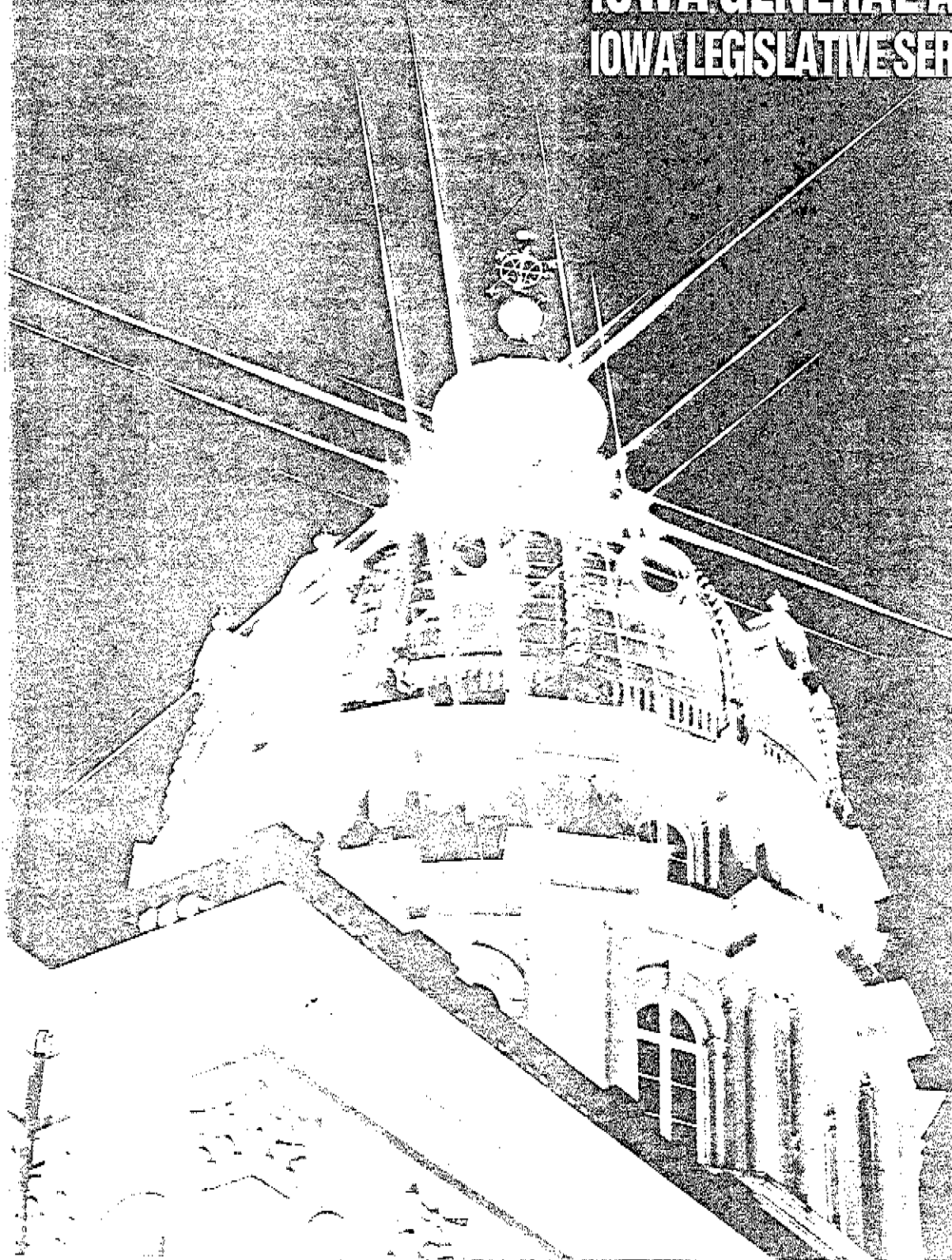


1997 SUMMARY OF LEGISLATION

IOWA GENERAL ASSEMBLY
IOWA LEGISLATIVE SERVICE BUREAU



1997

**SUMMARY OF LEGISLATION ENACTED IN THE YEAR 1997 BY THE FIRST
REGULAR SESSION OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY AND
SIGNED BY THE GOVERNOR**

Prepared by the Legislative Service Bureau

PURPOSE

This summary of legislation enacted by the 1997 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

HOW TO FIND A SUMMARY

If you know the original file number of a particular bill, you may refer to the chart on pages v and vii to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 1997 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

EFFECTIVE DATE

The effective date of the legislative enactments is July 1, 1997, unless otherwise specified in an individual summary.

FISCAL YEAR

For purposes of this summary of legislation, "fiscal year 1997-1998," and "FY 1998," for example, both describe the fiscal year beginning July 1, 1997, and ending June 30, 1998.

VETOED BILLS

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

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TABLE OF CONTENTS

Location of Summaries by File Number:

Senate Files	v
House Files	vii

Subject Areas:

Agriculture	1
Alcohol Regulation & Substance Abuse	7
Appropriations	9
Business, Banking & Insurance	31
Children & Youth	43
Corrections, Criminal Law & Procedure	53
Courts, Civil Law & Procedure, & Probate	63
Economic Development	71
Education	77
Elections, Ethics & Campaign Finance	83
Energy & Public Utilities	89
Environmental Protection	93
Gaming	99
Health & Safety	101
Human Services	109
Labor & Employment	121
Local Government	127
Natural Resources & Outdoor Recreation	137
State Government	143
Taxation	151
Transportation	163

Appendices:

Chapter Numbers of the 1997 Iowa Acts and Joint Resolutions	173
Sections Amended, Added or Repealed	175
Iowa Acts Amended	211
Proposed Constitutional Amendments	212
1997 Senate Committees	213
1997 House of Representatives Committees	215

LOCATION OF SUMMARIES BY FILE NUMBER

Senate Files

Number	Major Subject	Number	Major Subject
SF 5	Transportation	SF 272	Economic Development
SF 21	Business, Banking & Insurance	SF 280	Labor & Employment
SF 30	Taxation	SF 281	Courts, Civil Law & Procedure, & Probate
SF 35	Taxation	SF 285	Environmental Protection
SF 59	Health & Safety	SF 292	Business, Banking & Insurance
SF 75	Environmental Protection	SF 293	Transportation
SF 80	Transportation	SF 296	Labor & Employment
SF 82	Appropriations	SF 299	Business, Banking & Insurance
SF 83	Taxation	SF 300	Health & Safety
SF 95	Natural Resources & Outdoor Recreation	SF 358	State Government
SF 104	Education	SF 361	Labor & Employment
SF 109	Labor & Employment	SF 362	Natural Resources & Outdoor Recreation
SF 116	Business, Banking & Insurance	SF 379	Transportation
SF 118	State Government	SF 391	Appropriations
SF 123	Children & Youth	SF 395	Labor & Employment
SF 126	Health & Safety	SF 410	Education
SF 128	Health & Safety	SF 417	Local Government
SF 129	Taxation	SF 432	Courts, Civil Law & Procedure, & Probate
SF 131	Human Services	SF 433	Local Government
SF 132	Transportation	SF 442	Corrections, Criminal Law & Procedure
SF 145	Local Government	SF 451	Agriculture
SF 160	Business, Banking & Insurance	SF 457	Health & Safety
SF 161	Agriculture	SF 460	Labor & Employment
SF 163	Health & Safety	SF 472	Agriculture
SF 174	Natural Resources & Outdoor Recreation	SF 473	Environmental Protection
SF 176	Children & Youth	SF 497	Corrections, Criminal Law & Procedure
SF 177	Transportation	SF 499	Health & Safety
SF 184	Corrections, Criminal Law & Procedure	SF 501	Labor & Employment
SF 189	Education	SF 503	Corrections, Criminal Law & Procedure
SF 190	State Government	SF 515	Children & Youth
SF 193	Local Government	SF 516	Human Services
SF 205	Economic Development	SF 522	Human Services
SF 214	Environmental Protection	SF 523	Health & Safety
SF 219	Agriculture	SF 526	Health & Safety
SF 222	Taxation	SF 528	Environmental Protection
SF 229	Transportation	SF 529	Appropriations
SF 230	Children & Youth	SF 531	Taxation
SF 232	Local Government	SF 533	Appropriations
SF 233	State Government	SF 541	Children & Youth
SF 235	Agriculture	SF 542	Appropriations
SF 236	Health & Safety	SF 544	Local Government
SF 238	Business, Banking & Insurance	SF 545	Transportation
SF 240	Appropriations	SF 549	Appropriations
SF 241	Courts, Civil Law & Procedure, & Probate	SF 551	Appropriations
SF 246	Natural Resources & Outdoor Recreation	SF 553	Taxation
SF 251	Corrections, Criminal Law & Procedure	SF 555	Agriculture

LOCATION OF SUMMARIES BY FILE NUMBER

House Files

Number	Major Subject	Number	Major Subject
HF 4	Local Government	HF 384	Health & Safety
HF 81	Natural Resources & Outdoor Recreation	HF 388	Taxation
HF 92	Education	HF 398	Labor & Employment
HF 114	Local Government	HF 399	Labor & Employment
HF 121	Courts, Civil Law & Procedure, & Probate	HF 401	Labor & Employment
HF 125	Appropriations	HF 405	Education
HF 126	Taxation	HF 410	Education
HF 132	Courts, Civil Law & Procedure, & Probate	HF 416	Transportation
HF 133	Business, Banking & Insurance	HF 439	Health & Safety
HF 142	Natural Resources & Outdoor Recreation	HF 449	Corrections, Criminal Law & Procedure
HF 167	Labor & Employment	HF 453	Courts, Civil Law & Procedure, & Probate
HF 178	Local Government	HF 456	Local Government
HF 191	Environmental Protection	HF 475	Business, Banking & Insurance
HF 200	State Government	HF 485	Agriculture
HF 212	Taxation	HF 492	Human Services
HF 218	Taxation	HF 495	Taxation
HF 226	Corrections, Criminal Law & Procedure	HF 514	Business, Banking & Insurance
HF 228	Environmental Protection	HF 515	Local Government
HF 229	Energy & Public Utilities	HF 540	State Government
HF 232	Corrections, Criminal Law & Procedure	HF 542	Corrections, Criminal Law & Procedure
HF 233	State Government	HF 544	Children & Youth
HF 236	Labor & Employment	HF 545	Children & Youth
HF 244	Local Government	HF 550	Business, Banking & Insurance
HF 255	Local Government	HF 552	Energy & Public Utilities
HF 265	Corrections, Criminal Law & Procedure	HF 553	Business, Banking & Insurance
HF 266	Taxation	HF 557	Business, Banking & Insurance
HF 275	Business, Banking & Insurance	HF 577	State Government
HF 306	Taxation	HF 578	State Government
HF 307	Business, Banking & Insurance	HF 579	Human Services
HF 308	Courts, Civil Law & Procedure, & Probate	HF 589	State Government
HF 309	Environmental Protection	HF 596	Energy & Public Utilities
HF 313	Children & Youth	HF 597	Education
HF 320	Education	HF 611	Business, Banking & Insurance
HF 331	Education	HF 612	Human Services
HF 335	Health & Safety	HF 613	Business, Banking & Insurance
HF 336	Taxation	HF 615	Natural Resources & Outdoor Recreation
HF 354	Taxation	HF 616	Local Government
HF 355	Taxation	HF 628	Business, Banking & Insurance
HF 367	Economic Development	HF 635	Corrections, Criminal Law & Procedure
HF 368	Economic Development	HF 636	Elections, Ethics & Campaign Finance
HF 370	Labor & Employment	HF 637	Business, Banking & Insurance
HF 371	Courts, Civil Law & Procedure, & Probate	HF 642	Business, Banking & Insurance
HF 372	Local Government	HF 643	Courts, Civil Law & Procedure, & Probate
HF 373	Local Government	HF 644	Business, Banking & Insurance
HF 376	Children & Youth	HF 645	Taxation
HF 383	Transportation	HF 647	Corrections, Criminal Law & Procedure

Number	Major Subject	Number	Major Subject
HF 653	Environmental Protection	HF 702	Local Government
HF 655	Appropriations	HF 704	Transportation
HF 658	Local Government	HF 707	Corrections, Criminal Law & Procedure
HF 659	State Government	HF 708	Appropriations
HF 661	Corrections, Criminal Law & Procedure	HF 710	Appropriations
HF 666	Corrections, Criminal Law & Procedure	HF 715	Appropriations
HF 674	Corrections, Criminal Law & Procedure	HF 717	Local Government
HF 680	Local Government	HF 722	Economic Development
HF 685	Transportation	HF 724	Economic Development
HF 687	Agriculture	HF 726	Taxation
HF 688	Transportation	HF 729	Taxation
HF 692	Transportation	HF 730	Appropriations
HF 693	Courts, Civil Law & Procedure, & Probate	HF 732	Economic Development
HF 694	Agriculture	HF 733	Appropriations
HF 698	Children & Youth	HF 734	Corrections, Criminal Law & Procedure
HF 701	Business, Banking & Insurance		

House Joint Resolutions

Number	Major Subject
HJR 5	State Government
HJR 10	Corrections, Criminal Law & Procedure

AGRICULTURE

- SENATE FILE 161 - Storage of Eggs
- SENATE FILE 219 - Trespassing or Stray Livestock
- SENATE FILE 235 - Restoration of Soil and Water Conservation Practices — Disaster Emergency
- SENATE FILE 451 - Milk and Milk Products
- SENATE FILE 472 - Construction or Expansion of Animal Feeding Operation Structures
- SENATE FILE 555 - Pseudorabies Control
- HOUSE FILE 485 - Drainage Subdistricts
- HOUSE FILE 687 - Beef Cattle Producers Association
- HOUSE FILE 694 - Brucellosis Eradication

RELATED LEGISLATION

- SENATE FILE 30 - Sales and Use Tax Exemptions — Products Used in Agricultural Production
SEE TAXATION. This Act exempts from the sales and use tax ingredients and detergents used to enhance the application of commercial fertilizer, agricultural limestone, herbicides, pesticides, and insecticides used in agricultural production for market.
- SENATE FILE 118 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, including updating references to the "Grade 'A' Pasteurized Milk Ordinance" to reflect 1995 revisions.
- SENATE FILE 205 - Waivers and Exemptions Under New Jobs and Income Program
SEE ECONOMIC DEVELOPMENT. This Act relates to continued eligibility under the New Jobs and Income Program by amending provisions concerning the ownership of land by nonresident aliens and the waiver of certain capital investment and job creation requirements.
- SENATE FILE 292 - Cooperative Corporations — Miscellaneous Provisions
SEE BUSINESS, BANKING & INSURANCE. This Act amends several provisions governing the organization of cooperative corporations under Code Chapter 501 as enacted in 1996, by providing for the transfer of stock, the allocation of patronage dividends upon termination of membership, and distribution of assets upon the cooperative's dissolution.
- SENATE FILE 299 - Cooperative Associations — Qualified Mergers and Other Matters
SEE BUSINESS, BANKING & INSURANCE. This Act amends Iowa Code Chapter 499, Cooperative Associations, which governs the organization and regulation of corporations formed under that chapter and referred to generally as associations, and Iowa Code Chapter 490, Business Corporations, governing the organization and regulation of corporations organized under that chapter, by amending a number of provisions applicable to associations, and creating a process allowing cooperative associations organized under Code Chapter 499 to merge with qualified corporations organized under Code Chapter 490.
- SENATE FILE 362 - Wild Animal Depredation Permits and Related Matters
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act establishes a wild animal depredation unit in the Department of Natural Resources under an agreement with the U.S. Department of Agriculture, Animal Damage Control Division, to serve and act as the liaison to the Department of Natural Resources for producers who suffer crop and nursery damage due to wild animals.
- SENATE FILE 417 - Agricultural Extension Council Treasurers
SEE LOCAL GOVERNMENT. This Act requires the treasurer of each agricultural extension council to execute a corporate surety bond of not less than \$20,000 before taking office.

- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an appropriation of unspent lottery moneys to the Department of Natural Resources for allocation to the U.S. Department of Agriculture for animal damage control in Iowa and authority for the Department of Economic Development to negotiate concerning development of innovative approaches to value-added agricultural processes.
- HOUSE FILE 132** - Liability for Domesticated Animal Activities
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act limits the liability of persons involved with animals classified as domesticated animals, including livestock.
- HOUSE FILE 233** - Cooperative Associations — Effective Date of Filings and Mergers
SEE STATE GOVERNMENT. This Act amends Iowa Code Chapter 499, which applies to cooperative associations, by allowing the effective date of mergers and consolidations and the effective date of documents filed with the Secretary of State to be determined by the cooperative association rather than the date on which the Secretary of State takes formal action.
- HOUSE FILE 615** - Abandoned Coal Mines
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act relates to abandoned coal mine expenditures under the Abandoned Mine Reclamation Program. The Division of Soil Conservation within the Department of Agriculture and Land Stewardship participates in the program and controls the Abandoned Mine Reclamation Fund.
- HOUSE FILE 708** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations to support related entities including the Department of Agriculture and Land Stewardship and the Department of Natural Resources.
- HOUSE FILE 726** - Tax Credits and Exemptions — Local Budget Practices — Property Tax Statements
SEE TAXATION. Division I of this Act amends the Livestock Production Credit by replacing current net worth and gross income requirements with a requirement that the taxpayer have federal taxable income of not more than \$99,600, which amount is adjusted for inflation each year. Commencing with the tax year beginning January 1, 1997, the credit only applies to cow-calf operations involving mature beef cows bred or for breeding, bred yearling heifers, and breeding bulls.

AGRICULTURE

SENATE FILE 161 - Storage of Eggs

BY COMMITTEE ON AGRICULTURE. This Act changes the holding temperature required for eggs offered for sale. Currently, Code Section 196.8 requires a maximum temperature for eggs stored prior to retail sale of 60°F or 16°C. This differs from the U.S. Food and Drug Administration and the U.S. Department of Agriculture provisions requiring that storage temperatures for eggs shipped interstate must not exceed 45°F or 7°C. The lower maximum temperature requirement is imposed by the Act on interstate shipping storage based upon the potential for the growth of salmonella enteritidis at higher temperatures. The Act extends the interstate requirements to eggs shipped intrastate.

The Act exempts eggs gathered for sale at a poultry show, from fowl exhibited at the show, from storage temperature and consumer grade quality requirements in cases where the show has received financial assistance from the state in prior fiscal years. The Act appropriates \$500 to the Department of Inspections and Appeals to reimburse the sponsoring agency of an exhibit where eggs are offered for sale, for expenses associated with the exhibit.

SENATE FILE 219 - Trespassing or Stray Livestock

BY COMMITTEE ON AGRICULTURE. This Act provides a cause of action to a landowner or a county or city, referred to as a local authority, when livestock is trespassing, or is taken into custody after straying from its owner's control.

The Act provides that a landowner may take custody of livestock if the livestock trespasses upon the landowner's land or is on a public road which adjoins the landowner's land. The Act also provides that a local authority may take custody of the livestock. The Act provides that the landowner or the local authority must provide notice to the livestock owner. The livestock owner is liable for damages caused by the livestock, including property damage and costs associated with the trespass or custody, including livestock maintenance costs during a period of custody.

After receiving notice, the livestock owner is required to pay damages to the landowner or local authority. Either party may bring an action in district court to determine liability. The court case must be heard on an expedited basis. If the case is not timely brought to court, or the livestock owner fails to pay the damages, or the identity of the livestock owner cannot be determined, title to the livestock transfers to the landowner or local authority. If the local authority takes custody of the livestock, the local authority must reimburse the landowner for the landowner's damages from proceeds received from the sale of the livestock.

The Act takes effect April 22, 1997.

SENATE FILE 235 - Restoration of Soil and Water Conservation Practices — Disaster Emergency

BY COMMITTEE ON AGRICULTURE. This Act provides that the commissioners of a soil and water conservation district may allocate moneys otherwise available for voluntary cost-share projects establishing soil and water conservation practices to provide for the restoration of permanent soil and water conservation practices that are damaged or destroyed because of a disaster emergency. The Act requires that for each project the commissioners must determine that allocation is necessary to save a soil and water conservation practice in order to prevent soil erosion in excess of soil loss limits. In order to allocate the moneys, the restoration must be made after the Governor declares a disaster emergency affecting the practices.

The Act allows the commissioners to use the moneys only to the extent that moneys from other sources are not adequate to provide for the restoration. The commissioners are required to submit a report to the State Soil Conservation Committee providing information regarding restoration projects and moneys allocated for the projects.

SENATE FILE 451 - Milk and Milk Products

BY COMMITTEE ON AGRICULTURE. This Act amends Code sections regulating the milk industry, including the collection, transportation and grading of milk.

The Act regulates three different entities, including a bulk milk tanker used to transport milk or fluid milk products, a milk grader who collects milk samples, and a milk hauler who transports raw milk or raw milk products. The Act provides that a milk hauler or a milk grader may color contaminated milk. It updates references to publications used in inspecting and testing milk and facilities. The Act authorizes the Department of Agriculture and Land Stewardship to establish standards of operation for milk haulers, milk graders and bulk milk tankers.

The Act amends provisions relating to licensing and permitting for persons involved in the industry. It imposes fees upon persons required to obtain licenses or permits by the department, including receiving stations, milk haulers, milk graders and bulk milk tankers. The Act establishes penalties for persons who act or solicit someone to act as milk haulers or milk graders

or bulk milk tanker operators in violation of the Act. A person violating the Act's provisions is subject to a civil penalty of at least \$100 but not more than \$1,000 for a violation. A person is not subject to more than \$10,000 for a continuing violation. The Act repeals Code chapters regulating butter production and cream grading.

SENATE FILE 472 - Construction or Expansion of Animal Feeding Operation Structures

BY COMMITTEE ON AGRICULTURE. This Act prohibits a person from constructing or expanding a structure that is part of a confinement feeding operation if the person is a party to a pending action for a violation of state law concerning a confinement feeding operation in which the person has a controlling interest and the action is commenced in district court by the Attorney General. The Act also prohibits a person from constructing or expanding a structure for five years after the date of the last violation committed by a person or confinement feeding operation in which the person holds a controlling interest during which the person or operation was classified as a habitual violator of state regulations by the Department of Natural Resources.

The Act does not prohibit a person from completing the construction or expansion of a structure if the person has an unexpired permit for the construction or expansion of the structure or the person is not required to obtain a permit for the construction or expansion of the structure.

The Act takes effect May 19, 1997.

SENATE FILE 555 - Pseudorabies Control

BY IVERSON AND GRONSTAL. This Act provides for the control and eradication of pseudorabies in swine by amending Code Chapter 166D, which regulates swine herds in this state. The Act provides that the Department of Agriculture and Land Stewardship must periodically determine the prevalence of pseudorabies in each county. It provides that regulations applying to quarantined herds classified in either stage I or II of the national pseudorabies program are extended to the herds while the state is classified in stage III of the program.

The Act provides that a certificate of inspection is no longer required to accompany swine which are "relocated" between premises when the ownership of the swine does not change. A certificate of inspection is issued by a licensed veterinarian prior to the interstate or intrastate movement of swine, and is similar to an official health certificate or veterinarian inspection certificate required when swine are moved generally. The Act provides that in order to relocate swine without a certificate of inspection, a transportation certificate must accompany the swine, the swine's owner must maintain information regarding the relocation in relocation records, and a certificate of inspection or an official health certificate or a veterinarian inspection certificate must be issued for the swine within 30 days prior to the date of relocation. The Act also provides that a certificate of inspection is no longer required to accompany swine because the ownership of a herd changes. However, the herd must be tested by statistical sampling, and if any part of the herd is moved, the swine must be accompanied by a certificate of inspection or an official health certificate or veterinarian certificate.

The Act changes current requirements that native Iowa feeder pigs which are moved from farm to farm do not have to be identified on a certificate of inspection. The Act provides that the parties to a transfer must agree in writing that the feeder pigs will not be commingled with other swine for 30 days rather than stating this understanding on the certificate of inspection. The exception from identification does not apply to dealers of feeder pigs. Feeder pigs must be accompanied by a certificate of inspection, an official health certificate or a veterinarian certificate.

The Act eliminates a requirement regarding vaccination of imported feeder swine. The Act provides that vaccination is required if the feeder swine are moved into a county where the department determines that 3 percent of the herds of the county are infected.

The Act provides for delayed effective dates. Provisions directing the department to adopt rules take effect April 29, 1997. The new requirements for the importation of feeder pigs take effect on January 1, 1998. The remainder of the Act takes effect on October 1, 1997.

HOUSE FILE 485 - Drainage Subdistricts

BY MERTZ. This Act amends Code Section 468.63, which provides for the establishment of a subdistrict within a drainage district by a person who desires a ditch or drain constructed from the person's land across the land of other owners, but who is unable to reach an agreement regarding the terms and conditions regarding its construction. The Act eliminates a requirement that the owner seeking to establish the subdistrict must provide special notice of the filing to each person whose land may be included in a subdistrict or may be subject to an assessment.

HOUSE FILE 687 - Beef Cattle Producers Association

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 181, which provides for the establishment and operation of the Iowa Beef Cattle Producers Association. This Act removes from the chapter references to the Iowa Beef Industry Council. The Act provides for the election of the executive committee of the Iowa Beef Cattle Producers Association by nonmembers in the same manner required for voting by members.

Code Chapter 181 authorizes the Secretary of Agriculture, upon petition, to conduct a referendum to determine whether a checkoff shall be collected on the sale of beef cattle and veal calves. The top rate under the assessment is 50 cents for beef cattle and 35 cents for veal calves. The Act provides for a special referendum for the assessment of up to \$1 on beef cattle and veal calves. The Act provides for the distribution of the moneys raised by the checkoff. The Act eliminates a distribution of the proceeds to the National Livestock and Meat Board and the Beef Industry Council. The Act eliminates a provision establishing an assessment that is no longer applicable.

HOUSE FILE 694 - Brucellosis Eradication

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 164, which provides for the control and eradication of brucellosis among cattle herds in this state by the Department of Agriculture and Land Stewardship. Specifically, the chapter provides a number of requirements relating to the testing of cattle for brucellosis, the vaccination of cattle, the inspection of herds, the issuance of certificates for movement, the identification of cattle that have been tested or quarantined, the transfer of infected cattle, the importation of cattle, the sale of infected cattle, the appraisal of infected cattle, the indemnification of owners by the state and federal governments, the execution of reciprocal agreements with other states, and penalties for violating the chapter.

This Act makes a number of changes in these regulations in order to comply with current departmental practice. The Act raises the age from four to six months for heifers subject to care and feeding in a state-approved premises. It changes methods of identifying vaccinated cattle. It amends provisions prohibiting the transfer of untested cattle by eliminating an exception that allows the cattle to be transferred if not visibly parturient, increases the age from four to six months when the cattle may be transferred, and changes requirements applicable to cattle imported for exhibition. The Act also changes requirements for the importation of female cattle allowed to enter the state for feeding purposes. It allows the department to provide requirements for the tagging of cattle received for sale or shipment to a slaughtering establishment.

The Act provides for the applicability of the chapter's provisions to bison as well as cattle. The Act provides that the regulations apply to any other species of animal that the department by rule determines is capable of carrying and spreading brucellosis, which may include elk and goats. The Act limits indemnification for losses of animals carrying the disease to cattle and bison. A person who violates the Act's provisions is guilty of a simple misdemeanor.

ALCOHOL REGULATION AND SUBSTANCE ABUSE**RELATED LEGISLATION**

- SENATE FILE 240** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes funding for various substance abuse programs administered through the state Drug Enforcement and Abuse Prevention Coordinator.
- SENATE FILE 457** - Pharmacy Practice and Procedures — Nitrous Oxide
SEE HEALTH & SAFETY. This Act provides several modifications to the Iowa Pharmacy Practice Act, including establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians and providing for reporting, confidentiality, immunity, and funding in relation to these programs.
- SENATE FILE 497** - Possession or Distribution of Gamma-Hydroxybutyric Acid
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act provides that a person who unlawfully possesses or distributes gamma-hydroxybutyrate commits an aggravated misdemeanor.
- SENATE FILE 503** - Criminal Justice — Miscellaneous Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act makes a variety of changes relating to criminal justice by providing an additional penalty of five years of confinement for persons who manufacture methamphetamine, its salts, isomers or salts of isomers in the presence of a minor, and amending the obscenity chapter to extend to any business required to obtain a sales tax permit certain prohibitions on public displays of nudity and certain types of nude performances which currently apply to any place of business required to obtain a liquor license. The prohibitions applicable to businesses required to obtain sales tax permits take effect May 7, 1997.
- SENATE FILE 516** - Public Assistance Revisions — Family Investments and Other Programs
SEE HUMAN SERVICES. This Act relates to the Family Investment Program or FIP (formerly known as Aid to Families With Dependent Children or AFDC), administered by the Department of Human Services, by repealing and reenacting the Code chapters and other provisions associated with the program. The Act includes provisions allowed under federal law to continue public assistance eligibility for persons with a felony drug conviction.
- HOUSE FILE 384** - Controlled Substances — Ephedrine
SEE HEALTH & SAFETY. This Act adds certain substances containing ephedrine to the list of schedule V controlled substances.
- HOUSE FILE 449** - Sexual Abuse — Controlled Substance Preventing Consent
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act prohibits, under certain circumstances, a sex act that is committed on a person while the person is under the influence of a controlled substance, such as flunitrazepam, that prevents the person from consenting to the sex act.
- HOUSE FILE 666** - Controlled Substances — Amphetamine
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act increases the penalties for the illegal manufacture, delivery or possession with intent to manufacture or deliver certain amounts of amphetamine or any compound, mixture or preparation containing amphetamine, as well as the penalties for conspiracy to commit these offenses, and conforms those penalties to those applicable to methamphetamine.
- HOUSE FILE 707** - Operating While Intoxicated and Related Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act amends the laws relating to the offense of operating while intoxicated (OWI), including increasing criminal penalties, requiring substance abuse evaluation and a drinking drivers course by all persons whose licenses are revoked under Code Chapter 321J, removing the age limitation and consent requirements from the Reality Education Substance Abuse Prevention Program in Code Section 321J.24, and requiring all persons convicted of a first OWI offense to participate in the program.

HOUSE FILE 715

- Appropriation - Human Services

SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes provisions relating to development of a combined contract for managed care of mental health and substance abuse services under the Medical Assistance (Medicaid) Program.

APPROPRIATIONS

- SENATE FILE 82 - Appropriations — Energy Conservation — Petroleum Overcharge Funds
- SENATE FILE 240 - Federal Block Grant Appropriations
- SENATE FILE 391 - Appropriations — Transportation
- SENATE FILE 529 - Appropriations — Administration and Regulation
- SENATE FILE 533 - Appropriations — Justice System
- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
- SENATE FILE 549 - Appropriations — Education
- SENATE FILE 551 - Compensation for Public Employees
- HOUSE FILE 125 - Federal Block Grant Appropriations for FY 1996-97 — Human Services
- HOUSE FILE 655 - Appropriations — Economic Development
- HOUSE FILE 708 - Appropriations — Agriculture and Natural Resources
- HOUSE FILE 710 - Appropriations — Health and Human Rights
- HOUSE FILE 715 - Appropriations — Human Services
- HOUSE FILE 730 - Appropriations — State Government Technology and Operations
- HOUSE FILE 733 - Appropriations — Infrastructure and Capital Projects

RELATED LEGISLATION

- SENATE FILE 235 - Restoration of Soil and Water Conservation Practices — Disaster Emergency
SEE AGRICULTURE. This Act permits the commissioners of a soil and water conservation district to allocate moneys otherwise available for voluntary cost-share projects to provide for the restoration of permanent soil and water conservation practices that are damaged or destroyed because of a disaster emergency.
- HOUSE FILE 255 - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment
SEE LOCAL GOVERNMENT. This Act establishes an allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services in FY 1997-1998 and FY 1998-1999. Appropriations of approximately \$6.1 million and \$12.5 million are made for the respective fiscal years to fund a 2.89 percent increase in growth in county expenditures for MH/MR/DD services in each of the fiscal years.
- HOUSE FILE 367 - Job Training Withholding Payments
SEE ECONOMIC DEVELOPMENT. This Act provides for a one-time appropriation to provide a credit from the General Fund of the State to the Workforce Development Fund Account for the amount of diversion that would have been made to the account had this Act taken effect July 1, 1996.
- HOUSE FILE 732 - Housing Development
SEE ECONOMIC DEVELOPMENT. This Act appropriates \$1 million each fiscal year for the period beginning July 1, 1997, and ending June 30, 2002, from the Rebuild Iowa Infrastructure Fund for deposit in the Local Housing Assistance Program Fund.
- HOUSE FILE 734 - Fees and Penalties Relating to Corrections and License Revocations
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act establishes a motor vehicle license reinstatement penalty and provides that moneys collected shall be deposited during FY 1998 with the Department of Human Services. The first \$1 million shall be used for juvenile detention homes with the remaining moneys collected to be used for runaway assessment facilities and services and juvenile delinquency prevention and intervention services.

APPROPRIATIONS

SENATE FILE 82 - Appropriations — Energy Conservation — Petroleum Overcharge Funds

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for fiscal year 1997-1998 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons and to the Department of Natural Resources for the state energy program and for administration of petroleum overcharge programs.

SENATE FILE 240 - Federal Block Grant Appropriations

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, from the following federal block grants: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Drug Control and System Improvement, Stop Violence Against Women, Residential Substance Abuse Treatment for State Prisoners, Community Services, Community Development, Low-Income Home Energy Assistance, and Social Services. See H.F. 125 and H.F. 715 for appropriations of the federal Temporary Assistance for Needy Families (TANF) block grants.

The Act requires that moneys be distributed in accordance with the applicable federal requirements. The Act establishes a procedure if more or less federal funding is received than predicted. In addition, the Act appropriates other federal grants, receipts and funds, and other nonstate grants, receipts and funds, available in whole and in part for the state fiscal year beginning July 1, 1997, and ending June 30, 1998.

The Act provides that if the Governor determines that federal low-income home energy assistance funds are insufficient, the Iowa Utilities Board is to issue an order prohibiting disconnection of service from November 1 through April 1 if the household income falls at or below 150 percent of the federal poverty level.

SENATE FILE 391 - Appropriations — Transportation

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations from the General Fund of the State, the Road Use Tax Fund, and the Primary Road Fund to the State Department of Transportation, establishes the number of full-time equivalent positions authorized to the department, and contains related statutory provisions.

Appropriations from the State General Fund include appropriations for railroad lines, airport engineering studies, and planning and programming.

Appropriations from the Road Use Tax Fund include appropriations for license plate production costs, salaries, operations, motor vehicles, unemployment and workers' compensation, indirect cost recoveries, technology improvements, membership in North America's Superhighway Corridor Coalition (formerly the I-35 Corridor Coalition), and a toll-free road conditions telephone information study. The Act provides that the state shall be represented on the Superhighway Coalition by the Director of Transportation and the Director of the Iowa Department of Economic Development or the directors' designees, and four individuals selected by the Speaker of the House of Representatives and the President of the Senate in consultation with the Minority Leader in each house to represent the state's interests in Interstate Highways 29, 35 and 80, and to represent the business and labor community.

Appropriations from the Primary Road Fund include appropriations for salaries, operations, planning and programming, project development, maintenance, motor vehicles, equipment, merit system, unemployment and workers' compensation, disposal of hazardous wastes at field locations, indirect costs, technology improvements, wastewater handling, roof replacement at field facilities, tuckpointing of a department building in Ames, and field garages in Des Moines, Anamosa, Correctionville, Charles City, and Sheldon.

The Act replaces the motor vehicle use tax, effective July 1, 2000, with moneys from the General Fund of the State as the funding source for the Value-Added Agricultural Products and Processes Financial Assistance Program and the Renewable Fuels and Coproducts Fund Program.

The Act provides that beginning July 1, 1999, all appropriations from the Primary Road Fund, Road Use Tax Fund, or from use tax receipts to departments for services provided to the State Department of Transportation shall be made in the Act relating to and making appropriations for the State Department of Transportation.

The Act requires the State Transportation Commission and Department of Economic Development to make presentations by February 1, 1998, to the Joint Appropriations Subcommittee on Transportation, Infrastructure and Capitals regarding the effect that complying with the requirements of 1996 Iowa Acts, Chapter 1218, section 51, pertaining to the designation and expedited

construction of Access Iowa Highways, will have on other construction projects and on economic development in areas for which an Access Iowa Highways has been proposed. The Act also repeals the directive in 1996 Iowa Acts, Chapter 1218, Section 51, that the department designate and expedite Access Iowa Highways projects on July 1, 2000.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision requiring the funding for enforcement of Iowa's motor vehicle fraud laws by the Attorney General to come from the General Fund of the State instead of from the Road Use Tax Fund.

SENATE FILE 529 - Appropriations — Administration and Regulation

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and appropriates moneys to various state departments, agencies, funds, and certain other interstate and national entities for the fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act appropriates \$82,212,000 from the General Fund of the State and \$17,509,337 from other fund sources, for the following state departments and agencies: the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, Office of Governor including the Lieutenant Governor and Terrace Hill quarters, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Public Employees' Retirement System, Department of Revenue and Finance, Secretary of State, and Treasurer of State.

The Act also appropriates funding for the state's membership on the Commission on Uniform State Laws, the National Conference of State Legislatures, the Council of State Governments, the American Legislative Exchange Council, and the National Governors Association. The Act also provides for law enforcement training reimbursements.

The Act transfers funding and personnel from the Department of General Services to the Office of Secretary of State regarding statewide voter registration.

THE GOVERNOR ITEM VETOED THE FOLLOWING ITEMS:

1. Intent language to reduce law enforcement training reimbursements in future years.
2. Intent language requiring the Council on Human Investment to notify the Joint Appropriations Subcommittee on Administration and Regulation of budgeting for results performance measures before the measures are finally adopted.
3. A provision reducing by one-fourth the revenue available to advertise, inform and market lottery games or products.
4. Intent language requiring state agencies, in budget preparations, to follow a standard of supervisory control not exceeding one supervisor for five or more subordinates and, in its request for office supplies, not exceeding a norm for all state agencies.

SENATE FILE 533 - Appropriations — Justice System

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to the Department of Justice, Office of Consumer Advocate, Board of Parole, Department of Corrections, including correctional facilities and the judicial district departments of correctional services, Judicial Department, State Public Defender, Iowa Law Enforcement Academy, Department of Public Defense, and the Department of Public Safety, and contains related statutory provisions. Under the Act, appropriations to the justice system total \$381 million and reflect an increase in appropriations from the General Fund of the State of approximately \$42.2 million from the FY 1997 appropriation.

DEPARTMENT OF JUSTICE. The Act increases funding for the Department of Justice by \$541,000 compared to the estimated FY 1997 appropriations. These appropriations include amounts for the Office of the Attorney General, the Prosecuting Attorney Training Program, amounts for victim assistance grants to care providers providing services to crime victims of domestic abuse or rape and sexual assault, the Governor's Alliance on Substance Abuse (GASA), and the GASA Prosecuting Attorney Program. The Act also provides an appropriation to the Office of the Attorney General to provide for legal services for persons in poverty grants. The appropriation for legal services for persons in poverty represents a decrease of \$450,000 from the FY 1997 appropriation.

DEPARTMENT OF CORRECTIONS. The Act increases the State General Fund appropriation to the Department of Corrections by \$24.8 million, representing a 14.8 percent increase from the estimated FY 1997 appropriation. The Act authorizes an additional 35 correctional officers and provides additional money for the two newest prisons at Newton and Fort Dodge. The Act delays the full implementation of the inmate hard labor requirements by one year. The Act limits inmate access to cable television to channels representing networks or stations for which a fee is normally not required. The cable television portion of the Act takes effect May 9, 1997. The Act authorizes the construction of a 200-bed living unit at the Iowa Correctional Institute for Women at Mitchellville with federal grant moneys. The Act transfers \$1.6 million from the FY 1997 ending balance of the Prison Infrastructure Fund for the remodeling and renovation of a residential facility in the Fifth Community-based Corrections District.

The Act directs the department to consider adoption of guidelines for the transportation of prisoners, to connect its facilities to the Iowa Communications Network, and to continue to operate the correctional farms at the same or greater level as existed on

January 1, 1997. The Act also requires all state agencies to submit a report to the General Assembly concerning the use of Prison Industries for agency purchases. The Act also provides that the director of each judicial district department of correctional services, and not the Department of Corrections official responsible for community-based corrections, shall establish a plan to comply with the provisions of court orders involved with the surrender of inmate earnings. The Act also provides that the unexpended FY 1997 funding for the Criminal Justice Program at the University of Northern Iowa can be used in FY 1998.

INDIGENT DEFENSE. The Act appropriates an additional \$4.6 million for indigent defense and the State Public Defender's Office compared to the FY 1997 appropriation. The Act authorizes the hiring of additional public defenders and support staff.

