal discount rate could be referenced and the instrument is still negotiable even though the sum certain owed is not determinable solely by reference to the instrument itself.

#### H.F. 2318

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This bill modifies current lending disclosure requirements to permit acknowledgement of receipt of a debt instrument copy anywhere on the document rather than upon the face of the document as currently required. A separate acknowledgement continues to be permissible alternative.

#### H.F. 2319

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. House File 2319 excludes Saturdays from the definition of a "banking day". This change relieves banks which open for all or a portion of a Saturday from the regulatory requirement that a bank must reconcile its books at the close of the banking day. Saturday business will thus be included in Monday's banking day.

### H.F. 2320

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act affects the powers and organization of credit unions. A credit union's power to sell, participate in, or discount the obligations of its members is expanded to include obligations with recourse, as well as without recourse. A credit union is permitted to purchase the obligations of out-of-state credit union members, so its portfolio is no longer limited to obligations of Iowa credit union members.

Appointment of a credit committee and an audit committee is required, and membership is limited to board or credit union members. The board is delegated the responsibility to fix the amount of the surety bond which will be required of all officers and employees handling money. The Superintendent of Credit Unions is delegated the authority to fix by rule the period for which credit unions must preserve records or files.

### H.F. 2323

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Modifies the security requirements a depository institution must meet to accept deposits of public funds. A depository institution is required to post security for deposits of public funds in excess of any amount guaranteed by the federal government or its agencies, like the Federal Deposit Insurance Corporation. Permissible forms of security include bonds insured or fully guaranteed as to principal and interest by the United States government. The Act permits the pledge of indirect investments in government bonds as the functional equivalent of the existing requirement. For instance, pledge of shares in an investment company which itself invests only in government bonds, is now permitted. A depository institution is no longer required to buy the government securities itself. The Act facilitates purchase of fractional shares and use of professional bond fund management.

### H.F. 2355

BY COMMITTEE ON AGRICULTURE. Distinguishes a cooperative association, which may become organized for any lawful purpose and to carry on operations and exercise powers in or outside of the state, from an agricultural association which must be formed as an association to promote some purpose connected with agricultural production.

### H.F. 2377

BY COMMITTEE ON EDUCATION. Establishes the Iowa College Super Savings Plan to encourage parents to save for the future college costs of their children. The Act authorizes the State Board of Regents to issue up to \$19,000,000 of the revenue bonds authorized by the Seventy-second General Assembly in the form of capital appreciation bonds which are designed to be marketed primarily to Iowans to facilitate savings for future higher education costs. The College Aid Commission, in cooperation with the State Board of Regents, is directed to implement an educational program and marketing strategies to inform parents about the options for financing future college education costs and the need to begin planning early. Information is to be distributed to parents of five and six year old children through their schools. The bonds will be sold at private sale without competitive bidding and the State Board of Regents will assign preference to a syndicate of underwriters led by an Iowa domiciled underwriting firm to facilitate selling the bonds to Iowans. At least fifty percent of the bonds must be sold in denominations of one thousand dollars or less. The State Board of Regents is to report to the General Assembly within ninety days of the sale date the terms and conditions of the bonds and their placement by denomination and county.

### H.F. 2395

BY COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION. Expands the purposes for which a cooperative association may be organized under Chapter 499 of the Code. Under the Act, a cooperative association may be organized for any lawful purpose.

Allows a nonprofit water utility, organized under Chapter 357A or 540A of the Code, to elect to become a cooperative association under Chapter 499 upon a majority vote of its members by filing with the Secretary of State a verified statement confirming the election and appropriate Articles of Incorporation. Such water utilities are exempt from regulation under Chapter 476 of the Code. However, the utility is subject to the service limitation provisions contained in Sections 357.1 and 357A.2.

Limits the exemption from rate regulation of persons furnishing electricity to five or fewer customers from Chapter 476 by making the exemption only apply to those persons who furnish the electricity by either secondary line or from an alternate energy production facility or small hydro facility.

### H.F. 2400

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act mandates that each county develop a plan for the installation of Enhanced 911 emergency telephone communication systems and provides authority to the Joint 911 Service Boards



created in the Act, to add a surcharge on subscriber phone bills to help fund Enhanced 911 systems. Enhanced 911 (E911) provides public safety authorities with the address at which the call originated on a computer screen. The Act calls for the establishment of Joint 911 Service Boards in each county. The boards would consist of voting representatives from each political subdivision which has a public safety agency serving within the county. Private safety agencies may be nonvoting members. Each Joint 911 Service Board is to be established by January 1, 1989. Each Board must submit an E911 service plan to the State Office of Disaster Services by March 1, 1989. A proposed service area should be no smaller than a single county. Each 911 Service Board would be responsible for implementing its own plan according to the schedule it selects. A monthly surcharge on telephone subscribers' bills of up to twenty-five cents per month is permitted after approval by one of two forms of referendums authorized. A Board could choose not to implement E911 but can not implement and receive surcharge income without proceeding with an E911 service plan. The Act facilitates local adoption of E911 service by authorizing the surcharge as an additional revenue source which local governments may supplement, if necessary, from other revenue sources. Use of the surcharge is specifically limited to E911 related capital and recurring expenses and may not be used for other emergency services.

Other provisions facilitate conversion to E911 and include limitations on liability; treatment of proprietary information of phone companies needed to operate an E911 system; permission to use private listing subscriber information; and pay phone conversion requirements. Pay phones within an E911 service area are required to be converted to permit a caller to dial 911 without first inserting a coin or paying any other charge and must display a notice advising callers to dial 911 in an emergency and that deposit of a coin is not required.

#### H.F. 2407

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act revises two related funds under the authority of the Iowa Housing Finance Authority. The title guaranty program is modified by removing mortgage lenders from the group of eligible participants. Under the Act, only abstractors and attorneys may participate. The fee paid by title guaranty participants is made discretionary with the Housing Finance Authority. The Act also modifies the authorized uses for surplus funds in the title guaranty fund after providing for adequate reserves and operating expenses. Currently, surpluses are deposited into the commitment costs fund, which the Act renames the housing program fund. The authorized purposes for using the surplus moneys in the fund are broadened. The fund already covered initial commitment costs of the authority's bond issues to ensure statewide access to funds for first time home buyers. The following additional purposes are authorized: the homeless grant program; the home maintenance and repair program; the rental rehabilitation program; and the home ownership incentive program, all under section 220.100.

## H.F. 2441

BY COMMITTEE ON WAYS & MEANS. This Act relates to state regulation of petroleum underground storage tanks and the state's response to pending federal requirements for state programs to limit groundwater contamination and assure funds for cleanup in the event of a leak. The Act as proposed was the product of an interim study committee mandated by the 1987 groundwater protection act. The final Leaking Underground Storage Tank (LUST) bill passed by the 1988 legislature was less comprehensive than the study committee proposal and substantial portions of the final bill were then item vetoed by the Governor. Further work on the issue is expected when the federal government's LUST rules are finalized and require approved state programs for continued state eligibility for Superfund cleanup dollars. The federal Environmental Protection Agency (EPA) is expected to finalize rules on petroleum underground storage tanks, including the most controversial portions relating to proof of financial responsibility, sometime in the next eighteen to thirty months.

A brief summary of all three major versions of the Act follows.

The study committee bill proposed a state insurance fund for owners and operators of petroleum underground tanks. The fund was intended to meet both the immediate insurance needs of owners and operators and the expected requirements for an approved state program for proof of financial responsibility under the yet to be issued federal regulations. Under current federal law, an owner or operator of an underground tank is not required to carry insurance or prove in advance financial responsibility (ability to pay) for a possible leak but is legally liable for any leak which occurs. The study committee found: (1) private insurance for the environmental hazard of leaking underground petroleum tanks was not available from the private insurance market, and (2) without insurance the cost of a leak threatens the financial solvency of many tank owners and operators. Formation of a state insurance fund was recommended to provide a risk spreading mechanism where none existed, to meet the expected federal financial proof of financial requirements, and to gather actuarial data to lay the ground work for private companies to reenter the market when the risk was better understood. Maximum coverage from the fund for both third party liability and corrective action was one million dollars per occurrence as required by the federal statute under which EPA is drafting administrative rules. The per occurrence deductible was set at twenty thousand dollars. The fund was to be premium driven, with higher premiums for tanks more likely to leak. Risk factor adjustments were to include the age and type of tank, type of monitoring system, and other actuarial factors. The fund was to be capitalized by a twenty dollar per thousand gallons (two cents per gallon) fee imposed on all petroleum deposited in underground storage tanks in Iowa during July and August of 1988 and 1989. The underground petroleum storage fee could also be

reinstated as a guarantee of the financial solvency of the fund if premium income based on expected losses did not cover actual losses.

The final bill as passed by the General Assembly retains the state insurance fund structure but only addresses the interim period before the effective date of the expected federal rules. The insurance deductible was altered to allow tank owners to choose either higher premiums and lower deductibles or lower premiums and higher deductibles. The maximum amount of coverage offered is reduced to five hundred thousand dollars per occurrence and is limited to corrective action by excluding third party liability. A cap is placed on premium increases and the capitalization fee is reduced to payment only in August, 1988. The guarantee function of the fee is eliminated. A low cost loan program to aid owners in timely replacement of risky older tanks with safer new tanks is included. Additionally, the final bill delays required groundwater monitoring mandated by the 1987 Groundwater Act from May 1, 1988 to January 14, 1989. Consideration of state requirements for a federally approved state program is delayed at least until publication of the finalized federal rules.

The Governor item vetoed the state insurance fund and low cost loan portions of the bill. Among other issues, the governor's veto message objected to involving the state in the insurance business and to the fee mechanism used to capitalize the fund which would increase gasoline prices in the one month it would be imposed. The remaining bill, as enacted, establishes a tank registration amnesty program; grants the Director of the Department of Natural Resources increased authority to order immediate corrective action measures; permits, as an alternative to tank removal upon closure, filling a nonleaking tank with inert material; delays mandatory monitoring until January 14, 1989; and authorizes Departmental-issued variances for just cause when monitoring is mandated.

#### H.F. 2451

BY COMMITTEE ON WAYS AND MEANS. Makes a correction in the way a corporation computes its alternative minimum tax by preventing the inclusion twice of interest and dividends from state and other political subdivision securities and from regulated investment companies exempt from federal tax. The Act is retroactive to January 1, 1988, for tax years beginning on or after that date.

#### H.F. 2458

BY COMMITTEE ON WAYS AND MEANS. Exempts forty percent of the purchase price of a modular home from the state sales and use tax which is the same percentage as is exempt from the purchase price of a mobile home.

#### H.F. 2459

BY COMMITTEE ON WAYS AND MEANS. Imposes the state sales tax on sales of tangible personal property solicited by advertising that is broadcast or transmitted from a location within this state, solicited by mail or otherwise, made by a retailer owned or controlled by the same interests as any other retailer engaged in business in this state, or made by a retailer that maintains or has a franchisee or licensee operating under the retailer's trade name in this state that is required to collect sales tax. Revenues collected as a result of the sales tax imposed by this Act are to be deposited into a special general fund account to implement generally accepted accounting principles by the state. The local option sales tax does not apply to sales on which tax is imposed only as a result of this bill.

#### H.F. 2474 VETOED BY THE GOVERNOR.

BY COMMITTEE ON WAYS AND MEANS. Subjects any financial institution with an office and employees within Iowa and doing business within Iowa to the state franchise tax, including state banks, savings banks, and savings and loan associations chartered by other states and the national banking association regardless of the fact that the national banking association does not have its principal office in Iowa as was previously required. The Act restricts the authority of financial institutions to establish satellite terminals at retail sales locations only if the terminals are not designed or operated to accept deposits or to dispense script or other negotiable instruments, except cash; are utilized for making payments for goods or services purchased at retail at the location of the terminal; and are situated in retail sales locations located in the city, county, adjacent municipal corporation, or unincorporated area of the county where the financial institution controlling the terminal has its principal office. The Act is retroactive to January 1, 1988, for the years beginning on or after that date.

## COURTS AND JUDICIAL PROCEEDINGS

Legislation relating generally to the courts and judicial proceedings enacted by the Seventy-second General Assembly in its 1988 Session covered a range of issues. Major issues addressed included the detention of juveniles in adult facilities, collection of child support payments, and reorganization of public defender offices.

Legislation was passed providing for the detention of juveniles in facilities intended for the detention of adults under certain circumstances, and for the issuance of citations to juveniles in lieu of arrest (H.F. 2278). Duties involving the collection and distribution of child support payments were reassigned and divided between the Department of Human Services' Collection Services Center and the district court clerks. This enactment negates a portion of the change made during the 1987 Session when all of these duties were transferred to the Collection Services Center. Legislation effectuating the consolidation of the state appellate defender's office and public defenders' offices under a State Public Defender Office established within the Department of Inspections and Appeals was enacted (S.F. 2304).

Acts affecting many other areas including probate, evidence, appearance bonds, filing and service fees, destruction of court reporters notes, disposal of abandoned property, court procedures, and bankruptcy were also enacted. Probate legislation includes the granting of power to a conservator of a surviving spouse to make an election to take, or refuse to take, under a will or to occupy the homestead on behalf of the surviving spouse, as deemed appropriate by the court (H.F. 2123); and authorization of a beneficiary who is also a fiduciary with the power to distribute any property, interest, or right to designated beneficiaries, to disclaim any property, interest, or right if the power to distribute is subject to an ascertainable standard.

Legislation concerning evidentiary matters includes a provision that a report or finding of the State Criminalistics Laboratory is admissible as evidence in a civil proceeding in the same manner as if the person who performed the test or analysis had testified in person (S.F. 2256), and requiring the Department of Public Safety to prepare a study concerning the establishment of a physical criminal evidence registry which shall examine the use of genetic profiling techniques in criminal identification (S.F. 2307).

Legislation affecting criminal bonds, and service and filing fees includes a provision that the clerk of the district court is to return an appearance bond to the person who deposited the amount with the clerk upon the performance of the required appearance (S.F. 2020); a provision that an agent for a surety company must be a resident of this state to be qualified to act on behalf of the surety company for purposes of providing bonds or bail in criminal cases (S.F. 2064); a provision that a judgment of foreclosure filed by the clerk with the recorder shall be filed without fee (S.F. 2142); a provision that a

sheriff may refuse to serve any legal process in a civil action until any fees or estimated mileage due for service have been paid (S.F. 2331); and an Act increasing certain court filing fees (H.F. 2428).

Other miscellaneous legislation includes provisions that allow court reporters' notes and transcripts relating to civil and criminal cases to be destroyed ten years after final disposition of a case or after dismissal of all charges or expiration of all sentences (S.F. 2258), create a judicially supervised method for disposing of abandoned personal property as an alternative to the present provision for disposal by sheriff's sale (S.F. 2259), and that provide for a juvenile court judge's review of a referee's order, finding, or decision to be on the record only.

## COURTS AND JUDICIAL PROCEEDINGS

### S.F. 201

BY COMMITTEE ON STATE GOVERNMENT. Allows the Senate to require proof that gubernatorial appointees who are subject to Senate confirmation have filed federal and state income tax returns for the three years preceding their appointment.

The Act also permits the Senate to examine records pertinent to a disciplinary action taken by a board, commission, council or other body in a contested case against a person who has been appointed by the Governor to serve on that board or other body. Such records must be made available to the Senate committee to which the appointment is referred at the committee's request before a confirmation vote is taken on the person's appointment to the board or other body.

The records must be kept confidential. They are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee unless otherwise provided by law.

### S.F. 484

BY COMMITTEE ON COMMERCE. VETOED BY GOVERNOR. The Act would have provided for the creation of a patient catastrophic injury fund for health care providers and hospitals to be used for the payment of compensation to parties injured as a result of acts of medical malpractice. The fund would have been liable for amounts awarded in excess of \$500,000 but not exceeding \$5,000,000.

The Act would have established certain reporting requirements for insurance companies regarding claims involving medical malpractice. A mediation system would have been established to assist in the resolution of disputes involving alleged acts of medical malpractice. Reporting requirements for health care providers regarding acts which may constitute medical malpractice would have been established.

Authorization to the Insurance Commissioner to establish a system of regional pricing of insurance would have been given and a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of health care to all citizens would have been established.

The Act would have also established a study to determine where the state is experiencing a shortage of needed medical services.

### S.J.R. 2006

BY COMMITTEE ON JUDICIARY. Nullifies an administrative rule of the Department of Human Services, I.A.C. 441-175.15, which relates to the correction or expungement of information in the possession of the Department concerning a case of alleged child abuse.

### S.F. 2020

BY HORN. Provides that the clerk of the district court is to return an appearance bond to the person who deposited the amount with the clerk upon the performance of the required appearance. Current law provides that the deposited amount is to be returned

### S.F. 2062

BY COMMITTEE ON JUDICIARY. Provides that the board of supervisors may appoint and compensate an acting county attorney, in the absence, sickness, or disability of the county attorney and the assistant county attorneys, to perform any legal duties for county officers and employees related to their official business. In addition, an acting county attorney appearing before a juvenile court referee or a judicial hospitalization referee shall be compensated at a rate approved by the judge who appointed the referee.

### S.F. 2063

BY COMMITTEE ON JUDICIARY. Reenacts section 602.6405, subsection 1, as amended by House File 2472, 1984 Session, and House File 318, 1987 Session. The reenactment was made necessary because the change made by House File 2472 was declared void by a 1987 Iowa Supreme Court decision. The Supreme Court affirmed a district court decision which held that the change contained in House File 2472, violated the single subject, sufficiency of title provision of the Iowa Constitution. The bill removes magistrates' jurisdiction over first offense drunk driving violations.

### S.F. 2064

BY COMMITTEE ON JUDICIARY. Provides that an agent for a surety company must be a resident of this state to be qualified to act on behalf of the surety company for purposes of providing bonds or bail in criminal cases.



S.F. 2142

BY COMMITTEE ON JUDICIARY. Provides that a judgment of foreclosure filed by the clerk with the recorder shall be filed without a fee.

S.F. 2256

BY COMMITTEE ON JUDICIARY. Provides that a report or the findings of the state criminalistics laboratory is admissible as evidence in a civil proceeding in the same manner as if the person who performed the test or analysis had testified in person. The evidence is allowed in a civil proceeding in the same manner as is currently allowed in a criminal proceeding, preliminary hearing, grand jury proceeding, administrative hearing, and forfeiture proceeding without establishing a foundation for the evidence as currently required. A party may require an employee or technician to testify in person pursuant to subpoena.

S.F. 2257

BY JUDICIARY COMMITTEE. Provides that members of the state judicial nominating commission and district judicial nominating commissions are entitled to be reimbursed for actual and necessary expenses incurred for each day spent attending commission meetings or training sessions.

S.F. 2258

BY COMMITTEE ON JUDICIARY. Provides that court reporters' notes and transcripts relating to civil and criminal cases may be destroyed ten years after final disposition of a case or after dismissal of all charges or expiration of all sentences. Current law provides that these notes may not be destroyed until forty years after final disposition of the case. Dockets are not to be destroyed until after they are reproduced under section 602.8103, subsection 2.

S.F. 2259

BY COMMITTEE ON JUDICIARY. Provides a judicially supervised method for disposing of abandoned personal property in new chapter 562C, as an alternative to the present provision for disposal by sheriff's sale. "Personal property" is defined to include personal property of a mobile home

owner in the abandoned mobile home, on the mobile home lot, in the immediate vicinity of the abandoned mobile home and the mobile home lot, and in any storage area provided by the real property owner for use by the mobile home owner.

#### S.F. 2281

BY COMMITTEE ON JUDICIARY. Relates to the garnishment of earnings. The Act allows notice of the garnishment on earnings owed to the defendant by the garnishee to be delivered to the defendant by the garnishee with the remainder of, or in lieu of, the defendant's earnings.

#### S.F. 2304

BY COMMITTEE ON JUDICIARY. Provides for the consolidation of the state appellate defender's office and public defenders' offices under a state public defender within the Department of Inspections and Appeals. The state public defender is given the authority to establish or abolish a local public defender office. The local public defenders are to represent without fee, indigent persons under arrest or charged with a crime upon the request of an indigent person or if the court so orders, and represent without fee and upon court order, indigent parties in child in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232. Certain sections took effect upon their enactment.

#### S.F. 2306

BY COMMITTEE ON JUDICIARY. Provides that a juvenile court judge's review of a referee's order, finding, or decision is on the record only, and strikes language providing that the judge, upon request of a party or upon the judge's own motion, may order otherwise.

#### S.F. 2307

BY COMMITTEE ON JUDICIARY. Directs the Department of Public Safety to prepare a study concerning the establishment of a physical criminal evidence registry which shall examine the use of genetic profiling techniques in criminal identification. The study is to be submitted to the Governor and the General Assembly no later than January 1, 1990.

### S.F. 2331

BY COMMITTEE ON WAYS AND MEANS. Provides that a sheriff may refuse to serve any legal process (currently may refuse to serve only original notices) in a civil action until any fees or estimated mileage due for service have been paid. Also provides that a plaintiff or attorney having an execution issued to a sheriff for levy must communicate written instructions to the sheriff concerning the levy before the sheriff is obligated to perform. It is further provided that fees do not have to be collected in advance when orders, judgments, or decrees of a court are to be entered or performed in divorce-related matters including child support, temporary custody, restraining orders, and writs of habeus corpus.

### H.F. 209

BY BRAMMER. Applies the statutory provisions relating to the arrest of domestic abuse offenders to persons violating protective orders or orders to vacate the homestead issued pursuant to chapter 598, the dissolution of marriage chapter. The Act was subsequently repealed by House File 2452, as the Act's provisions were enacted by 1987 Iowa Acts, chapter 154 (House File 591).

### H.F. 649

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Revises provisions setting forth the property of a debtor which is exempt from execution and attachment, with emphasis on insurance. A \$10,000 limit is placed on the exemption for life insurance acquired within the preceding two years. This life insurance limit applies to interests acquired on or after January 1, 1988. The Act consolidates several other provisions relating to exemptions for the proceeds of insurance policies, including those payable upon the death of the insured. It retains the \$15,000 limit on exemptions of the avails of all matured policies of life, accident, health, or disability insurance payable to the surviving spouse from liability for the debts of the insured.

The Act adds a specific exemption for the debtor's interest in a wedding or engagement ring and another for up to \$100 in cash, bank deposits, or other personal property. Several provisions limiting the value of a particular item within an aggregate limit are deleted.

#### H.F. 666

BY COMMITTEE ON WAYS AND MEANS. Provides that the homestead tax credit claim need not be refiled when the property is transferred to one spouse or the other when a dissolution of the marriage occurs. It also provides that property divisions made upon a judgment of annulment, dissolution, or separate maintenance under chapter 598 shall not be modified.

#### H.F. 2117

BY SWARTZ. Provides that either party to a marriage may request, as a part of the decree of dissolution or decree of annulment, a change in the person's name to either that which appears on the person's birth certificate or to the name the person had immediately prior to the marriage.

#### H.F. 2123

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Effectuates several changes in Iowa's Probate Code relating to the power of a conservator to act on behalf of a surviving spouse and the share of a child born or adopted after the execution of the will of a testator. An election to take, or refuse to take, under a will or to occupy the homestead by a surviving spouse who has a conservator, may be made by the conservator as deemed appropriate by the court. The requirement under current law, that an application to have the share of a surviving spouse set off must be made within four months after the second publication of notice of probate or within one month after the election to take against the will is filed with the clerk, is eliminated. A child born or adopted after the execution of the testator's last will is to receive a share of the estate equal to the share the child would have received had the testator died without a will.

#### H.F. 2166

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Authorizes a beneficiary, who is also a fiduciary with the power to distribute any property, interest, or right to designated beneficiaries, to disclaim any property, interest, or right if the power to distribute is subject to an ascertainable standard. Current code language is also stricken which denies the fiduciary, who is also a beneficiary, the discretionary power to direct the enjoyment of any disclaimed property, interest, or right.

## H.F. 2247

BY HOLVECK. Provides that a person making a report or statement to the Division of Job Service of the Department of Employment Services during a proceeding to determine unemployment benefits is not liable for slander or libel as a result of that report or statement unless the report or statement is made with malice.

## H.F. 2278

BY COMMITTEE ON HUMAN RESOURCES. Provides for the detention of juveniles in facilities intended for the detention of adults under certain circumstances and for the issuance of citations to juveniles in lieu of a warrantless arrest. A child may be placed in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed an act which if committed by an adult would be a felony, an aggravated misdemeanor under section 708.2 (assault) or section 709.11 (assault with intent to commit sexual abuse), a serious or aggravated misdemeanor under 321J.2 (operating a motor vehicle while intoxicated), or for a violation of 123.46 (public intoxication or consumption of alcoholic beverage in public place not covered by liquor license). Current law only provides for the detention of a juvenile in such a facility in the event the act would be a felony if committed by an adult.

The minimum age for holding a juvenile in a facility intended or used for the detention of adults is reduced from sixteen to fourteen. However, a juvenile may only be detained in such a facility for a violation of section 123.46 or section 321J.2 after an attempt has been made to notify the parents or legal guardians of the juvenile and request that they take custody of the juvenile. If the parents or legal guardians of the juvenile cannot be contacted or refuse to take custody, an attempt must be made to place the juvenile in another facility, and the juvenile may only be detained in a facility with adequate staff to provide continuous visual supervision of a juvenile detained for a violation of section 123.46 or section 321J.2.

A person arrested who is eighteen years of age or older and who is charged with committing an offense prior to having reached the age of eighteen, is under the jurisdiction of the criminal court, but may be transferred to the jurisdiction of the juvenile court for disposition of the case upon the motion of the defendant or the county attorney.

A peace officer shall issue a citation to a person who is under eighteen years of age in lieu of making a warrantless arrest for allegedly committing certain simple misdemeanors specified under section 805.16 or a local ordinance not subject to the jurisdiction of the court. That person may be detained by the peace officer in nonsecure custody, as defined in the legislation, for refusing to sign the citation, refusing to provide proper identification, continuing to engage in the conduct for which the citation is issued, or if

the person constitutes an immediate threat to the person's own safety or the safety of others.

#### H.F. 2371

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes the director of each judicial district department of correctional services to invest funds of the district not currently needed, jointly with one or more city, county, or city utility pursuant to a joint investment agreement.

#### H.F. 2384

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Provides that an officer bound to levy an execution on any personal property of a defendant must promptly serve written notice of the levy on the defendant in same manner as provided for original notice under the Rules of Civil Procedure.

#### H.F. 2407

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act revises two related funds under the authority of the Iowa Housing Finance Authority. The title guaranty program is modified by removing mortgage lenders from the group of eligible participants. Under the Act, only abstractors and attorneys may participate. The fee paid by title guaranty participants is made discretionary with the Housing Finance Authority. The Act also modifies the authorized uses for surplus funds in the title guaranty fund after providing for adequate reserves and operating expenses. Currently, surpluses are deposited into the commitment costs fund, which the Act renames the housing program fund. The authorized purposes for using the surplus moneys in the fund are broadened. The fund already covered initial commitment costs of the authority's bond issues to ensure statewide access to funds for first time home buyers. The following additional purposes are authorized: the homeless grant program; the home maintenance and repair program; the rental rehabilitation program; and the home ownership incentive program, all under section 220.100.

#### H.F. 2428

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Increases certain court filing fees including the filing fee for a petition, appeal, or writ of error, other than for certain petitions for modification of a dissolution decree from \$35 to \$45, and the docket fee for a small claims action is increased from \$11 to \$15; and probate fees including the fee for taking and approving a bond, or

the sureties on a bond from \$2 to \$20, the fee for entering a rule or order from \$1 to \$10, and the fee for certificate and seal from \$2 to \$20. The increased revenue from the fees is to be deposited in the state general fund.

#### H.F. 2452

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Provides for the transfer of duties involving the collection and distribution of child support payments. Cases would be transferred between the Department of Human Services' Collection Services Center and the district court clerks. Cases involving support payments related to Title IV-D of the federal Social Security Act will be handled by the Department with all other cases being handled by the appropriate district court clerk.

The Collection Services Center and the Judicial Department are to submit a report regarding the activities of the Center and the clerks, including the time required between the time a payment is received and the time funds are distributed to a recipient, and the number, nature, and frequency of complaints regarding the operation of each. An advisory committee to advise the departments regarding modifications of the system for processing payments of support and to review complaints concerning this system. All duties of the Department of Human Services relating to the collection and disbursement of support payments by the Collection Services Center are to be transferred to the clerks of the district court by July 1, 1990, if further action is not taken by the General Assembly.

Appropriations are made to the Collection Services Center and the Judicial Department for the collection and disbursement of support payments. The Judicial Department is to provide for the automated access of data and automated transfers of moneys necessary for the Child Support Recovery Unit of the Department of Human Services to carry out it's duties.

## CRIMINAL JUSTICE

Legislation affecting the area of criminal justice touched on a broad range of categories which can be classified as follows: criminal corrections, including inmate work programs; criminal proceedings; sentencing and detention; public safety; fines and penalties; consumer protection; and privacy and personal rights.

The category of criminal corrections is the subject of a number of Acts, the most comprehensive of which is H.F. 2369 which revises the duties and authority of the Board of Parole, and also makes substantial revision to the procedure to be followed by the Board of Parole in carrying out its duties. Senate File 173 directs the Department of Corrections to reallocate funds among the judicial districts to ensure proper allocation of staff and proper funding for post institutional services and programs. It also reorders the priority for deductions a district department of correctional services is required to take from the earnings of a resident at one of its treatment centers to satisfy the resident's legal obligations. Inmate work programs received attention in a number of Acts including: H.F. 2263 which revises the proper use of and manner of payment from the Iowa State Industries revolving fund by Iowa State Industries; H.F. 2233 which consolidates two sections by providing authority for inmate work programs as well as designating inmates on work assignments as state employees for the purpose of workers' compensation; and H.F. 2262 which provides procedures to allow the certification of Prison Industries for cooperative public-private production agreements as allowed under federal law. In an Act relating to the category of sentencing and detention, H.F. 2088 specifies that a person sentenced to a county jail may receive a sentence to accommodate the person's work schedule provided that a deduction from the person's wages for board and meals at the county jail are secondary in priority to any court-ordered child support obligations.

Under the category of sentencing and detention, H.F. 2278 provides circumstances under which a juvenile may be detained in a facility intended for detention of adults, circumstances under which a person eighteen years of age or older may be remanded to the juvenile court for a criminal offense committed by the person when under the age of eighteen, and circumstances under which a peace officer may issue a citation to a juvenile in lieu of arrest and detain the juvenile if the juvenile fails to cooperate with the officer. The judicial sentencing options of deferred judgement, deferred sentence, and suspended sentence, are defined and distinguished in H.F. 2412, and the Act also allows the court to require a person convicted of OWI to install an ignition interlock device in the person's motor vehicles to prevent the person from operating the motor vehicle while under the influence of alcohol.

Two major Acts affect the category of public safety. House File 185, also known as the Paramilitary Act, bans any conspiracy for, or the teaching and instruction in, techniques for causing bodily injury or property damage for the purpose of interfering with another person's civil rights. Senate File



2246 revises the penalties and fines for water pollution and hazardous waste disposal violations and creates a new Chapter 716B to provide fines and imprisonment for persons who improperly transport, store, treat, or dispose of hazardous waste. Other Acts revise the definition of disorderly conduct (S.F. 2091) and make certain changes to the criminal law regarding knives.

Senate File 2017 revises the law regarding handicapped parking spaces and handicapped identification devices and increases the fine for the improper use of a handicapped parking space or identification device. Senate File 2031 provides a criminal penalty for a person designated to report a precinct caucus result who willfully falsifies the report. House File 209 applies the statutory provisions relating to the arrest of domestic abuse offenders to persons violating protective orders or orders to vacate the homestead issued pursuant to a divorce decree. House File 2462 provides criminal penalties for persons who fail to comply with its requirements for licensing dogs.

There are a number of Acts affecting criminal proceedings. Senate File 2063 removes magistrates' jurisdiction over first offense OWI violations. Senate File 2304 provides for the consolidation of the State Appellate Defender's Office and the public defender's offices under a State Public Defender. A report of the findings of the State Criminalistics Laboratory is admissible as evidence in a civil proceeding as if the person who performed the test or analysis had testified in person (S.F. 2256), and the Department of Public Safety is directed to prepare a study concerning the establishment of a physical criminal evidence registry using genetic profiling techniques for criminal identification (S.F. 2307).

House File 2336 expands the provision protecting the confidentiality of library records and extends the protection to the records kept by video rental businesses. House File 650 provides that violations of compulsory education statutes are punishable by requiring unpaid community service from the violator instead of a fine or imprisonment and prosecution of a parent or guardian violator is deferred until July 1, 1989.

Under consumer protection, S.F. 2011 provides criminal sanctions and injunctive relief against a person selling meat or poultry without complying with the meat and poultry inspection requirements under Chapter 189A. Senate File 2285 revises the laws relating to motor vehicle fraud, certificates of title, and wrecked and salvaged vehicles to provide better notice to consumers of the history and condition of rebuilt vehicles and to make it more difficult to "launder" an out-of-state motor vehicle title in Iowa and to make it easier to detect stolen parts used to repair motor vehicles.

## CRIMINAL JUSTICE

### S.F. 173

BY MURPHY. Directs the Department of Corrections on matters regarding the allocation of funds under the Department's control. The deputy director of the Department of Corrections who is responsible for community-based correctional programs is required to reallocate funds among the judicial districts as necessary to ensure equitable allocation of staff and to properly fund postinstitutional services and programs. The Act requires the deputy director responsible for community-based correctional programs to participate in long-range correctional planning and the on-going five-year correctional plan. The Act also reorders the priority for deductions a district department of correctional services is required to take from the earnings of a resident at a treatment center operated by the district department to satisfy the residents' legal obligations by making the obligation for child support the top priority.

### S.F. 356

BY MURPHY. Redefines "food establishment" and "farmers market" under the food establishments chapter, and provides for exemptions from certain requirements of the food establishments chapter for the purposes of regulation of such establishments. The Act also establishes a new chapter, 170C, for the purpose of regulating home food establishments as defined in the new chapter. The new chapter establishes licensure and inspection provisions; provides a penalty of a simple misdemeanor for a violation of a provision of the chapter; provides for injunctive relief and for enforcement of the chapter by the county attorney of each county; and provides that if a provision of the chapter is in conflict with the state building code, the provisions of the chapter do not apply if the State Building Code has been adopted or when the State Building Code applies throughout the state.

### S.J.R. 2006

BY COMMITTEE ON JUDICIARY. Nullifies an administrative rule of the Department of Human Services, I.A.C. 441-175.15, which relates to the correction or expungement of information in the possession of the Department concerning a case of alleged child abuse.

### S.F. 2011

BY TIEDEN. Provides that a person is guilty of a fraudulent practice if the person introduces an article of meat or poultry capable of use as human food

into intrastate commerce without complying with requirements related to meat and poultry inspection under chapter 189A. Authority is provided to a district court to enjoin a person from acting in violation of the chapter. The Department of Agriculture and Land Stewardship may apply to enjoin a violator without having to post bond or prove an adequate remedy exists at law.

## S.F. 2017

BY HOLDEN. Contains several provisions relating to handicapped parking. The Act makes it easier for permanently handicapped persons to renew their handicapped identification plates by not requiring proof of the permanent handicap when renewing the plates.

The Act makes it easier for persons to differentiate between permanent handicapped identification devices and temporary handicapped identification devices (which expire after a certain date). The temporary handicapped identification devices and stickers are required to be of a distinctively different color from the permanent handicapped identification devices and stickers. Also the expiration dates and identification numbers on all handicapped identification devices are to be of sufficient size to be readable from outside the motor vehicle. These provisions take effect January 1, 1989.

Cities and other political subdivisions which provide on-street parking areas or off-street parking facilities are required to provide more handicapped parking spaces. Under current law they are required to provide at least 0.6% of the metered parking spaces as handicapped parking spaces. Under the Act they are also required to provide at least 0.6% of the marked parking spaces as handicapped parking spaces.

In an effort to cut down on some of the abuses of the handicapped identification devices, these devices (other than plates and plate stickers) are to be displayed only while the vehicle is parked or in transit in connection with a trip providing transportation service for handicapped persons.

The Act requires counties to provide handicapped parking signs at cost to persons who own or lease real property outside the corporate limits and who are required to provide handicapped parking spaces.

The Act requires handicapped parking signs to be affixed to a pole or affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the handicapped parking space. The handicapped parking space is not to be designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space.

The fine for improper use of a handicapped parking space or handicapped identification device was raised from \$15 plus surcharges and costs, to \$25 plus surcharges and costs.

Except as otherwise noted, the Act takes effect July 1, 1988.

#### S.F. 2020

BY HORN. Provides that the clerk of the district court is to return an appearance bond to the person who deposited the amount with the clerk upon the performance of the required appearance. Current law provides that the deposited amount is to be returned to the defendant.

#### S.F. 2031

BY COMMITTEE ON STATE GOVERNMENT. Relates to the reporting of results of a precinct caucus which is part of the presidential nominating process. The Act provides that each candidate may have an observer to assure accurate reporting. A criminal provision is added to specify that if a person who is designated to report precinct caucus results willfully falsifies the report, the person commits a simple misdemeanor.

#### S.F. 2063

BY COMMITTEE ON JUDICIARY. Reenacts section 602.6405, subsection 1, as amended by House File 2472, 1984 Session, and House File 318, 1987 Session. The reenactment was made necessary because the change made by House File 2472 was declared void by a 1987 Iowa Supreme Court decision. The Supreme Court affirmed a district court decision which held that the change contained in House File 2472, violated the single subject, sufficiency of title provision of the Iowa Constitution. The Act removes magistrates' jurisdiction over first offense drunk driving violations.

#### S.F. 2064

BY COMMITTEE ON JUDICIARY. Provides that an agent for a surety company must be a resident of this state to be qualified to act on behalf of the surety company for purposes of providing bonds or bail in criminal cases.

### S.F. 2091

BY COMMITTEE ON JUDICIARY. Relates to the offense of disorderly conduct by changing an element of the offense from a loud and raucous noise in the "vicinity of a residence or hospital" to "vicinity of a residence or public building".

### S.F. 2216

BY COMMITTEE ON TRANSPORTATION. Provides that the State Fair Board may make an agreement with the Department of Public Safety to provide security during the annual State Fair and interim events. Prior law provided that the agreement be with the Iowa Highway Safety Patrol.

### S.F. 2246

BY COMMITTEE ON ENVIRONMENT AND ENERGY UTILITIES. Relates to the penalties for water pollution and hazardous waste disposal. The Act provides that civil penalties may be assessed in addition to, rather than as an alternative to, any criminal penalty for the violation of waste disposal and treatment standards or for introducing a pollutant or hazardous substance into a sewer system or public treatment works. The Act increases criminal fines for such negligent or knowing violations and includes imprisonment of violators as a punishment as well as the fines.

Because implementation of sections 455B.411 through 455B.421, relating to the disposal and management of hazardous waste and substances, has been partially suspended by the General Assembly due to the lack of funds for the program, the Act creates a new Chapter tentatively numbered 716B to provide criminal penalties in the form of fines and imprisonment for persons who improperly transport, store, treat, or dispose of hazardous waste. The Act vests responsibility for enforcement of the law in the Attorney General or the county attorney of the county in which the violation takes place.

### S.F. 2256

BY COMMITTEE ON JUDICIARY. Provides that a report or the findings of the state criminalistics laboratory are admissible as evidence in a civil proceeding in the same manner as if the person who performed the test or analysis had testified in person. The evidence is allowed in a civil proceeding in the same manner as is currently allowed in a criminal proceeding, preliminary hearing, grand jury proceeding, administrative hearing, and forfeiture proceeding without establishing a foundation for the evidence as currently required. A party may require an employee or technician to testify in person pursuant to subpoena.

### S.F. 2285

BY COMMITTEE ON TRANSPORTATION. Relates to laws concerning motor vehicle fraud, certificates of title, and wrecked and salvage vehicles. The Act transfers funds collected from the enforcement of motor vehicle fraud laws from the Department of Transportation to the Department of Justice and expands the scope of laws to be enforced from the state and federal odometer laws to motor vehicle fraud law enforcement in general. The Act makes it more difficult to "launder" an out of state motor vehicle title in Iowa by requiring that newly issued Iowa certificates of title reflect the name of the state and the classification of the title (salvage, wrecked, junking) on the previous certificate of title. It also prohibits the issuance of any other title than a junking title for a vehicle with major damage to four or more component parts. Beginning September 1, 1988, if a wrecked or salvaged vehicle has been repaired, it is eligible for a regular certificate of title with the word "REBUILT" stamped on the title, however, a regular title may be issued if a peace officer conducts a component part review under rules adopted by the Department of Transportation. A repaired salvage vehicle is also required to undergo a salvage theft examination by a qualified peace officer and "rebuilt" vehicles will have that designation permanently attached to the driver's doorjamb or other area of the vehicle. Penalties are included for removal of the rebuilt identification.

### S.F. 2304

BY COMMITTEE ON JUDICIARY. Provides for the consolidation of the state appellate defender's office and public defenders' offices under a state public defender within the Department of Inspections and Appeals. The state public defender is given the authority to establish or abolish a local public defender office. The local public defenders are to represent without fee, indigent persons under arrest or charged with a crime upon the request of an indigent person or if the court so orders, and represent without fee and upon court order, indigent parties in child in need of assistance, delinquency, and termination of parental rights proceedings pursuant to Chapter 232 (Juvenile Justice). Certain sections took effect upon their enactment.

### S.F. 2307

BY COMMITTEE ON JUDICIARY. Directs the Department of Public Safety to prepare a study concerning the establishment of a physical criminal evidence registry which shall examine the use of genetic profiling techniques in criminal identification. The study is to be submitted to the Governor and the General Assembly no later than January 1, 1990.

### H.F. 185

BY RUNNING. Relates to violations of a person's civil rights. Provides that a person who conspires to injure or interfere with another person's civil rights and assembles with one or more persons for the purpose of teaching or being instructed in techniques for causing damage or bodily injury in furtherance of the conspiracy is guilty of a class "D" felony. Exceptions are made for the lawful teaching of self defense techniques and the lawful activities of law enforcement and military personnel. The Act also provides that a crime committed because of the victim's race, color, religion, national origin, political affiliation, or sex shall be considered an aggravating circumstance when sentence is imposed.

### H.F. 209

BY BRAMMER. Applies the statutory provisions relating to the arrest of domestic abuse offenders to persons violating protective orders or orders to vacate the homestead issued pursuant to Chapter 598 (dissolution of marriage). The Act was subsequently repealed by House File 2452, as the Act's provisions were enacted by 1987 Iowa Acts, Chapter 154 (House File 591).

### H.F. 498

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Makes certain changes to the criminal law regarding knives. Provides that a switchblade knife and a knife with a blade exceeding five inches in length are dangerous weapons. The Act classifies a ballistic knife as an offensive weapon. The Act also provides penalties for carrying a knife on or about a person's body which vary according to the criminal use of and the length of the knife.

### H.F. 650

BY COMMITTEE ON EDUCATION. The contents of this bill originated in House File 2378. The Act strikes the school start language from section 299.1 and places it in section 279.10, which relates to school starting dates. A distribution of attendance requirement is added to the attendance mandate of one hundred and twenty days. "Private instruction reporting requirements" is defined to include texts used, subjects covered, and time spent on the areas of study and sets a date certain for filing of reports.

A major change made in Chapter 299, the compulsory education Chapter, provides that criminal violations under Chapter 299 are punishable by performance of forty hours of unpaid community service instead of a fine or imprisonment. The Act defers prosecution of a parent, guardian, or custodian who has violated Chapter 299 until July 1, 1989, if the person has met the reporting

requirements of section 299.4. Private instructors are required under section 299.1 to provide evidence of immunizations of their pupils and to report child abuse pursuant to section 232.69. The Act also provides for an interim study of truancy, equivalent instruction, and alternative schooling.

#### H.F. 2088

BY SVOBODA. Specifies that persons sentenced to a county jail may receive a sentence to accommodate the person's work schedule. The Act also specifies that a deduction from the person's wages for board and meals at the county jail comes after deductions to satisfy any court-ordered child support obligations.

#### H.F. 2127

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act prohibits a person or retailer from requiring a credit card number as a condition of accepting a check or share draft. Recording a credit card number or expiration date in connection with a payment for goods or services by check or share draft, or in connection with the acceptance of a check or share draft, is made a simple misdemeanor, punishable by a hundred dollar fine or thirty days in jail. A person is still permitted to request display of a credit card as an indicia of credit worthiness and financial responsibility or as additional identification, but the only information concerning a credit card which may be recorded is the type of credit card displayed and its issuer. This Act also does not prohibit use of a credit card number and expiration date in lieu of a deposit to secure payment in event of default, loss, or damage.

#### H.F. 2233

BY SPEAR. Relates to inmate work programs at state correctional institutions. The Act provides that inmates on work assignments are considered employees of the state for purposes of workers' compensation. The Act consolidates portions of two Code sections which provide authority for inmate work programs and maintains authority to assign inmates to work for charitable facilities as well as at state, county, or local government facilities.

#### H.F. 2262

BY COMMITTEE ON HUMAN RESOURCES. Provides that certain amounts may be deducted from an inmate's allowance and paid to the Director of Public Safety thereby allowing the certification of Prison Industries for cooperative public-private production agreements as provided for under federal law.



H.F. 2263

BY COMMITTEE ON HUMAN RESOURCES. Includes direct purchases by Iowa State Industries of capital items and raw materials used in manufacturing processes as proper uses of the Iowa State Industries revolving fund. The Act also provides that such payments are made directly to the vendors.

H.F. 2264

BY COMMITTEE ON HUMAN RESOURCES. Repeals a requirement that the Department of Corrections biennially prepare a report for submission to the Governor and the General Assembly relating to the management of the community-based corrections program and services.

H.F. 2265

BY COMMITTEE ON HUMAN RESOURCES. Relates to the contents of certain reports required to be filed by superintendents of correctional institutions with the Director of the Department of Corrections. The requirement that the annual report include a detailed inventory of supplies in hand is stricken and the requirement for a monthly report on the status of the contingency fund is stricken.

H.F. 2278

BY COMMITTEE ON HUMAN RESOURCES. Provides for the detention of juveniles in facilities intended for the detention of adults under certain circumstances and for the issuance of citations to juveniles in lieu of a warrantless arrest. A child may be placed in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed an act which if committed by an adult would be a felony, an aggravated misdemeanor under section 708.2 (assault) or section 709.11 (assault with intent to commit sexual abuse), a serious or aggravated misdemeanor under 321J.2 (operating a motor vehicle while intoxicated), or for a violation of 123.46 (public intoxication or consumption of alcoholic beverage in public place not covered by liquor license). Current law only provides for the detention of a juvenile in such a facility in the event the act would be a felony if committed by an adult.

The minimum age for holding a juvenile in a facility intended or used for the detention of adults is reduced from sixteen to fourteen. However, a juvenile may only be detained in such a facility for a violation of section 123.46 or section 321J.2 after an attempt has been made to notify the parents or legal

guardians of the juvenile and request that they take custody of the juvenile. If the parents or legal guardians of the juvenile cannot be contacted or refuse to take custody, an attempt must be made to place the juvenile in another facility, and the juvenile may only be detained in a facility with adequate staff to provide continuous visual supervision of a juvenile detained for a violation of section 123.46 or section 321J.2.

A person arrested who is eighteen years of age or older and who is charged with committing an offense prior to having reached the age of eighteen, is under the jurisdiction of the criminal court, but may be transferred to the jurisdiction of the juvenile court for disposition of the case upon the motion of the defendant or the county attorney.

A peace officer shall issue a citation to a person who is under eighteen years of age in lieu of making a warrantless arrest for allegedly committing certain simple misdemeanors specified under section 805.16 or a local ordinance not subject to the jurisdiction of the court. That person may be detained by the peace officer in nonsecure custody, as defined in the legislation, for refusing to sign the citation, refusing to provide proper identification, continuing to engage in the conduct for which the citation is issued, or if the person constitutes an immediate threat to the person's own safety or the safety of others.

#### H.F. 2336

BY COMMITTEE ON STATE GOVERNMENT. Amends the provision protecting the confidentiality of library records which would reveal the identity of the library patron making a particular request, so that the provision covers requests for information as well as for items.

The Act also contains a new provision protecting the confidentiality of similar records kept by persons engaged in the video rental business. Persons in the video rental business are prohibited from disclosing information which would reveal the identity of an individual obtaining a particular videotape, except with the individual's consent. However, the information could be released without such consent to a criminal justice agency pursuant to an investigation of a particular person or organization suspected of committing a known crime. The information could be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling. Violation of the video rental provision is a simple misdemeanor.

#### H.F. 2369

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Relates to corrections and the Board of Parole. Requires the Department of Corrections to arrange for the return of a work release client who escapes from the facility to which the

client is assigned. It provides a minimum sentence for felons with a record of a prior forcible felony. The Act provides that a single member of the Board of Parole can adjudicate parole revocation appeals and reviews or work release reviews, though an offender may request a three person board panel for a parole revocation appeal. The Board of Parole is empowered to decide what time on parole or work release is revoked. The Act also revises the process of parole revocation by allowing the introduction of newly discovered evidence that would indicate that parole should not have been granted and by providing for the appointment of parole revocation officers to relieve the Board of Parole from the duty of conducting parole revocation hearings.

#### H.F. 2412

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Relates to judicial sentencing options. The Act allows the court to require a person convicted of operating a motor vehicle while under the influence of alcohol to install an ignition interlock device in the person's motor vehicles to prevent the person from operating the motor vehicles while under the influence of alcohol. It also allows a person whose motor vehicle license is revoked for OWI, who is not otherwise eligible for a temporary license, to request a license conditioned on the installation of an ignition interlock device.

The Act provides definitions for "deferred judgment", "deferred sentence", and "suspended sentence", and clarifies the distinction between "deferred judgement" and "deferred sentence". It corrects references to the State Court Administrator. The Act also allows a defendant to complete some part or all of a community service obligation through the donation of property to a charitable organization.

#### H.F. 2462

BY COMMITTEE ON WAYS AND MEANS. Provides for the licensing of dogs with either the city in which the owner resides or the county if the owner does not reside in a city which requires the licensing of dogs. The annual license fee is set by the city or county, as applicable. The licensing requirement applies to dogs four months of age or older. The license application must be accompanied by evidence that the dog has been vaccinated against rabies. Procedures are also included to the issuance of duplicate tags and the transfer of licenses. Failure to comply with the licensing requirements is punishable by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

## ECONOMIC DEVELOPMENT

A number of bills were passed by the General Assembly to further economic development in the state and to focus state assistance in aid of economic development. House File 2396 provides for the creation of a small business finance corporation with 7 public officials and 5 shareholders as members of the board of directors. The corporation is to assist small businesses in their initial stages of development in acquiring the financial backing needed by providing letters of credit or guaranties, providing equity financing or direct loans, or underwriting the public offering of shares by the business. House File 2386 sought to focus the types of businesses to receive assistance under the CEBA account of the lottery fund and the RISE program by requiring that applications be considered on the basis of the impact the business will have on the state as a whole as well as on businesses in competition with it, the quality of jobs to be provided by the business, the tendency of the business to violate state or federal laws, and its willingness to give preference in hiring residents of the state or area in which it will locate. Senate File 2092 establishes a community and rural development loan program to assist political subdivisions and nonprofit development corporations in the financing of traditional and new infrastructure and housing for the low and moderate income.

Some of the other legislation involves the creation of a rural development coordinating committee and the office of rural resources coordinator to coordinate the administration of programs relating to rural development (H.F. 2346); the establishment, by the Department of Economic Development, of a program to assist low-income persons seeking to start up or expand small businesses by providing information about available assistance programs, evaluating business proposals, and completing business plans and applications for financial assistance (H.F. 2416); the creation of a revolving loan account for moneys to be used to support the small business new jobs training program which was originally supported by a loan from the state's permanent school fund and providing for the gradual repayment of the amount borrowed from that school fund (S.F. 2303); and the increase in the size of the Iowa Economic Development Board from 9 to 11 voting members and the redesignation of the 7 nonvoting members by designating as nonvoting members a president or the president's designee of a private college or university and a superintendent or the superintendent's designee of a merged area school in place of two of the president or their designees of the Board of Regents institutions (S.F. 2164).

A bill which did not pass this year, (H.F. 2382), would have established a program and administration designed to assist retraining of workers employed in businesses undergoing retooling.

Other significant measures relating to economic development are summarized under Acts contained in the appropriations section.

## ECONOMIC DEVELOPMENT

### S.F. 2092

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Establishes a community and rural development loan program (CORDLP) to be administered by the Finance Division of the Department of Economic Development and the Iowa Finance Authority. The program is established to provide low-interest loans to aid communities in maintaining or constructing traditional infrastructure such as sewer, water, roads, bridges, airports, and other "essential corporate purpose" projects; new infrastructure such as communications systems, technology access or transfer, health care, day care, special transportation services, physical improvements for historic, art or cultural sites, and other "general corporate purpose" projects; and housing for the low or moderate income. Moneys under CORDLP are to be allocated as follows: 55% for traditional and 15% for new infrastructure and 30% for housing with the housing moneys being reallocated if necessary to the infrastructure categories. The Iowa Finance Authority may issue its bonds for purposes of CORDLP. A revolving fund is established for CORDLP and one and one-half cents of the first five cents of tax received from the cigarette tax on each pack of cigarettes is to be deposited in the fund, if funds are not otherwise appropriated to the fund in any fiscal year. If the amount appropriated from other sources is less than \$4,000,000 or has been reduced below that amount, then the limit on the amount of cigarette tax revenues to go to the fund is the excess of \$4,000,000 over the amount appropriated, less any reduction. (Note: S.F. 2328 appropriated \$4,650,000 from the lottery fund.) CORDLP provisions are effective July 1, 1988.

The Act also establishes a state revolving loan fund to provide loans to municipalities for the construction of waste-water treatment systems, in order to satisfy the federal mandates in regard to the establishment of loan funds for receipt of federal dollars, which reflect the federal transition from grants to loans. The Department of Natural Resources is to continue the administration of project selection, review, and approval. An administration fund is also established. The Act provides for the issuance of bonds by the Iowa Finance Authority in order to provide for the payment of the twenty percent state matching funds required for federal funds received. The bonds would be retired by funds generated by repayment of the loans to municipalities. The bill provides that the Iowa Finance Authority is responsible for the management of all state and federal funds in the revolving loan fund established. The Department of Economic Development may coordinate with the Department of Natural Resources in providing assistance for wastewater treatment facilities under the two programs created in the Act. The wastewater treatment provisions are effective upon enactment.

The Governor item vetoed the following from CORDLP Provisions:

1. The earmarking of the first 1.5 cents from the cigarette tax to CORDLP's revolving loan fund.

2. The authorization for Iowa Finance Authority to issue bonds for CORDLP.

### S.F. 2164

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Changes the composition of the Iowa Economic Development Board in the Department of Economic Development. The number of voting members on the board is increased from nine to eleven, with the initial terms to expire respectively on April 30, 1990, and April 30, 1991. The membership of nonvoting members has also been modified. Three of the chairs on the board formerly filled by the presidents of the three Regents universities are to be filled as follows: one president of a Regents university appointed on a rotating basis by the State Board of Regents, one president of a private college or university appointed by the Iowa Association of Independent Colleges and Universities, and one superintendent of a merged area school appointed by the Iowa Association of Community College Presidents.

The Act also requires that the Board elect from its voting members a vice president who shall not be from the same political party as the chairperson of the Board.

### S.F. 2303

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Establishes a permanent school fund repayment account and revolving loan account within the Department of Economic Development for moneys used to support the small business new jobs training program originally supported by a loan from the state's permanent school fund, and provides for repayment to the permanent school fund. Also, approval by the Department is required for new job training projects developed by area schools.

### S.F. 2328

BY COMMITTEE ON APPROPRIATIONS. Sets the amounts of the appropriations for the 1988-1989 fiscal year from four accounts of the Iowa Plan Fund, where lottery revenues are deposited, as follows:

**JOBS NOW CAPITALS ACCOUNT:** Appropriates for the small business development centers (\$825,000); for the construction, equipment, renovation, and other costs associated with buildings in the capitol complex (\$1,500,000); for armory planning (\$50,000); for AFIS-fingerprint computer (\$250,000); for advertising for in-state and out-of-state tourism marketing and promotion (\$793,000); and for marketing and advertising contracts for out-of-state national marketing programs (\$1,207,000).

**JOBS NOW ACCOUNT.** Appropriates for the development and expansion of parks and other recreational areas (\$2,000,000); for welcome centers (\$700,000); for the Iowa product development corporation (\$1,250,000); for the community cultural

grants program (\$650,000); for satellite centers (\$935,000); for federal procurement offices (\$100,000); for Iowa Main Street program (\$393,000); for business incubators (\$250,000); for rural incubators (\$150,000); for rural development programs (\$80,000); for a summer jobs program for young adults (\$800,000); for the area school job training fund (\$750,000); for public/private partnerships to aid agricultural marketing (\$150,000); for area school equipment purchases (\$750,000); for labor management councils (\$100,000); for wool and sheep promotion (\$100,000); for a local economic development pilot project (\$50,000); for the water protection fund (\$500,000) [See H.F. 2381]; for the community and rural development loan program (\$4,650,000) [See S.F. 2092]; and for the business development finance corporation fund (\$4,650,000) [See H.F. 2396].

**EDUCATION AND AGRICULTURAL RESEARCH AND DEVELOPMENT ACCOUNT:** Maintains the appropriation for research and development at state colleges and universities (\$7,000,000) but out of this comes funds for the water research institute (\$150,000); for a patent depository library (\$40,000); for research to improve reproduction performance and disease resistance in swine (\$200,000); for establishment of three university and private industry research and development consortiums at Iowa State University, the University of Northern Iowa, and the University of Iowa (\$360,000); and for the decision-making institute and an economic development training program at the University of Northern Iowa (\$350,000). Unobligated lottery funds from the fiscal year beginning July 1, 1985 are transferred for purposes of the Iowa Peace Institute (\$250,000).

**COMMUNITY ECONOMIC BETTERMENT ACCOUNT:** Lowers the appropriation to \$4,650,000 with a provision that funds not needed for the Community and Rural Development Loan Program (up to \$1,000,000) or the business development finance corporation fund (up to \$3,000,000) may be transferred to this account. The Act restricts the use of the account to providing financial assistance for small business gap financing, new business opportunities, new product and entrepreneurial development, and comprehensive management assistance.

The Act also appropriates from the "Gamblers Anonymous" fund for reimbursing providers for material costs incurred in providing unit dose drug distribution systems in long-term care facilities (\$125,000) and provides for the establishment of research and development consortiums at Iowa State University, University of Northern Iowa, and the University of Iowa.

#### S.F. 2344

**BY COMMITTEE ON APPROPRIATIONS.** Appropriates \$65,000 from the General Fund to the Attorney General to provide legal assistance to the Department of Economic Development for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

### H.F. 2296

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Provides coverage under the Iowa Life and Health Guaranty Association to the holders of unallocated annuity contracts issued by insolvent insurers unless protected in certain instances under the Federal Pension Benefit Guarantee Corporation or issued in connection with certain structured settlements. A plan established under section 403(b) of the Internal Revenue Code is protected by the association's annuity account. Limits are set on the liability of the Association to the holder of an unallocated annuity account. The assessment of moneys is provided to fund certain accounts created to carry out the responsibilities of the Association.

### H.F. 2317

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Repeals the Iowa Venture Capital Investment Act which had been enacted July 1, 1986. The Act had authorized the Department of Economic Development to hold raffles to raise venture capital funds for use in the state but was determined to be unfeasible and never implemented.

### H.F. 2346

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Creates a Rural Development Coordinating Committee consisting of the Secretary of Agriculture, two persons belonging to associations interested in agriculture and appointed by the Secretary, a person appointed by the President of Iowa State University of Science and Technology, and three members of the Economic Development Board within the Department of Economic Development elected by the board. The Committee's purpose is to study the needs of rural communities, advise public and private agencies regarding methods to improve the effectiveness and availability of rural development programs, and to assist in the coordination of programs designed to foster rural development.