JUDICIAL DEPARTMENT. The Act provides for an additional \$2.9 million in funding compared to the estimated FY 1997 appropriation. The Act also provides for an additional 35 clerk of court positions, one district court judge, three juvenile court officers, additional legal assistants for the Court of Appeals, and expansion of the Court-Appointed Special Advocate (CASA) Program. The estimate used to establish the Judicial Department's target for purposes of the Enhanced Court Collections Fund shall be reduced, as provided in the Act, by moneys to be collected and deposited in the Road Use Tax Fund from fines attributable to commercial vehicle violations.

LAW ENFORCEMENT ACADEMY. The Act appropriates an additional \$48,000 for the Law Enforcement Academy, representing a 4.2 percent increase compared to the FY 1997 appropriation.

PUBLIC SAFETY. The Act appropriates an additional \$9.1 million to the Department of Public Safety compared to the estimated FY 1997 appropriation. The Act also provides \$548,792 for volunteer fire fighter training and equipment needs and allows money appropriated but not expended for fire fighter training in FY 1997 to be used in FY 1998 for both training and equipment needs.

MISCELLANEOUS. The Act requests the Legislative Council to establish interim committees to study the legal representation of indigents and to study and review current criminal penalties and sentencing practices.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision authorizing the Department of Corrections to use moneys appropriated to the department but not expended during FY 1996-1997 for funding up to an additional 50 correctional officers and to purchase surveillance or other safety equipment for use in correctional institutions.

SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions

BY COMMITTEE ON APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. In addition, the Act establishes the Domestic Abuse Services Income Tax Checkoff.

Division I - Supplemental Appropriations

This Division makes supplemental appropriations for FY 1996-1997 to the agencies specified as follows:

- Department of General Services, \$234,591 for utility costs.
- Department of General Services, \$2 million for state acquisition of new information technology hardware and software that already includes the century date change programming and \$3 million for century date change programming in existing software when acquisition of new hardware and software is not cost-effective. In addition, these appropriations include language requiring the use of students and others connected with Iowa universities and colleges, and setting requirements for bidders when outside vendors are used.
- Department of Human Services, \$194,057 for local purchase of mental health and disability services and authority to transfer up to \$2,186,995 of Medical Assistance (Medicaid) funding for other federal Social Services Block Grant allocations.
- Department of Inspections and Appeals, \$98,695 for regulation of pari-mutuel racetrack operations.
- Department of Public Safety, \$71,114 for riverboat enforcement due to expanded operational hours.
- Department of Natural Resources, \$65,000 for support of the Land Recycling Program established in S.F. 528 (see Environmental Protection) and the technical advisory committee for the program (popularly known as the "brownfields" legislation).
- Department of Public Defense, \$100,000 for grants to counties proclaimed to be in a state of disaster emergency due to severe winter storms.
- State Board of Regents, \$2,325,940 for salaries.

Division II - Lottery Appropriations

Division II appropriates or transfers excess lottery revenues from FY 1994-1995 to the agencies specified for use in FY 1996-1997 as follows:

- State Board of Regents, \$300,000 for the World Food Prize.
- Department of Cultural Affairs, \$50,000 for establishment of an Iowa Fire Fighters Memorial.
- Department of Education, \$250,000 for the Educational Excellence Commission and \$50,000 for initiatives to improve access to education through distance learning in postsecondary institutions.
- Department of Commerce, \$200,000 for the Community Health Management Information System (CHMIS). Extends by one year the implementation date for Phase I of the system to July 1, 1998.
- Department of Human Services, \$60,000 for administration of a telemedicine services pilot project under the Medical Assistance (Medicaid) Program and \$300,000 for implementation of child support enforcement changes required by federal welfare reform.
- Department of Public Health, \$40,000 for implementation of statistical reporting of abortions pursuant to S.F. 128 (see Health & Safety).
- Commission of Veterans Affairs, \$229,317 for CD-ROM conversion.
- Department of Natural Resources, \$50,000 for allocation to the U.S. Department of Agriculture for animal damage control in Iowa (see H.F. 708 for related intent language).
- FY 1997-1998 lottery funds are transferred to the General Fund of the State, rather than to the CLEAN Fund as the Code currently requires.

Division III - Income Tax Checkoff

Division III reestablishes the Domestic Abuse Income Tax Checkoff. The checkoff was automatically repealed due to a statutory provision requiring the repeal of the income tax checkoff generating the smallest amount of revenue over a three-year period. In addition, the Division includes an appropriation of \$75,000 to replace moneys for grants previously funded by the repealed checkoff. The reestablished checkoff is retroactively applicable to January 1, 1997.

Division IV - Value-Added Agricultural Production Assistance

This Division includes a provision stating legislative support for creation of an Ag-Initiative 2000 subaccount in the Community Economic Betterment Program Account (CEBA) as provided in a specific Senate-passed amendment to H.F. 731 (legislatively referred to as the "standings" bill; the bill and the amendment were not enacted). In legislative debate, this project was referred to as "Mr. Beef." The Division directs the Department of Economic Development to use existing financial assistance programs to support innovative ownership and management entities involving value-added agricultural processes. The Legislative Council is directed to create a bipartisan four-member task force to assist the department and the Governor in any negotiations. Any proposals developed are to be submitted to the General Assembly.

Division V - At-Risk Education Programs

This Division increases the standing appropriation for at-risk education programs from \$14.52 million to \$15.17 million for allocation by the Child Development Coordinating Council.

Miscellaneous Provisions

The Act includes the following miscellaneous provisions:

- Division VI of the Act creates a Tobacco Settlement Fund for the deposit of net proceeds after litigation costs from settlement of the state's lawsuit for recovery of public expenditures associated with tobacco use.
- Division VI also amends the Human Services Appropriations Act, H.F. 715, to move the effective date of raising the poverty guidelines used to determine eligibility for state child care assistance from October 1 to July 1, 1997.
- Division VII authorizes a "budgeting for results" budget process for FY 1997-1998 and FY 1998-1999. The approach involves the use of performance measures developed by a department or agency in collaboration with the Department of Management and the Legislative Fiscal Bureau and collection of data associated with the measures.
- Division VIII creates a Criminal History Data Check Prepayment Fund under the control of the Department of Public Safety. The fund is to be used to deposit prepaid fees received from nonlaw enforcement agencies or others for criminal history data checks.

- Division VIII also authorizes the Governor to reappoint the Commissioner of Insurance as the Director of the Department of Commerce for FY 1997-1998, notwithstanding Code Section 546.2.
- Division VIII amends a previous appropriation to the Department of General Services for the renovation of the Allison Monument at the State Capitol Complex to remove language regarding solicitation of contributed matching funds.
- Division VIII changes the effective date of H.F. 453 (see Courts, Civil Law & Procedure, & Probate), relating to the termination of parental rights of a putative father, to make it effective upon the date of enactment of this Act, which is May 23, 1997.
- Division VIII authorizes the Department of Human Services to retain up to \$1 million of child support revenue collected after \$36.37 million is accrued for FY 1996-1997. The retained moneys are to be used in the succeeding fiscal year for the purpose of implementing child support enforcement changes necessitated by federal welfare reform legislation.

This Act takes effect May 23, 1997.

SENATE FILE 549 - Appropriations — Education

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. This year's Act appropriates a total of \$823.4 million and provides 17,507.68 full-time equivalent positions (FTEs), which is approximately \$1.7 million and 7.6 FTEs below the Governor's recommendations. This year's education appropriations Act exceeds the appropriations made in last year's education appropriations Act (1996 Iowa Acts, Chapter 1215) by approximately \$15 million and 27 FTEs.

COLLEGE STUDENT AID COMMISSION. The Act appropriates moneys to the College Student Aid Commission for general administrative purposes, forgivable loans to Iowa students attending the University of Osteopathic Medicine and Health Sciences, an initiative directing primary care physicians to areas of the state experiencing physician shortages, student aid programs, the National Guard Tuition Aid Program, and the Stafford Loan Program, and increases moneys for Iowa tuition grants. Compared to FY 1997, the commission will receive an increase of \$3.65 million.

Last year's education appropriations Act established the National Guard Tuition Aid Program. However, the Governor vetoed a provision from that Act which would have funded the program, making FY 1998 the first year in which the program has been funded. The Act provides that grant priority shall be given to eligible national guard members who have not yet achieved sufficient college credit to be classified a junior or senior.

Increasing funding for Iowa Vocational-Technical Tuition Grants was a legislative priority under the Act. Funds remaining in the Scholarship and Tuition Grant Reserve Fund from fiscal years 1995 and 1996 are transferred to the commission to be used for Iowa Vocational-Technical Tuition Grants. Another provision, which would have funneled excess federal dollars toward vocational-technical tuition grants, was vetoed by the Governor.

The Act also increases the maximum amount of a tuition grant to a qualified full-time student from \$3,150 to \$3,400.

DEPARTMENT OF CULTURAL AFFAIRS. The Act funds the Arts, Historical and Administration divisions of the Department of Cultural Affairs, historic sites, and community cultural grants. The department's total appropriation is increased by \$277,960 over FY 1997. The Act also amends Code Section 303.3 to permit the department to carryover for one additional year cultural grant program moneys.

The Act captures \$50,000 from funds appropriated, but never used, for historic sites last year and distributes the moneys to the Iowa State Arts Council for purposes of awarding operational support grants. This provision takes effect May 27, 1997.

The General Assembly established an Iowa heritage special license plate in FY 1996 and allocated 25 percent of the revenues earned from the sale of the plates to the Department of Education to support teacher training in Iowa history, purchase Iowa history classroom materials, support student participation in Iowa history and citizenship-building activities, and create a grant program for school districts to apply for funding to support field trips to museums, historic sites and heritage attractions. The Act transfers this allocation and these duties from the Department of Education to the Department of Cultural Affairs.

DEPARTMENT OF EDUCATION. The Act appropriates moneys for purposes of the Department of Education's general administration, vocational education administration, the Board of Educational Examiners, the Division of Vocational Rehabilitation Services, independent living, the State Library, the regional library system, the Public Broadcasting Division, the Iowa Mathematics and Science Coalition, vocational education to secondary schools, school food service, textbooks of nonpublic school pupils, the Vocational Agriculture Youth Organization and other youth activities, Family Resource Centers, the Reading Recovery Program, Child Development Coordinating Council, rehabilitating computers for schools and libraries, Local Arts Comprehensive Educational Strategies (LACES) Program, and community colleges. The department's total appropriation is increased by approximately \$4.1 million over FY 1997, but its FTEs are reduced by 8.62.

In Code provisions and session law, from additional funds transferred from Phase I to Phase III in the Educational Excellence Program, the Act distributes funds for a kindergarten to grade 12 management information system, Iowa Public Television overnight transmitter feeds, contracting with the Iowa Alliance for Arts Education to execute the LACES Program, and for allocation to area education agencies (AEAs) to assist school districts in developing reading recovery programs.

The department is directed, under the Act, to allocate reading recovery moneys to AEAs in a proportion based upon the number of children served by an AEA who are eligible for free or reduced price meals.

The department is directed to conduct a study of Phase I of the Educational Excellence Program and to determine options for decreasing the need for state funding of Phase I and for shifting funding to Phase II. The department is to submit its findings and recommendations to the General Assembly by December 31, 1997.

The Director of Education is instructed to convene a study committee during the 1997 legislative interim consisting of the co-chairpersons of the Joint Appropriations Subcommittee on Education; two members of the governing board of the First in the Nation in Education (FINE) Foundation, who shall be appointed by the chairperson of the governing board; and the Director of Education. The study committee is to study how to maintain the autonomy of the FINE Foundation, develop investment strategies, explore ways to enhance the research and dissemination functions of the foundation, and determine methods for reporting foundation activities that impact Iowa education. The study committee is to report its findings and recommendations to the General Assembly by October 1, 1997.

The Division of Vocational Rehabilitation Services is directed to seek funds other than federal funds, including from local provider entities, community colleges, AEAs, and local education agencies, for purposes of matching federal vocational rehabilitation funds. Funds collected may exceed the amount needed to match available federal vocational rehabilitation funds in an effort to qualify for additional federal funds when such funds become available. The division is also instructed to accept client assessments, or assessments of potential clients, performed by other agencies in order to reduce duplication of effort.

Language provided under the appropriation for independent living directs the department to make programs that emphasize employment and assist persons with severe physical or mental disabilities to find and maintain employment, enabling those persons to function more independently, the highest priority use for the moneys appropriated.

The Act directs the State Library to begin to implement its 1996 Iowa Joint Use Library Guide July 1, 1997. The State Library is also instructed to cap reimbursement of the institutions of higher learning under the State Board of Regents for participation in the Access Plus Program during FY 1998 at the total amount of reimbursement paid for their participation during FY 1997.

Moneys appropriated to the department for purposes of the Career Pathways Program in FY 1996 are permitted under the Act to be carried over to FY 1998 for purposes of the program. Of the funds appropriated to the department for FY 1997 for purposes of the State Library, \$120,000 shall be available for expenditure in FY 1998 for maintenance of the State of Iowa Libraries Online (Silo) Program. These provisions take effect May 27, 1997.

The distribution of \$1.25 million off the top of the Educational Excellence Program appropriation to the New Iowa Schools Development Corporation (NISDC) is renewed for FY 1998, but the Act also stipulates that, effective July 1, 1998, a school district cannot receive funds from NISDC for more than three consecutive years. The corporation is directed to place a high priority on increasing the number of school districts it serves, study the methods by which it can increase the number of school districts served, analyze the services provided to school districts, and determine the average amount of time necessary to adequately serve a school district. The corporation shall submit its findings and recommendations to the General Assembly by December 31, 1997.

The Act also appropriates \$50,000 off the top of the Educational Excellence Program for the Geography Alliance, and another \$50,000 for the National Assessment of Education Progress (NAEP), a national program the department is participating in to determine the academic achievement of Iowa students in math, reading, science, United States history, or geography.

In addition to the funds appropriated in Code Section 279.51, subsection 1, the Act appropriates from the General Fund of the State to the department for FY 1997-1998 the amount of \$190,000 to be allocated to the Child Development Coordinating Council for programs for at-risk children.

STATE BOARD OF REGENTS. The Act appropriates moneys to the State Board of Regents for board operations, tuition replacement, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, and for the State University of Iowa, Iowa State University of Science and Technology, the University of Northern Iowa, the State School for the Deaf, the Iowa Braille and Sight Saving School, and the tuition and transportation costs for students

residing in the Iowa Braille and Sight Saving School and the School for the Deaf. The total appropriation for the State Board of Regents and its institutions is increased by nearly \$7 million over FY 1997, and approximately 33 FTEs are added.

STATE UNIVERSITY OF IOWA. The University of Iowa Hospitals and Clinics (UIHC), the Iowa Department of Corrections, and the Association of Iowa Hospitals and Health Systems are directed under the Act to jointly develop and issue recommendations relating to localizing indigent health care services, and the feasibility of establishing a corrections infirmary, in a report to be submitted to the General Assembly by January 1, 1998. The UIHC is required to submit quarterly a report regarding the portion of the appropriation made for purposes of treating indigent patients that is expended on medical education.

The Act also, effective May 27, 1997, permits moneys appropriated last year for the national advanced driving simulator to carry over for the same purpose for FY 1998.

In addition, effective May 27, 1997, the Act allocates the interest remaining after the transfer of moneys to the FINE Foundation and the International Center Endowment Fund at the end of FY 1996 to the university for the establishment of a Reading Recovery Program in FY 1998.

IOWA BRAILLE AND SIGHT SAVING SCHOOL/STATE SCHOOL FOR THE DEAF. The Act divides \$70,000 in Phase III Educational Excellence Program moneys equally between the State School for the Deaf and the Iowa Braille and Sight Saving School.

STATUTORY PROVISIONS. The Act authorizes the Department of Personnel to direct the personnel matters of the Department of Education's professional staff, as the Department of Personnel does for nearly every other executive branch agency.

The Act renames the Career Opportunity Program the Academic Incentives for Minorities Program. The program was established to encourage collaborative efforts to enhance the educational opportunities and provide for job creation and career advancement for Iowa's minorities.

The Act permits part-time students enrolled in community colleges who meet the financial aid criteria to be eligible for vocational-technical tuition grants.

Finally, the State Board of Regents is directed to develop criteria by which a state university may discontinue oral communication competency evaluations of a specific instructor.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision directing the College Student Aid Commission to use federal moneys, received by the commission in FY 1998 and FY 1999 for state student incentive grants that exceed amounts received for those programs in FY 1997 and FY 1998, for vocational-technical tuition grants.
2. A provision rewriting Code Section 257B.1A, Interest for Iowa School Fund - Transfer of Interest, as recommended in a meeting between the chairpersons and ranking members of the Joint Appropriations Subcommittee on Education, the Legislative Fiscal Bureau, the Legislative Service Bureau, and representatives from the International Center for Gifted and Talented Education and the First in the Nation in Education (FINE) Foundation, held during the 1996 legislative interim.
3. A provision requiring the boards of directors of each community college and the State Board of Regents to cause each statement of account for payment of tuition and fees issued by each state institution of higher learning to include a statement disclosing the approximate percentage of the issuing institution's average cost of education that is state-paid, and the approximate number of dollars paid by the state for the average resident student's tuition at each state institution.

SENATE FILE 551 - Compensation for Public Employees

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and appropriates moneys for FY 1997-1998, to fund salary adjustments for state-appointed nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, and noncontract employees. The salary rates and ranges of state nonelected officers, justices, and judges are increased by approximately 3 percent. Other state employees, except the officers and employees of the State Board of Regents, will receive a 3 percent increase with the pay period beginning June 27, 1997. These state employees may also receive step increases.

The State Board of Regents officers and employees not under collective bargaining receive pay increases similar to the regents contract employees.

The Act also directs the use of up to \$4 million, for the insurance benefit year ending in 1998, of excess insurance reserve funds to reduce state employee health insurance premium costs.

The Act provides annual cost-of-living pay adjustments to legislators for the calendar years 1999 and 2000 and elected state officers for the fiscal years beginning July 1, 1997, and July 1, 1998. The cost-of-living pay adjustment equals the average of the cost-of-living adjustment negotiated for collective bargaining units represented by the State Police Officers Council Labor Union; the American Federation of State, County, and Municipal Employees; and the Iowa United Professionals. The cost-of-living adjustment for the Governor, Lieutenant Governor, Attorney General, Auditor of State, Secretary of Agriculture, Secretary of State, and Treasurer of State begins in July 1997. The legislators' cost-of-living adjustment commences January 1999 and reflects for the 1999 and 2000 calendar years the cost-of-living adjustment paid to the members of the collective bargaining units beginning July 1, 1997, and July 1, 1998.

The Act also provides a meal allowance to noncontract, supervisory, sworn state peace officers, except Capitol Police supervisors.

HOUSE FILE 125 - Federal Block Grant Appropriations for FY 1996-97 — Human Services

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates the federal Temporary Assistance to Needy Families (TANF) Block Grant available to the state for state FY 1996-1997 under federal welfare reform legislation. This is the first year the block grant is available to states. The federal welfare reform legislation enacted in August 1996 converts the federal-state entitlement program, Aid to Families with Dependent Children (AFDC), to a state-operated program in which the federal funding is provided as a block grant rather than a match of state funding.

The total of the appropriations from the block grant is approximately \$82.1 million. Of this amount, approximately \$71 million is designated for the Family Investment Program or FIP (Iowa's version of AFDC) and approximately \$6.1 million for the related Job Opportunities and Basic Skills (JOBS) Program. Other amounts are appropriated for the Department of Human Services (DHS) field operations, general and local administration, and computer hardware, software and training. The appropriated moneys do not revert at the close of the state fiscal year and direction for the expenditure of moneys that do not revert is provided in H.F. 715.

The Act alters various appropriations previously made from the General Fund of the State for FY 1996-1997. The General Fund appropriation for FIP is reduced by nearly \$18 million. Appropriations are increased for the following purposes: protective child day care assistance, child welfare services, field operations, and general administration.

The Act authorizes DHS to make transfers among the appropriations described in the Act, subject to approval by the Governor and the Department of Management and notification of the Legislative Fiscal Committee.

The Act takes effect March 13, 1997.

HOUSE FILE 655 - Appropriations — Economic Development

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Economic Development, Iowa State University, the University of Iowa, the University of Northern Iowa, the Department of Workforce Development, and the Public Employment Relations Board.

The Act appropriates \$4,127,000 to the Department of Economic Development for purposes of tourism advertising, a net increase of \$1,290,000 from the appropriation for FY 1996-1997. The Act prohibits the department's use of moneys appropriated for tourism advertising unless the department develops public-private partnerships with Iowa businesses in the tourism industry.

The Act also permits the department to allocate \$600,000 of the \$6,796,466 appropriation for the Strategic Investment Fund to the Entrepreneurial Ventures Assistance Program created in H.F. 368 (see Economic Development).

The Act creates the Shelter Assistance Fund as a revolving fund in the State Treasury under the control of the Department of Economic Development for purposes of the construction, rehabilitation, expansion, or costs of operations of group home shelters for the homeless and for domestic violence shelters. Of the moneys in the fund, not less than \$546,000 shall be spent annually on homeless shelter projects. The Act also transfers 5 percent of the state's share of the real estate transfer tax from the Iowa Finance Authority to the Shelter Assistance Fund. In providing shelter assistance moneys, the department may consider exploring the potential to allocate moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency. The Act repeals the requirement that the Iowa Finance Authority provide homeless shelter assistance grants. The Iowa Finance Authority may allocate moneys to the Shelter Assistance Fund.

The Act authorizes the Department of Economic Development and community colleges to fund high technology apprenticeship programs that may include both new and statewide apprenticeship programs.

The Act changes the allowable use of the Department of Economic Development's FY 1996-1997 and FY 1997-1998 Physical Infrastructure Assistance Program appropriations. This provision takes effect April 22, 1997.

The Act provides that, effective April 22, 1997, all unobligated funds remaining in the Wallace Technology Transfer Foundation Fund on June 30, 1997, shall revert to the Strategic Investment Fund. The Act provides that all physical assets of the Wallace Technology Transfer Foundation shall be transferred to the possession of the Department of Economic Development.

The Act requires the Department of Economic Development and the Department of Workforce Development to provide in budget proposals for FY 1999-2000 the number of full-time equivalent and contract employees included in the proposals.

The Legislative Council, under the Act, is requested to establish an interim committee to study housing assistance organizations. In addition, all housing assistance organizations in Iowa are requested to submit a report on such information as is needed for the interim study.

The Act requires the Department of Economic Development and the Department of Workforce Development to submit budget proposals for FY 1998-1999 in both the traditional format and the budgeting for results format.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision requiring the winding up of the affairs of the Iowa Seed Capital Corporation.

HOUSE FILE 708 - Appropriations — Agriculture and Natural Resources

BY COMMITTEE ON APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship and the Department of Natural Resources.

The Act makes a number of appropriations from the General Fund of the State to the Department of Agriculture and Land Stewardship and the Department of Natural Resources for the administration of those departments and for specific programs, including the Farmers' Market Coupon Program, the Pseudorabies Eradication Program, the inspection of Iowa-foaled horses and Iowa-whelped dogs, the administration of a program to promote the horse and dog breeding industries in the state, the regulation of animal feeding operations, the administration of a program to provide safe drinking water, and a project to support the Lewis and Clark Rural Water System.

The Act makes an appropriation from the State Fish and Game Protection Fund to support the Division of Fish and Wildlife within the Department of Natural Resources. Deposits from all-terrain vehicle and snowmobile fees are transferred for snowmobile programs, and deposits from registration fees paid on vessels are transferred to a special conservation fund. The Act appropriates moneys to the Resources Enhancement and Protection (REAP) Fund in lieu of a standing appropriation made to that fund.

The Act makes an appropriation from the agricultural management account of the Groundwater Protection Fund to support Iowa State University in conducting a study of sites where earthen waste storage structures are located. The Act provides for the transfer of moneys from the Organic Nutrient Management Fund to Iowa State University to support odor control applications, to the Iowa State University Cooperative Extension Service in Agriculture and Home Economics to support a program to assist counties in testing wells and water sources, and to the Soil Conservation Division of the Department of Agriculture and Land Stewardship to support technical training and administrative expenses of commissioners of soil and water conservation districts.

The Act transfers moneys required to be deposited from the REAP Fund into the Water Protection Fund to the Loess Hills Development and Conservation Fund to support the conservation of Loess Hills. An appropriation is made from the Unassigned Revenue Fund administered by the Iowa Comprehensive Underground Storage Tank Fund Board to the Department of Natural Resources for administration and expenses of the Underground Storage Tank section. The Act allows the Department of Natural Resources to transfer moneys from the Hazardous Substance Remedial Fund to support air quality regulation.

The Act provides the following direction:

- The Department of Agriculture and Land Stewardship and the Department of Natural Resources must notify the Chairpersons, Vice Chairpersons, and Ranking Members of the Joint Appropriations Subcommittee on Agriculture and Natural Resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department that is not authorized in the Act.
- The Department of Natural Resources is prohibited from using moneys appropriated from the General Fund of the State to support purposes related to the administration and enforcement of air quality standards.
- The Department of Agriculture and Land Stewardship must eliminate positions within the department, including one position in the Information Bureau of the Administrative Division, the position of Interim Assistant Secretary of Agriculture, and the position of Deputy Secretary of Agriculture as provided in legislation enacted in 1996.

- The Department of Agriculture and Land Stewardship is restricted from filling the position of Deputy Secretary of Agriculture and the position of Administrative Assistant VI is prohibited from exercising administrative authority. The Department of Natural Resources is required to execute a memorandum of understanding with the U.S. Department of Agriculture for purposes of supporting measures to prevent damage to agricultural production caused by wild animals.
- Several provisions are codified. The Department of Natural Resources must adopt administrative rules establishing a range of prices of plant material grown at state forest nurseries to cover the expenses related to growing plants. The department must publish and make available for purchase by the general public, gift certificates entitling the bearer to free camping and other special privileges at state parks and recreation areas.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision stating that in future years the General Assembly does not intend to support the administration of the Organic Food Program from the General Fund of the State and the Loess Hills Development and Conservation Fund from the Water Protection Fund.

HOUSE FILE 710 - Appropriations — Health and Human Rights

BY COMMITTEE ON APPROPRIATIONS. This Act provides for appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs.

CIVIL RIGHTS COMMISSION. The Act appropriates funds to the Iowa State Civil Rights Commission, and authorizes the commission to exceed its designated staffing level to hire additional staff to process employment and housing complaints if the anticipated amount of funding from the federal Equal Employment Opportunity Commission and the federal Department of Housing and Urban Development exceeds \$625,000 for FY 1997-1998.

DEPARTMENT OF ELDER AFFAIRS. The Act appropriates funds to the Department of Elder Affairs. Regarding appropriations for aging programs and services, the Act specifies authorized programs and directs that program funds not be used by the department for administrative purposes.

The Act provides that the Iowa chapters of the Alzheimer's Association and the Case Management Program for Frail Elders shall collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time possible.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. The Act appropriates funds to the Governor's Alliance on Substance Abuse and the Iowa Substance Abuse Clearinghouse in Cedar Rapids for FY 1997-1998.

DEPARTMENT OF PUBLIC HEALTH. The Act appropriates funds to the Iowa Department of Public Health. Funds appropriated to the Planning and Administration Division include specific appropriations for the Chronic Renal Disease Program to be used for reimbursement of insurance premiums, travel, and prescription and nonprescription drugs, for the regulatory oversight of accountable health plans, and for the purchase, verification, updating, and storage of health data information. The Act limits the budgets for professional licensure boards funded through the department to 85 percent of the average annual fees collected for the previous two fiscal years. The budget may be exceeded for unanticipated litigation costs approved by the Director of the Department of Management in an amount not in excess of 5 percent of the average annual fees collected for the previous two fiscal years. Funds are additionally appropriated for emergency medical services staff and training.

Funds appropriated to the Health Protection Division include specific appropriations for chlamydia testing and lead abatement testing.

The Division of Substance Abuse and Health Promotion is directed to continue coordination with substance abuse treatment and prevention providers regardless of funding source, and together with the Commission on Substance Abuse shall continue coordination of delivery of substance abuse services to uninsured and court-ordered substance abuse patients in all counties of the state. An allocation of \$15,000 is provided to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture, with the department cooperating with the Department of Agriculture and Land Stewardship, Iowa State University of Science and Technology, and the College of Medicine at the University of Iowa. An appropriation of \$193,500 is made for aftercare services for persons completing substance abuse treatment. A minimum of \$950,000 is to be used by the department to continue an integrated substance abuse managed care system.

Programs receiving allocations from funds appropriated to the Family and Community Health Division include the Birth Defects and Genetics Counseling Program, mobile and regional child health specialty clinics, muscular dystrophy and related genetic disease programs, the Statewide Perinatal Care Program, maternal and child health services, and rural health care

technical assistance, recruitment and retention. Funds are appropriated to reimburse counties for expenses resulting from sudden infant death syndrome autopsies, for grants to local boards of health for the Public Health Nursing Program, for grants to county boards of supervisors for the Home Care Aide Program, for the development and maintenance of well-elderly clinics, for the Physician Care for Children Program, for primary and preventive health care for children, for the Iowa Healthy Family Program, and for primary care provider recruitment and retention endeavors. Regarding the Iowa Healthy Family Program, the department shall develop a plan during FY 1997-1998 to expand the Healthy Opportunities for Parents to Experience Success (HOPES) Program to all counties throughout the state.

Appropriations are also made to the state Boards of Dental, Medical, Nursing, and Pharmacy Examiners. Consolidation of state funding sources for public health nursing, home care aid, and the Senior Health Program into a single contract for each county shall be implemented statewide beginning July 1, 1997. The department shall submit a report to the General Assembly on or before January 2, 1998, including a progress evaluation of the first year of the statewide contract for each county beginning July 1, 1997.

The Act provides that the Iowa Department of Public Health shall conduct a study of utilizing scope of practice review committees to evaluate and make recommendations to the General Assembly relating to requests from practitioners seeking to become newly licensed health professionals or to establish their own licensure boards, requests from health professionals seeking to expand or narrow their profession's scope of practice, and unresolved administrative rulemaking disputes between licensure boards. A pilot project utilizing scope of practice review committees shall be financed utilizing funds appropriated to the professional licensure boards, and shall continue for a three-year period beginning July 1, 1997, and ending June 30, 2000. The department shall submit a progress report to the Governor and the General Assembly by January 1, 1998, and shall conduct a complete evaluation of the project by January 1, 2000.

DEPARTMENT OF HUMAN RIGHTS. The Act appropriates funds to the divisions of the Department of Human Rights, contingent upon the repeal or amendment of a sunset provision in Code Section 216A.5 that would repeal the department. The sunset provision was repealed in H.F. 578 (see State Government), effective April 18, 1997.

With respect to the Community Grant Fund established in Code Section 232.190 for juvenile crime prevention programs, the Act provides that an application from a community to receive a third consecutive year of program funding may receive priority consideration in the awarding of grants. Applications from communities that have not previously received funding, and from communities applying for a fourth year, may also be considered. Grant award criteria for third and fourth year applications shall include an assessment of past and future plans to increase alternative support for community juvenile crime prevention initiatives, a demonstration of past community collaboration, and a demonstration of having made significant progress toward past project objectives.

COMMISSION OF VETERANS AFFAIRS. The Act appropriates funds to the Commission of Veterans Affairs. If there is an increase in Medical Assistance (Medicaid) Program reimbursements exceeding the amount budgeted for that purpose in FY 1997-1998, the Act authorizes the Iowa Veterans Home to expend the excess amounts to exceed the number of full-time equivalent positions authorized for meeting certification requirements or to provide additional beds, subject to approval by the Department of Management.

Effective May 2, 1997, the Act extends the Vital Records Modernization Project until June 30, 1998, and permits until that date the continued collection of increased fees for birth, marriage, death, and other vital records collected pursuant to that project. The Act allocates \$3,366 of the funds appropriated for administration to the Division of Community Action Agencies of the Department of Human Rights for the expenses of the Commission on Community Action Agencies.

The Act strikes the requirement of providing annual reports to the Governor and the General Assembly from a number of Code sections; strikes a provision in Code Section 99E.10, which had permitted up to \$400,000 remaining in the Gambling Treatment Fund at the close of the fiscal year to be used for substance abuse program grants; and strikes Code Section 135L.4, which had created the Prospective Minor Parents Program Advisory Committee to assist with parental notification for abortion implementation. The Act additionally provides that a commemorative copy of a birth or marriage certificate may be issued for a \$35 fee. Fees collected shall be deposited in the Emergency Medical Services Fund established in Code Section 135.25 to support the development and enhancement of emergency medical services systems and emergency medical services for children.

HOUSE FILE 715 - Appropriations — Human Services

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations to the Department of Human Services (DHS) and to the Prevention of Disabilities Policy Council for FY 1997-1998, and includes provisions relating to human services and health.

FAMILY INVESTMENT PROGRAM. The Act includes appropriations for the Family Investment Program or FIP (previously known as Aid to Families With Dependent Children or AFDC). With the passage of federal welfare reform, the federal funding

for this program is provided in the form of an annual block grant to the state. The new federal block grant is called Temporary Assistance for Needy Families or TANF. Consequently, the Act includes FIP and FIP-related program appropriations from the General Fund and from the fund created for receipt of federal funds. See S.F. 516 (see Human Services) for statutory revisions to the FIP Program implementing welfare reform and H.F. 125 for FY 1996-1997 appropriations of TANF funding.

These appropriations are directed to the Job Opportunities and Basic Skills (JOBS) Program, which provides work and training activities for FIP participants, administrative costs, supplementation of the federal Social Services Block Grant, child day care, emergency assistance to prevent homelessness, food stamp employment and training program, Family Development and Self-Sufficiency Grant Program, and increasing participation in vocational and postsecondary training. In addition, the Act provides funding for initiatives to divert families from enrolling in the FIP Program and to assist current participants in overcoming barriers to obtaining employment. Other allocations are directed to family support programs, pregnancy prevention grants, and nearly \$3 million for technology needs. A prior year appropriation for computerization of the eligibility determination process for assistance programs known as "X-PERT" is retained for use in FY 1997-1998.

There is considerable shifting between state and federal appropriation sources in the Act and authorization is provided for unspent moneys to be retained for future fiscal years. The department is authorized to transfer among appropriations if necessary to meet federal requirements.

For many years FIP participants have been credited with the first \$50 of child support ordered for the participant and collected by the state. The Act discontinues this practice for new applicants approved on or after May 19, 1997, or for existing participants who leave and reenter the program on or after that date. The Act authorizes DHS to utilize emergency rulemaking procedures for changes in the FIP, Food Stamp, and Medical Assistance (Medicaid) programs as necessary to comply with federal requirements.

EMERGENCY ASSISTANCE. This appropriation is a slight reduction in the level of assistance to recipients to prevent homelessness, compared with the estimated FY 1996-1997 appropriation. The Act establishes a maximum grant level of \$500 per family in any 12-month period. Additionally, the appropriation continues the allocation of \$10,000 to the Community Voice Mail Program.

MEDICAL ASSISTANCE (Medicaid). The appropriation for Medical Assistance (MA) is an increase over the FY 1996-1997 appropriation. The Act also provides the following:

- Continues the authorization for DHS to transfer funds appropriated for MA to a separate account for expenditures required to provide case management services under MA for mental health, mental retardation and developmental disabilities services that are jointly funded by the state and county, pending final settlement of the expenditures.
- Continues the authorization for DHS to adopt and implement rules regarding the prepaid mental health services plan for MA recipients and requires the state to pay 100 percent of the nonfederal share of any services included in the plan implemented.
- Provides for expenditure of not more than \$60,000 to continue the previously established AIDS/HIV Health Insurance Premium Payment Program.
- Transfers \$950,000 from the Iowa Department of Public Health to the MA Program for continuation of the Integrated Substance Abuse Managed Care System.
- Directs DHS, in cooperation with the Iowa Department of Public Health and in consultation with county representatives and affected providers, to review potential funding streams, treatment methods and provider options to expand dual diagnosis services (those which provide both mental health and substance abuse services). The department is directed to report the findings of the review and any recommendations to the Joint Appropriations Subcommittee on Human Services on or before January 1, 1998.
- Directs DHS to continue the MA home and community-based waiver for persons with physical disabilities as a means to further develop the Personal Assistance Services Program. The program is to be implemented in a manner that does not require additional county or state funding for assistance provided under the waiver. The waiver is limited in application to persons with physical disabilities who reside in medical institutions at the time of applying for assistance and who have been residents of a medical institution for a minimum of 30 consecutive days.
- Prohibits DHS from expanding the requirement of drug prior authorization without prior approval of the General Assembly, except to require prior authorization of an equivalent of a prescription drug subject to prior authorization as of June 30, 1997.
- Directs DHS, in consultation with the Iowa Department of Public Health and the Department of Education, to continue to utilize the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) funding under MA, to the extent possible, implement the screening component of the EPSDT Program through the school system, utilizing maternal and child health centers, the Public Health Nursing Program, or school nurses.

- Directs DHS to continue the case study for outcome-based performance standards for programs serving persons with mental retardation or other developmental disabilities.
- Directs DHS to develop methodologies to directly reimburse hospitals with MA-approved graduate medical education programs for the direct and indirect costs of medical education programs at those hospitals and for a disproportionate share payment as limited by federal caps on those hospitals.
- Directs DHS, in consultation with the Iowa Department of Public Health, the Department of Elder Affairs, home and community-based service providers, consumers, and members of the Joint Appropriations Subcommittee on Human Services, to evaluate the feasibility of improving access and delivery of services to consumers and improving cost-effectiveness by incorporating the personal care services option into the MA Program.

MEDICAL CONTRACTS. This is an increase in the appropriation compared with the FY 1996-1997 appropriation. The Act also provides all of the following:

- Directs DHS to continue prospective drug utilization review and permits DHS to establish drug surveillance prior authorization under the MA Program.
- Directs DHS to develop and implement an individual patient tracking system to assess the effectiveness of the Drug Prior Authorization Program.
- Directs DHS to conduct a prior authorization cost-effectiveness study, at no cost to the state, and without the assistance of any entity or individual currently or previously utilized by DHS to perform the study.
- Directs DHS to submit a report of the prospective drug utilization review and the prior authorization cost-effectiveness study to the General Assembly on or before March 1, 1998, for review. Subsequent to that date, the Act provides that the General Assembly may remove from the categories of prescription drugs for which prior authorization is currently required, all of the drugs for which the comparative studies establish that prospective drug utilization review is at least as cost-effective in patient outcomes as prior authorization.
- That in any managed care contract for mental health or substance abuse services entered into on or after July 1, 1997, a request for proposals (RFP) entered into by DHS is to allow for coverage by the contractor on a regional or statewide basis. In developing and evaluating the responses to the RFP, DHS is to consult with the chairpersons and ranking members of the Joint Appropriations Subcommittee on Human Services. In making the determination regarding regional or statewide application, DHS is to consider the most effective means of providing access to and delivery of services to recipients of services and the cost-effectiveness of the particular proposal.
- Directs DHS, in consultation with the Iowa Department of Public Health, to evaluate the feasibility of combining coverage for mental health and substance abuse services in any managed care contract entered into for these services.
- Directs DHS to implement a plan previously submitted to the General Assembly on or before January 1, 1996, to administratively pursue reimbursement for pharmacy services for which a recipient of medical assistance also has third-party coverage, through use of increased collections or pharmaceutical rebates or existing funds.

STATE SUPPLEMENTARY ASSISTANCE (SSA). This appropriation maintains the current level of funding in the SSA Program. The Act requires DHS to increase the personal needs allowance for residents of residential care facilities at the same rate and at the same time that federal Social Security income and benefits are increased. The Act also authorizes DHS to use up to \$75,000 of the appropriated amount for a rent subsidy program for adults who, among other conditions, are discharged from an intermediate care facility for persons with mental retardation, in order to allow these persons to move into a community living arrangement.

CHILD DAY CARE ASSISTANCE. This appropriation is an increase compared with the FY 1996-1997 appropriation. The appropriation provides funding for protective child day care assistance, state child care assistance, child day care resources and referral services, and transitional child care assistance. The Act increases eligibility for state child care assistance to 125 percent of the federal poverty level, to be expended based upon a waiting list currently implemented for persons above 100 percent of the federal poverty level. The Act also specifies that migrant seasonal farm workers are eligible for state child care assistance if the family income is less than or equal to 110 percent of the federal poverty level. The Act provides that DHS is to assist the Hispanic Educational Resource Center in Des Moines to identify or provide replacement funding if the elimination of the previous year's allocation to the center results in a negative impact to the center in providing child day care services. DHS is directed to consult with providers in evaluating the practice of requiring recipients of state child care assistance to make co-payments to providers and report the results of the evaluation to the General Assembly on or before December 15, 1997.

CHILD SUPPORT RECOVERY. The Act provides a slight increase in the appropriation compared with FY 1996-1997. The Act requires the Child Support Recovery Unit (CSRU) to continue to work with the Judicial Department to determine the feasibility of a pilot project using a court-appointed referee for determination of child support awards, if initiated by the Judicial Department. The Act provides that DHS may expend not more than \$50,000 to continue the child support public awareness campaign

located in the Office of the Attorney General, requires DHS to continue the community service pilot project for absent parents who are ordered to perform community service for failure to pay child support, continues authorization for DHS to contract with private collection agencies to collect support payments in difficult collection cases, provides that surcharges paid by obligors are to be used to pay the costs of a contract with a private collection agency, and requires DHS to evaluate consumer satisfaction with the CSRU with a report of findings to be submitted to the Joint Appropriations Subcommittee on Human Services on or before December 15, 1997.

JUVENILE INSTITUTIONS. The Act provides for a slight increase in the funding for the juvenile institution at Toledo and a slight decrease in the appropriation for the juvenile institution at Eldora compared with the appropriation in the previous fiscal year. The Act continues the limitation on the population levels to the population guidelines established in 1990 and provides for use of funds appropriated for grants for adolescent pregnancy prevention services.

CHILD AND FAMILY SERVICES. The appropriation for the Division of Child and Family Services of DHS is an increase in the appropriation compared with the previous fiscal year. The Act provides for continuation of the funding cap for group foster care at an increased level over the previous fiscal year, limits the amount that may be expended under the appropriation for psychiatric medical institutions for children (PMICs), and amends the current managed mental health care contract to include PMICs. The Act allocates funds for 50 highly structured juvenile program beds, which may be used for group foster care if the beds are not utilized as highly structured juvenile program beds, provides that it is the intent of the General Assembly that the statewide expenditure target established for each region's group foster care budget is the region's annual budget, and directs DHS to establish a goal that not more than 15 percent of children placed in federally funded foster care be placed for more than 24 months. The Act also provides for continuation of decategorization of child welfare funding; notwithstanding the Code provision requiring a state aid contribution to county or multicounty juvenile detention home costs (committee debate indicated intent to replace this funding with fines retained by the counties in fines, fees, and surcharges, see H.F. 734 under Corrections, Criminal Law & Procedure); provides for establishment of the number of children in foster care based upon the number of children eligible for federal Supplemental Security Income (SSI); provides for expenditure of up to \$200,000 to enter into a performance-based contract to secure SSI benefits for children placed in foster care; provides for use of funds under this appropriation for emergency family assistance in certain circumstances; limits funding for shelter care services; authorizes funding to develop a computer system for adoption and foster care information; continues funding for improving DHS staffing of foster care and adoption services; continues authorization for DHS to adopt rules to implement outcome-based child welfare services pilot projects; authorizes development of a performance-based monitoring program to evaluate and improve outcomes for children and families; provides that not more than \$900,000 of the appropriation is allocated for clinical assessment services necessary to continue funding of children's rehabilitative services under MA and directs DHS to submit a report to the General Assembly on or before January 1, 1998, regarding the development of a new model for determining rehabilitative needs in place of clinical assessment and consultation teams (CACT) and to reduce paperwork and information requirements relative to the CACT; and directs DHS to adopt and implement emergency rules to provide for user fees for international and private adoptions.

CONNOR DECREE. The Act appropriates \$46,000 to DHS to be used to provide training in accordance with the federal consent decree issued in 1994 regarding placement of persons with mental retardation in the least restrictive setting.

COMMUNITY-BASED PROGRAMS — ADOLESCENT PREGNANCY PREVENTION. This appropriation is a decrease compared with the appropriation in the previous fiscal year. The Act provides that a portion of the funding is to be used for (1) adolescent pregnancy prevention grants including grants for programs to prevent pregnancies during the adolescent years and to provide support services for pregnant or parenting teens, and (2) grants to community or regional groups for pregnancy prevention efforts. Intent language provides that by July 1, 1999, grants awarded under criteria (1) are to meet the criteria of the grants awarded under criteria (2), which emphasize sexual abstinence. The Act provides that it is the intent of the General Assembly that DHS and the Iowa Department of Public Health identify existing abstinence education or community-based programs which meet federal criteria in order to draw down additional federal funding for these programs. Funding is also provided for child abuse prevention grants.

COURT-ORDERED SERVICES PROVIDED TO JUVENILES. The Act increases the level of funding compared with the appropriation for the previous fiscal year. The Act provides for continuation of the planning groups established by each judicial district for review of expenditures under the appropriation. The Act prohibits a court from ordering any service that is a charge upon the state if there are insufficient funds for the services and prohibits a court from ordering a county to pay for any service which is a charge upon the state. The Act also authorizes the transfer of not more than \$580,000 to the appropriation for child and family services to be used to provide school-based supervision of children adjudicated delinquent.

MENTAL HEALTH INSTITUTES. This appropriation provides for a decrease in the appropriation compared with the appropriation for FY 1996-1997. The Act requires the State Mental Health Institute at Independence to implement a net state share budgeting

accounting test pilot project. The Act also requires DHS to develop a plan for implementing a dual diagnosis program at the State Mental Health Institute at Mount Pleasant beginning July 1, 1998, and to submit a plan to the Governor and the General Assembly on or before January 2, 1998. The Act permits DHS to reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation and requires DHS to provide persons being discharged from an institute with assistance in obtaining federal benefits under federal Supplemental Security Income (SSI).

STATE HOSPITAL-SCHOOLS. This appropriation is a decrease in the appropriation compared with the previous fiscal year. The Act requires DHS to implement a net-state budgeting pilot project at the State Hospital-School at Glenwood. The Act also authorizes DHS to reallocate funds between the two state hospital-schools to fulfill the needs of the institutions and authorizes DHS to implement a pilot project to allow for a more flexible means of billing for services without shifting additional costs to the state, counties or other funding sources.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES. The appropriation for mental illness special services maintains the current level of funding in comparison with the previous fiscal year, requires DHS and the Iowa Finance Authority to develop methods to finance community-based facilities, provides that the funds appropriated are to provide for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless, and provides that previous recipients of these grants are eligible for future grants. The appropriation for the Family Support Subsidy Program is an increase in the appropriation compared with the previous fiscal year, the appropriation for special needs grants maintains the current level of funding, and the appropriation for state cases is increased compared with the previous fiscal year.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES — COMMUNITY SERVICES FUND. This appropriation is an increase in comparison with the appropriation for FY 1996-1997. Intent language under this appropriation is the same as the language in recent years. Moneys are distributed to counties according to a population and poverty formula, 50 percent of the moneys from the fund must be used for contemporary services according to rules adopted by the Mental Health and Developmental Disabilities Commission, funding continues for the Iowa Compass Disability Services Information and Referral Program, regional planning councils must submit services plans and counties must submit expenditure reports, block grant funds must be used with case management and are subject to DHS purchase of service requirements, and plans must be submitted for block grant services. The Act provides that counties with an approved county management plan in place are considered to have met many of the planning and reporting requirements. Additionally, intent language is included which provides that to the extent possible, public funding for mental retardation and developmental disabilities services should be used in a flexible manner to reduce reliance on institutional-based services and allows that a county may amend its management plan to reflect this.

PROVIDER REIMBURSEMENT — SHELTERED WORKSHOPS — WORK ACTIVITY SERVICES. This is a new appropriation to provide for a 1 percent provider reimbursement increase to be allocated to counties in accordance with the purchase of services allocation formula.

PERSONAL ASSISTANCE. This appropriation maintains the current level of funding to continue the pilot project for the Personal Assistance Services Program in an urban and a rural area. A portion of the funds may be used to develop a federal home and community-based waiver under the MA Program for persons with physical disabilities. The project is to be implemented in a manner that does not require additional county or state costs for assistance provided under the pilot project or the waiver. The Act also includes intent language giving priority to new applicants with education and employment needs and providing that current applicants who may receive similar services under other programs are to be assisted in attaining eligibility for those programs.

FIELD OPERATIONS — GENERAL ADMINISTRATION — VOLUNTEERS. The appropriation for field operations is an increase compared with the previous fiscal year. The Act establishes the General Assembly's intent that up to 20 full-time equivalent positions be utilized for expansion of the assessment-based approach for responding to reports of suspected child abuse (see also S.F. 230 under Children & Youth). The appropriation for general administration is an increase compared with the previous fiscal year, provides that a portion of the funds appropriated are allocated for the Prevention of Disabilities Policy Council, and provides that if an expenditure reduction or other cost-saving measure is deemed necessary to maintain expenditures within the appropriation, DHS is prohibited from implementing the reduction or other measure in a manner that reduces service funding for disability rehabilitation programs, including statewide supported employment programs, or which reduces the drawdown of federal funds. The appropriation for volunteers maintains the current funding level.

REIMBURSEMENT FOR MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE AND SOCIAL SERVICE PROVIDERS. The Act provides for an increase in the reimbursement rate for skilled nursing facilities; provides that the dispensing fee for

pharmacists is to remain at the rate in effect on June 30, 1997, and that the reimbursement policy for drug product costs is to be in accordance with federal requirements, which results in an increase in the drug product costs; provides for an increase in the reimbursement rates for inpatient and outpatient hospital services based upon ambulatory patient groups and requires DHS to continue the revised MA payment policy for reimbursement for costs of screening and treatment provided in the hospital emergency room pursuant to the prospective payment methodology developed by DHS for payment of outpatient services under the MA Program, which results in an increased reimbursement; provides that rural health clinics receive an increase in accordance with increases under the federal Medicare Program; provides that home health agencies, hospice services and acute care mental hospitals are to be reimbursed for their current federal Medicare audited costs which result in an increased reimbursement; provides that the maximum MA reimbursement rate for nursing facilities is established at the seventieth percentile based upon the June 30, 1997, unaudited compilation of costs and statistical data, with the provision that the reimbursement may be again increased to the seventieth percentile based upon the December 31, 1997, unaudited compilation of costs; requires DHS to reimburse federally qualified health centers at 100 percent of reasonable costs as determined based upon federal requirements; and provides that the reimbursement rate for dental services is to remain at the rates in effect on June 30, 1997.

The Act establishes the maximum cost reimbursement rate for residential care facilities at not less than \$22.20 per day and the rate for facilities not filing cost reports at \$15.88 per day. In-home health-related care programs reimbursement rates are established at not less than \$426.78 per month. The Act also establishes a foster family basic daily maintenance rate and a maximum adoption subsidy rate for children based upon the age of the child, which is an increased reimbursement rate compared to FY 1996-1997.

The Act provides that the reimbursement for social services providers is the same rate as the rate for the previous fiscal year unless a specified exception applies. The Act provides that the group foster care reimbursement rate for children placed outside of the state is to be calculated in the same manner as is used for in-state providers, unless otherwise determined by the Director of Human Services.

The Act provides that the rate for shelter care providers is to be based upon the cost report submitted to DHS, provides that the maximum reimbursement rate is \$76.61 per day, and authorizes DHS to adjust the rate paid to a shelter care provider up to the maximum rate under certain circumstances.

The Act provides that the reimbursement rate for intermediate care facilities for persons with mental retardation is to be calculated at the eightieth percentile.

The Act requires DHS to set child day care provider reimbursement rates based on the reimbursement rate survey completed in December 1996 and to set rates in a manner that provides incentives for nonregistered providers to become registered. The department is to review the effects of providing rate reimbursement incentives on provider availability and report findings to the General Assembly on or before January 2, 1998.

The department is authorized to implement a pilot project, at no cost to the state, to examine use of a payment system for pharmaceutical care services provided by pharmacists under the MA Program, and is required to revise the financial and statistical report form applicable to nursing facilities to incorporate the recommendations from the review conducted in 1997. The Act also requires that the reimbursement rate for psychiatric medical institutions for children is to be increased by 3 percent over the rates in effect on June 30, 1997.

STATE INSTITUTIONS — CLOSINGS AND REDUCTIONS. The Act requires DHS to coordinate efforts in cooperation with the Iowa Department of Economic Development to develop new jobs in the area in which a state institution is to be closed or reduced in size. Additionally, DHS is instructed to take other actions to utilize any closed unit or other facilities and services of an institution.

MISCELLANEOUS AND STATUTORY PROVISIONS. The Act includes the following miscellaneous provisions:

- DHS is instructed to consult with providers of services relating to child and family services and personal assistance to review provider reporting requirements, applicant and recipient process and documentation requirements, and other paperwork and process requirements, and to implement a process no later than January 1, 1999, which provides for a simplified means of demonstrating compliance of providers, applicants and recipients with document and process requirements that includes consolidation of reports and forms and which may provide for submission of reports and forms in an electronic format.
- The Legislative Council is requested to establish a Juvenile Justice Issues Oversight Task Force to consider the impact of juvenile problems, duplication in intervention services, and gaps in service provision. The membership of the task

force is to include interested members of the Joint Appropriations Subcommittees on Human Services, Health and Human Rights, Justice System, and Education and the standing committees for these subject areas.

- The Legislative Council is also requested to continue the task force established for the 1996 interim to develop a comprehensive proposal to accomplish devolution of the control of service delivery to the local level; elimination of program duplication; reduction of paperwork, red tape, and bureaucracy to improve the quality of services delivery and consumer satisfaction; and evaluation of the adherence of DHS to the department's mission statement. Additional issues the task force may consider are granting local authority to deliver public services, use of public institutions and facilities, creation of an agency for disability and rehabilitation services, and development of a "seamless" system for referral of families to child day care resources and public financial assistance and collaborative programs.
- Establishment of the General Assembly's intent to appropriate funding of services to children with mental retardation in a manner, beginning July 1, 1998, so that separate funding categories for the services will be pooled. The tentative name of the funding pool is "Mental Retardation — Most Appropriate Groupcare Initiative for Children" or "MR—MAGIC." The Act directs DHS to convene a work group to make recommendations for implementation of the funding pool and requires that recommendations made be submitted to the Governor and to the General Assembly on or before October 15, 1997.
- The Mental Health and Developmental Disabilities Commission, the Council on Human Services, and the State-County Management Committee are directed to review mental health services for children to assure coordination, financing and provision of effective services, and to submit a report of findings and recommendations to the General Assembly on or before December 15, 1997.
- DHS is permitted to transfer funding between the following appropriations, provided the combined funding is not changed: Family Investment Program, Emergency Assistance Program, Child Day Care Assistance, Child and Family Services, Field Operations, and General Administration.
- The Legislative Council is requested to establish a Youth Services Department Interim Study Committee to review existing juvenile programs and services, sources of funding, identify state agency responsibility for services, review overlap of services, review other state experiences, and report findings and recommendations to the General Assembly that convenes in January 1998. The committee is authorized to hire a consultant to provide background information.
- Adoption of emergency rules is permitted if specifically authorized in the Act. Any emergency rules adopted under the Act do not take effect until they are reviewed by the Administrative Rules Review Committee. Rules adopted are to be published as notice of intended action.
- Any reports or information required to be compiled or submitted under the Act are to be submitted to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Human Services, the Legislative Fiscal Bureau, the Legislative Service Bureau, and the caucus staffs on or before the dates specified.
- An effective date of May 19, 1997, for provisions of the Act relating to determination of allocation of court-ordered services funding and those relating to remaining unobligated or unexpended funds for the JOBS Program.
- Section 232.52 of the Code is amended to allow placement in a supervised community treatment program following an adjudication of delinquency, as criteria for admission to the state training school.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. Language limiting DHS to selecting only existing community collaboratives to provide support services to Family Investment Program participants.
2. Language authorizing transfer of moneys allocated in the children and families appropriation for purposes of the PMICs to the appropriation for medical assistance. In addition, the vetoed language would have prohibited DHS from amending the contract for managed mental health care to include PMICs.
3. Language allowing DHS, if excess capacity exists at a state institution, to contract with a managed care provider or an organized delivery system for health care to provide services at the institution for the plan or system provided county funds are not used.

HOUSE FILE 730 - Appropriations — State Government Technology and Operations

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to the Iowa Communications Network (ICN) and to other entities for other technology-related purposes. Moneys are appropriated to the ICN from the General Fund of the State and the Rebuild Iowa Infrastructure Fund for FY 1997-1998 for debt service, the connection of a minimum of 110 Part III authorized users, the lease of T-1 circuits for current Part III analog technology sites, and for ICN connections at the Anamosa and Rockwell City institutions. Moneys are also appropriated to the ICN from the Rebuild Iowa Infrastructure Fund for FY 1998-1999 for the connection of Part III authorized users as determined by the Iowa Telecommunications and Technology Commission (ITTC). The Act authorizes the connection of four additional Part III sites at private colleges that have requested certification for access to the network.

Moneys are appropriated to the Department of Education for FY 1997-1998 for the subsidization of video rates for certain authorized users. The department is to establish by rule a procedure for the ITTC to be reimbursed for the portion of the cost of providing interactive video service to nonpublic and public schools for grades kindergarten through 12 and community colleges, which is not currently included in the rates charged to those users for such service. Moneys are appropriated to the Department of Education for FY 1997-1998 for expansion of the ICN backbone and for the replacement of obsolete equipment. Moneys are appropriated to the Public Broadcasting Division of the Department of Education for FY 1997-1998 for support of network functions and for allocation to the regional telecommunications councils for technical assistance for network classrooms and related support activities.

Moneys are appropriated to the Department of General Services from the Rebuild Iowa Infrastructure Fund for FY 1997-1998 and for FY 1998-1999 for implementing reengineering projects with an emphasis on technology.

The Act establishes a Reversion Incentive Program Fund for purposes of supporting the implementation of century date change programming. The Act provides for a portion of reversionary amounts to be deposited in the fund. The Act also provides that if the total of funds deposited into the fund from such reversionary amounts is less than \$10 million, an appropriation is to be made from the State General Fund equal to the shortfall. This section of the Act takes effect May 23, 1997.

The Act provides that it is the intent of the General Assembly that the Legislative Council establish a legislative oversight committee to review and analyze the structure and operations of state government and the use of information technology in providing services and enhancing the ability of the public to interact with government. This section of the Act takes effect May 23, 1997.

The Act requests that the Legislative Council establish an interim study committee to study issues regarding privatization of the ICN.

The Act makes several miscellaneous Code changes. The Act provides for the payment of services rendered by the ICN to state agencies. The Act provides that the Department of General Services may provide telecommunications cabling. The Act also provides that the Executive Council may use moneys in a contingent fund for purposes of restoring state property destroyed by wild animals.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A requirement that the Department of General Services retain outside legal counsel for the purpose of reviewing all contracts or agreements entered into associated with implementation of century date change programming.
2. A requirement that state agencies use at least 50 percent of their resources committed to information technology to implement Year 2000 programming.

HOUSE FILE 733 - Appropriations — Infrastructure and Capital Projects

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for fiscal years during the period beginning July 1, 1997, and ending June 30, 2001, for various capital and other projects from the Rebuild Iowa Infrastructure Fund and the State General Fund. The Act also establishes programs and makes statutory changes related to the appropriations.

Division I - Miscellaneous Capital Projects

Division I of the Act makes appropriations for capital projects to the Departments of Cultural Affairs, General Services, Economic Development, Public Defense, Natural Resources, Revenue and Finance, Public Safety, Transportation, Workforce Development, Education, and Agriculture and Land Stewardship, the Judicial Department and for the Commission of Veterans Affairs, the Loess Hills Development and Conservation Authority, and the State Fair Foundation.

Division II - State Board of Regents

Division II of the Act appropriates \$70,415,000 over four fiscal years ending with FY 2001 to the State Board of Regents for infrastructure projects. The Act authorizes the Regents to undertake several infrastructure projects, including the livestock infectious disease isolation facility at Iowa State University, the medical education and biomedical research facilities at the University of Iowa, and Lang Hall at the University of Northern Iowa.

Division III - Community College Vocational-Technical Technology Improvement Program

Division III of the Act establishes the Community College Vocational-Technical Technology Improvement Program to supplement community college budgets for technology projects and acquisitions. The Act provides for an appropriation from the Rebuild

Iowa Infrastructure Fund of \$3 million a year for four fiscal years beginning with FY 1998. Moneys in the program are to be used by community colleges to supplement current expenditures for technology projects and may be used for infrastructure projects related to the acquisition or installation of equipment purchased under the program. The program is repealed effective July 1, 2001.

Division IV - Miscellaneous Statutory Changes

Division IV of the Act contains miscellaneous statutory provisions related to infrastructure. The Act establishes the Restore the Outdoors Program in the Department of Natural Resources to provide maintenance and infrastructure improvements to existing state parks and other public facilities managed by the department. The Act provides for an appropriation from the Rebuild Iowa Infrastructure Fund of \$4 million a year for the four fiscal years beginning with FY 1998.

The Act also requires state departments to request sufficient funding to meet the projected infrastructure maintenance, repair and replacement needs of the departments; changes how fairs are defined in Code Chapter 174; provides that the amount of state aid provided to each eligible fair shall be equal; and provides for the distribution of state aid to county fairs through the State Fair Foundation instead of the Treasurer of State.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. Funding for FY 1998 and FY 1999 for moving the State Library.
2. A provision limiting the use and amount of moneys appropriated for renovation of the old Historical Building for FY 1998 to construction of a tunnel between the old Historical Building and the Capitol.
3. Funding in FY 1999 for repair of Capitol Complex parking lots.
4. A provision requiring the Department of General Services to consult with the Legislative Council regarding contracting for the state infrastructure survey.
5. Provisions appropriating money to the Department of Economic Development for FY 1998 and FY 1999 for the Historical Site Preservation Grant Program and the Main Street Investments Loan Program. The Governor also item vetoed a provision reducing the amount of funding for the physical infrastructure assistance for FY 1998.
6. The appropriation for the Iowa Veterans Home for FY 1999.
7. The appropriation for the Iowa State Fair Foundation for FY 1999.
8. The Main Street Investments Loan Program.
9. A requirement that the Director of the Department of General Services establish a uniform system for evaluating and rating vertical infrastructure needs in the state.
10. The requirement that \$1 million of the \$4 million appropriated each year for the Restore the Outdoors Program be used for infrastructure projects at local parks.

BUSINESS, BANKING AND INSURANCE

- SENATE FILE 21 - Nonperpetual Care Cemeteries
- SENATE FILE 116 - Registered Agents of Corporations, Partnerships, and Limited Liability Companies
- SENATE FILE 160 - Funds Held in Accounts by Life Insurance Companies
- SENATE FILE 238 - Safe Deposit Boxes — Procedure on Death
- SENATE FILE 292 - Cooperative Corporations — Miscellaneous Provisions
- SENATE FILE 299 - Cooperative Associations — Qualified Mergers and Other Matters
- HOUSE FILE 133 - Health Benefit Plans — Point of Service Options
- HOUSE FILE 275 - Registration of Trademarks and Service Marks
- HOUSE FILE 307 - Recovery of Merchandise or Damages
- HOUSE FILE 475 - Bank Regulation
- HOUSE FILE 514 - Financial Liability Coverage for Motor Vehicles
- HOUSE FILE 550 - Regulation of Multiple Employer Welfare Arrangements
- HOUSE FILE 553 - Securities Regulation
- HOUSE FILE 557 - Insurance Regulation — Miscellaneous Provisions
- HOUSE FILE 611 - Consumer Credit
- HOUSE FILE 613 - Linked Deposit Investment Programs
- HOUSE FILE 628 - Corporations — Miscellaneous Provisions
- HOUSE FILE 637 - Corporations, Partnerships, and Associations
- HOUSE FILE 642 - Limited Partnerships and Limited Liability Companies
- HOUSE FILE 644 - Disclosures by Real Estate Licensees
- HOUSE FILE 701 - Health Care Coverage — Portability and Continuity

RELATED LEGISLATION

- SENATE FILE 118 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, including adding the Superintendent of Credit Unions to the committee which establishes maximum interest rates for certain public obligations and assessments.
- SENATE FILE 132 - Department of Transportation — Miscellaneous Provisions
SEE TRANSPORTATION. This Act provides that an owner's vehicle liability insurance is secondary to the vehicle liability insurance of the driver or person vicariously liable for the driver.
- SENATE FILE 163 - Sale of Cigarettes and Tobacco Products Through Vending Machines
SEE HEALTH & SAFETY. This Act prohibits the sale of cigarettes or tobacco products through vending machines unless the vending machine is located in a place where the retailer ensures that a person younger than 18 years of age is not present or permitted to enter at any time. A permit holder who violates this provision is subject to revocation of the permit.
- SENATE FILE 296 - Workers' Compensation and Nonoccupational Health Coverage
SEE LABOR & EMPLOYMENT. This Act provides for the payment of medical services received by an employee while workers' compensation liability for payment of the services is in dispute.
- SENATE FILE 361 - School-to-Work Programs — Workers' Compensation
SEE LABOR & EMPLOYMENT. This Act permits school corporations to provide workers' compensation coverage by insuring or self-insuring students participating in a school-to-work program.

- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an appropriation and intent language for purposes of the Community Health Management Information System (CHMIS), language authorizing the appointment of the Commissioner of Insurance for an additional year as Director of the Department of Commerce, funding for implementation of the Land Recycling Program known as "brownfields," and language for value-added agricultural production assistance negotiations.
- SENATE FILE 553** - Tax Treatment of Subchapter S Financial Institutions and Their Shareholders
SEE TAXATION. This Act disallows shareholders of subchapter S financial institutions from having the financial institution's income taxed directly to the shareholders for state tax purposes. Instead, the financial institution would be subject to the state franchise tax. To prevent the income from being taxed twice, a franchise tax credit, not to exceed a shareholder's pro rata share of the franchise tax paid, would be applied to the shareholder's individual income tax. The Act applies retroactively to tax years beginning on or after January 1, 1997
- HOUSE FILE 132** - Liability for Domesticated Animal Activities
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act limits the liability of persons involved with animals classified as domesticated animals, including livestock.
- HOUSE FILE 233** - Cooperative Associations — Effective Date of Filings and Mergers
SEE STATE GOVERNMENT. This Act amends Iowa Code Chapter 499, which applies to cooperative associations, by allowing the effective date of mergers and consolidations and the effective date of documents filed with the Secretary of State to be determined by the cooperative association rather than the date on which the Secretary of State takes formal action.
- HOUSE FILE 266** - Tax Administration and Related Matters
SEE TAXATION. This Act amends a Code provision that allows a resident shareholder of a "value-added" S corporation to elect to reduce state income tax by apportioning income, by providing that if the taxpayer then elects not to apportion income in a later tax year, the taxpayer cannot reelect to apportion income for four tax years without the approval of the Director of Revenue and Finance. The amendment is made retroactively applicable to tax years beginning on or after January 1, 1997. The same provision, as enacted in H.F. 306 (see Taxation), does not apply until January 1, 1998. The Act also provides that any partnership taxed as a corporation for federal purposes will be treated as a corporation for Iowa tax purposes. This provision is made retroactively applicable to tax years beginning on or after January 1, 1997. Finally, the Act alters the sales tax exemption for sales made to persons engaged in the business of leasing by changing the required term of the leases from more than one year to more than five months. This provision takes effect May 19, 1997.
- HOUSE FILE 306** - Taxation of Shareholders of Subchapter S Corporations
SEE TAXATION. This Act expands the opportunity for a reduction in tax to shareholders of all S corporations whether or not they are value-added corporations. This expansion is effective January 1, 1998, for tax years beginning on or after that date. The Act also eliminates the limitation of \$5 million on the aggregate amount of claims for refunds and the need to file claims for refunds. This provision applies retroactively to January 1, 1997, for tax years beginning on or after that date.
- HOUSE FILE 308** - Debt Collection Practices
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act relates to the required disclosure a debt collector must give to a debtor when attempting to collect a debt.
- HOUSE FILE 354** - Corporate Income Tax — Foreign Corporations
SEE TAXATION. This Act lists activities that a foreign corporation may engage in which are not considered doing business in Iowa for Iowa corporate tax purposes.
- HOUSE FILE 540** - Deferred Compensation and Phased Retirement — Investments and Other Provisions
SEE STATE GOVERNMENT. This Act establishes investment guidelines and procedures for state deferred compensation and phased retirement plans.
- HOUSE FILE 577** - Continuing Education of Real Estate Appraisers
SEE STATE GOVERNMENT. This Act establishes June 30 of the year in which a real estate appraiser's certificate expires as the date by which continuing education requirements shall be

completed for purposes of renewing the appraiser's certificate and restricts the number of instructional hours of correspondence and home study courses that may be claimed by an appraiser to meet these education requirements to no more than 50 percent of the required hours necessary for renewal of the certificate.

HOUSE FILE 647

- Theft by Financial Instrument

SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act provides that a person commits theft when the person makes, utters, draws, delivers, or gives any check, share draft or written order on a bank, credit union, person, or corporation, and obtains the use of any property, including rental property, knowing that the financial instrument will not be paid when presented. The penalty applicable depends on the amount of the financial instrument.

HOUSE FILE 685

- Motorcycle Dealer Business Hours

SEE TRANSPORTATION. This Act provides that a motorcycle dealer is not required to be open for business a minimum number of hours per week. Current administrative rules require motorcycle dealers to be open to the public a minimum of 32 hours per week.

BUSINESS, BANKING AND INSURANCE

SENATE FILE 21 - Nonperpetual Care Cemeteries

BY MCKEAN. This Act eliminates a requirement that a nonperpetual care cemetery post a legible sign in a conspicuous place indicating the cemetery is not a perpetual care cemetery. However, a nonperpetual care cemetery is still required to have a notice printed or stamped at the head of all of its contracts, deeds, statements, letterheads, and advertising material stating that the cemetery is a nonperpetual care cemetery.

SENATE FILE 116 - Registered Agents of Corporations, Partnerships, and Limited Liability Companies

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to the appointment and resignation of registered agents and the change of registered offices associated with certain business entities. The Act affects foreign limited partnerships, limited liability companies, corporations, and nonprofit corporations. The Act provides that such changes must be filed with the Secretary of State and places the burden of forwarding copies of the document making the change to the appropriate persons on the agent or business entity making the change. Currently, such copies are to be forwarded to the appropriate person by the Secretary of State. Certain requirements related to the content of the documentation making such changes have also been amended.

SENATE FILE 160 - Funds Held in Accounts by Life Insurance Companies

BY COMMITTEE ON COMMERCE. This Act authorizes a life insurance company to hold funds in a separate or custodial account for the purpose of a medical savings account or similar account, as authorized under federal or state law. The Act provides that funds held in such an account are not chargeable with liabilities arising out of any other business of the company.

The Act takes effect March 13, 1997.

SENATE FILE 238 - Safe Deposit Boxes — Procedure on Death

BY COMMITTEE ON COMMERCE. This Act repeals Code Section 450.86, which prohibits a safe deposit company, trust company, bank, or other institution or person holding securities or certain other assets that are located in a safe deposit box or other security enclosure of the decedent, from delivering or transferring the assets, after receiving knowledge of the death, to the transferee, joint owner or beneficiary of the decedent unless the tax for which the securities or assets are liable under the inheritance tax chapter is first paid, or the payment is secured by bond as provided in Code Chapter 450. The repealed section also provides for an inventory of the contents of the safe deposit box or other security enclosure to be reported to the Department of Revenue and Finance prior to delivery to the personal representative.

The Act also repeals Code Sections 524.810 and 533.49A, which establish search procedures for a state bank and a credit union with respect to the safe deposit box of a decedent. Those sections provide that the bank or credit union must permit a person named in a court order or, if no order has been served upon the bank or credit union, the spouse, a parent, an adult descendant, or a person named as executor in a copy of a purported will produced by the person, to open and examine the contents of a safe deposit box leased by the decedent, or to examine any property delivered by the decedent to the bank or credit union for safekeeping, in the presence of an officer of the bank or credit union. The sections repealed also require the bank or credit union, upon the request of the person examining the safe deposit box, to deliver certain items set forth in the sections.

The Act takes effect July 1, 1998.

SENATE FILE 292 - Cooperative Corporations — Miscellaneous Provisions

BY COMMITTEE ON AGRICULTURE. This Act amends several provisions governing the organization of cooperative corporations under Iowa Code Chapter 501, which was enacted in 1996.

The Act prohibits a member from transferring voting stock to any person. It provides that a member may be restricted from transferring any other class of stock as provided by the cooperative corporation's articles of incorporation or bylaws or an agreement between the cooperative and the member. The Act amends a provision that applies to cases in which a terminated member's equity is less than 2 percent of the cooperative's total members' equity. The Act provides that a cooperative is not required to redeem all of the terminated member's allocated patronage refunds and preferred stock originally issued as allocated patronage refunds for the issue price within one year after the termination, if the cooperative elects to redeem the equity in annual amounts of not less than 20 percent of the total amount within five years after the termination.

The Act provides that dissolution provisions in Code Chapter 490, Business Corporations, which generally apply to Code Chapter 501, Cooperative Corporations, do not apply to distribution of assets. The cooperative's assets must first be used to pay expenses necessary to carry out the dissolution and liquidation of assets, then to pay the cooperative's obligations other than

the payment of patronage dividends or stock issued as patronage dividends, and finally, the remainder must be paid as provided in the cooperative's articles of incorporation.

SENATE FILE 299 - Cooperative Associations — Qualified Mergers and Other Matters

BY COMMITTEE ON AGRICULTURE. Iowa Code Chapter 499, Cooperative Corporations, governs the organization and regulation of corporations formed under that chapter and referred to generally as associations, and Code Chapter 490, Business Corporations, governs the organization and regulation of corporations organized under that chapter. This Act amends a number of provisions applicable to associations and creates a process allowing cooperative associations organized under Code Chapter 499 to merge with qualified corporations organized under Code Chapter 490.

The Act provides that that a cooperative association may be a member of an association, and that an association may be formed which restricts its membership to cooperative associations. The Act provides requirements for subscribers purchasing an interest in an association. It provides that the subscriber must satisfy any requirement set forth in the association's articles of incorporation in order to be eligible to make the purchase. The Act provides for an association's capital stock requirements by providing that voting stock or nonvoting stock may be issued to a cooperative association as provided in the cooperative association's articles of incorporation. The Act authorizes a board of directors to increase or decrease the number of directors sitting on the board by not more than 30 percent of the number last approved by the membership. The Act provides that the articles of incorporation may establish a variable range for the size of the board, with membership changing within limits set in the articles. The Act provides that, after shares are issued, only the membership may change the range for the size of the board, change from a fixed-size to a variable-range-size board, or change from a variable-range-size to a fixed-size board. The Act provides that a vacancy may be filled by the shareholders, the board, or the unanimous vote of board members constituting less than a quorum. The Act provides that information required to be included in an association's articles of incorporation must indicate whether there is a fixed number or a variable range of board members and the minimum and maximum numbers that the board may have. The Act provides that notice of a meeting to vote for a plan of merger or consolidation must be delivered to voting members and shareholders rather than to all members and shareholders.

The Act also provides that a cooperative association may merge with a certain type of corporation referred to in the Act as a "qualified corporation." A qualified corporation must be structured and operated on a cooperative basis pursuant to federal law. The merger must involve the merger of two or more entities into one cooperative association or qualified corporation, in such manner that one entity involved in the merger retains its existence and absorbs the others. The Act provides that each cooperative association and qualified corporation must approve a written plan of qualified merger setting forth information regarding the entities and the merger. The entities must approve the plan as required for other mergers under their respective chapters. After the plan for the qualified merger is approved, a cooperative association or qualified corporation may abandon the merger in the manner provided in the plan, prior to the filing of the articles of merger. After the plan is approved, the surviving entity must deliver articles of merger to the Secretary of State for filing. The articles of merger must include information regarding the entities, the plan, the name of the survivor, and how the plan was approved. The effect of a qualified merger is as provided for the surviving entity in the chapter of its organization. These include provisions governing the right of a shareholder or member to object to or dissent from a merger and obtain payment of the fair value of the shareholder's shares or member's interest in the same manner as a merger between cooperative associations or corporations under an ordinary merger. The Act provides that a cooperative association or corporation may be a foreign cooperative association or corporation that complies with sections applicable to those entities under their respective chapters.

The Act takes effect April 3, 1997.

HOUSE FILE 133 - Health Benefit Plans — Point of Service Options

BY METCALF, JACOBS, GIPP, GRIES, CARROLL, TEIG, LAMBERTI, BRUNKHORST, BRADLEY, SUKUP, DINKLA, CHIDO, BARRY, LARSON, WISE, CHURCHILL, MILLAGE, LORD, WELTER, VAN FOSSEN, BLODGETT, ARNOLD, CHAPMAN, GRUNDBERG, VEENSTRA, GREIG, DRAKE, CATALDO, VANDE HOEF, MYERS, JENKINS, RANTS, BRAUNS, RAYHONS, HUSER, MORELAND, AND JOCHUM. This Act provides that a health insurance carrier or organized delivery system which offers a limited provider network plan for provision of health care services or benefits to the employees of a small or large employer must also offer certain other options to the employer. A small employer must also be offered a point of service option to the limited provider network plan. A large employer must also be offered one or more of the following: a point of service option to the limited provider network plan, a managed care health plan that is not a limited provider network plan, or an indemnity plan.

The Act also provides that a large employer which offers a limited provider network to its employees must also offer one or more of the following: a point of service option to the limited provider network plan, a managed care health plan that is not a limited provider network plan, or an indemnity plan.

The Act defines "point of service plan option" as a provision in a managed care health plan that permits insureds, enrollees or subscribers access to health care from health care providers who have not contracted with the managed care health plan to provide health care services under the plan.

HOUSE FILE 275 - Registration of Trademarks and Service Marks

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends several provisions in Code Chapter 548 regulating the registration and protection of marks such as trademarks and service marks by the Secretary of State. The Act amends requirements regarding the application for registration, by providing that the application must be accompanied by one rather than three specimens showing the mark. The Act also provides that the certificate of registration, issued by the Secretary of State, must show a description rather than a reproduction of the registered mark.

HOUSE FILE 307 - Recovery of Merchandise or Damages

BY COMMITTEE ON JUDICIARY. This Act amends the definition of a mercantile establishment "owner" to include a representative of the owner, and therefore allows a designated representative of the owner to maintain an action for recovery of merchandise or damages under Code Chapter 645.

HOUSE FILE 475 - Bank Regulation

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides that a bank chartered solely for the purpose of acquiring the assets of one or more branches located in this state and owned by a savings association is deemed to have been in existence and in operation as a bank for the combined periods of existence and operation of the bank and of the association from which the branch or branches are acquired. The Act applies to united community bank offices established pursuant to Code Section 524.1213, and to an out-of-state bank or out-of-state bank holding company. Currently, acquisition may only occur if the acquiring institution has been in continuous existence and operation for at least five years.

The Act takes effect April 18, 1997.

HOUSE FILE 514 - Financial Liability Coverage for Motor Vehicles

BY COMMITTEE ON COMMERCE AND REGULATION. This Act prohibits a person from driving a motor vehicle registered in this state on the highways of this state unless financial liability coverage is in effect for the motor vehicle. The driver of the motor vehicle is also subject to a conviction for a violation if the driver does not have in the motor vehicle a proof of financial liability coverage card issued for the motor vehicle. However, a person charged with not having in the motor vehicle a proof of financial liability coverage card will not be convicted if the person produces in court, within 30 days after being charged, proof that the motor vehicle was covered by financial liability coverage at the time of the driver's arrest. Under the Act, financial liability coverage includes either liability insurance, the filing of a bond, the deposit of money or securities, or a certificate of self-insurance. A violation is subject to a \$100 fine.

The Act provides that if a peace officer stops a motor vehicle and the driver is unable to provide proof of financial liability coverage, the peace officer shall issue a warning citation to the driver, or issue a citation and remove the license plates and registration from the motor vehicle that has been operated on the highways of this state without financial liability coverage being in effect for the motor vehicle, or issue a citation and impound the motor vehicle. The Act provides for the return of the license plates and registration or the vehicle, upon the payment of certain costs, including a \$15 administrative fee to the county treasurer. A vehicle impounded and unclaimed is deemed abandoned.

The Act generally takes effect January 1, 1998, but certain administrative actions are required prior to that date to allow for the Act's implementation.

The Act provides that effective July 1, 1999, a violation of the proof of coverage requirements is subject to a \$500 fine if the violation is in connection with a motor vehicle accident. The scheduled fine is \$250 for all other violations.

HOUSE FILE 550 - Regulation of Multiple Employer Welfare Arrangements

BY COMMITTEE ON COMMERCE AND REGULATION. This Act repeals the exclusion from regulation provided to third-party payors of health care benefits that are multiple employer welfare arrangements as defined under federal law, and establishes criteria for such arrangements for purposes of exempting them from provisions relating to unauthorized insurers.

In 1994, multiple employer welfare arrangements were exempted from regulation by the Division of Insurance of the Department of Commerce and also from Code provisions relating to unauthorized insurers. The 1994 legislation established certain conditions that a multiple employer welfare arrangement must meet to continue to be exempt from the provisions relating to unauthorized insurers. The conditions include that the arrangement is administered by an authorized insurer or an authorized third-party administrator; has been in existence and provided health insurance for at least 15 years prior to July 1, 1994; and was established by a trade, industry or professional association of employers that has a constitution or bylaws, and has been

organized and maintained in good faith for at least 20 continuous years prior to July 1, 1994. A multiple employer welfare arrangement that fails to meet the criteria could be prohibited from engaging in acts defined as insurance business.