In addition, the Office of Rural Resources Coordinator is created within the Department of Economic Development. The Coordinator shall perform duties related to the evaluation and coordination of rural development programs and shall serve as secretary to the Rural Development Coordinating Committee.

### H.F. 2386

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Adds additional factors and requirements to be considered or applied in awarding state assistance under the CEBA (community economics betterment account of the lottery fund) and the RISE (revitalize Iowa's sound economy) funds. The factors and requirements include considering the impact the project to be assisted will have on competing businesses and the probability that workers will be displaced in those businesses; the economic impact to the state as a whole using such items



as consistency with state strategic plan, providing a greater diversification of the economy, high proportion of in-state suppliers, and fewer in-state competitors; the quality of jobs that will be provided with projects that will have wage scales substantially below that of businesses in the area being ranked the lowest; and the providing of a preference for hiring residents of the state or area by the business seeking assistance. In the case of CEBA, also look at S.F. 2328 for additional new factors and requirements.

#### H.F. 2396

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Provides for the incorporation of the Business Development Finance Corporation to provide financing for the promotion, development, and conduct of all kinds of small business activity in the state. The financial assistance will be provided from the capital of the Finance Corporation, loans made to it from members of the Corporation, and funds provided by the state. The capital of the Corporation is obtained by the sale of shares to financial and nonfinancial entities. Financial institutions, which include insurance companies and public and private pension funds, are the only entities that may become members of the Corporation and can commit themselves to making loans to it. The board of directors of the Corporation consists of twelve directors with seven representing the public and five representing the shareholders. The seven public directors are the directors of the Department of Economic Development and Iowa Finance Authority, president of the Iowa Product Development Corporation, the superintendents of Banking and Savings and Loans, the Commissioner of Insurance, and State Treasurer, or their designees. The Corporation will, by September 1, 1988, be incorporated and organized by the seven public directors. After sale of the Corporation stock the stockholders will elect the other five directors. The president of the Corporation is the head of the Finance Division of the Department of Economic Development. (Note: S.F. 2328 appropriated \$4.65 million dollars to the Corporation.)

#### H.F. 2416

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Provides that the Department of Economic Development shall establish, contingent upon the availability of funds, a program to assist low-income persons who are seeking to start up or expand small business ventures. The type of assistance provided includes furnishing information about available programs, evaluating business proposals, and completing business plans and applications for financial assistance under programs administered by the Department. The Act permits the Department to contract with public or private entities to provide the assistance.

## EDUCATION

The Second Session of the 72nd General Assembly was marked by no single theme in the education area. The topics of discussion and eventual subjects of legislation included the following: curricular requirements in the public schools; teacher and administrator certification; tuition assistance and state aid to post-secondary institutions; early childhood education; asbestos removal; reorganization, sharing, and open enrollment in the public schools; teacher clinical and internship programs; affirmative action; athletics at the universities; school calendars; freedom of expression; higher education curricular offerings; membership of various boards; corporal punishment; and compulsory attendance laws.

The major Act in the area of public school curriculum is S.F. 2278. The Act repeals the present standards and replaces them with an educational program based on the rules previously adopted by the State Board of Education. Other changes included S.F. 2094, which requires the teaching of human growth and development; S.F. 2253, which continues a history and government requirement; H.F. 2433, which sets out recommendations for instruction and creates a council to monitor vocational education in agricultural technology; fragments of a study bill relating to instruction regarding pregnancy, suicide, and substance abuse reappeared in section 33 of S.F. 2312 (summarized under appropriations).

The concept of early childhood education is addressed through the creation of a Child Development Coordinating Council in S.F. 2192 and a Center for Early Development Education in S.F. 2295. Senate File 2295 also requires the Department of Education to develop programming and testing for at-risk children. The concept of all-day every-day kindergarten is addressed in S.F. 2278 and S.F. 2312.

Tuition assistance for post-secondary students is affected by S.F. 2037, which combines the Iowa Scholarship Program with the Supplemental Grant Program and then repeals the Supplemental Grant Program effective July 1, 1989. The eligibility requirements for a tuition grant are also altered in S.F. 2312. Work-study and tuition grant appropriations were increased as well. On a different level, tuition assistance is indirectly bolstered by the creation of an education trust fund program utilizing revenue bonds of the State Board of Regents in H.F. 2377.

State aid to post-secondary institutions was the subject of several bills. The only changes wrought, however, are found in the increased funding measures of S.F. 2312. The same Act also contains a higher education study which focuses on higher education needs for the twenty-first century. The First in the Nation in Education Foundation may now solicit in-kind contributions in addition to its other funding sources.

The reorganization, sharing, and open enrollment provisions of the Code are amended to expand the scholastic options and procedural protections for Iowa's

school children. The sharing provisions of H.F. 2419 also contain sections relating to interstate sharing, which originally was contained in another bill, H.F. 2190.

Teacher clinical and internship programs were provided for in both S.F. 2193 and S.F. 2312 in response to a previous interim study committee's recommendation. Affirmative action requirements in both faculty hiring practices and student admission policies were bolstered under the provisions of S.F. 2190 and various sections of S.F. 2312.

Registration is now required of persons who act as athletic agents for student athletes who attend our universities under H.F. 2432.

The public schools' calendars are affected by a change in the school start language under S.F. 2234. A regional calendar study is also mandated under the provisions of the same Act. The compulsory attendance law penalty is modified to delete previous references to a fine or a jail term under H.F. 650. The Act's former home instruction provisions are stricken and replaced with deferment of prosecution language and a study of the issues presented under the current compulsory attendance law.

The bills providing for a ban on unreasonable corporal punishment and expanding public school students' freedom of expression failed to pass both chambers. The bill which permitted school boards greater leeway in removal of asbestos from the public schools, in conformity with federal law, was vetoed by the Governor.

## EDUCATION

### S.F. 323

BY COMMITTEE ON EDUCATION. Revises the procedure that permits enrollment of public elementary and secondary pupils in contiguous school districts under certain conditions. This Act strongly resembles section 280.16 of the Code that will be in effect from July 1, 1988 to July 1, 1989. One difference is that this open enrollment provision is not limited in its application, although it may not be used if the districts in question are involved in a sharing agreement with each other or either district is involved in a reorganization study. Enrollment in a contiguous district is also not allowed if there is insufficient space or minority enrollment will be affected. Also, the term "substantial educational opportunity" will now be defined by rule by the state Board of Education. Another difference is the amount of funding that will follow the pupil to the new district. The funding had been based on district cost per pupil but now is limited to the state aid portion of the district cost per pupil. The receiving district has the option of billing back to the parents any difference between their district cost per pupil and the state aid portion.

### S.F. 2036

BY COMMITTEE ON EDUCATION. Permits the board of the First In The Nation in Education Foundation to accept in-kind contributions in addition to its other funding sources. The value of the in-kind contributions is to be based upon the fair market value as represented for income tax purposes. The value of the in-kind contributions will also be used for determining the portion of the interest earned on the permanent school fund that is transferred to the credit of the Foundation.

### S.F. 2037

BY COMMITTEE ON EDUCATION. Combines the Iowa Scholarship Program which grants scholarships to Iowa residents based both on academic achievement and need with the Supplemental Grant Program which provides grants to students who successfully complete eight units of science and mathematics courses. It increases the scholarship amounts, provides that the scholarship is based solely on academic achievement for a student's first year of receipt, and continues the scholarship in subsequent years based upon need and the

maintenance of at least a three point zero grade point average. Recipients of the scholarships must have completed curriculum requirements similar to those presently required under the Supplemental Grant Program. The standing appropriation for the Scholarship Program is increased by an amount equal to a decrease in the standing appropriation for the Supplemental Grant Program. The Supplemental Grant Program is then repealed effective July 1, 1989. A student receiving a scholarship during the school year beginning July 1, 1988 is not also eligible to receive a supplemental grant.

#### S.F. 2069

BY COMMITTEE ON EDUCATION. This Act changes the organizational meeting date of the State Board of Education from the second Thursday in January to a date in the month of May to reflect the fact that the terms of office of members commence on May 1st. The Act also effectively changes the organizational year for the State Board from a calendar year to a year which runs from May 1st to April 30th.

#### S.F. 2094

BY COMMITTEE ON EDUCATION. Provides that the minimum education requirements in statute and in rules for an accredited school kindergarten program shall include experiences relating to the development of life skills and human growth and development. The minimum curriculum in statute and in rules requirements for grades one through twelve in the areas of health, physical education, and communicable diseases are amended to include human sexuality, self-esteem, stress management, interpersonal relationships, and acquired immune deficiency syndrome. Each school board must provide an outline of the human growth and development curriculum requirements to parents annually. A child is not required to take the instruction if the parent or guardian files a written request with the school. Area education agencies are to periodically offer a staff development program to teachers. The Department of Education is required to identify and disseminate information regarding early intervention programs for students who are at-risk. The requirements for school boards to appoint a resource committee to recommend curriculum in related areas of instruction and for the Department of Education to provide a model curriculum to local school boards and to accredited non-public schools are stricken effective July 1, 1992.

#### S.F. 2190

BY COMMITTEE ON EDUCATION. This Act creates an advancement and recruitment program to encourage administrative advancement of women and minorities and the recruitment of minorities in education. School corporations are to submit plans and a budget for pilot projects to the Department of Education for

approval. The Department may award grants for projects if the projects meet the criteria set by rule by the State Board of Education. The school corporations are to report the results of any projects for which grants were received to the Department of Education by October 1 of the fiscal year following the fiscal year that the grant was received. Monies are appropriated to the Department of Education for the program created by this Act in S.F. 2312.

### S.F. 2192

BY COMMITTEE ON EDUCATION. This Act creates the Child Development Coordinating Council to promote and coordinate services for three and four year old at-risk children. The Council is to determine when a child is an at-risk child. That definition carries over to the establishment of minimum child development services guidelines, an inventory of services provided in this state, curricular and staff recommendations, awarding of grants to child development service providers, encouraging the establishment of regional councils for program development, and submitting recommendations to the Governor and the General Assembly. Staff assistance is to be provided jointly by the Department of Education and the Division of Children, Youth, and Families of the Department of Human Rights.

### S.F. 2193

BY COMMITTEE ON EDUCATION. Relates to teacher education and certification. The Act requires the State Board of Education to prescribe a process for the appointment and operation of the evaluation panels that will be used to determine whether a teacher who possesses a provisional certificate may be issued an education certificate. The Certification Advisory Committee that is established by rule of the State Board of Education is made statutory with fourteen members, including eight teachers. The Advisory Committee is directed to advise the Board of Educational Examiners concerning the requirements for certification of elementary and secondary school personnel and standards for the preparation and certification of school personnel. The Act directs the Board of Educational Examiners to adopt rules by January 1, 1990, that establish additional requirements for teacher preparation programs, including rules relating to field experiences, involvement of faculty members in activities of school districts, instruction in classroom strategies and skills, experiences and responsibilities of all parties involved in the student teaching experience, assistance to cooperating teachers, instruction in the use of electronic technologies, integration of teaching methodology with subject matter areas of specialization, solicitation of the views of the education community about the teacher education program, and evaluation of the performance of student teachers. The Act establishes a cooperating teacher incentive program that requires that cooperating teachers, who have student teachers from one of the state universities, be paid either a monetary recompense or an equivalent value of reduction in tuition for graduate hours

of coursework. The Department of Education is to develop recommendations relating to incentives for cooperating teachers and programs to generate interaction between teacher education institution faculty members and teachers and students, and report the recommendations to the 1989 General Assembly. Participation in the cooperating teacher program is added to the programs covered under the Phase III moneys in the educational excellence program. The Act also includes in the definition of "teacher" under the educational excellence program an individual who teaches part-time and is enrolled in a graduate teacher education program at the same time.

#### S.F. 2234

BY COMMITTEE ON EDUCATION. This Act provides that a school shall commence classes during the week of September first, unless an exception has been granted by the Department of Education. A penalty of reduction in state aid is attached to a failure to comply with the school start requirement. The Department of Education is required to organize a committee which will study the issues involved in developing standardized regional school calendars and statewide calendars and make a report to the Department. The Department is to make recommendations to the General Assembly by January 1, 1990. The Act states that it is the intent of the General Assembly to have regional standardized school calendars in effect by the 1991-1992 school year.

#### S.F. 2236

BY COMMITTEE ON EDUCATION. This Act provides that specially elected directors of the board of a reorganized school district must also qualify for their positions. School officers of a board, who are not members, are no longer required to be eligible electors of the corporation or subdistrict which employs them. The Act also removes a reference to the organization meeting of the board on the third Monday in September, since legislation enacted in 1987 removed the requirement that the organization meeting of the board be held on that date.

#### S.F. 2253

BY COMMITTEE ON EDUCATION. Requires that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including voting procedures. The Act is an adaptation of the history and government requirements currently contained in section 256.11; however, it removes the specific unit requirements for these courses. The educational standards adopted by the State Board of Education that will take effect July 1, 1989, do not specifically require that students complete instruction in these courses. The effect of placing this provision in the uniform school requirements

Chapter of the Code is to ensure the preservation of the history and government requirements despite the educational standards changes.

### S.F. 2278

BY COMMITTEE ON EDUCATION. This Act supplants the school standards contained in section 256.11, subsections 1 through 9 with an educational program based on the rules adopted by the State Board of Education under section 256.17. The new program is to be taught from a global perspective at all grade levels. The only change in the kindergarten program is that life skills and human growth and development were added to the curriculum as required in Senate File 2094. In grades one through six the basic subject matter categories of required instruction were retained, but the specifics relating to each category were removed.

The subject of health still must include instruction on the characteristics of communicable diseases, which now also means acquired immune deficiency syndrome.

The State Board is directed to develop definitions to implement the standard categories. The seventh and eighth grade program also retains only the basic subject matter categories.

For grades nine through twelve, again only the main subject matter categories have been retained, but all of the subjects must be offered and also taught. The science program now must consist of five, not four, units. Social studies also must include five units of instruction. The one unit of history and one-half unit of government requirements are not specified in the standards but history and government are required in new section 280.9A in the uniform school requirements Chapter under Senate File 2253. The English offering requirement was increased from four to six units; the general mathematics requirement is now two instead of one unit; the foreign language unit requirement was also increased by two units to a total of four sequential units of one foreign language. The increase in the foreign language unit standard may be waived by the Department of Education if no students enroll in the third and fourth year classes. The physical education requirement was amended to remove the exemption previously made for students participating in organized and supervised high school athletic programs which take up at least the equivalent time as one-eighth unit of physical education.

The fine arts category now contains a three unit requirement. The units must include instruction in at least two of the following subject matter areas: dance, music, theatre, and visual art. One unit of health education must now be offered and taught and the definition has been particularized to include food and nutrition, environmental health, safety and survival skills, consumer health, family life, human growth and development, emotional and social health, health resources, and the prevention and control of diseases in addition to the substance abuse and physical health categories which were covered under the previous standard.



A provision has been added that requires programs for special education, gifted and talented, and at-risk pupils.

After July 1, 1990, each school or school district must have a qualified school media specialist and each must have a media center in each attendance center that is accessible to students throughout the day. Each school or school district must provide an articulated sequential guidance program for grades kindergarten through twelve.

The Act also provides that additional vocational education standards adopted by the State Board of Education under section 256.17 will not take effect.

The effective date of the rule adopted by the State Board of Education that prohibits a superintendent from also serving as a principal is delayed until July 1, 1990, and the Department of Education may waive the rule for an additional school year in those schools and districts making progress toward meeting the rule but have not yet been able to comply.

The Department of Education may waive the guidance program standards for a school or school district for the school year beginning July 1, 1989, and may extend the waiver through the school year beginning July 1, 1990. The schools or school districts operating with a waiver must meet the present guidance program standards.

The Department of Education may waive the media center standards for a school or school district for the school year beginning July 1, 1990. A school or school district operating with a waiver must meet the present media center standards.

Two legislative interim study committees are requested in the Act, one to study secondary school vocational education needs and resources and the other to study all day, every day kindergarten. The Act also provides for a potential Legislative Fiscal Bureau study of kindergarten facilities.

Effective July 1, 1989, section 256.17 that required the State Board of Education to adopt new standards for accredited schools and school districts is repealed.

### S.F. 2295

BY COMMITTEE ON EDUCATION. Provides an extension of the ideas incorporated in Senate File 2192 relating to at-risk children. This Act directs the Department of Education to develop procedures, standards, and programs for use within school districts to deal with the developmental needs of at-risk children. The Board of Educational Examiners is directed to develop an appropriate early elementary endorsement for teacher certificates. The State Board of Regents is to develop a center for early childhood development education which shall include a laboratory school and which has as part of its

curriculum, programs which accommodate the needs of at-risk children. School districts are to incorporate at-risk programming into their kindergarten admission program.

### S.F. 2296

BY COMMITTEE ON EDUCATION. This Act requires the area education agencies to utilize federally funded health care programs to assist in paying for special education services. The State Board of Education is to develop a program for the area education agencies to assist them on this task and the Department of Education will designate an area education agency to develop a billing and collection mechanism to be used by all area education agencies. The Department is to determine what services are covered by federal programs and what may be subject to reimbursement. The effective date of the billing is July 1, 1988, although actual billing will not take place until November 1, 1988, with any monies collected going to the state's General Fund. This Act does not change any licensing requirements that may be contained in other statutes. The Department of Education and the Department of Human Services are granted both emergency and regular rulemaking authority to implement this Act. The Department of Human Services is to amend its Title XIX plan to include area education agencies as eligible providers of services, although this Act is not intended to supplant any services provided by other providers or to give the area education agency any preference as a provider.

### S.F. 2301

BY COMMITTEE ON APPROPRIATIONS. This Act relates to maintenance of financial support for local libraries by governmental subdivisions. The governmental subdivisions are encouraged, but are no longer required, to maintain the local financial support for the operating expenses of local libraries that was in effect on July 1, 1973. The Act continues the requirement that took effect July 1, 1977, which requires a governmental subdivision to levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on taxable property to support the local library.

### H.F. 429

BY COMMITTEE ON TRANSPORTATION. Provides for reporting by school bus drivers and school officials of violations of failing to obey school bus warning devices. Not more than 48 hours after receiving such a report, a peace officer is required to investigate the reported violation and to contact the owner of the motor vehicle involved in the reported violations and request that the owner supply information identifying the driver in accordance with Section 321.484 of the Code. If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation

has occurred, the peace officer is required to prepare a uniform traffic citation for the violation and personally serve it upon the driver of the vehicle.

#### H.F. 470

BY COMMITTEE ON EDUCATION. Strikes a specific listing of the kinds of expenditures that the board of directors of a merged area school may authorize the secretary to pay upon the receipt of verification and substitutes general language providing for payment of expenses within limits established by board resolution.

#### H.F. 650

BY COMMITTEE ON EDUCATION. The contents of this Act originated in House File 2378. The Act strikes the school start language from section 299.1 and places it in section 279.10, which relates to school starting dates. A distribution of attendance requirement is added to the attendance mandate of one hundred and twenty days. "Private instruction reporting requirements" is defined to include texts used, subjects covered, and time spent on the areas of study and sets a date certain for filing of reports.

A major change made in Chapter 299, the compulsory education Chapter, provides that criminal violations under Chapter 299 are punishable by performance of forty hours of unpaid community service instead of a fine or imprisonment. The Act defers prosecution of a parent, guardian, or custodian who has violated Chapter 299 until July 1, 1989, if the person has met the reporting requirements of section 299.4. Private instructors are required under section 299.1 to provide evidence of immunizations of their pupils and to report child abuse pursuant to section 232.69. The Act also provides for an interim study of truancy, equivalent instruction, and alternative schooling.

#### H.F. 2046

BY COMMITTEE ON EDUCATION. Requires that the State Board of Regents have as one of its nine members a student member, who at the time of appointment is enrolled on a full-time basis at Iowa State University, the University of Iowa, or the University of Northern Iowa. Although the Board currently has a student member, that membership had not been mandated.

#### H.F. 2155 VETOED BY THE GOVERNOR.

BY COMMITTEE ON EDUCATION. Expands the power of a school district's board of directors to eliminate health risks in schools caused by asbestos. A district's General Fund may be used for inspection, routine maintenance services including recordkeeping, and developing management plans as well as asbestos removal and encapsulation to ensure that the school district is in compliance with the federal asbestos removal requirements. Present law allows school district boards to call an election to provide for either a property tax levy or a combination property tax/income surtax to pay the costs of the asbestos removal or encapsulation. The Act provides that the board on its own motion may provide for a combination property tax/income surtax to pay the costs of the asbestos project, but the property tax levy still requires approval at an election.

#### H.F. 2226

BY GRUHN. Allows a school district reorganizing on or after July 1, 1988 to use as its budget enrollment the combined budget enrollments of the districts that were involved in the reorganization as if those districts had not reorganized, minus pupils residing in the reorganized territory who were not included in the reorganized district during its first budget year. In some cases reorganized school districts have lost enrollment count because they no longer qualify for the budget guarantee.

#### H.F. 2277 VETOED BY THE GOVERNOR.

BY COMMITTEE ON EDUCATION. Relates to the payment of moneys to teachers under the Educational Excellence Program created in 1987. The Act provides that excess Phase I moneys (those used to pay the minimum salary supplements) may be used to increase the minimum salaries of teachers hired by a district that is sharing entire grades with another district if the other district has reduced its teaching staff correspondingly as a result of the sharing agreement. The Act also provides that a performance-based pay plan may provide for payments to teachers assigned to a specific discipline in a school district and for payments to teachers assigned to a multidisciplinary team in an area education agency. The Act provides for the use of Phase III moneys under a performance-based pay plan or a supplemental pay plan of a school district or an area education agency for continuing a program that was in effect prior to July 1, 1987 in the school district or area education agency, but does not allow the district or agency to supplant the use of General Fund moneys in continuing the program. It allows area education agencies to submit Phase III plans to the Department of Education not later than September 1 of a school year for that school year and to submit reports of the Phase III plans not later than September 1 of the next following school year. The Department of Education is directed to summarize the information in the reports of the

Phase III plans for the General Assembly. The Act provides for a school district to transmit Phase III moneys to an area education agency when the district uses teachers employed by the area education agency beginning July 1, 1989. The formula for transmitting the moneys is the same as the formula specified for transmitting moneys under Phase II. Payments of Phase III moneys will be made monthly rather than quarterly between October 15 and June 15 of the school year. The Act also states that moneys paid to teachers under the Chapter are wages for purposes of the wage payment collection law unless otherwise mutually agreed upon by the parties.

#### H.F. 2377

BY COMMITTEE ON EDUCATION. Establishes the Iowa College Super Savings Plan to encourage parents to save for the future college costs of their children. The Act authorizes the State Board of Regents to issue up to \$19,000,000 of the revenue bonds authorized by the Seventy-second General Assembly in the form of capital appreciation bonds which are designed to be marketed primarily to Iowans to facilitate savings for future higher education costs. The College Aid Commission, in cooperation with the State Board of Regents, is directed to implement an educational program and marketing strategies to inform parents about the options for financing future college education costs and the need to begin planning early. Information is to be distributed to parents of five and six year old children through their schools. The bonds will be sold at private sale without competitive bidding and the State Board of Regents will assign preference to a syndicate of underwriters led by an Iowa domiciled underwriting firm to facilitate selling the bonds to Iowans. At least fifty percent of the bonds must be sold in denominations of one thousand dollars or less. The State Board of Regents is to report to the General Assembly within ninety days of the sale date the terms and conditions of the bonds and their placement by denomination and county.

#### H.F. 2415

BY COMMITTEE ON STATE GOVERNMENT. Establishes retirement incentives for state employees who will be at least sixty-two years of age on or before June 30, 1989, have at least five years of continuous state employment, and notify the Department of Personnel by May 15, 1988. For employees between sixty-two and sixty-five years of age, it consists of a retirement bonus equal to ten percent of the employees's final annual salary, up to \$5,000, or payment of both the employee and employer share of continuing life, health or medical, and dental insurance until the employee reaches age sixty-five. For employees sixty-five years of age and older, it consists of the retirement bonus. If the employee is fifty-nine or older and retires under Chapter 97A, the employee is eligible for the retirement bonus.

The retirement incentives apply to full-time state employees except those employed by the State Board of Regents, elected members of the General Assembly, state elected officials, and judges.

The State Board of Regents is directed to establish for its employees early retirement incentives that do not affect existing programs. The benefits for its merit system employees must be comparable to those available in the Act for other state employees. The boards of directors of judicial district Departments of correctional services are required to establish retirement incentives for their employees identical to those established for state employees.

Employers are prohibited from coercing state employees to retire or terminate employment. State employees who retire or terminate employment under the Act cannot accept further public employment.

The Act also provides that a certificated employee of a school district which reorganizes or dissolves under Chapter 275 during the period beginning July 1, 1990 and ending June 30, 1992 is eligible to receive a retirement incentive if the employee is between fifty-nine and sixty-five years of age at the time of the reorganization or dissolution. If the employee is less than sixty-five years of age when the employee terminates employment, the employee is eligible to receive a retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed \$5,000.

Effective April 14, 1988

#### H.F. 2419

BY COMMITTEE ON EDUCATION. Grants authority to the Department of Education to conduct, or direct the appropriate area education agency to conduct, studies of proposals of school districts to share entire grades. The studies are similar to the studies conducted by area education agencies for school district reorganization. The Act makes several changes in the procedure for dissolution of a school district. It provides that establishment of a dissolution commission may be initiated by twenty percent of the electors in addition to board action. It also provides for a reduction in the uniform property tax levy to school districts of under six hundred enrollment that dissolve. This provision is identical to the property tax reduction provided for school districts that reorganize. It allows tenth, eleventh, and twelfth grade students of districts that dissolve to attend school in any of the districts to which territory of the dissolving district is attached. The Act allows for whole grade sharing agreements between a school district in Iowa and a contiguous district in another state subject to a reciprocal agreement between the two state boards of education if the out-of-state district meets requirements that are substantially similar to those in Iowa. The Act elaborates the procedure for initiating a whole-grade sharing agreement. The changes ensure that action by the local boards is taken in each case without relying on the Department of Education to make all of the decisions. The standard of review for parental appeals is changed from clear and convincing evidence to a preponderance of evidence for purposes of an appeal to the State Board of Education. The terms "person" or "party aggrieved" are limited to

the parent or guardian of a affected pupil. The Act restricts the applicability of a reduction in the uniform foundation levy under the state school foundation formula in reorganized school districts or dissolving school districts to those districts which absorb at least thirty percent of the enrollment of the school district. The Act provides that the School Budget Review Committee may authorize a school district to spend the district's unexpended cash balance to cover the costs associated with the demolition of an unused school building or conversion of an unused school building for community use, if the district is involved in a reorganization or dissolution. The Act clarifies that the financial incentives provided to a school district involved in sharing its educational program with another district are limited to a five year period.

### H.F. 2432

BY COMMITTEE ON STATE GOVERNMENT. Provides for the registration and regulation of persons who enter into an agent contract or professional sports services contract with a student athlete. The proper conduct of athlete agents is specified and certain acts are expressly prohibited. An athlete agent must register with the Secretary of State and obtain a certificate of registration before contacting a student athlete. Certain information is required in an application for the certificate of registration.

An athlete agent not residing in this state must also file a consent to service of process. A person who is not a resident of this state wishing to register under this Chapter must enter into an agreement with a resident of the state who is registered under this Chapter. That person is to be a licensed attorney and may act on behalf of the nonresident agent.

A certificate of registration may be denied by the Secretary of State if it is determined that the athlete agent has engaged in certain fraudulent or improper behavior. The athlete agent must file a bond with the Secretary of State in the amount of \$25,000. An agent contract for employment must be approved by the Secretary of State and must have a statement printed on the contract that the athlete has five calendar days to terminate the contract after signing.

A list of prohibited activities for the athlete agent is set forth which includes entering into a contract or agreement with a student athlete prior to the student athlete's final intercollegiate athletic contest. Institutions of higher education in this state are granted the authority to permit athlete agent interviews with student athletes during their final year of eligibility subject to the control and rules of the institution. An agent contract negotiated by an athlete agent who has failed to comply with the provisions of this Chapter is void.

Certain prohibitions which apply to the student athlete and the student athlete's family are also set forth.

H.F. 2433

BY COMMITTEE ON AGRICULTURE. Creates a Vocational Agriculture Education Advisory Council to recommend vocational agriculture curriculum standards to the State Board of Education and the House and Senate Education Committees. The Act also contains intent language to encourage the school districts to develop vocational programs in agriculture technology which include twelve-month extended contracts, summer programs, reporting requirements, and agricultural occupational experiences.

H.F. 2449

BY HALVORSON OF CLAYTON. Legalizes the proceedings taken by the board of directors of the M-F-L Community School District relating to the sale of real property to the town of Farmersburg, Clayton County, Iowa.



## ENERGY AND PUBLIC UTILITIES

Legislation enacted in the area of energy and public utilities relates to the establishment of an energy crisis fund, a customer contribution fund, and weatherization and home repair expenditures to assist low-income families (H.F. 683); appropriation of the moneys from the funds within the energy conservation trust (H.F. 2469); the establishment of a new Chapter for the supervision and regulation of interstate pipelines and underground storage tanks (S.F. 2205); legalization of actions of certain cities for joint transmission of electric power (H.F. 2470); the time period allowed for application to rehear a contested case before the Utilities Board (H.F. 2153); the removal of the exemption relating to the regulation of the extraction of coal for certain sites (H.F. 2306); the provision of energy cost estimates for certain property to certain persons (H.F. 2316); the creation of an emergency response fund and the implementation of planning and training programs for emergency response teams (H.F. 2338); the construction of cable systems (H.F. 2387); the organization of cooperative associations (H.F. 2395); and the use of energy resources in the state (H.F. 2437).

House File 2469 appropriates moneys from the funds within the energy conservation trust. However, the Governor item vetoed the appropriation of moneys to the Department of Natural Resources for use to buy down interest rates on energy conservation bids.

House File 2338 requires the administration of the Disaster Services Division of the Department of Public Defense to implement planning and training for emergency response teams as mandated by federal law, and establishes an emergency response fund through the deposit of certain funds collected through enforcement of civil penalties under the jurisdiction of the Department of Natural Resources (Chapter 455B).

House File 683 requires the Utilities Board to adopt rules requiring each electric and gas public utility to establish a customer contribution fund to be used in assisting the utilities low-income customers with weatherization and in supplementing their energy assistance received under the federal Low-Income Heating Energy Assistance Program. It also established an energy crisis fund; directs the Division of Community Action Agencies of the Department of Human Rights to expend certain funds for low-income residential weatherization and other related home repairs for low-income households; and establishes a two-year pilot project called the Affordable Heating Payment Program Pilot Project.

## ENERGY AND PUBLIC UTILITIES

### S.F. 2205

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Establishes a new Chapter, (tentatively numbered 479A), for the supervision and regulation of interstate pipelines and underground gas storage. Provides that the authority of the Utilities Board to supervise the transmission of substances through pipelines in the state also applies to interstate natural gas pipelines.

### H.F. 683

BY COMMITTEE ON WAYS & MEANS. Requires the Utilities Board to establish rules requiring each electric and gas public utility to establish a customer contribution fund to be used in assisting the utility's low income customers with weatherization and in supplementing the energy assistance received under the Federal Low Income Heating Energy Assistance Program. The Utilities Board is to require the public utilities to prepare an annual report to be filed for each customer contribution fund, with the Utilities Board preparing an annual statewide report of the fund results. The Division of Community Action Agencies of the Department of Human Rights shall prepare an annual report of the unmet need for energy assistance and weatherization. Both reports are to be submitted to the Appropriations Committees of the General Assembly on the first day of the following session. Similar existing programs to receive customer contributions established by public utilities are construed to meet the requirements of the Act, but such plans are subject to review by the Utilities Board and if they are determined not to be in compliance the utility companies have until July, 1989, to modify their operation so as to be in compliance.

The Act establishes the Energy Crisis Fund. This fund is to be used to assist low income families who qualify for the Low Income Heating Energy Assistance Program to avoid loss of essential heating.

The Act directs the Division of Community Action Agencies of the Department of Human Rights to expend certain funds for low income residential weatherization or other related home repairs for low income households. The Division is to identify all participants in the Low Income Home Energy Assistance Program for the 1987-1988 winter heating season whose household income was less than 75 percent of the poverty level, determine the number of these residences which are eligible for weatherization under current programs but which will not be weatherized in the next 12 months due to the current priorities imposed by the federal programs, and give priority to weatherizing these residences. The Division is to submit a report to the General Assembly on February 1, 1989. The report shall include the number of residences identified as eligible for weatherization in this project, the number of residences weatherized from July

1, 1988, to December 31, 1988, the average cost per dwelling weatherized, the range of costs for individual weatherizations, and the Department's recommendation for a program to complete the weatherization of the remaining residences in this category. The report is also to include an inventory of the number of residences not weatherized which have household incomes falling between 75 percent and 100 percent of the poverty level.

The Act also requires the Division of Community Action Agencies of the Department of Human Rights, in cooperation with the Department of Natural Resources and the Utilities Board, to conduct a two-year pilot project from October 1, 1988, through September 30, 1990. The project is called the Affordable Heating Payment Program Pilot Project and is to involve at least one provider of natural gas, electricity, and deliverable fuels in the state. The program is to provide a schedule or formula under which funds appropriated in House File 683 are used to make up the difference between what a low income family or individual pays toward heating costs plus Federal Low Income Home Energy Assistance payments and either the actual heating cost or the cost determined by rule by the Division as the cost of reasonable heating fuel consumption for the customer, considering size of the family, location of the residence, and such other factors as considered appropriate by the Division. The program is to be designed so as to promote the use of energy conservation strategies by the participants and is to be cost-effective. The Act also establishes an advisory board which is required to provide the General Assembly with an evaluation of the first year of the program and recommendations for further legislative action no later than January 15, 1990.

#### H.F. 2153

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Extends the period of time in which the Utilities Board may grant or refuse the application for rehearing in a contested case from twenty to thirty days after the filing of the application.

#### H.F. 2306

BY COMMITTEE ON AGRICULTURE. Removes the exemption relating to the regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, so this activity will be regulated by the Department of Agriculture and Land Stewardship.

#### H.F. 2316

BY COMMUNITY ON ENERGY AND ENVIRONMENTAL PROTECTION. Provides that the requirement of the provision of energy costs for certain property to certain persons is applicable to electric public utilities having less than ten thousand customers, and electric cooperative corporations and associations.

The Act also provides that regulatory action pertaining to the enforcement of the provision of energy costs is applicable to municipally owned utilities. The Act establishes the requirement of gas or electric public utilities to provide, upon the request of a person who states in writing that the person is an owner of real property or is a prospective purchaser or renter of the property, which has been or is receiving gas or electric services from the public utility, the annual gas or electric energy costs for the property.

#### H.F. 2338

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Requires the administrator of the Disaster Services Division of the Department of Public Defense to implement planning and training for emergency response teams as mandated by federal law; creates an emergency response fund in the state treasury with the second one hundred thousand dollars received for civil penalties and fees pursuant to Chapter 455B being deposited in the fund and the remaining amount collected being deposited in the household hazardous waste account. The Department of Natural Resources is directed to submit an itemized report of the moneys collected for deposit in and expended from the household hazardous waste account.

#### H.F. 2387

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act allows any person, firm, or corporation to construct a cable system along the public roads of Iowa, or across or under the rivers, or over, under or through any lands belonging to the state or any private individual. However, construction of a telegraph or telephone line or cable system along a primary road is subject to rules adopted by the State Department of Transportation.

Under the Act, the person, firm, or corporation may also erect or install necessary fixtures for the cable system. However, under section 477.3, the fixtures may not be constructed or installed in a manner which causes inconvenience to the public in the use of any road or in the navigation of any stream. Also, damages sustained by an individual by the construction or installation of the cable system must be paid.

The Act also expands the extent to which a telegraph or telephone may be constructed so that they can be constructed under or through lands belonging to the state or private individuals rather than just over such lands.

#### H.F. 2395

BY COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION. Expands the purposes for which a cooperative association may be organized under Chapter 499 of the Code. Under the Act, a cooperative association may be organized for any lawful purpose.

Allows a nonprofit water utility, organized under Chapter 357A or 540A of the Code, to elect to become a cooperative association under Chapter 499 upon a majority vote of its members by filing with the Secretary of State a verified statement confirming the election and appropriate Articles of Incorporation. Such water utilities are exempt from regulation under Chapter 476 of the Code. However, the utility is subject to the service limitation provisions contained in Sections 357.1 and 357A.2.

Limits the exemption from rate regulation of persons furnishing electricity to five or fewer customers from Chapter 476 by making the exemption only apply to those persons who furnish the electricity by either secondary line or from an alternate energy production facility or small hydro facility.

### H.F. 2437

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Establishes findings concerning the energy resources and the use of energy resources in the state. Establishes the duties of the Department of Natural Resources regarding the submitting of a plan for the development, management, and efficient utilization of all energy resources in the state to the General Assembly by January 15, 1990. Requires the State Board of Regents to cause to be performed comprehensive engineering analyses of facilities under the control of the Board by June 30, 1989, and requires implementation of the identified energy conservation measures which are economically feasible and practical and which do not require more than six years for the recoupment of their costs. The Act provides that the cost of financing for implementation of the energy conservation measures identified may be reduced through funds deposited in the state of Iowa Facilities Improvement Corporation. The Act requires the State Board of Regents to annually report on October 1 the status of all energy conservation measures identified and the results of energy usage analyses of the Board's facilities. The Act requires the Department of Transportation through the use of the state of Iowa Facilities Improvement Corporation to cause to be performed comprehensive engineering analyses of facilities under its control by December 31, 1988, and to implement measures identified which do not require more than an aggregate of six years for the recoupment of their costs. The Act provides that the state Department of Transportation may reduce the cost of financing through funds deposited in the state of Iowa Facilities Improvement Corporation. The Act requires the Department of Natural Resources to include in its annual report an assessment of the progress achieved by public agencies in implementing energy life cycle cost analyses. The Act also amends a section of the Code regarding life cycle cost analyses for public agencies for the purposes of establishing the methods and models to be considered by a public agency in the preparation of a life cycle cost analysis, and provides for an approval process for life cycle cost analyses of public facilities.

### H.F. 2469

BY COMMITTEE ON APPROPRIATIONS. Appropriates moneys from the funds within the energy conservation trust to the Division of Community Action Agencies of the Department of Human Rights, the Department of Natural Resources, and the Department of Economic Development; renames the energy conservation fund the energy conservation trust and the accounts within the trust are made funds; repeals the repeal of the energy development and conservation Chapter; repeals the solar energy systems portion of the energy development and conservation Chapter; and provides for moneys from the General Fund to be appropriated for the purchase of energy efficiency packages for ultrahigh frequency transmitters by the Public Broadcasting Division of the Department of Cultural Affairs.

### H.F. 2470

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Legalizes actions of the cities of Burt, Dike, Dysart, Long Grove, Maquoketa, Marathon, Panora, Preston, Sibley, Stanhope, State Center, Tipton, West Liberty, Whittemore, Anita, Hopkinton, Grand Junction, Ogden, Story City, Traer, Vinton, and the Amana Society Service Company, Amana, and the Farmers Electric Cooperative of Kalona, in contracting pursuant to Chapter 390 for the joint transmission of electric power.

## ENVIRONMENTAL PROTECTION

Legislation enacted in the area of environmental protection relates to hazardous waste fees placed upon the generation of hazardous waste (S.F. 2313); penalties for water pollution and hazardous waste disposal (S.F. 2446); the prohibition of chlordane (S.F. 2106); the establishment of a new Chapter regarding radon gas and radon progeny (H.F. 2354); the authorization of dealer agents to collect empty beverage containers under certain circumstances (S.F. 443); the provision of certain tax exemptions for certain degradable packaging and the prohibition of nonbiodegradable or nonphoto-degradable beverage container connectors (H.F. 2453); the provision of financial assistance for the implementation of water protection practices (H.F. 2381); agricultural drainage well registration (S.F. 38); the regulation of pesticide applicators (S.F. 2055); licensing fees and reporting requirements for pesticide dealers (S.F. 2247); corrections to the Groundwater Protection Act (S.F. 2250); and leaking underground storage tanks (H.F. 2441).

Senate File 2106 prohibits the offering for sale, selling, purchasing, application, or use of chlordane in the state on or after January 1, 1989, and provides for the safe disposal of existing stocks.

House File 2354 requires the Iowa Department of Public Health to establish a program for and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny; requires certain information to be reported regarding the tests; and provides for spot-checks of previously tested sites.

Senate File 38 extends the registration requirement for agricultural drainage wells to September 30, 1988, and clarifies language regarding the appropriation of certain funds for agricultural drainage wells, sinkholes, and remediation of noxious weeds and other vegetation.

Senate File 2055 clarifies the testing and certification of pesticide applicators; exempts from certification employees of food processing and distribution establishments under certain conditions; and establishes requirements for agricultural pesticide application.

Senate File 2247 clarifies the reporting and fee payment schedule for pesticide dealers and exempts sellers of feed which contain pesticides from reporting requirements.

Senate File 2250 provides for corrections to the Groundwater Protection Act of 1987.

## ENVIRONMENTAL PROTECTION

### S.F. 38

BY PRIEBE. Extends the registration requirement for agricultural drainage wells to September 30, 1988, and directs the Department of Agriculture and Land Stewardship and the Department of Natural Resources to adopt rules which provide for an appeals process for violations of the registration requirement. The Act also clarifies language regarding the appropriation of certain funds in the Agriculture Management Account of the Groundwater Protection Fund concerning agricultural drainage wells, sinkholes, and alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way projects.

### S.F. 443

BY COMMITTEE ON ENVIRONMENT AND ENERGY UTILITIES. Authorizes dealer agents to pick up empty beverage containers from dealers and return the containers to the distributor who sells that kind, size, and brand of beverage container within the geographic area where the containers were picked up, for payment of the refund value and handling reimbursement. The Act defines "redemption center", "dealer agent", and "geographic territory".

### S.F. 2055

BY COMMITTEE ON AGRICULTURE. Relates to the regulation of commercial, public, and private pesticide applicators. A person servicing a device in which pesticides are applied is no longer subject to requirements of a commercial applicator. A certified private applicator may now be a person who supervises the use of a pesticide as well as a person who uses the pesticide.

Certification fees for commercial applicators are raised. All public applicators, and not just those employed by the government, pay a lower annual certification fee. A commercial, public, or private applicator is required to be reexamined every three years by either written or oral exam. A private, commercial, or public applicator need not be certified to apply pesticides for a twenty-one day period if under the direct supervision of a certified applicator. A commercial applicator applying pesticides to agricultural land may elect to be exempt from certification requirements for twenty-one days if the applicator meets the requirements of a private applicator.



An employee of a food processing and distribution establishment is exempt from certification requirements if supervised by a person who is certified and the employer provides a program for training, testing, and certification of employees who apply pesticides as an incidental part of their duties. A person who uses certain services and is not solely a pesticide applicator is exempt from certification requirements.

Requirements for applying pesticides in and around a home have been expanded to include "structures", including restaurants, schools, hospitals, industrial sites, and grain warehouses.

The Department of Natural Resources, in conjunction with the Department of Public Health, is required to conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste and report the results to the General Assembly and the Governor.

### S.F. 2106

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Prohibits the offering for sale, selling, purchasing, application, or use of chlordane in this state on or after January 1, 1989. The Department of Agriculture and Land Stewardship, in conjunction with the Department of Natural Resources, is directed to make recommendations to owners of existing stocks of chlordane regarding safe disposal. The Act also repeals existing sections of the Code relative to chlordane which are no longer necessary with the implementation of this Act.

### S.F. 2246

BY COMMITTEE ON ENVIRONMENT AND ENERGY UTILITIES. Relates to the penalties for water pollution and hazardous waste disposal. The Act provides that civil penalties may be assessed in addition to, rather than as an alternative to, any criminal penalty for the violation of waste disposal and treatment standards or for introducing a pollutant or hazardous substance into a sewer system or public treatment works. The Act increases criminal fines for such negligent or knowing violations and includes imprisonment of violators as a punishment as well as the fines.

Because implementation of sections 455B.411 through 455B.421, relating to the disposal and management of hazardous waste and substances, has been partially suspended by the General Assembly due to the lack of funds for the program, the Act creates a new Chapter, tentatively 716B, to provide criminal penalties in the form of fines and imprisonment for persons who improperly transport, store, treat, or dispose of hazardous waste. The Act vests responsibility for enforcement of the law in the Attorney General or the county attorney of the county in which the violation takes place.

### S.F. 2247

BY COMMITTEE ON AGRICULTURE. Provides for the payment of a licensure fee by pesticide dealers based on pesticides sold at retail for use in the state. The Department of Agriculture and Land Stewardship is directed to provide for a ninety-day grace period for licensure and sets a schedule of late fees required to be paid. Only pesticides which are used within the state are subject to the Chapter's registration requirements. A product having gross annual sales in the state of less than one million five hundred thousand dollars is subject to a registration fee of the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales.

Annual reports are still required to be submitted to the Department by licensed pesticide dealers. The dealer would only report the gross retail sales of pesticides sold at retail for use in the state and the label name and dollar amount of each pesticide sold at retail if sales equal three thousand or more dollars. A person with a household hazardous materials permit would also be required to report if the total sale of pesticides are less than ten thousand dollars for each business location. The report must contain the label name of each pesticide with annual gross sales of three thousand dollars or more.

Reporting requirements do not apply to sellers of feed which contain pesticides. However, a manufacturer of such feeds must have a pesticide dealer license.

The Department is authorized to require reporting of gross retail sales declared by the Department to be of special concern.

### S.F. 2250

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Requires that any person other than a manufacturer who annually offers for sale, sells, or distributes specialty fertilizer in the amount of four thousand pounds or more in any size package or who applies specialty fertilizer for compensation shall pay an annual inspection fee of thirty dollars in lieu of the semiannual inspection fee; exempts an employee of a food processing and distribution establishment from the pesticide certification requirements if certain provisions are met in lieu of the certification requirements established; corrects redundant language concerning the advisory committee for the Center for Health Effects of Environmental Contamination; provides for the entrance upon a sanitary disposal project for the purposes of inspection and monitoring; clarifies the prohibition of the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Director unless a permit has been granted by the department; reinserts the twenty-five cent tonnage fee for solid waste and allows certain counties to charge an additional tonnage fee for the disposal of solid waste; redefines

the types of solid waste which are exempt from payment of the tonnage fee assessed at certain facilities, but does not exempt the facilities from the fees imposed for regulation and monitoring of such facilities; provides for the payment process concerning the solid waste tonnage fee imposed; provides for the crediting of interest or earnings upon moneys in the groundwater protection fund and other accounts clarifies the use of tonnage fees collected for the period July 1, 1987, through June 30, 1988; corrects a use of tonnage fees collected beginning July 1, 1990, and thereafter; reinserts language regarding the agriculture management account which was inadvertently deleted from the Groundwater Protection Act; clarifies an appropriation of the moneys in the agriculture management account; deletes redundant language concerning household hazardous materials; establishes a single twenty-five dollar fee for a household hazardous materials permit in lieu of the previously established sliding scale; specifies the content, and liability for the content, of the hazard statements required with any declaration of value; and provides for a cash advance to the University of Northern Iowa to develop and maintain the Small Business Assistance Center for the safe and economic management of solid waste and hazardous substances.

#### S.F. 2313

BY COMMITTEE ON WAYS AND MEANS. Imposes additional hazardous waste fees on persons required to obtain a United States Environmental Protection Agency identification number. Such persons who generate more than one thousand kilograms of hazardous waste per month have an additional annual fee of \$250, otherwise it is \$25. Such persons who are transporters of hazardous waste have an additional annual fee of \$25. Such persons who operate hazardous waste treatment, storage, or disposal facilities have an additional annual fee of \$25.

The fees received are deposited in the hazardous waste remedial fund. Fees imposed may be suspended if the hazardous waste remedial fund has a balance in excess of \$6,000,000. Failing or refusing to pay fees imposed, subjects a person to the assessment of a 15% penalty.

#### H.F. 2316

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Provides that the requirement of the provision of energy costs for certain property to certain persons is applicable to electric public utilities having less than ten thousand customers, and electric cooperative corporations and associations. The Act also provides that regulatory action pertaining to the enforcement of the provision of energy costs is applicable to municipally owned utilities. The Act establishes the requirement of gas or electric public utilities to provide, upon the request of a person who states in writing that the person is an owner of real property or is a prospective purchaser or renter of the property, which has been or is receiving gas or electric services from the public utility, the annual gas or electric energy costs for the property.

### H.F. 2338

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Requires the administrator of the Disaster Services Division of the Department of Public Defense to implement planning and training for emergency response teams as mandated by federal law; creates an emergency response fund in the state treasury with the second one hundred thousand dollars received for civil penalties and fees pursuant to Chapter 455B being deposited in the fund and the remaining amount collected being deposited in the household hazardous waste account. The Department of Natural Resources is directed to submit an itemized report of the moneys collected for deposit in and expended from the household hazardous waste account.

### H.F. 2354

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Establishes a new Chapter, tentatively numbered 136E, regarding radon. Requires the Iowa Department of Public Health to establish a program and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny, and prohibits the testing for the presence of radon gas and radon progeny by a person who is not certified following the establishment of the program. The Act also requires the reporting of certain information regarding radon testing results and provides for confidentiality of the information reported. The Act provides for spot-checks of property previously tested in order to validate measurements performed by persons certified, allows the Iowa Department of Public Health to assess a fee to defray the costs of the certification program, and provides a penalty of a serious misdemeanor for violation of the Chapter.

### H.F. 2381

BY COMMITTEE ON AGRICULTURE. Provides that commissioners in soil and water conservation districts may, under supervision and assistance from the Division of Soil Conservation of the Department of Agriculture and Land Stewardship, enter into agreements to provide financial assistance to an owner or occupier of land within the district or within a cooperating district in carrying out water protection practices, including district and multidistrict projects, to protect this state's groundwater from point and nonpoint sources of contamination. Soil and water conservation districts may enter into agreements with the Federal Government, state agencies, political subdivisions, or other districts in preventing or controlling ground water contamination.

A water protection fund is created within the Division as a revolving loan fund from which moneys may be used for loans, grants, administrative costs,

and cost sharing, to support water protection practices described above. The General Assembly has appropriated five hundred thousand dollars to the fund from lottery revenues under S.F. 2328.

#### H.F. 2441

BY COMMITTEE ON WAYS & MEANS. This Act relates to state regulation of petroleum underground storage tanks and the state's response to pending federal requirements for state programs to limit groundwater contamination and assure funds for cleanup in the event of a leak. The Act as proposed was the product of an interim study committee mandated by the 1987 groundwater protection act. The final Leaking Underground Storage Tank (LUST) bill passed by the 1988 legislature was less comprehensive than the study committee proposal and substantial portions of the final bill were then item vetoed by the Governor. Further work on the issue is expected when the federal government's LUST rules are finalized and require approved state programs for continued state eligibility for Superfund cleanup dollars. The federal Environmental Protection Agency (EPA) is expected to finalize rules on petroleum underground storage tanks, including the most controversial portions relating to proof of financial responsibility, sometime in the next eighteen to thirty months.

A brief summary of all three major versions of the Act follows.

The study committee bill proposed a state insurance fund for owners and operators of petroleum underground tanks. The fund was intended to meet both the immediate insurance needs of owners and operators and the expected requirements for an approved state program for proof of financial responsibility under the yet to be issued federal regulations. Under current federal law, an owner or operator of an underground tank is not required to carry insurance or prove in advance financial responsibility (ability to pay) for a possible leak but is legally liable for any leak which occurs. The study committee found: (1) private insurance for the environmental hazard of leaking underground petroleum tanks was not available from the private insurance market, and (2) without insurance the cost of a leak threatens the financial solvency of many tank owners and operators. Formation of a state insurance fund was recommended to provide a risk spreading mechanism where none existed, to meet the expected federal financial proof of financial requirements, and to gather actuarial data to lay the ground work for private companies to reenter the market when the risk was better understood. Maximum coverage from the fund for both third party liability and corrective action was one million dollars per occurrence as required by the federal statute under which EPA is drafting administrative rules. The per occurrence deductible was set at twenty thousand dollars. The fund was to be premium driven, with higher premiums for tanks more likely to leak. Risk factor adjustments were to include the age and type of tank, type of monitoring system, and other actuarial factors. The fund was to be capitalized by a twenty dollar per thousand gallons (two cents per gallon) fee imposed on all petroleum deposited in underground storage tanks in Iowa during July and August of 1988 and 1989. The underground petroleum storage fee could also be

reinstated as a guarantee of the financial solvency of the fund if premium income based on expected losses did not cover actual losses.

The final bill as passed by the General Assembly retains the state insurance fund structure but only addresses the interim period before the effective date of the expected federal rules. The insurance deductible was altered to allow tank owners to choose either higher premiums and lower deductibles or lower premiums and higher deductibles. The maximum amount of coverage offered is reduced to five hundred thousand dollars per occurrence and is limited to corrective action by excluding third party liability. A cap is placed on premium increases and the capitalization fee is reduced to payment only in August, 1988. The guarantee function of the fee is eliminated. A low cost loan program to aid owners in timely replacement of risky older tanks with safer new tanks is included. Additionally, the final bill delays required groundwater monitoring mandated by the 1987 Groundwater Protection Act from May 1, 1988, to January 14, 1989. Consideration of state requirements for a federally approved state program is delayed at least until publication of the finalized federal rules.

The Governor item vetoed the state insurance fund and low cost loan portions of the bill. Among other issues, the Governor's veto message objected to involving the state in the insurance business and to the fee mechanism used to capitalize the fund which would increase gasoline prices in the one month it would be imposed. The remainder of the Act establishes a tank registration amnesty program; grants the Director of the Department of Natural Resources increased authority to order immediate corrective action measures; permits, as an alternative to tank removal upon closure, filling a nonleaking tank with inert material; delays mandatory monitoring until January 14, 1989; and authorizes departmental-issued variances for just cause when monitoring is mandated.

#### H.F. 2453

BY COMMITTEE ON WAYS AND MEANS. Prohibits the selling or offering for sale by a distributor any beverage container if the beverage container is connected to another beverage by a device constructed of a material which is not biodegradable or photodegradable, and provides the penalty of a serious misdemeanor for violation of the prohibition. The Act defines the terms "degradable," "biodegradable," "photodegradable," "beverage," and "beverage container" for the purposes of the Act. The Act also requires the Laboratory Division of the Department of Agriculture and Land Stewardship to designate packaging products which are degradable, promote the use at the point of sale of designated degradable packaging products by retailers, and promote the development of markets which provide degradable packaging alternatives for use at the point of sale by retailers. The Act exempts from the sales tax packaging products used by manufacturers, (former law also exempted retailers from the sales tax on these products) degradable packaging sold to retailers for the purpose of point-of-sale packaging and packaging products sold to retailers for the purpose of nonpoint-of-sale packaging are now exempt. The Act provides an effective date of July 1, 1989, with the tax exemption

portions of the Act taking effect only after the Laboratory Division of the Department of Agriculture and Land Stewardship determines that degradable products are available to a degree which makes compliance reasonably possible.

## HEALTH AND SAFETY

Health issues included in legislation enacted by the 1988 Session related to false advertisement of certain health-related products; human immunodeficiency virus-related matters; bed and breakfast homes and home food establishments; the dispensing of prescription drugs; radon; controlled substances; hospice care; physicians' assistants; the powers of the Board of Dental Examiners; the disclosure of mental health information; provision of certain services to persons with mental retardation, a developmental disability, or mental illness; the regulation of the advertisement and sale of water treatment systems; security during the State Fair and interim events by the Department of Public Safety rather than the Iowa Highway Safety Patrol; adoption of federal law and regulations relating to the State Hazardous Chemicals Risks Right to Know law; provisions governing the education, practice, and supervision of cosmetologists and barbers; the certification of laboratories which perform laboratory analyses of samples required to be tested under the jurisdiction of the Department of Natural Resources (Chapter 455B); the scope of practice of podiatrists; the extension of the sunset for exclusion of certain residential care facilities from certificate of need requirements; and brain injury reporting requirements.

The advertisement for sale, or the offering for sale or selling of home testing kits for human immunodeficiency virus antibody or antigen testing in the state are prohibited and penalties and remedies are provided (H.F. 2106).

The Iowa Department of Public Health is established as the lead agency of the comprehensive Acquired Immune Deficiency Syndrome-related conditions prevention and intervention plan created, Human Immunodeficiency Virus testing laboratories are required to be accredited, procedures for screening, testing, and reporting regarding Human Immunodeficiency-related matters are established, duties of public health officials are established, minimum hours of training of certain health care personnel are to be established by the Iowa Department of Public Health, and the Department of Human Services is required to initiate the application process in order to obtain a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services for the provision of alternative services to persons with Acquired Immune Deficiency Syndrome or a related condition. (S.F. 2157).

The Act contains procedures regarding Human Immunodeficiency Virus-related testing and the confidentiality of information resulting from such testing are established, prohibits the requirement of human immunodeficiency virus-related testing unless certain criteria are met, and provides for the retention or admittance of a person in a health care facility if the person is in the active stage of a contagious or infectious disease. (H.F. 2294).

House File 2344 includes in the definition of "disability" under the Civil Rights Chapter conditions related to the Human Immunodeficiency virus and required immune deficiency syndrome, and prohibits certain testing practices by employers.



Senate File 2267 relates to unlawful practices regarding advertisement, sale, leasing, or rental of water treatment systems in the state.

Senate File 2274 revises provisions relating to suspension and revocation of licenses by the Board of Dental Examiners.

Senate File 2169 transfers the authority to regulate of physician assistants from the Board of Medical Examiners to a new Board of Physician Assistant Examiners. The Act provides for the membership of the Board, consultation between the new Board and the Board of Medical Examiners in connection with disciplinary proceedings, and establishes rulemaking procedures for the new Board.

Senate File 302 includes spinal cord injury in the definition of "brain injury" for the purposes of the central registry for brain injuries and provides for the recognition of a brain injury as a disability. The Act also provides reporting requirements for brain injuries.

Senate File 356 provides for exemptions from requirements of certain food establishments and farmers' markets under the Food Establishment Chapter, and establishes a new Chapter for the regulation of home food establishments as defined in the Act.

Legislation which failed to pass, but which was of importance included House Study Bill 796 regarding cruelty to animals and House File 2335 which provided for animal control and registration and control of vicious dogs.

## HEALTH AND SAFETY

### S.F. 149

BY CRONSTAL. Mandates that accident and sickness insurance policies make payments to a dentist on the same basis as to a physician or oral surgeon, if the covered service provided by the dentist is within the dentist's lawful scope of practice.

### S.F. 156

BY COMMITTEE ON STATE GOVERNMENT. Exempts from the provisions of the state tort claims act any claim based upon the actions of a care review committee member in the performance of duties undertaken and carried out in good faith. The Act also exempts the state or a care review committee member from liability for an action by a care review committee member in performance of duty undertaken and carried out in good faith under the health care facilities Chapter of the Code or the long-term care residents advocate subChapter.

### S.F. 299

BY COMMITTEE ON STATE GOVERNMENT. Revises statutory language describing the scope of practice of podiatrists, defines the term "human foot" to include the ankle and soft tissue which inserts into the foot, adds podiatrists to the definition of "physician" in section 135.1, which applies primarily to Title VII of the Code (Chapters 135 through 145A, relating to public health) and adds podiatrists to certain provisions on data collection and utilization and cost control review.

### S.F. 302

BY COMMITTEE ON HUMAN RESOURCES. Includes spinal cord injuries in the definition of "brain injury", for the purposes of the central registry for brain injuries in the Department of Human Services and provides for the recognition of brain injury as a disability. The Act also requires a physician who treats a patient who is not admitted to a hospital but treated in the physician's office, to report a brain injury within seven days, and requires a hospital to report a brain injury no later than forty-five days after the close of the quarter in which the patient was discharged. The Act requires certain information to be included in the report with an exception to the reporting of certain information if the physician or hospital is able to report the Glasgow coma scale. The Act also requires state agencies to

recognize brain injury as a distinct disability and requires the identification of such persons served by the state agency.