The Act amends the criteria by providing that the arrangement must have been in existence and providing health insurance for at least five years prior to July 1, 1997, and that the arrangement was established by an appropriate entity which has been organized and maintained in good faith for at least 10 continuous years prior to July 1, 1997. The Act also establishes new criteria, including that the arrangement must register with and obtain a certificate of registration issued by the Commissioner of Insurance, and provides that the arrangement is subject to the jurisdiction of the Commissioner of Insurance. The Act repeals the exemption from regulation by the Division of Insurance provided to such arrangements and extends the repeal date of the exemption from regulation by the Division of Insurance with respect to unauthorized insurers.

This Act takes effect April 22, 1997.

HOUSE FILE 553 - Securities Regulation

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends a number of provisions included in Iowa Code Chapter 502, regulating securities.

The Act adds provisions relating to federal covered securities regulated under the federal Securities Act of 1933 or rules or regulations promulgated by the U. S. Securities and Exchange Commission. Under the federal law, these securities are exempted from registration requirements. The Act revises the definition of "agent" regulated under the chapter to exclude a person who deals in federal covered securities. It also excludes transactions between an issuer and the issuer's employees, members, managers, partners, or directors, if a commission is not paid. The Act provides that the Insurance Commissioner, serving as the Administrator of the Securities Bureau, may require the filing of documents relating to federal covered securities, including a current federal registration statement, amendments to a current federal registration statement, reports concerning the value of federal covered securities, and any other documents required to be filed with the Securities and Exchange Commission. The Act provides that the administrator may issue a stop order suspending the offer and sale of certain federal covered securities. The Act provides that the administrator may also waive the filing requirements of the Act for federal covered securities.

The Act adds limited liability partnerships to the types of entities dealing in securities regulated under the chapter. The Act eliminates a reference to the U. S. Interstate Commerce Commission, which was abolished by Congress. The Act eliminates a provision excusing an issuer and agent from posting a bond for agents when an offering is made.

The Act provides for minimum capital requirements for brokers, which may be set by order of the administrator as well as by rule. The Act provides that the capital requirements are subject to limitations of the federal Securities Exchange Act of 1934 and eliminates provisions basing capital requirements on rules and regulations adopted by the National Association of Securities Dealers, Inc., or the U.S. Securities and Exchange Commission.

The Act provides that the administrator may bar an applicant, registrant or any officer, director, partner, or person occupying a similar status or performing similar functions for a broker-dealer from engaging in any activity for which registration is required, if the person is the subject of an order of the administrator denying, suspending or revoking registration as an insurance agent. The Act provides that in some cases a notice filing may be substituted for the filing of a registration statement.

The Act takes effect May 2, 1997.

HOUSE FILE 557 - Insurance Regulation — Miscellaneous Provisions

BY COMMITTEE ON COMMERCE AND REGULATIONS. This Act amends provisions relating to the regulatory authority of the Division of Insurance of the Department of Commerce, the operation of insurers, and other miscellaneous provisions.

The Act provides for rejection of workers' compensation coverage for certain officers of a corporation by attachment of a written rejection to the policy. Currently, such rejection must be attached initially and upon each renewal of the policy.

The Act strikes the requirement that the Commissioner of Insurance issue an examination warrant when appointing an examiner.

The Act, with regard to the priority of distribution of claims from an insurer's estate, establishes a separate class of claims related to the federal government, which is third in priority. Currently, these claims are fifth in priority and are included with a class of claims including those of state and local governments. The Act also redesignates current claims, which include reasonable compensation to employees involved in the liquidation of the insurer, from second to fourth in priority.

The Act prohibits a foreign life or foreign nonlife insurance company from reinsuring a block of business that includes Iowa policyholders to a company not authorized to transact business in Iowa without the prior written approval of the commissioner.

The Act increases from \$300 to \$500 an administrative penalty that may be levied against an insurance company for failing to make a required deposit, with respect to legal reserves, or for failure to timely file certain statements. The Act also provides for an additional penalty of \$100 per day if such failure continues after notice of the failure has been given by the commissioner to the insurer. The Act strikes the requirement that the commissioner determine the published monthly average which is the interest rate that may be charged on life insurance policy loans associated with policies issued after July 1, 1984.

The Act authorizes the commissioner to establish a process for the certification of limited service organizations. "Limited service organization" is defined as an organization providing dental care services, vision care services, mental health services, substance abuse services, pharmaceutical services, podiatric care services, or such other services as may be determined by the commissioner.

The Act requires that a group motor vehicle or group homeowners policy or contract of insurance written or delivered in Iowa must be an individual policy or contract form.

The Act expands the exemptions for types of insurers not subject to the insurance guaranty association to include vendor's single interest insurance, collateral protection insurance, or similar coverage arising out of a creditor-debtor transaction; insurance warranties or service contracts; annuity insurance; and insurance provided by or guaranteed by the government.

The Act limits the obligation of the guaranty fund to a claimant for the return of unearned premium to an amount in excess of \$100 but not exceeding \$10,000 per policy. The Act provides that the association has a right to pursue for its own account, salvage and subrogation recoverable on paid claims. The Act provides that an action against the guaranty association can only be brought against the association in Polk County District Court.

The Act prohibits a person from simultaneously holding the offices of president and secretary of a county mutual insurance association or a mutual casualty assessment insurance association.

The Act provides that the commissioner is to approve a merger or other acquisition of control of a domestic insurer if, after public hearing, the applicant has made an affirmative showing of certain facts. Currently, the commissioner is to approve the merger unless, after public hearing, the commissioner finds that any one of the existing list of factors has not been met.

The Act repeals language pertaining to the early access to assets of an insolvent insurer by the receiver for distribution and makes other miscellaneous changes related to the Insurance Guaranty Association.

HOUSE FILE 611 - Consumer Credit

BY COMMITTEE ON COMMERCE AND REGULATION. This Act strikes the limitations on certain charges associated with a consumer credit sale or loan pursuant to open-end credit, and provides that a creditor may contract for and receive a finance charge without limitation as to amount or rate.

HOUSE FILE 613 - Linked Deposit Investment Programs

BY COMMITTEE ON COMMERCE AND REGULATION. This Act makes changes to the Linked Investment Programs in the Office of the Treasurer of State. The Act provides that a person who is delinquent in making child support payments or any other payment due to the state is not considered an eligible borrower for the programs. The Act requires the Treasurer of State to determine and make available the current market rate that shall be used each month for the programs. The Act limits the amount the Treasurer of State may invest in certificates of deposit for these programs to the lesser of \$68 million or 10 percent of the balance of the State Pooled Money Fund.

The Act changes the Rural Small Business Transfer Linked Investment Loan Program by doing all of the following:

- Limiting the net worth of an eligible borrower to \$500,000.
- Providing criteria regarding which types of rural small businesses may qualify for the program.
- Limiting the maximum amount an eligible borrower or business may receive during the lifetime of the program to \$50,000.

The Act changes the name of the Targeted Small Business Linked Investments Program to the Focused Small Business Linked Investments Program. The Act also changes the program by doing all of the following:

- Removing the requirement that a small business must be certified as a targeted small business by the Department of Inspections and Appeals.
- Limiting the maximum amount an eligible borrower or business may receive during the lifetime of the program to \$100,000.

- Limiting an eligible borrower to one loan from one financial institution.
- Limiting the net worth an eligible borrower may have to \$500,000.
- Providing criteria regarding the type of business a small business must conduct in order to qualify for the program.
- Requiring that loan proceeds may not be used to refinance existing debt with the exception that proceeds may be used to refinance a short-term bridge loan.
- Requiring eligible lending institutions to verify the borrower is eligible to participate in the program.

The Act also requires the Department of Economic Development to develop a proposal for "instant buy down" assistance to targeted small businesses.

HOUSE FILE 628 - Corporations — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act relates to special shareholders' meetings, merger and share acquisitions, and the combination of a corporation with certain shareholders. The Act provides that a corporation with a class of voting stock listed on a national market or held by more than 2,000 shareholders of record is required to conduct a special meeting on the call of the board of directors or upon the written request of holders of 50 percent of all votes entitled to be cast on an issue proposed at a special meeting.

The Act authorizes the merger of a business corporation incorporated under Iowa Code Chapter 490 with or into another business entity established or organized under another chapter, and the merger of such other business entity with or into a Code Chapter 490 corporation. The Act authorizes the acquisition of all outstanding shares of a Code Chapter 490 corporation by another business entity established or organized under another chapter, and the acquisition of all outstanding shares of such other business entity by a Code Chapter 490 organization.

The Act also provides for the business combination of a corporation organized under Code Chapter 490 that has a class of voting stock listed on a national securities exchange or the National Association of Securities Dealers Automated Quotations-National Market System (NASDAQ), or that is held by more than 2,000 shareholders, with certain shareholders defined as "interested shareholders." The Act defines an interested shareholder as one who owns 15 percent or more of the outstanding voting stock of the corporation. The Act prohibits such combination for three years after the shareholder becomes an interested shareholder, unless one of the following applies: The board of directors, prior to the shareholder becoming an interested shareholder, approved the transaction that resulted in the shareholder becoming an interested shareholder, or approved the business transaction prior to the shareholder becoming an interested shareholder; after completion of the transaction that resulted in the shareholder becoming an interested shareholder, the interested shareholder owns at least 85 percent of the corporation's outstanding voting stock; or at or after the time the shareholder becomes an interested shareholder, the combination is approved by the board of directors and authorized by 66 2/3 percent of the outstanding voting stock not owned by the interested shareholder.

HOUSE FILE 637 - Corporations, Partnerships, and Associations

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends provisions relating to the general operation of business entities including corporations, partnerships and associations. The Act provides that certain corporations and associations are to file biennial reports rather than annual reports.

The Act provides that a limited liability partnership may correct a document filed with the Secretary of State by preparing and filing articles of correction which describe the document, specify the incorrect statement or defective execution, and correct the incorrect statement or defective execution. The Act strikes the requirement that a limited partnership include the date of filing of the certificate of limited partnership in a certificate of amendment which amends the certificate of limited partnership or in a certificate of cancellation which cancels the certificate of limited partnership. The Act provides that the Secretary of State may accept for filing certain documents of a limited partnership which contain a copy of a signature, however made.

The Act strikes the \$30 filing fee for annual reports filed by a domestic or foreign corporation. The Act permits a corporation to merge with one or more limited liability companies if the members of the limited liability company approve.

The Act strikes the requirement that a notice of delinquency with respect to the filing of a biennial report be sent by registered mail to each of the nonprofit cooperative association's officers and provides that the notice may be sent to the association by mail, without specifying type of delivery.

The Act amends several provisions relating to cooperative associations organized under Code Chapter 499. The Act applies an existing fee of \$20 to the filing of an application for reinstatement. The biennial report filed by a cooperative association is filed in the same manner as for a domestic or foreign corporation. The failure of a cooperative association to pay any franchise tax or penalty within 60 days after it is due is struck from the list of items that may result in a proceeding for administrative dissolution of the association.

The Act provides that a person is permitted to own stock, including voting stock, in a cooperative corporation, subject to certain statutory limits and subject to the cooperative's articles and bylaws.

The Act amends several provisions affecting nonprofit corporations organized under Code Chapter 504A. The Act strikes the requirement that the articles of incorporation include the effective date of incorporation and its original name, if different from the present name. The Act strikes the requirement that the restated articles of incorporation include a statement that they supersede the original articles of incorporation and all amendments to the original articles.

The Act strikes the requirement that a domestic or foreign nonprofit corporation include a brief statement in its biennial report of the character of the affairs the corporation is actually conducting.

The Act provides that a domestic or foreign nonprofit corporation's first biennial report is to be filed with the Secretary of State between January 1 and April 1 of the first odd-numbered year following the calendar year in which the domestic corporation was incorporated or the foreign corporation was authorized to transact business. Subsequent biennial reports are to be filed between January 1 and April 1 of the following odd-numbered years. The Act authorizes the Secretary of State to establish a filing fee for the biennial report.

The Act establishes a fee of \$20 for the filing of an application for reinstatement by a nonprofit corporation.

The Act repeals the requirement that the Secretary of State send a notice of delinquency by certified mail to a cooperative association failing to file a report or pay the appropriate fee. The Act also repeals the directive that the Secretary of State inform the Attorney General of all nonprofit corporations that failed to timely file their annual report.

HOUSE FILE 642 - Limited Partnerships and Limited Liability Companies

BY COMMITTEE ON JUDICIARY. This Act rewrites provisions of the Uniform Limited Partnership Law, and provisions relating to limited liability companies and the members and managers of such companies.

Generally, the Act allows a limited partner to contribute services to the limited partnership in lieu of property or other valuable obligations, allows limited partners to be granted voting rights in the partnership agreement, grants limited partners access to partnership records, authorizes a derivative action by limited partners against the partnership, and provides for the registration of foreign limited partnerships.

The Act refocuses Code Chapter 487, Uniform Limited Partnership Law, on the limited partnership agreement as the primary governing document, as opposed to the certificate of limited partnership. The Act provides that unless contained in a written limited partnership agreement, the partnership must keep at its office a writing containing amounts contributed by each partner, times or events triggering additional contributions by partners, the right of a partner to receive a distribution of assets, and events triggering dissolution of the limited partnership.

The Act rewrites provisions relating to filing requirements, fees to be charged by the Secretary of State related to such filings, the effective time and date of documents filed, procedures and duties of the Secretary of State with respect to such filings, the evidentiary effect of a copy of a filed document, the creation of a certificate of existence, penalties for signing false documents, and the powers of the Secretary of State.

The Act provides for the administrative dissolution of a limited partnership, as well as the effect of such dissolution and the manner for application for reinstatement following dissolution.

The Act strikes information items currently required to be contained in the certificate of limited partnership and provides for the inclusion of those items in the partnership agreement or other writing.

The Act amends the definition of "limited liability company" to provide that such company is an unincorporated association having one or more members, whereas currently such company must have two or more members. The Act amends the definition of "operating agreement" to clearly indicate that such agreement may be written or oral.

The Act rewrites a provision relating to the indemnification of certain individuals to provide that the articles of organization may include a provision to indemnify and hold harmless a member, manager or other person against a claim, liability or other demand, as provided in the operating agreement.

The Act creates several new sections related to limited liability companies. Those sections relate to the requirements for another entity to convert to a limited liability company; the establishment of designated series of members, managers or membership interests; the admission of new members of the limited liability company; the establishment of classes or groups of members and

the relative rights, powers and duties of such members; the liability of members with respect to the limited liability company; the manner in which the limited liability company's power to act may be challenged; the resignation of members; the establishment of classes or groups of managers and the relative rights, powers and duties of such managers; the ability of a member or manager to delegate such person's rights and powers with respect to the management of a limited liability company; the method for appraising a membership interest; the occurrences resulting in the cessation of a membership; the penalty or consequence for a member who fails to make a required contribution; and the rights of a member regarding distribution of the assets of a limited liability company.

HOUSE FILE 644 - Disclosures by Real Estate Licensees

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends current requirements relating to when and how a disclosure must be made by a real estate broker or salesperson to parties involved in a real estate transaction concerning the party the broker or salesperson represents. The Act requires that a disclosure of representation to all parties must be made at the time the broker or salesperson provides specific assistance to the client. The Act also requires that a written disclosure of representation, acknowledged by separate signatures of all parties, be made prior to an offer being made or accepted by a party to a transaction. The Act does not prohibit a single disclosure from satisfying the requirements of the section. Currently, the real estate broker is required to make an affirmative written disclosure to all parties involved in a real estate transaction concerning whom the broker or salesperson represents at the time the broker or salesperson provides specific assistance to the client.

The Act also includes in the definition of "specific assistance" the eliciting or accepting of information involving a proposed or preliminary offer associated with specific real estate.

The Act takes effect April 23, 1997.

HOUSE FILE 701 - Health Care Coverage — Portability and Continuity

BY COMMITTEE ON COMMERCE AND REGULATION. This Act enacts changes required as a result of passage of the federal Health Insurance Portability and Accountability Act, which was enacted in 1996 and provides for continuity of coverage between self-funded plans and insured health care plans.

The Act directs the Insurance Commissioner to adopt rules for the implementation of the federal Health Insurance Portability and Accountability Act.

The Act amends definitions and establishes new definitions related to small group coverage and the Iowa Comprehensive Health Association (high risk pool) consistent with the federal legislation.

The Act amends renewal requirements under group and individual coverages to provide for guaranteed renewal with certain exceptions for nonpayment of premium, fraud, noncompliance with plan requirements, or discontinuance of the plan by the insurer.

The Act extends, from 30 to 63 days, the time period during which a person may go without coverage and still be eligible for coverage under other subsequent coverage. The time period is also changed for purposes of any preexisting condition exclusion.

The Act also provides for application of these provisions to organized delivery systems.

The Act authorizes the Iowa Comprehensive Health Association to set deductibles for association health coverage plans required under federal law, authorizes the association to issue a policy comparable to the standard health benefit plan in the individual market, and adds organized delivery systems to those entities that are subject to the chapter and which must be members of the association.

CHILDREN AND YOUTH

- SENATE FILE 123 - Runaway Children
- SENATE FILE 176 - Child Sexual Abuse Reporting
- SENATE FILE 230 - Child Abuse Assessments
- SENATE FILE 515 - Juvenile Justice and Youthful Offenders
- SENATE FILE 541 - Child Day Care
- HOUSE FILE 313 - Requirements for Certain Child Day Care Providers
- HOUSE FILE 376 - Child Welfare — Dispositional Orders, Hearings, and Placements
- HOUSE FILE 544 - Foster Care and Preadoptive Care
- HOUSE FILE 545 - Placement of Delinquent Children
- HOUSE FILE 698 - Child Abuse Information and Central Registry

RELATED LEGISLATION

- SENATE FILE 236 - Health Facilities and Services — Certificate of Need Program
SEE HEALTH & SAFETY. This Act makes changes to the Certificate of Need (CON) Program, including directing a study of psychiatric medical institutions for children and institutional health facilities for persons with mental retardation.
- SENATE FILE 240 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes funding for various programs involving children and families.
- SENATE FILE 499 - Tobacco Violations by Underage Persons — Age Identification on Licenses
SEE HEALTH & SAFETY. This Act relates to privileges and prohibitions relating to tobacco, tobacco products and cigarettes relative to minors. The Act provides that motor vehicle licenses or nonoperator's identification cards issued to persons under 18 years of age are to include, prominently on the face of the license, the words "under eighteen" and those issued to persons under the age of 21, but older than 18, are to include, prominently on the face of the license, the words "under twenty-one." The Act also increases the scheduled fine for violation of the provision that prohibits a person under 18 years of age from smoking, using, possessing, purchasing, or attempting to purchase any tobacco, tobacco products or cigarettes from \$25 to a graduated fine.
- SENATE FILE 503 - Criminal Justice — Miscellaneous Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act makes a variety of changes relating to criminal justice and provides an additional penalty of five years of confinement for persons who manufacture methamphetamine, its salts, isomers or salts of isomers in the presence of a minor.
- SENATE FILE 516 - Public Assistance Revisions — Family Investment and Other Programs
SEE HUMAN SERVICES. This Act relates to the Family Investment Program or FIP (formerly known as Aid to Families With Dependent Children or AFDC), administered by the Department of Human Services, by repealing and reenacting the Code chapters and other provisions associated with the program.
- SENATE FILE 526 - Healthy Families Program
SEE HEALTH & SAFETY. This Act requires the Iowa Department of Public Health to establish a Healthy Opportunities for Parents to Experience Success (HOPES) — Healthy Families Iowa (HFI) Program to provide and consolidate services to children and families during the prenatal through preschool years.
- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an increase in the standing appropriation for education programs for at-risk children.

- HOUSE FILE 81** - Hunter Safety and Ethics Education
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act allows a person 11 years of age or older to enroll in and successfully complete an approved hunter safety and ethics education course that requires completing 10 hours of training, passing an oral or written examination, and demonstrating safe handling of a firearm. A certification of completion is valid only after the recipient is at least 12 years of age.
- HOUSE FILE 121** - Notification Requirements Regarding Pregnant Minors
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act changes prior law relating to parental notification requirements regarding pregnant minors.
- HOUSE FILE 265** - Laws Relating to Certain Criminal Offenses Affirmed and Reenacted
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act affirms and reenacts a criminal street gangs weapons offense and a stolen weapons trafficking offense and any amendments and editorial changes made to those provisions.
 The Act takes effect May 6, 1997.
- HOUSE FILE 331** - Student Searches
SEE EDUCATION. This Act makes changes in the standards and procedures for searches by school officials of student protected areas and lockers, desks, and other facilities or spaces owned and furnished by a school and provided as a courtesy to students.
- HOUSE FILE 371** - Temporary Orders for Support, Custody, or Visitation
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act provides, upon petition of a parent, for the issuance and subsequent change of temporary orders by the court for support, custody or visitation of a child for whom paternity has been established and whose parents were not married at the time of the child's birth or at the time of filing of the petition.
- HOUSE FILE 453** - Termination of Parental Rights — Grounds — Putative Father
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act makes changes in Code Chapter 600A, Termination of Parental Rights. The Act redefines "to abandon a minor child" for the purposes of the chapter. The Act also establishes criteria for a determination that a putative father has abandoned a child, for the purposes of establishing grounds for termination of the putative father's parental rights. The criteria require the demonstration of certain actions and intentions by a putative father, which vary based upon the age of the child at the time of the holding of the termination of parental rights hearing.
- HOUSE FILE 597** - School Attendance Requirements and Family Investment Program
SEE EDUCATION. This Act relates to school attendance requirements by requiring an attendance cooperation meeting process prior to designating truant a child who has not completed the sixth grade, providing for a truancy-related grant reduction sanction under the Family Investment Program (formerly known as Aid to Families With Dependent Children or AFDC), and providing for a civil penalty for truancy. The attendance cooperation requirements do not apply to a child who is receiving competent private instruction.
- HOUSE FILE 612** - Child Support, Spousal Support, and Related Matters
SEE HUMAN SERVICES. This Act makes numerous changes relating to child support enforcement including those required under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and child custody orders.
- HOUSE FILE 643** - Grandparent and Great-Grandparent Visitation Rights
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act provides the same rights of visitation to great-grandparents of a child as are currently provided to grandparents of a child through petition of the district court under certain circumstances, and includes a new circumstance under which the rights may be afforded.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes numerous provisions affecting juvenile justice programs, including foster care, adoption and other child welfare services, criteria for placement of a juvenile at the State Training School at Eldora, and funding for court-ordered services.

CHILDREN AND YOUTH

SENATE FILE 123 - Runaway Children

BY COMMITTEE ON JUDICIARY. This Act provides for the development of county plans to address problems regarding chronic runaway children. The Act defines a chronic runaway as a runaway who is reported to law enforcement as a runaway more than once in any month or three or more times in any 12 consecutive months. The Act authorizes a peace officer to take a juvenile into custody to determine whether the juvenile should be returned home or placed in shelter care in a runaway assessment and counseling center. A county may develop a plan to address the problems of runaways in the county. The plan is to identify the problems that exist within the county and specific solutions to be implemented, including the development of a runaway assessment and counseling center.

A runaway assessment and treatment center, if established, is to provide services to assess and address the problem or problems causing a juvenile to run away from home. Any center established is required to meet, at a minimum, the requirements established in Code Chapter 237 for providing child foster care. A juvenile may not be held in a center for more than 48 hours. Prior to the juvenile being released from the center, the juvenile and the juvenile's parents are to have a counseling session to identify and develop a plan to address the problem or problems causing the child to run away. Failure of a parent, guardian or custodian to attend counseling or to take custody of the child at the end of placement at the center may lead to the filing of a child in need of assistance petition.

SENATE FILE 176 - Child Sexual Abuse Reporting

BY COMMITTEE ON HUMAN RESOURCES. This Act requires mandatory reporters of child abuse to also report sexual abuse of a child who is under 12 years of age, which would otherwise be defined as child abuse except that the abuse resulted from acts or omissions of a person other than a person responsible for the care of the child. The Act also authorizes a mandatory reporter to report sexual abuse by this type of perpetrator of a child who is 12 years of age or older.

Under Iowa's child abuse law, a finding of child abuse requires that the abuse result from the acts or omissions of a "person responsible for the care of a child," which is defined to include a parent, guardian, foster parent, child care provider, or other person who assumes care or supervision of a child. The sexual abuse required to be reported under the Act includes sexual abuse under Code Chapter 709, incest, involvement in prostitution, or sexual exploitation of a minor.

Under the Act, the Department of Human Services is to refer reports of sexual abuse of a child, which results from the acts or omissions of a person other than a person responsible for the care of a child, to an appropriate law enforcement agency. The referral must be made orally, as soon as practicable, and in writing within 72 hours of receiving the report. Because the Code section amended in this Act is repealed by an Act relating to child abuse assessment, S.F. 230, this provision of the Act is stricken by H.F. 698, but the substance of the provision is included in H.F. 698.

SENATE FILE 230 - Child Abuse Assessments

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to assessments performed by the Department of Human Services (DHS) in response to reports of child abuse. See also H.F. 698, which relates to placement of information on the child abuse registry following an investigation or assessment of a report of child abuse.

Under prior law, Iowa Code Section 232.71A required DHS, in five pilot project areas of the state, upon receiving a child abuse report, to perform a child abuse assessment in lieu of an investigation. Division I of the Act directs DHS to incrementally expand the assessment-based approach to additional areas to ensure the assessment-based approach is used throughout the state by July 1, 1998. This provision takes effect April 18, 1997.

The remainder of the Act extensively amends the Iowa Code to require statewide implementation of the assessment-based approach effective July 1, 1998. Many of the amendments change references to the term "investigation" to the term "assessment." References to "investigators" are stricken and replaced with references to "child protection worker," and the term is defined. Many of the affected Code sections were also amended in H.F. 698.

The Act repeals Iowa Code Section 232.71, relating to child abuse investigations, and Code Section 232.71A, relating to child abuse assessment pilot projects, and enacts new Code Section 232.71B to provide for the use of an assessment-based approach. Many of the provisions included in the repealed sections are reformulated and reenacted to reflect the new approach. The following provisions are addressed: the purpose of the assessment-based approach, requirement of a DHS response within 24 hours of receiving a report, requirements for notification of parents, provisions for involvement of law enforcement, required elements of an assessment, home and facility visit requirements, authorization for information requests and criminal records checks, required communication if a child is referred to a physician for a physical examination, requirements to establish

multidisciplinary teams to assist with assessments, implementation of protocols for assessments involving facilities, requirements for the content of an assessment report, requirements for providing a portion of the report to the county attorney and juvenile court, requirements to offer voluntary services to families based upon the assessment, and a procedure for DHS to use in the event more than three false or meritless reports are received.

As part of the required elements of an assessment, the Act provides that unless otherwise prohibited under Code Section 234.40 or 280.21, corporal punishment which does not result in a physical injury to the child is not to be considered child abuse. Code Section 234.40 prohibits the use of corporal punishment by a foster parent and Code Section 280.21 prohibits the use of corporal punishment by school employees.

New Code Section 232.71C reenacts provisions previously included in Code Section 232.71 that provide direction in the event court action is needed in response to a child abuse report. The Act requires the county attorney to represent DHS in any child in need of assistance proceeding unless DHS is represented by the Office of the Attorney General. The Act requires DHS to assist the court when needed and request that a guardian ad litem be appointed to represent the child in the proceedings.

SENATE FILE 515 - Juvenile Justice and Youthful Offenders

BY COMMITTEE ON JUDICIARY. This Act makes a variety of changes relating to illegal conduct by juveniles and youthful offenders, including violations of alcohol regulations; dramshop liability for providing alcohol to underage persons; sharing of information pertaining to juveniles between law enforcement, social services, and education agencies; the providing of information to the public regarding delinquent juveniles and juveniles who have escaped from detention facilities; maintenance of criminal history information on juveniles; the sharing of jurisdiction between the adult and juvenile courts for certain youthful offenders; permitting the expansion of the Peer Review Court Pilot Project statewide; and providing for a study of the laws and programs established to reform juvenile delinquents and reduce juvenile crime.

The definition of "legal age" under the Alcoholic Beverages Control Act is changed from 19 to 21 years of age. Code Section 123.47 is amended to make first offense purchase, or attempts to purchase, and possession of alcohol by all persons who are under legal age a simple misdemeanor punishable by a fine of \$100. A second or subsequent offense is a serious misdemeanor punishable by a fine of \$200 and suspension of the person's operating privileges for a period not to exceed one year. Violations of Code Section 123.47 committed by persons who are under the age of 18, however, are defined as delinquent acts under the jurisdiction of the juvenile court and are to be disposed of under Code Chapter 232 (Juvenile Justice). The act of selling, giving or supplying of alcohol to persons under legal age by persons who are not alcohol licensees or permittees is made a serious misdemeanor punishable by a fine of \$500. However, if serious injury to any person results from the sale, gift or supplying of alcohol to an underage person, the violation is an aggravated misdemeanor, which is punishable by imprisonment of not more than two years and a fine of at least \$500, but not more than \$5,000. If death results, the violation is a class "D" felony, which is punishable by imprisonment of not more than five years and a fine of at least \$500, but not more than \$7,500. Sales or supplying of alcoholic beverages to persons under legal age, by persons who are licensed or have a permit to sell alcoholic beverages or their employees, is made a serious misdemeanor, punishable by a fine of \$1,500. Civil penalties as determined by the Administrator of the Alcoholic Beverages Division of the Department of Commerce or local liquor control authorities may also be imposed.

Peace officers are required under the Act to make reasonable attempts to notify elementary or secondary school officials of the school that a minor attends, if the peace officer discovers that the minor is in possession of alcohol.

The Dramshop Act is expanded to cover persons who do not possess a permit or license to sell or supply alcohol, but who dispense or give alcohol to underage persons.

Code Section 321.216B is amended to make a \$100 fine applicable to the alteration of a driver's license or a nonoperator's identification card for purposes of illegally purchasing alcohol.

The multiagency database plan, established by the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights for tracking the progress of juveniles through state and local agencies and programs, is expanded to include a resource guide outlining successful programs and practices.

Code Section 232.19 is amended to allow a peace officer to restrain any juvenile who presents a risk of danger or injury to themselves or others, or who is taken into custody for an act of violence against a person. Currently, if the child is 13 years of age or older, the child may be restrained by metal handcuffs only when a transporting vehicle is not equipped with a rear seat prisoner transport cage and the child is being taken into custody for an alleged delinquent act of violence against a person.

Code Section 232.19 is also amended to provide that the name of a juvenile who is 10 years of age or older is a public record if the child is taken into custody for a delinquent act which would be a public offense if committed by an adult.

Code Section 232.28 is amended to provide that a complaint alleging the commission of a delinquent act by a juvenile is a public record if the juvenile is at least 10 years of age and the delinquent act alleged would be a public offense if committed by an adult. Currently, the delinquent act must be an aggravated misdemeanor or greater for the complaint to be a public record. Code Sections 232.28A and 910A.5 are amended to permit the presentation of oral victim impact statements in any proceeding disposing of a complaint against a juvenile.

The provisions regarding reimbursement for court-appointed attorney fees in juvenile matters are amended to provide that reimbursement for juvenile matters shall be the same as has been established for payment for counsel for indigent adults. A provision is added to Code Section 232.149 to provide that information regarding the escape of a juvenile from a placement in a detention facility may be released. Schools are required to adopt rules requiring notification of juvenile court officers of a student's unexcused absence or suspension or expulsion, once the school officials have been notified that the student is under supervision or has been placed on probation.

The Act also provides for shared jurisdiction between the adult and juvenile courts over certain juveniles who are placed on youthful offender status. Juveniles eligible for youthful offender status are those under the age of 16 who commit drug offenses while possessing a firearm or offensive weapon, criminal gang participation involving a firearm or offensive weapon, a felony violation of Code Chapter 724 regarding firearms or offensive weapons, or a forcible felony. These are the same offenses for which juveniles age 16 or 17 are excluded from the jurisdiction of the juvenile court.

The Act provides that a juvenile may attain youthful offender status through the waiver of the juvenile court's jurisdiction in much the same manner that juveniles are currently waived from the jurisdiction of the juvenile court. In waiving its jurisdiction for the purpose of the juvenile being prosecuted as a youthful offender, the juvenile court must consider the best interests of the child and community, the resources available to the juvenile court prior to the juvenile's eighteenth birthday, and whether the juvenile should be subject to continued court supervision past the juvenile's eighteenth birthday. A juvenile who is waived for the purpose of being prosecuted as a youthful offender becomes subject to the jurisdiction of the district court to be tried or to plead guilty as an adult, receives a deferred sentence, and is placed on youthful offender probation as an adult. The juvenile is held in a juvenile detention facility prior to trial, unless released on bail. Pretrial release conditions, if any, are determined by the juvenile court at a detention hearing. The juvenile is supervised by a juvenile court officer or juvenile court services personnel while in detention or on pretrial release.

Once the district court enters an order placing a juvenile on youthful offender status, the juvenile is transferred back for supervision by the juvenile court, which then enters a dispositional order as if the juvenile had been adjudicated delinquent. Juveniles who receive youthful offender deferred sentences are subject to the supervision of the juvenile court while on youthful offender status until age 18, unless the juvenile court sooner terminates its supervision because it believes the juvenile has been rehabilitated or the juvenile violates the terms of the juvenile court's order. If the termination is due to a violation of the terms of the order, the juvenile is treated the same as an adult who has been arrested for a probation violation and the juvenile can be sentenced as an adult for the youthful offender status violation, including the reinstatement of the deferred sentence and commitment to the Department of Corrections.

The Act provides that if the juvenile is still on youthful offender status under juvenile court supervision as the juvenile's eighteenth birthday approaches, the juvenile will have a hearing before the juvenile court to determine if youthful offender status should continue. The juvenile court is to forward any findings and recommendations for consideration of the district court. At the juvenile's eighteenth birthday, unless supervision is terminated sooner by the juvenile court, the juvenile is returned to the district court for a hearing, at which time the district court will determine whether the juvenile, now an adult, should continue on youthful offender status or be discharged from youthful offender status and be treated as an adult. After considering the best interests of the offender and the community, the district court may discharge the offender, continue the youthful offender status, or sentence the offender as an adult for the offense that precipitated the placement of the person on youthful offender status.

Code Sections 331.653 and 602.8102 are amended to add serious misdemeanors committed by juveniles who are at least 10 years of age to the list of offenses reported by the sheriff and the court to the Department of Public Safety. Code Section 692.1 is amended to provide that criminal history data regarding juveniles shall be maintained by the Department of Public Safety if the juvenile is at least 10 years of age and adjudicated delinquent of an act which would be punishable as a serious misdemeanor or greater offense if committed by an adult. Currently, criminal history data is maintained only for juveniles adjudicated delinquent for aggravated misdemeanors or felonies and the fingerprints and photographs that form the basis of the information are not obtained unless a juvenile is at least 14 years of age.

Associate juvenile judges are added to the list of court officers who are entitled to bailiff and other law enforcement services. The Peer Review Court Pilot Project enabling legislation is updated and expanded under the Act to permit the creation on a statewide basis of peer review courts for juveniles alleged to have committed delinquent acts.

Code Section 724.26 is amended to add language that includes juveniles within the prohibition against convicted felons being able to receive, transport or have dominion or control over a firearm, if the juvenile has been adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult.

Two new sections are added to the chapter governing uniform school requirements, Code Chapter 280, to provide for the reporting of illegal drug or alcohol use on school premises to law enforcement. An exception is made if school officials determine that an at-risk or student assistance program will be jeopardized if the student self-reports. School officials and various agencies are permitted to share information pursuant to interagency agreements designed to reduce juvenile crime, improve school safety, reduce truancy, reduce suspensions and expulsions, and support various alternatives that support students in successfully completing their education.

The Legislative Council is requested to establish a legislative interim study committee to review and consider the need for improvements in the laws and programs established to reform juvenile delinquents and reduce juvenile crime. The study committee is to prepare and submit a report containing any findings to the General Assembly that convenes in January 1998.

SENATE FILE 541 - Child Day Care

BY IVERSON AND GRONSTAL. This Act relates to child day care regulated by the Department of Human Services (DHS) by creating a dual group day care home registration classification and establishing a child care home pilot project.

Under prior law, a registered group day care home was authorized to provide regular care to more than six but less than 12 children, provided each child in excess of six children is attending school in kindergarten or a higher grade level.

The Act authorizes two persons who comply with individual requirements for registration as a group day care home provider to be jointly issued the certificate of registration. Joint holders of a registration certificate may provide care to a greater number of young children than single holders. The joint holders may provide care for up to 10 preschool-age children (more than 24 months but less than school-age) provided no more than four of these are infants (less than 24 months), with an overall limit of 11 children present for a period of two hours or more. Requirements in law and rule prior to the Act remain applicable to the single holder of the registration: not more than four infants; when more than six children are present, the additional children must be school-age and the provider is to be assisted by a responsible individual who is at least age 14. In addition, under current law, in periods of inclement weather when schools close, a registered group home is authorized to provide care for up to 15 children. The Act does not revise the inclement weather exception limit for joint registrants.

The Act requires DHS to implement a pilot project applicable to registered family and group day care homes in a rural county. In addition, DHS may also select an urban or mixed rural and urban county for the pilot project. Under the pilot project, the family and group day care home registration classifications are combined into a child care home classification with four registration levels. The Act establishes limits on the number of children for each level, based upon the age of the children receiving care. In addition, DHS is directed to adopt rules for each level regarding the amount of space available per child, provider qualifications and training, and other minimum standards. An inclement weather exception allows additional children for each level when schools are closed. A definition for care provided on a part-time basis is provided for children receiving care for less than 90 hours per month. The numbers of children authorized for each level are as follows:

- Level I: Up to six children, with not more than three infants; in addition, two school-age children for periods of up to two hours; and for the inclement weather exception, an overall limit of eight children.
- Level II: Up to six children, with not more than three infants; in addition, four school-age children for periods of up to two hours and two part-time children; and for the inclement weather exception, an overall limit of 12 children.
- Level III: Up to six children, with not more than three infants; in addition, four school-age children and two part-time children; and for the inclement weather exception, an overall limit of 12 children.
- Level IV: Up to 12 children, with not more than four infants; in addition, two school-age children for periods of up to two hours and two part-time children; and for the inclement weather exception, an overall limit of 16 children.

The department is directed to report periodically to the General Assembly concerning the pilot project with an initial report in February 1998 and a progress report in December 1998. The report is to include advantages and disadvantages of the pilot approach and to address the feasibility of implementing the approach statewide.

HOUSE FILE 313 - Requirements for Certain Child Day Care Providers

BY JACOBS. This Act requires criminal and child abuse record checks of persons who receive public funding for providing child day care.

The Act provides that a person who is receiving public funds for providing child day care and is not registered with or licensed by the Department of Human Services (DHS) to provide child day care, and individuals residing with the person, are subject to criminal and child abuse record check requirements as though the person is applying to be or is registered. Under the requirements, DHS performs the record checks. If the record checks indicate that a person providing child day care or residing in a child day care facility has committed a crime or founded abuse, DHS is to perform an evaluation to determine if the crime or founded abuse warrants prohibition of the person's licensure, registration, employment, or residence by or in a facility providing child day care. If an evaluation of a person covered indicates prohibition is warranted, the Act prohibits the person from providing child day care and makes the person ineligible for public funding to do so. A violation of the prohibition is subject to a criminal penalty and to injunction.

HOUSE FILE 376 - Child Welfare — Dispositional Orders, Hearings, and Placements

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child welfare provisions involving dispositional orders, hearings and placements.

The Juvenile Justice Code provisions in Code Chapter 232 are amended to provide that the following types of placements are subject to juvenile court review every 12 months, rather than every 18 months as under prior law: children found to have committed a delinquent act and placed with the Department of Human Services (DHS), children subject to a child in need of assistance (CINA) order for supervised retention of the child by the parent, and voluntary foster care placements of a child with a disability. In addition, provisions of the Interstate Compact on Placement of Children out-of-state are amended to require visitation of the child by a designee of the child placement agency and a report to the court on these placements every 12 months rather than every 18 months.

Various provisions concerning out-of-home placements of children found to have committed a delinquent act or to be a CINA are amended to require the placements to be in the most family-like and most appropriate setting, in addition to the least restrictive setting.

Iowa Code Section 232.89, prohibiting the right to counsel for an incarcerated parent without legal custody of the child in a CINA proceeding, is amended to allow the right to counsel. This provision takes effect May 1, 1997.

The Act repeals provisions that required monthly reports by child-placing agencies, concerning the children placed by the agencies, to the Administrator of the Division of Child and Family Services of the DHS.

HOUSE FILE 544 - Foster Care and Preadoptive Care

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the placement of children for adoption and foster care.