#### S.F. 348

BY SCHWENGELS, NYSTROM, TIEDEN, GETTINGS, DIELEMAN, DRAKE, & JENSEN. Authorizes a state agency or a political subdivision of the state operating a hospital or medical facility to contract with the United States Veterans Administration to receive and provide medical care to veterans who are the responsibility of the United States Veterans Administration.

#### S.F. 356

BY MURPHY. Redefines "food establishment" and "farmers market" under the food establishments Chapter, and provides for exemptions from certain requirements of the food establishments Chapter for the purposes of regulation of such establishments. The Act also establishes a new Chapter, 170C, for the purpose of regulating home food establishments as defined in the new Chapter. The new Chapter establishes licensure and inspection provisions; provides a penalty of a simple misdemeanor for a violation of a provision of the Chapter; provides for injunctive relief and for enforcement of the Chapter by the county attorney of each county; and provides that if a provision of the Chapter is in conflict with the State Building Code, the provisions of the Chapter do not apply if the State Building Code has been adopted or when the state building code applies throughout the state.

#### S.F. 455

BY COMMITTEE ON STATE GOVERNMENT. Provides that physical therapy evaluation and treatment may be rendered by a physical therapist with or without a referral from a physician, podiatrist, dentist, or chiropractor, but also provides that a hospital may require medical authorization for such evaluation treatment provided in a hospital. The Act also adds a general limiting provision stating that physical therapists are not authorized to practice operative surgery or osteopathic or chiropractic manipulation or to administer or prescribe drugs or medicine.

#### S.F. 2157

BY COMMITTEE ON HUMAN RESOURCES. Establishes findings concerning Acquired Immune Deficiency Syndrome (AIDS)-related conditions, and establishes the Iowa Department of Public Health as the lead agency in the coordination and implementation of a state AIDS-related conditions prevention and intervention

plan. The Act prioritizes the components of the plan for implementation and funding purposes as follows: public and professional health education; testing and counseling; contact counseling; and public information. The Act also requires human immunodeficiency virus screening or confirmatory testing be performed by certified laboratories and directs the Director of Public Health to establish standards for accreditation of the laboratories and for the revocation, suspension, or limitation of a laboratory's certification. The Act also requires certain reporting of positive test results, diagnoses, and deaths and provides for certain safeguards regarding confidentiality of such reports and the information confirmed in the reports. The Act also establishes duties of public health officials regarding AIDS-related conditions; provides for confidentiality and protections regarding AIDS-related conditions information; requires two hours of training regarding concerning AIDS-related conditions for personnel of licensed hospices, homemaker-home health aide providers, and respite care providers; requires two hours of training concerning AIDS-related conditions and prevention of human immunodeficiency virus infection for all emergency medical services personnel, firefighters, and law enforcement personnel; and directs the Iowa Department of Human Services to initiate a waiver process for the provision of alternate services to persons with AIDS or a related condition. The Act repeals certain sections of the Code which would prevent implementation of the Act.

#### S.F. 2159

BY COMMITTEE ON HUMAN RESOURCES. Provides that a recipient of benefits under the federal Medicare program who resides in a health care facility may receive services from a Medicare certified hospice program by codifying an exception to current law. The state requirement that the care of a resident of a health care facility be under the supervision of either the resident's personal physician or the facilities physician, is amended to permit supervision by a Medicare certified hospice program. The Medicare certified hospice program is authorized to contract with a health care facility to provide the supervision of a resident's care when certain requirements are met. Permitting the hospice program to assume responsibility for supervision of the patient enables compliance with the federal government's requirements for reimbursement of hospice care which is delivered in a health care facility.

#### S.F. 2169

BY COMMITTEE ON STATE GOVERNMENT. Transfers the regulation of physician assistants from the Board of Medical Examiners to a new Board of Physician Assistant Examiners. The new Board will be responsible for the registration and licensing of physician assistants and the approval of programs for the education and training of physician assistants. The Board will consist of three members who are physician assistants, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician

assistant, and two public members. Provision is made for representation from counties having a population of less than fifty thousand. A physician assistant who meets the education and examination requirements would register with the Board and could then apply for a license to practice under the supervision of one or more physicians as specified in the license. A physician assistant could not practice without a license.

The Board of Medical Examiners will no longer include a physician assistant. The Advisory Committee on Physician Assistant programs is abolished. Provisions are made for consultation between the new Board and the Board of Medical Examiners in connection with the initiation of disciplinary proceedings against physician assistants and supervising physicians. A rules review group consisting of one physician member, one supervising physician member, and one public member from the Board of Physician Assistant Examiners and two members from the Board of Medical Examiners is established to review and approve or disapprove rules proposed for adoption by the Board of Physician Assistant Examiners. A rule cannot become effective without the approval of the review group. The Board of Medical Examiners is required to adopt rules setting forth in detail its criteria and procedures for determining the ineligibility of a physician to serve as a supervising physician.

#### S.F. 2174

BY COMMITTEE ON BUSINESS & LABOR RELATIONS. Makes changes in the state's labor laws by eliminating redundant provisions and those provisions in conflict with the Iowa Administrative Procedures Act (Chapter 17A), by adopting the federal law and regulations relating to the state hazardous chemicals risks right to know law, and by providing the Labor Commission with the power to seek injunctions under the state safety inspection of amusement rides law.

#### S.F. 2216

BY COMMITTEE ON TRANSPORTATION. Provides that the State Fair Board may make an agreement with the Department of Public Safety to provide security during the annual State Fair and interim events. Prior law provided that the agreement be with the Iowa Highway Safety Patrol.

#### S.F. 2245

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Requires the certification of laboratories which perform laboratory analyses of samples required to be tested under Chapter 455B, and includes the provision for acceptance of reciprocity agreements with other states which have equivalent

laboratory certification requirements. The laboratory is to submit an application every other year, and the director of the Department of Natural Resources is allowed to establish a fee for the processing of an application. The Act also provides for the issuance and content of a certificate of competency to a qualified laboratory, and requires that the testing of samples tested under Chapter 455B be performed at a certified laboratory.

#### S.F. 2267

BY COMMITTEE ON ENVIRONMENTAL PROTECTION AND ENERGY UTILITIES. Makes unlawful the selling, leasing, rental, or advertising for the sale, lease, or rental of a water treatment system in the state for which claims or representations of removing health-related contaminants are made, unless certain conditions are met. The Act also makes unlawful the sale, lease, or rental or advertisement for the sale, lease, or rental of a water treatment system in this state for which false or deceptive claims or representations of removing health-related contaminants are made, and makes unlawful the making of any representation or claim that a seller's water treatment system has been approved or endorsed by an agency of the state. The Act also provides effective dates.

#### S.F. 2274

BY COMMITTEE ON HUMAN RESOURCES. Revises provisions on suspension and revocation of licenses by the Board of Dental Examiners. The Act permits the Board to suspend or revoke a license if another state has taken disciplinary action against the person or if the person has been convicted in this state or another state of a felony or of any crime relating to the practice of dentistry or dental hygiene. The Act also provides for suspension or revocation for knowingly aiding or advising another to unlawfully practice dentistry or dental hygiene, for an adjudication of mental incompetence or for inability to practice dentistry or dental hygiene with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials or as a result of a mental or physical condition. Procedures are provided for review of the suspension or revocation at reasonable intervals in cases involving inability to practice with reasonable skill and safety.

#### S.F. 2284

BY COMMITTEE ON HUMAN RESOURCES. Provides for the disclosure of mental health information for the purposes of claims administration and peer review if certain conditions are met, and provides penalties for violation of the provision. Redefines "administrative information" and "third party payor" for the purposes of the new provisions of the Act, and defines "peer review organization" and "self-insured employer" for the purposes of the mental

health information Chapter. The Act also amends existing sections of the mental health information Chapter to reflect the new provisions for disclosure of information.

#### H.F. 431

BY RUNNING AND RENAUD. Makes several changes in provisions governing the education, practice, and supervision of cosmetologists and barbers. Provisions are added to facilitate transfer of credits between cosmetology schools and barber schools. If a shop is licensed as both a barbershop and a beauty salon on the same premises, licensees of both professions may work on the premises. A supervisor licensed in one of the professions may supervise licensees of the other profession.

#### H.F. 2063

BY GRUHN AND BRANSTAD. Provides that a bed and breakfast home must have a smoke detector and a fire extinguisher on each floor of the home. Also, if the home is not supplied drinking water from a public water supply, the home must have its drinking water tested at least annually by the state hygienic laboratory or the local board of health.

#### H.F. 2113

BY FEY. Relates to prescription drugs by adopting a new definition and requirements of practitioners who dispense drugs. The term "drug sample" is defined and practitioners are required to dispense drug samples without an additional charge to the patient. A physician, dentist, or podiatrist who dispenses drugs other than samples, must register the activity with their respective examining board and either provide the patient with a written prescription or offer to transmit the prescription to a pharmacy of the patient's choice.

#### H.F. 2106

BY COMMITTEE ON HUMAN RESOURCES. Prohibits the advertisement for sale, the offering for sale, or selling of home testing kits for human immunodeficiency virus antibody or antigen testing in the state. The Act provides that a violation of the prohibition is punishable as a class "D" felony and provides additional remedies for violation of the prohibition or violations relative to the prohibition. The Act also exempts from violation of the prohibition certain print or electronic medium which disseminate an advertisement if the medium does not knowingly violate the prohibition. The Act prohibits the

advertisement of the kits in this state from a location outside of the state unless the advertisement prominently indicates that the sale of the kits is void in this state.

#### H.F. 2128

BY COMMITTEE ON HUMAN RESOURCES. Amends the section of the Code relating to false advertising to include arthritis, degenerative neurological diseases, and diseases of the immune system as bases for determination of false advertisement. Provides that the provisions of the Iowa Drug and Cosmetic Act are applicable to a person, firm, or corporation which complies with, rather than which is subject to, the federal Food, Drug, and Cosmetic Act.

#### H.F. 2294

BY COMMITTEE ON HUMAN RESOURCES. Defines terms for the purposes of the new Chapter, 135I. Provides for required procedures to be followed in human immunodeficiency virus-related testing, including the provision of certain information, the right to anonymity, counseling, written notice of the required provisions, exemptions from the required procedures, and specific provisions regarding the testing information of a minor. The Act also provides for confidentiality of information regarding human immunodeficiency-related testing and provides exemptions from the non-disclosure requirements. The Act also provides for remedies and penalties including but not limited to a civil penalty not to exceed one thousand dollars for each violation of certain provisions of the Act. The Iowa Department of Public Health is required to adopt rules to implement and enforce the new Chapter and rules which require the placing of written notification with the body of a person for the use of a person attending the body of a person who died or was suspected of having died from a contagious or infectious disease. The Department is also required, in cooperation with certain other parties, to establish protocol and procedures for the use of universal precautions to prevent the transmission of contagious and infectious diseases. The Act provides for an exemption from the application of the provisions of certain Chapters relating to human immunodeficiency virus-related matters regarding knowledge and consent if a person is committed to the custody of the Department of Corrections. The Act also prohibits the requirement of testing of an individual for the presence of the human immunodeficiency virus by a person engaged in the business of insurance unless the individual provides a written release on a form approved by the insurance commissioner, provides for the admittance to or retention of a person in a health care facility who has a communicable disease in an active state, and prohibits the denial of admission of a person to a health care facility based solely upon the patient's condition if the health care facility is able to provide the appropriate level of care.



### H.F. 2313

BY COMMITTEE ON HUMAN RESOURCES. Exempts from the definition of "child care center" a child care center for sick children which is a part of a pediatrics unit in a hospital which is licensed by the Department of Inspections and Appeals.

### H.F. 2322

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Adds new controlled substances to schedules I and III as recommended by the Board of Pharmacy Examiners.

### H.F. 2344

BY COMMITTEE ON HUMAN RESOURCES. Includes in the definition of "disability" under the civil rights Chapter of the Code, the condition of a person with a positive human immunodeficiency virus (HIV) test result, acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), or a related condition. The Act prohibits the solicitation or requirement as a condition of employment of a test for the HIV or the affecting of employment conditions based solely upon an employee obtaining a HIV test. The Act also provides that if the State Epidemiologist determines and the Director of Public Health declares that a person with a condition related to AIDS poses a significant risk of transmission of the HIV to another person in a specific occupation the prohibitions of the test do not apply.

### H.F. 2354

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Establishes a new Chapter tentatively numbered 136E, regarding radon. Requires the Iowa Department of Public Health to establish a program and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny, and prohibits the testing for the presence of radon gas and radon progeny by a person who is not certified following the establishment of the program. The Act also requires the reporting of certain information regarding radon testing results and provides for confidentiality of the information reported. The Act provides for spot-checks of property previously tested in order to validate measurements performed by persons certified, allows the Iowa Department of Public Health to assess a fee to defray the costs of the certification program, and provides a penalty of a serious misdemeanor for violation of the Chapter.

H.F. 2466

BY COMMITTEE ON HUMAN RESOURCES. Extends the sunset for the exclusion of residential care facilities, including those for the mentally retarded, from certificate of need requirements, from July 1, 1988 to July 1, 1990. Extends the period for the submission of a report regarding recommendations for continued exclusion to the General Assembly and the Governor from January 11, 1988 to January 15, 1990. The Act also requires the Department of Inspections and Appeals to include residential care facilities, which serve elderly persons age sixty or older, in the demonstration waiver project conducted for residential care facilities.

## HUMAN SERVICES

Legislation enacted by the 1988 Session of the General Assembly in the area of human services related to new initiatives in welfare reform; services to persons who have mental retardation, mental illness, or a developmental disability; establishment of a new Division on the Status of Blacks within the Department of Human Rights and other provisions related to the Department; provisions of foster care and foster care review; child abuse and other child-related initiatives; and miscellaneous provisions.

Welfare reform received significant attention from the General Assembly. A number of the initiatives are contained in H.F. 2447, the Department of Human Services appropriations bill, which is summarized in the Appropriations section. Coordinating statutory changes contained in H.F. 2456 relate to providing transitional medical and child care benefits to persons who leave the AFDC program due to employment, as well as requiring the Department to provide educational incentives. New initiatives to provide educational opportunities to at-risk children are contained in S.F. 2295. Senate File 2192 establishes a child development coordinating council and grant program. Family development grants to provide research and delivery systems to affect families with long-term dependency upon welfare services are contained, along with self-sufficiency development measures, in S.F. 2225.

Services to the "Bill of Rights" population of persons with mental retardation, mental illness, or a developmental disability are addressed in several bills. House File 2447, summarized under Appropriations, provides funding for new services. A protection and advocacy agency is created to investigate complaints regarding patients in the State Hospital-Schools and Mental Health Institutes (H.F. 2456). This Act also codifies a number of requirements which relate to the billing structure to counties for services provided at those institutions and requirements of counties in applying for state grants. In S.F. 2330, the Department is required to develop certain standards for case management and counties are required to establish mental retardation, mental illness, and developmental disabilities coordinating boards. Senate File 2018 establishes a family support subsidy program to provide assistance to keep family members out of institutions by providing financial assistance to families to provide care in the home. Senate File 2296 addresses federal special education funding which involves both the Department of Education and the Department of Human Services. House File 2466 extends the sunset provisions for the exclusion of residential care facilities, including those for the mentally retarded, from certificate of need provisions.

A Division on the Status of Blacks is established in the Department of Human Rights (S.F. 2316). Senate File 2180 requires the Commission of Elder Affairs to adopt policies regarding the eligibility of certain elder citizens for programs. Training of mandatory reporters of dependent adult abuse is required under H.F. 2367.

Mandatory reporter of child abuse training requirements were also revised under H.F. 2367. Other measures related to child abuse are contained in S.F.

2075 which provides for access by DHS to criminal history data regarding suspected abusers and H.F. 2456 which coordinates with legislation passed in 1987 relating to criminal history checks of prospective adoptive parents. Senate Joint Resolution 2006 nullifies a DHS administrative rule relating to the expungement of child abuse information.

House File 2313 provides an exemption from certain child care regulations for sick child day care centers located in hospitals by changing the definition of child day care. In a major change in procedures for child support collections, S.F. 2452 transfers many of the responsibilities for these services from the Department of Human Services to the district court clerks, except for certain payments which come under federal regulations for child support payments.

Several provisions relating to decision-making for foster care placements are addressed in H.F. 2456. House File 2170 revises provisions governing foster care review and other items relating to foster care.

House File 683 relates to funding for home weatherization, assistance with heating costs, and other issues involving utilities and low income persons. Senate File 2157 primarily relates to the duties of the Iowa Department of Public Health in regard to AIDS, but includes a section which directs the Department of Human Services to initiate a waiver process with the federal government in order to provide alternate services under Medicaid to persons with AIDS or a related condition.

Senate File 2248 refines the provisions relating to the liability of directors and officers contained in S.F. 471 which passed during the 1987 Session. The Act relates to the Department of Human Services by requiring the Department to establish volunteer programs and treating volunteers as state employees for liability purposes.

Senate File 302 relates to spinal cord injuries by including such injuries in the definition of "brain injury" for purposes of the central registry for brain injuries in the Department of Human Services. The Act contains other provisions relating to reporting by medical facilities and personnel and establishes brain injury as a distinct disability for purposes of state agencies.

House File 2255 provides that the records of clients of the advocacy services offered by the Department of Human Rights are confidential.

House File 2352 is primarily transportation-related, but also provides for the amount of reimbursement to be paid for relocation benefits in urban renewal projects.

Among the legislation in the area of human services which received significant attention, but did not pass, were S.F. 2329 relating to the "Bill of Rights" for persons with mental retardation, chronic mental illness, and a developmental disability and House Files 2052 and 2279 relating to surrogate parenting.

## HUMAN SERVICES

### S.F. 302

BY COMMITTEE ON HUMAN RESOURCES. Includes spinal cord injuries in the definition of "brain injury", for the purposes of the central registry for brain injuries in the Department of Human Services and provides for the recognition of brain injury as a disability. The Act also requires a physician who treats a patient who is not admitted to a hospital but treated in the physician's office, to report a brain injury within seven days, and requires a hospital to report a brain injury no later than forty-five days after the close of the quarter in which the patient was discharged. The Act requires certain information to be included in the report with an exception to the reporting of certain information if the physician or hospital is able to report the Glasgow coma scale. The Act also requires state agencies to recognize brain injury as a distinct disability and requires the identification of such persons served by the state agency.

### S.F. 456

BY HOLDEN. Extends the rights and duties afforded owners of guide dogs for the blind to a disabled or handicapped person with a service dog trained to provide other forms of assistance. "Service dogs" must be specially trained to assist a disabled or handicapped person at a recognized training facility. A handicapped or disabled person has the right to be accompanied by a service dog in places otherwise barring animals. Lease restrictions on pets are waived. The disabled person is liable for any damage done to a premises by a service dog. A person who knowingly denies or interferes with a person's right to be accompanied by a service dog is guilty of a simple misdemeanor, punishable by a hundred dollar fine or thirty days in jail.

### S.J.R. 2006

BY COMMITTEE ON JUDICIARY. Nullifies an administrative rule of the Department of Human Services, I.A.C. 441-175.15, which relates to the correction or expungement of information in the possession of the Department concerning a case of alleged child abuse.

### S.F. 2018

BY HOLDEN. A family support subsidy program is created to provide funds to subsidize the cost of care in the home of a member of a family who is under the age of eighteen and is severely or multiply handicapped or requires full time special education placement for education. The program is administered through local offices of the Department of Human Services. The Act specifies

that the family member must currently be a resident of, or being considered for, placement at a state supported institution. Eligibility is limited to families with a net taxable income of forty thousand dollars per year or less and resource criteria are the same as the criteria under the federal Supplemental Security Income program.

The program is to be funded from annual appropriations to the Department of Human Services. Seventy-five thousand dollars was designated for this purpose within the foster care appropriation for FY 1988/89. Program participants must complete an annual report and the Department is required to submit an annual report to the Governor and the General Assembly.

#### S.F. 2075

BY BRUNER. Provides that the Department of Human Services may request criminal history data from the Department of Public Safety on a person believed to be responsible for an injury which, if confirmed would constitute child abuse; provides for the investigation of a complaint related to child sexual abuse involving a person not responsible for the care of the child; provides for the filing of a child in need of assistance complaint involving a victim under the age of eighteen and an alleged offender who is not a person responsible for the care of the child under the sexual abuse, protection of the family, or obscenity Chapters; and provides for the use of certain funds for processing criminal history checks for nonlaw enforcement purposes.

#### S.F. 2107

BY VANDE HOEF AND BRUNER. Creates a foster home insurance fund within the office of the Treasurer of State, consisting of all moneys appropriated by the General Assembly for deposit to the fund. The fund will pay any valid and approved claim of foster children, their parents, guardians, or guardians ad litem, for damages arising from the foster care relationship and the provision of foster care services, as well as certain legal costs and damages caused by foster children. The fund is not liable for damages in certain prescribed circumstances; a \$150 deductible applies per occurrence; and the maximum liability per foster home per year is \$300,000. The Department of Human Services is required to administer the fund, prescribe procedures for the filing of claims, and issue decisions regarding a properly filed claim within 180 days of its presentation. The term "foster home" is defined.

#### S.F. 2157

BY COMMITTEE ON HUMAN RESOURCES. Establishes findings concerning Acquired Immune Deficiency Syndrome (AIDS)-related conditions, and establishes the Iowa Department of Public Health as the lead agency in the coordination and implementation of a state AIDS-related conditions prevention and intervention

plan. The Act prioritizes the components of the plan for implementation and funding purposes as follows: public and professional health education; testing and counseling; contact counseling; and public information. The Act also requires human immunodeficiency virus screening or confirmatory testing be performed by certified laboratories and directs the Director of Public Health to establish standards for accreditation of the laboratories and for the revocation, suspension, or limitation of a laboratory's certification. The Act also requires certain reporting of positive test results, diagnoses, and deaths and provides for certain safeguards regarding confidentiality of such reports and the information confirmed in the reports. The Act also establishes duties of public health officials regarding AIDS-related conditions; provides for confidentiality and protections regarding AIDS-related conditions information; requires two hours of training concerning AIDS-related conditions for personnel of licensed hospices, homemaker-home health aide providers, and respite care providers; requires two hours of training concerning AIDS-related conditions and prevention of human immunodeficiency virus infection for all emergency medical services personnel, firefighters, and law enforcement personnel; and directs the Iowa Department of Human Services to initiate a waiver process for the provision of alternate services to persons with AIDS or a related condition. The Act repeals certain sections of the Code which would prevent implementation of the Act.

#### S.F. 2180

BY COMMITTEE ON HUMAN RESOURCES. Requires the Commission of Elder Affairs to adopt policies of eligibility for programs with federal, state, and local funding at the age of sixty with preference for services delivered to elders seventy-five years of age or older.

#### S.F. 2192

BY COMMITTEE ON EDUCATION. This Act creates the Child Development Coordinating Council to promote and coordinate services for three and four year old at-risk children. The Council is to determine when a child is an at-risk child. That definition carries over to the establishment of minimum child development services guidelines, an inventory of services provided in this state, curricular and staff recommendations, awarding of grants to child development service providers, encouraging the establishment of regional councils for program development, and submitting recommendations to the Governor and the General Assembly. Staff assistance is to be provided jointly by the Department of Education and the Division of Children, Youth, and Families of the Department of Human Rights.

### S.F. 2225

BY COMMITTEE ON HUMAN RESOURCES. Establishes a Family Development and Self-sufficiency Council within the Department of Human Services, provides for the membership of the Council, and establishes the Council's duties. The duties established include: identification of factors and conditions that place Iowa families at risk of long-term dependency upon the Aid to Dependent Children program and which place Iowa families at risk of family instability and foster care placement; awarding demonstration grants for the provision of family development services; developing measures to evaluate the effectiveness of any demonstration program funded; enlisting research and funding support; making recommendations to the Governor and the General Assembly on the effectiveness of early intervention programs in Iowa; and evaluation and making recommendations regarding the costs and benefits of expanding the services and benefits provided under the special needs program of the Aid to Dependent Children program.

### S.F. 2248

BY COMMITTEE ON JUDICIARY. Relates to changes made by Senate File 471 (Directors and Officers Liability) passed during the 1987 Session. References to "stockholders" have been struck and replaced with "shareholders". Provides that a corporation may include a provision in its articles of incorporation eliminating or limiting the liability of a director, officer, or other covered individual, but that the corporation is not required to do so. However, if the corporation decides to create a provision eliminating or limiting liability, the provision must be included in the articles of incorporation. Language is struck which disallows indemnification for expenses of a director or officer when the director or officer is found to be liable to the corporation pursuant to section 496A.44. This section imposes liability on the director or officer for certain acts when the director or officer fails to comply with the required standard for performance of duties. The Act expands the application of S.F. 471 by providing that a cooperative association may indemnify directors, officers, employees, members, and volunteers for judgments, penalties, fines, settlements, and reasonable expenses in the same manner as a for-profit corporation may under section 496A.4A. Cooperative associations were not included in S.F. 471.

The Department of Human Services is to establish volunteer programs designed to enhance the services provided by the Department. Volunteers registered with the Department are considered state employees for purposes of Chapter 25A.

An interim study committee is established to study issues relating to guardianship and conservatorship services including the means to provide for surrogate decision makers and case management services for persons temporarily or permanently incapacitated in their decision-making ability.



### S.F. 2295

BY COMMITTEE ON EDUCATION. Provides an extension of the ideas incorporated in Senate File 2192 relating to at-risk children. This Act directs the Department of Education to develop procedures, standards, and programs for use within school districts to deal with the developmental needs of at-risk children. The Board of Educational Examiners is directed to develop an appropriate early elementary endorsement for teacher certificates. The State Board of Regents is to develop a center for early childhood development education which shall include a laboratory school and which has as part of its curriculum, programs which accommodate the needs of at-risk children. School districts are to incorporate at-risk programming into their kindergarten admission program.

### S.F. 2296

BY COMMITTEE ON EDUCATION. This Act requires the area education agencies to utilize federal funded health care programs to assist in paying for special education services. The State Board of Education is to develop a program for the area education agencies to assist them on this task and the Department of Education will designate an area education agency to develop a billing and collection mechanism to be used by all area education agencies. The Department is to determine what services are covered by federal programs and what may be subject to reimbursement. The effective date of the billing is July 1, 1988, although actual billing will not take place until November 1, 1988, with any monies collected going to the state's General Fund. This Act does not change any licensing requirements that may be contained in other statutes. The Department of Education and the Department of Human Services are granted both emergency and regular rulemaking authority to implement this Act. The Department of Human Services is to amend its Title XIX plan to include area education agencies as eligible providers of services, although this Act is not intended to supplant any services provided by other providers or to give the area education agency any preference as a provider.

### S.F. 2316

BY HUTCHINS AND HULTMAN. Establishes a Division on the Status of Blacks in the Department of Human Rights and a nine-member Commission on the Status of Blacks, including at least five members who are black, to study the changing needs and problems of blacks in this state and recommend new programs, policies, and constructive action to the Governor and the General Assembly. Areas of concern include public and private employment policies and practices; labor laws; legal treatment relating to political and civil rights; black children, youth, and families; expanded programs to assist blacks as consumers; the employment of blacks and the initiation and sustaining of black businesses and black entrepreneurship; blacks as members of private and public boards, committees, and organizations; education, health, housing, social

welfare, human rights, and recreation; the legal system, including law enforcement, both criminal and civil; and social service programs.

### S.F. 2330

BY COMMITTEE ON APPROPRIATIONS. Relates to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness. The Mental Health and Mental Retardation Commission of the Department of Human Services is required to establish standards for the provision of individual case management services and for the structure of a service coordination system which ensures a linkage between the service coordination system and individual case management services. Each county board of supervisors is required to establish, or to designate itself as a county or multicounty mental health, mental retardation, and developmental disabilities coordinating board. The coordinating board is required to establish an advisory committee. Duties of the board and the advisory committee are specified and include planning for the delivery of services. Recommendations of the coordinating board are subject to the approval of the county board of supervisors. A county or a consortium of counties may contract with the Department to be the provider of case management services and may deliver the services through a subcontractor. The Department shall agree to either approach so long as the contract or subcontract meets the standards established for case management services. The Department is required to develop an appeals process by which decisions of the coordinating board or the Department may be appealed by the coordinating board or an affected party.

### H.F. 683

BY COMMITTEE ON WAYS & MEANS. Requires the Utilities Board to establish rules requiring each electric and gas public utility to establish a customer contribution fund to be used in assisting the utility's low-income customers with weatherization and in supplementing the energy assistance received under the Federal Low-Income Heating Energy Assistance Program. The Utilities Board is to require the public utilities to prepare an annual report to be filed for each customer contribution fund, with the Utilities Board preparing an annual statewide report of the fund results. The Division of Community Action Agencies of the Department of Human Rights shall prepare an annual report of the unmet need for energy assistance and weatherization. Both reports are to be submitted to the Appropriations Committees of the General Assembly on the first day of the following session. Similar existing programs to receive customer contributions established by public utilities are construed to meet the requirements of the Act, but such plans are subject to review by the Utilities Board and if they are determined not to be in compliance the utility companies have until July 1989 to modify their operation so as to be in compliance.

The Act establishes the Energy Crisis Fund. This fund is to be used to assist low-income families who qualify for the Low-Income Heating Energy Assistance Program to avoid loss of essential heating.

The Act directs the Division of Community Action Agencies of the Department of Human Rights to expend certain funds for low income residential weatherization or other related home repairs for low-income households. The Division is to identify all participants in the Low-Income Home Energy Assistance Program for the 1987-1988 winter heating season whose household income was less than 75 percent of the poverty level, determine the number of these residences which are eligible for weatherization under current programs but which will not be weatherized in the next 12 months due to the current priorities imposed by the federal programs, and give priority to weatherizing these residences. The Division is to submit a report to the General Assembly on February 1, 1989. The report shall include the number of residences identified as eligible for weatherization in this project, the number of residences weatherized from July 1, 1988, to December 31, 1988, the average cost per dwelling weatherized, the range of costs for individual weatherizations, and the Department's recommendation for a program to complete the weatherization of the remaining residences in this category. The report is also to include an inventory of the number of residences not weatherized which have household incomes falling between 75 percent and 100 percent of the poverty level.

The Act also requires the Division of Community Action Agencies of the Department of Human Rights, in cooperation with the Department of Natural Resources and the Utilities Board, to conduct a two-year pilot project from October 1, 1988, through September 30, 1990. The project is called the Affordable Heating Payment Program Pilot Project and is to involve at least one provider of natural gas, electricity, and deliverable fuels in the state. The program is to provide a schedule or formula under which funds appropriated in House File 683 are used to make up the difference between what a low-income family or individual pays toward heating costs plus Federal Low-Income Home Energy Assistance payments and either the actual heating cost or the cost determined by rule by the Division as the cost of reasonable heating fuel consumption for the customer, considering size of the family, location of the residence, and such other factors as considered appropriate by the Division. The program is to be designed so as to promote the use of energy conservation strategies by the participants and is to be cost-effective. The Act also establishes an advisory board which is required to provide the General Assembly with an evaluation of the first year of the program and recommendations for further legislative action no later than January 15, 1990.

#### H.F. 2170

BY FEY, CORBETT, BISIGNANO, HAVERLAND, HANSEN OF WOODBURY, PETERSON OF CARROLL, CONNORS, CHAPMAN, MULLINS, CLARK, BRAMMER, LUNDBY, SIEGRIST, AND CARPENTER. Revises provisions governing foster care review by state and local foster care review boards and repeals the sunset which would have taken effect July 1, 1988. (See H.F. 2444, sec. 43, for new sunset effective July 1,

1992.) The Act provides for the establishment of local foster care review boards throughout the state as moneys become available for that purpose. The Act specifies additional elements for the case permanency plan and requires that the review conducted by a local foster care review board be limited to issues pertaining to the permanency plan. Additional safeguards are provided with respect to the rights of the child, guardian ad litem, and persons giving testimony at the review. A provision guaranteeing access to all information considered by the local board is deleted and certain confidentiality provisions are extended. Cases involving involuntary hospitalization for mental illness are made subject to foster care review. The Act contains other miscellaneous changes.

#### H.F. 2255

BY HAMMOND. Provides that the records of clients of advocacy services offered by the Department of Human Rights are confidential.

#### H.F. 2262

BY COMMITTEE ON HUMAN RESOURCES. Provides that certain amounts may be deducted from an inmate's allowance and paid to the Director of Public Safety thereby allowing the certification of Prison Industries for cooperative public-private production agreements as provided for under federal law.

#### H.F. 2278

BY COMMITTEE ON HUMAN RESOURCES. Provides for the detention of juveniles in facilities intended for the detention of adults under certain circumstances and for the issuance of citations to juveniles in lieu of a warrantless arrest. A child may be placed in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed an act which if committed by an adult would be a felony, an aggravated misdemeanor under section 708.2 (assault) or section 709.11 (assault with intent to commit sexual abuse), a serious or aggravated misdemeanor under 321J.2 (operating a motor vehicle while intoxicated), or for a violation of 123.46 (public intoxication or consumption of alcoholic beverage in public place not covered by liquor license). Current law only provides for the detention of a juvenile in such a facility in the event the act would be a felony if committed by an adult.

The minimum age for holding a juvenile in a facility intended or used for the detention of adults is reduced from sixteen to fourteen. However, a juvenile may only be detained in such a facility for a violation of section 123.46 or section 321J.2 after an attempt has been made to notify the parents or legal guardians of the juvenile and request that they take custody of the juvenile. If the parents or legal guardians of the juvenile cannot be contacted or

refuse to take custody, an attempt must be made to place the juvenile in another facility, and the juvenile may only be detained in a facility with adequate staff to provide continuous visual supervision of a juvenile detained for a violation of section 123.46 or section 321J.2.

A person arrested who is eighteen years of age or older and who is charged with committing an offense prior to having reached the age of eighteen, is under the jurisdiction of the criminal court, but may be transferred to the jurisdiction of the juvenile court for disposition of the case upon the motion of the defendant or the county attorney.

A peace officer shall issue a citation to a person who is under eighteen years of age in lieu of making a warrantless arrest for allegedly committing certain simple misdemeanors specified under section 805.16 or a local ordinance not subject to the jurisdiction of the court. That person may be detained by the peace officer in nonsecure custody, as defined in the legislation, for refusing to sign the citation, refusing to provide proper identification, continuing to engage in the conduct for which the citation is issued, or if the person constitutes an immediate threat to the person's own safety or the safety of others.

#### H.F. 2313

BY COMMITTEE ON HUMAN RESOURCES. Exempts from the definition of "child care center" a child care center for sick children which is a part of a pediatrics unit in a hospital which is licensed by the Department of Inspections and Appeals.

#### H.F. 2352

BY COMMITTEE ON TRANSPORTATION. Allows the State Department of Transportation to provide right-of-way and relocation benefits for state funded highway projects in the full amount authorized by federal standards and regulations.

Also allows municipalities to pay relocation benefits in urban renewal projects in the full amount authorized by federal standards and regulations.

#### H.F. 2367

BY COMMITTEE ON HUMAN RESOURCES. Amends the training requirements for mandatory reporters of child abuse, requires training for mandatory reporters of dependent adult abuse, and provides a new definition of an individual who is employed as an outreach worker for dependent adults. Mandatory reporters of either type of abuse are required to complete two hours of training within six months of initial employment or self-employment and must obtain a written outline of the reporting requirements within one month of their employment or

self-employment. Previously, the training was required only for mandatory reporters of child abuse within one year of their initial employment or self-employment. The hours of training of dependent adult abuse reporters which take place upon the employer's premises are included in the calculation of nursing or service hours required to be provided to a patient or resident per day. The training may be completed as part of a continuing education program. A person who is required to complete both the child abuse and the dependent adult abuse training may complete the training through a program which combines the curricula.

#### H.F. 2452

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Provides for the transfer of duties involving the collection and distribution of child support payments. Cases would be transferred between the Department of Human Services' Collection Services Center and the district court clerks. Cases involving support payments related to Title IV-D of the federal Social Security Act will be handled by the Department with all other cases being handled by the appropriate district court clerk.

The Collection Services Center and the Judicial Department are to submit a report regarding the activities of the Center and the clerks, including the time required between the time a payment is received and the time funds are distributed to a recipient, and the number, nature, and frequency of complaints regarding the operation of each. An advisory committee to advise the Departments regarding modifications of the system for processing payments of support and to review complaints concerning this system. All duties of the Department of Human Services relating to the collection and disbursement of support payments by the Collection Services Center are to be transferred to the clerks of the district court by July 1, 1990, if further action is not taken by the General Assembly.

Appropriations are made to the Collection Services Center and the Judicial Department for the collection and disbursement of support payments. The Judicial Department is to provide for the automated access of data and automated transfers of moneys necessary for the Child Support Recovery Unit of the Department of Human Services to carry out its duties.

#### H.F. 2456

BY COMMITTEE ON APPROPRIATIONS. Relates to programs for which appropriations to the Department of Human Services are required by making various statutory changes. Many of the changes codify provisions that had been part of the Human Services appropriations bill each year for a number of years.

The Act creates a Protection and Advocacy Agency to investigate complaints of abuse or neglect of persons who reside in the state Hospital-Schools and the state Mental Health Institutes. The agency is empowered to investigate

complaints and intervene with a civil suit or an administrative action on behalf of a patient.

The Act codifies a requirement that funds received from client participation at the state Hospital-Schools and state Mental Health Institutes be deposited in the General Fund. The method by which a county is billed for a resident at the state Hospital-Schools who is not fully funded by Medicaid is codified.

The Act brings the Department into conformity with certain travel approval guidelines of the Executive Council.

The Act codifies a requirement that a county which receives moneys from the general allocation of the state mental health and mental retardation services fund must indicate in the annual plan submitted to the Fund that the services for which the moneys are used are in accordance with the rules of the Mental Health and Mental Retardation Commission and will not be used for major maintenance or capital expenditure projects.

The Act codifies a requirement that the costs of the psychiatric residency and chaplain intern programs at the state Mental Health Institutes are not included in the computation of the average daily charge to counties.

The Act requires emergency foster care placements to be made to family foster care unless the child has problems which require specialized services or supervision. A child who is age twelve or younger may be placed in a group shelter care home only if reasonable, but unsuccessful efforts to place the child in family foster care are documented at the shelter care hearing.

When a child is placed in foster care, the custodial agency and the court are required to make every reasonable effort to place the child within the state, in the least restrictive setting, and in close proximity to the parent's home. When the court transfers custody of a child to a suitable person for the purpose of long-term care after a permanency hearing, the court must consider transferring custody to family foster care.

The Act establishes a penalty for violation of the Interstate Compact on the Placement of Children. The applicable penalty provision was not transferred from Chapter 238 to Chapter 232 in 1985 when the Compact was transferred.

Welfare reform initiatives to provide transitional child care assistance, transitional medical assistance, and educational incentives to recipients under the Aid-to-Families-with-Dependent-Children program (AFDC) are codified. A recipient who loses eligibility for AFDC due to an increase in earned income is eligible for twelve months of transitional child care assistance and twelve to fifteen months of transitional medical assistance. The Department is required to provide incentives to encourage a recipient who has not graduated from high school or received a GED to participate in educational activities.

The Act contains provisions to coordinate the Act with 1987 legislation regarding criminal records checks to screen prospective adoptive parents. The Department of Public Safety is explicitly permitted to disseminate criminal history records to the Department of Human Services which is in turn permitted

to redisseminate the records to specified persons. The language outlining penalties for misuse of the criminal history information is made more specific.

The Act requires the Department of Inspections and Appeals to issue provisional licenses to specialized psychiatric hospitals for children and adolescents if certain criteria are met. This requirement is effective upon enactment.

#### H.F. 2466

BY COMMITTEE ON HUMAN RESOURCES. Extends the sunset for the exclusion of residential care facilities, including those for the mentally retarded, from certificate of need requirements, from July 1, 1988 to July 1, 1990. Extends the period for the submission of a report regarding recommendations for continued exclusion to the General Assembly and the Governor from January 11, 1988 to January 15, 1990. The Act also requires the Department of Inspections and Appeals to include residential care facilities, which serve elderly persons age sixty or older, in the demonstration waiver project conducted for residential care facilities.



## LABOR AND EMPLOYMENT

Legislation enacted in the area of employment services relates to unemployment compensation, employment discrimination and employee protection, employee safety, and construction contractor registration.

The most significant legislation relating to unemployment compensation is corrective legislation amending the provisions contained in S.F. 507 as it was passed in the 1987 Session. Senate File 2060 deletes the prospective repeal of the new benefit ratio array system under the unemployment insurance laws and abolishes the special employer contribution rates for certain employers with negative balances in their employer accounts. The Act also resolves federal conformity issues and adjusts the experience-based contribution rates for certain employers. The other Act related to unemployment compensation provides protection to a person making a report or statement to the Division of Job Services during an unemployment benefits determination proceeding from liability for slander or libel unless the report or statement is made with malice (H.F. 2247).

Legislation relating to employment discrimination and employee protection broadens the prohibition on polygraph examinations conducted by employers, increases the penalty, and provides for enforcement through civil actions (H.F. 102). AIDS testing of employees by employers is also prohibited except under circumstances when there is a substantial risk of transmission (H.F. 2344). Employer sanctions against employees who refuse to work in unsafe conditions are prohibited (H.F. 2260).

Senate File 2174 eliminates redundant provisions and provisions in conflict with the Iowa Administrative Procedures Act (Chapter 17A) contained in the state's labor laws, and adopts federal law and regulations relating to the State Hazardous Chemicals Right To Know law. Other safety related legislation regulates the safety of transportation provided to railroad employees by a railroad company (S.F. 450).

Senate File 2318 requires construction contractors to register with the Labor Commissioner and provide evidence of compliance with workers' compensation and unemployment compensation laws. A system of citations and administrative penalties is provided for violations.

## LABOR AND EMPLOYMENT

### S.F. 450

BY WELLS AND SOORHOLTZ. Relates to the regulation of railroads. The Act allows political subdivisions to regulate the speed of a train within their jurisdictions subject to the approval of the State Department of Transportation.

The Act also regulates the transportation of railroad employees and equipment. Motor vehicles which are subject to registration and which are provided by a railroad company and used to transport railroad workers are required to meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles; are required to meet all state and federal requirements for safety devices; and are to be operated in compliance with all state and federal regulations pertaining to driving, loading, and carrying freight and employees. Motor vehicles used to transport workers are to be maintained in a safe manner at all times, whether or not used upon a public highway. The Director of Transportation is required to adopt rules requiring motor vehicles subject to registration provided by a railroad company to transport railroad workers to be provided with safe heating systems in order to maintain reasonable comfort levels in those spaces of the vehicles where the workers are required to ride. Violations subject railroad companies to schedule "one" penalties, which are civil penalties of one hundred dollars per violation.

### S.F. 2060

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. Deletes the prospective repeal of the new benefit ratio array system under the unemployment insurance laws. The Act abolishes, for calendar year 1988 and subsequent calendar years, the special employer contribution rate for employers with certain negative balances in their employer accounts. The Act resolves federal conformity issues by providing new nonconstruction employees with an experience rating after 12 quarters of experience, rather than after 20 quarters of experience, and by deleting the access of business and labor organization representatives to certain Job Service information. The Act allows new construction employers, with at least 12 consecutive chargeable calendar quarters prior to the rate year, to be given an experience-based contribution rate. Portions of the Act took effect upon enactment.

### S.F. 2174

BY COMMITTEE ON BUSINESS & LABOR RELATIONS. Makes changes in the state's labor laws by eliminating redundant provisions and those provisions in conflict with Chapter 17A, by adopting the federal law and regulations relating to the state hazardous chemicals risks right to know law, and by providing the Labor Commission with the power to seek injunctions under the state safety inspection of amusement rides law.

### S.F. 2318

BY HUTCHINS AND HULTMAN. Requires construction contractors to register with the Labor Commissioner and provide evidence of compliance with laws on workers' compensation and unemployment compensation. An exemption from the registration requirement is provided for those who earn less than \$1,000 annually and those whose work is performed on their own property. There will be a one-time registration fee not to exceed \$12.50. The fee is not required for contractors who are self employed, do not pay more than \$1,000 annually to employ other persons in the business, and do not work with or for other contractors in the same phases of construction.

The application for registration must give the contractor's name, address, telephone number, the principal place of business in this state, the principal products and services provided, and the names and addresses of the corporate officers or owners. Changes in the information provided must be reported promptly to the Labor Commissioner. Each contractor will be issued an identifying public registration number. This number and the registration information provided by the contractor will be matters of public record. A contractor who is not registered with the Labor Commissioner is not eligible to be awarded a contract to perform work for the state.

The Labor Commissioner is responsible for rules and enforcement of the registration requirement. A system of citations and administrative penalties is provided. The penalty for a first violation will be not more than \$500 and for subsequent violations will be not more than \$5,000. A citation or proposed assessment of penalty may be appealed to the Employment Appeal Board. An order of the Employment Appeal Board is subject to judicial review. The Act takes effect July 1, 1988 for purposes of rulemaking and administrative preparation and February 15, 1989 for all other purposes.

### H.F. 102

BY SHERZAN. Revises provisions on polygraph examinations by employers by broadening the prohibitions, increasing the penalty, and providing for enforcement through a civil action. The Act makes it a serious misdemeanor for an employer, as a condition of employment, promotion, or change in status,

to request or require an employee or applicant to take a polygraph examination, administer such an examination to the employee or applicant, or request or require a waiver. The exception for peace officers is retained, and corrections officers are also excepted. The Act prohibits reprisals against employees who in good faith file complaints or participate in litigation and provides for compensation of lost wages and restoration of status. A person who commits an act in violation of the new provisions is liable to an aggrieved employee or applicant in a civil action for affirmative relief, including reinstatement or hiring, with or without back pay, or any other appropriate equitable relief, including attorney fees and court costs, and may be enjoined from continuing such acts. A plaintiff who in good faith initiates a civil action must establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred; thereafter, the employer has the burden of proving that the requirements of the Act were met.

#### H.F. 2260

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. Prohibits employer sanctions against employees who refuse to work in unsafe conditions.

#### H.F. 2339

BY COMMITTEE ON STATE GOVERNMENT. Revises provisions governing discipline resolution and other grievance procedures for employees in the state personnel system who are not covered by collective bargaining agreements providing otherwise. The discipline provisions apply only to merit system employees but the grievance provisions are made applicable to nonmerit as well as merit employees. Under the Act, discipline resolution procedures are made similar to grievance procedures. In both procedures, an appeal to the Director of Personnel may be filed within seven calendar days and the Director has thirty calendar days to respond. The Director's action may then be appealed to the public employment relations board within thirty calendar days.

The Act also revises provisions applicable primarily to members of the Iowa Highway Safety Patrol in the Department of Public Safety. The current dismissal procedure, including appeal to the employment board, is expanded to cover suspension, disciplinary demotion, and other disciplinary action resulting in the loss of pay. However, the dismissal and other procedures do not apply to a member who is covered by a collective bargaining agreement providing otherwise or to the demotion of a division head. The division head is given the right to return to the rank held at the time of appointment as division head.

H.F. 2247

BY HOLVECK. Provides that a person making a report or statement to the Division of Job Service of the Department of Employment Services during a proceeding to determine unemployment benefits is not liable for slander or libel as a result of that report or statement unless the report or statement is made with malice.

H.F. 2344

BY COMMITTEE ON HUMAN RESOURCES. Includes in the definition of "disability" under the civil rights Chapter of the Code, the condition of a person with a positive human immunodeficiency virus (HIV) test result, acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), or a related condition. The Act prohibits the solicitation or requirement as a condition of employment of a test for the HIV or the affecting of employment conditions based solely upon an employee obtaining a HIV test. The Act also provides that if the state epidemiologist determines and the Director of Public Health declares that a person with a condition related to AIDS poses a significant risk of transmission of the HIV to another person in a specific occupation the prohibitions of the test do not apply.

## LOCAL GOVERNMENT

Local government issues include legislation relating to counties, cities, special districts, and to local governments in general.

Counties are provided procedures for adopting an alternative form of government and to adopt city-county or county-county consolidated forms of government (H.F. 278). The board of supervisors is authorized to appoint an acting county attorney in the absence, sickness, or disability of the county attorney or assistant county attorney (S.F. 2062) and the board may sell part of a gravel pit if it is owned for at least five years and is no longer needed for road construction and maintenance purposes (S.F. 2230). The beginning eligibility dates for Vietnam veteran benefits is extended from August 5, 1964, to December 22, 1961, which authorizes certain financial assistance and funeral expenses to be made by county commissions on veteran affairs (S.F. 2088). Specific standards are required of documents which are presented to county recorders to be recorded (H.F. 2168). Claims for elderly and disabled tax credits must be filed between January 1 and June 1 and procedures are established for collecting erroneous payments (H.F. 2287). The minimum bonds of elected county officers are increased and the requirements for personal sureties are removed (H.F. 2423). The board of supervisors shall not order the refund of a tax payment unless a valid claim is made within one year after the tax is due or within one year of a final decision concerning the payment (H.F. 2461).

A number of sections of the City Code were amended relating to nomination petitions, competitive bids, conflicts of interest, maintenance of records, passage of ordinances, water bills, and zoning protests (H.F. 2348). City civil service promotional grades may be filled by lateral transfer and voluntary demotion along with promotion (H.F. 2228) and a city may use temporary funding sources to finance a civil service position if the position is retained for one year after the temporary funding has expired (H.F. 2179). To fill a vacancy on a city council by special election, the number of signatures needed on a petition is increased (H.F. 2388). A temporary, special exception is provided for the use of taxes and other revenue received within an urban renewal area for the construction of a water supply and distributing system outside the boundaries of the urban renewal area in which the funds are obtained (H.F. 2327).

State payments for tax credits and other state assistance to school districts, area schools, counties, cities, county hospitals, and other local governments are combined with standing appropriations for fiscal years 1989 and thereafter (H.F. 2457). Cities, counties, townships, and school districts are directed to consider joint purchases of equipment costing \$50,000 or more (S.F. 387) and a county and a city may provide by agreement to employ the sheriff as chief law enforcement officer of the city in lieu of the chief of police (S.F. 2090). A judicial district department of correctional services may join one or more cities, counties, or city utilities for the purpose of investing public funds not currently needed (H.F. 2371). Dogs must be licensed with

either the city in which the owner resides or the county if the owner does not reside in a city which requires the licensing of dogs (H.F. 2462).

Legislation authorizing the Treasurer of State or the treasurers of other public bodies in the state to invest funds in warrants and certificates of drainage districts (S.F. 69) is the first of several bills affecting these districts. Drainage districts are also authorized to issue warrants in anticipation of assessments to temporary fund projects during the construction phase (S.F. 2169). Drainage districts are also authorized to cover the costs of improvements by using special assessment procedures (S.F. 2182). Also, drainage districts are required to publish notice of a hearing at least twenty days in advance (S.F. 2183). Upon the filing of a petition to establish a drainage subdistrict, notice of the petition and hearing date must be sent to all affected property owners by ordinary mail and by publication in a newspaper of general circulation in the area (S.F. 2269).

Installment payments, interest, and interest penalties on special assessments shall be calculated to the nearest whole dollar (H.F. 2347).

A new special district (a benefited recreational lake district) may be created by interested landowners in a manner similar to other benefited districts such as lighting or water districts (H.F. 678).

## LOCAL GOVERNMENT

### S.F. 69

BY PRIEBE AND MILLER OF CERRO GORDO. Authorizes the Treasurer of State and the treasurers of other political subdivisions of the state to invest idle public funds in drainage district warrants or improvement certificates.

### S.F. 387

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that a city, county, township, or school district shall consider a joint purchase with one or more other political subdivisions when considering the purchase of equipment costing \$50,000 or more. A political subdivision is not required to make the purchase under a joint agreement pursuant to Chapter 28E, but it is required to formally consider the feasibility of a joint purchase.

### S.F. 452

BY COMMITTEE ON LOCAL GOVERNMENT. Cancels all personal property taxes effective July 1, 1988, and directs the county treasurer to take administrative action necessary to remove liens from the records and the property from the rolls.

### S.F. 2062

BY COMMITTEE ON JUDICIARY. Provides that the board of supervisors may appoint and compensate an acting county attorney, in the absence, sickness, or disability of the county attorney and the assistant county attorneys, to perform any legal duties for county officers and employees related to their official business. In addition, an acting county attorney appearing before a juvenile court referee or a judicial hospitalization referee shall be compensated at a rate approved by the judge who appointed the referee.

### S.F. 2090

BY COMMITTEE ON STATE GOVERNMENT. Authorizes a county and a city within the county to enter into a Chapter 28E agreement for the county sheriff to provide administrative services to the city's police department. The agreement is also subject to the sheriff's approval. The sheriff may accept compensation



for the administrative services, which compensation is in addition to the compensation provided under section 331.907.

### S.F. 2092

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Establishes a community and rural development loan program (CORDLP) to be administered by the Finance Division of the Department of Economic Development and the Iowa Finance Authority. The program is established to provide low interest loans to aid communities in maintaining or constructing traditional infrastructure such as sewer, water, roads, bridges, airports, and other "essential corporate purpose" projects; new infrastructure such as communications systems, technology access or transfer, health care, day care, special transportation services, physical improvements for historic, art or cultural sites, and other "general corporate purpose" projects; and housing for the low or moderate income. Moneys under CORDLP are to be allocated as follows: 55% for traditional and 15% for new infrastructure and 30% for housing with the housing moneys being reallocated if necessary to the infrastructure categories. The Iowa Finance Authority may issue its bonds for purposes of CORDLP. A revolving fund is established for CORDLP and one and one-half cents of the first five cents of tax received from the cigarette tax on each pack of cigarettes is to be deposited in the fund, if funds are not otherwise appropriated to the fund in any fiscal year. If the amount appropriated from other sources is less than \$4,000,000 or has been reduced below that amount, then the limit on the amount of cigarette tax revenues to go to the fund is the excess of \$4,000,000 over the amount appropriated, less any reduction. (Note: S.F. 2328 appropriated \$4,650,000 from the lottery fund.) CORDLP provisions are effective July 1, 1988.

The Act also establishes a state revolving loan fund to provide loans to municipalities for the construction of waste-water treatment systems, in order to satisfy the federal mandates in regard to the establishment of loan funds for receipt of federal dollars, which reflect the federal transition from grants to loans. The Department of Natural Resources is to continue the administration of project selection, review, and approval. An administration fund is also established. The Act provides for the issuance of bonds by the Iowa Finance Authority in order to provide for the payment of the twenty percent state matching funds required for federal funds received. The bonds would be retired by funds generated by repayment of the loans to municipalities. The bill provides that the Iowa Finance Authority is responsible for the management of all state and federal funds in the revolving loan fund established. The Department of Economic Development may coordinate with the Department of Natural Resources in providing assistance for wastewater treatment facilities under the two programs created in the Act. The wastewater treatment provisions are effective upon enactment.

The Governor item vetoed the following from CORDLP Provisions:

1. The earmarking of the first 1.5 cents from the cigarette tax to CORDLP's revolving loan fund.
2. The authorization for Iowa Finance Authority to issue bonds for CORDLP.

#### S.F. 2129

BY COMMITTEE ON LOCAL GOVERNMENT. Deletes the provision that warrants against assessments cannot be issued until thirty days after assessments are levied. Warrants are usually issued in anticipation of assessments to provide temporary funding during the construction stage of an improvement.

#### S.F. 2182

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that the costs of improvements to drainage districts are to be paid as special assessments to the affected property.

#### S.F. 2183

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that the publication of the notice of a drainage district hearing must occur at least twenty days before the hearing date.

#### S.F. 2230

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes a county board of supervisors to sell the remainder of a gravel pit if the county has owned the pit for at least five years and the property to be sold is no longer needed by the county for road construction or maintenance purposes or the remainder of the pit is not suitable for road construction or maintenance purposes.

#### S.F. 2232

BY COMMITTEE ON STATE GOVERNMENT. Makes numerous technical and other changes in the laws governing elections and election procedures. The Act revises provisions on filling township offices by appointment, adds an initial filing date for county offices effective January 1, 1989, reduces the number of signatures needed by partisan candidates for certain statewide offices, changes certain statutory and ballot language to indicate the maximum number

of votes an elector may cast, changes filing deadlines for partisan and other nominations in city elections, adds provisions relating to objections to nominating petitions, provides a time for hearing of objections in cities with primary elections, and changes requirements for signatures to nominate candidates in certain special charter cities. The Act allows county auditors to visit high schools to register eligible electors at other times in addition to the month of May, changes provisions on closing time for county auditors on the final day for registration, changes the time requirements for an additional precinct election official to assist in counting paper ballots, prohibits seeking more than one office in the general election, allows the use of summaries of constitutional amendments and other public measures whether voting is by paper ballot, voting machine, or electronic voting systems, and provides that the cost of printing ballots shall not exceed the usual and customary rates of the printer. The Act changes provisions relating to the determination of challenges where the person's registration was canceled because of returned mail, establishes the percentage of votes needed to pass a public measure, authorizes use of double election boards at any election where the board of supervisors considers it necessary and provides discretion in setting the time for the counting board to begin work, shortens the time for voting machines to remain locked after school elections, revises provisions governing the counting of ballots when write-in votes are cast, sets a time for the return of ballots that are delivered to confined persons, and amends provisions on absentee voting by members of the armed forces and provides for the use of federal write-in ballots in certain circumstances. The Act revises procedures relating to nominations and the submission of public measures for school elections, adds a provision for the filing of objections to school nomination petitions, deletes the affidavit requirement in connection with nomination petitions in merged area school elections, changes from "qualified electors" to "eligible electors" in provisions governing signatures required on petitions relating to plans for county board of supervisor representation, adds a provision on the final canvass of votes in regional library trustee elections, requires city clerks to make other arrangements for receiving nomination papers if the clerk is not available during normal business hours and requires the city clerk to note the time of filing on all nomination papers, specifies a time for the adoption of new nomination procedures in cities, provides that in calculating the number of votes necessary to constitute a majority in a city runoff election, fractions of votes should be rounded up rather than ignored, provides procedures when a person elected by write-in votes in a city election refuses the office and provides that persons receiving write-in votes must file affidavits of candidacy or have their votes disregarded, and changes the deadline for affidavits of candidacy for partisan precinct committee members in special charter cities.

#### S.F. 2269

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that after a landowner has filed a petition to establish a drainage subdistrict, notice of the petition and the time for hearing must be sent to all affected property owners by ordinary mail and published once in a newspaper of general circulation in the county.

### S.F. 2270

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes the county board of supervisors to suspend special property tax assessments and certain other charges against property in addition to regular property tax assessments, for taxpayers who are unable to pay the taxes. The charges relate to the destruction of weeds on the property, and the special assessments are those allowed under Chapters 364 and 384 for public improvements and those allowed under section 384.84 for certain utility rate assessments.

### S.F. 2330

BY COMMITTEE ON APPROPRIATIONS. Relates to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness. The Mental Health and Mental Retardation Commission of the Department of Human Services is required to establish standards for the provision of individual case management services and for the structure of a service coordination system which ensures a linkage between the service coordination system and individual case management services. Each county board of supervisors is required to establish, or to designate itself as a county or multicounty mental health, mental retardation, and developmental disabilities coordinating board. The coordinating board is required to establish an advisory committee. Duties of the board and the advisory committee are specified and include planning for the delivery of services. Recommendations of the coordinating board are subject to the approval of the county board of supervisors. A county or a consortium of counties may contract with the Department to be the provider of case management services and may deliver the services through a subcontractor. The Department shall agree to either approach so long as the contract or subcontract meets the standards established for case management services. The Department is required to develop an appeals process by which decisions of the coordinating board or the Department may be appealed by the coordinating board or an affected party.

### S.F. 2333 VETOED BY THE GOVERNOR.

BY HUTCHINS. Provides that a term or condition of a collective bargaining agreement, which relates to the mandatory bargaining subject of seniority as it affects promotions or transfers, will supersede any contrary provision of the civil service Code Chapter for cities. Provides that a city council may apply the provisions of the civil service Chapter to certain permanent part-time employees.

## H.F. 105

BY BEATTY. Revises provisions relating to the register which is kept by the Director of Revenue and Finance showing the persons who are eligible for appointment as assessors and deputy assessors. The Act provides for the eligibility of incumbent assessors and deputies who comply with continuing education requirements, thereby removing the need to retake the examination in order to seek appointment in a different jurisdiction. The Act also provides that examination scores will no longer be shown on the register, and names will be placed alphabetically rather than according to rank. Scores must be provided to a city or county conference board upon request.

## H.F. 278

BY COMMITTEE ON LOCAL GOVERNMENT. Provides procedures for changing a form of county government, establishing a city-county consolidated form of government, and establishing a county-county consolidated form of government.

The primary forms of government from which to choose are the board of supervisor form, county executive form, manager form, or charter form. Any of these alternatives could be used to govern a city-county consolidation or a county-county consolidation.

A charter to change a form of county government must be developed by a charter commission which is established by the board of supervisors upon petition of electors equal in number to at least twenty-five percent of the votes cast in the county for the office of President of the United States or governor at the preceding general election. The membership of the charter commission is appointed by the board of supervisors, other elected county officers, and state representatives having a majority or at least the largest plurality of constituents residing in the affected county.

The charter commission must follow a time schedule in carrying out its duties of studying county government and preparing a charter to recommend an alternative form of government or to recommend modifications to the existing form of government. The final report must be completed and submitted to the board of supervisors within fifteen months after its organization. The final report may recommend no change.

The Act outlines limitations to the alternatives or modifications which may be presented for voter approval and outlines the duties of the principal officers of the alternative forms of government. The Act also establishes procedures for submitting charters, charter amendments, consolidations, and questions of elected officer additions or deletions.

A city may establish an administrative agency to manage or control all or a part of its airport and may abolish an airport commission currently used under Chapter 330.

### H.F. 382

BY HATCH. Requires an insurer to reserve the greater of five thousand dollars or ten percent of the payment of damages to real property for fire and casualty loss if the property is located in a city with a population of twenty thousand or more, and the loss is seventy-five percent of the face value or more. The issuer shall send notice to the city within five days of notice of a claim in excess of seventy-five percent of the value of a policy and the city shall provide for notice of the claim to the reserve if it institutes a legal proceeding for the demolition of the property within ninety days of receiving notice. The reserve shall be released if the city fails to provide such notice or if the insured commences repairs to or demolition of the property. If the city is required to demolish the property, it is entitled to compensation for costs to the extent of the reserve with any remainder of the reserve payable to the insured.

### H.F. 529

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Prohibits a state agency or political subdivision, unless specifically authorized by statute, rule, ordinance, or regulation from engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public which are also offered by private enterprise unless such goods or services are for use or consumption exclusively by the state agency or a political subdivision. Specific exemptions are provided for the operations or activities of community action agencies under community action programs; city and county enterprises; city essential and general corporate purposes; essential and general county purposes; city utilities; cities and counties to assist tourism; public transit systems; and institutions or schools of specific types under the State Board of Regents. In addition to the exemptions, the Departments of Corrections and Transportation may, by rule, exempt activities related to prison industries, and vocational-educational programs and farm operations of the Department of Corrections, and activities related to highway maintenance, design and construction, publication and distribution of maps, vehicle maintenance and repair services, and other similar operations. The State Board of Regents may also by rule exempt specific activities which are not already exempt, from the prohibition. The Act specifically authorizes the prison industries to produce and sell products to state agencies, political subdivisions, and nonprofit organizations and health care facilities. The Act provides that after July 1, 1988, before a state agency is permitted to engage in existing practices that are prohibited by the Act, it must prepare a public documentation showing that it can provide the goods or services at a competitive price. The Act mandates political subdivisions which are not exempt from the prohibition to adopt a policy for purchasing goods or services from private enterprise which requires such purchases to be made from locally owned businesses.

#### H.F. 665

BY COMMITTEE ON WAYS AND MEANS. Provides a tax levy not exceeding twenty-seven cents per thousand dollars of assessed valuation for the support of a public library if authorized by a petition and majority vote at a regular city election. If the levy is voted, it must be imposed by the city council. The levy may be discontinued by petition and majority vote.

#### H.F. 678

BY COMMITTEE ON WAYS AND MEANS. Provides for the establishment of a benefited recreational lake district by petition of the property owners in the proposed district and the approval of the board of supervisors. Voters must approve the levy of the tax imposed which may not exceed four dollars per thousand dollars of assessed valuation annually. Property assessed as agricultural property shall not be taxed by the benefited district. Trustees of the district are elected at the same election at which the tax levy is proposed. The procedures for establishing and dissolving a recreational lake district are the same as for other benefited districts in the Code.

The purpose of the benefited recreational lake district is to establish, maintain, and repair recreational facilities including, but not limited to, water, buildings, structures, dams, recreational grounds, pools, golf courses, community centers, real estate, and other related property.

#### H.F. 2016

BY SPEAR. Authorizes a director and those employees of the county conservation board who are designated as peace officers to enforce the provisions of Chapters 106, 109, 110, 111, and 321G on land which is not under the control of the board within the county. These Chapters relate to vessels, hunting and fishing, parks, and snowmobiles.

A county which has not established a county conservation board by referendum as provided in section 111A.2, must create a county conservation board that will be operational by July 1, 1989.

#### H.F. 2061

BY SPEAR. Provides that members appointed to examining boards and boards of review shall be residents of the assessor jurisdiction served by the examining board or board of review.

H.F. 2063

BY GRUHN AND BRANSTAD. Provides that a bed and breakfast home must have a smoke detector and a fire extinguisher on each floor of the home. Also, if the home is not supplied drinking water from a public water supply, the home must have its drinking water tested at least annually by the state hygienic laboratory or the local board of health.

H.F. 2168

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that instruments presented to the county recorder for recordation must be legible and reproducible. Also, the instruments shall be no larger than eight and one-half inches by fourteen inches except as otherwise provided for plats in section 409.31 or except as otherwise authorized by the county recorder.

H.F. 2179

BY BLACK. Authorizes a city to use state or federal funds or temporary revenue to fund a civil service position if the city retains the position for at least one year after the expiration of the grants or temporary revenue.

H.F. 2228

BY CONNORS. Provides that city civil service promotional grades may be filled by lateral transfer or voluntary demotion as well as by promotion. Additional procedures are provided for implementing the filling of vacancies by lateral transfer or voluntary demotion.

H.F. 2327

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes the use of a portion of taxes received for urban renewal projects by a city for a water supply and distribution system outside of the urban renewal area if the transfer of funds is approved by each of the local taxing jurisdictions affected by the transfer. The Act is repealed effective December 31, 1989.



### H.F. 2347

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that installment payments and interest penalties added for delinquencies on special assessments shall be calculated to the nearest whole dollar. The minimum interest or interest penalty amount is one dollar.

### H.F. 2348

BY COMMITTEE ON LOCAL GOVERNMENT. Amends various sections of the Code to remove certain ambiguities and inconsistencies which affect cities. The time period in which nomination papers for elective city office must be filed is changed in section 44.4 to match the requirements in section 376.4.

References to competitive bids are deleted in section 362.5, subsection 5, and section 362.5, subsection 10, is stricken, because competitive bids are covered in section 362.5, subsection 4, as they relate to potential conflicts of interest for city officers and employees.

Also, accurate reproductions of ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues may be kept in lieu of the original documents.

A proposed ordinance or amendment is considered defeated if it fails to receive sufficient votes for passage at any consideration by the council.

Water bills which are not paid as provided by ordinance or resolution of the trustees become a lien upon the premise service in the same manner as sewer and waste collection charges.

A protest of a city zoning change must be filed before or at a public hearing called to hear public comment. If the protest is filed at or before the public hearing, the proposed change or repeal shall not become effective without a favorable vote of at least three-fourths of the members of the city council.

### H.F. 2371

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes the director of each judicial district department of correctional services to invest funds of the district not currently needed, jointly with one or more city, county, or city utility pursuant to a joint investment agreement.

## H.F. 2388

BY COMMITTEE ON LOCAL GOVERNMENT. Increases the number of signatures needed for a petition to call an election to fill a vacancy on a city council. For cities of ten thousand population or less, two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. For city of more than ten thousand population but less than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. The minimum number of signatures shall not be fewer than ten.

## H.F. 2400

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act mandates that each county develop a plan for the installation of Enhanced 911 emergency telephone communication systems and provides authority to the Joint 911 Service Boards created in the Act, to add a surcharge on subscriber phone bills to help fund Enhanced 911 systems. Enhanced 911 (E911) provides public safety authorities with the address at which the call originated on a computer screen. The Act calls for the establishment of Joint 911 Service Boards in each county. The boards would consist of voting representatives from each political subdivision which has a public safety agency serving within the county. Private safety agencies may be nonvoting members. Each Joint 911 Service Board is to be established by January 1, 1989. Each Board must submit an E911 service plan to the State Office of Disaster Services by March 1, 1989. A proposed service area should be no smaller than a single county. Each 911 Service Board would be responsible for implementing its own plan according to the schedule it selects. A monthly surcharge on telephone subscribers' bills of up to twenty-five cents per month is permitted after approval by one of two forms of referendums authorized. A Board could choose not to implement E911 but can not implement and receive surcharge income without proceeding with an E911 service plan. The Act facilitates local adoption of E911 service by authorizing the surcharge as an additional revenue source which local governments may supplement, if necessary, from other revenue sources. Use of the surcharge is specifically limited to E911 related capital and recurring expenses and may not be used for other emergency services.

Other provisions facilitate conversion to E911 and include limitations on liability; treatment of proprietary information of phone companies needed to operate an E911 system; permission to use private listing subscriber information; and pay phone conversion requirements. Pay phones within an E911

service area are required to be converted to permit a caller to dial 911 without first inserting a coin or paying any other charge and must display a notice advising callers to dial 911 in an emergency and that deposit of a coin is not required.

## H.F. 2405

BY COMMITTEE ON STATE GOVERNMENT. Makes numerous changes to the various public retirement systems in this state. It makes the following changes in the Iowa public employees' retirement system (IPERS):

1. Increases the ceiling on covered wages two thousand dollars per year up to \$40,000 commencing January 1, 1989.
2. Provides that employees of the Iowa Peace Institute are not covered under IPERS unless they elect coverage. Employees who do not elect to be covered under IPERS will receive a refund of their employee contributions. This section takes effect immediately.
3. Allows members of the armed services twelve months rather than ninety days to return to covered employment.
4. Increases the limit on earnings in a position covered by IPERS from \$2,100 per year to \$6,120 per year for a retired member to continue receiving benefits.
5. Combines the special classifications of conservation officer, correctional officer, police in towns of fewer than eight thousand population, airport firefighter in Des Moines, airport safety officer in Cedar Rapids, and arson investigators employed on or after July 1, 1988 into a single protection occupation classification with full benefits paid at age fifty-five after twenty-five years of service. It also allows sheriffs and deputy sheriffs to receive full benefits at age fifty-five after twenty-two years of service. The cost of additional benefits are paid 40% by the employee and 60% by the employer.
6. Provides that active or vested members of the system who were members of the General Assembly can buy back for previous legislative service by paying the employee share for such service. Former members of the General Assembly with six or more years of legislative service or of legislative service plus covered service can buy back for previous legislative service by paying both the employer and employee share of contributions.
7. Provides upon payment of both the employee and employer contributions at the 1987 covered wage level, members of IPERS may buy IPERS credit for up to four years of previous military service.

8. Allows a retired member of the system who is a member of the Investment Board to receive per diem.
9. Allows certain IPERS records to be exempt from the open records law.
10. Provides an option that a member with thirty years of service and where the number of years of service and age equals or exceeds ninety-two is eligible for full benefits.
11. Reduces the early retirement penalty from one-half percent per month to one-fourth percent per month for each month the retirement precedes the normal retirement date.
12. Clarifies the liability of the Investment Board, the Department of Personnel, and the Treasurer of State.
13. Allows employees and members of the Investment Board to travel outside the state for investment purposes.
14. Clarifies fiduciary responsibility in the investment of funds.
15. Strikes language referring to retirement at age seventy, to comply with federal law retroactive to January 1, 1988.
16. Allows an inactive member who has accumulated sufficient service for vesting to be a vested member.
17. Provides for November retirement dividends in 1988 and 1989 of eighty percent of the regular benefit for members who retired between January 1, 1976, and June 30, 1982.
18. Provides for November retirement dividends in 1988 and 1989 of one hundred twenty percent of the regular benefit for members who retired between July 4, 1953, and December 31, 1975.
19. Provides for retroactive adjustment payments of benefits for not more than six months in certain cases.
20. Provides clarifying language.

It makes the following changes to the Peace Officers' Retirement System and the local police and fire retirement systems:

1. Allows members of the armed services twelve months rather than six months to return to covered employment.
2. Increases the minimum pensions to a beneficiary of a member who died under the ordinary death provision and to the surviving spouse of a deceased member to twenty percent of the monthly earnable compensation of a senior patrol officer or member holding the highest grade in the rank of police officer or firefighter. The increase applies to any member already receiving the benefit.
3. Increases from twenty percent to twenty-five percent the percent used in calculating increased benefits for members retired under ordinary disability to correspond to a previous increase in benefits from forty percent to fifty percent. It provides for a study of job classifications

within state government by the Department of Personnel, including a study of the positions in the IPERS Division that are involved in investments. The Act also requires that the costs of temporary disability of police officers and firefighters be paid from the city's General Fund.

4. Changes the definition of "child" for pensions paid to deceased members to match the definition of child in other sections of the Chapter retroactive to January 1, 1987.
5. Removes spousal remarriage prohibitions.

#### H.F. 2423

BY COMMITTEE ON COUNTY GOVERNMENT. Provides that the bonds of county officers, except the county treasurer, shall be a minimum of twenty thousand dollars as determined by the board of supervisors. The bond for the county treasurer shall be at least fifty thousand dollars as determined by the board of supervisors. The Act also removes the requirement that public officers have sureties in addition to their bonds.

#### H.F. 2449

BY HALVORSON OF CLAYTON. Legalizes the proceedings taken by the board of directors of the M-F-L Community School District relating to the sale of real property to the town of Farmersburg, Clayton County, Iowa.

#### H.F. 2457

BY COMMITTEE ON APPROPRIATIONS. Provides for the combining of state payments of tax credits and other state assistance to school districts, area schools, counties, cities, conference boards, county hospitals, and county agricultural extension councils. The amounts distributed reflect payments from property tax replacement programs such as the property tax replacement, livestock replacement, general city and county assistance, liquor sales, and moneys and credits replacement. The education agencies will receive \$36.6 million, \$33.4 million in fiscal year 1989, and the remainder in the following fiscal year. The remaining local governments will receive \$67.6 million in fiscal year 1989 and subsequent fiscal years.

#### H.F. 2462

BY COMMITTEE ON WAYS AND MEANS. Provides for the licensing of dogs with either the city in which the owner resides or the county if the owner does not reside in a city which requires the licensing of dogs. The annual license fee

is set by the city or county, as applicable. The licensing requirement applies to dogs four months of age or older. The license application must be accompanied by evidence that the dog has been vaccinated against rabies. Procedures are also included to the issuance of duplicate tags and the transfer of licenses. Failure to comply with the licensing requirements is punishable by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

#### H.F. 2463

BY COMMITTEE ON WAYS AND MEANS. Allows cities and counties to receive confidential information concerning local option taxes imposed by them from the Department of Revenue and Finance; provides for the imposition of a local hotel and motel tax forty-five days after notification to the Department of Revenue and Finance instead of the previous sixty days, thus enabling the tax to be imposed January 1 following a favorable election held in November; legalizes the premature collection of the Ames hotel and motel tax; allows construction contractors who have entered into a construction contract prior to the imposition or rate increase of a local sales and services tax to receive a refund of the amount of tax or rate increase for property incorporated into an improvement to real estate; and eliminates the provisions that state that the state cigarette and liquor taxes are in lieu of any local taxes, thus clearing up the question of whether a local sales and services tax applies to cigarette and liquor sales. The Act is effective upon enactment.

#### H.F. 2470

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Legalizes actions of the cities of Burt, Dike, Dysart, Long Grove, Maquoketa, Marathon, Panora, Preston, Sibley, Stanhope, State Center, Tipton, West Liberty, Whittemore, Anita, Hopkinton, Grand Junction, Ogden, Story City, Traer, Vinton, and the Amana Society Service Company, Amana, and the Farmers Electric Cooperative of Kalona, in contracting pursuant to Chapter 390 of the Iowa Code for the joint transmission of electric power.

#### H.F. 2476

BY COMMITTEE ON WAYS AND MEANS. Provides that administrative procedures must be followed for questions relating to the identification of taxable property and the classification of taxable property as real or personal when the property is centrally assessed. Local administrative procedures also must be followed when these questions are raised.

## NATURAL RESOURCES AND OUTDOOR RECREATION

Natural Resource and Outdoor Recreation issues include numerous substantive changes to laws relating to hunting, fishing, and trapping, and the registration and titling of vessels. Also included are contracts for concessions and the use of rights-of-way along public highways.

The Department of Natural Resources is given additional authority to combat "poaching" and related illegal hunting activities. Penalties are increased and the Department's authority relating to search and seizure is extended to other Chapters of the Code in addition to Chapter 109 (H.F. 395). Persons may enter upon the right-of-way of a public road or highway for purposes other than transportation without committing criminal trespass (H.F. 2258). County conservation board employees who are designated as peace officers may enforce the provisions of Chapters 106, 109, 110, 111, and 321G on land outside the jurisdiction of the county conservation board within the county (H.F. 2016). House File 2102 prohibits the taking of a predominantly white deer of the species Whitetail. Authentically constructed Native American style watercraft, competitive racing shells, and historically styled craft such as a keel boat are exempt from displaying registration numbers and passenger seating numbers (H.F. 2192). Tip-up fishing devices are defined and their use regulated in the waters of the Mississippi River and its connected backwaters (S.F. 2167).

The Department of Natural Resources is required to have formal written contracts with concessionaires in parks, forests, and wildlife areas under the Department's jurisdiction (H.F. 2191).

The Department of Agriculture and Land Stewardship is directed to regulate the extraction of coal for commercial purposes from an area of one-half acre or less. Currently, this type of commercial operation is exempt from regulation (H.F. 2306).

Vessels are redefined and procedures for obtaining a title for vessels seventeen feet or longer in length are amended (H.F. 2011).

Legislation which would have defined snowmobiles and all-terrain vehicles separately and provided for titling of the two types of vehicles was debated and passed by the Senate, but it failed to pass the House (S.F. 2023). Also, legislation authorizing limited casino style gambling on excursion boats was debated and passed by the House, but it was defeated after amendment and debate in the Senate. This legislation was intended to encourage tourism and recreation development (H.F. 468).

## NATURAL RESOURCES AND OUTDOOR RECREATION

### S.F. 2167

BY TIEDEN. Defines tip-up fishing devices and provides for their regulated use in the waters of the Mississippi River and its connected backwater. A tip-up fishing device is a mechanism used for ice fishing with an attached flag to indicate fishing action, used to hold a fishing rod or pole with line and hook. A person is limited to three tip-up devices or, as an alternative, two or three hooks may be used on the same line. However, a person is limited to a total of three hooks when fishing with tip-up devices except as otherwise authorized in section 109.72 for still fishing and trolling. The tip-up devices must be tagged with the owner's name and address. The tip-up devices shall be confiscated by a state conservation officer if they are not properly tagged.

### S.F. 2126

BY COMMITTEE ON NATURAL RESOURCES. Alters the enforcement powers of the Department of Natural Resources regarding unauthorized dams or other waterway projects or obstructions. The definition of "violation" is extended to include a person contracted to erect or make a structure, dam, obstruction, deposit, or excavation in a floodway, including stream straightening, unless the project is authorized pursuant to Chapter 455B or 469. This change permits actions directly against the contractor. Additionally, a statute of limitations is imposed on the Department of Natural Resources and the Environmental Protection Commission, which prohibits initiation of action to remove a dam or obstruction more than five years after the Department becomes aware of its existence, or more than ten years after its completion or construction, unless the action is required to protect the public safety. The Act is given retroactive effect to the extent of the Department's knowledge, and for projects completed earlier than ten years, before July 1, 1988.

### H.F. 395

BY COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION. Contains numerous substantive changes to laws regarding hunting, fishing, and trapping. The definitions of "bird, fish, frog, mussels, fur-bearing animals, and game" are transferred to the definition section of Chapter 109 and the definitions of "spawn, turtle, amphibian, and reptile" are added. The definitions of "animal and mammal" are amended.

The Department of Natural Resource's authority relating to search and seizure is extended to other Chapters. The Act removes authority to use crows for the



training of dogs. Mobile transmitters can not be used to hunt fur-bearing animals, but an exception is made for hunting coyotes during the months of January through March.

A minimum fine of ten dollars is imposed for most violations of Chapter 109, but an exception is made for taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon. A minimum fine of one hundred dollars is imposed for each offense committed while taking one of those animals with a prohibited weapon.

A common carrier which ships raw pelts or fur in violation of Chapter 109 is guilty of a simple misdemeanor and provisions relating to presumptive evidence are amended.

The Department is given additional flexibility to issue deer and turkey licenses to maintain proper biological balances. Amendments are adopted to require the exhibiting of catch taken at the request of officers, to prohibit the use of devices to chase animals from dens, to remove a requirement for the marking of deer hides, and to remove restrictions on the training of dogs.

Possession limits are placed on fur-bearing animals or pelts after the season and the regulation of games breeders are revised and extended. Bait dealer's licenses are expanded to include crayfish and salamanders.

The Act authorizes a wildlife salvage permit, wildlife rehabilitation permit, the taking of turtles, and the Department to designate game, commercial, and rough fish by rule. Revisions are made concerning the attendance at fish lines, snagging fishing, the application of tagged lines, and the return of rough fish to the water from which taken. The stocking of fish in public water is prohibited without the Director's permission. The taking of a destructive fur-bearing animal out of season requires the permission of the Department and the carcass must be relinquished to the Department.

Restrictions are placed on the use of conibear traps and snare traps and additional restrictions are placed on the use of artificial lights while hunting. The Act also expands the prohibition on hunting from a snowmobile or aircraft and expands the clothing that will satisfy the blaze orange requirement while hunting deer. A person may stalk or pursue animals but not fire, within two hundred yards of an inhabited building without the owner's consent. The Director may inspect taxidermy records and specimens and revoke a taxidermy license for good cause.

The civil penalties for unlawful taking of animals are increased and the violations for which the civil penalties may be imposed are expanded.

#### H.F. 2011

BY GRUHN. Redefines vessels and amends procedures relating to the titling of vessels which are seventeen or more feet in length. The purchaser, rather

than the seller, of a vessel which is required to be titled is required to obtain a certificate of title for the vessel upon transfer. In lieu of using a Uniform Commercial Code form and procedure to perfect a security interest in a vessel subject to titling, an application for a security interest is presented along with the original title.

#### H.F. 2016

BY SPEAR. Authorizes a director and those employees of the county conservation board who are designated as peace officers to enforce the provisions of Chapters 106, 109, 110, 111, and 321G on land which is not under the control of the board within the county. These Chapters relate to vessels, hunting and fishing, parks, and snowmobiles.

A county which has not established a county conservation board by referendum as provided in section 111A.2, must create a county conservation board that will be operational by July 1, 1989.

#### H.F. 2102

BY KOENIGS. Prohibits the taking of a predominantly white deer of the species Whitetail. A violation is punishable as a simple misdemeanor which means a fine not exceeding one hundred dollars or imprisonment for not more than thirty days. The Department of Natural Resources may also file for civil damages of \$750 against a violator for illegally taking a deer.

#### H.F. 2191

BY COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION. Provides for written contracts between the Department of Natural Resources and persons having concessions in parks, forests, fish and wildlife areas, and recreation areas under the jurisdiction of the Department. The Department may cancel or, in an emergency, suspend a contract for the protection of the public health, safety, morals, or welfare.

#### H.F. 2192

BY COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION. Exempts certain vessels from the requirements of displaying the registration number and passenger seating capacity on the location required of most vessels which are required to be registered. The exempt vessels include authentically constructed native American style craft such as birchbark canoes, dugout canoes, reed boats, and skin-covered canoes, competitive racing shells,

historically styled craft such as keel boats used only for public demonstrations, and vessels documented by the United States Coast Guard.

H.F. 2258

BY COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION. Provides that a person may enter upon the right-of-way of a public road or highway for purposes other than transportation without committing criminal trespass.

H.F. 2306

BY COMMITTEE ON AGRICULTURE. Removes the exemption relating to the regulation of the extraction of coal for commercial purposes from a site of one-half acre or less, so this activity will be regulated by the Department of Agriculture and Land Stewardship.

## STATE GOVERNMENT

Legislation enacted in 1988 in the area of state government can be categorized as relating to structure, organization, and programs; salaries, retirement benefits, and other personnel matters; limitations on government competition with private industry; and a miscellaneous assortment of other issues, including public facilities, projects, and purchasing; alcoholic beverages; election laws; confidentiality of records and proceedings; veterans' affairs; professional licensing; notaries public; museum property; and horse racing.

Foremost among issues involving governmental structure is the selection and role of the Lieutenant Governor. The General Assembly has placed on the November general election ballot a proposal (S.J.R. 1) which would amend the Iowa Constitution to require that the Governor and Lieutenant Governor run as a team beginning with the 1990 general election. The proposal would also eliminate constitutional language requiring the Lieutenant Governor to preside over the Senate and would provide instead that beginning in 1991 the Lieutenant Governor's duties will be those provided by statute and those assigned by the Governor. Accompanying legislation (H.F. 2374) provides procedures for the nomination of candidates for Lieutenant Governor for the 1990 election and thereafter if the proposed constitutional amendment is approved by vote of the people. Partisan candidates would be nominated at the state party conventions.

Several enactments relate to appointments to boards and commissions and other offices. For gubernatorial appointments subject to Senate confirmation, new legislation (S.F. 201) allows the Senate to require proof that the nominee has filed state and federal income tax returns and to require access to disciplinary records relating to the nominee if the appointment is to a professional licensing board.

The makeup of some boards and commissions is changed. The Commission on the Status of Women is reduced from 24 to 13 members, including four legislators who are nonvoting members (S.F. 2170). Restrictions on appointments to membership on the Engineering and Land Surveying Examining Board are relaxed to facilitate compliance with gender balance requirements (S.F. 2203). A new Board of Physician Assistant Examiners is created, composed of three physician assistants, two supervisory physicians, and two public members (S.F. 2169). The physician assistant member is removed from the Board of Medical Examiners. The membership of the State Board of Regents must include a student (H.F. 2046). The voting membership of the Iowa Economic Development Board is increased from nine to eleven and the nonvoting membership is modified to include representation from merged area schools and private colleges and universities (S.F. 2164). Proposed revisions in the membership of the Board of Nursing were not enacted.

Several organizational changes are made. A new Department for the Blind is established to replace the Division for the Blind in the Department of Human Rights (S.F. 2310). The Department of Human Rights is given a new Division on the Status of Blacks (S.F. 2316) and also a new Division on Criminal and Juvenile Justice Planning, transferred from the Department of Management (S.F.

2310). The Department of Inspections and Appeals is assigned responsibility for the certification of targeted small businesses eligible to participate in procurement set-asides, transferred from the Department of Economic Development (S.F. 2309). The sunset for foster care review boards in the Department of Inspections and Appeals is deferred until 1992 (H.F. 2170, H.F. 2444), while the sunset for water resource districts in the Department of Agriculture and Land Stewardship is allowed to take effect July 1, 1988. The July 1, 1988, sunset provision for the Department of Commerce is repealed (H.F. 2444).

New program responsibilities are added. In the Department of Commerce, the Savings and Loan Division will administer new legislation for the regulation of mortgage bankers and mortgage brokers (H.F. 613) and the Insurance Division will have responsibility for the regulation of risk retention and purchasing groups (H.F. 2303). In the Department of Economic Development, the head of the Finance Division is made the president of the new business development finance corporation established to provide financing for small businesses (H.F. 2396). In the Department of Employment Services, the Labor Commissioner is responsible for a program of registration for construction contractors (S.F. 2318). The Secretary of State is given responsibility for administering a system for the registration and regulation of agents for student athletes (H.F. 2432).

"Hearing officers" in the Department of Inspections and Appeals and other state agencies are renamed "administrative law judges" (H.F. 2430). The "commissioner" of human services is redesignated "director" and the division heads are redesignated "administrators" (S.F. 2171). The "director" of public safety is redesignated the "commissioner" (S.F. 2314). The real estate "examining board" is redesignated the real estate "commission" (H.F. 2444). The vocational rehabilitation building in the Capitol Complex is designated the Jessie M. Parker State Office Building (H.C.R. 108).

Some enactments involve matters of particular interest to state officers, employees, and retirees. Salary rates and ranges are increased for state elective and appointive officials in the executive branch (excluding the Governor) and the judiciary, and salary adjustments are provided for other state employees, including faculty and others at the state universities (S.F. 2321). Adjustments are made for health, dental, life, and disability insurance plans. Members of the General Assembly and the Lieutenant Governor are made eligible for full insurance benefits on the same basis as full-time state employees. Legislators are also granted a \$75 per month allowance for constituency postage, travel, telephone, and other expenses.

Several significant changes are made in laws governing the Iowa Public Employees' Retirement System (H.F. 2405). The early retirement penalty is reduced from one-half percent per month to one-fourth percent per month. The "Rule of 92" is instituted which provides full benefits for a member with 30 years of service whose age added to years of service equals or exceeds 92. The ceiling on covered wages is increased by \$2,000 per year up to \$40,000 commencing July 1, 1989. The Act makes a number of other changes in IPERS and the Peace Officers' Retirement System.

A program of early retirement incentives (ten percent bonus up to \$5,000 or payment of both the employee and employer share of group insurance until age 65) is established for state employees who will be at least 62 years of age by June 20, 1989, and have at least five years of continuous state employment (H.F. 2415). Notification must be given the Department of Personnel by May 15, 1988. A special ten percent bonus up to \$5,000 is provided in H.F. 2415 for certain certificated employees of school districts which reorganize or dissolve before June 30, 1992.

Procedures for state employee grievances and discipline resolution in the state personnel system and the Department of Public Safety are revised (H.F. 2339). A proposal to add discipline and discharge to the list of mandatory subjects of collective bargaining failed to pass and a bill relating to collective bargaining at the city level (S.F. 2333) was vetoed by the Governor. A proposal to expand parental leave provisions for state employees failed to pass.

A seemingly far-reaching enactment (H.F. 529) prohibits state agencies and political subdivisions from competing with private enterprise. The prohibition extends to the manufacturing, processing, sale, rental, distribution, and advertising of goods or services to the public which are also offered by private enterprise. However, the prohibition does not apply to activities specifically authorized by statute, rule, ordinance, or regulation or to those government, school, and university activities which are enumerated in the Act as exempt or eligible for exemption. Exemptions are authorized for certain activities of the Department of Transportation, the Department of Corrections (Iowa State Industries), the State Board of Regents, school corporations, cities, and counties. The Act provides that after July 1, 1988, a state agency desiring to continue existing practices in competition with private enterprise must provide documentation showing that the agency can provide the goods or services at a competitive price. Even if an activity is exempt, the state agency must provide documentation of all actual costs of the project. Political subdivisions are required to adopt policies emphasizing purchase of goods and services from locally-owned businesses.

In the area of public facilities, projects, and purchasing, new provisions are added with respect to lease-purchase contracts by the Department of General Services (H.F. 2464), waiver of bonding requirements for targeted small businesses contracting on public improvement projects (S.F. 2271), purchase of soybean based inks and starch based plastics (S.F. 2086), purchases by Iowa State Industries (H.F. 2263), and appeal procedures in controversies involving the Department of General Services and Iowa State Industries (S.F. 2172).

In the area of alcoholic beverages, H.F. 393 contains a variety of changes, including one substituting a \$300 civil penalty for the fourteen-day suspension of license in the case of a first offense of selling alcoholic beverages to a minor. Other Acts relating to alcoholic beverages include H.F. 2237, providing for confidentiality of records of liquor purchases from the state, and S.F. 2201, removing the bonding requirement in connection with class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

With respect to election laws, S.F. 2031 adds a penalty and other provisions to safeguard the reporting of results of precinct caucuses. Senate File 2233 extends to all state offices the requirement that voter registration be offered to persons doing business with the office, and adds administrative and reporting provisions. Senate File 2232 contains numerous technical and other changes in election laws. A proposal for the establishment of a mail ballot system did not pass.

In the area of confidentiality of records and proceedings, H.F. 2406 broadens provisions allowing access by the Citizen's Aide to agency records and proceedings. House File 2336 amends the statute restricting disclosure of library records which would reveal the identity of the library patron making a particular request and adds a new provision restricting disclosure of similar records kept by persons engaged in the video rental business. House File 2255 provides confidentiality for certain client records in the Department of Human Rights.

Legislation affecting veterans includes S.F. 2089, requiring the Veterans Affairs Commission to adopt rules establishing eligibility for inclusion on the Iowa Vietnam Veterans Memorial, and S.F. 2088, which changes the beginning eligibility date for veterans of the Vietnam Conflict from August 5, 1964, to December 22, 1961.

Several enactments relate to the licensed professions. The regulatory structure for physician assistants is substantially revised by setting up a separate Board of Physician Assistant Examiners (S.F. 2169). For the dental professions, S.F. 2274 revises provisions on suspension and revocation of licenses and S.F. 149 relates to insurance coverage. For podiatrists, S.F. 299 broadens language relating to the scope of practice and includes podiatrists in the definition of "physician" for certain purposes. For physical therapists, S.F. 455 provides that services may be provided without a physician's referral. For cosmetologists and barbers, H.F. 431 makes changes to facilitate the transfer of credits between cosmetology and barber schools and to allow licensees of both professions to work in the same shop if it is licensed as both a barbershop and a beauty salon. House File 2444 requires cosmetologists and barbers to have six hours of continuing education every two years and provides that proprietary schools must disclose to students certain information regarding total costs and completion and job placement rates. (Provisions requiring a performance bond and imposing financial restrictions were vetoed by the Governor.) Proposed changes in the practice acts for chiropractors and respiratory care practitioners failed to pass. Proposals for the credentialing of mental health counselors and marriage and family therapists also failed.

For private investigators and private security officers, S.F. 2202 provides for reciprocal agreements with other states allowing the issuance of temporary permits to persons licensed in the other jurisdiction. House File 2444 amends the Architectural Practice Act to provide that interior designers performing customary interior design services are not deemed to be engaged in the unlawful practice of architecture.

House File 164 revises provisions relating to notaries public by eliminating the bonding requirement, prohibiting a requirement that the person served be a customer of the establishment in which the notary is employed, and providing for all members of the General Assembly to be appointed as notaries.

Senate File 370 sets forth detailed procedures for clearing title to property in a museum's possession.

Legislation relating to horse racing (S.F. 2263) includes a provision allowing the use of the drugs Lasix and phenylbutazone.

A proposal to allow riverboat gambling failed to pass.



## STATE GOVERNMENT

### S.J.R. 1

BY COMMITTEE ON STATE GOVERNMENT. Proposes two amendments to the Constitution of the State of Iowa. The amendments have passed two consecutive General Assemblies and will be on the ballot at the general election in November, 1988. The first amendment requires the Governor and Lieutenant Governor to run as a team beginning in the 1990 general election and a voter would cast one ballot for both candidates. The second amendment strikes specific language in the Constitution that it is a duty of the Lieutenant Governor to preside over the Senate and provides the Lieutenant Governor with those duties provided by law and those duties of the Governor that are assigned to the Lieutenant Governor by the Governor. The measure, if approved by the voters in the 1988 general election, would take effect for the Lieutenant Governor who takes office in 1991.

### S.F. 69

BY PRIEBE AND MILLER OF CERRO GORDO. Authorizes the Treasurer of State and the treasurers of other political subdivisions of the state invest idle public funds in drainage district warrants or improvement certificates.

### S.F. 156

BY COMMITTEE ON STATE GOVERNMENT. Exempts from the provisions of the state tort claims act any claim based upon the actions of a care review committee member in the performance of duties undertaken and carried out in good faith. The act also exempts the state or a care review committee member from liability for an action by a care review committee member in performance of duty undertaken and carried out in good faith under the health care facilities Chapter of the Code or the long-term care residents advocate subchapter.

### S.F. 201

By gubernatorial appointees who are subject to Senate confirmation have filed federal and state income tax returns for the three years preceding their appointment.

The Act also permits the Senate to examine records pertinent to a disciplinary action taken by a board, commission, council or other body in a contested case against a person who has been appointed by the Governor to serve on that board or other body. Such records must be made available to the Senate committee to which the appointment is referred at the committee's request before a

confirmation vote is taken on the person's appointment to the board or other body.

The records must be kept confidential. They are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee unless otherwise provided by law.

### S.F. 348

BY SCHWENGELS, NYSTROM, TIEDEN, GETTINGS, DIELEMAN, DRAKE, & JENSEN. Authorizes a state agency or a political subdivision of the state operating a hospital or medical facility to contract with the United States Veterans Administration to receive and provide medical care to veterans who are the responsibility of the United States Veterans Administration.

### S.F. 370

BY VANDE HOEF AND LLOYD-JONES. The "Museum Property Act" provides procedures for clearing title to property in a museum's possession. Property on loan to a museum or property of indeterminate status (because of lack of museum records) can be claimed by a museum when the original lender or subsequent claimants cannot be found. The Act permits a museum to establish clear ownership, with opportunity for claimants to assert their interest in the property. Also covered are procedures for preservation, conservation, or disposal of loaned or undocumented property in appropriate circumstances. Lenders and claimants are given an opportunity to reclaim property which a museum no longer desires to retain. Certain museum record keeping is required in the future to maintain evidence of lenders and claimants. Lenders and claimants are required to file notices with the museum possessing the claimed property. Museums are required to give notice when they wish property reclaimed, when conservation or disposal is necessary, or when the museum wishes to acquire ownership of undocumented or unclaimed property. Rulemaking authority, including adoption of standardized forms, is assigned to the Department of Cultural Affairs. New statutes of limitations bar actions against a museum after the passage of certain periods of time for a variety of claims. The limitations range from one to seven years. Special effective dates, including retroactive application of certain provisions, are included, though generally the Act is effective July 1, 1988. The Act has broad application to a variety of public and private institutions because "museum" is broadly defined to include historical societies, historic sites or landmarks, parks, monuments, and libraries, among others.

### S.F. 2031

BY COMMITTEE ON STATE GOVERNMENT. Relates to the reporting of results of a precinct caucus which is part of the presidential nominating process. The Act provides that each candidate may have an observer to assure accurate reporting. A criminal provision is added to specify that if a person who is designated to report precinct caucus results willfully falsifies the report, the person commits a simple misdemeanor.

### S.F. 2086

BY COMMITTEE ON AGRICULTURE. Requires the Department of General Services, the State Board of Regents, the Department of Transportation, and the Division for the Blind of the Department of Human Rights, whenever the price is reasonably competitive and of the quality intended, to purchase soybean-based inks and starch-based plastics. By July 1, 1989, a minimum of fifty percent of purchases of inks used for newsprint printing services must be soybean-based and fifteen percent of the purchases of garbage can liners must be from starch-based plastic with an increase in the amount of starch-based plastic liners purchased of five percent per year until fifty percent of all liners purchased are made from starched-based plastics.

The Department of General Services, the State Board of Regents and the Commission for the Blind are required to report to the General Assembly by January 1 of each year regarding the purchases of products for which plastic product alternatives are available.

### S.F. 2088

BY HUSAK, BOSWELL, FUHRMAN, & SOORHOLTZ. Changes the beginning eligibility date for military veterans of the Vietnam Conflict from August 5, 1964, to December 22, 1961. This change makes the veterans eligible for membership on the county commission on veteran affairs and for certain benefits including financial assistance and funeral, burial, and marker expenses for indigent veterans and their families.

### S.F. 2089

BY HUSAK, BOSWELL, FUHRMAN, & SOORHOLTZ. Provides that the Veterans Affairs Commission shall adopt rules establishing qualifications for Iowa veterans whose names are eligible for inclusion on the Iowa Vietnam veterans memorial. To the extent possible, the qualifications shall be the same as used for selecting veterans' names for inclusion on the national Vietnam veterans memorial in Washington, District of Columbia.

### S.F. 2164

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Changes the composition of the Iowa Economic Development Board in the Department of Economic Development. The number of voting members on the board is increased from nine to eleven, with the initial terms to expire respectively on April 30, 1990, and April 30, 1991. The membership of nonvoting members has also been modified. Three of the chairs on the board formerly filled by the presidents of the three Regents universities are to be filled as follows: one president of a Regents university appointed on a rotating basis by the State Board of Regents, one president of a private college or university appointed by the Iowa Association of Independent Colleges and Universities, and one superintendent of a merged area school appointed by the Iowa Association of Community College Presidents.

The Act also requires that the Board elect from its voting members a vice president who shall not be from the same political party as the chairperson of the Board.

### S.F. 2168

BY COMMITTEE ON STATE GOVERNMENT. Allows the Treasurer of State to invest public funds in an unincorporated investment company or an investment trust registered under the federal Investment Company Act with portfolios limited to United States government obligations.

### S.F. 2169

BY COMMITTEE ON STATE GOVERNMENT. Transfers the regulation of physician assistants from the Board of Medical Examiners to a new Board of Physician Assistant Examiners. The new Board will be responsible for the registration and licensing of physician assistants and the approval of programs for the education and training of physician assistants. The Board will consist of three members who are physician assistants, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two public members. Provision is made for representation from counties having a population of less than fifty thousand. A physician assistant who meets the education and examination requirements would register with the Board and could then apply for a license to practice under the supervision of one or more physicians as specified in the license. A physician assistant could not practice without a license.

The Board of Medical Examiners will no longer include a physician assistant. The Advisory Committee on Physician Assistant programs is abolished. Provisions are made for consultation between the new Board and the Board of Medical Examiners in connection with the initiation of disciplinary proceedings against physician assistants and supervising physicians. A rules review group consisting of one physician member, one supervising physician member, and one public member from the Board of Physician Assistant Examiners and two members from the Board of Medical Examiners is established to review and approve or disapprove rules proposed for adoption by the Board of Physician Assistant Examiners. A rule cannot become effective without the approval of the review group. The Board of Medical Examiners is required to adopt rules setting forth in detail its criteria and procedures for determining the ineligibility of a physician to serve as a supervising physician.

#### S.F. 2170

BY COMMITTEE ON STATE GOVERNMENT. Reduces the membership of the Commission on the Status of Women from 24 members to 13 members. Nine of the members will be appointed by the Governor, subject to confirmation by the Senate. Four members will be members of the General Assembly appointed by the majority and minority leadership. The legislative members will be ex officio, nonvoting members. The Act also revises the provision requiring gender balance in the composition of all appointive boards, commissions, committees, and councils by specifically providing that when an even number of members is involved, not more than half shall be of one gender.

#### S.F. 2171

BY COMMITTEE ON JUDICIARY. Adopts miscellaneous Code corrections, including repeal of temporary sections no longer in effect; adoption of uniform terminology; and corrections of references to entities and officials no longer in existence; inadvertent omissions; section and subsection references; grammar usages; names and duties of Departments, agencies, and officials which have been changed; ambiguous, inconsistent, or inapplicable references; and redundancies.

Among the Act's provisions are changes in the designations of officers in the Department of Human Services so that the Department head becomes the "director" and the division heads become "administrators" to conform to the uniform terminology set forth in section 7E.2. Section 8.34 is amended to strike a reference to a "biennial" fiscal term. Section 39.22 is amended to revise the initial terms of township trustees elected following restoration of the election process. Provisions in Chapter 159 pertaining to duties of the Department of Agriculture and Land Stewardship are brought up to date. Provisions in Chapter 232 are amended to use the term "child" consistently.

The terms of members of the Commission on Elder Affairs are amended to be consistent with the terms of members of other boards and commissions. Section 610.2 and 610.3 are amended to conform to the rest of Chapter 610 in providing procedures for deferral of fees, costs, and security from indigent defendants. Provisions relating to court interpreters for hearing impaired persons are amended to reflect the transfer of responsibility from the Department of Public Health to the Division of Deaf Services in the Department of Human Rights. Section 692.19, relating to criminal history data, is amended to take into account the current role of the Director of the Department of Public Safety, following elimination of the confidential records council.

#### S.F. 2172

BY COMMITTEE ON JUDICIARY. Provides that when a matter which may be subject to appeal arises between the Department of General Services and Iowa State Industries regarding the Department's purchase of a product from Iowa State Industries, that matter shall be referred to the Executive Council instead of the Director of General Services as currently provided. The decision of the Executive Council is final.

#### S.F. 2202

COMMITTEE ON STATE GOVERNMENT. Allows reciprocity with other states with respect to licensing of private investigators and private security officers. A reciprocal agreement could be approved by the Director of Public Safety to allow the issuance of a temporary permit to a person licensed in another jurisdiction.

#### S.F. 2203

BY COMMITTEE ON STATE GOVERNMENT. Amends the statute creating the Engineering and Land Surveying Examining Board by removing the prohibition against having more than one registered engineer member from the same branch of engineering.

#### S.F. 2232

BY COMMITTEE ON STATE GOVERNMENT. Makes numerous technical and other changes in the laws governing elections and election procedures. The Act revises provisions on filling township offices by appointment, adds an initial filing date for county offices effective January 1, 1989, reduces the number of signatures needed by partisan candidates for certain statewide offices, changes certain statutory and ballot language to indicate the maximum number of votes an elector may cast, changes filing deadlines for partisan and other

nominations in city elections, adds provisions relating to objections to nominating petitions, provides a time for hearing of objections in cities with primary elections, and changes requirements for signatures to nominate candidates in certain special charter cities. The Act allows county auditors to visit high schools to register eligible electors at other times in addition to the month of May, changes provisions on closing time for county auditors on the final day for registration, changes the time requirements for an additional precinct election official to assist in counting paper ballots, prohibits seeking more than one office in the general election, allows the use of summaries of constitutional amendments and other public measures whether voting is by paper ballot, voting machine, or electronic voting systems, and provides that the cost of printing ballots shall not exceed the usual and customary rates of the printer. The Act changes provisions relating to the determination of challenges where the person's registration was canceled because of returned mail, establishes the percentage of votes needed to pass a public measure, authorizes use of double election boards at any election where the board of supervisors considers it necessary and provides discretion in setting the time for the counting board to begin work, shortens the time for voting machines to remain locked after school elections, revises provisions governing the counting of ballots when write-in votes are cast, sets a time for the return of ballots that are delivered to confined persons, and amends provisions on absentee voting by members of the armed forces and provides for the use of federal write-in ballots in certain circumstances. The Act revises procedures relating to nominations and the submission of public measures for school elections, adds a provision for the filing of objections to school nomination petitions, deletes the affidavit requirement in connection with nomination petitions in merged area school elections, changes from "qualified electors" to "eligible electors" in provisions governing signatures required on petitions relating to plans for county board of supervisor representation, adds a provision on the final canvass of votes in regional library trustee elections, requires city clerks to make other arrangements for receiving nomination papers if the clerk is not available during normal business hours and requires the city clerk to note the time of filing on all nomination papers, specifies a time for the adoption of new nomination procedures in cities, provides that in calculating the number of votes necessary to constitute a majority in a city runoff election, fractions of votes should be rounded up rather than ignored, provides procedures when a person elected by write-in votes in a city election refuses the office and provides that persons receiving write-in votes must file affidavits of candidacy or have their votes disregarded, and changes the deadline for affidavits of candidacy for partisan precinct committee members in special charter cities.

### S.F. 2233

BY COMMITTEE ON STATE GOVERNMENT. Makes applicable to all offices maintained by state agencies a requirement that voter registration be offered to persons doing business in the office. The Secretary of State, as State Commissioner of elections, is responsible for rulemaking, coordination, and encouragement of such voter registration activities. Departments must report quarterly on the number of registrations completed by their offices.

## S.F. 2238

BY COMMITTEE ON JUDICIARY. Adopts miscellaneous Code corrections of a substantive nature which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

The Act contains several provisions for clarification with respect to coverage by or exemption from the state merit system provisions of Chapter 19A. Section 17A.6 is amended to authorize the editorial deletion of administrative rules which can have no further effect. The Act makes appropriate substitutions for (or removes) outdated references to the state comptroller and other officials and agencies. Section 56.3 is amended to provide that funds of a candidate's committee cannot be attached for the personal debts of the candidate. Provisions in Chapter 86 pertaining to judicial review of decisions of the Industrial Commissioner are restored to the form they had prior to the 1986 amendments, which have been held unconstitutional by the Iowa Supreme Court. Provisions governing location of meetings for examining boards within the Professional Licensing and Regulation Division of the Department of Commerce are adjusted to fit with the location of the Division's principal office in Ankeny. The examining boards are authorized to request investigations by the Department of Inspections and Appeals in connection with disciplinary proceedings. The Act amends Chapter 123 regarding sales of liquor to class "E" licensees when a check has been dishonored and eliminates the provision in the Dramshop Law permitting liquor control licensees and class "B" beer permittees to post a bond in lieu of liability insurance. Health maintenance organizations and for-profit corporations are added to the list of facilities which may be licensed to provide substance abuse treatment. The Act deletes all references to local registrars and local districts of vital statistics, which have been phased out by the Iowa Department of Public Health, leaving only county registrars and county districts to work with the State Registrar. The Veterinary Practice Act is amended to allow investigations by and appeals to the Department of Inspections and Appeals. Corrections are made with respect to access to unfounded child abuse information (Chapter 235A) and the allowable percent of school district and AEA expenditures for administration (Chapters 273 and 279). The Act deletes a requirement for affidavits in conjunction with nomination papers for boards of directors of merged area schools. Section 282.2, relating to tuition paid by nonresidents, is amended to correct an error made in editing for the gender project. A provision is added relating to interest on gifts received by the Arts Division of the Department of Cultural Affairs. A corrective amendment is enacted relating to longevity pay for certain employees of the Department of Transportation. The Act deletes a requirement for a finding by the Department of Transportation that a special use vehicle "will not endanger any person" before the vehicle may be registered. Certain claims procedures for abandoned vehicles are transferred from the Director of Revenue and Finance to the Director of Transportation. The Act specifies the beginning date for



changes in Department of Transportation recordkeeping with respect to violations of ten miles per hour or less in certain speed zones and the use of the records by insurance companies. Provisions in Chapter 421 relating to interest from the permanent school fund and the cancellation of state warrants are changed to agree with other changes made in 1986. In Chapter 534, relating to savings and loan associations, changes are made to reflect the transfer of regulatory responsibility from the Auditor of State to the Superintendent of Savings and Loan Associations in the Department of Commerce. A reference to "widow" is changed to "spouse" in the Uniform Partnership Law. Requirements for notification upon the death of a judge are extended to include the death of a magistrate. Procedures for name changes in connection with dissolution decrees are clarified. A corrective amendment is made in the provision relating to damages for a tenant's failure to allow access by the landlord. The Act revises references to citations and penalties to agree with other provisions enacted in 1987 with respect to the exclusion of certain violations from the jurisdiction of the juvenile court. The interim terms of Parole Board members are amended to coincide with terms for members of boards and commissions generally. The Act deletes certain obsolete provisions relating to federal aid for mental retardation facilities and community mental health centers.

#### S.F. 2263

BY COMMITTEE ON AGRICULTURE. Relates to horse and dog racing and the duties of the Racing Commission. The Act allows the use of the drugs Lasix and phenylbutazone on horses under the restrictions provided by the Act and the rules of the Commission. The duties of the Commission and the commission veterinarian are increased regarding the monitoring of the administration of the drugs, the actions of veterinarians on the track grounds, and random testing and autopsies on horses. The Act allows the use of icepacks on horses and dogs not less than two hours before the start of a race. The Act also provides that Iowa-foaled horses finishing second, third, or fourth qualify for purse supplements as well as those Iowa-foaled horses which finish first. The purse supplements will be paid in proportion to the purse structure of the race in which the horse qualifies. The Act also requires the racing program to provide certain information as to the use of drugs on individual horses in a race.

#### S.F. 2271

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Provides for the waiver of certain bonding requirements for targeted small businesses contracting on public improvement projects. The elimination of the bond removed a normal source of remedy for subcontractors and material suppliers against a targeted small business in event of default. This Act provides an alternative remedy for persons ordinarily protected by the bond, by permitting suit directly against the public corporation for the same remedies as would otherwise be available in an action on the bond.

### S.F. 2274

BY COMMITTEE ON HUMAN RESOURCES. Revises provisions on suspension and revocation of licenses by the Board of Dental Examiners. The Act permits the Board to suspend or revoke a license if another state has taken disciplinary action against the person or if the person has been convicted in this state or another state of a felony or of any crime relating to the practice of dentistry or dental hygiene. The Act also provides for suspension or revocation for knowingly aiding or advising another to unlawfully practice dentistry or dental hygiene, for an adjudication of mental incompetence or for inability to practice dentistry or dental hygiene with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials or as a result of a mental or physical condition. Procedures are provided for review of the suspension or revocation at reasonable intervals in cases involving inability to practice with reasonable skill and safety.

### S.F. 2291

BY COMMITTEE ON STATE GOVERNMENT. Provides that funds are appropriated from the Iowa Public Employees' Retirement Fund rather than from the General Fund of the state to pay the following retirement allowances: Retirement allowances paid to those individuals who had thirty years of service as state employees prior to July 1, 1947, payment for prior service credits earned under the now defunct IOASI Retirement System, retirement allowance increases given beginning January 1, 1976, and payment of teachers' retirement allowances for teachers with at least twenty-five years of service who retired prior to July 4, 1953. The change in the fund from which the payments are made is retroactive to July 1, 1987, and the Treasurer of State is directed to repay the General Fund of the state from the IPERS fund for payments made between July 1, 1987, and the effective date of the Act.

### S.F. 2303

BY COMMITTEE ON SMALL BUSINESS AND ECONOMIC DEVELOPMENT. Establishes a permanent school fund repayment account and revolving loan account within the Department of Economic Development for moneys used to support the small business new jobs training program originally supported by a loan from the state's permanent school fund, and provides for repayment to the permanent school fund. Also, approval by the Department is required for new job training projects developed by area schools.

S.F. 2316

BY HUTCHINS AND HULTMAN. Establishes a Division on the Status of Blacks in the Department of Human Rights and a nine-member Commission on the Status of Blacks, including at least five members who are black, to study the changing needs and problems of blacks in this state and recommend new programs, policies, and constructive action to the Governor and the General Assembly. Areas of concern include public and private employment policies and practices; labor laws; legal treatment relating to political and civil rights; black children, youth, and families; expanded programs to assist blacks as consumers; the employment of blacks and the initiation and sustaining of black businesses and black entrepreneurship; blacks as members of private and public boards, committees, and organizations; education, health, housing, social welfare, human rights, and recreation; the legal system, including law enforcement, both criminal and civil; and social service programs.

S.F. 2321

Establishes salary rates and ranges for officers and employees of the Judicial Department and the Executive Department, excluding the Governor. Adjustments are also made for health, dental, life, and disability insurance plans. Effective January, 1989, legislators are eligible for insurance benefits on the same basis as a full-time state employee who is excluded from collective bargaining. The same benefits are extended to the Lieutenant Governor also.

The salary rates for the elected Executive Department officers are as follows:

Secretary of Agriculture, \$53,000  
Attorney General, \$66,250  
Auditor of State, \$53,000  
Secretary of State, \$53,000  
Treasurer of State, \$53,000.  
The salary of the Governor remains unchanged at \$70,000.

The salary rates of the Justices, Judges, and Magistrates of the Judicial Department are as follows:

Chief Justice, \$75,900  
Justices, \$72,900  
Chief Judge, Appeals, \$72,800  
Associate Judges, Appeals, \$69,800  
Chief Judge, District, \$69,000  
District Judges, \$66,000  
District Associate Judges, \$56,800  
Judicial Magistrates, \$15,000.

Increases of approximately eight percent are also made to the salary ranges for Department heads and administrators and for the Chairperson and members of the Public Employment Relations Board.

The collective bargaining agreements negotiated under Chapter 20 are authorized funding from the salary adjustment fund and other funds appropriated to the various agencies under 1988 Iowa Acts, Senate File 2322. Employees who are not covered by collective bargaining agreements are authorized four percent salary adjustments for the fiscal year beginning July 1, 1988, and if eligible, to a merit pay increase or its equivalent.

Faculties salaries at the three state universities are increased by an average of ten percent.

In addition to eligibility for state group insurance membership, a \$75 per month allowance for legislative district constituency postage, travel, telephone, and related expenses is authorized effective in January, 1989. Salary increases for legislators and the Lieutenant Governor were authorized in 1987 Iowa Acts, Chapter 227, to become effective in January, 1989.

In counties having a population of more than two hundred thousand, the restrictions on the salaries of the full-time county attorney and the assistant county attorneys are removed. Under current law, a full-time county attorney's salary is limited by the salary of a district judge and an assistant county attorney's salary is limited to eighty-five percent of the county attorney's.

The Act is effective July 1, 1988, with two exceptions. The salary for the Commissioner of Education takes effect on April 16, 1988, and the benefits and expenses for legislators take effect with the beginning of the Seventy-third General Assembly in January, 1989.

#### S.F. 2333 VETOED BY THE GOVERNOR.

BY HUTCHINS. Provides that a term or condition of a collective bargaining agreement, which relates to the mandatory bargaining subject of seniority as it affects promotions or transfers, will supersede any contrary provision of the civil service Code Chapter for cities. Provides that a city council may apply the provisions of the civil service Chapter to certain permanent part-time employees.

#### H.F. 164

BY COMMITTEE ON STATE GOVERNMENT. Amends Chapter 77 on notaries public to repeal the bonding requirement, provide that appointment as a notary may be revoked only for cause with notice and hearing, require that the Secretary of

State appoint members of the General Assembly as notaries and repeal provisions imposing penalties with respect to failure to deposit certain official records with the Secretary of State when the person is no longer commissioned as a notary. The Act also expressly states that a notary public may exercise reasonable discretion in performing or declining to perform notarial services and prohibits a requirement that the person served be a customer of the establishment by which the notary is employed.

#### H.F. 393

BY JAY. Relates to the regulation of the sale of alcoholic beverages. A new definition of an unincorporated town is created for the purpose of determining the license fees of liquor control licensees and wine and beer permittees located in such unincorporated towns. The Act provides that the Department of Inspections and Appeals shall aid in beer and liquor law enforcement, and codifies the Division of Alcoholic Beverages purchase of alcoholic liquor on a bailment system. The Act further provides that the Division may send notice of nonpayment and penalty to class "E" liquor control licensees by certified mail rather than service by a peace officer as previously required. The Act restricts warrantless searches of a liquor control licensee's or wine or beer permittee's premises by requiring a warrant for a search or inspection of private records, a private business office, or attached living quarters with an exception for undercover criminal investigations. It provides exceptions to certain restrictions on class "E" liquor control licensees, and expands restrictions affecting persons involved in the manufacture or the wholesale of alcoholic beverages in regard to any other interest in the liquor business. The Act provides that a liquor control licensee or wine or beer permittee convicted as a first offense of selling alcoholic beverages to a minor after January 1, 1988, shall not be subject to suspension of the person's license or permit for fourteen days, but shall instead be assessed a civil penalty of three hundred dollars. Class "A" beer permit premises are required to be located within the state.

#### H.F. 431

BY RUNNING AND RENAUD. Makes several changes in provisions governing the education, practice, and supervision of cosmetologists and barbers. Provisions are added to facilitate transfer of credits between cosmetology schools and barber schools. If a shop is licensed as both a barbershop and a beauty salon on the same premises, licensees of both professions may work on the premises. A supervisor licensed in one of the professions may supervise licensees of the other profession.