The Juvenile Justice Code, Code Chapter 232, is amended to include a definition of an individual providing "preadoptive care" to a child under a signed placement agreement for the purposes of proceeding with a legal adoption of the child. These individuals are to be provided notice of any delinquency proceeding and may petition the court to be made a party to any child in need of assistance (CINA) proceeding. These individuals and foster parents are also granted access to juvenile court records involving a child in their care.

The Department of Human Services is to adopt rules specifying the elements of a preadoptive care agreement outlining the rights and responsibilities associated with the provision of preadoptive care. The department is to work with the foster parents, foster care providers, and the state Citizen Foster Care Review Board to develop written standards relating to the rights and responsibilities of foster families providing foster and preadoptive care to a child. Local foster care review boards are to include in their review the compliance of interested parties with the rights and responsibilities contained in a family foster care or preadoptive agreement.

HOUSE FILE 545 - Placement of Delinquent Children

BY COMMITTEE ON HUMAN RESOURCES. This Act adds to the criteria used by the court to determine whether a delinquent child may be placed in the state training school or other facility. As an alternative to the current requirement that a delinquent child must have been previously placed in a treatment facility outside of the child's home, previous placement in a highly structured delinquency day treatment program may also be considered.

HOUSE FILE 698 - Child Abuse Information and Central Registry

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the law requiring placement of child abuse information in the central child abuse registry at the conclusion of a Department of Human Services (DHS) investigation or assessment of a report of child abuse. In addition, the Act specifically addresses how the various types of child abuse information are to be maintained and confidentiality protected. See also S.F. 230, which provides for the phase-in of an assessment-based approach to replace the investigation-based approach in response to a report of child abuse.

Following the recommendations of the 1994 legislative interim Child Protection Task Force, the General Assembly enacted provisions for utilization of an assessment-based approach on a pilot project basis. Under the assessment-based approach, in addition to protecting the safety of the child, the child protection worker performs an assessment of the strengths and needs of the child's family and the family's community. Unlike the process under the investigation-based approach in the pilot project areas, if child abuse was determined to have occurred, only serious cases were placed in the registry.

The original legislation enacted in 1995 included legislative intent to expand the assessment-based approach and registry statewide during the fiscal year beginning July 1, 1996. However, legislation enacted by the 1996 General Assembly provided that the pilot projects continue and directed DHS to convene a group of interested parties to consult with national experts to review the child protection system and the pilot approach. The consultants performing the review advised the group to separate the two major issues of the assessment-based approach and the central registry in developing legislation. This resulted in two legislative bills, S.F. 230, which addresses the assessment-based approach, and this Act, which addresses registry placement.

Under S.F. 230, the assessment-based approach is to be incrementally expanded over the course of a year, with full implementation on July 1, 1998. Therefore, this Act addresses both investigation and assessment-based approaches and includes numerous conforming amendments to delete references to the investigation approach effective July 1, 1998. In addition, the Act makes conforming amendments to S.F. 230 and to S.F. 176.

The Act specifies in greater detail than the original pilot project legislation, the criteria for placement of information in the central registry if there is a finding of child abuse. The Act provides that if a DHS investigation or assessment determines that an incident of alleged child abuse was minor and isolated and unlikely to reoccur, the names of the child and alleged perpetrator and any other child abuse information shall not be placed in the central registry as a case of founded abuse. Based upon the statutory definition of child abuse, the Act includes a listing of the specific incidents and determinations that would result in the placement of names and other child abuse information in the central registry. Under the listing, even if an incident is determined to be minor and isolated and unlikely to reoccur, a second finding of child abuse within 18 months of an initial finding of child abuse or the occurrence of the incident in a facility or other provider of service to children will result in registry placement.

Child abuse information is divided into the data from the actual report of abuse, investigation or assessment data, and disposition data. The following types of information are considered confidential case records held by DHS:

- Investigation or assessment data.
- Information pertaining to an allegation for which an assessment or investigation was not performed.
- Information pertaining to an allegation that DHS determined did not meet the definition of child abuse. This information is available to the subject of a child abuse report, certain people involved in an investigation or assessment, or DHS designees under certain circumstances.
- Report and disposition data pertaining to an allegation determined to constitute child abuse, but which was not placed on the registry. These data are only available to the subject of a child abuse report, certain people involved in an investigation or assessment, or DHS designees under certain circumstances.

The information to be placed on the child abuse registry is outlined in amendments to Code Chapter 235A. The prior law included an extensive listing of persons with access to child abuse information including subjects of child abuse reports, employers in child care services, DHS personnel, county attorneys, and the juvenile court. The listing is revised to restrict access to the specific types of data, depending on the need to know. The Act directs the department and the courts to adopt or promulgate rules prescribing the amount of time child abuse information is retained by the department and the court and provides that the court rules are applicable to county attorneys.

The Act requires that, if an evaluation is being performed to determine whether a record of founded abuse warrants prohibiting an individual from performing a child care function, DHS must apply the new criteria for registry placement. Existing information that would not be placed in the registry under the new criteria is to be removed from the registry. In addition, during the period beginning July 1, 1997, through December 31, 1997, a subject of a child abuse report who is listed in the registry as of July 1, 1997, for a circumstance that would not require placement in the registry under the new criteria, may request DHS to perform a

review of the case. The department is to submit a report indicating the number of requests received and the resources needed to complete the reviews.

The Act requires the department to convene a group of experienced parents and child abuse experts to develop uniform criteria for identifying what constitutes a minor physical injury to a child and the circumstances in which a minor injury would not cause concern about the safety or risk of harm to a child. This group is to present recommended criteria to the Governor and General Assembly by November 1, 1997.

The Act requires the department to seek funding for the performance of an independent evaluation of the changes to the child protection system during FY 1998-1999. The evaluation to be submitted to the General Assembly during the 1999 Legislative Session.

The Act includes a delayed effective date of July 1, 1998, for the conforming amendments providing for statewide implementation of the assessment-based approach.

CORRECTIONS, CRIMINAL LAW AND PROCEDURE

- SENATE FILE 184 - Fees Charged Prisoners for Room and Board
- SENATE FILE 251 - Victims of International Terrorism
- SENATE FILE 442 - Designation of Certain Correctional Facilities
- SENATE FILE 497 - Possession or Distribution of Gamma-Hydroxybutyric Acid
- SENATE FILE 503 - Criminal Justice — Miscellaneous Provisions
- HOUSE FILE 226 - Reduction of Criminal Sentences for Good Behavior
- HOUSE FILE 232 - Defendants Mentally Incapable of Standing Trial
- HOUSE FILE 265 - Laws Relating to Certain Criminal Offenses Affirmed and Reenacted
- HOUSE FILE 449 - Sexual Abuse — Controlled Substance Preventing Consent
- HOUSE FILE 542 - Assaults on Jail and Correctional Employees
- HOUSE FILE 635 - Firearms and Munitions
- HOUSE FILE 647 - Theft by Financial Instrument
- HOUSE FILE 661 - Sentencing of Certain Criminal Offenders
- HOUSE FILE 662 - Indigent Defense — VETOED BY THE GOVERNOR
- HOUSE FILE 666 - Controlled Substances — Amphetamine
- HOUSE FILE 674 - Wrongful Imprisonment
- HOUSE FILE 707 - Operating While Intoxicated and Related Provisions
- HOUSE FILE 734 - Fees and Penalties Relating to Corrections and License Revocations
- H.J.R. 10 - Proposed Constitutional Amendment — Offenses Tried Without Indictment

RELATED LEGISLATION

- SENATE FILE 118 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, including making changes relating to distribution of controlled substances in public parks, public swimming pools or public recreation centers; making changes in the description of the offenses committed in other jurisdictions which would require that an individual register as a sex offender; and, in the domestic abuse assault statute, conforming terminology, striking redundant language, and conforming mandatory minimum penalties to other statutory felony penalties.
- SENATE FILE 131 - Fraudulent Practices Involving Public Assistance Benefits
SEE HUMAN SERVICES. This Act relates to fraudulent practices involving Family Investment and Medical Assistance (Medicaid) Program benefits and makes penalties applicable.
- SENATE FILE 132 - Department of Transportation — Miscellaneous Provisions
SEE TRANSPORTATION. This Act increases the penalties for violations of Code chapters regulating vehicle recyclers and motor vehicle manufacturers, distributors and dealers, from a simple to a serious misdemeanor.
- SENATE FILE 177 - Motor Vehicle Operation — Parking — Littering
SEE TRANSPORTATION. This Act makes changes to several provisions relating to the operation of motor vehicles, including the designation of certain scheduled fines, and establishes the offense of careless driving.
- SENATE FILE 214 - Use and Disposal of Sewage Sludge
SEE ENVIRONMENTAL PROTECTION. This Act relates to the regulation of the use and disposal of sewage sludge. The Act establishes criminal liability for acts or omissions involved in the sale of

sludge by the owner of a publicly owned treatment works. The Act also prohibits the use or disposal of sewage sludge without a permit and makes the prohibited acts relating to sewage sludge subject to certain existing penalties.

- SENATE FILE 229** - Motor Vehicle Licenses for Undercover Officers
SEE TRANSPORTATION. This Act authorizes the State Department of Transportation to issue a motor vehicle license to a peace officer or federal law enforcement officer for the purpose of providing the officer with a fictitious identity for use when performing undercover duty.
- SENATE FILE 240** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes funding for substance abuse programs involving inmates of correctional facilities and for local law enforcement.
- SENATE FILE 515** - Juvenile Justice and Youthful Offenders
SEE CHILDREN & YOUTH. This Act makes a variety of changes relating to illegal conduct by juveniles and youthful offenders, including violations of alcohol regulations; dramshop liability for providing alcohol to underage persons; sharing of information pertaining to juveniles between law enforcement, social services, and education agencies; the providing of information to the public regarding delinquent juveniles and juveniles who have escaped from detention facilities; maintenance of criminal history information on juveniles, the sharing of jurisdiction between the adult and juvenile courts for certain youthful offenders; permitting the expansion of the Peer Review Court Pilot Project statewide; and providing for a study of the laws and programs established to reform juvenile delinquents and reduce juvenile crime.
- SENATE FILE 523** - Health Care Facilities — Records Checks — Home Health Services
SEE HEALTH & SAFETY. This Act provides for the Department of Public Safety to perform preemployment criminal and dependent adult abuse records checks of prospective employees of health care facilities regulated by the Department of Inspections and Appeals.
- SENATE FILE 533** - Appropriations — Justice System
SEE APPROPRIATIONS. This Act appropriates moneys for FY 1997-1998, to the Department of Justice; Office of Consumer Advocate; Board of Parole; Department of Corrections, including correctional facilities and the judicial district departments of correctional services; Judicial Department; State Public Defender; Iowa Law Enforcement Academy; Department of Public Defense; and the Department of Public Safety; and contains related statutory provisions. Under the Act, appropriations to the justice system total \$381 million, reflecting an increase in appropriations from the State General Fund of approximately \$42.2 million from the FY 1997 appropriation. The Act authorizes an additional 35 correctional officers and provides additional money for the two newest prisons at Newton and Fort Dodge. The Act delays the full implementation of the inmate hard labor requirements by one year and limits inmate access to cable television to channels representing networks or stations for which a fee is normally not required.
- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes provisions reestablishing the Domestic Abuse Income Tax Checkoff.
- HOUSE FILE 313** - Requirements for Certain Child Day Care Providers
SEE CHILDREN & YOUTH. This Act requires criminal and child abuse record checks by the Department of Human Services of otherwise unregistered or unlicensed persons who receive public funding for providing child day care. A person with a criminal or founded abuse record who would be prohibited from providing child day care under the Act but who continues to provide care is subject to injunction and a criminal penalty.
- HOUSE FILE 439** - Repository for Licensing, Registry, and Criminal History Information
SEE HEALTH & SAFETY. This Act requires development of a single contact repository for criminal history, child and dependent adult abuse and sex offender registries, and nurse aide and other health profession certification and licensing information. The purpose of the repository is to

permit employers, local governments and state agencies to obtain the above information with one contact. The Department of Inspections and Appeals is to lead other state agencies in this effort and report to the General Assembly by January 15, 1998.

- HOUSE FILE 589** - Boxing and Wrestling
SEE STATE GOVERNMENT. This Act makes it a serious misdemeanor for a person to act as a professional boxing or wrestling promoter without first obtaining a license from the State Commissioner of Athletics.
- HOUSE FILE 704** - Transportation Regulation
SEE TRANSPORTATION. This Act makes changes to statutory provisions affecting the State Department of Transportation, including eliminating the \$100 cap on fines for moving violations that occur in road work zones.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes numerous provisions affecting children, including the Family Investment Program or FIP (previously known as Aid to Families with Dependent Children or AFDC); child day care assistance; juvenile justice, foster care, adoption and other child welfare programs; pregnancy prevention programs; and various family preservation and family-centered services.

CORRECTIONS, CRIMINAL LAW AND PROCEDURE

SENATE FILE 184 - Fees Charged Prisoners for Room and Board

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides a procedure for reimbursement of claims for room and board provided to a person who is convicted of a criminal offense while the person is in the custody of a county sheriff. The Act provides that a claim for room and board, and any fees or charges associated with the filing or processing of the claim for room and board, may be filed by the sheriff or the county attorney with the court. Once approved by the court, the claim may, upon request, be enforced as part of any restitution ordered by the court. If enforcement through restitution is not requested, the claim may be enforced in the same manner as a judgment by the sheriff through a writ of execution under Code Chapter 626. Claims for reimbursement of the costs of room and board do not have priority over competing claims for child support obligations owed by the same person.

The Act takes effect May 14, 1997.

SENATE FILE 251 - Victims of International Terrorism

BY COMMITTEE ON JUDICIARY. This Act provides that victim compensation benefits payable under the victim compensation chapter, Code Chapter 912, are payable to residents of Iowa who are victims of crimes that constitute international terrorism under federal law and that occur outside of the United States.

The Act takes effect March 31, 1997.

SENATE FILE 442 - Designation of Certain Correctional Facilities

BY COMMITTEE ON JUDICIARY. This Act specifically identifies the Fort Dodge and Newton correctional facilities as institutions under the control of the Department of Corrections. The Act deletes references to the correctional release center at Newton and provides that the correctional facility at Newton will be named the Newton Correctional Facility, and shall include minimum security facilities and a violator facility. The Act renames the Iowa Men's Reformatory the Anamosa State Penitentiary and clarifies that only the Iowa State Penitentiary at Fort Madison is entitled to an additional district court judge.

SENATE FILE 497 - Possession or Distribution of Gamma-Hydroxybutyric Acid

BY COMMITTEE ON JUDICIARY. This Act provides that a person who unlawfully possesses or distributes gamma-hydroxybutyrate, commonly known as gamma-hydroxybutyric acid, GHB or Ecstasy, commits an aggravated misdemeanor. A person who obtains or possesses gamma-hydroxybutyrate pursuant to a prescription issued by an authorized prescriber for the legitimate treatment of disease is exempt from the prohibition against unlawful possession. A person is only guilty of unlawful distribution if the person distributes gamma-hydroxybutyrate to any other person and intends to promote or allow the unlawful use of the substance or knows that the other person will use the substance for unlawful purposes.

An aggravated misdemeanor is punishable by incarceration of up to two years and a fine of not less than \$500 or not more than \$5,000.

SENATE FILE 503 - Criminal Justice — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act makes a variety of changes relating to criminal justice.

New Code Section 124.401C is created to provide for an additional penalty of five years of confinement for persons who manufacture methamphetamine, its salts, isomers or salts of isomers in the presence of a minor. The phrase "in the presence of a minor" is defined to include situations when a minor is physically present, when the activity in question is conducted in the residence of the minor or in a residence in which a minor can reasonably be expected to be present, when the activity is conducted in a room offered to the public for overnight accommodation, and when the activity is conducted in any multiple-unit residential building.

The obscenity chapter, Code Chapter 728, is amended to prohibit any place of business that is required to obtain a sales tax permit, to allow or permit within the establishment, the actual or simulated public performance of any sex act; the exposure of genitals, buttocks or female breasts of any waiter or waitress; the exposure of genitals or female breast nipples of any entertainer; persons who expose their genitals, pubic hair or anus to remain within the establishment; or a minor to engage or perform in a live act in a manner intended to arouse or satisfy the sexual desires or prurient interests of patrons, to engage in simulated or actual performance of sex acts, or to expose their genitals, buttocks, female breasts, pubic hair, or anus. The advertisement that any of the above prohibited activities is permitted within the place of business is also prohibited. Violations of the requirements in the Act by businesses required to obtain sales tax permits will result in six-month suspensions of all permits and licenses issued as a prerequisite to doing business. The new prohibitions for businesses required to obtain sales tax permits take effect May 7, 1997.

The Act establishes a pilot project that authorizes probation supervision and revocation functions to be performed in the Sixth Judicial District by administrative parole and probation judges for persons for whom the court has suspended sentence. Under the provisions, the jurisdiction of the court over adults, and juveniles sentenced as adults, who have been sentenced and granted probation will terminate once the conditions of probation are approved. All subsequent hearings regarding the probation are to be conducted by an administrative parole and probation judge who is to be appointed by the Board of Parole. Decisions of the administrative parole and probation judge may be appealed to the Board of Parole. If probation is transferred to another district, jurisdiction over the person is also transferred to the other district and, if the person is transferred to the Sixth Judicial District, jurisdiction will lie with the administrative parole and probation judge if any probation supervision or revocation proceedings are necessary. The pilot project does not apply to deferred judgments and sentences.

The Act also provides for payment of at least \$150,000 by an offender, in addition to any orders for restitution for pecuniary damages, to the estates of persons whose deaths are caused by the offender's felonious criminal acts. The order for payment of \$150,000 in the criminal case cannot be used as evidence and will not preclude or prevent the victim's estate from pursuing civil remedies for damages arising out of the same facts or event. An offender ordered to make the \$150,000 payment is estopped from denying the elements of the felony offense that caused the victim's death in any subsequent civil proceedings for damages arising out of the same facts or event.

HOUSE FILE 226 - Reduction of Criminal Sentences for Good Behavior

BY COMMITTEE ON JUDICIARY. This Act establishes two categories of sentences for purposes of calculating the amount of time that an inmate's term of confinement may be reduced for good behavior and makes other changes relating to the accrual of good time.

Category "A" sentences are those sentences which are not limited in the amount of good time that may accrue to reduce the sentence. Life sentences are included in category "A" sentences for administrative purposes so that, if the sentence is commuted to a term of years, the department may reduce the total term of years by any good time earned. Persons serving category "A" sentences are eligible for a reduction in sentence of one day for each day of good conduct and may be eligible for an additional reduction in sentence of up to five days per month if the person satisfactorily participates in certain employment, treatment or educational activities.

Category "B" sentences are those sentences which may only be reduced by up to 15 percent for good behavior, and include murder in the second degree under Code Section 707.3, sexual abuse in the second degree under Code Section 709.3, kidnapping in the second degree under Code Section 710.3, and robbery in the first or second degree under Code Section 711.2 or 711.3. Persons serving category "B" sentences are eligible for a reduction in sentence equal to 15/85 of a day for each day of good conduct.

Time that elapses during an escape does not accrue for purposes of calculating good time. Consecutive sentences that are of the same category are to be construed as one continuous sentence for purposes of calculating good time. If a person is sentenced to serve sentences of both categories, the category "B" sentences are to be served first and good time is to be separately calculated for and applied to each category of sentence. If a person is serving a category "A" sentence and is then sentenced to serve a category "B" sentence, both the category "A" sentence and the good time accrual for that sentence are to be interrupted until the category "B" sentence is completed.

The provisions of the Act that apply to category "B" sentences are made retroactively applicable to July 1, 1996.

HOUSE FILE 232 - Defendants Mentally Incapable of Standing Trial

BY COMMITTEE ON JUDICIARY. This Act requires that a court, in cases where the defendant is determined to be mentally incompetent to stand trial, must expressly order the defendant committed for treatment to the custody of the Department of Human Services or the Department of Corrections. Previous Code language did not expressly permit the defendant to be treated when custody orders were issued by the court.

HOUSE FILE 265 - Laws Relating to Certain Criminal Offenses Affirmed and Reenacted

BY COMMITTEE ON JUDICIARY. This Act affirms and reenacts two criminal law provisions and any amendments and editorial changes made to those provisions.

The first provision, the reenactment of amendments to Code Section 723A.1, relates to the brandishing of a dangerous weapon by persons who participate in or are a member of a criminal street gang. The amendments made the brandishing of a dangerous weapon a criminal act punishable as a class "D" felony if committed by a criminal street gang member or participant. A class

"D" felony is punishable by confinement for no more than five years and a possible additional fine of at least \$500, but not more than \$7,500.

The second provision reaffirmed and reenacted is the felony offense of trafficking in stolen weapons. The provision punishes the knowing transfer, acquiring of possession, or facilitation of transfer of a stolen firearm as a class "D" felony. A second or subsequent offense, or a situation in which the stolen weapon is used in the commission of a public offense, is a class "C" felony. A class "C" felony is punishable by confinement for no more than 10 years and a possible additional fine of at least \$500, but not more than \$10,000.

The Act takes effect May 6, 1997.

HOUSE FILE 449 - Sexual Abuse — Controlled Substance Preventing Consent

BY COMMITTEE ON JUDICIARY. This Act prohibits, as a class "C" felony offense of sexual abuse in the third degree, a sex act committed while one of the participants has unknowingly consumed a controlled substance, is prevented from consenting to the sex act because of the controlled substance, and the person who is performing the sex act knows or reasonably should have known that the other participant is under the influence of the controlled substance. The controlled substance must be one that prevents the person from consenting to the sex act and may include, but is not limited to, flunitrazepam. Sexual abuse in the third degree is punishable by confinement in prison for no more than 10 years and a fine of at least \$500, but not more than \$10,000.

HOUSE FILE 542 - Assaults on Jail and Correctional Employees

BY COMMITTEE ON JUDICIARY. This Act establishes a new class "D" felony which an inmate commits when the inmate either perpetrates an assault that results in a jail or correctional facility employee coming into contact with blood, seminal fluid, urine, or feces, or commits an act intended to cause pain or injury, and results in blood, seminal fluid, urine, or feces being cast or expelled upon a jail or correctional facility employee. A class "D" felony is punishable by imprisonment of not more than five years and a fine of at least \$500, but not more than \$7,500.

HOUSE FILE 635 - Firearms and Munitions

BY COMMITTEE ON JUDICIARY. This Act provides for the use of less lethal munitions by law enforcement or corrections personnel and creates two exceptions to the prohibition against possessing offensive weapons.

The Act provides that the use of less lethal munitions by peace officers or corrections personnel in the line of duty is not deadly force. "Less lethal munitions" are defined as projectiles designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the body.

This Act also creates the following two exceptions to the prohibition, found in Code Chapter 724, against possessing offensive weapons. The first exception is for residents of the state, who may possess an offensive weapon solely for use in official functions of a historical reenactment society of which the person is a member. The offensive weapon must be a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, and must be rendered permanently incapable of firing live ammunition. The weapon may, however, be permanently adapted for the firing of blank ammunition. The second exception is for nonresidents, who may possess an offensive weapon solely for use in official functions, in Iowa, of a historical reenactment society of which the nonresident is a member if the person legally possesses the offensive weapon in the person's state of residence. The weapon must be a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, and must be rendered incapable of firing live ammunition at all times while in this state. In addition, the person possessing the weapon shall not possess live ammunition for the weapon when the person is in this state with the offensive weapon. The weapon may be adapted for the firing of blank ammunition.

HOUSE FILE 647 - Theft by Financial Instrument

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides that a person commits theft when the person makes, utters, draws, delivers, or gives any check, share draft or written order on a bank, credit union, person, or corporation, and obtains the use of any property, including rental property, knowing that the financial instrument will not be paid when presented. The penalty applicable depends on the amount of the financial instrument.

HOUSE FILE 661 - Sentencing of Certain Criminal Offenders

BY COMMITTEE ON JUDICIARY. This Act provides that if a court enters an order returning a criminal defendant to the court, for purposes of reconsideration of sentence, copies of the order must be provided to the attorney for the state, the defendant's attorney, and the defendant. Upon the request of any of those persons, the court may conduct a hearing on the issue of reconsideration.

The Act also excludes persons who are mandatory reporters of child abuse from eligibility for deferred judgments and sentences and suspended sentences if the person commits a violation of Code Chapter 709, Sexual Abuse, and the victim is under the age of 18.

The Act permits the presentation of oral victim impact statements at reconsideration of sentence hearings.

HOUSE FILE 662 - Indigent Defense — VETOED BY THE GOVERNOR

BY COMMITTEE ON JUDICIARY. This bill would have made a variety of changes to provisions relating to or affecting the provision of court-appointed counsel in criminal cases.

County attorneys or their designees would be given access to the centralized employee registry maintained by the Child Support Recovery Unit of the Department of Human Services for purposes of recovery of restitution ordered by the court.

The bill changed the penalty for one type of "driving while license suspended" offense and the penalty applicable to an offense of interference with official acts that does not result in injury to a misdemeanor punishable only by a fine of \$350.

The hourly rate limits on fees to court-appointed attorneys, currently based on the hourly rate established in the contracts between the State Public Defender and the private contract attorneys, would increase to \$55 per hour, unless the offense charged was a class "A" or class "B" felony, in which case the hourly rate would not exceed \$60 per hour.

The bill lowered the income level used to determine indigency to poverty level and, if a person was partially indigent, the court would have to consider the availability of any assets that might be readily converted to cash, in determining whether the person would have been entitled to, or how much the person would have had to pay for, court-appointed counsel.

The bill amended the process for determination of indigent financial status to require submission of an affidavit of financial status and payment of a filing fee of \$30 by a person seeking court-appointed counsel. The court could reduce or waive the filing fee, or assess the fee at the time the case was finalized. An affidavit of financial status would include the name and address of the person's employer if the person is employed. A person who submits an affidavit of financial status, or for whom an affidavit is submitted, would have a duty to provide the court with any new information that became available during the course of the proceedings. A person who submitted false information for an affidavit of financial status would have committed a fraudulent practice, under the bill.

The bill would create a new fund in which the fees charged for filing the affidavit of financial status would be deposited. The moneys in the fund would cover payment of any shortfalls arising in the State Public Defender operating account for payment of court-appointed attorney fees. The State Court Administrator was directed by the bill to compile and submit an annual report containing the fee collection information to the General Assembly.

The bill clarified that a person accused of a serious misdemeanor offense that is only punishable by the imposition of a fine is not entitled to legal assistance at public expense. Under the bill, inmates could receive credit upon their sentences for time spent in custody in another jurisdiction pending extradition back to this state. The state would be required to enforce judgments of restitution in the same manner as a civil judgment. Criminal indigent defense costs would be added to the items that may be a part of the criminal penalty surcharge added to criminal fines, under the bill.

HOUSE FILE 666 - Controlled Substances — Amphetamine

BY COMMITTEE ON JUDICIARY. This Act increases the penalties for the manufacture, delivery or possession with intent to manufacture or deliver certain amounts of amphetamine or any compound, mixture or preparation containing amphetamine, as well as the penalties for conspiracy to commit these offenses. Currently, the offenses are class "C" felonies punishable by a term of imprisonment not to exceed 10 years and a fine of not less than \$1,000 or more than \$50,000, regardless of the amount of amphetamine involved in the offense.

The Act provides that an offense involving more than five kilograms of amphetamine or a compound containing amphetamine is a class "B" felony punishable by a term of imprisonment not to exceed 50 years and a fine of not more than \$1 million. Because the offense is created in Code Section 124.401, subsection 1, paragraph "a," defendants awaiting judgment and sentencing following a plea or verdict and defendants appealing a conviction for this offense cannot be admitted to bail under Code Section 811.1.

The Act further provides that an offense involving more than five grams, but not more than five kilograms, of amphetamine or a compound containing amphetamine is a class "B" felony punishable by a term of imprisonment not to exceed 25 years and a fine of not less than \$5,000 or more than \$100,000.

The Act also provides that an offense involving five grams or less of amphetamine or a compound containing amphetamine is a class "C" felony punishable by a term of imprisonment not to exceed 10 years and a fine of not less than \$1,000 or more than \$50,000.

HOUSE FILE 674 - Wrongful Imprisonment

BY COMMITTEE ON JUDICIARY. This Act permits a person wrongfully imprisoned to file a claim for damages against the state under the Iowa Tort Claims Act. A wrongfully imprisoned person is a person who was charged with, convicted of, and sentenced to serve a term of incarceration for an aggravated misdemeanor or felony, and whose conviction was vacated, dismissed or reversed either because the offense was committed by another person or the offense was a fabrication.

Under the new provision, upon receipt of an order reversing, vacating or dismissing a conviction, the district court is to make a finding as to whether there is clear and convincing evidence that the person is a wrongfully imprisoned person. If the court finds that the person was wrongfully imprisoned, the court must orally inform the person and that person's attorney that they have a right to commence an action under the Iowa Tort Claims Act.

Once the order is entered by the court, the clerk is to forward a copy to the person who was wrongfully imprisoned and the State Appeal Board. The person must file a claim within two years of entry of the order. The damages recoverable by a person for wrongful imprisonment include the amount of any restitution imposed and paid, for any fines, penalties, surcharges, or court costs. Damages recoverable also include \$50 per day of wrongful imprisonment; the value of any lost wages, salary or other earned income which directly resulted from the arrest, prosecution, conviction, and imprisonment, up to \$25,000; and the value of reasonable attorney's fees for services provided in connection with bringing an action to recover damages for wrongful imprisonment. In awarding damages, the State Appeal Board may not offset any expenses incurred by the state or political subdivision in connection with the arrest, prosecution and imprisonment of the individual. Claims for damages brought under the new provision do not preclude or limit claims for relief based on negligent or wrongful actions or omissions that arose during the period of wrongful imprisonment, but which are not related to the facts or circumstances underlying the conviction.

HOUSE FILE 707 - Operating While Intoxicated and Related Provisions

BY COMMITTEE ON JUDICIARY. This Act amends the laws relating to the offense of operating while intoxicated (OWI).

The Act provides that any conviction or revocation deleted from motor vehicle operating records shall not be considered a previous offense under Code Chapter 321J for purposes of determining the level of punishment. The Act makes a related amendment to Code Section 321.12 requiring that records of OWI arrests and license revocations be deleted from operating records by the State Department of Transportation 12 years after the conviction or revocation becomes effective. All references in Code Chapter 321J to the previous six-year "window," which counted only convictions and revocations received within the previous six years in determining punishment for the current offense, are deleted.

The Act requires the Department of Public Safety, the Governor's Traffic Safety Bureau, the State Department of Transportation, the Governor, and the Attorney General to engage in an ongoing public education campaign regarding the dangers of and legal penalties associated with drunk driving.

A person convicted of a first offense of drunk driving is subject to a mandatory fine of \$1,000, and assignment to substance abuse evaluation, a Reality Education Substance Abuse Prevention Program, and a course for drinking drivers, in addition to the current provisions regarding jail time and license revocation. Provision is made for waiver of a portion of the fine if no personal or property damage occurred, and for performance of community service in lieu of a fine. The minimum fines for subsequent OWI offenses are also increased.

The Act also prohibits use of deferred judgments, deferred sentences, and suspended sentences for OWI violations if the defendant's blood alcohol concentration exceeds 0.15, if the defendant has previously been convicted of or has received a deferred judgment for an OWI violation, if the defendant refused to consent to testing, or if the OWI violation resulted in bodily injury to a person other than defendant.

The Act removes the \$2,000 limitation on victim restitution owed by a convicted drunk driver, and makes restitution of up to \$500 per agency response available to any public agency for the costs of emergency response services related to the acts underlying the drunk driving conviction. The county attorney may present such damages in the statement of pecuniary damages.

Persons convicted of a second OWI offense are not eligible for a temporary restricted license or early license reinstatement for the first year of the two-year revocation, and on a third or subsequent OWI violation, are not eligible for a temporary restricted license for the first two years of the six-year revocation. Ignition interlock devices are required as a condition for issuance of a temporary restricted license for any persons convicted of a second or subsequent OWI offense. A similar provision is added in Code Section 707.6A for persons convicted of causing death as a result of an OWI violation. The Act also increases the license revocation period for refusal to consent to chemical testing under Code Section 321J.9 to one year for persons with no previous OWI-related revocation, and two years for persons with one or more previous OWI-related revocations.

The Act requires all persons whose licenses are revoked under Code Chapter 321J to complete a course for drinking drivers and a substance abuse evaluation prior to any reinstatement of the person's license. A similar requirement has been added in Code Section 707.6A for persons convicted of causing a death in the course of an OWI violation.

The Act provides that if a person is convicted of a second or subsequent offense of driving a vehicle while that person's license is suspended, denied, revoked, or barred for a violation of Code Chapter 321J, then in addition to the applicable criminal penalty, the vehicle used in commission of the offense shall be subject to seizure and forfeiture pursuant to Code Chapters 809 and 809A. The Act also establishes a simple misdemeanor offense for any person who knowingly consents to operation of the person's vehicle by a person whose license is suspended, denied, revoked, or barred for a violation of Code Chapter 321J, and provides for civil liability by such a vehicle owner for damages caused by the drunk driver.

An oral certificate of death or unconsciousness of an OWI suspect under Code Section 321J.7 must be placed in writing by the physician within a reasonable time after the oral certification.

Bail is no longer available for persons awaiting judgment of conviction and sentencing for vehicular homicide, or pending appeal of a conviction of vehicular homicide under Code Section 707.6A.

The age limitation and the consent requirements are removed from the Reality Education Substance Abuse Prevention Program provision in Code Section 321J.24.

The Act includes a state mandate as defined in Code Chapter 25B. It makes inapplicable Code Section 25B.2, subsection 3, which would relieve a political subdivision from complying with a state mandate if funding for the cost of the state mandate is not provided or specified. Therefore, political subdivisions are required to comply with any state mandate included in this Act.

HOUSE FILE 734 - Fees and Penalties Relating to Corrections and License Revocations

BY COMMITTEE ON WAYS AND MEANS. This Act imposes a \$200 civil penalty on a person when the person's motor vehicle license has been suspended, revoked or barred for violation of Code Chapter 321, Motor Vehicles and Law of the Road, or Code Chapter 321A, Motor Vehicle Financial Responsibility. The Act requires a conviction for purposes of imposing a civil penalty under Code Chapter 321 and limits the penalty to \$50 for persons age 19 or under.

The Act requires that moneys collected by the State Department of Transportation pursuant to this penalty be deposited in the General Fund of the State, except during FY 1998, when the moneys shall be deposited with the Department of Human Services. For FY 1998, the Act specifies that the first \$1 million collected shall be used for county or multicounty juvenile detention homes. Moneys collected beyond \$1 million during FY 1998 shall be allocated to the judicial districts for runaway assessment facilities and services and juvenile delinquency prevention and intervention services.

The Act provides that a correctional fee assessed an inmate for custodial expenses incurred shall be credited to the appropriate correctional institution and deletes the prior provision that had assessed the fee as court costs and credited any moneys received to the General Fund of the State.

The Act also establishes a supervision fee to be assessed a person placed on probation or parole and who is subject to supervision by a Judicial District Department of Correctional Services. The fees collected shall be credited to the Judicial District Department of Correctional Services. The Act requires that the Department of Corrections adopt a rule providing for waiver of the fee for persons unable to pay. The Act also establishes that the fees be paid or waived prior to the person's discharge from probation.

The Act also establishes a procedure for allocating moneys received by an inmate while employed in private industry and specifies the allocation of any moneys received.

The Act also provides that institutional receipts of the Department of Corrections which are specifically required to be otherwise expended or deposited are not to be deposited in the General Fund of the State. The Act also changes the Iowa Prison Recycling Fund language to provide for separate funds for each prison institution within the State Treasury. Currently, there is a single fund for all institutions.

HOUSE JOINT RESOLUTION 10 - Proposed Constitutional Amendment — Offenses Tried Without Indictment

BY COMMITTEE ON JUDICIARY. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa regarding certain misdemeanors that are tried summarily by magistrates, or other judicial officers, without indictment. It eliminates the limitation on fines, so that the only criterion for summary disposition is whether the punishment is 30 days or less of imprisonment.

This Joint Resolution was also adopted by the Seventy-Sixth General Assembly and consequently will be submitted to the electorate for ratification at the general election in November 1998.

COURTS, CIVIL LAW AND PROCEDURE, AND PROBATE

- SENATE FILE 241 - Probate Code — Guardianships and Conservatorships — Transfers on Death Security Registration
- SENATE FILE 281 - Judicial Administration
- SENATE FILE 432 - Disposition of Condemned Property and Unused Right-of-Way
- HOUSE FILE 121 - Notification Requirements Regarding Pregnant Minors
- HOUSE FILE 132 - Liability for Domesticated Animal Activities
- HOUSE FILE 308 - Debt Collection Practices
- HOUSE FILE 371 - Temporary Orders for Support, Custody, or Visitation
- HOUSE FILE 453 - Termination of Parental Rights — Grounds — Putative Father
- HOUSE FILE 643 - Grandparent and Great-Grandparent Visitation Rights
- HOUSE FILE 693 - Tort Reform — Miscellaneous Provisions

RELATED LEGISLATION

- SENATE FILE 95 - Water and Ice Vessel Accident Reports
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act provides that a copy of a law enforcement officer's written report of a water or ice vessel accident, with \$500 or more damage, shall be made available by the Department of Natural Resources to a party to the accident, a party's insurance representative, or a party's attorney, upon request and payment of a fee.
- SENATE FILE 118 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, including changing the placement of a reference to employees of the Commission of Veterans Affairs in the Iowa Tort Claims Act. The provision regarding the Iowa Tort Claims Act takes effect April 18, 1997, and applies retroactively to July 1, 1996.
- SENATE FILE 219 - Trespassing or Stray Livestock
SEE AGRICULTURE. This Act provides a cause of action to a landowner or a county or city, referred to as a local authority, when livestock is trespassing, or is taken into custody when it has strayed from its owner's control.
- SENATE FILE 280 - Providing Work-Related Employee Information
SEE LABOR & EMPLOYMENT. This Act provides an employer immunity from civil liability for the good faith disclosure of work-related information about current or former employees.
- SENATE FILE 361 - School-to-Work Programs — Workers' Compensation
SEE LABOR & EMPLOYMENT. This Act establishes that the rights and remedies of the workers' compensation law are the exclusive and only rights and remedies available to a student who sustains an occupational injury, occupational disease, or occupational hearing loss while participating in a school-to-work program.
- SENATE FILE 391 - Appropriations — Transportation
SEE APPROPRIATIONS. This Act increases the salary rates for the justices, judges and magistrates of the state court system by approximately 3 percent for FY 1997-1998.
- SENATE FILE 472 - Construction or Expansion of Animal Feeding Operation Structures
SEE AGRICULTURE. This Act prohibits a person from constructing or expanding a structure that is part of a confinement feeding operation if the person is a party to a pending action for a violation of state law concerning a confinement feeding operation or the person, or a confinement feeding operation in which the person holds a controlling interest, is classified as a habitual violator.

The Act takes effect May 19, 1997.

- SENATE FILE 503** - Criminal Justice — Miscellaneous Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act makes a variety of changes relating to criminal justice by establishing a pilot project in the Sixth Judicial District, which authorizes probation supervision and revocation functions to be performed by administrative parole and probation judges for persons for whom the court has suspended sentence, and providing for payment of at least \$150,000 by an offender to the estates of persons whose deaths are caused by the offender's felonious criminal acts, in addition to any orders for restitution for pecuniary damages.
- SENATE FILE 533** - Appropriations — Justice System
SEE APPROPRIATIONS. This Act appropriates moneys for FY 1997-1998, to the Department of Justice, Office of Consumer Advocate, Board of Parole, Department of Corrections, including correctional facilities and the judicial district departments of correctional services, Judicial Department, State Public Defender, Iowa Law Enforcement Academy, Department of Public Defense, and the Department of Public Safety, and contains related statutory provisions. Under the Act, appropriations to the justice system total \$381 million, reflecting an increase in appropriations from the General Fund of approximately \$42.2 million from the FY 1997 appropriation. The Act provides for an additional 35 clerk of court positions, one district court judge, three juvenile court officers, additional legal assistants for the Court of Appeals, and expansion of the Court-Appointed Special Advocate Program.
- HOUSE FILE 114** - Legalization of Certain City and County Deeds and Conveyances
SEE LOCAL GOVERNMENT. This Act legalizes certain deeds or conveyances of property by cities and counties recorded more than 10 years earlier.
- HOUSE FILE 307** - Recovery of Merchandise or Damages
SEE BUSINESS, BANKING & INSURANCE. This Act amends the definition of a mercantile establishment "owner" to include a representative of the owner, and therefore allows a designated representative of the owner to maintain an action for recovery of merchandise or damages under Code Chapter 645.
- HOUSE FILE 376** - Child Welfare — Dispositional Orders, Hearings, and Placements
SEE CHILDREN & YOUTH. This Act relates to child welfare provisions involving dispositional orders, hearings and placements.
- HOUSE FILE 492** - Supplemental Needs Trust for Persons with Disabilities
SEE HUMAN SERVICES. This Act reenacts Iowa Code Chapter 634A, relating to supplemental needs trusts for persons with disabilities, which was repealed in 1995.
- HOUSE FILE 514** - Financial Liability Coverage for Motor Vehicles
SEE BUSINESS, BANKING & INSURANCE. This Act prohibits a person from driving a motor vehicle registered in this state on the highways of this state unless financial liability coverage is in effect for the motor vehicle. The driver is also subject to a conviction for a violation if the driver does not have in the motor vehicle a "proof of financial liability coverage card" issued for the motor vehicle. However, the driver has 30 days to produce, in court, proof that the motor vehicle was covered by financial liability coverage at the time of arrest. A violation is subject to a \$100 fine. Effective July 1, 1999, a violation of the proof of financial liability coverage requirements is subject to a \$500 fine if the violation is in connection with a motor vehicle accident, \$250 for all other violations.
- HOUSE FILE 544** - Foster Care and Preadoptive Care
SEE CHILDREN & YOUTH. This Act relates to the placement of children for adoption and foster care. The Juvenile Justice Code, Code Chapter 232, is amended to include a definition of an individual providing "preadoptive care" to a child under a signed placement agreement for the purposes of proceeding with a legal adoption of the child. These individuals are to be provided notice of any delinquency proceeding and may petition the court to be made a party to any child in need of assistance (CINA) proceeding. These individuals and foster parents are also granted access to juvenile court records involving a child in their care.

- HOUSE FILE 597** - School Attendance Requirements and Family Investment Program
SEE EDUCATION. This Act relates to school attendance requirements and includes provision for a civil penalty for truancy.
- HOUSE FILE 612** - Child Support, Spousal Support, and Related Matters
SEE HUMAN SERVICES. This Act makes changes relating to child support enforcement including those required under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and other provisions relating to child custody and paternity establishment.
- HOUSE FILE 674** - Wrongful Imprisonment
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act permits a person found to have been wrongfully imprisoned to file a claim for damages against the state under the Iowa Tort Claims Act.
- HOUSE FILE 698** - Child Abuse Information and Central Registry
SEE CHILDREN & YOUTH. This Act relates to the state's child protection system law for placement of child abuse information in the central child abuse registry at the conclusion of a Department of Human Services investigation or assessment of a report of child abuse. In addition, the Act specifically addresses how various types of child abuse information are to be maintained and confidentiality protected by persons involved with the system, including county attorneys, law enforcement and the juvenile court. See also S.F. 230 (see Children & Youth), which provides for the phase-in of an assessment-based approach to replace the investigation-based approach in response to a report of child abuse.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes numerous provisions affecting juvenile justice programs, including foster care, adoption and other child welfare services, criteria for placement of a juvenile at the State Training School at Eldora, and funding for court-ordered services for juveniles.

COURTS, CIVIL LAW AND PROCEDURE, AND PROBATE

SENATE FILE 241 - Probate Code — Guardianships and Conservatorships — Transfer on Death Security Registration
BY COMMITTEE ON COMMERCE. This Act amends the Iowa Probate Code by providing for guardianships and conservatorships and adopting the Uniform Transfer on Death (TOD) Security Registration Act.

This Act amends the portions of the Iowa Probate Code relating to guardianships and conservatorships. The Act includes many changes based upon the Iowa Supreme Court decision in *In Re Guardianship of Hedin*, 528 N.W.2d 567 (Iowa 1995). In *Hedin*, the court held all of the following:

1. In proceedings to establish, modify or terminate a guardianship, the district court may make a finding of incompetency only if the ward's or proposed ward's decision-making capacity is so impaired that the ward is unable to care for the ward's or proposed ward's personal safety or to attend to and provide for such necessities as food, shelter, clothing, and medical care, without which physical injury or illness may occur. Additionally, in making the determination of incompetency, the court is required to consider credible evidence from any source of the effect of third-party assistance.
2. In determining whether a guardianship is to be established, modified or terminated, the district court shall consider if a limited guardianship is appropriate.
3. The standard of proof for determining incompetency in a proceeding to establish, modify or terminate a guardianship is clear and convincing evidence.
4. The burden of persuasion is on the party petitioning for guardianship and remains with the guardian in proceedings to modify or terminate the guardianship. If the ward petitions to terminate the guardianship or conservatorship, the ward must make a prima facie showing that the ward has some decision-making capacity. Once the prima facie showing is made, the guardian or conservator has the burden of persuasion to show by clear and convincing evidence that the ward is incompetent.

The Act provides a definition of "functional limitations" and redefines the term "incompetent."

The Act provides general provisions that apply to all guardianship and conservatorship proceedings. In the appointment, modification or termination of a guardianship, incompetency of the proposed ward or ward must be supported by clear and convincing evidence. The Act establishes the burden of persuasion in guardianship and conservatorship proceedings, requires the court to consider establishment of a limited guardianship or conservatorship, and requires the court to consider credible evidence from any source as to the effect of third-party assistance in meeting the needs of the proposed ward or ward.

The Act amends Code Sections 633.552 and 633.566, relating to petitions for guardianships or conservatorships, to provide that the basis upon which a person is alleged to require a guardian or conservator is that the proposed ward is a minor or is incompetent as redefined in the Act.

The Act also provides that if a guardianship or conservatorship is modified, any modification more restrictive for the ward must be based on clear and convincing evidence that the ward still falls into the category noted in the petition and that the facts justify the modification.

The Act provides that in a termination of guardianship or conservatorship proceeding the ward must only make a prima facie showing of some decision-making capacity and then the guardian or conservator must prove the ward's incompetency by clear and convincing evidence.

The Act also makes conforming changes in other guardianship and conservatorship sections to reflect the new requirements relating to burden of persuasion and the considerations of the court.

This Act adopts the Uniform Transfer on Death (TOD) Security Registration Act as approved and recommended by the National Conference of Commissioners on Uniform State Laws. This Act allows the owner of securities to register the title in "transfer-on-death" (TOD) form. The Act provides that a person (e.g., an issuer or broker) may transfer the securities directly to the designated transferee on the owner's death, passing outside the probate process. The registration provides a nonprobate transfer option without providing for joint tenancy form of title. The registration form does not affect the registered owner's control of the affected security during the lifetime of the owner. The Act provides for the right of survivorship by registered owners and the rights of beneficiaries to take the asset upon the death of the last surviving owner. An issuer is not required to implement the procedure, and the Act provides protections to a registering entity who acts in good faith.

SENATE FILE 281 - Judicial Administration

BY COMMITTEE ON JUDICIARY. This Act makes the following changes concerning the operation of the Judicial Department:

- Eliminates the limitation on the number of attorneys the Court of Appeals may employ to act as legal assistants to the court.
- Permits the clerk of the district court to destroy court files in divorce, child support and paternity cases 10 years after final disposition of the case.
- Eliminates the requirement that a debt owed the clerk of the district court must be delinquent before the Judicial Department may assign the debt to the Department of Revenue and Finance for collection.
- Permits the court to order a law enforcement agency or county attorney to assist the court in registering a person who is required to register with the sex offender registry.
- Directs the State Court Administrator to enter deferred judgments in a deferred judgment docket and make the information in the docket available to clerks of the district court.

SENATE FILE 432 - Disposition of Condemned Property and Unused Right-of-Way

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that a prior owner of condemned real property shall be given 60 days to reacquire that property if the condemner has not used the property for the purpose of the condemnation and if the entity that condemned the real property seeks to otherwise dispose of the property to the public. The Act provides that the prior owner can reacquire the property at a price equal to the current appraised value of the property.

The Act also provides that the present owner of adjacent land or the prior owner of unused right-of-way property condemned or purchased for highway purposes as provided in Code Chapter 306 shall have the opportunity to acquire the property prior to offering the property to the public.

The Act provides that an offer to purchase the unused right-of-way property must be made by the prior or adjacent owner within 60 days of notification. The highest offer over the fair market value of the parcel will be accepted. If no offers are made, the parcel may be sold to anyone.

HOUSE FILE 121 - Notification Requirements Regarding Pregnant Minors

BY BODDICKER, MERTZ, GREINER, KLEMME, KREMER, HOLMES, GARMAN, SIEGRIST, CORBETT, WEIDMAN, TYRRELL, WELTER, DIX, LAMBERTI, SUKUP, BARRY, LORD, VANDE HOEF, EDDIE, HUSEMAN, DOLECHECK, ARNOLD, HEATON, CHURCHILL, HOUSER, TEIG, BLODGETT, BRADLEY, BRUNKHORST, DRAKE, GIPP, RANTS, GRIES, LARSON, HAHN, MILLAGE, CARROLL, VAN MAANEN, MUNDIE, MAY, BOGGESS, JENKINS, VAN FOSSEN, RAYHONS, MEYER, OSTERHAUS, O'BRIEN, VEENSTRA, AND BRAUNS. This Act changes prior law relating to parental notification requirements regarding pregnant minors. The provisions in the Act are in response to the Iowa district court's granting of injunctive relief and to various findings of the court including those relative to emergency abortions, criminal liability, and expeditious and confidential procedures. The Act eliminates the option of notifying an aunt or uncle of a pregnant minor, in lieu of a parent, prior to the performance of an abortion on a pregnant minor.

The Act changes prior law to provide that the notification requirements and related procedures, including the offering of video and written materials relating to the options available to the pregnant minor, certification of the offering, notification requirements, medical emergency exception requirements, and penalties for knowing violation, apply only to a licensed physician from whom a pregnant minor is seeking an abortion.

The Act provides that all court documents pertaining to the waiver of notification proceedings are to be sealed, that the court must rule on a petition for waiver of notification within 48 hours or the petition is deemed granted, and that resolution of a petition for waiver of notification must be completed within 10 calendar days as calculated from the day after the filing of the petition to the day of issuance of any final decision on appeal of the action.

The Act provides that if the pregnant minor declares that she is a victim of sexual abuse, the Department of Human Services is prohibited from releasing information relating to the pregnant minor's pregnancy or abortion in response to a request for public records, discovery procedures, subpoena, or any other means, unless expressly authorized by the pregnant minor. A person who knowingly violates these confidentiality provisions is guilty of a serious misdemeanor.

The Act eliminates the procedure to be followed, in lieu of notification of a parent and judicial bypass, in the case of a medical emergency, and provides that a medical emergency, as defined in Code Chapter 135L, relating to the notification procedures, is an exception to the requirement to notify a parent prior to the performance of an abortion on a pregnant minor.

The Act includes an element of criminal intent in the provisions for performing an abortion in violation of notification provisions.

The Act provides that all records and files of a court proceeding maintained under the judicial bypass provisions are to be destroyed by the clerk of court when one year has elapsed from any of the following: the date the court issues the order waiving notification; the date after which the court denies the petition for waiver and the decision is not appealed; or the date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted.

The Act eliminates the required notification of a custodial parent or legal guardian or custodian of a pregnant minor or minor who has given birth, prior to the hearing regarding the termination of parental rights of the pregnant minor or minor who has given birth.

HOUSE FILE 132 - Liability for Domesticated Animal Activities

BY O'BRIEN, GREIG, HAHN, GREINER, DRAKE, MAY, LARKIN, ARNOLD, MUNDIE, MERTZ, KLEMME, BARRY, TYRRELL, HEATON, WELTER, VANDE HOEF, HOUSER, DREES, FREVERT, HUSEMAN, GRIES, MYERS, DOLECHECK, KOENIGS, COHOON, BRADLEY, WEIDMAN, WITT, EDDIE, MEYER, VAN MAANEN, DOTZLER, JOCHUM, FOEGE, RICHARDSON, BOGGESS, AND GARMAN. This Act limits the liability of persons involved with animals classified as domesticated animals, including livestock. A person who is a participant or spectator is barred from bringing a claim based on damages, injury or death arising from inherent risks associated with an activity involving a domesticated animal, including the propensity of a domesticated animal to behave in a manner that is reasonably foreseeable to result in injury or death to a person, risks generally associated with an activity, the unpredictable reaction by a domesticated animal to unfamiliar conditions, a collision by a domesticated animal with an object or animal, and the failure of a participant to exercise reasonable care.

However, the Act provides that a participant or spectator may bring a claim if the damages, injury or death was caused intentionally, recklessly, or while under the influence of a controlled substance; by the use of defective equipment or tack; due to the failure to notify a participant of a dangerous latent condition on land owned by the sponsor of an event; or because of an activity occurring in an inappropriate place.

The Act also requires that a professional who receives compensation for engaging in a domesticated animal activity by instructing participants, renting equipment or tack, or renting the use of a domesticated animal must provide notice that the professional is not liable for damages, an injury to, or for the death of a person which results from the inherent risks of activities associated with the domesticated animal.

HOUSE FILE 308 - Debt Collection Practices

BY COMMITTEE ON JUDICIARY. This Act relates to the required disclosure a debt collector must give to a debtor when attempting to collect a debt. In the initial contact, whether the contact is oral or written, the Act provides that a debt collector must notify the debtor that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose. In subsequent communications, the Act only requires the debt collector to identify that the communication is from a debt collector.

HOUSE FILE 371 - Temporary Orders for Support, Custody, or Visitation

BY COMMITTEE ON JUDICIARY. This Act provides, upon petition of a parent, for the issuance and subsequent change of temporary orders by the court for support, custody or visitation of a child for whom paternity has been established and whose parents were not married at the time of the child's birth or at the time of filing of the petition. The provisions relating to temporary orders for support, custody and visitation of a child, which apply in dissolution of marriage proceedings, are applicable to these proceedings.

HOUSE FILE 453 - Termination of Parental Rights — Grounds — Putative Father

BY JOCHUM, BODDICKER, FOEGE, AND THOMSON. This Act makes changes in Code Chapter 600A, Termination of Parental Rights. The Act redefines "to abandon a minor child" for the purposes of the chapter. The Act also establishes criteria for a determination that a putative father has abandoned a child, for the purposes of establishing grounds for termination of the putative father's parental rights. The criteria require the demonstration of certain actions and intentions by a putative father, which vary based upon the age of the child at the time of the holding of the termination of parental rights hearing.

HOUSE FILE 643 - Grandparent and Great-Grandparent Visitation Rights

BY COMMITTEE ON JUDICIARY. This Act provides the same rights of visitation to great-grandparents of a child as are currently provided to grandparents of a child, through petition of the district court under certain circumstances and if visitation is in the best interest of the child and the great-grandparent has established a substantial relationship with the child prior to the filing of the petition. Additionally, the Act provides that a grandparent or great-grandparent may petition for visitation if the parents of the child are divorced and the parent who is the child of the grandparent or who is the grandchild of the great-grandparent has legal custody of the child.

HOUSE FILE 693 - Tort Reform — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act relates to statutes of limitation and repose in civil actions, interest rates on judgments and decrees, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, joint and several liability, and reporting requirements regarding the number of physicians practicing in Iowa.

The Act requires the Iowa Department of Public Health to annually submit a report to the General Assembly relating to and regarding the number of physicians practicing in Iowa in the area of obstetrics.

The Act changes the rate of interest allowed under Code Section 668.13 on all money due on judgments and decrees on actions brought under Code Chapter 668, to the coupon issue rate of a 52-week U.S. Treasury bill plus 2 percent. The Act also changes the rate of interest allowed under Code Section 535.3 on all money due on other judgments and decrees to the same rate as calculated under Code Section 668.13, with the exception that interest due pursuant to Code Section 85.30 and interest due on periodic payments for child, spousal or medical support shall accrue at a rate of 10 percent per year. These provisions of the Act shall apply to actions filed after July 1, 1997.

The Act creates a 15-year statute of repose for products liability actions that begins when the product is first purchased, leased, bailed, or installed for use or consumption unless the product is expressly warranted for a longer period of time. The statute of repose shall not apply if there is an intentional misrepresentation or fraudulent concealing of information about the product and that conduct was a substantial cause of the claimant's harm. In product liability actions involving a latent disease caused by exposure to a harmful material, the statute of repose shall not apply and the action shall be deemed to have accrued when the disease and such disease's cause have been made known to the person or at the point the person should have been aware of the disease and such disease's cause. This provision of the Act applies to actions filed after July 1, 1997, except that any cause of action having actually accrued as of May 29, 1997, shall be preserved according to the law applicable to the statute of limitations in effect at the time of accrual.

The Act provides that the statute of limitations for commencing a medical malpractice action for a minor under eight years of age when the act, omission or occurrence alleged in the action occurred is extended to the minor's tenth birthday. This provision of the Act shall apply to all causes of action accruing on or after July 1, 1997, and to all causes of action accruing before July 1, 1997, and filed after July 1, 1999.

The Act provides a procedure for the furnishing of a plaintiff's patient records and related information when a condition of the plaintiff is an element or factor of the claim or defense of the adverse party. The adverse party is required to make a written request and the plaintiff is required to execute a waiver and release it to the adverse party within 60 days of receipt of the written request. The waiver may require a physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional to provide a complete copy of patient records and consult with the attorney for the adverse party prior to providing testimony. The court may order disclosure or compliance. A person providing information shall be granted immunity from all civil or criminal penalties, claims or actions with respect to Code Section 622.10 and shall be entitled to charge a reasonable fee. The Act requires written notice to the plaintiff's counsel prior to depositions and provides the plaintiff's counsel with the right to be present during meetings between the defendant's counsel and the person providing information. This provision of the Act applies to actions filed after July 1, 1997, but does not apply to workers' compensation actions.

The Act provides that in personal injury actions and actions brought under Code Chapter 668, any award of future damages shall be adjusted by the finder of fact to reflect the present value of the sum. The reduction to present value may only be done one time. The Act also provides that the finder of fact shall allocate the percentage of total fault of the person whose death or injury gave rise to a consortium claim. The Act also provides that the percentage of fault assigned to the person whose death or injury gave rise to a consortium claim shall apply to reduce or bar a judgment for loss of consortium. Finally, the Act provides that when a defendant is found to bear 50 percent or more of the fault in actions brought under Code Chapter 668, the defendant shall be jointly and severally liable only for economic damages, and not for noneconomic damages. These provisions of the Act apply to actions filed after July 1, 1997.

ECONOMIC DEVELOPMENT

- SENATE FILE 205 - Waivers and Exemptions Under New Jobs and Income Program
- SENATE FILE 272 - Implementation of Economic Development Assistance Programs
- HOUSE FILE 367 - Job Training Withholding Payments
- HOUSE FILE 368 - Entrepreneurial Ventures Assistance Program
- HOUSE FILE 722 - Seed and Venture Capital — Capital Investment Board — Tax Credits
- HOUSE FILE 724 - Enterprise Zones
- HOUSE FILE 732 - Housing Development

RELATED LEGISLATION

- SENATE FILE 240 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes more than \$30 million in funding for community development programs administered by the Department of Economic Development.
- SENATE FILE 361 - School-to-Work Programs — Workers' Compensation
SEE LABOR & EMPLOYMENT. This Act authorizes school corporations to establish and maintain school-to-work programs including alternative learning opportunities through which students may obtain skills or training outside the classroom, and establishes that for purposes of the workers' compensation law, a student participating in a school-to-work program is defined as an "employee."
- SENATE FILE 528 - Land Recycling and Environmental Remediation Standards
SEE ENVIRONMENTAL PROTECTION. This Act relates to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and the establishment of a Land Recycling Program and a Land Recycling Fund.
- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes provisions expressing legislative support for a value-added agricultural production initiative and authorizing the Department of Economic Development to enter into negotiations regarding innovative approaches.
- HOUSE FILE 613 - Linked Deposit Investment Programs
SEE BUSINESS, BANKING & INSURANCE. This Act makes changes to the Linked Investment Programs in the Office of the Treasurer of State and requires the Department of Economic Development to develop a proposal for "instant buy down" assistance to targeted small businesses.
- HOUSE FILE 655 - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Economic Development, Iowa State University, the University of Iowa, the University of Northern Iowa, the Department of Workforce Development, and the Public Employment Relations Board. The Act creates the Shelter Assistance Fund, authorizes the funding of high technology apprenticeship programs, amends the use of Physical Infrastructure Assistance Program appropriations, provides for the transfer of unobligated funds and physical assets of the Wallace Technology Transfer Foundation Fund, requests an interim study on housing, and requires future budget proposals to be submitted in certain formats.

ECONOMIC DEVELOPMENT

SENATE FILE 205 - Waivers and Exemptions Under New Jobs and Income Program

BY COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM. This Act relates to continued eligibility under the New Jobs and Income Program by amending provisions concerning the ownership of land by nonresident aliens and the waiver of certain capital investment and job creation requirements.

Code Section 15.331B provides an exemption from the land ownership restriction for nonresident aliens. The Act extends the availability of this exemption from July 1, 1998, to July 1, 2002. Code Section 15.337 relates to the waiver of qualification requirements for the New Jobs and Income Program, including the capital investment requirement and the requirement for number of positions created. This Act repeals the provision in Code Section 15.337 which states that the Department of Economic Development cannot grant such waivers after June 30, 1998.

SENATE FILE 272 - Implementation of Economic Development Assistance Programs

BY COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM. This Act relates to financial assistance provided by the Department of Economic Development. The department has the responsibility of providing financial assistance to local development corporations for financing construction of buildings to attract business and industry. The Act provides that financial assistance to these corporations is subject to the availability of funds in the Building Loan Fund.

The department is also responsible for assisting in the development, promotion, implementation, and administration of a statewide network of regional corporations designed to increase the availability of financing for small businesses. The Act provides that such assistance is subject to the availability of funds in the Small Business Economic Development Corporation Fund.

HOUSE FILE 367 - Job Training Withholding Payments

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act provides that when an individual business completes its repayment obligation for a new jobs training project funded under Code Chapter 260E, the community college sponsoring the project shall report to the Department of Economic Development the amount of withholding paid by the business to the community college during the final 12 months of withholding payments. As provided in the Code, an agreement between a community college and a business to establish a training program may provide for program costs to be paid, in whole or in part, by new jobs credit from withholding, which is based on the wages paid to the employees in the new jobs.

The Act provides that community colleges shall identify all businesses that were part of a multiple issue certificate under Code Chapter 260E and which have met their repayment obligation for a training project under that certificate between July 1, 1996, and May 1, 1997. The Act provides for a one-time appropriation to provide a credit from the General Fund of the State to the Workforce Development Fund Account for the amount of diversion that would have been made to the account had this Act been effective beginning July 1, 1996.

The Act takes effect May 1, 1997, and applies retroactively to July 1, 1996, to include any final 12 months of withholding payments beginning on or after that date.

HOUSE FILE 368 - Entrepreneurial Ventures Assistance Program

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act requires the Department of Economic Development to establish an Entrepreneurial Ventures Assistance Program to provide financial and technical assistance to early-stage industry companies and entrepreneurs.

An eligible applicant is an individual who is participating in or has successfully completed a recognized entrepreneurial venture development curriculum, or a business whose principal participants have successfully completed a recognized entrepreneurial venture development curriculum. Applications for assistance must include a business plan, a marketing plan, a budget, and a statement of purpose. Technical assistance shall not exceed \$5,000 per project. In addition to the technical assistance, financial assistance shall not exceed \$20,000 per project. In addition to appropriated funds, the department may allocate resources from the Iowa Strategic Investment Fund for the administration and operation of the program. Administrative rules shall be adopted to administer the program.

HOUSE FILE 722 - Seed and Venture Capital — Capital Investment Board — Tax Credits

BY COMMITTEE ON WAYS AND MEANS. This Act establishes the Iowa Capital Investment Board, provides for tax credits, terminates the Iowa Seed Capital Corporation, and establishes the Iowa Capital Transition Board.

The Act establishes the Iowa Capital Investment Board to do all of the following:

- Facilitate public and private investment in a series of state, regional or national seed and venture capital funds willing to invest in Iowa seed and venture capital opportunities.
- Facilitate the creation of a small business investment company.
- Coordinate with other existing publicly created or supported seed and venture investment funds.
- Report annually to the Governor and the General Assembly on investments, anticipated value of investments and tax credits given, and estimated current and anticipated impact such investments have, or are anticipated to have, on the state.
- Conduct an annual risk analysis comparing valuations of investments and tax credits given.

The Act provides for tax credits to be allowed for net losses incurred by an investor in the Iowa Capital Investment Board. Tax credits shall only be redeemed for the amount of principal invested and only based on losses at the time of the termination or insolvency of the Iowa Capital Investment Board. The Act limits the aggregate amount of tax credits issued to \$30 million. The Act allows the tax credits to be carried forward for three years. A tax credit is not refundable but is transferable.

The Act provides for the termination and winding up of affairs of the Iowa Seed Capital Corporation. All assets and liabilities of the Iowa Seed Capital Corporation that cannot be transferred to the Iowa Capital Investment Board shall be liquidated or settled, with all remaining moneys transferring to the General Fund of the State.

The Act establishes the Iowa Capital Transition Board to coordinate the transition from the state's present seed and venture capital activity to the Iowa Capital Investment Board by advising and consulting the appropriate departments, boards or corporations regarding the development of tax credits, the transfer of assets and liabilities from the Iowa Seed Capital Corporation, the coordination of existing Department of Economic Development Financial Assistance Programs, and carrying out the Iowa Capital Investment Board's duties. The Act provides that the Iowa Capital Transition Board shall be terminated July 1, 1998.

The Act provides that the Department of Economic Development shall provide staff assistance, physical facilities and other support necessary to the Iowa Capital Investment Board and the Iowa Capital Transition Board.

The Act takes effect May 14, 1997.

HOUSE FILE 724 - Enterprise Zones

BY COMMITTEE ON WAYS AND MEANS. This Act authorizes a county to designate up to 1 percent of its total area as an enterprise zone for a period of 10 years. A city with a population of 24,000 or more, based upon the 1990 census, may designate more than one or more contiguous census tracts or other geographical areas approved for that purpose by the Department of Economic Development as enterprise zones. However, the total amount of land that may be in these city and county zones cannot exceed in the aggregate 1 percent of the total area of the county and the department must approve any such designation. If an area meets the requirement to be an urban or rural enterprise community under the federal Omnibus Budget Reconciliation Act of 1993, the area is automatically designated an enterprise zone, but is not counted for purpose of the 1 percent of the total area of the county limitation.

In order for an area to be designated an enterprise zone, at least two of the criteria specified must be met. In the case of county-designated areas, the area must be in a county having an average weekly wage that ranks among the bottom 25 counties based upon 1995 statistics; family poverty rate that ranks among the top 25 counties based upon the 1990 census; percentage population loss that ranks among the top 25 counties between 1990 and 1995; or a percentage of persons 65 years old that ranks among the top 25 counties. In the case of city-designated areas, the area must be in a city having per capita income of \$9,600 or less, poverty rate of 12 percent or more, and 10 percent or more of housing units are vacant, all according to the 1990 census; the valuations in the area equal 75 percent or less of the average for the city; or the area is a blighted area as defined under the urban renewal law.

A business that is or will be located in the enterprise zone shall receive incentives or assistance if the business meets all of certain eligibility criteria. These criteria include paying at least 80 percent of the cost of standard medical and dental insurance, paying at least 90 percent of the lesser of the average county wage or average regional wage with a minimum wage of \$7.50 per hour, creating at least 10 new jobs, and making a capital investment of at least \$500,000. However, in a county with a population of 10,000 or less, a business may be allowed to create only five initial jobs if the remaining five jobs will be added within five years. The \$500,000 capital investment requirement may be reduced by up to \$250,000 of the value of any vacant building that a business will be occupying or, in the case of an existing business in the zone, reduced by up to \$250,000 of the value of the building and land that is or has been occupied for at least five years. Retail businesses are not eligible nor are businesses that move similar operations from another part of the state to the enterprise zone. The county or city may establish more stringent criteria.

The incentives and assistance that shall be provided are a 1.5 percent credit from withholding of income tax from wages of new employees for training new employees to work in the zone, a refund of sales and use taxes for utility services furnished in the zone and for materials used in construction contracts fulfilled in the zone, an investment tax credit for investments made in the zone, credit for increasing research activities in the state, and an exemption from all property taxation on the value added to the property used in the business in the zone if the county or city so decides.

If a business receiving incentives and assistance fails to maintain the eligibility criteria, it shall not receive incentives and assistance during that year and subsequent years during which it is in noncompliance. In addition, the business may be subject to payment of any property taxes made exempt and recovery of state tax incentives provided. The Department of Economic Development and the city or county, as applicable, will enter into an agreement with the business specifying the method for determining the amount of incentives or assistance paid that will be repaid.

HOUSE FILE 732 - Housing Development

BY COMMITTEE ON APPROPRIATIONS. This Act adds housing development to the primary responsibilities of the Department of Economic Development. The department is required to provide housing needs assessments, provide a one-stop source for housing development assistance in coordination with other state agencies, and establish programs to assist communities in developing housing to meet a range of community needs.

The Act establishes the Local Housing Assistance Program in the department. The purpose of the program is to provide financial and technical assistance to cities, counties, local housing entities, or local economic development organizations to meet housing development needs arising from economic development efforts. Financial assistance under the program is to be awarded on a competitive basis to cities, counties, housing trust funds, other local housing organizations, or local economic development organizations. To be eligible to receive assistance, the community in which a project will be undertaken must have had a housing needs assessment completed within the five years prior to the application for assistance. The Act sets forth criteria the department is required to use in reviewing applications for financial assistance. The Local Housing Assistance Program Fund is created to provide funding for the program. Moneys in the fund do not revert at the close of each fiscal year and the fund is subject to an annual audit by the Auditor of State.

The Act provides that interest on moneys in the Title Guarantee Fund of the Iowa Finance Authority and in real estate brokers common trust accounts shall be transferred to the department for the Local Housing Assistance Program.

The Act authorizes cities and counties to provide a property tax exemption for the first \$75,000 of value of improvements added to residential property in an area designated by the city or county as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

The Act provides that a municipality with a population of 5,000 or less need not provide low or moderate income family housing assistance as part of a housing project funded through tax increment financing if the municipality has done a housing needs assessment that shows no low or moderate income housing need and the department agrees with the assessment.

The Act appropriates \$1 million each fiscal year for the period beginning July 1, 1997, and ending June 30, 2002, from the Rebuild Iowa Infrastructure Fund for deposit in the Local Housing Assistance Program Fund.

The Governor vetoed provisions providing that a city or county which has adopted its own thermal efficiency energy conservation standards is not required to follow the state's standards regarding privately owned new construction of buildings with less than 100,000 cubic feet of enclosed space that requires heating or cooling.

EDUCATION

- SENATE FILE 104 - Coaching Authorization
- SENATE FILE 189 - School Finance — Regular Program District Cost Guarantee
- SENATE FILE 410 - Higher Education Loan Authority
- HOUSE FILE 92 - School Improvement Technology Program
- HOUSE FILE 320 - Registration and Accreditation Requirements for Postsecondary Schools
- HOUSE FILE 331 - Student Searches
- HOUSE FILE 405 - Sale or Lease of School Property
- HOUSE FILE 410 - College Student Aid — Osteopathic Students
- HOUSE FILE 597 - School Attendance Requirements and Family Investment Program

RELATED LEGISLATION

- SENATE FILE 176 - Child Sexual Abuse Reporting
SEE CHILDREN & YOUTH. This Act requires mandatory reporters of child abuse to also report sexual abuse of a child who is under 12 years of age, which would otherwise be defined as child abuse except that the abuse resulted from acts or omissions of a person other than a person responsible for the care of the child. Licensed school employees are mandatory reporters of child abuse. The Act also authorizes a mandatory reporter to report sexual abuse by this type of perpetrator of a child who is 12 years of age or older.
- SENATE FILE 233 - Community College Retirement Benefits
SEE STATE GOVERNMENT. This Act provides certain new employees of community colleges the option of continuing their membership in certain eligible alternative retirement plans instead of being required to join the Iowa Public Employees' Retirement System (IPERS).
- SENATE FILE 361 - School-to-Work Programs — Workers' Compensation
SEE LABOR & EMPLOYMENT. This Act establishes that, for purposes of the workers' compensation law, a student participating in a school-to-work program is defined as an "employee." If the student's participation in the program is unpaid, the eligible postsecondary institution, school corporation, or accredited nonpublic school is defined as the "employer." If the student is participating in a paid school-to-work program, the entity that pays the student is defined as the "employer."
- SENATE FILE 519 - Iowa Communications Network — Authorized Use and Users — VETOED BY THE GOVERNOR
SEE STATE GOVERNMENT. This bill identified permitted and prohibited activities with respect to the Iowa Communications Network. The bill was vetoed by the Governor April 24, 1997.
- SENATE FILE 531 - School District Financing — Physical Plant and Equipment Levy
SEE TAXATION. This Act provides for an increase in the voter-approved physical plant and equipment levy from its current level of 67 cents per \$1,000 of assessed valuation in a school district to \$1.34 per \$1,000 of assessed valuation in a school district.
- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an increase in the standing appropriations for at-risk programs, funding for the Educational Excellence Commission, and funding for initiatives to improve access to education through distance learning in postsecondary institutions.
- SENATE FILE 549 - Appropriations — Education
SEE APPROPRIATIONS. This Act appropriates moneys from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. This year's education appropriations Act appropriates a total of \$823.4 million and provides 17,507.68 full-time equivalent positions (FTEs), which is approximately \$1.7 million and 7.6 FTEs below the Governor's recommendations. The Act exceeds the appropriations made in last year's education appropriations Act (1996 Iowa Acts, Chapter 1215) by approximately \$15 million and 27 FTEs.

- HOUSE FILE 81** - Hunter Safety and Ethics Education
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act allows a person 11 years of age or older to enroll in and successfully complete an approved hunter safety and ethics education course that requires completing 10 hours of training, passing an oral or written examination, and demonstrating safe handling of a firearm. A certification of completion is valid only after the recipient is at least 12 years of age.
- HOUSE FILE 313** - Requirements for Certain Child Day Care Providers
SEE CHILDREN & YOUTH. This Act requires criminal and child abuse record checks by the Department of Human Services of otherwise unregistered or unlicensed persons who receive public funding for providing child day care.
- HOUSE FILE 544** - Foster Care and Preadoptive Care
SEE CHILDREN & YOUTH. This Act relates to the placement of children for adoption and foster care. The Department of Human Services is to work with various groups in developing standards for placement agreements for preadoptive and family foster care. The placement agreements are to delineate rights and decision-making responsibilities for various aspects of a child's daily living, including education.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes a request for a legislative study of juvenile justice issues to involve members of legislative appropriations and standing committees on human services, health, the justice system, and education.
- HOUSE FILE 733** - Appropriations — Infrastructure and Capital Projects
SEE APPROPRIATIONS. This Act appropriates \$70,415,000 over four fiscal years ending with FY 2001 to the State Board of Regents for infrastructure projects. The Act establishes, and appropriates Rebuild Iowa Infrastructure Fund moneys for, the Community College Vocational-Technical Technology Improvement Program to supplement community college budgets for technology projects and acquisitions.

EDUCATION

SENATE FILE 104 - Coaching Authorization

BY COMMITTEE ON EDUCATION. This Act adds a minimum requirement of 18 years of age to the requirements an applicant must satisfy before the State Board of Educational Examiners may award a coaching authorization.

The Act takes effect April 18, 1997.

SENATE FILE 189 - School Finance — Regular Program District Cost Guarantee

BY COMMITTEE ON EDUCATION. This Act continues through the 1998 and 1999 fiscal years a provision directing the Department of Management to provide a budget adjustment to ensure that a school district's regular program district cost is not less than 100 percent of the level of the previous budget year. This permits the district to levy additional property tax to maintain funding at 100 percent of the level of the previous budget year.

The Act takes effect April 9, 1997.

SENATE FILE 410 - Higher Education Loan Authority

BY TINSMAN. This Act eliminates the maximum amount of bonds the Iowa Higher Educational Loan Authority may have outstanding to finance improvements at private colleges. The Act would also permit the authority to issue its obligations and make loans to institutions in anticipation of the receipt of tuition by the institutions and would permit the authority to issue its obligations to finance projects that would be leased to institutions.

HOUSE FILE 92 - School Improvement Technology Program

BY BRUNKHORST, KREMER AND FALCK. This Act adds the mental health institutes (MHIs) located in Cherokee and Independence to the list of entities eligible for School Improvement Technology Program moneys. These are the only MHIs in the state that house children who can benefit from attending school. Under the Act, School Improvement Technology Program moneys totaling \$45,000 are to be distributed by the Department of Education on a proportionate basis to the two MHIs, Glenwood State Hospital-School and Woodward State Hospital-School.

The Act also provides that each entity receiving funds under the program need provide only one technology plan to the Department of Education, the Department of Human Services, or the State Board of Regents, as directed. Each school district must keep a plan on file and send a copy, and any subsequent amendments, to its area education agency. Prior to receiving school technology improvement moneys, each school district and area education agency, the Iowa Braille and Sight Saving School, the State School for the Deaf, and the Price Laboratory School at the University of Northern Iowa must adopt a technology plan. The institutions under the control of the Department of Human Services that are eligible for school improvement technology moneys, the Glenwood State Hospital-School, Woodward State Hospital-School, the MHI at Cherokee, the MHI at Independence, the State Training School, and the Iowa Juvenile Home, must submit annual progress reports to the Department of Education and the Department of Human Services.

HOUSE FILE 320 - Registration and Accreditation Requirements for Postsecondary Schools

BY COMMITTEE ON EDUCATION. This Act exempts postsecondary educational institutions offering programs limited to nondegree specialty vocational training programs from the chapter of the Code that requires postsecondary schools to register with the Secretary of State's Office. Because the Act exempts these programs from the entire chapter, the Act also strikes from the Code a provision that exempts these programs from an accreditation requirement in the chapter.

HOUSE FILE 331 - Student Searches

BY COMMITTEE ON EDUCATION. This Act makes changes in the standards and procedures for searches by school officials of student protected areas and lockers, desks, and other facilities or spaces owned and furnished by a school and provided as a courtesy to students.

The Act removes student lockers, desks, and other facilities owned and furnished by a school as a courtesy to students from the definition of the term "student protected area." The Act changes the standard for searches of student protected areas from "reasonable and articulable suspicion" to a reasonableness standard based on consideration of the circumstances which gave rise to the need for the search, including the nature of the violation, the age and gender of the students who may be searched, and the objectives to be accomplished by the search.

The Act also permits periodic inspections of lockers, desks, and other facilities or spaces owned by the school without prior notice. However, the Act and provides for written notice at the beginning of school to all students and the parents, guardians, or legal custodians of the students that the inspections may occur.

Inspections of lockers, desks, and other facilities or spaces owned by the school, but furnished to students, are to occur in the presence of the students or at least one other person. If a student is not present at the time a student protected area is searched, the student is to be informed of the search either prior to or as soon as is reasonably practicable after the search is conducted.

Schools wishing to conduct periodic inspections prior to the 1997-1998 school year may conduct a search, notwithstanding the timing of the notice requirements in the Act, if the district sends a notice to all students and their parents, guardians, or legal custodians prior to commencing the inspections.

The Act takes effect April 29, 1997.

HOUSE FILE 405 - Sale or Lease of School Property

BY BARRY. This Act rewrites the procedure for disposition of property owned by a school district. If the board of directors of a school district or area education agency wishes to sell, lease or otherwise dispose of property valued at more than \$5,000, the Act requires the board to adopt a resolution and hold a public hearing on the resolution. The Act removes the requirement that a school district or area education agency obtain an independent appraisal of property the district or agency wishes to sell, lease or otherwise dispose of and the requirement that the property be sold through a public process.

The Act takes effect May 26, 1997.

HOUSE FILE 410 - College Student Aid — Osteopathic Students

BY COMMITTEE ON EDUCATION. This Act replaces the Osteopathic Grant Program, the Osteopathic Subvention Program, and the Osteopathic Forgivable Loan Program with a program titled the Osteopathic Physician Recruitment Program.

The Osteopathic Physician Recruitment Program is administered by the College Student Aid Commission. However, the Act directs the commission to pay a fee to the University of Osteopathic Medicine for administration of the program and provides that a portion of the fee is based upon physician recruitment for the Physician Loan Repayment Program. The three components of the Osteopathic Physician Recruitment Program are as follows:

1. A forgivable loan. The Act provides that a student enrolled at the University of Osteopathic Medicine is eligible for loan forgiveness if the student is a resident of the State of Iowa and if the student agrees to practice in this state for a period of time to be determined by the commission at the time the loan is awarded. A loan shall not be forgiven if the student does not finish the medical program or fails to complete the agreed upon time period of practice in the state.
2. A tuition scholarship. A student who is enrolled at the University of Osteopathic Medicine and is a resident of Iowa is eligible for a tuition scholarship. However, a student who receives a tuition scholarship is not eligible for the loan repayment program. The student who receives a tuition scholarship must agree to practice in this state for a period of time to be determined by the commission at the time the scholarship is awarded.
3. The Physician Loan Repayment Program. Physicians who agree to practice in a rural community in the state are eligible for loan repayment under the Physician Loan Repayment Program. The University of Osteopathic Medicine is directed to recruit and place physicians in rural communities that have agreed to provide additional funds for the physician's loan repayment.