### H.F. 529

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Prohibits a state agency or political subdivision, unless specifically authorized by statute, rule, ordinance, or regulation from engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public which are also offered by private enterprise unless such goods or services are for use or consumption exclusively by the state agency or a political subdivision. Specific exemptions are provided for the operations or activities of community action agencies under community action programs; city and county enterprises; city essential and general corporate purposes; essential and general county purposes; city utilities; cities and counties to assist tourism; public transit systems; and institutions or schools of specific types under the State Board of Regents. In addition to the exemptions, the Departments of Corrections and Transportation may, by rule, exempt activities related to prison industries, and vocational-educational programs and farm operations of the Department of Corrections, and activities related to highway maintenance, design and construction, publication and distribution of maps, vehicle maintenance and repair services, and other similar operations. The State Board of Regents may also by rule exempt specific activities which are not already exempt, from the prohibition. The Act specifically authorizes the prison industries to produce and sell products to state agencies, political subdivisions, and nonprofit organizations and health care facilities. The Act provides that after July 1, 1988, before a state agency is permitted to engage in existing practices that are prohibited by the Act, it must prepare a public documentation showing that it can provide the goods or services at a competitive price. The Act mandates political subdivisions which are not exempt from the prohibition to adopt a policy for purchasing goods or services from private enterprise which requires such purchases to be made from locally owned businesses.

### H.F. 2046

BY COMMITTEE ON EDUCATION. Requires that the State Board of Regents have as one of its nine members a student member, who at the time of appointment is enrolled on a full-time basis at Iowa State University, the University of Iowa, or the University of Northern Iowa. Although the board currently has a student member, that membership has not been mandated.

### H.F. 2191

BY COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION. Provides for written contracts between the Department of Natural Resources and persons having concessions in parks, forests, fish and wildlife areas, and recreation areas under the jurisdiction of the Department. The Department may cancel or,

in an emergency, suspend a contract for the protection of the public health, safety, morals, or welfare.

#### H.F. 2233

BY SPEAR. Relates to inmate work programs at state correctional institutions. The Act provides that inmates on work assignments are considered employees of the state for purposes of workers' compensation. The Act consolidates portions of two Code sections which provide authority for inmate work programs and maintains authority to assign inmates to work for charitable facilities as well as at state, county, or local government facilities.

#### H.F. 2237

BY COMMITTEE ON STATE GOVERNMENT. Provides that records of purchases of alcoholic liquor from the Alcoholic Beverages Division of the Department of Commerce are confidential except for law enforcement purposes or for collection of payments due the Division.

#### H.F. 2255

BY HAMMOND. Provides that the records of clients of advocacy services offered by the Department of Human Rights are confidential.

#### H.F. 2263

BY COMMITTEE ON HUMAN RESOURCES. Includes direct purchases by Iowa State Industries of capital items and raw materials used in manufacturing processes as proper uses of the Iowa State Industries revolving fund. The Act also provides that such payments are made directly to the vendors.

#### H.F. 2264

BY COMMITTEE ON HUMAN RESOURCES. Repeals a requirement that the Department of Corrections biennially prepare a report for submission to the Governor and the General Assembly relating to the management of the community-based corrections program and services.

### H.F. 2265

BY COMMITTEE ON HUMAN RESOURCES. Relates to the contents of certain reports required to be filed by superintendents of correctional institutions with the Director of the Department of Corrections. The requirement that the annual report include a detailed inventory of supplies in hand is stricken and the requirement for a monthly report on the status of the contingency fund is stricken.

### H.F. 2291

BY COMMITTEE ON STATE GOVERNMENT. Provides that funds are appropriated from the Iowa Public Employees' Retirement Fund rather than from the General Fund of the state to pay the following retirement allowances: Retirement allowances paid to those individuals who had thirty years of service as state employees prior to July 1, 1947, payment for prior service credits earned under the now defunct IOASI Retirement System, retirement allowance increases given beginning January 1, 1976, and payment of teachers' retirement allowances for teachers with at least twenty-five years of service who retired prior to July 4, 1953. The change in the fund from which the payments are made is retroactive to July 1, 1987, and the Treasurer of State is directed to repay the General Fund of the state from the IPERS fund for payments made between July 1, 1987, and the effective date of the Act.

### H.F. 2303

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Provides that benevolent associations shall not be incorporated or reincorporated in this state on or after July 1, 1988. Existing benevolent associations are still subject to the provisions relating to the regulation of benevolent associations and continue to be regulated by the Insurance Division of the Department of Commerce.

The Insurance Division is authorized to regulate risk retention (self-insurance) groups formed under the federal Product Risk Retention Amendments of 1986. A risk retention group seeking to be organized in this state must be licensed as a liability insurance company and submit a plan of operation or feasibility study to the Division. Out-of-state risk retention groups must meet certain requirements, including disclosure rules, designation of the Commissioner of Insurance as an agent for service of legal process, and compliance with the unfair claims settlement practices law. Out-of-state risk retention groups also must submit a plan of operation or feasibility study to the Division.

Risk retention groups are prohibited from joining or contributing to an insurance insolvency guaranty fund. Countersignatures are not required for risk retention policies. A purchasing group which meets federal requirements



is exempt from certain state laws, but must furnish specified information to the Division.

The Division is authorized to adopt rules to regulate risk retention groups. Penalties are provided. The state may enforce any order issued by federal court which finds that a group is in a hazardous financial condition. Risk retention group agents must be licensed in the state.

The amount that a reciprocal insurer must maintain in surplus above the liabilities from outstanding losses has been increased from three hundred thousand to two million dollars. Insurers previously authorized to operate without two million dollars in surplus may continue to operate provided certain financial conditions are satisfied.

Provisions exempting certain reciprocal insurance contracts from state law are repealed.

#### H.F. 2317

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Repeals the Iowa Venture Capital Investment Act which had been enacted July 1, 1986. The Act had authorized the Department of Economic Development to hold raffles to raise venture capital funds for use in the state but was determined to be unfeasible and never implemented.

#### H.F. 2320

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. This Act affects the powers and organization of credit unions. A credit union's power to sell, participate in, or discount the obligations of its members is expanded to include obligations with recourse, as well as without recourse. A credit union is permitted to purchase the obligations of out-of-state credit union members, so its portfolio is no longer limited to obligations of Iowa credit union members.

Appointment of a credit committee and an audit committee is required, and membership is limited to board or credit union members. The board is delegated the responsibility to fix the amount of the surety bond which will be required of all officers and employees handling money. The Superintendent of Credit Unions is delegated the authority to fix by rule the period for which credit unions must preserve records or files.

### H.F. 2323

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. Modifies the security requirements a depository institution must meet to accept deposits of public funds. A depository institution is required to post security for deposits of public funds in excess of any amount guaranteed by the federal government or its agencies, like the Federal Deposit Insurance Corporation. Permissible forms of security include bonds insured or fully guaranteed as to principal and interest by the United States government. The Act permits the pledge of indirect investments in government bonds as the functional equivalent of the existing requirement. For instance, pledge of shares in an investment company which itself invests only in government bonds, is now permitted. A depository institution is no longer required to buy the government securities itself. The Act facilitates purchase of fractional shares and use of professional bond fund management.

### H.F. 2336

BY COMMITTEE ON STATE GOVERNMENT. Amends the provision protecting the confidentiality of library records which would reveal the identity of the library patron making a particular request, so that the provision covers requests for information as well as for items.

The Act also contains a new provision protecting the confidentiality of similar records kept by persons engaged in the video rental business. Persons in the video rental business are prohibited from disclosing information which would reveal the identity of an individual obtaining a particular videotape, except with the individual's consent. However, the information could be released without such consent to a criminal justice agency pursuant to an investigation of a particular person or organization suspected of committing a known crime. The information could be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling. Violation of the video rental provision is a simple misdemeanor.

### H.F. 2337

BY COMMITTEE ON STATE GOVERNMENT. Corrects a reference to the state elevator code Chapter in the list of Chapters in which the Employment Appeal Board hears and decides contested cases. It also corrects a reference to the Employment Appeal Board as the responsible agency for issuing final orders under the occupational health and safety law.

### H.F. 2339

BY COMMITTEE ON STATE GOVERNMENT. Revises provisions governing discipline resolution and other grievance procedures for employees in the state personnel system who are not covered by collective bargaining agreements providing otherwise. The discipline provisions apply only to merit system employees but the grievance provisions are made applicable to nonmerit as well as merit employees. Under the Act, discipline resolution procedures are made similar to grievance procedures. In both procedures, an appeal to the Director of Personnel may be filed within seven calendar days and the Director has thirty calendar days to respond. The Director's action may then be appealed to the public employment relations board within thirty calendar days.

The Act also revises provisions applicable primarily to members of the Iowa Highway Safety Patrol in the Department of Public Safety. The current dismissal procedure, including appeal to the employment board, is expanded to cover suspension, disciplinary demotion, and other disciplinary action resulting in the loss of pay. However, the dismissal and other procedures do not apply to a member who is covered by a collective bargaining agreement providing otherwise or to the demotion of a division head. The division head is given the right to return to the rank held at the time of appointment as division head.

### H.F. 2346

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Creates a Rural Development Coordinating Committee consisting of the Secretary of Agriculture, two persons belonging to associations interested in agriculture and appointed by the Secretary, a person appointed by the President of Iowa State University of Science and Technology, and three members of the Economic Development Board within the Department of Economic Development elected by the board. The Committee's purpose is to study the needs of rural communities, advise public and private agencies regarding methods to improve the effectiveness and availability of rural development programs, and to assist in the coordination of programs designed to foster rural development.

In addition, the Office of Rural Resources Coordinator is created within the Department of Economic Development. The Coordinator shall perform duties related to the evaluation and coordination of rural development programs and shall serve as secretary to the Rural Development Coordinating Committee.

### H.F. 2363

BY COMMITTEE ON AGRICULTURE. Provides the State Apiarist, within the Department of Agriculture and Land Stewardship, with authority to regulate and control infestations of parasites common to bees and colonies of bees infested with such parasites.

#### H.F. 2369

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Relates to corrections and the Board of Parole. Requires the Department of Corrections to arrange for the return of a work release client who escapes from the facility to which the client is assigned. It provides a minimum sentence for felons with a record of a prior forcible felony. The Act provides that a single member of the Board of Parole can adjudicate parole revocation appeals and reviews or work release reviews, though an offender may request a three person board panel for a parole revocation appeal. The Board of Parole is empowered to decide what time on parole or work release is revoked. The Act also revises the process of parole revocation by allowing the introduction of newly discovered evidence that would indicate that parole should not have been granted and by providing for the appointment of parole revocation officers to relieve the Board of Parole from the duty of conducting parole revocation hearings.

#### H.F. 2374

BY COMMITTEE ON STATE GOVERNMENT. Makes provision for the nomination of candidates for the office of Lieutenant Governor for the 1990 general election and thereafter if the proposed constitutional amendment providing for the Governor and Lieutenant Governor to run as a team (S.J.R. 1) is approved by the voters at the 1988 general election. Partisan candidates would be nominated at the state conventions of their respective political parties. Nonparty political organizations would nominate their candidates in the same manner that these organizations normally nominate candidates.

#### H.F. 2388

BY COMMITTEE ON LOCAL GOVERNMENT. Increases the number of signatures needed for a petition to call an election to fill a vacancy on a city council. For cities of ten thousand population or less, two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. For city of more than ten thousand population but less than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer. The minimum number of signatures shall not be fewer than ten.

## H.F. 2396

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Provides for the incorporation of the Business Development Finance Corporation to provide financing for the promotion, development, and conduct of all kinds of small business activity in the state. The financial assistance will be provided from the capital of the Finance Corporation, loans made to it from members of the Corporation, and funds provided by the state. The capital of the Corporation is obtained by the sale of shares to financial and non-financial entities. Financial institutions, which include insurance companies and public and private pension funds, are the only entities that may become members of the Corporation and can commit themselves to making loans to it. The board of directors of the Corporation consists of twelve directors with seven representing the public and five representing the shareholders. The seven public directors are the directors of the Department of Economic Development and Iowa Finance Authority, president of the Iowa Product Development Corporation, the superintendents of Banking and Savings and Loans, the Commissioner of Insurance, and State Treasurer, or their designees. The Corporation will, by September 1, 1988, be incorporated and organized by the seven public directors. After sale of the Corporation stock the stockholders will elect the other five directors. The president of the Corporation is the head of the Finance Division of the Department of Economic Development. (Note: S.F. 2328 appropriated \$4.65 million dollars to the Corporation.)

## H.F. 2405

BY COMMITTEE ON STATE GOVERNMENT. Makes numerous changes to the various public retirement systems in this state. It makes the following changes in the Iowa public employees' retirement system (IPERS):

1. Increases the ceiling on covered wages two thousand dollars per year up to \$40,000 commencing January 1, 1989.
2. Provides that employees of the Iowa Peace Institute are not covered under IPERS unless they elect coverage. Employees who do not elect to be covered under IPERS will receive a refund of their employee contributions. This section takes effect immediately.
3. Allows members of the armed services twelve months rather than ninety days to return to covered employment.
4. Increases the limit on earnings in a position covered by IPERS from \$2,100 per year to \$6,120 per year for a retired member to continue receiving benefits.
5. Combines the special classifications of conservation officer, correctional officer, police in towns of fewer than eight thousand population, airport firefighter in Des Moines, airport safety officer in Cedar Rapids, and arson investi-

gators employed on or after July 1, 1988 into a single protection occupation classification with full benefits paid at age fifty-five after twenty-five years of service. It also allows sheriffs and deputy sheriffs to receive full benefits at age fifty-five after twenty-two years of service. The cost of additional benefits are paid 40% by the employee and 60% by the employer.

6. Provides that active or vested members of the system who were members of the General Assembly can buy back for previous legislative service by paying the employee share for such service. Former members of the General Assembly with six or more years of legislative service or of legislative service plus covered service can buy back for previous legislative service by paying both the employer and employee share of contributions.
7. Provides upon payment of both the employee and employer contributions at the 1987 covered wage level, members of IPERS may buy IPERS credit for up to four years of previous military service.
8. Allows a retired member of the system who is a member of the Investment Board to receive per diem.
9. Allows certain IPERS records to be exempt from the open records law.
10. Provides an option that a member with thirty years of service and where the number of years of service and age equals or exceeds ninety-two is eligible for full benefits.
11. Reduces the early retirement penalty from one-half percent per month to one-fourth percent per month for each month the retirement precedes the normal retirement date.
12. Clarifies the liability of the Investment Board, the Department of Personnel, and the Treasurer of State.
13. Allows employees and members of the Investment Board to travel outside the state for investment purposes.
14. Clarifies fiduciary responsibility in the investment of funds.
15. Strikes language referring to retirement at age seventy, to comply with federal law retroactive to January 1, 1988.
16. Allows an inactive member who has accumulated sufficient service for vesting to be a vested member.
17. Provides for November retirement dividends in 1988 and 1989 of eighty percent of the regular benefit for members who retired between January 1, 1976, and June 30, 1982.
18. Provides for November retirement dividends in 1988 and 1989 of one hundred twenty percent of the regular benefit for members who retired between July 4, 1953, and December 31, 1975.
19. Provides for retroactive adjustment payments of benefits for not more than six months in certain cases.
20. Provides clarifying language.

It makes the following changes to the Peace Officers' Retirement System and the local police and fire retirement systems:

1. Allows members of the armed services twelve months rather than six months to return to covered employment.
2. Increases the minimum pensions to a beneficiary of a member who died under the ordinary death provision and to the surviving spouse of a deceased member to twenty percent of the monthly earnable compensation of a senior patrol officer or member holding the highest grade in the rank of police officer or firefighter. The increase applies to any member already receiving the benefit.
3. Increases from twenty percent to twenty-five percent the percent used in calculating increased benefits for members retired under ordinary disability to correspond to a previous increase in benefits from forty percent to fifty percent. It provides for a study of job classifications within state government by the Department of Personnel, including a study of the positions in the IPERS Division that are involved in investments. The Act also requires that the costs of temporary disability of police officers and firefighters be paid from the city's General Fund.
4. Changes the definition of "child" for pensions paid to deceased members to match the definition of child in other sections of the Chapter retroactive to January 1, 1987.
5. Removes spousal remarriage prohibitions.

#### H.F. 2406

BY COMMITTEE ON STATE GOVERNMENT. Broadens provisions allowing the Citizens' Aide access to confidential records and proceedings. The Act provides that the Citizens' Aide, pursuant to an investigation, may examine all records and documents of an agency, including those declared to be confidential, unless the examination would violate federal law or result in loss of federal funds. The citizens' aide may also observe proceedings and attend hearings, with the consent of the interested party, even though the proceedings or hearings are confidential, unless the attendance would violate federal law or result in loss of federal funds. There is a general exception for confidential records, proceedings, and hearings which are the work product of an attorney or are privileged as communications between attorney and client or doctor or other professional and patient.

#### H.F. 2415

BY COMMITTEE ON STATE GOVERNMENT. Establishes retirement incentives for state employees who will be at least sixty-two years of age on or before June 30,

1989, have at least five years of continuous state employment, and notify the Department of Personnel by May 15, 1988. For employees between sixty-two and sixty-five years of age, it consists of a retirement bonus equal to ten percent of the employees's final annual salary, up to \$5,000, or payment of both the employee and employer share of continuing life, health or medical, and dental insurance until the employee reaches age sixty-five. For employees sixty-five years of age and older, it consists of the retirement bonus. If the employee is fifty-nine or older and retires under Chapter 97A, the employee is eligible for the retirement bonus.

The retirement incentives apply to full-time state employees except those employed by the State Board of Regents, elected members of the General Assembly, state elected officials, and judges.

The State Board of Regents is directed to establish for its employees early retirement incentives that do not affect existing programs. The benefits for its merit system employees must be comparable to those available in the Act for other state employees. The boards of directors of judicial district Departments of correctional services are required to establish retirement incentives for their employees identical to those established for state employees.

Employers are prohibited from coercing state employees to retire or terminate employment. State employees who retire or terminate employment under the Act cannot accept further public employment.

The Act also provides that a certificated employee of a school district which reorganizes or dissolves under Chapter 275 during the period beginning July 1, 1990 and ending June 30, 1992 is eligible to receive a retirement incentive if the employee is between fifty-nine and sixty-five years of age at the time of the reorganization or dissolution. If the employee is less than sixty-five years of age when the employee terminates employment, the employee is eligible to receive a retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed \$5,000.

Effective April 14, 1988

#### H.F. 2416

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Provides that the Department of Economic Development shall establish, contingent upon the availability of funds, a program to assist low-income persons who are seeking to start up or expand small business ventures. The type of assistance provided includes furnishing information about available programs, evaluating business proposals, and completing business plans and applications for financial assistance under programs administered by the Department. The Act permits the Department to contract with public or private entities to provide the assistance.



#### H.F. 2427

BY COMMITTEE ON AGRICULTURE. Formally removes duties from the Department of Agriculture and Land Stewardship under section 159.6 of the 1987 Code of Iowa, regarding to enforcing laws relative to food establishments, food service establishments, and hotels. These duties were transferred to the Department of Inspections and Appeals during reorganization of state government in 1986.

#### H.F. 2430

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Changes the title of "hearing officer" to "administrative law judge". The affected state agencies include the following: Department of Inspections and Appeals, Public Employment Relations Board, Department of Employment Services, Department of Public Health, Department of Transportation, Department of Revenue and Finance, Civil Rights Commission, and Department of Corrections.

#### H.F. 2432

BY COMMITTEE ON STATE GOVERNMENT. Provides for the registration and regulation of persons who enter into an agent contract or professional sports services contract with a student athlete. The proper conduct of athlete agents is specified and certain acts are expressly prohibited. An athlete agent must register with the Secretary of State and obtain a certificate of registration before contacting a student athlete. Certain information is required in an application for the certificate of registration.

An athlete agent not residing in this state must also file a consent to service of process. A person who is not a resident of this state wishing to register under this Chapter must enter into an agreement with a resident of the state who is registered under this Chapter. That person is to be a licensed attorney and may act on behalf of the nonresident agent.

A certificate of registration may be denied by the Secretary of State if it is determined that the athlete agent has engaged in certain fraudulent or improper behavior. The athlete agent must file a bond with the Secretary of State in the amount of \$25,000. An agent contract for employment must be approved by the Secretary of State and must have a statement printed on the contract that the athlete has five calendar days to terminate the contract after signing.

A list of prohibited activities for the athlete agent is set forth which includes entering into a contract or agreement with a student athlete prior to the student athlete's final intercollegiate athletic contest. Institutions of

higher education in this state are granted the authority to permit athlete agent interviews with student athletes during their final year of eligibility subject to the control and rules of the institution. An agent contract negotiated by an athlete agent who has failed to comply with the provisions of this Chapter is void.

Certain prohibitions which apply to the student athlete and the student athlete's family are also set forth.

#### H.F. 2437

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION. Establishes findings concerning the energy resources and the use of energy resources in the state. Establishes the duties of the Department of Natural Resources regarding the submitting of a plan for the development, management, and efficient utilization of all energy resources in the state to the General Assembly by January 15, 1990. Requires the State Board of Regents to cause to be performed comprehensive engineering analyses of facilities under the control of the Board by June 30, 1989, and requires implementation of the identified energy conservation measures which are economically feasible and practical and which do not require more than six years for the recoupment of their costs. The Act provides that the cost of financing for implementation of the energy conservation measures identified may be reduced through funds deposited in the state of Iowa Facilities Improvement Corporation. The Act requires the State Board of Regents to annually report on October 1 the status of all energy conservation measures identified and the results of energy usage analyses of the Board's facilities. The Act requires the Department of Transportation through the use of the state of Iowa Facilities Improvement Corporation to cause to be performed comprehensive engineering analyses of facilities under its control by December 31, 1988, and to implement measures identified which do not require more than an aggregate of six years for the recoupment of their costs. The Act provides that the state Department of Transportation may reduce the cost of financing through funds deposited in the state of Iowa Facilities Improvement Corporation. The Act requires the Department of Natural Resources to include in its annual report an assessment of the progress achieved by public agencies in implementing energy life cycle cost analyses. The Act also amends a section of the Code regarding life cycle cost analyses for public agencies for the purposes of establishing the methods and models to be considered by a public agency in the preparation of a life cycle cost analysis, and provides for an approval process for life cycle cost analyses of public facilities.

#### H.F. 2457

BY COMMITTEE ON APPROPRIATIONS. Provides for the combining of state payments of tax credits and other state assistance to school districts, area schools, counties, cities, conference boards, county hospitals, and county agricultural

extension councils. The amounts distributed reflect payments from property tax replacement programs such as the property tax replacement, livestock replacement, general city and county assistance, liquor sales, and moneys and credits replacement. The education agencies will receive \$36.6 million, \$33.4 million in fiscal year 1989, and the remainder in the following fiscal year. The remaining local governments will receive \$67.6 million in fiscal year 1989 and subsequent fiscal years.

#### H.F. 2464

BY COMMITTEE ON APPROPRIATIONS. Allows the Department of General Services to enter into lease-purchase contracts to acquire real or personal property to be used for buildings, facilities, and structures or for additions or improvements to buildings, facilities, and structures. Before entering into a lease-purchase contract, authorization must be obtained from a constitutional majority of both Houses and approved by the Governor as to the use, location, and maximum cost, and, in addition for lease-purchase contracts involving the construction of a prison or prison-related facility, the construction must be in accordance with space needs as established by an independent study of space needs authorized by the General Assembly. The Act is an alternative method to any present law for acquiring real and personal property by the state.

## TAXATION

Beginning with the Second Extraordinary Session 1987 through the end of the 1988 Session, a number of very much debated tax bills were enacted by the General Assembly. These involved the state's income, franchise, and death taxes; the state's cigarette and tobacco products taxes; and the state's motor vehicle fuel taxes.

The first of the major tax bills was enacted in the Second Extraordinary Session 1987 as H.F. 689 which provided for the state's individual income tax provisions to couple with the changes made in the federal Internal Revenue Code by the Tax Reform Act of 1986, reduced the tax schedule and rates, increased the standard deduction, and allowed for refund claims for the taxes on long term capital gains. But this coupling, rate reduction, and other items were for the 1987 tax year only. Among the first items of business when the regular 1988 Session began was to consider making the provisions of H.F. 689 permanent. This was done with the enactment of S.F. 2074 which also updated references to the Internal Revenue Code for the state's corporate, franchise and death taxes.

The other major tax bills were H.F. 327, increasing the cigarette and tobacco products taxes; S.F. 2196, increasing the motor fuel taxes and registration fees; S.F. 2338, eliminating the premiums tax on premiums from sales of annuities; and H.F. 2465, imposing excise taxes on fuel used in aircraft and on the casual sale of aircraft. H.F. 327 increased the cigarette and little cigar tax rate from \$.26 a pack to \$.34 a pack beginning March 1, 1988 and ending June 30, 1989 when the rate drops to \$.31 a pack. The tobacco products tax was increased from 15% to 19% of the wholesale sales price beginning March 1, 1988. S.F. 2196 increased beginning April 1, 1988 the excise taxes per gallon on motor fuel, gasohol, and diesel fuel from \$.16 to \$.18, \$.15 to \$.17, and \$.185 to \$.205, respectively. The excise taxes will be increased an additional \$.02 on January 1, 1989. The Act increased the annual registration fee for vehicles with a combined gross weight of up to 14 tons by \$20. The registration fee increase is effective July 1, 1988, for vehicles under 5 tons and December 1, 1988, for vehicles between 5 tons and 14 tons. S.F. 2338 excludes from the determination of the state gross premiums tax consideration received after June 30, 1988, in connection with annuity contracts. H.F. 2465 establishes excise taxes of \$.08 per gallon on the use of aviation gasoline and of \$.03 per gallon on special fuel used in turbine-powered aircraft beginning July 1, 1988. The Act also subjects the sale of aircraft between non-retailers to the state sales and use taxes and will require proof of payment of the tax prior to the initial registration of aircraft after June 30, 1988.

Some other tax changes occurred in S.F. 2058 which provided that withholding agents making payments to nonresidents for commodity credit certificates, grain, livestock, or other agricultural products need not withhold state income tax if information concerning the sale is provided to the state; in

S.F. 2327 where an individual can checkoff up to \$2 of income tax refund for the United States Olympic Committee with one-half of the amount of the checkoff coming back to the state for amateur sports; and in S.F. 2188 the extraordinary property tax credit and rent reimbursement for the elderly, surviving spouses, and disabled is increased beginning with tax credit claims filed on or after January 1, 1989, or for rent reimbursement claims filed on or after January 1, 1990. S.F. 2188 makes a similar adjustment for taxes on mobile homes. Under the sales and use taxes, changes were made to impose the tax and provide for its collection on catalog sales that are not otherwise being collected (H.F. 2459); to deduct in determining the gross receipts to be taxed the amount of cash rebate provided by a motor vehicle manufacturer to the purchaser if the rebate is applied to the purchase price (H.F. 2460); and to exempt sales made to community or migrant health centers, legal aid corporations, and nonprofit corporations that lend the items to the general public for nonprofit purposes, and sales of farm machinery and equipment which are not self-propelled or customarily drawn or attached to self-propelled implements if the machinery or equipment is primarily used in livestock or dairy production (H.F. 2477).

## TAXATION

### S.F. 452

BY COMMITTEE ON LOCAL GOVERNMENT. Cancels all personal property taxes effective July 1, 1988, and directs the county treasurer to take administrative action necessary to remove liens from the records and the property from the rolls.

### S.F. 2058

BY SCOTT AND BOSWELL. Exempts the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident if the payments are from the sale of commodity credit certificates, grain, livestock, domestic fowl, or other farm products by the nonresident or the nonresident's agent and if the withholding agent submits information relating to the sale to the Department of Revenue and Finance. The Act is retroactive to January 1, 1985 for payments made to nonresidents on or after that date.

### S.F. 2074

BY COMMITTEE ON WAYS AND MEANS. Indefinitely extends H.F. 689, (see note and summary below), provides for the state individual, corporate, franchise and death taxes to couple with changes made in the federal tax code, and deletes obsolete provisions of the state income and death tax laws. The Act imposes the corporate tax on the unrelated business income of nonprofit, charitable, religious, scientific, and educational organizations to the extent the income is subject to federal tax; makes the changes in the state generation-skipping transfer tax retroactive to October 22, 1986, when similar federal changes were made; sets the amount of legislators' per diem deduction equal to the maximum amount allowed for federal income tax purposes or, in the case where the legislator lives 50 miles or less from the Capitol Building, equal to \$50; clarifies that the deduction for federal civil service retirement benefits was to be adjusted for the state's inflation factor for the 1987 tax year; does not allow for the phase-in of the regular tax for married persons with income of over \$7,500 if either spouse carried-back or carried-forward a loss to the tax year; and requires taxpayers to include in income, for purposes of determining the \$7,500 or \$5,000 or less exclusion from tax, any state tax-exempt pensions received.

NOTE: To better understand the effect of extending the applicability of H.F. 689 by S.F. 2074, review the summary of H.F. 689 enacted in the Second Extraordinary Session 1987 and contained in this section.

### S.F. 2188

BY BOSWELL, HANNON, and GOODWIN. Increases the percentage of property taxes due or rent constituting property taxes paid, allowed as a credit or reimbursement for elderly and disabled individuals whose incomes are \$12,000 or less. The increase applies for claims filed on or after January 1, 1989, for property tax credit, and on or after January 1, 1990, for rent reimbursement. The amount of rent that constitutes property taxes paid was increased from 25% to 27.5% for claims filed on or after January 1, 1990. Adjustments were made in the annual tax per square foot to be assessed on mobile homes owned by qualified individuals to reflect the changes made in the increase in percentage of property taxes due allowed as a credit on non-mobile homes for claims filed on or after January 1, 1989. The Act also phases out the eligibility of surviving spouses between 55 and 65 years of age to receive the credit, reimbursement, or reduction in mobile home taxes by limiting the credit, reimbursement, or reduction to those surviving spouses who attained the age of 55 prior to January 1, 1989. Except for the phase-out, only people who are disabled or 65 years of age will be eligible for the tax credit, rent reimbursement, or reduction in mobile home tax.

### S.F. 2196

BY COMMITTEE ON WAYS & MEANS. Raised the gas tax by two cents per gallon effective April 1, 1988, and by an additional two cents per gallon effective January 1, 1989. The gas tax increase applies to motor fuel, gasohol, and diesel fuel. A gas tax increase of three cents per hundred cubic feet was imposed on natural gas used as a special fuel effective April 1, 1988.

The Act requires the State Transportation Commission to identify within the primary road system a network of commercial and industrial highways. During the fiscal year beginning July 1, 1990, and each subsequent fiscal year, the State Department of Transportation is required to spend from the primary road fund an amount not less than thirty million dollars for the network of commercial and industrial highways.

The Act provides that effective July 1, 1988, the interest or earnings on investments or time deposits of moneys in the Road Use Tax Fund and the funds to which moneys from the Road Use Tax Fund are credited are to be credited to the respective funds which generated the interest or earnings.

The allotment of moneys to the Public Transit Assistance Fund is increased effective July 1, 1988, from being one-fortieth to one-twentieth of the revenue credited to the Road Use Tax Fund from road use tax moneys.

The sum of one million dollars is allocated from use tax monies per year to the State Department of Transportation for the purpose of acquiring, constructing, and improving recreational trails within the state.

The Act requires the State Department of Transportation to develop an accommodation plan for the longitudinal utility use of freeway right-of-way in consultation with the Utilities Board. The plan is to be submitted to the Federal Highway Administration for approval by January 1, 1989. In developing the plan, the Department is required to provide for extended payment and lease agreements to provide continuous funding for the Living Roadway Trust Fund. These moneys credited to the Living Roadway Trust Fund are to be used exclusively for the development of alternative roadside vegetation for living windbreaks, wildlife habitat, roadside erosion control, and aesthetic purposes on Interstate highways according to one part of the Act and fifty-six percent on State Department of Transportation projects, thirty percent on county projects, and fourteen percent on city projects, according to the Act, which also provides that the percentages allocated are in the same proportion as road use tax funds will generally be allocated after April 1, 1990.

An additional goal for improvements in the primary road system is added. Currently improvements are to be made and carried out in such manner as to equalize the condition of the primary roads in all sections of the state. The Act provides that the improvements are to equalize the accessibility for commercial and industrial economic development purposes in all sections of the state.

Required highway construction and reconstruction to be completed in a manner which will not cause unnecessary destruction of the natural and historic heritage of the state. It required all natural woodland removed to be replaced by plantings of the same species mix on the same number of acres as the woodland removed on similar terrain as close as possible to the construction site, or by purchase of an equal number of acres of natural woodland in the general vicinity for public ownership and preservation. All natural wetlands removed were to be replaced by purchase of natural wetlands in the same general vicinity for public ownership and preservation. Highways constructed through publicly owned parks, preserves, and recreational areas were to be designed to blend aesthetically with the areas and to minimize noise as requested by the public entity owning the land. Any land taken from publicly owned parks, preserves, or recreation areas for highway constructions were to be replaced by purchase of an equal or greater number of acres for public use to be chosen in cooperation with the public entity owning the land. Topsoil was to be removed and stockpiled and made available at no cost to the former landowner or other landowners whose land was purchased for the highway construction. Excess topsoil was to be utilized for landscaping. However, Senate File 2314 repealed these provisions.

The Act allows the State Transportation Commission to authorize the temporary transfer of funds between the State Department of Transportation's RISE fund and the primary road fund in an amount not to exceed forty million dollars at one time. Transferred funds are to be repaid not later than July 1, 1993.

The Act increases the annual registration fees for truck tractors, road tractors, and motor trucks, except motor trucks registered as special trucks. The minimum annual registration fee for such vehicles is increased from forty-five dollars to sixty-five dollars, except that the minimum fee is increased



from thirty-five dollars to fifty-five dollars for vehicles more than ten model years old, and to forty-five dollars for vehicles more than thirteen model years old, and retained at thirty-five dollars for vehicles which are more than fifteen model years old. These changes are effective July 1, 1988, for vehicles registered for a combined gross weigh of five tons or less, and effective December 1, 1988, for vehicles registered for a combined gross weight in excess of five tons.

The Act makes the following appropriations to the Legislative Service Bureau from the road use tax fund for the purpose of carrying out studies: \$300,000 for a study of the needs for the total road network and the mechanisms for the distribution of the revenues derived from fuel taxes, vehicle registration fees, license fees, and the use tax on vehicles, and other sources of the road use tax fund; \$75,000 for a study of the mechanisms for the distribution of the public transit assistance fund; and \$50,000 for a study to develop an immediate long-range policy for the planting and maintenance of alternative roadside vegetation adjacent to the streets and highways in the state. Reports of the findings of the studies are to be presented by January 31, 1989.

The Act appropriates for the fiscal year beginning July 1, 1988, for the purpose of replacing lost federal highway funds to the Primary Road Fund the sum of \$12,788,144; to the farm-to-market road fund the sum of \$3,054,688; to the secondary road fund the sum of \$941,455; and to the Street Construction Fund the sum of \$711,131. The Act appropriates for the fiscal year beginning July 1, 1989, for the purpose of replacing lost federal highway funds the sums of \$20,932,000, \$5,000,000, \$1,541,000, and \$1,164,000 respectively to each of these funds.

The Act appropriates for the fiscal year beginning July 1, 1988, to the primary road fund for the commercial and industrial network of highways the sum of \$11,974,375, to the secondary road fund the sum of \$9,958,281, and to the Street Construction Fund the sum of \$5,987,188. The Act appropriates for the fiscal period beginning July 1, 1989, and ending March 31, 1990, to the primary road fund for the commercial and industrial network of highways the sum of \$10,400,000, to the secondary road fund the sum of \$8,700,000, and to the street construction fund the sum of \$5,200,000.

Commencing April 1, 1990, the Treasurer of State is required to annually credit to a separate fund from road use tax moneys the following amounts: from moneys allotted to the primary road fund the sum of \$28,300,000, from moneys allotted to the farm-to-market road fund the sum of \$3,600,000; from moneys allotted to the secondary road fund the sum of \$11,300,000; and from moneys allotted to the street construction fund the sum of \$6,800,000. These moneys are to be restored to the road use tax fund upon completion of the study by the Legislative Service Bureau on the needs for the total road network and the mechanisms for the distribution of the derived revenues and action by the General Assembly on the formula for allocating road use tax funds between jurisdictions.

### S.F. 2270

BY COMMITTEE ON LOCAL GOVERNMENT. Authorizes the county board of supervisors to suspend special property tax assessments and certain other charges against property in addition to regular property tax assessments, for taxpayers who are unable to pay the taxes. The charges relate to the destruction of weeds on the property, and the special assessments are those allowed under Chapters 364 and 384 for public improvements and those allowed under section 384.84 for certain utility rate assessments.

### S.F. 2301

BY COMMITTEE ON APPROPRIATIONS. This Act relates to maintenance of financial support for local libraries by governmental subdivisions. The governmental subdivisions are encouraged, but are no longer required, to maintain the local financial support for the operating expenses of local libraries that was in effect on July 1, 1973. The Act continues the requirement that took effect July 1, 1977, which requires a governmental subdivision to levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on taxable property to support the local library.

### S.F. 2327

BY COMMITTEE ON WAYS AND MEANS. Provides for a state individual income tax checkoff for funding for the United States Olympic Committee. The checkoff is from the taxpayer's tax refund and is limited to \$2.00. On or before March 1, the Department of Revenue and Finance will pay the moneys to the United States Olympic Committee on the condition that one-half of the moneys will be returned to the state to be spent for local amateur sports for which there is olympic competition and for special olympic programs. The Act is retroactive to January 1, 1988, for tax years beginning on or after that date.

### S.F. 2335

BY COMMITTEE ON WAYS AND MEANS. Provides that use of the modern soil survey is to be emphasized by the local assessor to ensure that individual parcels are treated in an equal and uniform manner to achieve internal equity among parcels within the assessing jurisdiction.

### S.F. 2338

BY COMMITTEE ON WAYS AND MEANS. Beginning with the 1988 calendar year, allows the deduction of premiums for annuity contracts received after July 1, 1988, in determining gross premiums for purposes of the gross premiums tax and not just those premiums received from annuity contracts which qualify under

certain sections of the federal income tax code. The Act requires the Insurance Commissioner to prepare reports relating to investments by insurance companies in the state, to alternatives and incentives for increasing investments in the state, to the increase in jobs, tax revenues, and insurance companies as a result of this Act, and to the premium volume of nonqualified insurance annuities by large domestic insurance companies and projections for increase in such volume.

#### H.F. 105

BY BEATTY. Revises provisions relating to the register which is kept by the Director of Revenue and Finance showing the persons who are eligible for appointment as assessors and deputy assessors. The Act provides for the eligibility of incumbent assessors and deputies who comply with continuing education requirements, thereby removing the need to retake the examination in order to seek appointment in a different jurisdiction. The Act also provides that examination scores will no longer be shown on the register, and names will be placed alphabetically rather than according to rank. Scores must be provided to a city or county conference board upon request.

#### H.F. 327

BY COMMITTEE ON WAYS & MEANS. Increases the cigarette tax from twenty-six cents to thirty-four cents a pack beginning March 1, 1988, then reduces the tax to thirty-one cents a pack beginning July 1, 1989, and increases the tax on other tobacco products from 15% to 19% of the wholesale sales price beginning March 1, 1988. An inventory tax is imposed on February 29, 1988, on cigarettes, unused cigarette tax stamps, and metered imprints held in inventory on February 29, 1988, equal to the difference between the old rate and the new rate. A distributor may make a one-time credit-purchase of tax stamps between March 1, 1988, and April 15, 1988, with payment to be made 45 days after the credit-purchase. The Act is effective upon enactment.

#### H.F. 665

BY COMMITTEE ON WAYS AND MEANS. Provides a tax levy not exceeding twenty-seven cents per thousand dollars of assessed valuation for the support of a public library if authorized by a petition and majority vote at a regular city election. If the levy is voted, it must be imposed by the city council. The levy may be discontinued by petition and majority vote.

### H.F. 666

BY COMMITTEE ON WAYS AND MEANS. Provides that the homestead tax credit claim need not be refiled when the property is transferred to one spouse or the other when a dissolution of the marriage occurs. It also provides that property divisions made upon a judgment of annulment, dissolution, or separate maintenance under Chapter 598 shall not be modified.

### H.F. 678

BY COMMITTEE ON WAYS AND MEANS. Provides for the establishment of a benefited recreational lake district by petition of the property owners in the proposed district and the approval of the board of supervisors. Voters must approve the levy of the tax imposed which may not exceed four dollars per thousand dollars of assessed valuation annually. Property assessed as agricultural property shall not be taxed by the benefited district. Trustees of the district are elected at the same election at which the tax levy is proposed. The procedures for establishing and dissolving a recreational lake district are the same as for other benefited districts in the Code.

The purpose of the benefited recreational lake district is to establish, maintain, and repair recreational facilities including, but not limited to, water, buildings, structures, dams, recreational grounds, pools, golf courses, community centers, real estate, and other related property.

### H.F. 689

BY COMMITTEE ON WAYS AND MEANS. Conforms state individual income tax to the new federal tax provisions, including the rewriting of the state minimum tax and the defining of expenditures for increasing research for purposes of the state research tax credit in a manner similar to federal provisions; reduces the tax schedule from thirteen brackets to nine brackets, the lowest rate from .5% to .4%, and the highest rate from 13% to 9.98%; increases the standard deduction for all filers by \$30 and eliminates the 15% of net income after federal tax deduction limit on the standard deduction; increases from \$5,000 to \$7,500, the amount of net income below which no tax is owed for all filers except single persons and provides a phase-in of the regular tax for those who have net income over \$7,500; clarifies the taxation of interest and dividends from regulated investment companies exempt from federal tax and the loss from the sale or exchange of shares of such companies; provides for taxpayers to receive the benefit of the repealed 60% capital gains deduction by allowing for the filing of refund claims by taxpayers based upon the difference in the amount of tax paid determined without the capital gains deduction and the amount that would have been paid if the deduction, not to exceed \$10,500, was allowed; limiting the total amount of refund claims paid for the capital gains deduction to \$8,000,000 with each claim receiving a pro rata amount if the total claims exceed that amount; and extends the statute of limitations for

filing of certain income tax refund claims permitted under the new federal tax law. The bill is effective upon enactment and applies to the tax years beginning in the 1987 calendar year only.

#### H.F. 2061

BY SPEAR. Provides that members appointed to examining boards and boards of review shall be residents of the assessor jurisdiction served by the examining board or board of review.

#### H.F. 2155 VETOED BY THE GOVERNOR.

BY COMMITTEE ON EDUCATION. Expands the power of a school district's board of directors to eliminate health risks in schools caused by asbestos. A district's General Fund may be used for inspection, routine maintenance services including recordkeeping, and developing management plans as well as asbestos removal and encapsulation to ensure that the school district is in compliance with the federal asbestos removal requirements. Present law allows school district boards to call an election to provide for either a property tax levy or a combination property tax/income surtax to pay the costs of the asbestos removal or encapsulation. The Act provides that the board on its own motion may provide for a combination property tax/income surtax to pay the costs of the asbestos project, but the property tax levy still requires approval at an election.

#### H.F. 2287

BY COMMITTEE ON LOCAL GOVERNMENT. Provides that a claim of credit for property taxes by the elderly or disabled taxpayers must be filed with the county treasurer between January 1 and June 1 preceding the fiscal year during which the property taxes are due. The Act also provides for the collection of credit payments which are erroneously paid. An erroneous payment may be collected through a property tax assessment if the property is still owned by the claimant or by an income tax assessment if the property has been sold.

#### H.F. 2419

BY COMMITTEE ON EDUCATION. Grants authority to the Department of Education to conduct, or direct the appropriate area education agency to conduct, studies of proposals of school districts to share entire grades. The studies are similar to the studies conducted by area education agencies for school district reorganization. The Act makes several changes in the procedure for dissolution of a school district. It provides that establishment of a dissolution commission may be initiated by twenty percent of the electors in

addition to board action. It also provides for a reduction in the uniform property tax levy to school districts of under six hundred enrollment that dissolve. This provision is identical to the property tax reduction provided for school districts that reorganize. It allows tenth, eleventh, and twelfth grade students of districts that dissolve to attend school in any of the districts to which territory of the dissolving district is attached. The Act allows for whole grade sharing agreements between a school district in Iowa and a contiguous district in another state subject to a reciprocal agreement between the two state boards of education if the out-of-state district meets requirements that are substantially similar to those in Iowa. The Act elaborates the procedure for initiating a whole-grade sharing agreement. The changes ensure that action by the local boards is taken in each case without relying on the Department of Education to make all of the decisions. The standard of review of parental appeal is changed from clear and convincing evidence to preponderance of evidence for purposes of an appeal to the State Board of Education. A person or party aggrieved is limited to the parent or guardian of an affected pupil. The Act restricts the applicability of a reduction in the uniform foundation levy under the state school foundation formula in reorganized school districts or dissolving school districts to those districts which absorb at least thirty percent of the enrollment of the school district. The Act provides that the School Budget Review Committee may authorize a school district to spend from the district's unexpended cash balance for the costs associated with the demolition of an unused school building or conversion of an unused school building for community use if the district is involved in a reorganization or dissolution. The Act clarifies that the financial incentives provided to a school district involved in sharing its educational program with another district are limited to a five year period.

#### H.F. 2451

BY COMMITTEE ON WAYS AND MEANS. Makes a correction in the way a corporation computes its alternative minimum tax by preventing the inclusion twice of interest and dividends from state and other political subdivision securities and from regulated investment companies exempt from federal tax. The Act is retroactive to January 1, 1988, for tax years beginning on or after that date.

#### H.F. 2453

BY COMMITTEE ON WAYS AND MEANS. Prohibits the selling or offering for sale by a distributor any beverage container if the beverage container is connected to another beverage by a device constructed of a material which is not biodegradable or photodegradable, and provides the penalty of a serious misdemeanor for violation of the prohibition. The Act defines the terms "degradable," "biodegradable," "photodegradable," "beverage," and "beverage container" for the purposes of the Act. The Act also requires the Laboratory Division of the Department of Agriculture and Land Stewardship to designate packaging products which are degradable, promote the use at the point of sale

of designated degradable packaging products by retailers, and promote the development of markets which provide degradable packaging alternatives for use at the point of sale by retailers. The Act exempts from the sales tax packaging products used by manufacturers, (former law also exempted retailers from the sales tax on these products) degradable packaging sold to retailers for the purpose of point-of-sale packaging and packaging products sold to retailers for the purpose of nonpoint-of-sale packaging are now exempt. The Act provides an effective date of July 1, 1989, with the tax exemption portions of the Act taking effect only after the Laboratory Division of the Department of Agriculture and Land Stewardship determines that degradable products are available to a degree which makes compliance reasonably possible.

#### H.F. 2458

BY COMMITTEE ON WAYS AND MEANS. Exempts forty percent of the purchase price of a modular home from the state sales and use tax which is the same percentage as is exempt from the purchase price of a mobile home.

#### H.F. 2459

BY COMMITTEE ON WAYS AND MEANS. Imposes the state sales tax on sales of tangible personal property solicited by advertising that is broadcast or transmitted from a location within this state, solicited by mail or otherwise, made by a retailer owned or controlled by the same interests as any other retailer engaged in business in this state, or made by a retailer that maintains or has a franchisee or licensee operating under the retailer's trade name in this state that is required to collect sales tax. Revenues collected as a result of the sales tax imposed by this Act are to be deposited into a special General Fund account to implement generally accepted accounting principles by the state. The local option sales tax does not apply to sales on which tax is imposed only as a result of this bill.

#### H.F. 2460

BY COMMITTEE ON WAYS AND MEANS. Provides that a cash rebate which is provided by a motor vehicle manufacturer to the purchaser of a motor vehicle subject to registration and is applied to the purchase price of the motor vehicle is not part of the purchase price for purposes of the sales and use tax.

#### H.F. 2461

BY COMMITTEE ON WAYS AND MEANS. Provides that a county board of supervisors shall not order the county treasurer to issue a refund of any tax paid unless the claim for refund was made to the board of supervisors within one year from

the date that the tax was due or if the tax was appealed to the board of review, the State Board of Tax Review, or the district court, within one year of the final decision.

#### H.F. 2463

BY COMMITTEE ON WAYS AND MEANS. Allows cities and counties to receive confidential information concerning local option taxes imposed by them from the Department of Revenue and Finance; provides for the imposition of a local hotel and motel tax forty-five days after notification to the Department of Revenue and Finance instead of the previous sixty days, thus enabling the tax to be imposed January 1 following a favorable election held in November; legalizes the premature collection of the Ames hotel and motel tax; allows construction contractors who have entered into a construction contract prior to the imposition or rate increase of a local sales and services tax to receive a refund of the amount of tax or rate increase for property incorporated into an improvement to real estate; and eliminates the provisions that state that the state cigarette and liquor taxes are in lieu of any local taxes, thus clearing up the question of whether a local sales and services tax applies to cigarette and liquor sales. The Act is effective upon enactment.

#### H.F. 2465

BY COMMITTEE ON WAYS AND MEANS. Establishes an excise tax of eight cents per gallon on the use of aviation gasoline and an excise tax of three cents per gallon on special fuel used for the propulsion of turbine-powered aircraft beginning July 1, 1988.

Requires a person first registering an aircraft to show evidence that the sales tax or use tax has been paid or evidence that the aircraft is exempt from the sales and use tax.

Eliminates the sales tax and use tax exemptions for casual sales of aircraft. However, the Act adds a sales tax and use tax exemption for sales of aircraft which are used in scheduled interstate Federal Aviation Administration certificated air carrier operations.

In addition to the prohibition of fuel tax refunds and income tax credits for fuels used in aircraft, the Act prohibits a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of watercraft, and prohibits an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft.

The excise tax is effective for fuel purchased on or after July 1, 1988.



### H.F. 2473

BY COMMITTEE ON APPROPRIATIONS. Provides for the appropriation of moneys from the General Fund instead of the military service tax credit fund to pay the cost of the military service tax credit and eliminates the military service tax credit fund. The Act allows for the military service tax credit on mobile homes and makes members of the United States Merchant Marine eligible for the tax credit. The Act directs that all franchise tax revenues be deposited into the General Fund before 45% of those revenues are appropriated quarterly to cities and counties. Present law requires the 45% to be deposited into a special franchise tax fund.

### H.F. 2474 VETOED BY THE GOVERNOR.

BY COMMITTEE ON WAYS AND MEANS. Subjects any financial institution with an office and employees within Iowa and doing business within Iowa to the state franchise tax, including state banks, savings banks, and savings and loan associations chartered by other states and the national banking association regardless of the fact that the national banking association does not have its principal office in Iowa as was previously required. The Act restricts the authority of financial institutions to establish satellite terminals at retail sales locations only if the terminals are not designed or operated to accept deposits or to dispense script or other negotiable instruments, except cash; are utilized for making payments for goods or services purchased at retail at the location of the terminal; and are situated in retail sales locations located in the city, county, adjacent municipal corporation, or unincorporated area of the county where the financial institution controlling the terminal has its principal office. The Act is retroactive to January 1, 1988, for the years beginning on or after that date.

### H.F. 2476

BY COMMITTEE ON WAYS AND MEANS. Provides that administrative procedures must be followed for questions relating to the identification of taxable property and the classification of taxable property as real or personal when the property is centrally assessed. Local administrative procedures also must be followed when these questions are raised.

### H.F. 2477

BY COMMITTEE ON WAYS AND MEANS. Exempts from the state sales and use tax, purchases made by community and migrant health centers, nonprofit organizations which are organized for the purpose of lending the items purchased to the general public for use by them for nonprofit purposes, and to nonprofit legal aid organizations. The Act changes the standard for when

parts for farm machinery and equipment are exempt from the sales and use tax, from having to be depreciable for state and federal tax purposes, to being essential to the exempt use of the farm machinery and equipment. The Act eliminates for purchases on or after July 1, 1988, the refund provision (enacted in the 1987 Session) for sales and use tax paid for nonself-propelled implements of husbandry used for livestock and dairy production and makes these types of farm machinery and equipment exempt. However, the refund provision included an allowance for the refund of tax on services rendered in replacing parts but the exemption does not. The Act provides for the granting of a military service tax credit on mobile homes. The Act specifies that an entity is eligible to apply for a race track license if it is an agency, instrumentality, or political subdivision of the state or is a nonprofit organization which is exempt from federal income taxation under sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code, which has been organized to promote educational, civic, public, charitable, patriotic, or religious uses and which regularly conducts, as part of its exempt purposes, an agricultural and educational fair or exposition to promote the horse, dog, and livestock breeding industries of the state. If the nonprofit organization has unrelated business taxable income for federal tax purposes while it is a licensee, it must distribute the net unrelated business taxable income to political subdivisions of the state or to nonprofit organizations operated for religious, charitable, scientific, or educational purposes.

## TRANSPORTATION

During the 1988 Session, the Seventy-second General Assembly passed several Acts relating to transportation. The subject matter of these Acts included fuel taxation, railroad legislation, operation and registration of vehicles, and legislation relating to the building of roads.

During the 1987 interim, three study committees met regarding transportation issues. The names of the study committees were: Mandatory Auto Liability Insurance Study Committee, Infrastructure Funding Formula Study Committee, and Titles of Junked, Wrecked, and Salvage Vehicles Study Committee. From the subject matter reviewed by these interim studies, two bills were enacted by the Seventy-second General Assembly. They were the motor fuel tax Act (S.F. 2196 summarized under taxation) and an anti-title laundering Act (S.F. 2285).

By far the most significant Act in terms of supplying new moneys for the transportation system passed by the Seventy-second General Assembly is the motor fuel tax Act (S.F. 2196). This Act raises the gas tax by two cents per gallon effective April 1, 1988, and raises the gas tax by an additional two cents per gallon effective January 1, 1989. However, the additional moneys raised under the Act are not distributed purely in accordance with the normal road use tax fund distribution formula. Some of the moneys are appropriated for the purpose of replacing lost federal highway funds and other moneys are appropriated off the top to the various road funds. In an unusual action, the Act requires the Treasurer of State, commencing April 1, 1990, to credit to a separate fund \$50 million annually. These moneys are not to be restored to the road use tax fund until the completion of a study on the needs of the total road network and the mechanism for the distribution of the derived revenues and action by the General Assembly on the formula for allocating road use tax funds between jurisdictions.

The motor fuel tax Act also required highway construction and reconstruction to be done in a manner as to not cause unnecessary destruction of the natural and historic heritage of the state and required replacement of natural woodlands, natural wetlands, parks, and topsoil. However, Senate File 2314 subsequently repealed all of these provisions. However, the motor fuel tax Act also provides for the living roadway trust fund to be used for the development of alternate roadside vegetation and establishes a study to develop an immediate long-range policy for the planning and maintenance of alternative roadside vegetation adjacent to streets and highways in the state.

Not only is the motor fuel tax raised, but another Act establishes an excise tax of eight cents per gallon on the use of aviation gasoline and an excise tax of three cents per gallon on special fuel used for the propulsion of turbine-powered aircraft beginning July 1, 1988 (H.F. 2465). The aviation gasoline tax Act also eliminates the sales tax and use tax exemption for casual sales of aircraft with exemptions for scheduled interstate certificated air carrier operations.

The other significant legislation to come out of an interim study was the Act which makes it more difficult to launder an out-of-state motor vehicle title in Iowa (S.F. 2285). This Act also provides that certain wrecked and salvage vehicles which had been repaired, receive a "REBUILT" stamp on their titles unless the vehicles successfully pass component parts reviews.

Among bills enacted relating to vehicle operation and registration was an Act allowing for personalized registration plates to contain up to seven characters, providing for the issuance of collegiate plates issued in the colors of the three state universities, and providing for the issuance of a special Congressional Medal of Honor plate (S.F. 2039). Antique vehicle owners are allowed to display vintage registration plates on their antique vehicles (H.F. 578). An Act was enacted regarding designation on a person's abstract of operating record of certain minor speeding violations and allowing a person to reopen a license revocation hearing under certain circumstances (S.F. 2117). Legislation was enacted allowing movement of vehicles of excess size and weight (H.F. 2383). Numerous exemptions from certain transportation safety regulations are also provided (S.F. 2070). Legislation was enacted requiring a peace officer to investigate reports filed by school bus drivers and school officials of violations of school bus warning devices (H.F. 429). The validity period for in-transit stickers is increased from three to fifteen days (H.F. 2193). Legislation was enacted to provide for the staggered registration of aircraft and increases the minimum registration fee for aircraft (H.F. 2156). Restrictions are placed on motor vehicle rental agreements containing a collision damage waiver unless certain disclosure and sales practice standards are satisfied (H.F. 653).

Two bills were enacted relating to railroad transportation. Political subdivisions are allowed to regulate the speed of a train within their jurisdiction, subject to the approval of the State Department of Transportation, and the Act also regulates the transportation of railroad employees and equipment (S.F. 450). Moneys are provided to the Railway Finance Authority for the payment of principal and interest on obligations issued by the Authority or payment of leases granted by the Authority (H.F. 2269).

With regard to the construction of roads, one Act eliminates the prohibition of construction of rest areas or rest area buildings on interstate highways of intervals of less than 60 miles (S.F. 2273), construction of a cable system is allowed to be made upon public roads of Iowa (H.F. 2387), and the State Department of Transportation is allowed to provide right-of-way and relocation benefits for state-funded highway projects in the full amount authorized by federal standards and regulations (H.F. 2352).

The issue of handicapped parking and the use of handicapped identification plates is addressed (S.F. 2017).

Many provisions were enacted allowing the General Assembly to monitor purchases of equipment and vehicles, a study is provided for identifying areas of duplication or overlap of functions within the Department of Public Safety and other Departments, an evaluation of the administration of motor vehicles

of the State Department of Transportation is authorized, and increased fees are provided for the receipt of certified operating records (S.F. 2314). Another Act which received considerable legislative action but failed to be enacted related to the use of a minor's school license (H.F. 566). Although the Senate had received over 300,000 signatures calling for the repeal of the mandatory seat belt law, the bill to provide for such a change failed to come out of the House Transportation Subcommittee to which it was assigned.

## TRANSPORTATION

### S.F. 450

BY WELLS AND SOORHOLTZ. Relates to the regulation of railroads. The Act allows political subdivisions to regulate the speed of a train within their jurisdiction subject to the approval of the State Department of Transportation.

The Act also regulates the transportation of railroad employees and equipment. Motor vehicles which are subject to registration and which are provided by a railroad company and used to transport railroad workers are required to meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles; are required to meet all state and federal requirements for safety devices; and are to be operated in compliance with all state and federal regulations pertaining to driving, loading, and carrying freight and employees. Motor vehicles used to transport workers are to be maintained in a safe manner at all times, whether or not used upon a public highway. The Director of Transportation is required to adopt rules requiring motor vehicles subject to registration provided by a railroad company to transport railroad workers to be provided with safe heating systems in order to maintain reasonable comfort levels in those spaces of the vehicles where the workers are required to ride. Violations subject railroad companies to schedule "one" penalties, which are civil penalties of one hundred dollars per violation.

### S.F. 2017

BY HOLDEN. Contains several provisions relating to handicapped parking. The Act makes it easier for permanently handicapped persons to renew their handicapped identification plates by not requiring proof of the permanent handicap when renewing the plates.

The Act makes it easier for persons to differentiate between permanent handicapped identification devices and temporary handicapped identification devices (which expire after a certain date). The temporary handicapped identification devices and stickers are required to be of a distinctively different color from the permanent handicapped identification devices and stickers. Also the expiration dates and identification numbers on all handicapped identification devices are to be of sufficient size to be readable from outside the motor vehicle. These provisions take effect January 1, 1989.

Cities and other political subdivisions which provide on-street parking areas or off-street parking facilities are required to provide more handicapped parking spaces. Under current law they are required to provide at least 0.6% of the metered parking spaces as handicapped parking spaces. Under the Act they are also required to provide at least 0.6% of the marked parking spaces as handicapped parking spaces.

In an effort to cut down on some of the abuses of the handicapped identification devices, these devices (other than plates and plate stickers) are to be displayed only while the vehicle is parked or in transit in connection with a trip providing transportation service for handicapped persons.

The Act requires counties to provide handicapped parking signs at cost to persons who own or lease real property outside the corporate limits and who are required to provide handicapped parking spaces.

The Act requires handicapped parking signs to be affixed to a pole or affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the handicapped parking space. The handicapped parking space is not to be designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space.

The fine for improper use of a handicapped parking space or handicapped identification device was raised from \$15 plus surcharges and costs, to \$25 plus surcharges and costs.

Except as otherwise noted, the Act takes effect July 1, 1988.

### S.F. 2039

BY DIELEMAN. Provides that commencing on July 1, 1990, personalized plates may be issued with up to seven initials, letters, or a combination of numerals and letters. Currently no more than six characters may be used.

The remainder of the Act takes effect July 1, 1988. Provides for the issuance of collegiate plates for each of the three state universities in their respective school colors. The plates require payment of fifty dollars in addition to the regular annual registration fee and an additional renewal fee of five dollars each year in addition to the regular annual registration fee. Twenty-five dollars is appropriated from use tax revenues for each collegiate plate issued to the respective universities to be used for scholarships for students attending the universities.

The Act also provides for the issuance of special Congressional Medal of Honor plates to persons who have been awarded the Congressional Medal of Honor. The plates are to be issued in red, white, and blue and bear an emblem of the Congressional Medal of Honor. Each eligible applicant may apply for only one set of plates and the plates will have an annual registration fee of fifteen dollars. However, the State Department of Transportation is directed to not issue the plates until service organizations in the state have furnished the Department either the special dies or the cost of the special dies needed to the manufacture of the special registration plates.

The Act allows personalized registration plates to be renewed without paying the additional twenty-five dollar registration fee unless a new series of registration plates are being issued to replace the current series. A person renewing a personalized registration plate within one month following the time requirements provided in the Code may renew the plate without paying an additional twenty-five dollar registration fee, but is required to pay the additional five dollar fee in addition to the regular registration fee and any penalties subject to regular registration plate holders for late renewal.

The requirement of an owner to assign a vehicle's registration card to a transferee is eliminated. However, the owner still must assign the title of the vehicle to the transferee.

The Act eliminates the prohibition against a motor vehicle license number being the social security number of the transferee unless requested by the transferee. A motor vehicle license means an operator's license, chauffeur's license, etc.

#### S.F. 2070

BY COMMITTEE ON TRANSPORTATION. Provides numerous exemptions from certain transportation safety regulations. Includes in the definition of "implements of husbandry", portable tanks, nurse tanks, trailers, and bulk spreaders which are not self-propelled and which have gross weights of not more than 12 tons and are used for the transportation of fertilizer and chemicals; used for farm crop productions; and other types of equipment which are used primarily for the application of fertilizers and chemicals in farm fields or for farm storage. Thus, since under the Code, the safety rules adopted under Section 321.499 concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to trucks moving implements of husbandry, the regulations also do not apply to the tanks, trailers, spreaders, and other equipment which are now defined as being "implements of husbandry". The items which are defined as "implements of husbandry" are deleted from the definition of "special mobile equipment" under the Act.

Pertains to safety rules adopted by the State Department of Transportation under Section 321.449 by creating a number of exemptions. Rules adopted concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce are not to be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce prior to January 1, 1988. Rules adopted shall not impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations. Rules adopted under Section 321.449 concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of fertilizers and chemicals used in the farmer's crop production or the intrastate transportation of agricultural commodities or feed.



A provision exempting drivers of commercial vehicles when not operated more than 100 miles from the truck driver's place of business was stricken and rewritten in Senate File 2314. See Senate File 2314 for an explanation of the rewritten provisions.

The Act creates an exemption from rules relating to the transportation of hazardous materials. The Act exempts from the rules cargo tank motor vehicles with a capacity of 4000 gallons or less used to transport gasoline in intrastate commerce which were manufactured between 1950 and 1979 and which are in compliance with the American Society of Mechanical Engineers specifications in effect at the time of their manufacture.

### S.F. 2117

BY COMMITTEE ON TRANSPORTATION. Requires the State Department of Transportation to designate on a person's abstract of operating records, certain minor speeding violations. For violations occurring on or after July 1, 1986, but before May 12, 1987, the special notation is for violations of 10 miles per hour or less over the speed limit in speed zones greater than 35 m.p.h. For speeding violations occurring on or after May 12, 1987, the special notation is for violations of 10 miles per hour or less over the speed limit in speed zones equal to or greater than 35 m.p.h. but not greater than 55 m.p.h. Insurance companies are prohibited from considering the first two such specially noted speeding violations occurring in any 12-month period for the purpose of establishing rates for motor vehicle insurance or for the purpose of cancelling or refusing to renew a motor vehicle insurance policy. A violation constitutes an unfair method of competition and unfair or deceptive Act or practice in the business of insurance and subjects the insurance company to a monetary penalty of up to ten thousand dollars for each and every Act or violation if the company refuses to follow a cease and desist order of the Insurance Commissioner.

Also allows a person whose motor vehicle license or operating privilege has been, or is being revoked, to reopen the hearing or to prevail at the hearing to rescind the revocation if a court has held that the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. The decision by the court is binding on the State Department of Transportation and the Department shall rescind the revocation.

Requires the State Department of Transportation to provide a report to the 73rd General Assembly by January 31, 1989, which shall describe the various operating records maintained by the Department. The report is to include the Director of Transportation's recommendations concerning the appropriate length of time the records should be maintained by the Department.

S.F. 2196 See Taxation section.

S.F. 2273

BY COMMITTEE ON SMALL BUSINESS & ECONOMIC DEVELOPMENT. Repeals a law which prohibited the construction of rest areas or rest area buildings on Interstate highways at intervals of less than sixty miles. The Act allows the State Department of Transportation to resume construction of the uncompleted rest areas and rest area buildings on the Interstate highway system. The State Department of Transportation is to designate by January 1, 1992, those uncompleted rest areas and rest area buildings which it elects to complete, and report those designations to the State Transportation Commission. If the Department elects not to complete the construction of an uncompleted rest area or rest area building, the Department may sell the land acquired by the Department for the rest area back to the adjacent landowners.

S.F. 2285

BY COMMITTEE ON TRANSPORTATION. Relates to laws concerning motor vehicle fraud, certificates of title, and wrecked and salvage vehicles. The Act transfers funds collected from the enforcement of motor vehicle fraud laws from the Department of Transportation to the Department of Justice and expands the scope of laws to be enforced from the state and federal odometer laws to motor vehicle fraud law enforcement in general. The Act makes it more difficult to "launder" an out of state motor vehicle title in Iowa by requiring that newly issued Iowa certificates of title reflect the name of the state and the classification of the title (salvage, wrecked, junking) on the previous certificate of title. It also prohibits the issuance of any other title than a junking title for a vehicle with major damage to four or more component parts. Beginning September 1, 1988, if a wrecked or salvaged vehicle has been repaired, it is eligible for a regular certificate of title with the word "REBUILT" stamped on the title, however, a regular title may be issued if a peace officer conducts a component part review under rules adopted by the Department of Transportation. A repaired salvage vehicle is also required to undergo a salvage theft examination by a qualified peace officer and "rebuilt" vehicles will have that designation permanently attached to the driver's doorjamb or other area of the vehicle. Penalties are included for removal of the rebuilt identification.

H.F. 429

BY COMMITTEE ON TRANSPORTATION. Provides for reporting by school bus drivers and school officials of violations of failing to obey school bus warning devices. Not more than 48 hours after receiving such a report, a peace officer is required to investigate the reported violation and to contact the

owner of the motor vehicle involved in the reported violations and request that the owner supply information identifying the driver in accordance with Section 321.484 of the Code. If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the peace officer is required to prepare a uniform traffic citation for the violation and personally serve it upon the driver of the vehicle.

#### H.F. 578

BY COMMITTEE ON TRANSPORTATION. Allows the owner of a motor vehicle registered as an antique vehicle to display a registration plate from or representing the model year of the motor vehicle in lieu of the current and valid Iowa registration plates issued to the vehicle. However, the replaced current and valid Iowa registration plates and the registration card issued to the vehicle must be simultaneously carried within the vehicle and be available for inspection to any peace officer upon request.

Expands the valid use of a vehicle registered as an antique vehicle. Under the Act, the antique vehicle may be driven upon the public roads to and from state and county fairs or other places of entertainment or education for exhibition or educational purposes and to and from service stations for the purpose of receiving necessary maintenance.

#### H.F. 653

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act restricts motor vehicle rental agreements containing a collision damage waiver unless certain disclosure and sales practice standards are satisfied. A collision damage waiver as part of a motor vehicle rental agreement waives for a fee the rental company's claims against the customer for any damage to, or loss due to theft of, the rented vehicle. A rental company is subject to the penalties for consumer fraud unless the collision damage waiver includes the following: is simple to understand and readable; is in large type and conspicuous according to the statute's technical standards; a statement of the total charge for the waiver period; a notice in 8 point bold type that a renter's own auto insurance may provide coverage; and a notice that purchase of the waiver is not mandatory and may be declined. This permits a renter to make an informed decision as to whether the waiver is required in the renter's individual circumstances. The waiver may exclude damages caused intentionally by the customer or as a result of the customer's willful and wanton misconduct or damages caused by driving while intoxicated or under the influence of a controlled substance. The waiver may not exclude simple negligence. Certain sales or advertising practices for collision damage waivers are made unfair or deceptive acts or practices and are also punishable as consumer frauds. Deceptive acts include failure to include the required notices and disclosures and any representation that purchase of the waiver is mandatory.

### H.F. 2129

BY COMMITTEE ON TRANSPORTATION. Requires the front wheels of trucks and truck tractors with three or more axles to be equipped with brakes, if the trucks and truck tractors are manufactured on or after July 25, 1980, thus bringing state law into compliance with federal law.

### H.F. 2156

BY COMMITTEE ON TRANSPORTATION. Provides for the staggered registration of civil aircraft which are operated or otherwise controlled within the state for more than 30 days, with the exception of lighter-than-air aircraft used only for display or competition. The Act increases the minimum aircraft registration fee from \$15 to \$35, provides that lighter-than-air aircraft have a registration fee of \$35, sets the registration fee for a helicopter used exclusively as an air ambulance at \$1000, and repeals the credit for aircraft license fees paid to other states. The Act defines an owner as a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than 30 days.

### H.F. 2193

BY COMMITTEE ON TRANSPORTATION. Increases the validity period for in-transit stickers from three days to fifteen days after date of issuance. In-transit stickers are used to transport vehicles bought by nonresidents from Iowa dealers to transport the vehicle from the dealer to the state of the nonresident's residence and are also used by Iowa dealers for transportation vehicle's not currently registered in Iowa to the dealer's place of business in Iowa.

### H.F. 2259

BY COMMITTEE ON TRANSPORTATION. Authorizes persons involved in the specialized business of rebuilding new vehicles to be licensed as wholesalers. Currently, a number of specialized Iowa businesses are rebuilding new vehicles into emergency vehicles, but are not large enough to be authorized as wholesalers by the factories.

## H.F. 2269

BY COMMITTEE ON TRANSPORTATION. Provides that moneys received from the loan repayments from Heartland Rail Corporation are to be deposited into a special account within the special railroad facility fund and used only for debt service or rehabilitation on branch rail lines whose total projected traffic is at least fifty percent agricultural products. However, such moneys so transferred to the special railroad facility fund are to be repaid to the road use tax fund within thirty years after receipt of each repayment.

Allows the Railway Finance Authority to certify up to two million dollars annually to the Treasurer of State for payment of principal and interest by the Authority on obligations issued on or after July 1, 1988, or to make payments on leases guaranteed by the Authority on or after July 1, 1988. However, certification may only be made when there are insufficient moneys available to the Authority for the payment from moneys credited to the special railroad facility fund or other sources available to the Authority. The certified moneys are credited from use tax revenues which would have otherwise been credited to the road use tax fund. The use tax revenues were to be repaid to the road use tax fund from the General Fund, however, the Governor vetoed this provision of the Act.

Eliminates a requirement that one-half of moneys credited to the railroad assistance fund be expended as nonreimbursable grants for rehabilitation programs. The interest and earnings credited to the railroad assistance fund may be expended as loans or nonreimbursable grants. Under current law, the interest had to be expended only on nonreimbursable grants.

Allows the Legislative Council to authorize an interim study to develop recommendations for the branch line rail assistance program. The study committee is to report its findings by January 1, 1989.

## H.F. 2352

BY COMMITTEE ON TRANSPORTATION. Allows the State Department of Transportation to provide right-of-way and relocation benefits for state funded highway projects in the full amount authorized by federal standards and regulations.

Also allows municipalities to pay relocation benefits in urban renewal projects in the full amount authorized by federal standards and regulations.

## H.F. 2383

BY COMMITTEE ON TRANSPORTATION. Relates to the movement of vehicles of excess size and weight. The Act allows combination of vehicles used principally for hauling livestock which exceed the normal length or width limitations to depart from the designated highway system which they must ordinarily follow to

points of pickup and delivery by the most direct route. Such vehicles are not exempt from posted size and weight restrictions on highway structures, however.

Allows larger and longer vehicles with indivisible loads, including mobile homes and factory-built structures, to travel under annual or all-systems permit. The vehicles may now be up to 16 feet wide and 95 feet long. However, the route must be specified by the issuing authority prior to the movement. Regarding such vehicles which do not exceed 14 feet 6 inches in width, the Act allows the vehicle movement to exceed fifty miles under an annual and all-systems permit when prior approval for trip routing is obtained from the issuing authority.

Allows the State Department of Transportation and local authorities to issue annual permits for the movement of mobile homes or factory-built structures of widths including appurtenances exceeding 12 feet 4 inches, subject to certain conditions. Currently, only single trip permits may be issued for such vehicles.

Regarding the movement of structures, the Act provides that the weight limits on axles used for the movement of physical structures and buildings shall be subject to the same weight limits which are placed on all other axles. However, when physical structures or buildings are moved and the axles under the load are 5 feet or more apart, each axle shall be considered a separate axle in determining the axle weight limitations provided by law.

Allows the Director of Transportation, subject to the approval of the Transportation Commission, to enter into agreements on behalf of Iowa with other states concerning the movement of vehicles of excess size and weight. These agreements may allow other states to issue permits, collect permit fees on behalf of the Department, and exchange appropriate information.

#### H.F. 2386

BY COMMITTEE ON ECONOMIC DEVELOPMENT. Adds additional factors and requirements to be considered or applied in awarding state assistance under the CEBA (community economics betterment account of the lottery fund) and the RISE (revitalize Iowa's sound economy) funds. The factors and requirements include considering the impact the project to be assisted will have on competing businesses and the probability that workers will be displaced in those businesses; the economic impact to the state as a whole using such items as consistency with state strategic plan, providing a greater diversification of the economy, high proportion of in-state suppliers, and fewer in-state competitors; the quality of jobs that will be provided with projects that will have wage scales substantially below that of businesses in the area being ranked the lowest; and the providing of a preference for hiring residents of the state or area by the business seeking assistance. In the case of CEBA, also look at S.F. 2328 for additional new factors and requirements.

### H.F. 2387

BY COMMITTEE ON SMALL BUSINESS AND COMMERCE. The Act allows any person, firm, or corporation to construct a cable system along the public roads of Iowa, or across or under the rivers, or over, under or through any lands belonging to the state or any private individual. However, construction of a telegraph or telephone line or cable system along a primary road is subject to rules adopted by the State Department of Transportation.

Under the Act, the person, firm, or corporation may also erect or install necessary fixtures for the cable system. However, under section 477.3 of the Iowa Code, the fixtures may not be constructed or installed in a manner which causes inconvenience to the public in the use of any road or in the navigation of any stream. Also, damages sustained by an individual by the construction or installation of the cable system must be paid.

The Act also expands the extent to which a telegraph or telephone may be constructed so that they can be constructed under or through lands belonging to the state or private individuals rather than just over such lands.

### H.F. 2412

BY COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT. Relates to judicial sentencing options. The Act allows the court to require a person convicted of operating a motor vehicle while under the influence of alcohol to install an ignition interlock device in the person's motor vehicles to prevent the person from operating the motor vehicles while under the influence of alcohol. It also allows a person whose motor vehicle license is revoked for OWI, who is not otherwise eligible for a temporary license, to request a license conditioned on the installation of an ignition interlock device.

The Act provides definitions for "deferred judgment", "deferred sentence", and "suspended sentence", and clarifies the distinction between "deferred judgment" and "deferred sentence". It corrects references to the State Court Administrator. The Act also allows a defendant to complete some part or all of a community service obligation through the donation of property to a charitable organization.

### H.F. 2460

BY COMMITTEE ON WAYS AND MEANS. Provides that a cash rebate which is provided by a motor vehicle manufacturer to the purchaser of a motor vehicle subject to registration and is applied to the purchase price of the motor vehicle is not part of the purchase price for purposes of the sales and use tax.

H.F. 2465

BY COMMITTEE ON WAYS AND MEANS. Establishes an excise tax of eight cents per gallon on the use of aviation gasoline and an excise tax of three cents per gallon on special fuel used for the propulsion of turbine-powered aircraft beginning July 1, 1988.

Requires a person first registering an aircraft to show evidence that the sales tax or use tax has been paid or evidence that the aircraft is exempt from the sales and use tax.

Eliminates the sales tax and use tax exemptions for casual sales of aircraft. However, the Act adds a sales tax and use tax exemption for sales of aircraft which are used in scheduled interstate Federal Aviation Administration certificated air carrier operations.

In addition to the prohibition of fuel tax refunds and income tax credits for fuels used in aircraft, the Act prohibits a motor fuel excise tax refund for motor fuel or special fuel taken out of the state in fuel supply tanks of watercraft, and prohibits an income tax credit on fuel tax paid on motor fuel used in watercraft or aircraft.

The excise tax is effective for fuel purchased on or after July 1, 1988.



SECTIONS AMENDED, ADDED, AND REPEALED  
1988 REGULAR SESSION OF THE 72ND GENERAL ASSEMBLY

The following list contains the amendments and repeals of all 1987 Code sections, 1987 Code Supplement sections, and Iowa Acts sections, plus all newly created Code sections, which were enacted during the 1988 regular session of the General Assembly. The list includes a description of the legislative action regarding the Code section or Act, the legislative bill number and bill section affecting the Code section or Act, the effective date of the Code section or Act, and any applicable item veto of the Code section or Act. Code sections or Acts affected by the five bills which were vetoed in their entirety by the Governor (SF 484, SF 2333, HF 2155, HF 2277, and HF 2474) are not included in this list.

KEY

* 1987 Code Supplement	EFFECTIVE DATE CODES:	IV - Item veto
** See 1988 Iowa Acts	E - Upon Enactment	
	J - July 1, 1988	
	R - Retroactive	
	V - Variable	

CODE SECTION	ACTION TAKEN	BILL SECTION	EFFECTIVE DATE OR ITEM VETO
2.10*	Subsection 2 amended	SF 2321.12	J
2.10*	Subsection 1 amended	SF 2321.13	J
2.10*	Subsection 7 amended	SF 2311.29	J
2.32	Subsection 6, NEW unnumbered paragraph	SF 201.1	E
2.40	Section amended	SF 2321.14	J
2.49	Subsection 5 amended	SF 2171.1	J
7C.7*	Subsection 1 amended	SF 2171.2	J
7E.4	Subsection 5 amended	SF 2314.21	J
7E.5	Subsection 1, paragraph t amended	SF 2310.20	J
7E.5	NEW paragraph v	SF 2310.21	J
7E.6	Subsection 5 stricken	SF 2310.22	J
8.34	Section amended	SF 2171.3	J
8.40	Section amended	SF 2171.4	J
8.42	Section amended	SF 2171.5	J
8.43	Section amended	SF 2171.6	J
8.44	Section amended	SF 2171.7	J
9.3	Section amended	SF 2171.8	J
9A.1	NEW section	HF 2432.1	J
9A.2	NEW section	HF 2432.2	J
9A.3	NEW section	HF 2432.3	J
9A.3A	NEW section	HF 2432.4	J
9A.4	NEW section	HF 2432.5	J
9A.5	NEW section	HF 2432.6	J
9A.5A	NEW section	HF 2432.7	J
9A.6	NEW section	HF 2432.8	J
9A.7	NEW section	HF 2432.9	J
9A.8	NEW section	HF 2432.10	J
9A.9	NEW section	HF 2432.11	J

9A.10	NEW section	HF 2432.12	J
10A.101	Subsection 3 amended	HF 2430.1	J
10A.104	NEW subsection 8	SF 2309.3	J
10A.106*	Subsection 5 amended	SF 2171.9	J
10A.201	Subsection 1 amended	HF 2430.2	J
10A.601	Subsection 1 amended	HF 2337.1	J
10A.601	Subsections 1 and 7 amended	SF 2318.10	V
10A.601	Subsection 4 amended	HF 2430.3	J
10A.701*	Section amended	SF 2171.10	J
12.8	Unnumbered paragraph 3 amended	HF 2405.1	J
12.26	Subsections 2 and 3 amended	SF 2171.11	J
12.43*	Subsections 1 and 2 amended	SF 2309.4	J
12.44*	Unnumbered paragraphs 1 and 2 amended	SF 2309.5	J
13B.1	Section stricken and rewritten	SF 2304.1	01-01-89
13B.2	Section amended	SF 2304.2	01-01-89
13B.3	Section amended	SF 2304.3	01-01-89
13B.4	Section amended	SF 2304.4	01-01-89
13B.5	Section amended	SF 2304.5	01-01-89
13B.6	Section amended	SF 2304.6	01-01-89
13B.7	Section amended	SF 2304.7	01-01-89
13B.8	NEW section	SF 2304.8	01-01-89
13B.9	NEW section	SF 2304.9	01-01-89
13B.10	NEW section	SF 2304.10	01-01-89
15.103	Unnumbered paragraphs 1 and 3 amended	SF 2164.1	J
15.106	Subsection 2 amended	SF 2238.1	J
15.107A	NEW section	HF 2346.1	J
15.108*	NEW subsection 8	HF 2416.1	J
15.108*	Subsec 7, par c, unnumb par 1, subpars (2) & (5) amended	SF 2309.6	J
15.108*	Subsection 7, paragraph c, subparagraph (4) stricken	SF 2309.7	J
15.108*	Subsection 7, paragraph g, subparagraph (1) amended	SF 2309.8	J
15.110*	Section repealed	SF 2309.18	J
15.111	NEW section	SF 2309.9	J
15.235	NEW section	SF 2309.10	J
15.259	NEW section	HF 2416.2	J
15.281	NEW section	SF 2092.1	J
15.282	NEW section	SF 2092.2	J
15.283	NEW section	SF 2092.3	J
15.284	NEW section	SF 2092.4	J
15.285	NEW section	SF 2092.5	J
15.286	NEW section	SF 2092.6	J
15.287	NEW section	SF 2092.7	J
15.288	NEW section	SF 2092.8	E
15A.2*	Section amended	SF 2171.12	J
17.4	Subsection 7 stricken	SF 2171.13	J
17.10	Section amended	SF 2171.14	J
17A.6	NEW subsection 6	SF 2238.2	J
17A.11	Section amended	HF 2430.4	J
17A.16	Subsection 2 amended	HF 2153.1	J
18.3*	Subsection 1, unnumbered paragraphs 1 and 2 amended	SF 2310.23	J
18.8	Section amended	SF 2310.24	J
18.8	Unnumbered paragraph 6 amended	SF 2238.3	J
18.12*	Subsection 2 amended	SF 2310.25	J
18.12*	NEW subsection 9A	HF 2464.1	J
18.12*	NEW subsection 13	HF 2464.2	J
18.12*	NEW subsection 14	HF 2464.3	J

18.18*	Subsections 1, 2, 3 and 4 amended	SF 2086.1	J
18.74	Section amended	SF 2238.4	J
18.75	NEW subsection 8	SF 2311.28	J
18.115*	Unnumbered paragraph 1 amended	SF 2238.5	J
18.163	Section amended	SF 2238.6	J
19.29	Section amended	SF 2311.30	J
19A.3*	Subsection 11 amended	SF 2304.11	J
19A.3*	NEW subsection 21	HF 2444.27	J
19A.12	Subsection 2 amended	SF 2311.31	J
19A.14*	Section stricken and rewritten	HF 2339.1	J
19B.11	Subsections 1 and 2 amended	SF 2312.42	J
20.0	NEW unnumbered paragraph	SF 2333.1	J
20.6	Subsection 4 amended	HF 2430.5	J
20.11	Subsection 2 amended	HF 2430.6	J
22.7*	NEW subsection 25	HF 2237.1	E
22.7*	Subsection 13 amended	HF 2336.1	J
22A.1	NEW section	HF 2336.2	J
23A.1	NEW section	HF 529.1	J
23A.2	NEW section	HF 529.2	J
23A.3	NEW section	HF 529.3	J
25.6	Section amended	SF 2171.15	J
25A.14	NEW subsection 12	SF 156.1	J
27A.2	Section amended	SF 2238.7	J
28.111	Section repealed	HF 2317.3	J
28.112	Section repealed	HF 2317.3	J
28.113	Section repealed	HF 2317.3	J
28.131	NEW section	HF 2396.1	J
28.132	NEW section	HF 2396.2	J
28.133	NEW section	HF 2396.3	J
28.134	NEW section	HF 2396.4	J
28.135	NEW section	HF 2396.5	J
28.136	NEW section	HF 2396.6	J
28.137	NEW section	HF 2396.7	J
28.138	NEW section	HF 2396.8	J
28.139	NEW section	HF 2396.9	J
28.140	NEW section	HF 2396.10	J
28.141	NEW section	HF 2396.11	J
28.142	NEW section	HF 2396.12	J
28.143	NEW section	HF 2396.13	J
28.144	NEW section	HF 2396.14	J
28.145	NEW section	HF 2396.15	J
28.146	NEW section	HF 2396.16	J
28.147	NEW section	HF 2396.17	J
28.148	NEW section	HF 2396.18	J
28D.3	Subsection 3 amended	SF 2171.16	J
28E.20	NEW section	SF 2090.1	E
28E.20	NEW section	SF 387.1	J
28G.6	Section amended	SF 2171.17	J
29C.8	Subsection 3, NEW paragraph d	HF 2338.1	J
29C.8A	NEW section	HF 2338.2	J
35.6	NEW section	SF 348.1	J
35A.6	NEW subsection 4	SF 2089.1	J
39.22*	Subsection 1 amended	SF 2171.18	J
39.22*	Subsection 2, paragraph a amended	SF 2171.19	J
39.22*	Subsection 1 amended	SF 2232.1	J

43.4	Unnumbered paragraph 2 amended	SF 2031.1	E
43.11	Subsection 1 amended	SF 2232.2	01-01-89
43.20	NEW subsection 2	SF 2232.4	J
43.20	Subsection 1 amended	SF 2232.3	J
43.26*	Section amended	SF 2232.5	J
43.37	NEW section	SF 2232.6	J
43.115	Unnumbered paragraph 1 amended	SF 2232.7	J
43.119	NEW unnumbered paragraph	SF 2031.2	E
43.123	NEW section	HF 2374.1	J
44.4*	Unnumbered paragraphs 1 and 2 amended	SF 2232.8	J
44.4*	Unnumbered paragraph 1 amended	HF 2348.1	J
44.8	NEW unnumbered paragraph	SF 2232.9	J
45.1	Subsection 4, paragraph a amended	SF 2232.10	J
45.1	NEW subsection 5	SF 2232.11	J
46.26	NEW section	SF 2257.1	J
48.1	Section amended	SF 2232.12	J
48.11	Unnumbered paragraph 2 amended	SF 2232.13	J
48.20*	Section amended	SF 2233.1	J
48.29	Section amended	SF 2232.14	J
49.12*	Unnumbered paragraph 2 amended	SF 2232.15	J
49.41	NEW section	SF 2232.16	J
49.43	Section amended	SF 2232.17	J
49.56	Section amended	SF 2232.18	J
49.77*	Subsection 4 amended	SF 2232.19	J
50.22*	Section amended	SF 2232.20	01-01-89
50.45	Section amended	SF 2232.21	J
51.1	Section amended	SF 2232.22	J
51.7	Section amended	SF 2232.23	J
52.22	Unnumbered paragraph 1 amended	SF 2232.24	J
52.25	Section amended	SF 2232.25	J
52.32	Unnumbered paragraph 1 amended	SF 2232.26	J
52.32	Subsection 2 amended	SF 2232.27	J
53.22*	Subsection 5, NEW unnumbered paragraph	SF 2232.28	J
53.38	Section amended	SF 2232.29	J
53.45*	Subsections 1 and 4 amended	SF 2232.30	J
53.53	NEW section	SF 2232.31	J
56.3*	Subsection 2 amended	SF 2238.8	J
64.3	Section repealed	HF 2423.4	J
64.8	Section amended	HF 2423.1	J
64.10	Section amended	HF 2423.2	J
64.16	Section repealed	HF 2423.4	J
64.17	Section repealed	HF 2423.4	J
64.24	Unnumbered paragraph 2 amended	HF 2423.3	J
69.16A*	Section amended	SF 2170.1	J
73.16	Subsection 2 amended	SF 2309.11	J
73.18	Section amended	SF 2309.12	J
76.2	Unnumbered paragraph 2 amended	SF 2171.20	J
77.1	Section stricken and rewritten	HF 164.1	J
77.2	Section amended	HF 164.2	J
77.4	Subsection 5 amended	SF 2311.32	J
77.4	Subsections 2, 3 and 4 stricken	HF 164.3	J
77.4	Subsection 5, unnumbered paragraph 1 amended	HF 164.4	J
77.6	Section amended	HF 164.5	J
77.8	NEW section	HF 164.6	J
77.15	Section repealed	HF 164.7	J

77.16	Section repealed	HF 164.7	J
79.5	Subsection 3 amended	SF 2331.1	J
79.20	Subsection 2 amended	SF 2321.15	J
79.20	Subsection 4 amended	SF 2321.16	J
79.23	Section amended	SF 2238.9	J
80.2	Section amended	SF 2314.22	J
80.15	Section amended	HF 2339.2	J
80.28	Section repealed	SF 2171.116	J
80A.18	NEW section	SF 2202.1	J
80C.0	Chapter repealed	SF 2310.30	J
83.26	Subsection 2 stricken	HF 2306.1	J
85.59*	NEW unnumbered paragraph	HF 2233.1	J
86.24	Subsection 5 amended	SF 2238.10	J
86.26	Section amended	SF 2238.11	J
86.29	Section amended	SF 2238.12	J
86.32	Section amended	SF 2238.13	J
86.39	Section amended	SF 2238.14	J
86.42	Section amended	SF 2238.15	J
87.4	Unnumbered paragraph 2 amended	HF 2307.201	J
87.4	NEW unnumbered paragraph	HF 2307.202	J
88.5	Subsection 1, paragraph b amended	SF 2174.1	J
88.8	Subsection 2 amended	HF 2337.2	J
88.9	Subsection 3 amended	HF 2260.1	J
88A.3	Unnumbered paragraph 3 stricken	SF 2174.2	J
88A.14	NEW section	SF 2174.3	J
89A.1	NEW subsection 19	HF 2337.3	J
89A.3	Subsection 2 amended	SF 2174.4	J
89A.10	Subsection 2, unnumbered paragraph 1 amended	HF 2430.7	J
89A.10	Subsection 2, unnumbered paragraph 3 amended	HF 2430.8	J
89A.13	Section amended	SF 2174.5	J
89B.4*	Section repealed	SF 2174.8	J
89B.5	Section repealed	SF 2174.8	J
89B.7	Section repealed	SF 2174.8	J
89B.8	Subsections 3, 4 and 5 amended	SF 2174.6	J
89B.9	Section amended	SF 2174.7	J
89B.10	Section repealed	SF 2174.8	J
89B.11	Section repealed	SF 2174.8	J
93.6	NEW section	HF 2437.1	J
93.7	Subsection 1 stricken and rewritten	HF 2437.2	J
93.7	Subsections 4, 5, 9 and 11 stricken	HF 2469.7	J
93.11*	Section amended	HF 2469.8	J
93.18	Section repealed	HF 2469.9	E
93.20B	NEW section	HF 2437.3	J
93.20C	NEW section	HF 2437.4	J
93.20D	NEW section	HF 2437.5	J
93.21	Section repealed	HF 2469.10	J
93.22	Section repealed	HF 2469.10	J
93.23	Section repealed	HF 2469.10	J
93.24	Section repealed	HF 2469.10	J
93.25	Section repealed	HF 2469.10	J
93.26	Section repealed	HF 2469.10	J
93.27	Section repealed	HF 2469.10	J
93.28	Section repealed	HF 2469.10	J
93.29	Section repealed	HF 2469.10	J
93.30	Section repealed	HF 2469.10	J

96.6	Subsections 2 and 3 amended	HF 2430.9	J
96.7*	Subsection 2, paragraph c, subparagraph (1) amended	SF 2060.1	J
96.7*	Subsection 2, paragraph c, subparagraph (2) amended	SF 2060.2	J
96.7*	Subsection 2, paragraph d, unnumbered paragraph 5 stricken	SF 2060.3	E
96.7*	Subsection 3, paragraph a, subparagraph (6) amended	HF 2430.10	J
96.7*	Subsection 4, paragraph d, unnumbered paragraph 3 amended	HF 2430.11	J
96.7*	Subsection 12, paragraph c amended	HF 2444.28	J
96.11*	NEW subsection 14	HF 2444.29	J
96.11*	Subsection 7, paragraph f amended	HF 2430.12	J
96.11*	Subsection 7, paragraph c, subparagraph (9)	SF 2060.4	J
96.11*	NEW subsection 14	SF 2318.1	V
96.11*	Subsection 7, paragraph b, subparagraph (2)	HF 2247.1	J
97A.1	Subsection 2 amended	HF 2405.2	J
97A.6	Subsection 12, paragraph a amended	HF 2405.5	J
97A.6	Subsection 14, paragraph a, subparagraph (2)	HF 2405.6	J
97A.6	Subsection 8, paragraph b, unnumbered paragraph 1 amended	HF 2405.3	J
97A.6	Subsection 8, paragraph c, subparagraphs 1 and 2 amended	HF 2405.4	J
97A.9	Section amended	HF 2405.7	J
97B.2	Section amended	HF 2405.8	J
97B.4	NEW unnumbered paragraph	HF 2405.10	J
97B.4	Unnumbered paragraph 2 amended	HF 2405.9	J
97B.7	Subsection 2, paragraph b, unnumbered paragraph 1 amended	HF 2405.11	J
97B.7	Subsection 2, paragraph b, unnumbered paragraph 4 amended	HF 2405.12	J
97B.7	Subsection 2, paragraph b, unnumbered paragraph 5 amended	HF 2405.13	J
97B.8	Unnumbered paragraph 3 amended	HF 2405.14	J
97B.9	Unnumbered paragraph 1 amended	HF 2405.15	J
97B.11	Section amended	HF 2405.16	01-01-88R
97B.15	Section amended	HF 2405.17	01-01-88R
97B.16	Section stricken and rewritten	HF 2405.18	J
97B.17	Section amended	HF 2405.19	J
97B.25	Section amended	HF 2430.13	J
97B.26	Section amended	HF 2430.14	J
97B.27	Section amended	HF 2430.15	J
97B.37	Section amended	HF 2405.20	J
97B.41*	Subsection 1, paragraph a, unnumbered paragraph 1 amended	HF 2405.21	J
97B.41*	Subsection 1, paragraph b, subparagraph (8) amended	HF 2405.22	J
97B.41*	Subsection 1, paragraph b, subparagraph (9) amended	HF 2405.23	J
97B.41*	Subsection 1, paragraph b, subparagraph (10) amended	HF 2405.24	01-01-88R
97B.41*	Subsection 3, paragraph a, unnumbered paragraph 2 amended	HF 2405.25	J
97B.41*	Subsection 3, paragraph b, subparagraph (1) amended	HF 2405.26	J
97B.41*	Subsection 3, paragraph b, NEW subparagraph (14)	HF 2405.27	E
97B.41*	Subsection 10, NEW paragraph e	HF 2405.28	J
97B.41*	Subsection 13, paragraph a amended	HF 2405.29	J
97B.41*	Subsection 17 amended	HF 2405.30	01-01-88R
97B.43	Unnumbered paragraph 2 amended	SF 2291.1	07-01-87R
97B.43	NEW unnumbered paragraph	HF 2405.31	J
97B.45	NEW subsection 4	HF 2405.32	J
97B.46*	Subsection 1 amended	HF 2405.33	J
97B.46*	Subsection 2 stricken	HF 2405.34	J
97B.48	Subsection 3 amended	HF 2405.35	01-01-88R
97B.49*	Subsection 13, paragraphs a and b amended	HF 2405.40	J
97B.49*	Subsection 13, NEW paragraph d	HF 2405.41	J
97B.49*	Subsection 14, unnumbered paragraphs 1 and 2 amended	HF 2405.42	J
97B.49*	NEW subsection 15	HF 2405.43	J
97B.49*	NEW subsection 16	HF 2405.44	J

97B.49*	Subsection 3 amended	SF 2291.2	07-01-87R
97B.49*	Subsection 6, unnumbered paragraph 1 amended	SF 2291.3	07-01-87R
97B.49*	Subsection 7, paragraph a amended	HF 2405.36	J
97B.49*	Subsection 7, paragraph b, unnumbered paragraph 1 amended	HF 2405.37	J
97B.49*	Subsection 8, par a, unnumb paragraphs 1 & 2 amended	HF 2405.38	J
97B.49*	Subsection 10, unnumbered paragraph 1 amended	HF 2405.39	J
97B.50*	Subsection 1 stricken and rewritten	HF 2405.45	J
97B.50*	Subsection 3 amended	HF 2405.46	J
97B.50*	NEW subsection 4	HF 2405.47	J
97B.67	Section repealed	HF 2405.63	J
97B.68	Subsection 1 amended	HF 2405.48	J
97B.72A	Section stricken and rewritten	HF 2405.49	J
97B.73	NEW unnumbered paragraph	HF 2405.50	J
97B.73A*	NEW unnumbered paragraph	HF 2405.51	J
97B.74	NEW unnumbered paragraph	HF 2405.52	J
97B.75	NEW unnumbered paragraph	HF 2405.53	J
97B.80	NEW section	HF 2405.54	J
98.6	Subsection 2 amended	HF 327.1	03-01-88
98.6	Subsection 5 stricken	HF 2463.1	E
98.35	Section amended	SF 2092.9	J IV
98.40	NEW section	HF 327.2	E
98.43	Subsections 1 and 2 amended	HF 327.3	03-01-88
99B.2*	Subsection 1, unnumbered paragraph 1 amended	HF 2444.30	J
99B.3	Subsection 1, paragraph b amended	HF 2444.31	J
99B.6*	Subsection 1, paragraph a amended	HF 2444.32	J
99B.7*	Subsection 3, paragraph a amended	HF 2444.33	J
99B.7*	Subsection 1, paragraph p amended	SF 2171.21	J
99B.10*	Subsection 1 amended	HF 2444.34	J
99D.5	Subsection 4 amended	SF 2321.17	J
99D.7	NEW subsection 21	SF 2263.1	E
99D.8	Section stricken and rewritten	HF 2477.1	J
99D.12	Subsection 1 amended	SF 2263.2	E
99D.23	NEW subsection 4	SF 2263.3	E
99D.23	Subsection 1 amended	SF 2263.4	E
99D.25	NEW subsection 9	SF 2263.10	E
99D.25	NEW subsection 10	SF 2263.11	E
99D.25	NEW subsection 11	SF 2263.12	E
99D.25	Subsection 1, paragraphs a and b amended	SF 2263.5	E
99D.25	Subsection 4 amended	SF 2263.6	E
99D.25	NEW subsection 5	SF 2263.7	E
99D.25	NEW subsection 6	SF 2263.8	E
99D.25	NEW subsections 7 and 8	SF 2263.9	E
99D.25A	NEW section	SF 2263.13	E
99E.9*	Subsection 3, paragraphs b and o amended	SF 2328.1	J
99E.10*	Subsection 1, paragraph a amended	SF 2328.2	J
99E.14	Unnumbered paragraph 1 amended	SF 2238.16	J
99E.31*	Subsection 4, paragraph b amended	SF 2312.18	E
99E.32*	Subsection 2, unnumb paragraph 2 stricken and rewritten	HF 2386.1	J
99E.32*	Subsection 1, paragraphs a and b amended	SF 2328.3	J
99E.32*	Subsection 2, NEW paragraph i	SF 2328.4	J
99E.32*	Subsection 3 amended	SF 2328.5	J
99E.32*	Subsection 4 amended	SF 2328.6	J
99E.32*	Subsection 5, paragraphs a, b, c, i and j amended	SF 2328.7	J
99E.32*	Subsection 5, NEW paragraphs m, n and o	SF 2328.8	J
99E.32*	Subsection 4, paragraph c amended	SF 2312.19	E

99E.32*	Subsection 3, paragraph c amended	SF 2312.7	J
100.35	NEW unnumbered paragraph	SF 2314.23	J
103A.6	Section amended	SF 2238.17	J
103A.8	Subsection 7 amended	SF 2171.22	J
103A.8A	Section amended	SF 2171.23	J
106.2*	Subsection 14A stricken	SF 2171.24	J
106.2*	Subsection 29 amended	HF 2011.1	E
106.4	Section amended	HF 2192.1	J
106.6A	NEW section	HF 2192.2	J
106.77*	Subsection 3 amended	HF 2011.2	E
106.79*	Section amended	HF 2011.3	E
106.84*	Section amended	HF 2011.4	E
106.85*	Subsection 1 amended	HF 2011.5	E
107.19	Unnumbered paragraphs 1 and 2 amended	SF 2171.25	J
107.19	Unnumbered paragraph 6 amended	SF 2238.18	J
109.1	NEW subsections 16-26	HF 395.1	J
109.1	Subsections 8 and 14 amended	HF 395.2	J
109.12	Section amended	HF 395.3	J
109.13	Section amended	HF 395.4	J
109.21	Section amended	HF 395.5	J
109.24	Section amended	HF 395.6	J
109.32	Unnumbered paragraph 1 amended	HF 395.7	J
109.32	NEW unnumbered paragraph	HF 395.8	J
109.34	Section amended	HF 395.9	J
109.37	Subsection 1 stricken	HF 395.10	J
109.37	Subsection 4 amended	HF 395.11	J
109.38	Unnumbered paragraph 1, and subsections 1 & 2 amended	HF 395.12	J
109.39	Section amended	HF 395.13	J
109.40	Section repealed	HF 395.47	J
109.41	Section repealed	HF 395.47	J
109.43	Section repealed	HF 395.47	J
109.44	Section repealed	HF 395.47	J
109.45	Section repealed	HF 395.47	J
109.46	Section repealed	HF 395.47	J
109.52	Section amended	HF 395.14	J
109.53	Section amended	HF 395.15	J
109.55	Section amended	HF 395.16	J
109.56	Subsection 1 amended	HF 395.17	J
109.57	Section amended	HF 395.18	J
109.60	Section stricken and rewritten	HF 395.19	J
109.61	Section stricken and rewritten	HF 395.20	J
109.62	Section stricken and rewritten	HF 395.21	J
109.63	Unnumbered paragraphs 1 and 2 amended	HF 395.22	J
109.65	Section stricken and rewritten	HF 395.23	J
109.67	Section amended	HF 395.24	J
109.68	NEW section	SF 2167.1	J
109.68	NEW section	HF 395.25	J
109.72	Section amended	HF 395.26	J
109.73	Section amended	HF 395.27	J
109.76	Section amended	HF 395.28	J
109.82	Section amended	HF 395.29	J
109.83	NEW section	HF 395.30	J
109.87	Section amended	HF 395.31	J
109.90	Section amended	HF 395.32	J
109.92	Section amended	HF 395.33	J



109.93	Section amended	HF 395.34	J
109.98	Section amended	HF 395.35	J
109.120	Section amended	HF 395.36	J
109.122	Section amended	HF 395.37	J
109.123	Section amended	HF 395.38	J
109.124	NEW section	HF 2102.1	J
109.126	NEW subsection 6	HF 395.39	J
109.126	Subsection 2 amended	HF 395.40	J
109.130	Section amended	HF 395.41	J
110.24	NEW unnumbered paragraphs	HF 395.42	J
110.38	NEW section	HF 395.43	J
110A.3	Unnumbered paragraph 2 amended	HF 395.44	J
111.4	Unnumbered paragraph 4 amended	HF 2191.1	J
111A.5*	Section amended	HF 2016.1	J
111A.6	Unnumbered paragraph 1 amended	HF 395.45	J
111A.11	NEW section	HF 2016.2	J
111C.2	Subsection 3 amended	HF 395.46	J
114.3	Section amended	SF 2203.1	E
114.9	Section amended	SF 2238.19	J
114.22	Section amended	SF 2238.20	J
114.23	Section repealed	HF 2444.49	J
116.3	Subsection 3, unnumbered paragraph 2 stricken	HF 2444.35	J
116.3	Subsection 2, unnumbered paragraph 2 amended	SF 2238.21	J
116.23	Subsection 1 amended	SF 2238.22	J
117.8	Section amended	HF 2444.36	J
117.34	Unnumbered paragraph 1 amended	SF 2238.23	J
117.50	Section amended	SF 2238.24	J
117A.4	Subsections 1 and 2 amended	SF 2238.25	J
118.13*	Unnumbered paragraph 3 amended	SF 2238.26	J
118.16*	NEW subsection 14	HF 2444.37	J
118A.4	Section amended	SF 2238.27	J
118A.16	Section amended	SF 2238.28	J
123.3	Subsection 12, paragraph a amended	SF 2201.1	J
123.3	NEW subsections 36 and 37	HF 393.1	J
123.14	Subsection 2 amended	HF 393.2	J
123.20*	Subsection 1 amended	HF 393.3	J
123.22	Unnumbered paragraph 1 amended	HF 393.4	J
123.24*	Subsection 2, paragraph a amended	HF 393.5	J
123.24*	NEW subsection 4	SF 2238.29	J
123.30*	Subsection 1, unnumbered paragraph 2 amended	HF 393.6	J
123.30*	Subsection 3, paragraph e amended	HF 393.7	J
123.30*	Subsection 1, unnumbered paragraph 1 stricken	SF 2201.2	J
123.30*	Subsection 1, unnumbered paragraph 2 amended	SF 2201.3	J
123.32	Subsections 1, 2 and 3 amended	SF 2201.4	J
123.33	Section amended	HF 393.8	J
123.35	Unnumbered paragraph 2 amended	SF 2201.5	J
123.36*	Subsection 3, paragraph d amended	HF 393.9	J
123.36*	Subsection 4, paragraph d amended	HF 393.10	J
123.36*	Subsection 7, paragraph d amended	HF 393.11	J
123.37	Section amended	HF 2463.2	E
123.39	NEW unnumbered paragraph	HF 393.12	J
123.45	Unnumbered paragraph 2 amended	HF 393.13	J
123.50	Subsection 2 amended	SF 2201.6	J
123.50	Subsection 3, paragraph a amended	HF 393.14	J
123.53	Subsections 3, 4, 5 and 6 stricken	HF 2457.10	J

123.53	Subsection 7 stricken	HF 2473.1	J
123.92*	Unnumbered paragraph 2 amended	SF 2238.30	J
123.122	Section amended	SF 2201.7	J
123.124	Section amended	HF 393.15	J
123.127	Subsection 4 amended	HF 393.16	J
123.128	Subsection 4 amended	HF 393.17	J
123.128	Subsection 3 stricken	SF 2201.8	J
123.129	Subsection 3 stricken	SF 2201.9	J
123.129	Subsection 4 amended	HF 393.18	J
123.130	Section amended	HF 393.19	J
123.134*	Subsection 2, paragraph d amended	HF 393.20	J
123.138	Section amended	HF 393.21	J
123.173	Unnumbered paragraph 2 amended	HF 393.22	J
123.175	NEW subsection 4	HF 393.23	J
123.176	Subsection 3 stricken	SF 2201.10	J
123.176	NEW subsection 4	HF 393.24	J
123.177	Subsection 1 amended	HF 393.25	J
123.185	Section amended	HF 393.26	J
125.39	Subsection 1 amended	SF 2238.31	J
135.1	Subsection 5 amended	SF 299.1	J
135.2	Unnumbered paragraph 1 amended	SF 2238.32	J
135.11*	NEW subsections 22 and 23	SF 2157.12	J
135.43	Section repealed	SF 2238.102	J
135.44	Section repealed	SF 2238.102	J
135.62	Subsection 2, paragraph c amended	SF 2310.26	J
135.84*	Section repealed	HF 2447.46	J
135B.9	Section amended	HF 2456.1	J
135B.12	Section amended	HF 2456.2	J
135C.2*	Subsection 4 amended	HF 2456.3	J
135C.23*	Subsection 2 amended	HF 2294.9	J
135C.25	NEW subsection 3	SF 156.2	J
135C.32	NEW section	SF 2159.1	J
135D.22*	Subsection 2 amended	SF 2188.1	01-01-89
135D.24*	Subsection 4 amended	SF 2259.18	J
135D.24*	Subsection 6 amended	SF 2259.11	J
135D.25*	Unnumbered paragraph 3 amended	SF 2171.26	J
135H.1	NEW section	SF 2157.2	J
135H.2	NEW section	SF 2157.3	J
135H.3	NEW section	SF 2157.4	J
135H.4	NEW section	SF 2157.5	J
135H.5	NEW section	SF 2157.6	J
135H.6	NEW section	SF 2157.7	J
135H.7	NEW section	SF 2157.8	J
135H.8	NEW section	SF 2157.9	J
135H.9	NEW section	SF 2157.10	J
135H.10	NEW section	SF 2157.11	J
135I.1	NEW section	HF 2294.1	J
135I.2	NEW section	HF 2294.2	J
135I.3	NEW section	HF 2294.3	J
135I.4	NEW section	HF 2294.4	J
135I.5	NEW section	HF 2294.5	J
136C.3	Subsection 2, unnumbered paragraph 1 amended	SF 2169.1	V
136E.1	NEW section	HF 2354.1	J
136E.2	NEW section	HF 2354.2	J
136E.3	NEW section	HF 2354.3	J

136E.4	NEW section	HF 2354.4	J
136E.5	NEW section	HF 2354.5	J
139.41*	Section repealed	SF 2157.14	J
139.42*	Section repealed	SF 2157.14	J
142B.1*	Section repealed	HF 2447.46	J
142B.1*	Subsection 3 amended	SF 2171.27	J
144.5	Subsections 3 and 6 amended	SF 2238.33	J
144.6	Section repealed	SF 2238.102	J
144.7	Section repealed	SF 2238.102	J
144.8	Section repealed	SF 2238.102	J
144.9	Unnumbered paragraph 1, and subsection 1 amended	SF 2238.34	J
144.10	Section repealed	SF 2238.102	J
144.11	Section repealed	SF 2238.102	J
144.12	Section amended	SF 2238.35	J
144.13	Subsections 1 and 2 amended	SF 2238.36	J
144.13A*	Section amended	SF 2238.37	J
144.14	Unnumbered paragraph 1 amended	SF 2238.38	J
144.17	Subsection 2 amended	SF 2238.39	J
144.26	Unnumbered paragraphs 1 and 2 amended	SF 2238.40	J
144.29	Section amended	SF 2238.41	J
144.32	Section amended	SF 2238.42	J
144.43	Unnumbered paragraph 2 amended	SF 2238.43	J
145.2	Unnumbered paragraph 3 amended	SF 2171.28	J
147.1*	Subsections 2 and 3 amended	SF 2169.2	V
147.2*	Section amended	SF 2169.3	V
147.3*	Section amended	SF 2169.4	V
147.12	NEW unnumbered paragraph	SF 201.2	E
147.13	Section amended	SF 2169.5	V
147.14	Subsection 7 amended	SF 2171.29	J
147.14	Subsection 2 amended	SF 2169.6	V
147.14	NEW subsection 12	SF 2169.7	V
147.16	NEW unnumbered paragraph	SF 2169.8	V
147.25	Unnumbered paragraph 4 amended	SF 2169.9	V
147.74*	NEW unnumbered paragraph	SF 2169.10	V
147.80	NEW subsection 5	SF 2169.11	V
147.103	NEW unnumbered paragraph	SF 2169.12	V
147.103	Unnumbered paragraph 2 amended	SF 2169.13	V
147.107	Subsection 2, NEW unnumbered paragraphs	HF 2113.1	J
148.7	Subsections 3 and 5 amended	HF 2430.16	J
148.13	NEW section	SF 2169.14	V
148A.1*	Section amended	SF 455.1	J
148A.5	NEW section	SF 455.2	J
148C.1	Section stricken and rewritten	SF 2169.15	V
148C.2	Section amended	SF 2169.16	V
148C.3	Section stricken and rewritten	SF 2169.17	V
148C.4	Section amended	SF 2169.18	V
148C.5A	NEW section	SF 2169.19	V
148C.5	Section repealed	SF 2169.27	V
148C.6A	NEW section	SF 2169.20	V
148C.6	Section repealed	SF 2169.27	V
148C.7	Section amended	SF 2169.21	V
148C.8	Section amended	SF 2169.22	V
148C.9	Section amended	SF 2169.23	V
148C.11	Section amended	SF 2169.24	V
148D.2	Section amended	SF 2171.30	J

149.1	Section amended	SF 299.2	J
149.2	Subsection 1 amended	SF 299.3	J
149.5	Section amended	SF 299.4	J
149.6	Section amended	SF 299.5	J
152.3	Subsection 6 amended	SF 2171.31	J
153.34	Subsections 2 and 3 stricken	SF 2274.1	J
153.34	Subsection 9 amended	SF 2274.2	J
153.34	Subsection 12 amended	SF 2274.3	J
153.34	NEW subsections 13, 14, 15, 16, 17 and 18	SF 2274.4	J
154.3*	Subsection 6, unnumbered paragraph 2 amended	SF 2312.63	J IV
155A.3*	NEW subsection 14A	HF 2113.2	J
155A.38	NEW section	HF 2113.3	J
157.10	Unnumbered paragraph 2 amended	HF 431.1	J
157.12	Section amended	HF 431.2	J
157.13	Subsection 1 amended	HF 431.3	J
158.8	Unnumbered paragraph 2 amended	HF 431.4	J
158.10	Section amended	HF 431.5	J
158.13	Subsection 1 amended	HF 431.6	J
159.5*	Subsection 14 stricken	SF 2171.32	J
159.6	Subsections 7, 11 and 12 stricken	SF 2171.33	J
159.6	NEW subsection 18	SF 2171.34	J
159.6	Subsections 7, 11 and 12 stricken	HF 2427.1	J
159.29*	Subsection 1 amended	SF 38.1	J
159.30	NEW section	HF 2453.3	07-01-89
160.2	Section amended	HF 2363.1	J
160.5	Unnumbered paragraph 1 amended	HF 2363.2	J
160.9	Section amended	HF 2363.3	J
160.10	Section amended	HF 2363.4	J
160.14	Subsection 1 amended	HF 2363.5	J
160.15	Section amended	HF 2363.6	J
162.2	Subsection 6 amended	SF 394.2	J
162.2	Subsection 7 stricken and rewritten	SF 394.3	J
162.2	Subsection 8 stricken and rewritten	SF 394.4	J
162.2	Subsection 4 amended	SF 394.1	J
162.3	Section amended	HF 2440.12	J
162.3	Section amended	SF 394.5	J
162.4	Section amended	SF 394.6	J
162.5	Section amended	SF 394.7	J
162.5	Section amended	HF 2440.13	J
162.6	Section amended	SF 394.8	J
162.6	Section amended	HF 2440.14	J
162.7	Section amended	HF 2440.15	J
162.7	Section amended	SF 394.9	J
162.8	Section amended	HF 2440.16	J
162.8	Section amended	SF 394.10	J
162.9	Section amended	SF 394.11	J
162.9	Section amended	HF 2440.17	J
162.10	Section stricken and rewritten	SF 394.12	J
162.10	Section amended	HF 2440.18	J
162.11	NEW subsections 4 and 5	SF 394.13	J
162.12	Section amended	SF 394.14	J
162.13	Section amended	SF 394.15	J
162.17	Section repealed	SF 394.16	J
169.5	Subsection 9, paragraph e amended	HF 2430.17	J
169.14	Subsections 1 and 8 amended	SF 2238.44	J

169.14	Subsections 3 and 5 amended	HF 2430.18	J
170.1	Subsection 2 amended	SF 356.1	J
170.1	NEW subsection 6	SF 356.2	J
170.5	Unnumbered paragraph 3 stricken	HF 2444.38	J
170.6	NEW section	SF 356.3	J
170.56	NEW section	SF 356.4	J
170.57	NEW section	SF 356.5	J
170A.3	NEW subsection 6	SF 356.6	J
170A.5	Unnumbered paragraph 3 stricken	HF 2444.39	J
170B.20	Section amended	HF 2063.1	E
170C.1	NEW section	SF 356.7	J
170C.2	NEW section	SF 356.8	J
170C.3	NEW section	SF 356.9	J
170C.4	NEW section	SF 356.10	J
170C.5	NEW section	SF 356.11	J
170C.6	NEW section	SF 356.12	J
172C.1	NEW subsections 18 and 19	HF 2283.2	J
172C.1	Subsection 11 amended	HF 2283.1	J
172C.2	Unnumbered paragraph 1 amended	HF 2283.3	J
172C.5*	Section amended	HF 2283.4	J
172C.5A	NEW section	HF 2283.5	J
172C.5B	NEW section	HF 2283.6	J
172C.6	Section repealed	HF 2283.10	J
172C.7	Section repealed	HF 2283.10	J
172C.8	Section amended	HF 2283.8	J
172C.9	NEW subsection 5	HF 2283.7	J
172C.14	Section amended	HF 2283.9	J
173.14*	Subsection 10 amended	SF 2216.1	J
175.7	Subsection 2 amended	SF 2238.45	J
175.22	Subsection 4 amended	SF 2238.46	J
175A.5	Subsection 2 amended	SF 2238.47	J
175A.13	Subsection 2 amended	SF 2238.48	J
177A.9	Unnumbered paragraph 2 amended	HF 2440.19	J
182.24	NEW section	SF 2312.66	J
185.4	Section repealed	SF 2171.116	J
185.5	Section amended	SF 2171.35	J
185.7	Unnumbered paragraph 2 stricken	SF 2171.36	J
185.8	Section amended	SF 2171.37	J
185.15	Section amended	SF 2171.38	J
185C.4	Section repealed	SF 2171.116	J
185C.5	Section amended	SF 2171.39	J
185C.7	Unnumbered paragraph 2 stricken	SF 2171.40	J
185C.8	Section amended	SF 2171.41	J
185C.15	Section amended	SF 2171.42	J
189A.10	Subsections 1 and 2 amended	SF 2011.1	J
189A.14	Subsection 2 amended	SF 2011.2	J
190.1	NEW subsection 68	SF 2262.1	07-01-89
190B.1	NEW section	SF 2262.2	07-01-89
190B.2	NEW section	SF 2262.3	V
190B.3	NEW section	SF 2262.4	07-01-89
190B.4	NEW section	SF 2262.5	07-01-89
190B.5	NEW section	SF 2262.6	07-01-89
190B.6	NEW section	SF 2262.7	07-01-89
190B.7	NEW section	SF 2262.8	07-01-89
190B.8	NEW section	SF 2262.9	07-01-89