Students who received a tuition scholarship, and physicians for whom loan repayments were made, who fail to complete the agreed upon time period of practice in a rural community in the state, are required under the Act to repay the commission for moneys received under the program.

HOUSE FILE 597 - School Attendance Requirements and Family Investment Program

BY COMMITTEE ON EDUCATION. This Act relates to school attendance requirements by requiring an attendance cooperation meeting process prior to designating truant a child who has not completed the sixth grade, providing for a truancy-related grant reduction sanction under the Family Investment Program (FIP, formerly known as Aid to Families With Dependent Children or AFDC), and providing for a civil penalty for truancy. The attendance cooperation requirements do not apply to a child who is receiving competent private instruction.

If a child is not in compliance with a school's attendance requirements and has not completed educational requirements through the sixth grade, the child's parent or guardian is to be contacted to participate in an attendance cooperation meeting. If the child is a member of a family receiving FIP assistance, the Department of Human Services (DHS) is to make the required contacts and participate in the meeting. Otherwise, contacts are to be made by the school truancy officer or other person designated to administer the Act's provisions by a public school board or the governing body of an accredited nonpublic school. Other persons who may be invited to the meeting include other school officials, a designee of the juvenile court, or a designee of the county attorney.

The purpose of the attendance cooperation meeting is to ascertain the cause of the child's nonattendance, to arrive at an agreement to address the child's attendance, and to initiate referrals to counseling or services. The terms of the agreement are to be reduced to writing and signed by those attending. The parties may designate a monitor for the agreement. The monitor is to be selected by the school or DHS, depending on which made the contacts for the meeting.

If the parties fail to enter into an agreement, or the child's parent, guardian or custodian violates a term of the agreement or fails to participate in a meeting, the child is to be deemed truant. For a FIP participant, DHS is to be notified in writing and the child's family is subject to sanction. The sanction is 25 percent of the net cash assistance grant payable to the child's family. The sanction amount is the same if more than one child is deemed truant. The sanction remains applicable until DHS is notified by the school of one of the following: The child complies with the attendance requirements, the child has completed educational requirements through the sixth grade, the school has determined there is good cause for the nonattendance and withdraws the notification, or the child is no longer enrolled in the school and the family demonstrates that the child is attending another school or is receiving equivalent schooling.

FIP participants are required to cooperate with the attendance efforts as a condition of eligibility for FIP assistance. The Act includes emergency rulemaking authority for DHS as part of transition provisions for the written authorizations to be obtained from current and new participants in the program. The transition provisions relating to FIP have an immediate effective date of May 21, 1997.

The Department of Human Services and the Department of Education are to develop a form for written notifications concerning the attendance status of a child. The fiscal information filed with the legislation indicates DHS is developing a means for schools to make an electronic query to determine whether a child is a member of a family participating in FIP. Release of information between schools and DHS is to apply beginning January 1, 1998. Information releases are limited to the minimum amount necessary. Release of information that is not specifically authorized is prohibited. An aggrieved person, the county attorney, or the Office of the Attorney General may bring suit for an injunction of unauthorized release of information.

Under current law, the parent or guardian of a child deemed to be truant may be required to participate in mediation or be subject to criminal sanctions of imprisonment, performance of unpaid community service, or monetary fines that are graduated depending upon the number of offenses. The Act allows the county attorney to bring a civil action in lieu of a criminal proceeding for truancy. If the court finds against the parent or guardian, the civil penalty is \$100 to \$1,000. The court may waive the civil penalty if the child's family has been subject to a truancy sanction under FIP. Funds received from the civil penalty are to be paid to the child's school district of enrollment to be used for at-risk programs.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

HOUSE FILE 636 - Elections

RELATED LEGISLATION

- SENATE FILE 193** - Elections in Special Land Use Districts
SEE LOCAL GOVERNMENT. This Act changes the annual elections for the trustees of special land use districts from the second Tuesday in September to a date agreed to by the county auditor and the trustees.
- SENATE FILE 529** - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act appropriates \$82,212,000 from the General Fund of the State and \$17,509,337 from other funds for FY 1997-1998 to state departments, agencies and interstate and national entities and transfers funding and personnel for statewide voter registration from the Department of General Services and the Office of Secretary of State.
- HOUSE FILE 680** - Election of Mayors in Certain Cities
SEE LOCAL GOVERNMENT. This Act allows a city a one-time opportunity to stagger the term of office of mayor in relation to the election of city council members.
The Act takes effect May 1, 1997.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

HOUSE FILE 636 - Elections

BY COMMITTEE ON STATE GOVERNMENT. This Act makes a number of changes to the election laws of Iowa.

New Code Section 39.1A prohibits county auditors from conducting elections that are not specifically authorized or required by state law. This provision takes effect May 19, 1997.

Code Sections 43.6, 43.79, 49.58, and 69.13 are amended to provide that a vacancy in the office of Lieutenant Governor shall be filled by appointment by the Governor. A vacancy on the ballot for that office shall be filled by nomination by the state convention of the candidate's party.

Code Section 43.73 is amended to strike language that authorizes the Secretary of State to prescribe party order on the ballot. Code Section 49.31 gives that authority to the county auditors.

Code Sections 43.88 and 44.4 are amended to change the candidate filing deadline for special elections held to fill vacancies in county offices from 20 to 25 days before the election to allow more time to print ballots.

Code Section 43.116 is amended to add a provision to specify a method for partisan nominations for special city elections to fill vacancies in offices in special charter cities. The recommended change, nomination by convention, parallels similar provisions for other partisan special elections.

Code Section 44.11 is amended to provide that a substitution for a nonparty political organization candidate who withdraws from a partisan election may be made if the candidate withdraws before the statutory withdrawal deadlines for such candidates.

New Code Section 44.17 is enacted to provide that a nonparty political organization may nominate a candidate for partisan office by petition in lieu of nomination by caucus or convention and allows a nonparty political organization to provide for the substitution of a candidate in an election if procedures for such substitution are filed with the county commissioner of elections before the close of the nomination petition filing deadline.

New Code Section 47.4 provides that filings pertaining to an election, the deadline for which falls on a day the county or State Commissioner of Elections Office is closed for business, shall be filed on the next day that the office of county or State Commissioner is open for business to receive the filing. The section does not apply to the deadline for voter registration.

Code Section 47.5 is amended to strike the requirement that county commissioner of elections' bid specifications be filed with the State Commissioner of Elections.

Code Section 47.6 is amended to require that notice of a special election which will be held in conjunction with a previously scheduled special election be given not later than the last day to file nomination papers for the previously scheduled special election.

Code Section 48A.22 is amended to strike the requirement that the Secretary of State sell mail voter registration forms and that they be sold at the cost of production. The amended language requires the Secretary of State to provide registration forms without specifying the kind. Code Section 52.35, and by reference Code Section 52.38, are amended to eliminate the requirement that voting equipment test results be certified to the Secretary of State. These provisions take effect May 19, 1997.

The National Voter Registration Act (NVRA), which became effective January 1, 1995, requires mailing of some documents, but does not specifically require that they be sent by first class mail. Code Sections 48A.26 through 48A.29 are amended to strike the first class mailing requirement. Code Section 48A.27 is also amended to eliminate the requirement that a mail registration form be provided to people who have moved from one county to another within Iowa.

Code Section 49.13 is amended to permit the county commissioner of elections to appoint two people of different political parties to serve as co-chairpersons of the precinct election board. This provision takes effect May 19, 1997.

Code Section 49.16 is amended to prohibit a precinct election official, who has changed party affiliation from the party that designated the official, from working at the polls as a designee of the party with which the official was formerly registered. This provision takes effect May 19, 1997.

Code Sections 49.20 and 49.125 are amended to provide that the board of supervisors shall set the mileage rate for election workers. Currently, they are paid at the rate set for state employees.

Code Section 49.25 is amended to require that ballot boxes be locked during the receiving of ballots, except during early ballot pickup activities and when opened by the counting board charged with tabulating votes in paper ballot precincts during the hours when the polls are open. This amendment also adds secrecy sleeves to the equipment needed at the polls. Secrecy sleeves are needed for use with machine-read ballots that cannot be folded to conceal the voter's marks. Code Section 52.40 is amended to allow precinct election officials to seal the ballot box at early ballot pick-up sites at a convenient time and to open a second ballot box when it is convenient. The early pick-up officers would no longer be required to do these tasks. These provisions take effect May 19, 1997.

Code Section 49.26, which relates to ballot marking instructions, is reworded to permit the use of machine-read ballots, even if ballots will be counted by hand.

Code Section 49.27 is repealed and incorporated into Code Section 49.30 so that all information about what can be placed on a separate ballot is now in a single Code section organized according to the three general types of voting equipment used in Iowa. The section specifies the circumstances under which separate ballots may be used for each type of voting equipment. Code Section 49.30 is amended to add to the list of offices that may be printed on a separate paper ballot in voting machine precincts, all nonpartisan offices listed in Code Section 39.21 (regional library trustees, county public hospital trustees, soil and water district conservation commissioners, and county agricultural extension councils). The amendment also allows separate paper ballots in precincts that incorporate more than one township if any of the townships elects its township officers.

Code Section 49.31, relating to the arrangement of names on the ballot, is amended to provide that the names of candidates shall be listed below the title of the office and, for partisan offices, above the name of the political party or nonparty political organization which nominated the candidate. The amendment provides that the county commissioner shall determine the order of political parties and nonparty political organizations on the ballot and each ballot used in the county shall be identical.

Code Section 49.33 is amended to revise the description of the space where the voter indicates a choice for paired offices and provides that write-in votes will no longer be tabulated separately for the offices of President and Vice President and Governor and Lieutenant Governor. Code Section 49.35, relating to the order of arranging tickets on the ballot, is amended to pertain to lever voting machine ballots only.

Code Section 49.37 is amended to eliminate the requirement that ballots be arranged in columns or rows by political party or nonparty political organization. It also requires that the first section of partisan ballots be reserved for straight party voting, then political parties or nonparty political organizations which have nominated candidates for more than one office, then political parties or organizations which have nominated candidates for only one office. The amendment also requires that the ballot shall contain instructions for straight party voting. Code Section 52.12 is amended to require that voting machines have a single lever or switch to make a straight party vote.

Code Section 49.42 is repealed and new Code Section 49.42A is enacted to prescribe the form for general election ballots.

Code Section 49.43 is amended to provide that, if possible, all public measures and constitutional amendments shall be placed on a single special paper ballot. The special ballot shall also include all offices to be voted upon.

Code Section 49.44 is amended to require that a summary of a proposed constitutional amendment or other public measure be placed on the ballot immediately before the full text of the amendment or measure on special paper ballots. If the full text of the amendment or measure will not fit on the ballot, it shall be posted inside the voting booth and included with absentee ballots. Code Section 49.46, relating to marking ballots on public measures, is amended to provide for making the appropriate mark on special paper ballots. Code Section 49.92 updates the voting mark descriptions and targets to account for the use of a voting system other than the paper ballot system.

Code Section 49.45 is amended to prescribe more specifically the general form of ballots containing constitutional amendments or other public measures. Code Section 49.47, relating to the notice or voting instructions for ballots containing a constitutional amendment or public measure, is amended to apply to all types of ballots, including special paper ballots, and allows the notice to be adapted, where appropriate.

Code Section 49.57 is amended to provide for the inclusion of party names with the names of candidates in the new office block ballot plan, add to the ballot preparation instructions a requirement that office title indicate if an office appears on the ballot to fill a vacancy, change the type of specifications from fractions of inches to point size, and strike the requirement that ballot paper be white, because some voting systems use off-white card stock.

Code Sections 49.94 and 49.95 are amended to change voting target description and voting mark description to include variations allowed by optical scan voting systems. Code Section 52.33 is amended to require the absentee and special precinct

board to follow the same procedure as the central count resolution board when tabulating optical scan ballots. This permits the board to make a duplicate of a damaged or unreadable ballot and include the duplicate ballot in the machine count.

Code Section 49.104 is amended to add persons conducting and attending educational voting programs for youth to the statutory list of persons permitted at polling places.

Code Section 50.13 is amended to remove the requirement that representatives of the political parties appointed by the board of supervisors attend the destruction of ballots. The amendment allows the chairperson of the political parties to designate a person to attend, but does not require attendance.

Code Section 50.48 is amended to allow the envelope containing ballots counted without the unanimous agreement of the precinct election officials to be delivered to the recount board. The function of recounts is to reexamine the tabulation of votes at an election. Currently, these ballots are returned to the auditor as "disputed ballots." The Act also requires that the tabulating program used on election day be used in the recount. These provisions take effect May 19, 1997.

New Code Section 50.50 is enacted to allow for administrative recounts in an election where the commissioner responsible for conducting the election suspects a programming error in the voting equipment and the commissioner requests the recount.

Code Section 52.10 is amended to provide that lists of candidates of a political party or nonparty political organization may be arranged in horizontal rows or vertical columns if necessary to meet the physical requirements of the voting machine used.

Code Section 52.36 is amended to require resolution boards to divide into two-person bipartisan teams. Resolution boards tabulate write-in votes and decide questions regarding ballots that cannot be tabulated by the machine. Resolution boards are currently required to divide into teams of three people. Code Section 52.37, relating to tabulation of electronic voting system ballots, is amended to allow the county commissioner of elections to instruct the resolution board to mark over voters' marks unreadable by the machine, if possible, or to duplicate the ballot. Code Section 52.38 is amended to eliminate the requirement that portable tabulating devices be tested at the polling place where they are to be used. These provisions take effect May 19, 1997.

Code Section 53.2 is amended, effective May 19, 1997, to prohibit mailing an application for an absentee ballot to an address other than the county auditor or to an address designated by the auditor. New Code Section 53.9 is enacted to prohibit any person required to file campaign finance disclosure reports from receiving absentee ballots on behalf of voters before the ballots are voted.

Code Section 53.11 is amended to change the filing deadline for petitions requesting establishment of absentee satellite voting stations. The Act changes the deadline from 11 days before all elections to 47 days before a primary or general election, 30 days before a city or school election, and 32 days before a special election. The section is also amended to require that a satellite absentee voting station be open at least one day for six hours before the election. Formerly, the requirement had been one day from 8 a.m. to 5 p.m.

Code Section 53.19 is amended, effective May 19, 1997, to allow voters to surrender marked or unmarked absentee ballots on election day and vote unchallenged at the polls.

Code Section 53.23 is amended to allow the board before election day to open sealed ballot envelopes and remove the secrecy envelopes containing absentee ballots. Two observers, one from each political party, must witness the ballot envelopes being opened.

Code Section 54.5 is amended to provide for substitution of candidates in a presidential election. A substitution is to be made by the state central committee of the party or by the governing committee of the national party. However, if there are differences, the state central committee substitution prevails. Nonparty political organizations may also substitute candidates in a presidential election.

Currently, no statutory provision exists for contesting a special election to fill a vacancy in the General Assembly. Code Section 59.1 is amended to add a method for contesting the outcome of a special election while the General Assembly is in session. The contestant would file a notice of contest with the Speaker of the House of Representatives or with the President of the Senate, as appropriate, not more than 20 days after the canvass of votes.

Code Sections 62.1 and 62.2 are amended to change the contest court chairperson from the chairperson of the county board of supervisors to a third person mutually agreed to by the judges selected by the incumbent and the contestant. Code Section 62.9 is amended to strike the limitation that the contest court may not begin for at least 20 days after the election. These provisions take effect May 19, 1997.

Code Sections 69.14A and 372.13 are amended to strike the words "whichever is later" from the description of the filing period for a petition requesting a special election to fill a vacancy on the county board of supervisors. The appointment will always be later than the publication of the notice of intent to appoint. Code Section 69.14A is also amended to change the notice of election to fill a vacancy from 30 to 32 days, to be consistent with other special election notice requirements. Thirty days before a Tuesday election always falls on a Sunday. This amendment moves the deadline back to the preceding Friday. These provisions take effect May 19, 1997.

Code Section 277.4 is amended to specify the minimum signature requirements for school board candidates. This provision takes effect May 19, 1997. Code Section 278.1 is amended to permit the voters to authorize a change in the method of conducting school elections, or in the number of directors provided in reorganized school districts. The provision in Code Section 278.1, subsection 8, allowing voters to redraw the director district boundaries at an election, is stricken. Director district boundaries are drawn after the census on the basis of population.

Code Sections 347.11 and 347A.1 are amended to provide that county hospital boards of trustees shall take the oath of office the first day of January which is not a Sunday or legal holiday. The Act also provides that action taken by a hospital board of trustees prior to July 1, 1997, shall not be considered invalid merely because the oath of office was not executed within the time period provided by the Act.

Code Section 372.2 is amended to specify the timing of a city special election date. The amendment requires publication of intent to hold a special election on adoption of another form of government and notice that citizens may petition for appointment of a home rule charter commission, thereby delaying the election on adoption of another form of government. Code Section 372.3 is amended to establish a deadline for filing a petition for appointment of a home rule charter commission. Filing this petition will stay a special election on adoption of another form of government. Currently, no deadline for filing the petition is prescribed.

Code Section 376.4 is amended to extend from 47 days to 68 days the candidate filing deadline for candidates in city elections where the city is required to hold a primary election. A city may provide by ordinance to hold runoff elections or to allow nominations of candidates in the same manner as nonpolitical party organizations. In the absence of either ordinance, a city is required to hold a primary election if the number of candidates filing valid nomination petitions for an office is at least twice the number of positions to be filled.

Code Section 376.10 is amended to change the contest court chairperson for city elections from the mayor to a third person mutually agreed to by the judges selected by the incumbent and the contestant, as provided in Code Chapter 62, as amended in this Act.

ENERGY AND PUBLIC UTILITIES

- HOUSE FILE 229** - Electric Transmission Lines — Map Relating to Franchise Extension
- HOUSE FILE 552** - Notice Requirements for Certain Electric Transmission Lines
- HOUSE FILE 596** - Regulation of Municipal Telecommunications Utilities

RELATED LEGISLATION

- SENATE FILE 82** - Appropriations — Energy Conservation — Petroleum Overcharge Funds
SEE APPROPRIATIONS. This Act appropriates moneys for FY 1997-1998 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons and to the Department of Natural Resources for the state energy program and for administration of petroleum overcharge programs.
- SENATE FILE 190** - Easements on State Land
SEE STATE GOVERNMENT. This Act directs the Natural Resource Commission to adopt rules for granting easements to political subdivisions and utility companies on state land under the jurisdiction of the Department of Natural Resources.
- SENATE FILE 240** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes more than \$18 million in funding for the Low-Income Home Energy Assistance Program.
- HOUSE FILE 178** - Sanitary Districts and City Utilities — Accounts — Sewer Connection Fees
SEE LOCAL GOVERNMENT. This Act allows sanitary districts and city utilities to provide joint services to collect sewer and water fees and to discontinue sewer and water services to delinquent users. Sanitary districts may also impose connection fees to finance capital improvements.

ENERGY AND PUBLIC UTILITIES

HOUSE FILE 229 - Electric Transmission Lines — Map Relating to Franchise Extension

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides that a person owning a franchise for electric transmission lines who files for an extension of the franchise for all lines in a given county or counties, in lieu of a general description of the lands and highways traversed by the lines, may offer to provide an interested person, free of charge and within 10 working days, a current, accurate map showing the location of the lines relating to the franchise extension.

A public notice is required, with respect to the franchise extension, that must advise the citizens of the county or counties affected of the availability of such map. The Act strikes language that the franchiser owner, in lieu of the general description, may have on file at its offices a current, accurate map showing the location of the lines relating to the franchise extension.

HOUSE FILE 552 - Notice Requirements for Certain Electric Transmission Lines

BY COMMITTEE ON COMMERCE AND REGULATION. This Act strikes the requirement that the Utilities Board within the Utilities Division of the Department of Commerce prescribe the contents of a written notice and map to be filed with the board and certain other individuals regarding the location of construction of a proposed electric transmission line, wire or cable. This requirement currently applies to a transmission line, wire or cable capable of operating only at an electric voltage of less than 34.5 kilovolts. Under the Act, this notice and map would no longer be filed with the board.

HOUSE FILE 596 - Regulation of Municipal Telecommunications Utilities

BY COMMITTEE ON COMMERCE AND REGULATION. This Act authorizes a utilities board to grant certificates of public convenience and necessity to municipal utilities providing local exchange services. The Act includes a municipal utility providing local exchange services within the definition of a "competitive local exchange service provider," and subjects such municipal utilities to Code provisions relating to competitive local exchange service providers. The Act provides that approval by the voters of a city, pursuant to Code Chapter 388, of a proposal to establish or acquire a public utility providing communications services is conclusive evidence of the city's technical, financial and managerial ability to provide such service.

The Act takes effect April 23, 1997, and is retroactively applicable to October 18, 1994.

ENVIRONMENTAL PROTECTION

- SENATE FILE 75 - Groundwater Professionals
- SENATE FILE 214 - Use and Disposal of Sewage Sludge
- SENATE FILE 285 - Household Hazardous Materials
- SENATE FILE 473 - Agriculture Drainage Wells and Related Provisions
- SENATE FILE 528 - Land Recycling and Environmental Remediation Standards
- HOUSE FILE 191 - Drinking Water Facilities Financing
- HOUSE FILE 228 - Regulation of Waste Tire Collection Sites
- HOUSE FILE 309 - Ozone Transport Assessment Group
- HOUSE FILE 653 - Waste Tires — Financial Assurance Requirements

RELATED LEGISLATION

- SENATE FILE 82 - Appropriations — Energy Conservation — Petroleum Overcharge Funds
SEE APPROPRIATIONS. This Act appropriates moneys for the fiscal year 1997-1998 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons and to the Department of Natural Resources for the state energy program and for administration of petroleum overcharge programs.

- SENATE FILE 472 - Construction or Expansion of Animal Feeding Operation Structures
SEE AGRICULTURE. This Act prohibits a person from constructing or expanding a structure that is part of a confinement feeding operation if the person is a party to a pending action for a violation of state law concerning a confinement feeding operation or the person, or a confinement feeding operation in which the person holds a controlling interest, is classified as a habitual violator.
 The Act takes effect May 19, 1997.

- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an appropriation for implementation of the Land Recycling Program informally referred to as the "brownfields" legislation.

- HOUSE FILE 615 - Abandoned Coal Mines
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act makes certain coal lands and water damaged by coal mining after August 3, 1977, eligible for reclamation or drainage abatement expenditures.

- HOUSE FILE 708 - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations to support related entities including the Department of Agriculture and Land Stewardship and the Department of Natural Resources.

ENVIRONMENTAL PROTECTION

SENATE FILE 75 - Groundwater Professionals

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act eliminates a provision in the definitional qualifications of a groundwater professional to provide that the required five-year period of direct and related experience and training is no longer only applicable to persons who acquired this experience and training in the years prior to June 10, 1991.

SENATE FILE 214 - Use and Disposal of Sewage Sludge

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act relates to the regulation of the use and disposal of sewage sludge.

This Act defines "septage" and "sewage sludge," and redefines "disposal system" to include a system for the use and disposal of sewage sludge, for the purposes of the division of the Code relating to water quality.

The Act provides that any county ordinance related to sewage sludge in effect on March 1, 1997, is not preempted by Code Section 455B.171, 455B.174, 455B.183, or 455B.304.

The Act authorizes the Director of the Department of Natural Resources to issue, revoke, suspend, modify, or deny permits for the use or disposal of sewage sludge. This permit is in addition to, and must contain reference to, any other permits required under Code Chapter 455B.

The Act requires that sludge from a semipublic or private sewage disposal system be disposed of in accordance with rules adopted by the Department of Natural Resources.

The Act establishes criminal liability for acts or omissions involved in the sale of sludge by the owner of a publicly owned treatment works and prohibits the use or disposal of sewage sludge without a permit. Prohibited acts related to sewage sludge can be subject to existing penalties provided in Code Section 455B.191.

SENATE FILE 285 - Household Hazardous Materials

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act amends the definition of "household hazardous material," in Code Section 455F.1, by including "pure solvents" rather than the current "solvents" and by adding "noncaustic household cleaners" to the list of materials exempted from the definition.

The Act removes the requirement of establishing an intensive three-year educational project for recipients of a household hazardous waste reduction and collection program grant.

The Act amends the requirements the Department of Natural Resources must meet in implementing a public information and education program regarding the use of household hazardous materials.

The Act repeals Code Section 455F.3, relating to a labeling requirement for household hazardous materials, effective January 1, 1998.

SENATE FILE 473 - Agriculture Drainage Wells and Related Provisions

BY COMMITTEE ON AGRICULTURE. This Act relates to agricultural drainage wells and agricultural drainage well areas that drain into the agricultural drainage wells. An agricultural drainage well is any vertical opening to an aquifer or permeable substratum constructed in order to intercept surface or subsurface drainage water from land directly or by a drainage system.

The Act requires that not later than December 31, 1998, an owner of land on which an agricultural drainage well is located must prevent surface water from draining into the agricultural drainage well. If the land has a surface water intake emptying into an agricultural drainage well, including a surface water intake located in a road ditch, the landowner must remove the surface water intake. If the land has a cistern connecting to an agricultural drainage well, the landowner must construct and maintain sidewalls surrounding the cistern. The landowner must ensure that the agricultural drainage well and related drainage system are adequately ventilated in a manner that does not allow surface water to directly drain into the agricultural drainage well. The landowner must install a locked cover over the agricultural drainage well or its cistern.

Counties are required to inspect the sites of the agricultural drainage wells. The Act authorizes counties required to perform inspections to levy taxes in order to pay for related costs.

Special requirements apply if an anaerobic lagoon or earthen manure storage basin required to obtain a construction permit by the Department of Natural Resources is located within the agricultural drainage well area. Not later than December 31, 1999, the

landowner is required to close each agricultural drainage well located in the area, using materials and according to specifications required by rules adopted by the Department of Natural Resources.

The Act creates a program to assist persons in establishing alternative drainage systems in agricultural drainage well areas where an agricultural drainage well is required to be closed. The program is administered by the Soil Conservation Division of the Department of Agriculture and Land Stewardship and supported by a fund administered by the division. A person who owns an interest in land within the area is not eligible to participate in the program if the person is a party to a pending legal or administrative action involving an animal feeding operation or the person is classified as a habitual violator of state law involving an animal feeding operation. Noncrop acres are not eligible to benefit from the program.

The Department of Natural Resources is required to provide notice to landowners required to comply with the Act's requirements. A person is prohibited from constructing an earthen structure within an agricultural drainage well area if the structure is used to store manure, sewage, wastewater, or industrial waste that is in a liquid or semi-liquid state.

The Act provides for a range of penalties for persons violating the Act, which increases based on a person's failure to comply with a previous violation. The ceiling for civil penalties is \$15,000.

The Act takes effect May 19, 1997.

SENATE FILE 528 - Land Recycling and Environmental Remediation Standards

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and establishment of a Land Recycling Program and a Land Recycling Fund.

The Act defines the duties of the Environmental Protection Commission (EPC) and the Department of Natural Resources (DNR) regarding implementation and operation of the Land Recycling Program (LRP), defines the type of property which may be enrolled in the LRP, and provides the procedure for enrolling property in and withdrawing property from the LRP. The Act requires all participants in the LRP to carry out response actions on a timely basis, requires all participants to reimburse the DNR up to \$7,500 for actual costs incurred in enrolling the property, and provides that all participants receive a no further action letter upon a demonstration of compliance with the response action standards.

A participant may use any combination of cleanup standards that include background standards, statewide standards, or site-specific standards as adopted by the EPC after consideration of the recommendations of the DNR and the Technical Advisory Committee to implement a site remediation plan. The cleanup standards may be complied with through any combination of available response actions and the DNR may issue a variance from the applicable cleanup standards if certain criteria are met.

The Act defines institutional and technological controls that may be used to comply with cleanup standards and provides that institutional or technological controls confirmed in a no further action letter may be enforced in district court. Institutional or technological controls, except for environmental protection easements, may be removed, discontinued, modified, or terminated by a participant, or a successor in interest, upon demonstration that the control is no longer required to assure compliance. A release or amendment of an environmental protection easement may be accomplished only through execution by the director and filing with the county recorder.

The Act provides that a participant may obtain a consolidated standards permit to encompass all the substantive requirements applicable to a response action, if the participant would otherwise be required to obtain a permit, license, plan approval, or other approval from the DNR.

Once a participant demonstrates that an affected area meets applicable standards and the DNR certifies that the participant has met all requirements for completion, the DNR issues the participant a no further action letter. The following result upon issuance of a no further action letter: The participant and any protected party are not required to take any further action at the site related to any hazardous substance for which compliance with applicable standards is demonstrated, except for any continuing requirements specified in the letter; a covenant not to sue arises by operation of law that protects the participant and any protected parties from liability to the state to perform additional environmental assessment, remedial activity, or response action; and a participant and any protected parties are entitled to a cessation of statutory liability as to any condition at the affected area with regard to hazardous substances for which compliance with applicable standards was demonstrated and for which the DNR has provided a certificate of completion.

The Act defines certain liability protections and defines the circumstances under which those protections are not available.

The Act provides that the enrolling of a site does not constitute an admission of liability and limits both the admissibility of participation in a response action and the ability to discover any information produced during participation in any civil, criminal or administrative proceeding.

Protections afforded in the Act do not relieve a person from liability for a release of a hazardous substance occurring after the issuance of a no further action letter or from liability for any condition outside the affected area addressed in the cleanup plan and no further action letter.

The protection and immunities afforded in the Act extend only to liability or potential liability arising under state law and is not intended to provide any relief as to liability or potential liability arising under federal law.

The Act allows cities and counties to provide, by ordinance, that the costs of carrying out response actions are to be reimbursed, in whole or part, by incremental property taxes over a six-year period.

The Act establishes a Land Recycling Fund within the State Treasury under the control of the EPC. The fund may be used for financial assistance to political subdivisions of the state for activities related to an enrolled site, financial assistance and incentives for qualifying enrolled sites, and funding for any other purpose consistent with the chapter and deemed appropriate by the EPC.

The Act establishes a Technical Advisory Committee to work jointly with the DNR in developing recommended rules for implementing the chapter. The Act directs the EPC to consider the joint recommendations and to adopt rules to implement and administer the new chapter.

The Act requires the Director of the DNR to maintain a record of the affected areas or portion of affected areas for which no further action letters were issued and which involve institutional or technological controls.

The Act allows for the transferability of a no further action letter, a covenant not to sue, and any agreement authorized to be entered into under the Act. The provisions of the Act do not prevent or impede an emergency response action taken by the DNR or a participant, nor do they prevent or impede a participant from undertaking mitigation measures to prevent significant impacts on human health or the environment.

The Act allows for the transition of an enrolled site to the Land Recycling Program where actions similar to a response action have commenced pursuant to any provision of Code Chapter 455B prior to the effective date of the Act, July 1, 1997.

The Act provides a participant with a shield from enforcement actions if the participant proceeds on a due and timely basis to carry out the response action.

The Act allows for the removal of a site from the registry of confirmed hazardous waste or hazardous substance disposal sites upon the completion of a response action as to the conditions that led to its original listing and the issuance of a no further action letter.

The Act does not prevent the DNR from enforcing standards and monitoring compliance requirements required to be enforced by the federal government. The Act provides that any rules or standards shall be no more stringent than those required under any comparable federal law or regulation.

HOUSE FILE 191 - Drinking Water Facilities Financing

BY COMMITTEE ON APPROPRIATIONS. This Act creates a Drinking Water Facilities Financing Program and adds it to the Code sections relating to the Sewage Treatment Works Financing Program. The Act establishes the same financing and funding provisions for the Drinking Water Facilities Financing Program as the Sewage Treatment Works Financing Program.

The Act provides that unless federal law or regulation requires the review and approval of plans and specifications, a permit shall be issued for the construction, installation or modification of a public water supply system if the plans are properly certified by a qualified, registered engineer to the Department of Natural Resources (DNR).

The Act applies to the Drinking Water Facilities Financing Program the definitions, findings and General Assembly policy in the Code relating to the Sewage Treatment Works Financing Program.

The Act requires the DNR and the Iowa Finance Authority (IFA) to operate, administer and finance the program to be consistent with state law, the federal Safe Drinking Water Act, the federal Clean Water Act, and the rules of the DNR and the IFA. The IFA and the DNR are also authorized to conform the program to the guidance and regulations of the U. S. Environmental Protection Agency.

The Act establishes the Drinking Water Treatment Revolving Loan Fund and the Drinking Water Facilities Administration Fund. The Drinking Water Facilities Administration Fund is to be used for the purpose of administering the programs, policies and undertakings authorized by the federal Safe Drinking Water Act. Moneys appropriated to and deposited in the Drinking Water Treatment Revolving Loan Fund are to be used for the sole purpose of making loans to water systems to finance the costs of projects. Moneys in the Drinking Water Treatment Revolving Loan Fund are not part of the State General Fund. The administration of the funds may be combined to the extent permitted by the federal Safe Drinking Water Act.

The Act provides that intended use plans prepared, and capitalization grant agreements entered into, by the DNR with the EPA are subject to the federal Safe Drinking Water Act. The Act provides that the Governor has the authority, subject to the joint recommendation of the DNR and the IFA and subject to the provisions of the federal Safe Drinking Water Act, to direct that a portion of a capitalization grant made to one of the revolving funds be reserved for transfer to the other revolving fund. Any transferred funds are to be used in accordance with the intended use plan for the applicable revolving loan fund.

The Act includes water systems in the entities eligible to receive loans from a revolving loan fund. The Act also provides that the Director of the DNR has the same powers and duties in administering both revolving funds.

The Act takes effect March 7, 1997.

HOUSE FILE 228 - Regulation of Waste Tire Collection Sites

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the collection and processing of waste tires. The Act adds authorized vehicle recyclers licensed by the State Department of Transportation, who own or operate sites used for the storage, collection or deposit of more than 3,500 waste tires, to the definition of tire collector. As a result, a recycler will not be required to obtain a permit to operate a site until the 3,500-waste tire threshold is met.

HOUSE FILE 309 - Ozone Transport Assessment Group

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act provides for the legislative review and oversight of the Ozone Transport Assessment Group, which was convened by the U. S. Environmental Protection Agency (EPA) to consider means to reduce the atmospheric transport of ozone. The Ozone Transport Assessment Group consists of representatives from 12 northeastern states and 25 states west and south of the northeast ozone transport region. The Ozone Transport Assessment Group will develop recommendations in 1997 for emission control actions in states outside the northeastern region of the United States that may form the basis for EPA enforcement actions under the federal Clean Air Act.

The Act requires the Director of Natural Resources to submit reports on the Ozone Transport Assessment Group decision-making process, decisions or recommendations to the Senate Committee on Natural Resources and Environment and the House Committee on Environmental Protection if the General Assembly is in session, and to the Legislative Council if the General Assembly is not in session. The committees or the Legislative Council may hold public hearings to receive comments following the receipt of Ozone Transport Assessment Group decisions or recommendations.

If the General Assembly is in session, the Act requires the director to notify the Senate and House committees and the Administrative Rules Review Committee of the issuance of a request for submission of a state implementation plan, of proposed rulemaking, or of notice by the EPA related to ozone attainment. If the General Assembly is not in session, the Act requires the director to notify the Legislative Council and the Administrative Rules Review Committee of any actions. The Act also requires the director to provide a copy of the implementation plan to the committees or the Legislative Council as specified, and the Administrative Rules Review Committee.

If the General Assembly is in session, the Act requires the committees, following receipt of the plan, to hold public hearings for comments on the plan and if not in session, the Act provides that the Legislative Council may convene such public hearings. The Act prohibits the department from implementing the state implementation plan through the use of emergency rules. Absent a recommendation or other Act endorsing the plan by the General Assembly, or the Legislative Council if the General Assembly is not in session, the Act prohibits the director from submitting a plan that would impose emission controls more stringent than necessary to meet the national standards, unless certain requirements are met.

HOUSE FILE 653 - Waste Tires — Financial Assurance Requirements

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the financial assurance an owner or operator of a waste tire collection or processing site must provide to the Department of Natural Resources prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility. The Act strikes a paragraph in Code Section 455D.11A that provided the amount of financial assurance required for tires collected prior to July 1, 1992. The Act provides that the remaining financial assurance requirements provided in Code Section 455D.11A are effective July 1, 1998.

GAMING**RELATED LEGISLATION**

- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes supplemental appropriations for riverboat enforcement and racetrack regulation.
- HOUSE FILE 212** - Real Property Used in Racetrack Operation
SEE TAXATION. This Act permits local taxing authorities to subject to property taxation the real property used in the operation of a racetrack or racetrack enclosure. The definition of "racetrack enclosure" is amended to include the situations where the owner or operator of a racetrack enclosure pays the admission for persons to enter the enclosure.
- HOUSE FILE 266** - Tax Administration and Related Matters
SEE TAXATION. This Act amends 1997 Iowa Acts, H.F. 212 (see Taxation), which authorizes the taxation of real property used in the operation of a racetrack or racetrack enclosure, by specifying that if the resolution to tax such property by a local jurisdiction is passed by September 1, 1997, the property would be paying taxes during FY 1998-1999. If the resolution was passed after that date then the jurisdiction must notify the assessor and owner prior to the next assessment (calendar) year and the process, including valuation, appeal, and rollback, would be in the same manner and time as for other valuations.

HEALTH AND SAFETY

- SENATE FILE 59 - Emergency Medical Care Provider Certification Fees
- SENATE FILE 126 - Open Burning
- SENATE FILE 128 - Statistical Reporting of Terminations of Pregnancy
- SENATE FILE 163 - Sale of Cigarettes and Tobacco Products Through Vending Machines
- SENATE FILE 236 - Health Facilities and Services — Certificate of Need Program
- SENATE FILE 300 - Rules for HIV Home Testing Kits
- SENATE FILE 457 - Pharmacy Practice and Procedures — Nitrous Oxide
- SENATE FILE 499 - Tobacco Violations by Underage Persons — Age Identification on Licenses
- SENATE FILE 523 - Health Care Facilities — Records Checks — Home Health Services
- SENATE FILE 526 - Healthy Families Program
- HOUSE FILE 335 - Public Health — Miscellaneous Provisions
- HOUSE FILE 384 - Controlled Substances — Ephedrine
- HOUSE FILE 439 - Repository for Licensing, Registry, and Criminal History Information

RELATED LEGISLATION

- SENATE FILE 131 - Fraudulent Practices Involving Public Assistance Benefits
SEE HUMAN SERVICES. This Act relates to fraudulent practices involving Family Investment and Medical Assistance (Medicaid) Program benefits and makes penalties applicable.

- SENATE FILE 240 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes appropriations for maternal and child health, preventive health and health services, substance abuse, and other health-related programs.

- SENATE FILE 251 - Victims of International Terrorism
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act provides that victim compensation benefits payable under the Crime Victim Compensation chapter, Code Chapter 912, are payable to residents of Iowa who are victims of crimes that constitute international terrorism under federal law and that occur outside of the United States.

The Act takes effect March 31, 1997.

- SENATE FILE 285 - Household Hazardous Materials
SEE ENVIRONMENTAL PROTECTION. This Act relates to household hazardous materials, as defined in the Code, and to retail labeling requirements.

- SENATE FILE 358 - Interstate Emergency Management Assistance Compact
SEE STATE GOVERNMENT. This Act provides for the Emergency Management Assistance Compact, which is to replace the Interstate Civil Defense and Disaster Compact in Code Section 29C.21. The compact provides for mutual assistance between states entering into the compact in managing emergencies or disasters.

- SENATE FILE 451 - Milk and Milk Products
SEE AGRICULTURE. This Act regulates the milk industry, including the collection, transportation and grading of milk. The Act provides requirements for licenses and permits of persons involved in the industry. The Act provides for standards of operation for milk haulers, milk graders and bulk milk tankers.