190B.9	NEW section	SF 2262.10	07-01-89
190B.10	NEW section	SF 2262.11	07-01-89
191A.7	Section amended	HF 2430.19	J
192.8	Subsection 7 stricken and rewritten	HF 2471.1	J
192.11	Unnumbered paragraphs 4 and 5 amended	HF 2471.2	J
192.30	Unnumbered paragraph 1 amended	HF 2471.3	J
192.40	Section amended	HF 2471.4	J
192.47	NEW section	HF 2471.5	J
192.48	NEW section	HF 2471.6	J
194.2	NEW unnumbered paragraph	HF 2471.7	J
194.14	Section amended	HF 2471.8	J
194.19	Unnumbered paragraph 1 amended	HF 2471.9	J
194.21	NEW section	HF 2471.10	J
195.9	Section amended	HF 2471.11	J
199.15	Unnumbered paragraph 1 amended	HF 2440.20	J
200.8*	Subsection 1, unnumbered paragraph 3 amended	SF 2250.1	J
203A.14	Subsection 2 amended	HF 2128.1	J
203A.20	Section amended	HF 2128.2	J
203A.21	NEW section	HF 2106.1	J
204.204*	Subsection 9, NEW paragraphs n, o and p	HF 2322.1	J
204.208	Subsection 3, NEW paragraph 1	HF 2322.2	J
206.2*	Subsections 12 and 18 amended	SF 2055.1	E
206.5*	NEW unnumbered paragraph	SF 2250.2	J
206.5*	Unnumbered paragraphs 2, 3 and 4 amended	SF 2055.2	E
206.8*	Subsection 2, unnumbered paragraph 1 amended	SF 2247.1	J
206.12*	Subsection 1, unnumbered paragraph 1 amended	SF 2247.2	J
206.12*	Subsection 3 amended	SF 2247.3	J
206.12*	Subsection 7 stricken and rewritten	SF 2247.4	J
206.19*	Subsection 2, paragraph b stricken	SF 2106.2	J
206.20*	Unnumbered paragraph 2 stricken	SF 2106.3	J
206.31*	Subsections 1, 2, 3 and 4 amended	SF 2055.3	E
206.31*	Subsec 5, unnumb pars 1 & 3 stricken	SF 2106.4	J
206.32	NEW section	SF 2106.1	J
214.3*	Unnumbered paragraph 2 amended	HF 2440.21	J
215.2	Subsection 1 amended	HF 2440.22	J
215.20	Unnumbered paragraph 1 amended	HF 2440.23	J
217.5	Section amended	SF 2171.43	J
217.7	Section amended	SF 2171.44	J
217.11	NEW section	SF 2248.1	J
217.20	Section amended	HF 2456.4	J
217.41	NEW section	SF 2225.1	J
217.42	NEW section	SF 2225.2	J
218.78	Subsection 1 amended	HF 2456.5	J
220.2*	Subsection 1, unnumbered paragraph 2 amended	SF 2238.49	J
220.6	Subsection 2 amended	SF 2238.50	J
220.31	Subsection 4 amended	SF 2238.51	J
220.40	Section amended	HF 2407.1	J
220.91*	Subsection 1 amended	HF 2407.2	J
220.91*	Subsection 4 amended	HF 2407.3	J
220.91*	Subsection 5 amended	HF 2407.4	J
220.91*	Subsection 7 amended	HF 2407.5	J
220.100*	Subsection 7 stricken	SF 2092.19	E
220.111	Section repealed	SF 2309.18	J
220.131	NEW section	SF 2092.20	E
220.132	NEW section	SF 2092.21	E

220.133	NEW section	SF 2092.22	E	
220.134	NEW section	SF 2092.23	E	IV
222.73	Subsection 2 amended	HF 2447.38	J	
222.73	Subsection 2 amended	HF 2456.6	J	
225C.6	Subsection 1, NEW paragraphs m and n	SF 2330.1	J	
225C.10	Subsection 2, paragraph a, subparagraph (1) amended	HF 2456.7	J	
225C.10	Subsection 3 amended	HF 2456.8	J	
225C.18	Subsection 1 amended	SF 2330.2	J	
225C.18	Subsection 2, unnumbered paragraph 1 amended	SF 2330.3	J	
225C.18	Subsection 2, paragraph a amended	SF 2330.4	J	
225C.18	Subsection 2, NEW paragraph b	SF 2330.5	J	
225C.18A	NEW section	SF 2330.6	J	
225C.18B	NEW section	SF 2330.7	J	
225C.22	Section amended	SF 302.1	J	
225C.23	NEW section	SF 302.2	J	
225C.32	NEW section	SF 2330.8	J	
225C.35	NEW section	SF 2018.2	J	
225C.36	NEW section	SF 2018.3	J	
225C.37	NEW section	SF 2018.4	J	
225C.38	NEW section	SF 2018.5	J	
225C.39	NEW section	SF 2018.6	J	
225C.40	NEW section	SF 2018.7	J	
225C.41	NEW section	SF 2018.8	J	
225C.42	NEW section	SF 2018.9	J	
228.1	Subsections 1 and 8 amended	SF 2284.2	J	
228.1	NEW subsections 9 and 10	SF 2284.3	J	
228.2	Section amended	SF 2284.4	J	
228.2	Subsection 3 amended	SF 2284.5	J	
228.3	Subsection 3 stricken	SF 2284.9	J	
228.3	Subsection 1, paragraph d amended	SF 2284.6	J	
228.3	Subsection 2 amended	SF 2284.7	J	
228.5	Subsections 1 and 3 amended	SF 2284.8	J	
228.7	NEW section	SF 2284.1	J	
229.26*	Section amended	SF 2171.45	J	
230.20*	Subsection 1, paragraph a, NEW subparagraphs (4) and (5)	HF 2456.9	J	
230.20*	Subsection 2 amended	HF 2447.39	J	
232.2*	Subsection 11, unnumbered paragraph 1 amended	SF 2171.46	J	
232.2*	NEW subsection 26A	SF 2171.47	J	
232.8*	Subsection 1 amended	HF 2278.1	J	
232.8*	Subsection 1, unnumbered paragraph 3 amended	SF 2171.48	J	
232.10	Subsection 2, paragraphs a and b amended	SF 2171.49	J	
232.21	Subsection 2, NEW unnumbered paragraph	HF 2456.10	J	
232.21	NEW subsection 6	HF 2456.11	J	
232.22*	Subsection 2, paragraph c amended	HF 2278.2	J	
232.22*	Subsection 4 amended	HF 2278.3	J	
232.28	Subsection 9 amended	SF 2171.50	J	
232.39	Section amended	SF 2171.51	J	
232.52	Subsection 2, paragraph d, subparagraph (3) amended	HF 2456.12	J	
232.52	NEW subsection 7	HF 2456.13	J	
232.69*	Subsection 3 amended	HF 2367.1	J	
232.71*	NEW subsection 16	SF 2075.1	J	
232.83	NEW section	SF 2075.2	J	
232.102*	Subsection 6 amended	HF 2456.14	J	
232.102*	Subsection 2 amended	SF 2171.52	J	
232.118	Subsection 2 amended	SF 2171.53	J	

232.141*	Subsections 3, 5 and 6 amended	SF 2171.54	J
232.142	Subsection 3 stricken	SF 2171.55	J
232.167	NEW section	HF 2456.15	J
234.6	Subsection 3 amended	SF 2171.56	J
235.3	Subsections 3 and 4 amended	SF 2238.52	J
235A.15*	Subsection 3 amended	SF 2238.53	J
235B.1*	NEW subsection 5	HF 2367.2	J
235B.2*	NEW subsection 5	HF 2367.3	J
236.8**	Section amended	HF 209.1	J
236.11**	Section amended	HF 209.2	J
237.8*	Subsection 2 amended	SF 2171.57	J
237.13	NEW section	SF 2107.1	J
237.15	Subsection 3 amended	HF 2170.1	J
237.15	Subsection 6, NEW paragraphs e, f and g	HF 2170.2	J
237.16	Unnumbered paragraphs 2 and 3 amended	HF 2170.3	J
237.17	Section amended	HF 2170.4	J
237.18	Subsection 2, paragraph a amended	HF 2170.5	J
237.18	Subsection 2, paragraph b, subparagraph (4) stricken	HF 2170.6	J
237.18	Subsection 3 amended	HF 2170.7	J
237.18	Unnumbered paragraph 2 amended	HF 2170.8	J
237.19	Subsection 1 amended	HF 2170.9	J
237.20	Subsection 1, unnumbered paragraph 3 amended	HF 2170.10	J
237.20	Subsection 1, NEW unnumbered paragraph	HF 2170.11	J
237.20	Subsection 1, unnumbered paragraph 5 stricken	HF 2170.12	J
237.20	Subsection 2 amended	HF 2170.13	J
237.20	Subsection 4, NEW unnumbered paragraph	HF 2170.14	J
237.20	Subsection 4, paragraphs d and e amended	HF 2170.15	J
237.21*	Subsection 2 amended	HF 2170.16	J
237.21*	Subsection 3 amended	HF 2170.17	J
237.22	NEW subsection 2	HF 2170.18	J
237.22	NEW subsections 6 and 7	HF 2170.19	J
237.23	NEW section	HF 2444.43	06-30-88
237A.1*	Subsection 7, NEW paragraph d	HF 2313.1	J
237A.5*	Subsection 2 amended	SF 2171.58	J
239.21	NEW section	HF 2456.16	J
246.307	Section amended	HF 2265.1	J
246.311	Section amended	HF 2265.2	J
246.515	NEW section	HF 2294.6	J
246.702*	Section amended	HF 2262.1	J
246.703	Unnumbered paragraph 1 amended	HF 2233.2	J
246.805	Subsection 7 stricken	HF 2233.3	J
246.808	Subsection 1, paragraph b amended	SF 2172.1	J
246.813	Subsection 2 amended	HF 2263.1	J
246.815	NEW section	HF 529.5	J
246.909	Section amended	HF 2369.1	J
249A.17	NEW section	HF 2456.17	J
249C.18	NEW section	HF 2456.18	J
249D.12	Section amended	SF 2171.59	J
249D.14	NEW subsection 10	SF 2180.1	J
249D.44	NEW subsection 3	SF 156.3	J
250.3	Section amended	SF 2088.1	J
250.13	Section amended	SF 2088.2	J
250.14	Unnumbered paragraph 1 amended	SF 2088.3	J
250.16	Section amended	SF 2088.4	J
252B.13*	Subsection 1 amended	HF 2452.1	J



252B.13*	Section repealed	HF 2452.14	07-01-90
252B.14*	Section stricken and rewritten	HF 2452.2	J
252B.15	Section repealed	HF 2452.12	J
252B.16	Section stricken and rewritten	HF 2452.3	J
252D.1	Subsection 3 amended	HF 2452.4	J
252D.6	Section amended	HF 2452.5	J
255A.14	NEW section	SF 2310.10	J
256.6	Section amended	SF 2069.1	J
256.7*	Subsection 3, NEW unnumbered paragraph	SF 2193.1	J
256.9*	Subsection 4 amended	SF 2238.54	J
256.9*	NEW subsections 31, 32 and 33	SF 2295.1	J
256.9*	NEW subsection 31	HF 2419.1	J
256.11*	Unnumbered paragraph 1 stricken and rewritten	SF 2278.1	07-01-89
256.11*	Subsections 1-9 stricken and rewritten	SF 2278.2	07-01-89
256.11*	Subsections 2, 3 and 4 amended	SF 2094.1	J
256.11*	Subsection 6, paragraph j amended	SF 2094.2	J
256.11A	NEW section	SF 2278.3	J
256.17*	Section repealed	SF 2278.12	07-01-89
256.23	NEW section	SF 2190.1	J
256.30*	Unnumbered paragraph 2 amended	SF 2312.43	J
256.31	NEW section	SF 2193.2	J
256.31	NEW section	HF 2433.1	J
256A.1	NEW section	SF 2192.2	J
256A.2	NEW section	SF 2192.3	J
256A.3	NEW section	SF 2192.4	J
257A.7	Unnumbered paragraph 2 amended	SF 2036.1	J
258.11	Section amended	SF 2171.60	J
258A.1*	Subsection 1, paragraph w amended	SF 2171.61	J
258A.1*	Subsection 1, NEW paragraph m	SF 2169.25	V
258A.11	NEW section	HF 2444.40	J
260.25	NEW section	SF 2193.3	J
260.34	NEW section	SF 2295.2	J
261.2	NEW subsection 10	SF 2312.20	J
261.2	NEW subsection 11	SF 2312.21	J
261.2	NEW subsection 10	HF 2377.2	J
261.2	Subsection 4 amended	SF 2037.1	J
261.9*	Subsection 4 amended	SF 2312.22	J
261.9*	Subsection 5, NEW paragraph f	SF 2312.23	J
261.9*	Subsection 7 amended	SF 2312.24	J
261.10	Section amended	SF 2312.25	J
261.11	Section amended	SF 2312.26	J
261.12	Subsection 2 amended	SF 2312.27	J
261.25*	Subsection 2 amended	SF 2037.2	J
261.25*	Subsection 1 amended	SF 2312.28	J
261.37*	Subsection 8 amended	SF 2312.29	J
261.46	NEW section	SF 2312.30	J
261.61	Unnumbered paragraph 1 stricken and rewritten	SF 2037.3	J
261.61	Section Repealed	SF 2037.7	07-01-89
261.62	Section repealed	SF 2037.5	07-01-89
261.63*	Section amended	SF 2037.4	J
261.63*	Section repealed	SF 2037.6	07-01-89
261.81	Section amended	SF 2312.31	J
261.85*	Section amended	SF 2312.32	J
262.1	Section amended	HF 2046.1	J
262.6	Section amended	HF 2046.2	J

262.9*	NEW subsection 19	SF 2312.64	J	
262.9*	Subsection 4 amended	SF 2086.2	J	
262.44*	Subsection 1 stricken and rewritten	SF 2312.69	J	IV
262.71	NEW section	SF 2295.3	J	
262.75	NEW section	SF 2193.4	J	
262A.6A	NEW section	HF 2377.3	J	
262B.1	NEW section	SF 2328.9	J	
262B.2	NEW section	SF 2328.10	J	
262B.3	NEW section	SF 2328.11	J	
262B.4	NEW section	SF 2328.12	J	
262B.5	NEW section	SF 2328.13	J	
263.8A	NEW section	SF 2312.44	J	
263.17*	Subsection 4, unnumbered paragraph 1 amended	SF 2250.3	J	
269.3	NEW section	SF 2312.67	J	IV
270.11	NEW section	SF 2312.68	J	IV
272A.8	Section amended	HF 2430.20	J	
273.13	Section amended	SF 2238.55	J	
275.1	Unnumbered paragraph 1 amended	HF 2419.2	J	
275.25	Subsection 3 amended	SF 2236.1	J	
275.51	Unnumbered paragraph 1 amended	HF 2419.3	J	
275.55	Unnumbered paragraph 4 amended	HF 2419.4	J	
275.55A	NEW section	HF 2419.5	J	
275.59	NEW section	HF 2415.1	E	
277.4*	Unnumbered paragraph 2 amended	SF 2232.32	J	
277.5	NEW section	SF 2232.33	J	
277.27*	Section amended	SF 2236.2	J	
277.28	Unnumbered paragraph 1 amended	SF 2236.3	J	
279.10	Subsections 1 and 4 amended	HF 650.1	E	
279.10	Subsections 1 and 4 amended	SF 2234.1	J	
279.19B	Unnumbered paragraph 1 amended	SF 2312.46	J	
279.24*	Unnumbered paragraphs 7, 8, 9 and 10 amended	HF 2430.21	J	
279.45	Section amended	SF 2238.56	J	
279.50	NEW section	SF 2094.3	J	
279.50	Subsections 1,2,3 & 5 stricken	SF 2094.5	07-01-92	
280.9A	NEW section	SF 2253.1	J	
280.13*	Unnumbered paragraph 1 amended	SF 2171.62	J	
280.16*	Section repealed	SF 323.2	07-01-90	
280.19	NEW section	HF 2433.2	J	
280.19	NEW section	SF 2295.4	J	
280A.15	Subsection 2 amended	SF 2238.57	J	
280A.15	Subsection 2 amended	SF 2232.34	J	
280A.23*	NEW subsection 14	SF 2312.47	J	
280A.42	Section amended	HF 470.1	J	
280B.6	Subsection 1 amended	SF 2238.58	J	
280C.6	Section amended	SF 2303.1	E	
280C.7	Section amended	SF 2303.2	E	
280C.8	Section amended	SF 2303.3	E	
280C.8	Section amended	SF 2171.63	J	
281.6	Unnumbered paragraph 3 amended	HF 2430.22	J	
281.9	Subsection 5 amended	SF 2171.64	J	
281.15	NEW section	SF 2296.1	E	
282.1	Section amended	HF 2419.6	J	
282.2	Section amended	SF 2238.59	J	
282.7*	NEW subsection 3	HF 2419.7	J	
282.10*	Subsection 1 amended	HF 2419.8	J	

282.11*	Section amended	HF 2419.10	J
282.18	NEW section	SF 323.1	J
282.24*	Subsection 1, unnumbered paragraph 1 amended	HF 2419.9	J
282.31*	Subsection 1, paragraph b, NEW unnumbered paragraph	SF 2312.48	E
285.1*	Subsection 3, unnumbered paragraph 1 amended	HF 2419.11	J
286A.11	NEW subsection 4	HF 2457.11	J
290.1*	NEW Unnumbered paragraph	HF 2419.12	J
294.15	Unnumbered paragraph 4 amended	SF 2291.4	07-01-87R
294.16	Section amended	HF 2307.701	J
294A.2*	Subsection 5, NEW unnumbered paragraph	SF 2193.6	J
294A.14*	Unnumbered paragraph 9 amended	SF 2193.7	J
294A.14*	NEW unnumbered paragraph	SF 2312.49	J
294A.25*	NEW subsection 3A	SF 2312.50	J
299.1	Unnumbered paragraph 1 amended	SF 2234.2	J
299.1	Unnumbered paragraphs 1 and 2 amended	HF 650.2	E
299.1	NEW unnumbered paragraph	HF 650.3	E
299.4	Section amended	HF 650.4	E
299.5	Section amended	HF 650.5	E
299.6	Section amended	HF 650.6	E
299.16	Section amended	SF 2171.65	J
302.1*	NEW subsection 6	SF 2314.24	J
302.1*	Section amended	SF 2312.51	J
302.1A*	Section amended	SF 2036.2	J
303.9	Subsection 1 amended	SF 2312.8	J
303.88	Subsection 4 amended	SF 2238.60	J
303B.3	NEW unnumbered paragraph	SF 2232.38	J
303B.6	Subsection 12 amended	SF 2301.1	J
303B.9	Section amended	SF 2301.2	J
304.3	Subsections 2 and 4 amended	SF 2238.61	J
304.3	NEW subsection 5	SF 2238.62	J
305B.1	NEW section	SF 370.1	01-01-88R
305B.2	NEW section	SF 370.2	01-01-88R
305B.3	NEW section	SF 370.3	01-01-88R
305B.4	NEW section	SF 370.4	01-01-88R
305B.5	NEW section	SF 370.5	01-01-88R
305B.6	NEW section	SF 370.6	01-01-88R
305B.7	NEW section	SF 370.7	01-01-88R
305B.8	NEW section	SF 370.8	01-01-88R
305B.9	NEW section	SF 370.9	07-01-89
305B.10	NEW section	SF 370.10	J
305B.11	NEW section	SF 370.11	J
305B.12	NEW section	SF 370.12	J
305B.13	NEW section	SF 370.13	J
307.21	Subsection 4 amended	SF 2086.3	J
307.37	Section amended	SF 2285.1	J
307.39	NEW section	SF 2314.25	J
307.40	NEW section	SF 2314.26	J
307.47	Section amended	SF 2314.27	J
307.48	Unnumbered paragraph 1 amended	SF 2238.63	J
307A.2	NEW unnumbered paragraph	SF 2196.1	E
307B.23	Section amended	HF 2269.1	E
307B.25	NEW section	HF 2269.2	E
307B.25	NEW section	HF 2269.3	E IV
308.9	Subsection 1 amended	SF 2238.64	J
309.65	NEW section	SF 2230.1	J

312.1	NEW unnumbered paragraph	SF 2196.2	J
312.2*	Subsection 15 amended	SF 2285.2	J
312.2*	Subsection 17 amended	SF 2196.3	J
312.2*	NEW subsection 20	SF 2196.4	J
312.2*	NEW subsection 21	SF 2196.5	E
312.2*	Subsection 9 amended	SF 2314.28	E
312.2*	Subsections 10 and 11 stricken	SF 2314.29	J
312.2*	Subsection 17 amended	SF 2314.30	J
312.2*	Subsection 16, paragraph a, unnumbered paragraph 1 amended	HF 2465.1	J
312.2*	Subsection 8 amended	SF 2171.66	J
312.2A	NEW section	SF 2314.31	E
313.4*	NEW subsection 5	SF 2196.6	E
313.8*	Section amended	SF 2196.7	E
314.15	NEW section	SF 2196.8**	E
314.20	NEW section	SF 2196.9	E
315.3	NEW subsection 3	SF 2196.10	E
315.5	Section amended	HF 2386.2	J
315.11	NEW section	HF 2386.3	J
316.9	Subsection 1 amended	HF 2352.1	J
316.10	Section amended	HF 2352.2	J
321.1*	Subsection 16, NEW paragraph e	SF 2070.1	J
321.1*	Subsection 17 amended	SF 2070.2	J
321.1*	NEW subsections 87 and 88	HF 2259.1	J
321.23	Subsection 4 amended	SF 2238.65	J
321.24*	Unnumbered paragraph 3 amended	SF 2285.3	J
321.34*	Subsection 5, paragraph a amended	SF 2039.1	07-01-90
321.34*	Subsection 5, paragraph b amended	SF 2039.2	J
321.34*	Subsection 7 amended	SF 2017.1	J
321.34*	NEW subsection 10	SF 2039.3	J
321.34*	NEW subsection 11	SF 2039.4	J
321.44	Section amended	SF 2314.32	J
321.45*	Subsection 3 amended	SF 2039.5	J
321.46*	Subsection 1 amended	SF 2039.6	J
321.48	Subsection 1, unnumbered paragraph 1 amended	SF 2039.7	J
321.52	Subsection 2 amended	SF 2039.8	J
321.52	Subsection 3, unnumbered paragraph 1 amended	SF 2039.9	J
321.52	Subsection 4, unnumbered paragraph 1 amended	SF 2039.10	J
321.52	Subsection 4, unnumbered paragraph 1 amended	SF 2285.4	J
321.52	Subsection 4, unnumbered par 2 stricken and rewritten	SF 2285.5	J
321.52	Subsection 4, unnumbered paragraph 3 amended	SF 2285.6	J
321.89*	Subsection 4, unnumbered paragraph 2 amended	SF 2238.66	J
321.90	Subsection 2, paragraph b amended	SF 2259.12	J
321.90	Subsection 2, paragraph c amended	SF 2259.13	J
321.90	Subsection 2, paragraph g amended	SF 2259.14	J
321.92	Section amended	SF 2285.7	J
321.109	Subsection 2 amended	HF 2193.1	J
321.115	Section amended	HF 578.1	J
321.122	Subsection 1, paragraph a amended	SF 2196.11	J
321.122	Subsection 1, paragraph b amended	SF 2196.12	V
321.166	Subsection 5 amended	SF 2039.11	07-01-90
321.180	Subsection 1 amended	SF 2171.67	J
321.372A	NEW section	HF 429.1	J
321.430	Subsection 4, paragraph c amended	HF 2129.1	J
321.449*	Unnumbered paragraph 2 amended	SF 2070.3	J
321.449*	NEW unnumbered paragraphs	SF 2070.4	J

321.449*	NEW unnumbered paragraph	SF 2070.5	J
321.449*	NEW unnumbered paragraph	SF 2070.6	J
321.449*	NEW unnumbered paragraph	SF 2070.7**	J
321.450*	Section amended	SF 2070.8	J
321.457*	Subsection 3, NEW paragraph d	HF 2383.1	J
321.462	Unnumbered paragraph 2 amended	SF 2314.33	J
321A.2	Subsection 1 amended	SF 2314.34	J
321A.3*	Subsection 1 amended	SF 2314.35	E
321A.3*	Subsection 2 amended	SF 2314.36	E
321A.3*	NEW subsection 5	SF 2314.37	E
321A.3*	NEW subsection 6	SF 2314.38	E
321A.3*	NEW subsection 7	SF 2314.39	E
321A.3*	Subsection 4 amended	SF 2238.67	E
321A.3*	Subsection 4 amended	SF 2117.1	E
321A.3A	NEW section	SF 2314.40	E
321E.8	Subsection 2 amended	HF 2383.2	J
321E.28	Section amended	HF 2383.3	J
321E.32	NEW section	HF 2383.4	J
321E.33	NEW section	HF 2383.5	J
321H.3	Unnumbered paragraph 1 amended	SF 2285.8	J
321J.4	NEW subsections 7 and 8	HF 2412.1	J
321J.11	Unnumbered paragraph 1 amended	SF 2169.26	V
321J.13*	Subsection 3 amended	HF 2430.23	J
321J.13*	Subsection 4 amended	SF 2117.2	E
322.29	NEW unnumbered paragraph	HF 2259.2	J
322B.2	Subsection 4 stricken	SF 2171.68	J
323.1	Subsection 10 amended	SF 2238.68	J
324.2	NEW subsection 12	HF 2465.2	J
324.3	Unnumbered paragraph 1 amended	HF 2465.3	J
324.3	Unnumbered paragraph 1 amended	SF 2196.13	E
324.3	Unnumbered paragraph 4 amended	SF 2196.14	E
324.16	Unnumbered paragraph 1 amended	HF 2465.4	J
324.17	Unnumbered paragraph 1 amended	HF 2465.5	J
324.17	Subsections 4, 5, 6 and 14 amended	HF 2465.6	J
324.18	Section amended	HF 2465.7	J
324.32	Section amended	HF 2465.8	J
324.33	Subsections 1, 2, 3, 4 and 5 amended	HF 2465.9	J
324.33	Subsections 7 and 8 amended	HF 2465.10	J
324.34	Unnumbered paragraph 1 amended	SF 2196.15	E
324.34	Unnumbered paragraph 9 amended	SF 2196.16	04-01-88
324.34	Section amended	HF 2465.11	J
324.36	Subsections 1 and 2 amended	HF 2465.12	J
324.37	Subsection 2 amended	HF 2465.13	J
324.38	Subsections 1, 2, 3 and 4 amended	HF 2465.14	J
324.38	Subsection 5, paragraphs a, b and c amended	HF 2465.15	J
324.38	Subsection 6 amended	HF 2465.16	J
324.79	Subsection 4 amended	SF 2171.70	J
324.79	Unnumbered paragraph 2 amended	SF 2171.69	J
324.82	Section amended	HF 2465.17	J
327D.192	Section amended	SF 2171.71	J
327F.31	NEW section	SF 450.1	E
327F.39	NEW section	SF 450.2	E
327H.20*	Unnumbered paragraph 1 amended	HF 2269.4	E
327H.24*	Unnumbered paragraph 2 amended	HF 2269.5	E
328.1	NEW subsection 23	HF 2156.1	J

328.20	Section amended	HF 2156.2	J
328.21	Subsections 2 and 6 amended	HF 2156.3	J
328.21	Subsection 3 stricken	HF 2156.4	J
328.21	NEW subsections 7, 8 and 9	HF 2156.5	J
328.23	Section repealed	HF 2156.13	J
328.24	Unnumbered paragraph 2 amended	HF 2156.6	J
328.26	NEW unnumbered paragraph	HF 2465.18	J
328.27	Section amended	HF 2156.7	J
328.32	Section amended	HF 2156.8	J
328.36	NEW unnumbered paragraph	HF 2465.19	J
328.37	Section amended	HF 2156.9	J
328.48	Section amended	HF 2156.10	J
328.50	Section amended	HF 2156.11	J
328.56A	NEW section	HF 2156.12	J
330.23	NEW section	HF 278.1	J
331.101	NEW subsections 16 and 17	HF 278.2	J
331.203	Subsection 1 amended	SF 2232.35	J
331.204	Subsection 1 amended	SF 2232.36	J
331.207	Subsection 1 amended	SF 2232.37	J
331.217	NEW section	HF 278.3	J
331.218	NEW section	HF 278.4	J
331.219	NEW section	HF 278.5	J
331.220	NEW section	HF 278.6	J
331.221	NEW section	HF 278.7	J
331.222	NEW section	HF 278.8	J
331.223	NEW section	HF 278.9	J
331.224	NEW section	HF 278.10	J
331.225	NEW section	HF 278.11	J
331.226	NEW section	HF 278.12	J
331.227	NEW section	HF 278.13	J
331.228	NEW section	HF 278.14	J
331.229	NEW section	HF 278.15	J
331.230	NEW section	HF 278.16	J
331.231	NEW section	HF 278.17	J
331.232	NEW section	HF 278.18	J
331.233	NEW section	HF 278.19	J
331.234	NEW section	HF 278.20	J
331.235	NEW section	HF 278.21	J
331.236	NEW section	HF 278.22	J
331.237	NEW section	HF 278.23	J
331.238	NEW section	HF 278.24	J
331.239	NEW section	HF 278.25	J
331.240	NEW section	HF 278.26	J
331.241	NEW section	HF 278.27	J
331.321*	Subsection 2 stricken	SF 2304.12	01-01-89
331.322*	Subsection 5 amended	SF 2304.13	01-01-89
331.424	Subsection 1, NEW paragraph p	SF 2310.11	J IV
331.424	Subsection 2, NEW paragraph c	SF 2310.12	J IV
331.429*	Subsection 1, paragraphs a and b amended	HF 2457.12	J
331.502	Subsection 23 amended	SF 2278.7	07-01-89
331.502*	Subsection 12 stricken	SF 2238.69	J
331.510	Subsections 3 and 4 amended	SF 2171.72	J
331.555*	Subsection 6 amended	HF 2371.1	E
331.556	Section amended	SF 2238.70	J
331.556	Section repealed	HF 2423.4	J

331.602*	Subsection 1, unnumbered paragraph 1 amended	HF 2168.1	J
331.609	Subsection 7 amended	SF 2311.33	J
331.655	Subsection 1, paragraph j amended	SF 2331.2	J
331.752	Subsection 4 amended	SF 2321.18	J
331.754	Section amended	SF 2062.1	J
331.756*	Subsection 73 stricken	SF 2171.73	J
331.757	Subsection 2 amended	SF 2321.19	J
331.775-.777	Sections repealed	SF 2304.18	E
334A.0	Chapter repealed	HF 2457.22	J
351.1	Section amended	HF 2462.1	01-01-89
351.3	Section amended	HF 2462.2	01-01-89
351.5	Unnumbered paragraph 1 amended	HF 2462.3	01-01-89
351.6	Section amended	HF 2462.4	01-01-89
351.7	Section amended	HF 2462.5	01-01-89
351.11	Section amended	HF 2462.6	01-01-89
351.14	Section amended	HF 2462.7	01-01-89
351.15	Section repealed	SF 2171.116	J
351.16	Section amended	HF 2462.8	01-01-89
351.16	Section repealed	SF 2171.116	J
351.22	Unnumbered paragraph 1 amended	HF 2462.9	01-01-89
351.23	Section amended	SF 2171.74	J
351.24	Section amended	SF 2171.75	J
351.34	Section amended	SF 2171.76	J
356.26	Unnumbered paragraph 1 amended	HF 2088.1	J
356.30	Section amended	HF 2088.2	J
357A.21*	Section amended	HF 2395.1	J
357A.22	NEW section	SF 2248.2	J
357E.1	NEW section	HF 678.1	J
357E.2	NEW section	HF 678.2	J
357E.3	NEW section	HF 678.3	J
357E.4	NEW section	HF 678.4	J
357E.5	NEW section	HF 678.5	J
357E.6	NEW section	HF 678.6	J
357E.7	NEW section	HF 678.7	J
357E.8	NEW section	HF 678.8	J
357E.9	NEW section	HF 678.9	J
357E.10	NEW section	HF 678.10	J
357E.11	NEW section	HF 678.11	J
357E.12	NEW section	HF 678.12	J
357E.13	NEW section	HF 678.13	J
357E.14	NEW section	HF 678.14	J
362.5*	Subsection 5 stricken and rewritten	HF 2348.2	J
362.5*	Subsection 10 stricken	HF 2348.3	J
372.13*	Subsection 5 amended	HF 2348.4	J
372.13*	Subsection 2, paragraph a amended	HF 2388.1	J
376.4*	Unnumbered paragraphs 5 and 6 amended	SF 2232.39	J
376.6	NEW unnumbered paragraph	SF 2232.40	J
376.8	Subsection 2, NEW unnumbered paragraph	SF 2232.41	J
376.11	Section stricken and rewritten	SF 2232.42	J
380.3	Unnumbered paragraph 1 amended	HF 2348.5	J
384.12	NEW subsection 20	HF 665.1	J
384.21*	Section amended	HF 2371.2	E
384.65	NEW subsection 8	HF 2347.1	J
384.84*	Subsection 1 amended	HF 2348.6	J
386.3	Subsection 2, paragraph f amended	HF 2348.7	J

400.6	Subsection 7 amended	HF 2179.1	J
400.9	Subsection 3 amended	HF 2228.1	E
400.9	NEW subsections 4 and 5	HF 2228.2	E
403.6	Subsection 7 amended	HF 2352.3	J
403.8	NEW subsection 5	HF 2327.1	E
403.19	Subsection 3 amended	HF 2327.2	E
405.0	Chapter repealed	HF 2457.22	J
405A.1	NEW section	HF 2457.1	J
405A.2	NEW section	HF 2457.2	J
405A.3	NEW section	HF 2457.3	J
405A.4	NEW section	HF 2457.4	J
405A.5	NEW section	HF 2457.5	J
405A.6	NEW section	HF 2457.6	J
405A.7	NEW section	HF 2457.7	J
405A.8	NEW section	HF 2457.8	J
405A.9	NEW section	HF 2457.9	J
411.6	Subsection 5, unnumbered paragraph 2 amended	HF 2405.55	J
411.6	Subsection 8, paragraph b, unnumbered paragraph 1 amended	HF 2405.56	J
411.6	Subsection 8, paragraph c, subparagraphs 1 and 2 amended	HF 2405.57	J
411.6	Subsection 11, paragraph a amended	HF 2405.58	J
411.6	Subsection 12, paragraph a, subparagraph (2) amended	HF 2405.59	J
411.9	Section amended	HF 2405.60	J
411.20	Subsection 1 amended	HF 2457.13	J
411.22	Subsection 1, paragraph a amended	SF 2238.71	J
414.5	Section amended	HF 2348.8	J
420.130	Section amended	SF 2232.43	J
421.1*	Subsection 4, unnumbered paragraph 1 amended	HF 2476.1	J
421.8A	Section amended	HF 2430.24	J
421.16	Section amended	SF 2238.72	J
421.17*	Subsection 21, paragraph e amended	HF 2430.25	J
421.17*	Subsection 23, paragraph e amended	HF 2430.26	J
421.31	Subsection 8 stricken and rewritten	SF 2238.73	J
421.38	Subsection 2 amended	HF 2405.61	J
421.45	Section amended	SF 2238.74	J
422.3	Subsection 5 stricken and rewritten	SF 2074.1	01-01-88R
422.4*	Subsections 19 and 20 amended	SF 2074.3	01-01-87R
422.4*	Subsections 1, 4, 10, 11, 14, 17 and 18 amended	SF 2074.2	01-01-88R
422.4*	Subsections 19 and 20 stricken	SF 2074.4	01-01-88R
422.5*	Subsection 1 stricken	SF 2074.5	01-01-88R
422.5*	Subsection 1A, unnumbered paragraph 1 amended	SF 2074.6	01-01-88R
422.5*	Subsection 1A, paragraph k, subparagraph (1)	SF 2074.7	01-01-88R
422.5*	Subsection 2, unnumbered paragraph 2 amended	SF 2074.8	01-01-87R
422.5*	Subsection 2 stricken and rewritten	SF 2074.9	01-01-88R
422.5*	Subsection 6 amended	SF 2074.10	01-01-87R
422.5*	Subsections 6, 7, 8 and 10 amended	SF 2074.11	01-01-88R
422.6	Unnumbered paragraph 2 amended	SF 2074.12	01-01-88R
422.7*	Unnumb par 1, & ss 2,6,7,8,9,11,16A,19,21,23,24,27 amended	SF 2074.13	01-01-88R
422.7*	Subsection 15 stricken and rewritten	SF 2074.14	01-01-87R
422.7*	Subsections 5,10,12,13,14,16,17,20,22 and 26 stricken	SF 2074.15	01-01-88R
422.8	Subsections 2 and 4 amended	SF 2074.16	01-01-88R
422.9*	Subsection 3, unnumb par 1, par c amended	SF 2074.20	01-01-88R
422.9*	Subsection 1 stricken and rewritten	SF 2074.17	01-01-88R
422.9*	Subsection 2, unnumbered paragraph 1 amended	SF 2074.18	01-01-88R
422.9*	Subsection 2, paragraph e stricken	SF 2074.19	01-01-88R
422.10*	Unnumbered paragraph 1 amended	SF 2074.21	01-01-88R



422.12*	Subsection 1, paragraph c amended	SF 2074.22	01-01-88R
422.12*	Subsection 2, unnumbered paragraph 1 amended	SF 2074.23	01-01-88R
422.12A	NEW section	SF 2327.1	01-01-88R
422.13*	Subsection 1, paragraph a amended	SF 2074.24	01-01-88R
422.16*	Subsection 12, NEW unnumbered paragraph	SF 2058.1	E
422.16*	Subsection 1, unnumbered paragraph 1 amended	SF 2074.25	01-01-88R
422.16*	Subsection 11, paragraphs a and d amended	SF 2074.26	01-01-88R
422.20*	Subsection 2 amended	SF 2074.27	01-01-88R
422.21*	Unnumbered paragraphs 4, 5 and 6 amended	SF 2074.28	01-01-89
422.25	Subsection 1, unnumbered paragraph 1 amended	SF 2074.29	01-01-88R
422.32*	Subsection 1 amended	SF 2074.30	01-01-87R
422.32*	Subsection 11 amended	SF 2074.31	01-01-87R
422.32*	Subsection 11 stricken	SF 2074.32	01-01-88R
422.33*	NEW subsection 1A	SF 2074.33	01-01-88R
422.33*	Subsection 4, paragraph a amended	HF 2451.1	01-01-88R
422.43*	NEW subsection 12	HF 2459.1	J
422.45*	Subsections 6 and 11 amended	HF 2465.20	J
422.45*	NEW subsection 36	HF 2465.21	J
422.45*	Subsection 19 amended	HF 2453.4	V
422.45*	NEW subsections 19A and 19B	HF 2453.5	V
422.45*	NEW subsection 36	HF 2458.1	J
422.45*	Subsection 22, NEW paragraph e	HF 2477.2	J
422.45*	Subsection 26, unnumbered paragraph 1 amended	HF 2477.3	J
422.45*	Subsection 26, NEW paragraph c	HF 2477.4	J
422.45*	NEW subsection 36	HF 2477.5	J
422.45*	NEW subsections 36 and 37	HF 2477.6	J
422.45*	Subsection 1 amended	SF 2171.77	J
422.47*	Subsection 4, paragraph f amended	HF 2477.7	01-01-88R
422.47C*	Subsection 1 amended	HF 2477.8	J
422.57	Subsection 1 amended	SF 2171.78	J
422.65	Section amended	HF 2473.2	J
422.69	NEW subsection 4	HF 2459.2	J
422.70	Subsection 1 amended	HF 2477.9	J
422.70	Subsection 3 amended	SF 2171.79	J
422.71	Subsection 2 amended	SF 2171.80	J
422.72*	Subsection 2 amended	SF 2074.34	01-01-88R
422.72*	Subsection 4 amended	HF 2463.3	E
422.72*	NEW subsection 6	HF 2463.4	E
422.100	Section repealed	HF 2457.21	J
422.110	Subsection 1 amended	HF 2465.22	J
422.110	Unnumbered paragraph 2 amended	HF 2465.23	J
422.111	Unnumbered paragraph 1 amended	HF 2465.24	J
422A.1*	Unnumbered paragraph 2 amended	HF 2463.5	E
422B.8	Unnumbered paragraph 1 amended	HF 2459.3	J
422B.11	NEW section	HF 2463.6	E
423.1*	Subsection 3, paragraph a amended	HF 2460.1	J
425.2	Unnumbered paragraph 2 amended	HF 666.1	J
425.17	Subsections 5 and 9 amended	SF 2188.2	01-01-89
425.17	Subsection 7 amended	SF 2188.3	01-01-90
425.20	Unnumbered paragraph 2 amended	HF 2287.1	E
425.23	Subsection 1 amended	SF 2188.4	V
425.27	Section amended	HF 2287.2	E
426A.1	Section amended	HF 2473.3	J
426A.2	Section amended	HF 2473.4	J
426A.4	Section amended	HF 2473.5	J

426A.6	Section amended	HF 2473.6	J
426A.8	Section amended	HF 2473.7	J
426A.9	Section amended	HF 2473.8	J
427.1*	Subsection 36, paragraph b amended	SF 2171.81	J
427.3	NEW subsection 6	HF 2473.10	J
427.3	Subsection 5 amended	HF 2473.9	J
427.3	NEW subsection 6	HF 2477.10	J
427.8	Section amended	SF 2270.1	J
427.9	Section amended	SF 2270.2	J
427.17*	Section repealed	HF 2457.21	J
427A.12	Subsection 6 stricken	HF 2457.14	J
427A.12	Subsections 4 and 5 amended	SF 2171.82	J
427A.13	Section amended	HF 2457.15	J
432.1	Subsection 1, NEW unnumbered paragraph	SF 2338.1	J
441.3	Section amended	HF 2061.1	J
441.5	Unnumbered paragraph 6 stricken and rewritten	HF 105.1	E
441.10	NEW unnumbered paragraphs	HF 105.2	E
441.21	Subsection 1, paragraph f amended	SF 2335.1	J
441.31	Unnumbered paragraph 1 amended	HF 2061.2	J
441.37	Subsection 1, paragraph c amended	HF 2476.2	J
442.2	Subsections 2 and 3 stricken	HF 2457.16	J
442.2	Subsection 1, unnumbered paragraphs 2 and 3 amended	HF 2419.13	J
442.3	NEW unnumbered paragraph	HF 2457.17	J
442.4*	Subsection 1, unnumbered paragraph 6 amended	SF 2312.70	E
442.4*	Subsection 6, unnumbered paragraph 2 amended	SF 2312.71	E
442.4*	Subsection 6, NEW unnumbered paragraph	SF 2312.72	E
442.4*	NEW subsection 7	SF 2312.73	E
442.4*	NEW subsection 7	HF 2226.1	J
442.7*	Subsection 7, paragraphs g and h amended	SF 2312.74	E
442.7*	Subsection 8 amended	SF 2312.75	E
442.8	Unnumbered paragraph 1 amended	SF 2312.76	E
442.9	Subsection 1 amended	SF 2312.77	E
442.13*	Subsection 7 amended	HF 2419.14	J
442.26	Section amended	HF 2457.18	J
442.26	Unnumbered paragraph 2 amended	SF 2312.78	E
442.26A	NEW section	SF 2234.4	J
442.28	Unnumbered paragraph 1 amended	SF 2312.79	E
442.31	Unnumbered paragraph 1 amended	SF 2312.80	E
442.35	Section amended	SF 2312.81	E
442.38	Section repealed	SF 2312.82	E
442.39*	Subsection 2 amended	HF 2419.15	J
442.39*	Subsection 4, NEW unnumbered paragraph	HF 2419.16	J
442A.5	Subsection 1 amended	SF 2171.83	J
444.3	Unnumbered paragraphs 2, 3, 4 and 5 stricken	HF 2457.19	J
444.7	Section amended	SF 2238.75	J
445.8	NEW subsection 6	SF 452.1	J
445.60	Section amended	HF 2461.1	J
450.1	Unnumbered paragraph 2 amended	SF 2074.35	01-01-88R
450.3	Subsections 2 and 7 amended	SF 2074.36	01-01-88R
450.37	Subsection 1, paragraph b amended	SF 2074.37	01-01-88R
450.84	Section amended	SF 2171.84	J
450A.1*	Subsection 5 amended	SF 2074.38	10-22-86R
450B.1	Section amended	SF 2074.39	01-01-88R
450B.2	Section amended	SF 2074.40	01-01-88R
450B.3	Section amended	SF 2074.41	01-01-88R

451.1	Subsection 8 amended	SF 2074.42	01-01-88R
451.2	Unnumbered paragraph 1 amended	SF 2074.43	01-01-88R
451.3	Section amended	SF 2074.44	01-01-88R
452.10*	NEW unnumbered paragraph	SF 2168.1	J
452.10	Unnumbered paragraph 1 amended	SF 69.1	J
453.16	Subsection 1, paragraph b, NEW unnumbered paragraph	HF 2323.1	J
453.22	Subsection 3, NEW unnumbered paragraph	HF 2323.2	J
455.4	Unnumbered paragraph 5 amended	SF 2182.1	J
455.21*	Section amended	SF 2183.1	J
455.63	Section amended	SF 2129.1	J
455.70	Section amended	SF 2269.1	J
455B.113	NEW section	SF 2245.1	J
455B.114	NEW section	SF 2245.2	J
455B.115	NEW section	SF 2245.3	J
455B.191	Subsection 1 amended	SF 2246.1	J
455B.191	Subsection 2 stricken and rewritten	SF 2246.2	J
455B.213	Subsections 1 and 4 amended	SF 2171.85	J
455B.275	Subsection 4 amended	SF 2126.1	J
455B.275	NEW subsection 9	SF 2126.2	J
455B.277	Unnumbered paragraph 2 amended	SF 2171.86	J
455B.291	NEW section	SF 2092.10	E
455B.292	NEW section	SF 2092.11	E
455B.293	NEW section	SF 2092.12	E
455B.294	NEW section	SF 2092.13	E
455B.295	NEW section	SF 2092.14	E
455B.296	NEW section	SF 2092.15	E
455B.297	NEW section	SF 2092.16	E
455B.298	NEW section	SF 2092.17	E
455B.299	NEW section	SF 2092.18	E
455B.301*	NEW subsections 16, 17, 18, 19 and 20	HF 2453.1	07-01-89
455B.302	Unnumbered paragraph 2 amended	SF 2250.4	J
455B.307*	Subsection 1 amended	SF 2250.5	J
455B.310*	Subsection 2 amended	SF 2250.6	J
455B.310*	Subsection 3 amended	SF 2250.7	J
455B.310*	Subsection 5 amended	SF 2250.8	J
455B.314	NEW section	HF 2453.2	07-01-89
455B.424	NEW subsection 5	SF 2313.1	J
455B.471	NEW subsections 8, 9, 10, 11 and 12	HF 2441.2	E IVss3
455B.471	Subsection 5 amended	HF 2441.1	E IVss3
455B.473A	NEW section	HF 2441.3	E IVss3
455B.474*	Subsection 1, paragraph d amended	HF 2441.4	E
455B.474*	Subsection 1, paragraph e amended	HF 2441.5	E
455B.474*	Subsection 1, paragraph f, unnumbered paragraph 1 amended	HF 2441.6	E
455B.474*	Subsection 1, paragraph f, NEW unnumbered paragraph	HF 2441.7	E
455B.474*	Subsection 2, unnumbered paragraph 1 amended	HF 2441.8	E IV
455B.474*	Subsection 3, paragraph d amended	HF 2441.9	E
455B.477	NEW subsections 6 and 7	HF 2441.10	E IVss6
455B.479A	NEW section	HF 2441.11	E IV
455B.479B	NEW section	HF 2441.12	E IV
455B.479C	NEW section	HF 2441.13	E IV
455B.479D	NEW section	HF 2441.14	E IV
455B.479E	NEW section	HF 2441.15	E IV
455B.479F	NEW section	HF 2441.16	E IV
455B.479G	NEW section	HF 2441.17	E IV
455B.479H	NEW section	HF 2441.18	E IV

455B.479I	NEW section	HF 2441.19	E	IV
455B.484*	Subsection 2 amended	SF 2171.87	J	
455B.490	NEW section	HF 2441.29	E	IV
455C.1	NEW subsections 11, 12 and 13	SF 443.1	J	
455C.2	Subsection 2 amended	SF 443.2	J	
455C.3	NEW subsection 4	SF 443.3	J	
455C.4	NEW subsection 4	SF 443.4	J	
455D.1	NEW section	HF 2441.20	E	IV
455D.2	NEW section	HF 2441.21	E	IV
455D.3	NEW section	HF 2441.22	E	IV
455D.4	NEW section	HF 2441.23	E	IV
455D.5	NEW section	HF 2441.24	E	IV
455D.6	NEW section	HF 2441.25	E	IV
455D.7	NEW section	HF 2441.26	E	IV
455D.8	NEW section	HF 2441.27	E	IV
455D.9	NEW section	HF 2441.28	E	IV
455E.8*	Subsection 10 amended	SF 2278.8	E	
455E.11*	Subsection 2, paragraph b, NEW subparagraph (2)	SF 38.2	J	
455E.11*	Subsection 2, par b, subpar 2, subdiv "d" amended	SF 38.3	J	
455E.11*	Subsection 2, paragraph c amended	HF 2338.3	J	
455E.11*	Subsection 1, unnumbered paragraph 1 amended	SF 2250.9	J	
455E.11*	Subsection 2, NEW subparagraph (1)	SF 2250.10	J	
455E.11*	Subsection 2, paragraph a, NEW subparagraph (8A)	SF 2250.11	J	
455E.11*	Subsection 2, paragraph b, unnumbered paragraph 1 amended	SF 2250.12	J	
455E.11*	Subsection 2, par b, subpar (2), subdiv "c" amended	SF 2250.13	J	
455F.6*	Subsection 4 stricken	SF 2250.14	J	
455F.7*	Section amended	SF 2250.15	J	
463.6	Section amended	SF 2238.76	J	
467A.4*	Subsection 4, paragraph b amended	SF 2051.1	J	
467A.4*	Subsection 4, paragraphs g and h stricken and rewritten	SF 2051.2	J	
467A.7*	NEW subsection 20	HF 2381.1	J	
467A.7*	NEW subsection 20	SF 2051.3	J	
467A.7*	Subsection 18 amended	SF 2278.9		07-01-89
467A.42*	Subsection 6 amended	SF 2171.88	J	
467B.14	Unnumbered paragraph 2 amended	SF 2171.89	J	
467F.1	NEW section	HF 2381.2	J	
467F.2	NEW section	HF 2381.3	J	
467F.3	NEW section	HF 2381.4	J	
467F.4	NEW section	HF 2381.5	J	
470.3	Subsection 2 amended	HF 2437.6	J	
470.7	NEW section	HF 2437.7	J	
474.9	Section amended	SF 2171.90	J	
474.10	Section amended	SF 2238.77	J	
475A.4	Subsection 1, paragraph d stricken	SF 2171.91	J	
476.1	Subsection 3, unnumbered paragraph 3 amended	HF 2395.2	J	
476.1A	Unnumbered paragraph 2 amended	HF 683.1	J	
476.1A	Unnumbered paragraph 2 amended	HF 2316.1	J	
476.1B	Subsection 1, NEW paragraph h	HF 2316.2	J	
476.1B	Subsection 1, NEW paragraph h	HF 683.2	J	
476.12	Section amended	HF 2153.2	J	
476.51	Section amended	SF 2171.92	J	
476.56	NEW section	HF 2316.3	J	
476.66	NEW section	HF 683.3	J	
477.1	Section amended	HF 2387.1	J	
477.2	Section amended	HF 2387.2	J	

477.3	Section amended	HF 2387.3	J
477.4	Section amended	HF 2387.4	J
477B.1	NEW section	HF 2400.1	E
477B.2	NEW section	HF 2400.2	E
477B.3	NEW section	HF 2400.3	E
477B.4	NEW section	HF 2400.4	E
477B.5	NEW section	HF 2400.5	E
477B.5A	NEW section	HF 2400.6	E
477B.6	NEW section	HF 2400.7	E
477B.7	NEW section	HF 2400.8	E
479.1	Section amended	SF 2205.27	J
479.2	Unnumbered paragraphs 1 and 2 amended	SF 2205.28	J
479.5	Unnumbered paragraph 5 amended	SF 2205.29	J
479.12	Section amended	SF 2205.30	J
479.13	Section amended	SF 2205.31	J
479.14	Section amended	SF 2205.32	J
479.33	Section amended	SF 2205.33	J
479A.1	NEW section	SF 2205.1	J
479A.2	NEW section	SF 2205.2	J
479A.3	NEW section	SF 2205.3	J
479A.4	NEW section	SF 2205.4	J
479A.5	NEW section	SF 2205.5	J
479A.6	NEW section	SF 2205.6	J
479A.7	NEW section	SF 2205.7	J
479A.8	NEW section	SF 2205.8	J
479A.9	NEW section	SF 2205.9	J
479A.10	NEW section	SF 2205.10	J
479A.11	NEW section	SF 2205.11	J
479A.12	NEW section	SF 2205.12	J
479A.13	NEW section	SF 2205.13	J
479A.14	NEW section	SF 2205.14	J
479A.15	NEW section	SF 2205.15	J
479A.16	NEW section	SF 2205.16	J
479A.17	NEW section	SF 2205.17	J
479A.18	NEW section	SF 2205.18	J
479A.19	NEW section	SF 2205.19	J
479A.20	NEW section	SF 2205.20	J
479A.21	NEW section	SF 2205.21	J
479A.22	NEW section	SF 2205.22	J
479A.23	NEW section	SF 2205.23	J
479A.24	NEW section	SF 2205.24	J
479A.25	NEW section	SF 2205.25	J
479A.26	NEW section	SF 2205.26	J
491.5*	Subsection 8 amended	SF 2248.3	J
496A.4A*	Subsection 7 amended	SF 2248.4	J
496A.49*	Subsection 13 amended	SF 2248.5	J
496A.126	Section amended	SF 2311.34	J
496A.127	Unnumbered paragraph 3 amended	SF 2311.35	J
497.34	NEW section	SF 2248.6	J
498.36	NEW section	SF 2248.7	J
499.2	Unnumbered paragraphs 1 and 4 amended	HF 2355.1	J
499.5	Section amended	HF 2395.3	J
499.5A	NEW section	HF 2395.4	J
499.6	Section stricken and rewritten	HF 2395.5	J
499.6	Section stricken and rewritten	HF 2355.2	J

499.7	Unnumbered paragraph 1, and subsection 1 amended	HF 2355.3	J
499.59*	Section amended	SF 2171.93	J
499.59A	NEW section	SF 2248.8	J
502.202	NEW subsection 17	HF 433.1	J
504A.6	Subsection 4, unnumbered paragraph 4 amended	SF 2280.1	J
504A.54	Section amended	SF 2280.2	J
504A.67	Subsection 2, unnumbered paragraph 6 amended	SF 2280.3	J
504A.84	Section amended	SF 2280.4	J
504A.87	Unnumbered paragraph 3 amended	SF 2280.5	J
504A.100	Subsection 9 amended	SF 2280.6	J
505.8*	NEW unnumbered paragraph	SF 2338.2	E
505.12	Section amended	HF 2307.101	J
505.13*	Subsection 1 amended	HF 2307.102	J
505.16	NEW section	HF 2294.7	J
506.2	Section amended	HF 2307.501	J
507.1	Section amended	HF 2307.301	J
507.5	Section repealed	HF 2307.207	J
507.8	Section amended	HF 2307.302	J
507C.20*	Section amended	HF 2307.502	J
507D.3*	Subsection 6 amended	SF 2171.94	J
508.12	Section amended	HF 2307.503	J
508.13	Section amended	HF 2307.103	J
508.39	NEW section	HF 2307.603	J
508C.3*	Subsection 3, paragraph d stricken and rewritten	HF 2296.2	J
508C.3*	Subsection 3, NEW paragraph h	HF 2296.3	J
508C.3*	Subsection 2 amended	HF 2296.1	J
508C.5*	Subsection 1 amended	HF 2296.4	J
508C.5*	Subsection 10 amended	HF 2296.5	J
508C.5*	NEW subsection 13	HF 2296.6	J
508C.6*	Subsection 1, paragraph c amended	HF 2296.7	J
508C.6*	Subsection 1, NEW paragraph d	HF 2296.8	J
508C.8*	Subsection 8 amended	HF 2296.9	J
508C.9*	Subsection 5 amended	HF 2296.10	J
508C.11*	Subsection 1, paragraph c amended	HF 2307.203	J
508C.12*	Subsection 1, paragraph b amended	HF 2307.204	J
508C.16*	NEW unnumbered paragraph	SF 2248.9	J
509.12	Section stricken and rewritten	HF 649.1	E
509A.15	NEW section	HF 2307.104	J
510.0	Chapter repealed	HF 2307.207	J
511.8*	Subsection 10, paragraph a amended	HF 2307.205	J
511.24	Subsection 5 amended	HF 2307.303	J
511.24	Subsection 6 stricken	HF 2307.206	J
511.37	Section repealed	HF 649.8	E
512.17	Section stricken and rewritten	HF 649.2	E
512.29	Section amended	HF 2307.105	J
512A.3	Section amended	HF 2307.106	J
512A.9	NEW section	HF 2303.1	J
514C.3	NEW section	SF 149.1	J
514F.1*	Section amended	SF 299.6	J
514F.3	NEW section	HF 2307.604	J
515.11	Section amended	HF 2307.401	J
515.35	Subsection 4, paragraph n, subparagraph (1) amended	HF 2307.402	J
515.42	Section amended	HF 2307.107	J
515.43	Section repealed	HF 2307.207	J
515.49	Section stricken and rewritten	HF 2307.403	J

515.80*	Section stricken and rewritten	HF 2307.404	J
515.81*	Section stricken and rewritten	HF 2307.405	J
515.81A	NEW section	HF 2307.406	J
515.81B	NEW section	HF 2307.407	J
515.128	Subsection 5 amended	HF 2307.304	J
515.150	NEW section	HF 382.1	J
515B.1	Section amended	HF 2307.504	J
515B.2	Subsection 3, paragraph b stricken and rewritten	HF 2307.505	J
515B.2	Subsection 3, unnumbered par 2 stricken and rewritten	HF 2307.506	J
515B.5	Subsection 1, paragraph a amended	HF 2307.507	J
515B.9	Subsection 2 amended	HF 2307.508	J
515B.18	NEW section	HF 2307.509	J
515D.5	Unnumbered paragraph 1 amended	HF 2307.601	J
515D.7	Unnumbered paragraph 1 amended	HF 2307.602	J
515E.1	NEW section	HF 2303.2	J
515E.2	NEW section	HF 2303.3	J
515E.3	NEW section	HF 2303.4	J
515E.4	NEW section	HF 2303.5	J
515E.5	NEW section	HF 2303.6	J
515E.6	NEW section	HF 2303.7	J
515E.7	NEW section	HF 2303.8	J
515E.8	NEW section	HF 2303.9	J
515E.9	NEW section	HF 2303.10	J
515E.10	NEW section	HF 2303.11	J
515E.11	NEW section	HF 2303.12	J
515E.12	NEW section	HF 2303.13	J
515E.13	NEW section	HF 2303.14	J
515E.14	NEW section	HF 2303.15	J
516B.3*	Subsection 1 amended	SF 2117.3	E
516B.3*	Subsection 1 amended	SF 2238.78	E
516C.1	NEW section	HF 653.1	J
516C.2	NEW section	HF 653.2	J
516C.3	NEW section	HF 653.3	J
516C.4	NEW section	HF 653.4	J
516C.5	NEW section	HF 653.5	J
516C.6	NEW section	HF 653.6	J
518.15	Unnumbered paragraph 2 amended	HF 2307.108	J
518A.1	Subsection 1, paragraph d amended	HF 2307.510	J
519.9	Section amended	HF 2307.109	J
520.9	Section amended	HF 2303.16	J
520.9A	NEW section	HF 2303.17	J
520.12	Section amended	HF 2307.110	J
520.19	Section amended	HF 2307.305	J
520.22	Section repealed	HF 2303.18	J
521.5	Section amended	HF 2307.702	J
523C.1	NEW subsections 5, 6, 7, 8 and 9	HF 2307.703	J
523C.3	Subsection 2, paragraph b amended	HF 2307.704	J
523C.5	Section amended	HF 2307.705	J
523C.6	Unnumbered paragraph 2 amended	HF 2307.706	J
523C.11	Subsection 1 amended	HF 2307.707	J
523C.11	NEW subsection 4	HF 2307.708	J
524.302*	Subsection 10 amended	SF 2248.10	J
524.901*	Subsection 3, NEW paragraphs k and l	SF 2302.1	J
533.1*	Subsection 8, unnumbered paragraph 1 amended	SF 2248.11	J
533.4*	Subsection 16 amended	HF 2320.1	J

533.9*	Section amended	HF 2320.2	J
533.26	Section stricken and rewritten	HF 2320.3	J
534.102	Subsection 32 stricken	SF 2171.95	J
534.401	Subsections 2, 3 and 4 amended	SF 2238.79	J
534.403	Section amended	SF 2238.80	J
534.405	Section amended	SF 2238.81	J
534.406	Section amended	SF 2238.82	J
534.407	Section amended	SF 2238.83	J
534.408*	Subsections 2, 3, 4, 5, 6 and 7 amended	SF 2238.84	J
534.501*	Subsection 1, paragraph m amended	SF 2248.12	J
534.511	Subsection 8 amended	SF 2238.85	J
534.515	Subsections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 amended	SF 2238.86	J
534.602	Subsections 1 and 2 amended	SF 2238.87	J
534.701	Section amended	SF 2238.88	J
534.702*	Subsections 2, 3, 4, 5, 6, 7 and 8 amended	SF 2238.89	J
534.702*	NEW subsection 10	SF 2289.1	J
534.703	Section amended	SF 2238.90	J
534.704	NEW unnumbered paragraph	SF 2289.2	J
534.705	Subsection 1, unnumbered paragraph 1 amended	SF 2238.91	J
534.705	Subsection 3 amended	SF 2238.92	J
535.16*	Unnumbered paragraph 1 amended	HF 2318.1	J
535A.5	Subsections 1 and 2 amended	SF 2171.96	J
535A.12	Section repealed	HF 2407.6	J
535B.1	NEW section	HF 613.1	J
535B.2	NEW section	HF 613.2	J
535B.3	NEW section	HF 613.3	J
535B.4	NEW section	HF 613.4	J
535B.5	NEW section	HF 613.5	J
535B.6	NEW section	HF 613.6	J
535B.7	NEW section	HF 613.7	J
535B.8	NEW section	HF 613.8	J
535B.9	NEW section	HF 613.9	J
535B.10	NEW section	HF 613.10	J
535B.11	NEW section	HF 613.11	J
535B.12	NEW section	HF 613.12	J
535B.13	NEW section	HF 613.13	J
535B.14	NEW section	HF 613.14	J
535B.15	NEW section	HF 613.15	J
537.3603*	Subsection 5 amended	SF 2171.97	J
537.8101	NEW section	HF 2127.1	J
537A.4	Unnumbered paragraph 2 amended	HF 2317.1	J
542A.2	NEW unnumbered paragraph	SF 2135.1	E
542A.7	NEW unnumbered paragraph	SF 2135.2	E
543.6*	Subsection 4, par b, and subsection 5, par b amended	SF 2171.98	J
543A.3*	Subsection 2 amended	SF 2135.3	07-01-87R
543A.5*	Subsection 2 amended	SF 2135.4	E
544.7	Subsection 4, paragraph c amended	SF 2238.93	J
546.10	NEW subsection 4	HF 2444.41	J
549.1	NEW section	SF 2318.2	V
549.2	NEW section	SF 2318.3	V
549.3	NEW section	SF 2318.4	V
549.4	NEW section	SF 2318.5	V
549.5	NEW section	SF 2318.6	V
549.6	NEW section	SF 2318.7	V
549.7	NEW section	SF 2318.8	V



549.8	NEW section	SF 2318.9	V
552.1	NEW section	SF 464.1	J
552.2	NEW section	SF 464.2	J
552.3	NEW section	SF 464.3	J
552.4	NEW section	SF 464.4	J
552.5	NEW section	SF 464.5	J
552.6	NEW section	SF 464.6	J
552.7	NEW section	SF 464.7	J
552.8	NEW section	SF 464.8	J
552.9	NEW section	SF 464.9	J
552.10	NEW section	SF 464.10	J
552.11	NEW section	SF 464.11	J
552.12	NEW section	SF 464.12	J
552.13	NEW section	SF 464.13	J
552.14	NEW section	SF 464.14	J
552.15	NEW section	SF 464.15	J
552.16	NEW section	SF 464.16	J
552.17	NEW section	SF 464.17	J
552.18	NEW section	SF 464.18	J
552.19	NEW section	SF 464.19	J
552.20	NEW section	SF 464.20	J
552.21	NEW section	SF 464.21	J
552.22	NEW section	SF 464.22	J
554.3106	Subsection 1, NEW paragraph f	HF 2315.1	J
554.4104	Subsection 1, paragraph c amended	HF 2319.1	J
554.9403	Subsection 5 amended	SF 2311.36	J
554.9405	Subsections 1 and 2 amended	SF 2311.37	J
554.9406	Section amended	SF 2311.38	J
554.9407	Subsections 2 and 3 amended	SF 2311.39	J
556.18	Subsection 3 amended	HF 683.4	J
557B.6*	Unnumbered paragraph 1 amended	SF 2171.99	J
557B.6*	Unnumbered paragraph 2 amended	SF 2171.100	J
558.69*	Unnumbered paragraph 1 amended	SF 2250.16	J
558.69*	NEW unnumbered paragraph	SF 2250.17	J
562B.13	Subsection 3, NEW paragraph c	SF 2259.15	J
562B.15	Section amended	SF 2238.94	J
562B.27	Section stricken and rewritten	SF 2259.16	J
562C.1	NEW section	SF 2259.1	J
562C.2	NEW section	SF 2259.2	J
562C.3	NEW section	SF 2259.3	J
562C.4	NEW section	SF 2259.4	J
562C.5	NEW section	SF 2259.5	J
562C.6	NEW section	SF 2259.6	J
562C.7	NEW section	SF 2259.7	J
562C.8	NEW section	SF 2259.8	J
562C.9	NEW section	SF 2259.9	J
562C.10	NEW section	SF 2259.10	J
570A.4	Subsection 4 amended	SF 2311.40	J
573.2	NEW unnumbered paragraph	SF 2271.1	J
595.5	Section amended	HF 2117.1	J
598.21	Subsection 8, paragraph k, NEW unnumbered paragraph	HF 666.2	J
598.22	Unnumbered paragraph 1 amended	HF 2452.6	J
598.22	Unnumbered paragraph 3 amended	HF 2452.7	J
598.22	Unnumbered paragraph 5 amended	HF 2452.8	J
598.23	Subsection 2, paragraph a amended	HF 2452.9	J

598.37	NEW section	HF 2117.2	J
600.8*	Subsection 1, paragraph a, subparagraph (3) amended	SF 2171.101	J
601A.2	Subsection 11 amended	HF 2344.1	J
601A.6*	Subsection 1, NEW paragraph d	HF 2344.2	J
601A.15	Subsection 3, paragraphs a, b and c amended	HF 2430.27	J
601A.15	Subsection 5 amended	HF 2430.28	J
601A.16	Subsection 2 amended	HF 2430.29	J
601D.11	NEW section	SF 456.1	J
601E.1	NEW subsection 7	SF 2017.2	J
601E.6*	Subsection 1, unnumbered paragraph 1 amended	SF 2017.3	J
601E.6*	Subsection 1, unnumbered paragraph 4 amended	SF 2017.4	J
601E.6*	Subsection 2, unnumbered paragraph 1 amended	SF 2017.5	J
601E.6*	Subsection 3, paragraph a amended	SF 2017.6	J -01-89
601E.6*	Subsection 3, paragraph b amended	SF 2017.7	J
601E.6*	Subsection 3, NEW paragraph e	SF 2017.8	J
601E.9	Section amended	SF 2017.9	J
601E.10	NEW subsection 3	SF 2017.10	J
601G.9	Subsection 3 amended	HF 2406.1	J
601K.1*	Section amended	SF 2310.27	J
601K.2	Unnumbered paragraph 2 amended	SF 2238.95	J
601K.3	Subsection 1 amended	SF 2310.28	J
601K.6	NEW section	HF 2255.1	J
601K.36	Section amended	SF 2238.96	J
601K.52	Section stricken and rewritten	SF 2170.2	J
601K.53	Section amended	SF 2170.3	J
601K.54	Section amended	SF 2170.4	J
601K.101	NEW section	HF 683.5	J
601K.102	NEW section	HF 683.6	J
601K.117	NEW section	SF 2310.13	E
601K.121	Section amended	SF 2310.29	J
601K.123	NEW subsection 12	SF 2086.4	J
601K.131	NEW section	SF 2316.1	J
601K.131	NEW section	SF 2310.14	J
601K.132	NEW section	SF 2316.2	J
601K.132	NEW section	SF 2310.15	J
601K.133	NEW section	SF 2316.3	J
601K.133	NEW section	SF 2310.16	J
601K.134	NEW section	SF 2310.17	J
601K.134	NEW section	SF 2316.4	J
601K.135	NEW section	SF 2316.5	J
601K.135	NEW section	SF 2310.18	J
601K.136	NEW section	SF 2316.6	J
601K.136	NEW section	SF 2310.19	J
601K.137	NEW section	SF 2316.7	J
601K.138	NEW section	SF 2316.8	J
601K.139	NEW section	SF 2316.9	J
602.1301	Subsection 2, paragraph a amended	HF 2443.10	J
602.1302*	Subsection 2 stricken	SF 2304.14	01-01-89
602.6405*	Subsection 1 stricken and rewritten	SF 2063.1	E
602.7103	Subsection 3 amended	SF 2306.1	J
602.8102*	Subsection 4 amended	SF 2238.97	J
602.8102*	Subsection 11 stricken	SF 2171.102	J
602.8102*	Subsection 23 amended	SF 2171.103	J
602.8102*	Subsection 45, unnumbered paragraph 1 amended	SF 2171.104	J
602.8103	Subsection 4, paragraph a amended	SF 2258.1	J

602.8103	Subsection 4, NEW paragraphs g, h and i	SF 2258.2	J
602.8105*	Subsection 1, paragraph a amended	HF 2428.1	J
602.9206	Unnumbered paragraph 2 amended	HF 2430.30	J
610.2	Section amended	SF 2171.105	J
610.3	Section amended	SF 2171.106	J
613A.4	NEW subsection 11	HF 2400.9	E
613A.4	NEW unnumbered paragraph	HF 2400.10	E
622.10	Unnumbered paragraph 2 amended	SF 2171.107	J
622.10	Unnumbered paragraph 2 amended	SF 2278.10	07-01-89
622B.1	Subsection 2 amended	SF 2171.108	J
622B.4	Section amended	SF 2171.109	J
625.29	Subsection 1, paragraph g amended	SF 2171.110	J
626.50	Section amended	SF 2331.3	J
626.50	NEW unnumbered paragraph	HF 2384.1	J
627.6	Subsection 1 amended	HF 649.3	E
627.6	Subsection 3 amended	HF 649.4	E
627.6	Subsection 5 amended	HF 649.5	E
627.6	NEW subsection 14	HF 649.6	E
627.6	Subsection 6 stricken and rewritten	HF 649.7	E
631.6	Subsection 1 amended	HF 2428.2	J
633.31	Subsection 2, paragraphs d, e and f amended	HF 2428.3	J
633.236	Section amended	HF 2123.1	J
633.237	Unnumbered paragraph 1 amended	HF 2123.2	J
633.240	Section amended	HF 2123.3	J
633.244	Section amended	HF 2123.4	J
633.247	Section amended	HF 2123.5	J
633.267	Section amended	HF 2123.6	J
633.535*	Subsection 2 amended	SF 2171.111	J
633.545	Section amended	SF 2171.112	J
633.647	NEW subsection 7	HF 2123.7	J
633.704	Subsection 4 amended	HF 2166.1	J
642.14	Unnumbered paragraph 1 amended	SF 2281.1	J
648.19	Section amended	SF 2259.17	J
655.4	Section amended	SF 2142.1	J
674.13	Section amended	SF 2238.98	J
682.11	Section amended	SF 2064.1	J
691.2	Section amended	SF 2256.1	J
692.2*	Subsection 1, paragraph c amended	HF 2456.19	J
692.2*	Subsection 1, paragraph c amended	SF 2075.3	J
692.3*	Subsection 2 amended	HF 2456.20	J
692.19	Subsection 6 amended	SF 2171.113	J
702.7	Section amended	HF 498.1	J
709.12	NEW unnumbered paragraph	SF 2075.4	J
709.13	NEW section	SF 2075.5	J
714.16*	Subsection 1, new paragraphs h, i, j, k, l, m, n and o	SF 2267.1	J
714.16*	Subsection 2, new paragraphs h, i and j	SF 2267.2	V
714.23	Unnumbered paragraph 1 stricken and rewritten	HF 2444.45	J IV
714.24	NEW section	HF 2444.46	J IV
714.25	NEW section	HF 2444.47	J
715A.7*	Section amended	SF 2171.114	J
716.7	NEW subsection 4	HF 2258.1	J
716B.1	NEW section	SF 2246.3	J
716B.2	NEW section	SF 2246.4	J
716B.3	NEW section	SF 2246.5	J
716B.4	NEW section	SF 2246.6	J

716B.5	NEW section	SF 2246.7	J
722.11	NEW section	HF 2432.13	J
723.4	Subsection 2 amended	SF 2091.1	J
724.1	NEW subsection 5	HF 498.2	J
724.1	Subsection 5 amended	HF 498.3	J
724.4*	Section amended	HF 498.4	J
725.15	Section amended	HF 2317.2	J
729.5	NEW section	HF 185.1	J
730.4	Section stricken and rewritten	HF 102.1	J
803.1	NEW subsection 4	HF 2278.4	J
803.5	NEW section	HF 2278.5	J
804.31	Unnumbered paragraph 1 amended	SF 2171.115	J
805.1*	Subsection 8 stricken	HF 2278.6	J
805.1*	Subsection 8 amended	SF 2238.99	J
805.8*	Subsection 2, paragraph s amended	SF 2017.11	J
805.16	NEW section	HF 2278.7	J
811.2	Subsection 1, paragraph c amended	SF 2020.1	J
902.11	NEW section	HF 2369.2	J
903.1*	Subsection 1, unnumbered paragraph 1 amended	HF 2278.8	J
903.1*	Subsection 3, unnumbered paragraph 1 amended	HF 2278.9	J
903.1*	Subsection 3 amended	SF 2238.100	J
903A.1	Section amended	HF 2430.31	J
903A.3	Subsections 1 and 2 amended	HF 2430.32	J
904A.4	Section amended	HF 2369.3	J
905.6	Subsection 4 amended	HF 2371.3	E
905.8	NEW unnumbered paragraph	SF 173.1	J
905.11	Section repealed	HF 2264.1	J
905.12	Section stricken and rewritten	SF 173.2	J
906.5*	Section amended	HF 2369.4	J
906.16	Unnumbered paragraph 1 amended	HF 2369.5	J
907.1	Section stricken and rewritten	HF 2412.2	J
907.3	Subsection 1, unnumbered paragraph 1 amended	HF 2412.3	J
907.3	NEW subsection 2	HF 2412.4	J
907.4	Section amended	HF 2412.5	J
907.9	Section amended	HF 2412.6	J
907.13	Subsection 2 amended	HF 2412.7	J
908.1	Section amended	HF 2369.6	J
908.2	Unnumbered paragraph 1 amended	HF 2369.7	J
908.3	Section amended	HF 2369.8	J
908.4	Section stricken and rewritten	HF 2369.9	J
908.5	Section stricken and rewritten	HF 2369.10	J
908.6	Section stricken and rewritten	HF 2369.11	J
908.7	Section stricken and rewritten	HF 2369.12	J
908.8	Section repealed	HF 2369.15	J
908.9	Section amended	HF 2369.13	J
908.10	Section amended	HF 2369.14	J
912.3	NEW subsection 6	HF 2262.2	J

#### 1988 IOWA ACTS

(Bill numbers refer to the bills of the 1988 Session)

HF 209	Bill Repealed	HF 2452.17	E
SF 2070.7	Stricken and rewritten	SF 2314.50	J
SF 2196.8	Section repealed	SF 2314.51	J

SF 2314.7	Subsection 6, paragraph b amended	SF 2322.11	06-30-88	I
SF 2314.61	Section amended	SF 2322.12	06-30-88	
SF 2312.54	Subsection 9, paragraph d amended	SF 2328.14	J	

1987 IOWA ACTS

(Section numbers refer to the chapters of the 1987 Session Laws)  
 (++) Chapters of the 1987 Second Extraordinary Session)

1.13++	Section amended	SF 2074.45	01-01-87R	
1.13++	Section repealed	SF 2074.47	01-01-88	
1.14++	Section repealed	SF 2074.47	01-01-88	
1.16++	Section amended	SF 2074.46	01-01-87R	
81.1	Section repealed	SF 2061.2	E	
222.10	Section repealed	SF 2060.5	J	
225.602	Section repealed	HF 2441.31	E	
230.1	Subsection 2, paragraph d, subparagraph (1) stricken	HF 2469.4	J	
230.1	Subsection 3, paragraph c stricken	HF 2469.5	J	
230.8	Section amended	HF 2469.6	J	
232.1	Unnumbered paragraph 2 amended	SF 2314.42	E	
232.6	Subsection 2, NEW unnumbered paragraph	SF 2314.43	06-30-88	
232.10	NEW subsection 6	SF 2314.44	E	
232.11	NEW unnumbered paragraph	SF 2314.45	06-30-88	
232.15	Subsection 3 amended	SF 2314.46	J	
232.30	Section amended	SF 2314.47	E	
232.120	NEW subsection 7	SF 2314.49	E	
233.120	Subsections 2-4 amended	SF 2314.48	E	
233.301	Subsection 9 amended	SF 2309.2	J	
233.305	Section amended	SF 2309.15	J	IV
234.202	Subsection 1 amended	SF 2082.1	E	IV
234.203	Subsection 1, NEW paragraph "j"	SF 2082.2	E	IV
234.203	Subsection 2, NEW unnumbered paragraph	SF 2082.3	E	IV
234.203	Subsection 11, NEW paragraph "i"	SF 2082.5	E	IV
234.205	NEW subsection 8	SF 2082.7	E	IV
234.213	NEW subsections 11,12,13,14,15	SF 2082.10	E	IV
234.304	Subsection 2, unnumbered paragraph 1 amended	HF 2443.11	E	

1986 IOWA ACTS

(Section numbers refer to the chapters of the 1986 Session Laws)

1150.2	Section amended	HF 2466.1	J	
1150.3	Section amended	HF 2466.1	J	
1216.11	Section repealed	SF 2061.1	E	
1216.12	Section repealed	SF 2061.1	E	
1245.763	Section repealed	HF 2444.48	J	
1245.1526	Section amended	SF 2238.101	J	
1246.755	Reenacted	HF 2444.19	J	

1984 IOWA ACTS

(Section numbers refer to the chapters of the 1984 Session Laws)

1279.44	Section amended	HF 2170.20	J	
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1279.44 Section repealed HF 2444.42 J

1983 IOWA ACTS

(Section numbers refer to the chapters of the 1983 Session Laws)

198.31 Section amended SF 2314.41 J

198.32 Unnumbered paragraph 1 amended SF 2269.6 E

1970 IOWA ACTS

(Section number refers to a chapter of the 1970 Session Laws)

1004.2 Section repealed SF 2273.1 J

IOWA ADMINISTRATIVE CODE

(Section number refers to the Iowa Administrative Code)

441-175.15 Nullified SJR2006.1

ENROLLED BILL SUMMARY LISTING - 1988 SESSION - SENATE FILES

Number	Primary Subject Area	Secondary Subject Area
SF 38	Agriculture	Environmental Protection
SF 69	Local Government	State Government
SF 149	Business, Financial Inst. & Ins.	Health & Safety
SF 156	State Government	Health & Safety
SF 173	Criminal Justice	
SF 201	State Government	Courts & Judicial Proceedings
SF 299	Health & Safety	
SF 302	Human Services	Health & Safety
SF 323	Education	
SF 348	Health & Safety	State Government
SF 356	Health & Safety	Criminal Justice
SF 370	State Government	
SF 387	Local Government	
SF 394	Agriculture	Business, Financial Inst. & Ins.
SF 443	Environmental Protection	
SF 450	Transportation	Labor & Employment
SF 452	Taxation	Local Government
SF 455	Health & Safety	
SF 456	Business, Financial Inst. & Ins.	Human Services
SF 464	Business, Financial Inst. & Ins.	
SF 484	Courts & Judicial Proceedings	Business, Financial Inst. & Ins.
SF 2011	Agriculture	Criminal Justice
SF 2017	Transportation	Criminal Justice
SF 2018	Human Services	
SF 2020	Courts & Judicial Proceedings	Criminal Justice
SF 2031	State Government	Criminal Justice
SF 2036	Education	
SF 2037	Education	
SF 2039	Transportation	
SF 2050	Agriculture	Appropriations
SF 2051	Agriculture	
SF 2055	Agriculture	Environmental Protection
SF 2058	Taxation	Agriculture
SF 2060	Labor & Employment	Business, Financial Inst. & Ins.
SF 2061	Agriculture	Business, Financial Inst. & Ins.
SF 2062	Local Government	Courts & Judicial Proceedings
SF 2063	Courts & Judicial Proceedings	Criminal Justice
SF 2064	Courts & Judicial Proceedings	Criminal Justice
SF 2069	Education	
SF 2070	Transportation	Agriculture
SF 2074	Taxation	
SF 2075	Human Services	
SF 2086	State Government	Agriculture
SF 2088	State Government	
SF 2089	State Government	
SF 2090	Local Government	
SF 2091	Criminal Justice	
SF 2092	Economic Development	Local Government
SF 2094	Education	
SF 2106	Environmental Protection	Agriculture
SF 2107	Human Services	Business, Financial Inst. & Ins.
SF 2117	Transportation	Business, Financial Inst. & Ins.
SF 2126	Natural Resources & Outdoor Rec.	
SF 2129	Local Government	

SF 2135	Agriculture	Business, Financial Inst. & Ins.
SF 2142	Courts & Judicial Proceedings	
SF 2157	Health & Safety	Human Services
SF 2159	Health & Safety	
SF 2164	Economic Development	State Government
SF 2167	Natural Resources & Outdoor Rec.	
SF 2168	State Government	
SF 2169	Health & Safety	State Government
SF 2170	State Government	
SF 2171	State Government	
SF 2172	State Government	
SF 2174	Health & Safety	Labor & Employment
SF 2180	Human Services	
SF 2182	Local Government	
SF 2183	Local Government	
SF 2188	Taxation	
SF 2190	Education	
SF 2192	Education	Human Services
SF 2193	Education	
SF 2196	Taxation	
SF 2201	Business, Financial Inst. & Ins.	
SF 2202	State Government	
SF 2203	State Government	Health & Safety
SF 2205	Energy & Public Utilities	
SF 2216	Health & Safety	Criminal Justice
SF 2225	Human Services	
SF 2230	Local Government	
SF 2232	State Government	Local Government
SF 2233	State Government	
SF 2234	Education	
SF 2236	Education	
SF 2238	State Government	
SF 2245	Health & Safety	
SF 2246	Criminal Justice	Environmental Protection
SF 2247	Environmental Protection	
SF 2248	Business, Financial Inst. & Ins.	Human Services
SF 2250	Environmental Protection	
SF 2253	Education	
SF 2256	Courts & Judicial Proceedings	Criminal Justice
SF 2257	Courts & Judicial Proceedings	
SF 2258	Courts & Judicial Proceedings	
SF 2259	Courts & Judicial Proceedings	
SF 2262	Agriculture	Business, Financial Inst. & Ins.
SF 2263	Business, Financial Inst. & Ins.	State Government
SF 2267	Health & Safety	Business, Financial Inst. & Ins.
SF 2269	Local Government	
SF 2270	Local Government	Taxation
SF 2271	State Government	Business, Financial Inst. & Ins.
SF 2273	Transportation	
SF 2274	State Government	Health & Safety
SF 2278	Education	
SF 2280	Business, Financial Inst. & Ins.	
SF 2281	Courts & Judicial Proceedings	
SF 2284	Health & Safety	
SF 2285	Transportation	Criminal Justice
SF 2289	Business, Financial Inst. & Ins.	
SF 2291	State Government	
SF 2295	Education	Human Services



SF 2296	Education	Human Services
SF 2301	Education	Taxation
SF 2302	Business, Financial Inst. & Ins.	Agriculture
SF 2303	Economic Development	State Government
SF 2304	Criminal Justice	Courts & Judicial Proceedings
SF 2306	Courts & Judicial Proceedings	
SF 2307	Criminal Justice	Courts & Judicial Proceedings
SF 2309	Appropriations	
SF 2310	Appropriations	
SF 2311	Appropriations	
SF 2312	Appropriations	
SF 2313	Environmental Protection	
SF 2314	Appropriations	
SF 2315	Appropriations	
SF 2316	State Government	Human Services
SF 2318	Business, Financial Inst. & Ins.	Labor & Employment
SF 2321	State Government	
SF 2322	Appropriations	
SF 2323	Appropriations	
SF 2327	Taxation	
SF 2328	Appropriations	Economic Development
SF 2330	Human Services	Local Government
SF 2331	Courts & Judicial Proceedings	
SF 2333	Local Government	State Government
SF 2335	Taxation	Agriculture
SF 2338	Taxation	Business, Financial Inst. & Ins.
SF 2344	Appropriations	Economic Development
SJR 1	State Government	
SJR 2006	Human Services	Courts & Judicial Proceedings

ENROLLED BILL SUMMARY LISTING - 1988 SESSION - HOUSE FILES

Number	Major Subject Area	Secondary Subject Area
HF 102	Labor & Employment	Business, Financial Inst. & Ins.
HF 105	Local Government	Taxation
HF 164	State Government	
HF 185	Criminal Justice	
HF 209	Courts & Judicial Proceedings	Criminal Justice
HF 278	Local Government	
HF 327	Taxation	
HF 382	Local Government	Business, Financial Inst. & Ins.
HF 393	Business, Financial Inst. & Ins.	State Government
HF 395	Natural Resources & Outdoor Rec.	
HF 429	Transportation	Education
HF 431	Health & Safety	State Government
HF 433	Business, Financial Inst. & Ins.	
HF 470	Education	
HF 498	Criminal Justice	
HF 529	State Government	Local Government
HF 578	Transportation	
HF 613	Business, Financial Inst. & Ins.	
HF 649	Courts & Judicial Proceedings	Business, Financial Inst. & Ins.
HF 650	Education	Criminal Justice
HF 653	Business, Financial Inst. & Ins.	Transportation
HF 665	Taxation	Local Government
HF 666	Courts & Judicial Proceedings	Taxation
HF 678	Local Government	Taxation
HF 683	Energy & Public Utilities	Human Services
HF 689	Taxation	
HF 2011	Natural Resources & Outdoor Rec.	Business, Financial Inst. & Ins.
HF 2016	Natural Resources & Outdoor Rec.	Local Government
HF 2046	Education	State Government
HF 2061	Local Government	Taxation
HF 2063	Local Government	Health & Safety
HF 2082	Appropriations	
HF 2088	Criminal Justice	
HF 2102	Natural Resources & Outdoor Rec.	
HF 2106	Health & Safety	Business, Financial Inst. & Ins.
HF 2113	Health & Safety	
HF 2117	Courts & Judicial Proceedings	
HF 2123	Courts & Judicial Proceedings	
HF 2127	Business, Financial Inst. & Ins.	Criminal Justice
HF 2128	Health & Safety	Business, Financial Inst. & Ins.
HF 2129	Transportation	
HF 2153	Energy & Public Utilities	
HF 2155	Education	Taxation
HF 2156	Transportation	
HF 2166	Courts & Judicial Proceedings	
HF 2168	Local Government	
HF 2170	Human Services	
HF 2179	Local Government	
HF 2191	Natural Resources & Outdoor Rec.	State Government
HF 2192	Natural Resources & Outdoor Rec.	
HF 2193	Transportation	
HF 2226	Education	
HF 2228	Local Government	

HF 2233	Criminal Justice	State Government
HF 2237	State Government	
HF 2247	Labor & Employment	Courts & Judicial Proceedings
HF 2255	State Government	Human Services
HF 2258	Natural Resources & Outdoor Rec.	
HF 2259	Transportation	Business, Financial Inst. & Ins.
HF 2260	Labor & Employment	
HF 2262	Human Services	Criminal Justice
HF 2263	Criminal Justice	State Government
HF 2264	Criminal Justice	State Government
HF 2265	Criminal Justice	State Government
HF 2269	Transportation	
HF 2277	Education	
HF 2278	Criminal Justice	Human Services
HF 2283	Agriculture	Business, Financial Inst. & Ins.
HF 2287	Taxation	
HF 2294	Health & Safety	Business, Financial Inst. & Ins.
HF 2296	Business, Financial Inst. & Ins.	Economic Development
HF 2303	Business, Financial Inst. & Ins.	State Government
HF 2306	Natural Resources & Outdoor Rec.	Energy & Public Utilities
HF 2307	Business, Financial Inst. & Ins.	
HF 2313	Health & Safety	Human Services
HF 2315	Business, Financial Inst. & Ins.	
HF 2316	Energy & Public Utilities	Environmental Protection
HF 2317	Economic Development	State Government
HF 2318	Agriculture	Business, Financial Inst. & Ins.
HF 2319	Business, Financial Inst. & Ins.	
HF 2320	Business, Financial Inst. & Ins.	State Government
HF 2322	Health & Safety	
HF 2323	Business, Financial Inst. & Ins.	State Government
HF 2327	Local Government	
HF 2336	State Government	Criminal Justice
HF 2337	State Government	
HF 2338	Environmental Protection	Energy & Public Utilities
HF 2339	State Government	Labor & Employment
HF 2344	Labor & Employment	Health & Safety
HF 2346	Economic Development	State Government
HF 2347	Local Government	
HF 2348	Local Government	
HF 2352	Transportation	Human Services
HF 2354	Environmental Protection	Health & Safety
HF 2355	Agriculture	Business, Financial Inst. & Ins.
HF 2363	Agriculture	State Government
HF 2367	Human Services	
HF 2369	Criminal Justice	State Government
HF 2371	Local Government	Courts & Judicial Proceedings
HF 2374	State Government	
HF 2377	Education	Business, Financial Inst. & Ins.
HF 2381	Agriculture	Environmental Protection
HF 2383	Transportation	
HF 2384	Courts & Judicial Proceedings	
HF 2386	Economic Development	Transportation
HF 2387	Energy & Public Utilities	Transportation
HF 2388	Local Government	State Government
HF 2395	Energy & Public Utilities	Business, Financial Inst. & Ins.
HF 2396	Economic Development	State Government
HF 2400	Local Government	Business, Financial Inst. & Ins.
HF 2405	State Government	Local Government

HF	2406	State Government	
HF	2407	Business, Financial Inst. & Ins	Courts & Judicial Proceedings
HF	2412	Criminal Justice	Transportation
HF	2415	State Government	Education
HF	2416	Education	State Government
HF	2419	Education	Taxation
HF	2423	Local Government	
HF	2427	Agriculture	State Government
HF	2428	Courts & Judicial Proceedings	
HF	2430	State Government	
HF	2432	State Government	Education
HF	2433	Education	Agriculture
HF	2437	Energy & Public Utilities	State Government
HF	2440	Appropriations	
HF	2441	Business, Financial Inst. & Ins.	Environmental Protection
HF	2443	Appropriations	
HF	2444	Appropriations	
HF	2447	Appropriations	
HF	2449	Education	Local Government
HF	2451	Taxation	Business, Financial Inst. & Ins.
HF	2452	Human Services	Courts & Judicial Proceedings
HF	2453	Environmental Protection	Taxation
HF	2456	Human Services	
HF	2457	Local Government	State Government
HF	2458	Taxation	Business, Financial Inst. & Ins.
HF	2459	Taxation	Business, Financial Inst. & Ins.
HF	2460	Taxation	Transportation
HF	2461	Taxation	
HF	2462	Local Government	Criminal Justice
HF	2463	Taxation	Local Government
HF	2464	State Government	
HF	2465	Taxation	Transportation
HF	2466	Labor & Employment	Health & Safety
HF	2469	Appropriations	Energy & Public Utilities
HF	2470	Local Government	Energy & Public Utilities
HF	2471	Agriculture	
HF	2473	Taxation	Appropriations
HF	2474	Taxation	Business, Financial Inst. & Ins.
HF	2476	Taxation	Local Government
HF	2477	Taxation	

CHAPTER NUMBERS OF 1988 IOWA ACTS

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69	1187	2089	1015	2245	1120
149	1127	2090	1057	2246	1080
156	1068	2091	1093	2247	1156
173	1160	2092	1217	2248	1170
201	1128	2094	1018	2250	1169
299	1199	2106	1118	2253	1129
302	1219	2107	1223	2256	1029
323	1113	2117	1214	2257	1094
348	1011	2126	1196	2258	1030
356	1220	2129	1039	2259	1188
370	1117	2135	1148	2262	1195
387	1004	2142	1040	2263	1137
894	1186	2157	1224	2267	1016
443	1200	2159	1037	2269	1069
450	1079	2164	1081	2270	1031
452	1240	2167	1041	2271	1032
455	1002	2168	1027	2273	1072
456	1067	2169	1225	2274	1124
464	1221	2170	1150	2278	1262
2011	1036	2171	1134	2280	1077
2017	1222	2172	1071	2281	1076
2018	1122	2174	1042	2284	1226
2020	1033	2180	1073	2285	1089
2031	1001	2182	1070	2289	1149
2036	1012	2183	1035	2291	1123
2037	1003	2188	1139	2295	1114
2039	1215	2190	1078	2296	1155
2050	1270	2192	1130	2301	1132
2051	1198	2193	1266	2302	1075
2055	1197	2196	1019	2303	1131
2058	1157	2201	1088	2304	1161
2060	1014	2202	1056	2306	1095
2061	1017	2203	1125	2307	1126
2062	1066	2205	1074	2309	1273
2063	1092	2216	1055	2310	1277
2064	1034	2225	1253	2311	1275
2069	1013	2230	1264	2312	1284
2070	1083	2232	1119	2313	1115
2074	1028	2233	1171	2314	1278
2075	1252	2234	1087	2315	1279
2086	1185	2236	1038	2316	1201

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2321.....	1267	2328.....	1268	2338.....	1159
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2323.....	1280	2331.....	1133		

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105	1228	2168	1046	2344	1236
164	1006	2170	1233	2346	1210
185	1163	2179	1058	2347	1104
209	1065	2191	1192	2348	1246
278	1229	2192	1183	2352	1209
327	1005	2193	1007	2354	1237
382	1176	2226	1096	2355	1026
393	1241	2228	1085	2363	1051
395	1216	2233	1165	2367	1238
429	1203	2237	1010	2369	1091
431	1110	2247	1054	2371	1084
433	1020	2255	1106	2374	1121
470	1061	2258	1212	2377	1261
498	1164	2259	1047	2381	1189
529	1230	2260	1107	2383	1208
578	1204	2262	1166	2384	1062
613	1146	2263	1048	2386	1257
649	1255	2264	1021	2387	1173
650	1259	2265	1049	2388	1052
653	1147	2269	1211	2395	1172
665	1213	2278	1167	2396	1207
666	1141	2283	1191	2400	1177
678	1194	2287	1050	2405	1242
683	1175	2294	1234	2406	1247
2011	1008	2296	1135	2407	1145
2016	1193	2303	1111	2412	1168
2046	1260	2306	1022	2415	1086
2061	1043	2307	1112	2416	1098
2063	1060	2313	1097	2419	1263
2082	1269	2315	1101	2423	1108
2088	1105	2316	1174	2427	1053
2102	1184	2317	1136	2428	1258
2106	1231	2318	1023	2430	1109
2113	1232	2319	1102	2432	1248
2117	1142	2320	1103	2433	1264
2123	1064	2322	1024	2437	1179
2127	1059	2323	1090	2440	1272
2128	1009	2327	1144	2441	1244
2129	1044	2336	1256	2443	1271
2153	1100	2337	1025	2444	1274
2156	1063	2338	1190	2447	1276

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File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
2449	1265	2459	1154	2466	1239
2451	1099	2460	1206	2469	1281
2452	1218	2461	1140	2470	1178
2453	1182	2462	1181	2471	1152
2456	1249	2463	1153	2473	1151
2457	1250	2464	1180	2476	1251
2458	1143	2465	1205	2477	1243



## STUDIES REQUIRED BY STATUTE OF NONLEGISLATIVE AGENCIES

### S.F. 2055 - Pesticide Applicator Certification

Section 4 requires the Department of Natural Resources, in conjunction with the Iowa Department of Public Health, to conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste. The departments shall submit to the Legislative Council, the General Assembly, and the Governor a report, including recommendations for appropriate legislation, on or before January 15, 1989.

### S.F. 2086 - Procurement of Starch-Based Products and Soybean-Based Inks

Section 1 amends section 18.18, subsection 1, paragraph "c" of the Code to require the Department of General Services, the Board of Regents, and the Commission for the Blind to report to the General Assembly on January 1 of each year, the plastic products which are regularly purchased for which starch-based product alternatives are available. The report shall also include the cost of the plastic products and the cost of the starch-based product alternatives.

### S.F. 2193 - Teacher Education Programs

Section 5 requires the Department of Education to submit recommendations in two areas:

1. The Department of Education is directed to develop recommendations concerning incentives that might be used to encourage experienced teachers in elementary and secondary schools to serve as cooperating teachers for student teachers enrolled in approved teacher education programs.

2. The Department of Education is directed to develop recommendations for the establishment of programs that provide for interaction between faculty members in colleges and departments of education at approved teacher education institutions and teachers and students at the elementary and secondary schools.

The recommendations shall be submitted to the General Assembly not later than February 1, 1989.

### S.F. 2196 - Gas Tax, Highways, Transportation Funding

Section 9 requires the Department of Transportation, in consultation with the Utilities Board, to develop an accommodation plan for the longitudinal utility use of freeway rights-of-way. The plan shall be consistent with the rules of the Federal Highway Administration of the United States Department of Transportation and shall be submitted to the Federal Highway Administration for its approval by January 1, 1989.

### S.F. 2234 - School Starting Date and Calendar

Section 3 requires the Department of Education to organize a committee to study the issues involved in regional, standardized school calendars. The committee shall include members from various organizations specified in the legislation. The committee shall report to the Department, and the Department shall make recommendations to the General Assembly by January 1, 1990.

### S.F. 2248 - Legal Liability of Certain Officers, Employees, and Volunteers

Section 15 requires the Department of Human Services to report to the General Assembly by January 15, 1989, on the level of demand for guardianship and conservatorship services, whether the resources are available to meet the demand, and the resources that are needed to handle unmet demand in the areas of recruitment, training, and monitoring of guardians and conservators.

### S.F. 2262 - Organically Produced Food

Section 3, subsection 2, requires the Department of Agriculture and Land Stewardship to conduct a one-year study beginning on July 1, 1988, in cooperation with producers, processors, and vendors in the organic food industry, to adopt rules relating to the establishment of standards for food products which are permitted to be advertised as organic, organically produced, or by using a derivative of the term organic. Part of the standards to be adopted must include a definition of the term "synthetic" as applied to the production of food advertised as organic.

### S.F. 2273 - Rest Areas

Section 2 requires the State Department of Transportation to report to the State Transportation Commission as to which rest areas it will choose to complete by January 1, 1992.

### S.F. 2307 - Physical Criminal Evidence Registry Study

Section 1 directs the Department of Public Safety to prepare a study concerning the establishment of a physical criminal evidence registry which shall examine the use of genetic profiling techniques in criminal identification. The study is to be submitted to the Governor and the General Assembly no later than January 1, 1990.

### S.F. 2309 - Appropriations and Programs for Economic Development

Section 1, subsection 2, requires the Department of Economic Development to evaluate the feasibility of providing financial and nonfinancial assistance to local and regional tourism organizations in promotion of local and regional tourism and recreational attractions and sites at the Iowa State Fair, and to

educate residents of this state and out-of-state visitors about the significant number of tourism and recreational attractions and sites within the state. The Department shall consult with regional tourism councils and local tourism organizations to evaluate the type, extent, and effectiveness of providing financial and nonfinancial assistance programs. The Department shall report the recommendations, findings, and conclusions resulting from the evaluation to the Governor's office and the General Assembly on or before February 15, 1989.

### S.F. 2310 - Appropriations and Other Matters Relating to Civil Rights, Elder Affairs, Health, and Justice

1. Section 4, subsection 1, states the intention of the General Assembly that the Department of Elder Affairs establish an Alzheimer's Disease Task Force to collect comprehensive information regarding Alzheimer's disease in Iowa, evaluate existing services, and recommend policy.

2. Section 5, subsection 11, paragraph c, requires the Iowa Department of Public Health to annually evaluate the success of the public health nursing program. The Department shall submit a report of each annual evaluation to the Governor and the General Assembly.

3. Section 5, subsection 11, paragraph (d), item (5) requires the Iowa Department of Public Health to annually evaluate the success of the Homemaker-Home Health Aide Program. The Department shall submit a report of the annual evaluation to the Governor and the General Assembly.

4. Section 18 requires a new planning system for juvenile justice. Beginning in 1989, and every five years thereafter, the Division of Juvenile and Justice Planning of the Department of Human Rights shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the Governor and the General Assembly.

### S.F. 2311 - Appropriations and Fees for State and Local Government

1. Section 15 requires the Director of Revenue and Finance to report at least quarterly to the Fiscal Committee of the Legislative Council when the General Assembly is not in session, and to the General Assembly when it is in session, regarding the personnel and support services provided, funds expended, tax obligations established, and taxes collected as a result of the funds designated for tax collections.

2. Section 15 requires the Department of Revenue and Finance to review the net fiscal impact of joining the Multistate Tax Commission, including convening a meeting with the Multistate Tax Commission, the Department, and the Fiscal Committee of the Legislative Council no later than October 1, 1988.

3. Section 28 amends section 18.75 by requiring the Superintendent of Printing of the Department of General Services to, by September 1 of each year, supply a report which contains the name, gender, county or city of

residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of state government except for personnel who receive an annual salary of less than one thousand dollars. The number of personnel and the total amount received by them are to be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision are to be listed separately under the proper departmental heading. On the request of the superintendent, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be paid for out of moneys in the general fund not otherwise appropriated. A report shall be distributed upon request without charge to each member of the General Assembly and to the State Law Library. Other persons may purchase a copy for a fee not less than the amount required to print the copy. All funds from the sale of the report shall be deposited in the general fund.

### S.F. 2312 - Appropriations and Provisions Relating to Education, Cultural, and Rehabilitation Programs

1. Section 4 mandates a blue ribbon task force on libraries to exalixne the potential for cooperation among various library and media centers through utilization of new technology. The Director of Cultural Affairs shall appoint representatives from all levels of public library service, media centers, public television, and the General Assembly. The plan shall be submitted to the General Assembly and the Governor no later than December 1, 1988.

2. Section 12 mandates that institutions of higher education which enroll recipients of Iowa tuition grants shall transmit to the College Aid Commission, information about the numbers of minority students enrolled, minority faculty members employed, and plans for recruitment and retention of minority students and faculty. The College Aid Commission shall compile and transmit these reports to the chairpersons and ranking members of the House and Senate Education Committees and of the Joint Education Appropriations Subcommittee and to the Governor by February 1, 1989.

3. Section 17 requires the College Aid Commission to review, during the fiscal year beginning July 1, 1988, the impact of the rule adopted by the Commission that extends the deadline for applications for the Iowa Tuition Grant Program and make a recommendation to the General Assembly regarding increasing the maximum amount of tuition grants to those individuals who are expected to have a substantial debt burden upon graduation. The Commission shall submit a report that outlines its conclusions to the General Assembly by December 1, 1988.

4. Section 33 requires the Department of Education to cooperate with the College Aid Commission in surveying a representative sample of individuals graduating from high school during the school year beginning after July 1, 1987. The purpose of this study is to determine why high school graduates are choosing not to pursue further education or technical training and to identify the unmet needs for postsecondary education. The College Aid Commission and the Department of Education shall compile the information received from the survey and other relevant sources and report the results to the General Assembly by November 1, 1989.

5. Section 33 requires the Department of Education to expend moneys for funding pilot projects of school corporations to encourage the advancement of women and minorities to administrative positions within that school corporation. Each school corporation receiving moneys for a pilot project under this section shall submit a written report to the Department analyzing the results of the project not later than October 1, 1989.

6. Section 33 requires the Department of Education to expend moneys to provide funds for the lift up program administered by the Fifth Judicial District Department of Correctional Services and assist the Fifth Judicial District Department of Correctional Services to develop an analysis of the effectiveness of the program. The Department of Correctional Services shall submit a report analyzing the effectiveness of the program to the chairpersons and ranking members of the Education Appropriations Subcommittee and to the Legislative Fiscal Bureau not later than February 1, 1989.

7. Section 33, subsection 2, requires the Department of Education to initiate various pilot projects relating to teacher preparation and teaching. School districts and institutions receiving moneys under this section shall submit a report with the Department upon completion of the pilot project.

8. Section 33, subsection 9, requires that the Iowa Academy of Science annually submit a report of its activities, including a report of its expenditures, income from all sources, and current asset and liability base, for each fiscal year beginning with the fiscal year commencing July 1, 1987, to the Legislative Fiscal Bureau not later than September 15 of the following fiscal year.

9. Section 41 requires the Department of Education to conduct educational impact studies which include, but are not limited to, the effect of the creation of an Associate of Arts degree program in an area school, and the effect of the creation of a separate arts and sciences division at an area school, on enrollment at other postsecondary institutions located in the merged area, student access to educational opportunity, and also the number of students within the school's service area who are in need of the expanded services. The studies shall be reported to the State Board of Education, the Postsecondary Education Citizens Task Force, and the General Assembly by February 1, 1989. The Legislative Fiscal Bureau and the Department of Management are conducting fiscal impact studies to be reported to the same groups.

10. Section 52, subsection 2, paragraph "d" requires the superintendent of the University of Iowa hospitals to file a quarterly report containing the financial information required in section 255.24, Code 1987, with the Legislative Fiscal Bureau and the Department of Management. The allocation for medically indigent patient care is withheld until the report is submitted.

11. Section 52, subsection 2, paragraph "f", mandates that the University of Iowa hospitals shall compile and transmit to the General Assembly the following information for the fiscal year beginning July 1, 1987:

a. Revenue from all income sources, by source, including but not limited to, state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, gifts, and grants from public and private sources.

b. Expenditures by program and revenue source.

c. Net revenue over spending, from hospital operations, including the method used to calculate the results.

12. Section 59 requires the office of the State Board of Regents to study the child care needs of faculty members, other staff members, and students at each institution of higher education under its control. The State Board of Regents shall present the study and a proposal to the General Assembly no later than November 30, 1988.

### S.F. 2314 - Appropriations and Related Matters for Public Defense, Public Safety, and Transportation

1. Section 20 appropriates money to the State Department of Transportation to study aviation weather collection and dissemination in Iowa. The study shall be independently administered.

2. Section 26 mandates that the State Department of Transportation submit a copy of each contract for construction or reconstruction of roads, streets, or bridges entered into by the Department in which the contract price is for five million dollars or more to the Legislative Fiscal Bureau.

3. Section 27, subsection 4, mandates that the Department present a purchase report to the Legislative Fiscal Bureau prior to the beginning of each regular annual session of the General Assembly. The report shall cover all equipment and vehicles purchased through the Highway Materials and Equipment Revolving Fund during the preceding year.

4. Section 56 requires each department of state government receiving appropriations under the Act (State Department of Transportation, Department of Public Safety, Iowa Law Enforcement Academy, Department of Public Defense), when making purchases of twenty-five thousand dollars or more for which the department does not have specific prior authority from the General Assembly, shall notify the Legislative Fiscal Bureau, Department of Management, and all members of the department's respective joint appropriations subcommittee at the time the bids are let.

5. Section 60 requires the State Department of Transportation to submit a spending plan on moneys appropriated to it under Senate File 2196 (Gas Tax Bill) prior to an expenditure of moneys appropriated under Senate File 2196 to the Legislative Fiscal Bureau and each member of the Fiscal Committee of the Legislative Council. The State Department of Transportation shall report to the Legislative Fiscal Bureau and each member of the Fiscal Committee of the Legislative Council by January 1, 1989, all expenditures made to date in regard to moneys appropriated to the Department under Senate File 2196. The State Department of Transportation shall include in future long-range programs adopted pursuant to section 307A.2, subsection 12, spending plans on moneys appropriated to it under Senate File 2196. The State Department of Transportation's budget request for the fiscal year beginning July 1, 1989, and ending June 30, 1990, shall address any full-time equivalent positions required for the implementation of Senate File 2196.

## S.F. 2322 - Appropriations and Provisions Relating to Compensation, Training, and Benefits of State Officials and Employees

Section 8 requires the Governor to report to the Legislative Fiscal Committee by September 1, 1988, the salary rates established pursuant to section 5 of Senate File 2321 (State Salaries and Benefits Appropriation).

## S.F. 2338 - Premiums Tax - Annuities Excluded

Section 2 amends section 505.8, Code 1987, by requiring the Insurance Commissioner to do all of the following:

1. By July 1, 1988, prepare a report on the level of Iowa investments by Iowa domestic and nondomestic insurance companies.

2. By September 1, 1988, prepare a plan of action outlining the alternatives and incentives for increasing instate investments by domestic and nondomestic insurance companies.

3. By July 1, 1989, prepare a report on the number of new jobs added, new companies that have moved to or established subsidiaries in the state, and the approximate amount of tax revenues resulting from the expanded deduction of premiums for all annuity contracts in computing the premiums tax under section 432.1, subsection 1.

4. On an annual basis, prepare a report identifying the premium volume of nonqualified insurance annuities issued by domestic insurance companies doing at least a volume of five million dollars per annum, and relating that to projections for increased volume of such sales.

5. The reports prepared under subsections 1, 2, and 3 shall, upon completion, be forwarded to the members of the House Standing Committee on Small Business and Commerce and the House Standing Committee on Ways and Means and to members of the Senate Standing Committee on Commerce and the Senate Standing Committee on Ways and Means.

## H.F. 683 - Energy Assistance Programs for Low-Income Persons

1. Section 5, subsection 5, requires the Division of Community Action Agencies to submit a report to the General Assembly on February 1, 1989. The report shall include the number of residences identified as eligible for weatherization in this project, the number of residences weatherized from July 1, 1988, to December 31, 1988, the average cost per dwelling weatherized, and the range of costs for individual weatherizations. In addition, the report shall include the Department's recommendation for a program to complete the weatherization of the remaining residences in this category. The report shall also include an inventory of the number of residences not weatherized for the 1987-1988 participants whose household incomes fall between seventy-five percent and one hundred percent of the poverty level.

2. Section 7 requires the Division of Community Action Agencies, in cooperation with the Department of Natural Resources, and the Utilities Board

to conduct a two-year pilot project as specified in the bill. The Advisory Board shall be chaired by the Administrator of the Division of Community Action Agencies. The Governor and the leadership of both houses shall appoint persons to the Board as specified in the bill.

#### H.F. 2400 - Emergency Telephone Communications Systems

Section 3 requires the Division of Disaster Services to prepare a statewide summary of the plans submitted by the Joint 911 Service Boards established in each county and present the summary to the General Assembly on or before June 1, 1989.

#### H.F. 2441 - Underground Storage Tanks Regulation

1. Section 13, subsection 3, paragraph "a", subparagraph (4), requires the board created by this bill to organize and submit specified information to the General Assembly not later than February 14, 1989.

2. Section 13, subsection 3, paragraph "a", subparagraph (4), requires the board and the Division of Insurance to prepare a report on the fund relating to the solvency and future operations of the fund and submit the report to the General Assembly before February 14, 1989.

3. Section 30 requires the board to perform a study of the feasibility of creating a separate fund to provide coverage to installers of petroleum underground storage tanks. The results of the study shall be submitted to the General Assembly on or before December 1, 1988.

#### H.F. 2443 - Appropriations and Duties Related to the Justice System

1. Section 4, subsection 2, requires the Department of Corrections to report to the co-chairpersons and ranking members of the Justice Appropriations Subcommittee and the Legislative Fiscal Bureau on or before January 15, 1989, concerning educational programs.

2. Section 5, subsection 1, requires the Department of Corrections to report to the Legislative Fiscal Bureau on a monthly basis regarding the current number of persons placed on probation or released on parole residing within this state and supervised pursuant to the Interstate Probation and Parole Compact.

3. Section 5, subsection 1, requires the Department of Corrections and the Board of Parole to review the implementation of, and the participation of this state under, the Interstate Probation and Parole Compact including, but not limited to, the method of administration under the Compact. The report shall be filed with the co-chairpersons and ranking members of the Justice System Appropriations Subcommittee, the Executive Council, and the Legislative Fiscal Bureau on or before January 15, 1989.

4. Section 6, subsection 2, mandates that the Department of Corrections will not change the appropriations made to the district Departments of Correctional Services or to the correctional institutions, unless notice of



the revisions is given prior to their effective date to the Legislative Fiscal Bureau. The notice shall include information on the Department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

5. Section 6, subsection 3, requires the Department of Corrections to report to the Legislative Fiscal Bureau on a monthly basis as to the current expenditures and full-time equivalent positions of the Department's various allocations and with a comparison of actual to budgeted expenditures and full-time equivalent positions.

6. Section 10 amends section 602.1301, subsection 2, paragraph "a", Code 1987, to reflect a change in the method of reporting required of the Supreme Court. As early as possible, but not later than December 1, the Supreme Court shall submit to the Legislative Fiscal Bureau the annual budget request and detailed supporting information for the Judicial Department. The submission shall be designed to assist the Legislative Fiscal Bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the Director of Management and used by all departments and establishments in transmitting to the Director estimates of their expenditure requirements pursuant to section 8.23. The Supreme Court shall also make use of the Department of Management's automated budget system when submitting information to the Director of Management to assist the Director in the transmittal of information.

#### H.F. 2444 - Appropriations, Fees, and Duties Relating to State Regulatory Agencies

1. Section 1 requires the Auditor of State to audit an agency or department, which does not receive federal funding, every other year if in the judgment of the Auditor of State, the agency or department would not be adversely affected by being audited less than annually. The Auditor of State shall report to the Legislative Fiscal Bureau and the Department of Management on or before September 1, 1988, as to which agencies and departments will be audited every other year instead of annually.

2. Section 1 also requires the Auditor of State to collect information on the costs, including time spent by employees of the Auditor of State, associated with providing assistance to private certified public accounting firms, local governments, and other people in connection with audits of political subdivisions not conducted by the Auditor of State. The Auditor of State shall report the cost information to the Legislative Fiscal Bureau and the Department of Management on or before September 1, 1988.

3. Section 14 requires the Administrator of the Division of Professional Licensing of the Department of Commerce to prepare and submit a study evaluating the feasibility of adopting financial responsibility rules regarding errors and omissions, group insurance coverage, and provides specific criteria. The study is to contain a recommendation for each regulated profession and shall be submitted to the General Assembly on or before January 15, 1989.

## H.F. 2447 - Human Services Appropriations, Limitations, and Powers

1. Section 3, subsection 3, requires the Department of Human Services to track any savings realized by the use of health maintenance organizations and to annually submit to the Legislative Fiscal Bureau the results of the client satisfaction survey required by the Federal Health Care Financing Administration. The Department shall report at the start of each calendar quarter, beginning on January 1, 1989, to the Legislative Fiscal Bureau regarding the cost savings.

2. Section 3, subsection 14, paragraph "d", requires the Department of Human Services to report monthly to the Fiscal Committee of the Legislative Council regarding the expenditure of the funds for the implementation of the Medical Assistance Program for pregnant women, infants, and children and the additional full-time equivalent positions authorized for this purpose under this appropriation. The report shall detail the number of additional authorized positions which have been filled, describe problems encountered in filling the positions, and assess the impact of the additional positions upon the quality of services provided to the targeted persons.

3. Section 5, subsection 2, requires the Department to extend the Child Support Modification Demonstration Program to at least fifteen counties in the state. The Department may transfer funds from the appropriation for Aid to Families with Dependent Children, to the extent that is necessary, in order to fund the demonstration program. The Department is to report to the Legislative Fiscal Bureau regarding the Child Support Modification Demonstration Program each quarter.

4. Section 6, subsection 2, requires the Department to report to the Fiscal Committee of the Legislative Council if the expected federal cost allocation share is less than expected, the average base salary and support cost is more than expected, or the vacancy factor is lower than expected. The Department shall report monthly to the Fiscal Committee regarding the projections of expenditures under the appropriation to community services, and any changes related to the federal cost allocation, the average base salary and support, and the vacancy factor that occurs.

5. Section 7, subsection 2, requires the Department to report to the Fiscal Committee of the Legislative Council if the expected federal cost allocation share is less than expected, the average base salary and support cost is more than expected, or the vacancy factor is lower than expected. The Department shall report monthly to the Fiscal Committee regarding the projections of expenditures under the appropriation for general administration, and regarding any changes related to the federal cost allocation, the average base salary and support, and the vacancy factor that occurs.

6. Section 7, subsection 2, requires the Department of Human Services to report, at least quarterly, to the Fiscal Committee of the Legislative Council regarding the expenditure of the funds for the administration of the expanded coverage and the additional position authorized to administer expanded coverage under the Medical Assistance Program to specialized psychiatric hospitals. The report shall detail when the additional authorized position has been filled, describe problems encountered in filling the position, and

assess the impact of the additional position upon the quality of services provided. If the Department is caused to reduce expenditures because of an unanticipated reduction in federal funding, or the average base salary and support cost in staffing is greater than anticipated, or the staff vacancy factor is lower than anticipated, the Department shall fill the zero point five additional full-time equivalent position by reducing other expenditures.

7. Section 8, subsection 4, requires the Department to report, in each month of the fiscal year, to the Fiscal Committee of the Legislative Council regarding the expenditure of the funds for the implementation of the Governor's Foster Care Task Force and the additional full-time equivalent positions authorized for this purpose. The report shall detail the number of additional authorized positions which have been filled, describe problems encountered in filling the positions, and assess the impact of the additional positions upon the quality of services provided.

8. Section 10 requires the Department of Human Services to notify the Legislative Fiscal Bureau if the authorized number of FTEs for the state hospital-schools is exceeded. The notification shall include an estimate of the number of full-time equivalent positions added and the fiscal effect of the addition.

9. Section 11 requires the Department to notify the Legislative Fiscal Bureau if the authorized number of FTEs for the State Mental Health Institutes are exceeded.

10. Section 12 requires the Department to notify the Legislative Fiscal Bureau if the authorized number of FTEs for the Iowa Veterans Home are exceeded.

11. Section 21, subsection 2, requires the Department to work with the Legislative Fiscal Bureau to develop a means to measure the effect of the supplemental child care assistance.

12. Section 22 requires the Department to notify the Fiscal Committee of the Legislative Council if the Department amends the allocation to a program under the appropriation for Home-Based Services.

13. Section 26, subsection 4, requires the Department of Human Services, the State Judicial Department, and the Department of Education, and representatives of service providers to establish a Target Problem-Child Committee. The Committee shall be responsible to find placements for children who have exceptional service needs or who have been rejected in previous referrals and who may be at risk of being placed out-of-state.

14. Section 26, subsection 5, requires the Department of Human Services and the Judicial Department to jointly develop, for submission to the Governor and General Assembly by December 1, 1988, a plan to eliminate the practice of joint case management and the monitoring of juvenile court cases.

15. Section 26, subsection 6, requires that thirty thousand dollars, or so much thereof as is necessary, may be used by the Department to conduct a study to determine the impact of establishing a fee schedule for parental participation in all child welfare services. (No specified due date.)

16. Section 26, subsection 7, requires the Department to record the number of cases which were eligible for federal Title IV-E funding, but were ordered into "payment only" foster care, and to report this information to the Legislative Fiscal Bureau every three months beginning October 1, 1988.

17. Section 26, subsection 7, requires the Department and the State Court Administrator to work with the federal Department of Health and Human Services to develop an agreement between the Department and the State Court Administrator which would enable the state to receive federal Title IV-E funds for "payment only" cases and make recommendations to the General Assembly as to legislation required to fulfill the agreement.

The following concurrent resolutions which required studies and reporting, were passed by both the House and the Senate:

Senate Concurrent Resolution 111 directs the Department of Education to develop criteria for the establishment of an internship and induction program as part of the teacher education process. Requirements of the program are specified and a report to the General Assembly containing the criteria for the establishment of the program is due by January 9, 1989.

Senate Concurrent Resolution 112 directs the Department of Education to develop criteria for enhancing the clinical experience of prospective teachers. In addition, the Department is directed to study the feasibility of initiating a process for designating certain schools as clinical schools and to study the feasibility of establishing an approval for certification of teachers who are supervisory student teachers.