- SENATE FILE 503** - Criminal Justice — Miscellaneous Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act makes a variety of changes relating to criminal justice including providing an additional penalty of five years of confinement for persons who manufacture methamphetamine, its salts, isomers or salts of isomers in the presence of a minor.
- SENATE FILE 541** - Child Day Care
SEE CHILDREN & YOUTH. This Act relates to child day care regulated by the Department of Human Services by creating a dual group day care home registration classification and establishing a child care home pilot project in up to two counties.
- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an appropriation for implementation of statistical reporting of abortions, creates a prepayment fund for fees to perform criminal history record checks, delays implementation of Phase I of the Community Health Management Information System (CHMIS), creates a Tobacco Settlement Fund and directs that part of the proceeds be appropriated for smoking prevention programs, and reestablishes the State Income Tax Checkoff for domestic abuse programs.
- HOUSE FILE 121** - Notification Requirements Regarding Pregnant Minors
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act changes prior law relating to parental notification requirements regarding pregnant minors.
- HOUSE FILE 133** - Health Benefit Plans — Point of Service Options
SEE BUSINESS, BANKING & INSURANCE. This Act provides that a health insurance carrier or organized delivery system which offers a limited provider network plan to provide health care services or benefits to the employees of a small or large employer must also offer certain other options to such employer.
- HOUSE FILE 226** - Reduction of Criminal Sentences for Good Behavior
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act establishes two categories of sentences to facilitate the computation of the amount of time by which the Department of Corrections should reduce an inmate's term of confinement for good behavior, makes other changes related to the accrual of good time, and provides for partial retroactive applicability of the Act's provisions.
- HOUSE FILE 255** - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment
SEE LOCAL GOVERNMENT. This Act establishes an allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services in FY 1997-1998 and FY 1998-1999. Appropriations of approximately \$6.1 million and \$12.5 million are made for the respective fiscal years to fund a 2.89 percent increase in growth in county expenditures for MH/MR/DD services in each of the fiscal years.
- HOUSE FILE 313** - Requirements for Certain Child Day Care Providers
SEE CHILDREN & YOUTH. This Act requires criminal and child abuse record checks of otherwise unregistered or unlicensed persons who receive public funding for providing child day care.
- HOUSE FILE 399** - Unfired Steam Pressure Vessels
SEE LABOR & EMPLOYMENT. This Act provides for the frequency of inspection of unfired steam pressure vessels by the Labor Commissioner.
- HOUSE FILE 542** - Assaults on Jail and Correctional Employees
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act establishes a new class "D" felony for certain acts that are committed by inmates and result in a jail or correctional facility employee coming into contact with blood, seminal fluid, urine, or feces.
- HOUSE FILE 578** - Continued Operation of Department of Human Rights
SEE STATE GOVERNMENT. This Act provides for the continued operation of the Department of Human Rights.

- HOUSE FILE 579** - Medical Assistance Advisory Council
SEE HUMAN SERVICES. This Act affects the membership of the council that consults with the Director of Human Services regarding the Medical Assistance (Medicaid) Program.
- HOUSE FILE 659** - Practice of Respiratory Care
SEE STATE GOVERNMENT. This Act modifies provisions of Code Chapter 152B regarding respiratory care practice and professional regulation.
- HOUSE FILE 692** - Parking Permits — Statement Regarding Handicap
SEE TRANSPORTATION. This Act provides that handicapped parking permits may be issued pursuant to the statement of a physician assistant or nurse practitioner.
- HOUSE FILE 693** - Tort Reform — Miscellaneous Provisions
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act relates to statutes of limitation and repose in civil actions, interest rates on judgments and decrees, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, and joint and several liability. The Act also requires the Iowa Department of Public Health to annually submit a report to the General Assembly relating to and regarding the number of physicians practicing in the area of obstetrics.
- HOUSE FILE 698** - Child Abuse Information and Central Registry
SEE CHILDREN & YOUTH. This Act relates to the state's child protection system law for placement of child abuse information in the central child abuse registry at the conclusion of a Department of Human Services investigation or assessment of a report of child abuse. In addition, the Act specifically addresses how various types of child abuse information are to be maintained and confidentiality protected by persons involved with the system, including child abuse record checks by health-related employers.
- HOUSE FILE 701** - Health Care Coverage — Portability and Continuity
SEE BUSINESS, BANKING & INSURANCE. This Act enacts changes required as a result of passage of the federal Health Insurance Portability and Accountability Act, which was enacted in 1996 and provides for continuity of coverage between self-funded plans and insured health care plans.
- HOUSE FILE 702** - Human Services — Miscellaneous Provisions
SEE LOCAL GOVERNMENT. This Act affects a number of provisions relating to the service system, facilities, funding, and other requirements for mental health, mental retardation and developmental disability (MH/MR/DD) services.
- HOUSE FILE 707** - Operating While Intoxicated and Related Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act amends the laws relating to the offense of operating while intoxicated (OWI), including increasing criminal penalties, providing for restitution for public agencies who provide emergency services where an OWI violation has occurred, providing for forfeiture of vehicles upon a second offense of driving under a suspended license for an OWI violation, and providing for criminal penalties and civil liability for persons who knowingly lend a motor vehicle to a person whose license is suspended for an OWI violation.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes many appropriations for health and health-related services, including the Medical Assistance (Medicaid) Program, long-term health care, and mental health, mental retardation and developmental disabilities services.

HEALTH AND SAFETY

SENATE FILE 59 - Emergency Medical Care Provider Certification Fees

BY BARTZ. This Act provides that certification fees currently paid to the Iowa Department of Public Health by emergency medical care providers are to be deposited in the Emergency Medical Services Fund established in Code Section 135.25. Moneys in this fund are to be used to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of emergency medical services equipment and to provide grants to counties for education and training in the delivery of emergency medical services.

SENATE FILE 126 - Open Burning

BY COMMITTEE ON STATE GOVERNMENT. This Act permits a fire chief to issue a permit authorizing a supervised, controlled burn in the fire district of the chief even while the State Fire Marshal has issued a proclamation prohibiting open burning in the area.

SENATE FILE 128 - Statistical Reporting of Terminations of Pregnancy

BY COMMITTEE ON HUMAN RESOURCES. This Act requires a health care provider to report both spontaneous and induced terminations of pregnancy to the Iowa Department of Public Health (IDPH) within 30 days of the occurrence. The Act lists the information to be included in the report and requires the IDPH to adopt rules that specify the collection procedures to be used and which ensure anonymity of all parties related to the report.

In order to secure federal funding or to conduct public health research, the Act authorizes the IDPH to share information with federal public health officials, as long as the IDPH maintains its control of the information and ensures that use of the information is in compliance with the Act. The Act requires the IDPH to annually publish a demographic summary of the information obtained through the reports.

The Act also establishes the manner of use of the information in order to ensure confidentiality of all parties related to the report, and does the following: states the intent of the General Assembly that the information be collected, reproduced, released, and disclosed in accordance with rules which ensure anonymity of the patient, health care provider, hospital, clinic, or other facility; provides that the IDPH is to use identifying information solely for the purposes of information collection and verification of the information; requires that entry of the information from the reports be performed within 30 days of the receipt of the report and that the information then be immediately destroyed; prohibits entry of any health care provider, hospital, clinic, or other health facility identification information including, but not limited to, the health care provider code assigned by the IDPH; provides for release of the information only in the aggregate form as defined in the Act; requires the IDPH to establish a methodology to provide a statistically verifiable basis for determining the correct amount of information that may be released without compromising the confidentiality of any person; provides that except as otherwise specified in the Act, reports, information and records submitted and maintained under the Act are confidential and are not to be released or made public upon subpoena, search warrant, discovery proceedings, or by any other means; provides for the assignment of a health care provider code without requiring an application process; provides that a health care provider assign a report tracking number to the report submitted which does not identify the patient; provides that it is preferred that a health care provider who practices within a hospital, clinic or other health facility authorize one staff person to fulfill the reporting requirements; and defines the terms "health care provider," "including a termination of pregnancy," and "spontaneous termination of pregnancy" for the purposes of the Act.

The Act establishes a penalty of a serious misdemeanor for violation of reporting requirements of the Act.

SENATE FILE 163 - Sale of Cigarettes and Tobacco Products Through Vending Machines

BY BOETTGER AND IVERSON. This Act prohibits the sale of cigarettes or tobacco products through vending machines unless the vending machine is located in a place where the retailer ensures that a person younger than 18 years of age is not present or permitted to enter at any time. A permit holder who violates this provision is subject to revocation of the permit.

SENATE FILE 236 - Health Facilities and Services — Certificate of Need Program

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes to the Certificate of Need (CON) Program.

The CON Program provides a process for state approval of an application for the offering or developing of a new or changed institutional health service in the state. Application for approval is made to the State Health Facilities Council administered by the Iowa Department of Public Health. Kidney disease treatment centers and hemodialysis units are eliminated from the definition of "institutional health facility," with the intended result to cease review of these services under the program. The capital expenditure thresholds for review of a number of services and types of equipment are increased and certain conditions are placed on review of other services and expenditures.

The Act exempts certain services and equipment from CON review, including certain nonpatient care services such as parking facilities; redistribution of acute care beds under certain conditions; replacement or modernization of an institutional health facility under certain conditions; hemodialysis services provided by a hospital or freestanding facility; hospice services provided by a hospital; the change of ownership, licensure, organizational structure, or designation of a type of facility if the health services offered by the successor facility are unchanged; and the conversion of an existing number of beds by an intermediate care facility for persons with mental retardation (ICFMR) to a smaller facility environment.

The Act establishes a minimum application fee of \$600 and a maximum fee of \$21,000. The Act also shortens the period between the time a letter of intent to offer or develop a service requiring a certificate of need is submitted, and initiation of the application process is begun, from 60 to 30 days. The Act provides that the State Health Facilities Council is to meet as necessary rather than at least once monthly. The Act also directs the Iowa Department of Public Health to conduct a review of the CON Program and submit a report of findings and recommendations as to the continued relevance of the program to the General Assembly by January 15, 2000, and directs the Iowa Department of Public Health, the Department of Human Services, and the Department of Inspections and Appeals to review the regulations of psychiatric medical institutions for children and ICFMRs and submit a joint report to the General Assembly by January 1998. The Act also extends the moratorium on processing of applications for ICFMRs from June 30, 1997, until June 30, 1998.

SENATE FILE 300 - Rules for HIV Home Testing Kits

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Iowa Department of Public Health, in consultation with the Board of Pharmacy Examiners, to adopt rules to establish what constitutes a home testing kit for the human immunodeficiency virus (HIV). The section amended currently prohibits the advertising for sale, offering for sale, or selling of a home testing kit for HIV testing. Establishing what constitutes a home testing kit distinguishes these kits from home collection kits used for the purpose of collecting a sample for testing at a lab, and therefore allows the use of home collection kits.

SENATE FILE 457 - Pharmacy Practice and Procedure — Nitrous Oxide

BY COMMITTEE ON HUMAN RESOURCES. This Act makes several modifications to the Iowa Pharmacy Practice Act.

The Act provides that qualified individuals who are authorized to administer drugs and who are employed by a home health agency or hospice may obtain, possess and transport emergency prescription drugs to home care or hospice patients.

The Act also provides that a pharmacy may furnish a prescription drug or device to a licensed health care facility, for storage in more than one secured emergency drug box within the facility, in accordance with rules of the Board of Pharmacy Examiners and the Department of Inspections and Appeals. Previously, Code Section 155A.15 provided for a single emergency drug box located within a facility.

The Act establishes that in addition to a written signature of a practitioner, electronically transmitted signatures are permitted by a practitioner in issuing a prescription. The Act establishes programs to aid impaired pharmacists, pharmacist interns and pharmacy technicians, and provides for reporting, confidentiality, immunity, and funding in relation to such programs.

Finally, the Act establishes that the unlawful possession and unlawful distribution of nitrous oxide constitutes a serious misdemeanor.

SENATE FILE 499 - Tobacco Violations by Underage Persons — Age Identification on Licenses

BY IVERSON. This Act relates to privileges and prohibitions relating to tobacco, tobacco products and cigarettes relative to minors.

The Act provides that motor vehicle licenses or nonoperator's identification cards issued to persons under 18 years of age are to include, prominently on the face of the license, the words "under eighteen" and those issued to persons under the age of 21 but older than 18 are to include, prominently on the face of the license, the words "under twenty-one."

The Act also increases the scheduled fine for violation of the provision that prohibits a person under 18 years of age from smoking, using, possessing, purchasing, or attempting to purchase any tobacco, tobacco products or cigarettes from the current \$25 to a graduated fine of \$25 for a first offense, \$50 for a second offense, and \$100 for a third or subsequent offense. The fine, which is a civil penalty, is to be retained, upon collection, by the city or county enforcing the violation and is to be used for additional enforcement of the prohibition. The fine for failing to pay the civil penalty is an additional civil penalty in the same amount as the fine for the underlying offense.

SENATE FILE 523 - Health Care Facilities — Records Checks — Home Health Services

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for preemployment criminal and dependent adult abuse records checks of prospective employees of health care facilities regulated by the Department of Inspections and Appeals. See also H.F. 439, which provides for development of a single contact central repository for performing these and other records checks. In addition, the Act directs the Departments of Public Health and Inspections and Appeals to review state and federal regulations applicable to in-home providers of health services to determine the feasibility of implementing criminal and dependent abuse records checks and other requirements of these providers.

Health care facilities covered under the Act include residential care facilities (RCFs), nursing facilities (NFs), and intermediate care facilities for persons with mental illness or mental retardation (ICFMI and ICFMRs).

Under prior law, a health care facility had the option of requesting the Department of Human Services (DHS) to perform criminal and child and dependent adult abuse records checks prior to a person's employment or licensure. The Act requires a health care facility to request the Department of Public Safety to perform criminal and dependent adult abuse records checks prior to employment of a person in the facility. In addition, the facility may request DHS to perform a child abuse records check. As under prior law, if the checks indicate the person has committed a crime or has a record of founded abuse, DHS is to perform an evaluation to determine if the person's employment should be prohibited. Criteria for the evaluation, such as the nature and seriousness of the crime or abuse, are outlined in the statute.

SENATE FILE 526 - Healthy Families Program

BY COMMITTEE ON HUMAN RESOURCES. This Act requires the Iowa Department of Public Health to establish a Healthy Opportunities for Parents to Experience Success (HOPES) — Healthy Families Iowa (HFI) Program. The program contains a number of components designed to provide services to children and families during the prenatal through preschool years, and is intended to promote optimal child health and development, improve family coping skills and functions, promote positive parenting skills and intrafamilial interaction, and prevent child abuse and neglect and infant mortality and morbidity.

The program may be implemented, in whole or in part, by contracting with a nonprofit child abuse prevention organization, local nonprofit certified home health program, or other local nonprofit organization. The Act requires that the Iowa Department of Public Health, the Department of Human Services, the Department of Education, and other state agencies and programs, as appropriate, furnish technical assistance and support to communities desiring to redesign their local programs and services targeted at families with children through five years of age. The Act also requires departments, agencies and programs to facilitate the consolidation of existing state funding appropriated and made available to communities for family support services.

The Act encourages communities to implement a single uniform family risk assessment mechanism. Requests by local communities for assistance in redesigning services are to be submitted to, and subject to the joint approval of, the Iowa Department of Public Health, the Department of Human Services, and the Department of Education based on the innovation zones principles established in Code Section 8A.2.

HOUSE FILE 335 - Public Health — Miscellaneous Provisions

BY COMMITTEE ON HUMAN RESOURCES. This Act makes numerous changes to programs within, and administered by, the Iowa Department of Public Health.

The Act amends existing law, which provides for the confidentiality of public records, to enable the exchange of child immunization information among public health agencies and health care providers.

The Act provides for the placement or transfer of a person, following a commitment hearing in which the court finds that the person is a chronic substance abuser, in a facility operated by the Veterans Administration or another federal facility if the person is eligible for the placement. The Act also provides for placement of an eligible person in such a facility if the person is committed in another state and the person is in this state.

The Act amends existing law to specifically set out the authority of the Child Death Review Team to obtain confidential records and to maintain confidentiality during death reviews. The Act also establishes immunity for members of the Child Death Review Team and their agents acting in good faith and without malice in the execution of their duties in their official capacity. The Act provides that a person who releases or discloses confidential data, records or any other type of information in violation of the Child Death Review Team provisions is guilty of a serious misdemeanor.

The Lead Inspector and Abater Certification Program provisions of the Code are amended to include necessary provisions to be deemed an authorized state program by the federal Environmental Protection Agency (EPA).

The Act establishes a lead hazard notification process for professional renovation, remodeling and repainting projects in targeted housing. The establishment of such a notification process is an additional federal EPA requirement for authorization of a state program. A contingent effective date, based on federal approval of the state program, is provided.

The Act amends the Vital Statistics chapter of the Code to redefine "fetal death" and "live birth" to distinguish between an actual fetal death or live birth and various anomalies, and to redefine "registration" for the purposes of the chapter.

The Act further amends various provisions of the chapter to provide for the modernization of vital records procedures and to facilitate the transition of county registrar duties from the clerks of the district court to the county recorders. The Act provides for changes in the birth and death registration processes and disallows issuance of delayed birth certificates for a deceased person. The Act also provides that a public record is not to be withheld from public access due to being combined with data processing software. In addition, the Act grants an exception to medical examiners and emergency medical services in addition to funeral directors from the requirement of securing a burial-transit permit when assuming custody of a dead body or fetus.

The Act authorizes the Board of Nursing Examiners to disclose pass or fail examination results to other state licensing authorities and to board-approved education programs in order to facilitate requests for licensure and to verify accuracy and determine approval.

The Act provides for exceptions to provisions regarding health profession continuing education and regulation, for the Board of Dental Examiners. The exceptions include allowing citizen board member participation in disciplinary hearing panels and providing licensees practicing out-of-state the ability to meet state continuing education requirements by meeting the requirements of the state in which they practice.

The Act abolishes the Plumbing Code Fund. The provision required cities that license plumbers to pay the Treasurer of State \$1 for each license issued, and 25 cents for each renewal issued, to be used to pay the state printing costs for rules governing the installation of plumbing and plumbers' license and application forms.

HOUSE FILE 384 - Controlled Substances — Ephedrine

BY COMMITTEE ON JUDICIARY. This Act adds certain substances containing ephedrine to the list of schedule V controlled substances. The Act also lists those substances containing ephedrine that are specifically excluded from schedule V. Under Iowa Code Section 124.308, schedule V controlled substances do not require a prescription, but are not to be distributed other than for a medical purpose. The distribution of schedule V substances is regulated by pharmacists.

HOUSE FILE 439 - Repository for Licensing, Registry, and Criminal History Information

BY MARTIN and JACOBS. This Act requires development of a single contact repository for criminal history, child and dependent adult abuse and sex offender registries, and nurse aide and other health profession certification and licensing information.

The Department of Inspections and Appeals is required to work as the lead agency with the Departments of Human Services, Elder Affairs, Public Health, and Public Safety to plan the development of the single contact repository. The purpose of the repository is to permit employers, local governments and state agencies to obtain the above information with one contact. The Department of Inspections and Appeals, with the other agencies, is required to report on or before January 15, 1998, concerning the progress in developing the repository. The report is required to address implementation needs along with other information.

HUMAN SERVICES

- SENATE FILE 131 - Fraudulent Practices Involving Public Assistance Benefits
- SENATE FILE 516 - Public Assistance Revisions — Family Investment and Other Programs
- SENATE FILE 522 - Legal Settlement
- HOUSE FILE 492 - Supplemental Needs Trusts for Persons With Disabilities
- HOUSE FILE 579 - Medical Assistance Advisory Council
- HOUSE FILE 612 - Child Support, Spousal Support, and Related Matters

RELATED LEGISLATION

- SENATE FILE 82 - Appropriations — Energy Conservation — Petroleum Overcharge Funds
SEE APPROPRIATIONS. This Act appropriates moneys for the fiscal year 1997-1998 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons, and to the Department of Natural Resources for the state energy program and for administration of petroleum overcharge programs.
- SENATE FILE 123 - Runaway Children
SEE CHILDREN & YOUTH. This Act provides for the development of county plans to address problems regarding chronic runaway children.
- SENATE FILE 145 - Mental Health and Developmental Disabilities Services Fund — Levy Revision Procedures
SEE LOCAL GOVERNMENT. This Act relates to the county mental health, mental retardation, and developmental disabilities services fund levy by authorizing a county that made a major error in establishing the county's base year for expenditures to revise the base year amount.
- SENATE FILE 176 - Child Sexual Abuse Reporting
SEE CHILDREN & YOUTH. This Act requires mandatory reporters of child abuse to also report sexual abuse of a child who is under 12 years of age, which would otherwise be defined as child abuse except that the abuse resulted from acts or omissions of a person other than a person responsible for the care of the child. The Act also authorizes a mandatory reporter to report sexual abuse by this type of perpetrator of a child who is 12 years of age or older. The Department of Human Services is required to refer information received from mandatory reporters to law enforcement.
- SENATE FILE 230 - Child Abuse Assessments
SEE CHILDREN & YOUTH. This Act provides for statewide implementation of an assessment-based approach by the Department of Human Services in response to reports of child abuse. See also H.F. 698 (See Children & Youth), which relates to placement of information on the child abuse registry following an investigation or assessment of a report of child abuse.
- SENATE FILE 236 - Health Facilities and Services — Certificate of Need Program
SEE HEALTH & SAFETY. This Act makes changes to the Certificate of Need (CON) Program, including directing a study of psychiatric medical institutions for children and institutional health facilities for persons with mental retardation.
- SENATE FILE 240 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes appropriations for mental health, homeless programs, low-income home energy assistance, child day care, social services, and other programs with significant federal grant funding.
- SENATE FILE 523 - Health Care Facilities — Records Checks — Home Health Services
SEE HEALTH & SAFETY. This Act provides for preemployment criminal and dependent adult abuse records checks of prospective employees of health care facilities regulated by the Department of Inspections and Appeals.

- SENATE FILE 541** - Child Day Care
SEE CHILDREN & YOUTH. This Act relates to child day care regulated by the Department of Human Services by creating a dual group day care home registration classification and establishing a child care home pilot project in up to two counties.
- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes transfer authority and appropriations to replace reduced federal Social Services Block Grant funding, creates a Tobacco Litigation Settlement Fund and directs that part of the proceeds be appropriated for the Medical Assistance (Medicaid) Program, and reestablishes the State Income Tax Checkoff for domestic abuse programs.
- HOUSE FILE 92** - School Improvement Technology Program
SEE EDUCATION. This Act adds the mental health institutes (MHIs) located in Cherokee and Independence to the list of entities eligible for School Improvement Technology Program moneys. These are the only MHIs in the state that house children who can benefit from attending school. Under the Act, School Improvement Technology Program moneys totaling \$45,000 are to be distributed by the Department of Education on a proportionate basis to the two MHIs, Glenwood State Hospital-School, and Woodward State Hospital-School.
- HOUSE FILE 121** - Notification Requirements Regarding Pregnant Minors
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act changes prior law relating to parental notification requirements regarding pregnant minors. The Act provides that if a pregnant minor declares that she is a victim of sexual abuse, the Department of Human Services is prohibited from releasing information relating to the pregnant minor's pregnancy or abortion in response to a request for public records, discovery procedures, subpoena, or any other means, unless expressly authorized by the pregnant minor. A person who knowingly violates these confidentiality provisions is guilty of a serious misdemeanor.
- HOUSE FILE 125** - Federal Block Grant Appropriations for FY 1996-97 — Human Services
SEE APPROPRIATIONS. This Act appropriates the federal Temporary Assistance to Needy Families (TANF) Block Grant available to the state for state FY 1996-1997 under federal welfare reform legislation. This is the first year the block grant is available to states. The federal welfare reform legislation enacted in August 1996 converts the federal-state entitlement program, Aid to Families With Dependent Children (AFDC), to a state-operated program in which the federal funding is provided as a block grant rather than a match of state funding. Other FY 1996-1997 appropriations to the Department of Human Services are increased or reduced in this Act.
- HOUSE FILE 232** - Defendants Mentally Incapable of Standing Trial
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act requires that a court, in cases where the defendant is determined to be mentally incompetent to stand trial, must expressly order the defendant committed for treatment to the custody of the Department of Human Services or the Department of Corrections. Previous Code language did not expressly permit the defendant to be treated when custody orders were issued by the court.
- HOUSE FILE 255** - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment
SEE LOCAL GOVERNMENT. This Act establishes an allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services in FY 1997-1998 and FY 1998-1999. Appropriations of approximately \$6.1 million and \$12.5 million are made to the Department of Human Services to distribute to counties for the respective fiscal years to fund a 2.89 percent increase in growth in county expenditures for MH/MR/DD services in each of the fiscal years.
- HOUSE FILE 313** - Requirements for Certain Child Day Care Providers
SEE CHILDREN & YOUTH. This Act requires criminal and child abuse record checks by the Department of Human Services of otherwise unregistered or unlicensed persons who receive public funding for providing child day care.

- HOUSE FILE 439** - Repository for Licensing, Registry, and Criminal History Information
SEE HEALTH & SAFETY. This Act requires development of a single contact repository for criminal history, child and dependent adult abuse and sex offender registries, and nurse aide and other health profession certification and licensing information. The purpose of the repository is to permit employers, local governments and state agencies to obtain the above information with one contact. The Department of Inspections and Appeals is to lead other state agencies in this effort. A progress report is due to the General Assembly by January 15, 1998.
- HOUSE FILE 453** - Termination of Parental Rights — Grounds — Putative Father
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act makes changes in Code Chapter 600A, Termination of Parental Rights. The Act redefines "to abandon a minor child" for the purposes of the chapter. The Act also establishes criteria for a determination that a putative father has abandoned a child, for the purposes of establishing grounds for termination of the putative father's parental rights. The criteria require the demonstration of certain actions and intentions by a putative father, which vary based upon the age of the child at the time of the holding of the termination of parental rights hearing.
- HOUSE FILE 544** - Foster Care and Preadoptive Care
SEE CHILDREN & YOUTH. This Act relates to the placement of children for adoption and foster care. The Department of Human Services is to work with various groups in developing standards for placement agreements for preadoptive and family foster care.
- HOUSE FILE 545** - Placement of Delinquent Children
SEE CHILDREN & YOUTH. This Act adds an alternative to the current criteria used by the court to determine whether a delinquent child may be placed in the state training school or other facility. Previous placement in a highly structured delinquency day treatment program is added by the Act as an alternative to the current requirement that a delinquent child must have been previously placed in a treatment facility outside of the child's home.
- HOUSE FILE 597** - School Attendance Requirements and Family Investment Program
SEE EDUCATION. This Act relates to school attendance requirements by requiring an attendance cooperation meeting process prior to designating truant a child who has not completed the sixth grade, providing for a truancy-related grant reduction sanction under the Family Investment Program (formerly known as Aid to Families With Dependent Children or AFDC), and providing for a civil penalty for truancy. The attendance cooperation requirements do not apply to a child who is receiving competent private instruction.
- HOUSE FILE 661** - Sentencing of Certain Criminal Offenders
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act permits a hearing to be held upon reconsideration of a criminal defendant's sentence, excludes mandatory reporters of child abuse from eligibility for deferred judgments and sentences and suspended sentences, and provides for the presentation of oral victim impact statements at reconsideration of sentence hearings.
- HOUSE FILE 698** - Child Abuse Information and Central Registry
SEE CHILDREN & YOUTH. This Act relates to the state's child protection system law for placement of child abuse information in the central child abuse registry at the conclusion of a Department of Human Services investigation or assessment of a report of child abuse. In addition, the Act specifically addresses how various types of child abuse information are to be maintained and confidentiality protected by persons involved with the system, including information maintained as confidential case records by the department.
- HOUSE FILE 702** - Human Services — Miscellaneous Provisions
SEE LOCAL GOVERNMENT. This Act affects a number of provisions relating to the service system, facilities, funding, and other requirements for mental health, mental retardation and developmental disability (MH/MR/DD) services.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes many appropriations and other provisions affecting programs administered by the Department of Human Services.

HOUSE FILE 734

- Fees and Penalties Relating to Corrections and License Revocations

SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act establishes a motor vehicle license reinstatement penalty and provides that moneys collected shall be deposited during FY 1998 with the Department of Human Services. The first \$1 million shall be used for juvenile detention homes with the remaining moneys collected to be used for runaway assessment facilities and services and juvenile delinquency prevention and intervention services.

HUMAN SERVICES

SENATE FILE 131 - Fraudulent Practices Involving Public Assistance Benefits

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to fraudulent practices involving Family Investment and Medical Assistance (Medicaid) Program benefits and makes penalties applicable.

The Family Investment Program, Code Chapter 239, was stricken and reenacted as new Code Chapter 239B in S.F. 516. The fraudulent practice provisions enacted in this Act were incorporated in new Code Chapter 239B. Consequently, the provisions of this Act relating to Code Chapter 239 were repealed in S.F. 542 (see Appropriations).

Code Section 249A.7 relates to investigations and audits of fraudulent practices involving payment under medical assistance for aid, services or merchandise when an applicant has not provided facts needed. The section is amended to include as a fraudulent practice knowingly making or causing to be made, a false statement, a misrepresentation of facts, or knowingly failing to disclose material facts required of an applicant or concerning an applicant's eligibility.

Code Section 249A.8 relates to fraudulent practices involving an application for payment under the Medical Assistance Program for services or merchandise rendered or purportedly rendered by a provider under the program. The section is amended to include as a fraudulent practice knowingly failing to disclose material facts in an application by a provider for payment.

The criminal penalties for fraudulent practices are found in Code Chapter 714. Code Chapter 714 provides for five degrees of fraudulent practices based upon the dollar value of the fraudulent act ranging from first degree involving a value in excess of \$10,000, which is a class "C" felony, to the fifth degree involving a value of less than \$100, which is a simple misdemeanor.

SENATE FILE 516 - Public Assistance Revisions — Family Investment and Other Programs

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Family Investment Program or FIP (formerly known as Aid to Families With Dependent Children or AFDC), administered by the Department of Human Services (DHS), by repealing and reenacting the Code chapters associated with the program.

Iowa enacted major changes to the AFDC program in session law beginning with the 1993 Legislative Session, including a name change to FIP. These changes required federal waivers which were modified in some fashion annually. The entitlement nature of the program ended with the August 1996 passage of the federal welfare reform law, the Personal Responsibility and Work Opportunity Act of 1996. Instead, federal funding is provided in the form of a block grant called Temporary Assistance to Needy Families or TANF. The block grant authorized states to exercise a much greater degree of program flexibility than previously permitted. Iowa elected to apply its existing waiver provisions to all eligible persons and end the control group required under the federal waivers. This Act repeals Code Chapter 239, the FIP chapter, and Chapter 249C, relating to the Job Opportunity and Basic Skills (JOBS) Program for FIP participants, and with some modifications to the session law provisions, enacts the waiver requirements combining the two chapters into new Code Chapter 239B.

The federal law requires states to deny FIP and food stamp benefits to persons with a felony drug conviction, unless the state enacts a law to provide for continued benefits. This Act provides for continued benefits in the two programs with language regarding participation in drug rehabilitation or other eligibility requirements.

The Act defines "PROMISE JOBS Program" or "JOBS Program," which is a modified acronym for the Promoting Independence and Self-Sufficiency Through Employment Job Opportunities and Basic Skills Program created by the Act. The Act sets out conditions of eligibility for the program, including application and periodic review requirements, income and resource criteria used to determine initial and continuing eligibility, restrictions on parent unemployment status, requirements for a participant family to enter into a family investment agreement with DHS, requirements to provide information to DHS, provisions for a limited benefit plan if certain requirements are not met, provisions for cooperation with child support recovery, and payment provisions when a participant is temporarily out of the state.

The Act directs the department to provide cash assistance and other benefits under the chapter. In calculating a cash assistance grant for a family the department is to take into consideration various circumstances such as family size, income and resources. The program is to provide a maximum \$400 funeral expense benefit under certain conditions for the death of a child who participated or was authorized to participate in the program. The program allows a specified relative to receive benefits on behalf of a child and in lieu of a parent. Unlike prior law, second cousins are authorized to be a specified relative effective July 1, 1997.

The Department of Human Services is designated to administer federal funds, develop and file state plans as required by federal law, and perform other administrative functions associated with the program. If required as a condition of receiving federal

funding while the General Assembly is not in session, DHS may administer activities in conflict with state law. However, the authorization expires upon the adjournment of the next regular session of the General Assembly. In addition, the Act authorizes the department to submit waiver requests to the federal government, as necessary, to implement the chapter or any subsequent initiative.

The Act provides that an applicant for assistance under the program is deemed to have assigned to DHS the applicant's rights to current and accrued support payments to the extent of the amount of the assistance received. Assistance provided under the chapter cannot be transferred or assigned at law or equity and is not subject to other legal processes to transfer the assistance to another.

The Act delineates income and resource exemptions, deductions and disregards to be used by the department for purposes of a family's initial and continuing eligibility for FIP assistance and for determining assistance amounts.

The Act requires family investment agreements (FIAs) between DHS and FIP participants and delineates requirements applicable to the agreements. The Act removes provisions allowed under the FIP waiver which exempted parents of infants under three months of age and persons working 30 or more hours per week from entering into an agreement. This change will be phased in through July 1, 1998. Limited benefit plan sanctions are required for FIP participants who do not comply with requirements involving FIAs.

The Act includes special provisions for minor and young parents and for family planning requirements.

The Act creates a Family Investment Program Account in the State Treasury for funds received by the program. A diversion program subaccount is also created for funds to be used in providing incentives for diversion of applicants from FIP and to remove barriers to employment for FIP participants. House File 715 appropriates approximately \$100 million in state and federal TANF block grant moneys to the account (see Appropriations).

The Act establishes immunization provisions applicable to children receiving FIP assistance.

The Act authorizes the department to provide for program participation by a child who is part of an eligible group headed by a specified relative and to pay cash assistance to a protective payee for a period of up to two years. In addition, the department may petition the court to appoint a conservator over a program participant to receive the cash assistance.

An individual who attempts to fraudulently obtain or who succeeds in fraudulently obtaining assistance or other benefits under the program by willfully omitting information or by other means, commits a fraudulent practice and the perpetrator is personally liable for the amount fraudulently obtained. See S.F. 131, which contains similar provisions. The county attorney is required to prosecute violations under new Code Chapter 239B and the area prosecutors of the Attorney General are required to assist in prosecutions.

Administrative hearings by the Department of Inspections and Appeals are available in the event an application is not acted upon in a reasonable time, or is denied in whole or in part, or benefits are modified, suspended or cancelled. Judicial review of the department's actions is subject to Code Chapter 17A, the Iowa Administrative Procedures Act.

The Act provides for repeal and reenactment of the provisions of Code Chapter 249C, relating to the JOBS program for recipients under the Family Investment Program, as part of new Code Chapter 239B.

In place of Code Chapter 249C, the Act establishes the Promoting Independence and Self-Sufficiency Through Employment-Job Opportunities and Basic Skills (PROMISE-JOBS) Program. The program is to be applied as provided in a participant family's family investment agreement. The Departments of Workforce Development, Economic Development, and Education and other public programs and agencies are to cooperate with the program. The Department of Human Services may delegate responsibilities to the Department of Workforce Development or the Department of Economic Development.

The Act delineates exceptions to required participation in the JOBS Program. The Act provides that eligibility for the program is contingent upon available funding and the person having entered into a family investment agreement with DHS under FIP. In addition, unless otherwise provided, high school and other basic education requirements are optional. The Act addresses provisions of child care while a parent participates in the JOBS Program.

The Director of Human Services or the director's designee is required to establish and maintain reasonable standards for health, safety and other conditions under the JOBS Program.

Participants in the JOBS Program are covered by the workers' compensation law or comparable protection for work performed under the JOBS Program. A participant is not considered an employee of the state or a political subdivision for the person's participation in the JOBS Program.

The Act provides for 24 months of transitional child day care benefits to persons who no longer receive FIP assistance due to employment.

The Act includes a number of amendments to Code Chapter 249A, the Medical Assistance (Medicaid) Program. The amendments provide that if a person would be eligible for medical assistance based upon eligibility for FIP or related requirements, the applicable eligibility requirements are those under new Code Chapter 239B, unless federal law requires the application of the requirements of the law in effect on July 16, 1996. The Act provides that the administrative rules for medical assistance eligibility based upon receipt of assistance under FIP, are to apply to FIP eligibility requirements established in the Act.

The Act directs DHS to simplify FIP eligibility criteria applicable to families with an unemployed parent to be consistent with criteria applicable to other families. The simplification is to reduce the waiting period for assistance from 30 to seven days beginning January 1, 1998. The department is to consider options for relaxing or waiving FIP Program requirements for FIP applicants or recipients who are victims of family or domestic violence. This option is allowed under federal law providing the block grant funding for FIP.

The Code Editor is directed to revise codified references to sections of Code Chapter 239 to instead refer to appropriate sections of new Code Chapter 239B. The Code Editor may either make the revisions editorially in the Code of Iowa or submit the revisions in a Code Editor's bill.

The Act also eliminates an earnings disregard provision applicable under FIP to individuals who were unemployed for 12 months and report earnings to DHS. The disregard applies to the first four months of employment income. The provision is eliminated effective October 1, 1997, but remains applicable to those individuals eligible for the disregard as of September 30, 1997.

Except as otherwise indicated, the Act takes effect April 18, 1997.

SENATE FILE 522 - Legal Settlement

BY COMMITTEE ON HUMAN RESOURCES. This Act amends the legal settlement provisions of the Code by providing that a person receiving treatment or support services from any provider, regardless of the source of funding of the provider, who provides treatment or services for mental retardation, developmental disabilities, mental health, brain injury, or substance abuse, does not acquire legal settlement in the county in which the site of the provider is located unless the person continuously resides in that county for one year from the date of receiving the last treatment or support service. This provision was also enacted in H.F. 702 (see Local Government).

HOUSE FILE 492 - Supplemental Needs Trusts for Persons With Disabilities

BY COMMITTEE ON HUMAN RESOURCES. This Act reenacts Iowa Code Chapter 634A, relating to supplemental needs trusts for persons with disabilities, which was repealed in 1995.

The Act defines "supplemental needs trust" (SNT) as an inter vivos or testamentary trust created for the benefit of a person with a disability and funded by a person other than the trust beneficiary or the beneficiary's spouse, and which is declared to be an SNT in the instrument creating the trust. An SNT includes a trust created for the benefit of a person with a disability and funded solely with moneys awarded as damages in a personal injury case or moneys received in the settlement of a personal injury case provided that the trust is created within six months of receiving the award or settlement, the trust is irrevocable, the beneficiary is not named a trustee of the trust, and the trust instrument declares the trust to be a supplemental needs trust.

To meet the requirements of the Act, an SNT must be established as a discretionary trust for the purpose of providing a supplemental source for the payment of expenses only if benefits from publicly funded benefit programs are not sufficient to provide adequately for those expenses and needs. An SNT must contain provisions that prohibit disbursements which would result in replacement, reduction or substitution of publicly funded benefits or would render the beneficiary ineligible for publicly funded benefits. Distributions under the SNT must only be in a manner or for purposes that supplement or complement publicly funded benefits.

Eligibility of a person as a beneficiary based upon disability may be established conclusively by the written opinion of a licensed professional qualified to diagnose the illness or condition if confirmed by the written opinion of a second qualified licensed professional.

Under the Act, an SNT becomes unenforceable if the beneficiary becomes a patient or resident, after 64 years of age, in a state institution or nursing facility for six months or more and there is no reasonable expectation that the beneficiary will be discharged.

The trust does not become unenforceable if the beneficiary participates in a group residential program.

The Act provides that the trust income and assets of an SNT are considered available to the beneficiary for medical assistance or other public assistance program purposes to the extent that income and assets are considered available under the particular program.

Under the Act, an SNT is not subject to administration in the Iowa District Court sitting in probate.

The Act provides that the trust may be established with the proceeds of back payments made by the U.S. Social Security Administration resulting from a judgment regarding the regulatory schemes for determination of child disability.

HOUSE FILE 579 - Medical Assistance Advisory Council

BY COMMITTEE ON HUMAN RESOURCES. This Act adds one representative each from the Iowa Association of Rural Health Clinics, the Iowa Physician Assistant Society, the Iowa Association of Nurse Practitioners, the Iowa Academy of Family Physicians, the Iowa Physical Therapy Association, and the Iowa Occupational Therapy Association to the membership of the council that consults with the Director of Human Services regarding the Medical Assistance (Medicaid) Program. The Act also corrects the references to the Iowa Hospital Association, which is now the Association of Iowa Hospitals and Health Systems, and the Iowa Association of Homes for the Aging, which is now the Iowa Association of Homes and Services for the Aging.

HOUSE FILE 612 - Child Support, Spousal Support, and Related Matters

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes relating to child support enforcement including those required under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (referred to in this summary as the federal Act), and other changes involving child custody and paternity establishment.

Division I - Uniform Support Law

Division I makes changes in Code Chapter 252A, the Uniform Support of Dependents Law, to reflect the adoption of the Uniform Interstate Family Support Act (UIFSA), which is enacted in this Act as Code Chapter 252K. This Division also makes changes to reflect the requirements of the federal Full Faith and Credit for Child Support Orders Act, and makes additional changes relating to paternity establishment and rescission of an affidavit of paternity, genetic testing procedures and costs, the establishment of temporary orders for child support, and support provided to recipients of public assistance.

Division II - Child Support Recovery

Division II makes changes in Code Chapter 252B, Child Support Recovery, which relates to the duties of the Child Support Recovery Unit within the Department of Human Services (DHS). This Division includes various changes required under the federal Act and under the federal Full Faith and Credit Act. The Act requires an applicant for, or recipient of, public assistance to cooperate in good faith in establishing paternity and in establishing, modifying or enforcing a support order by providing certain information to the unit, unless certain exclusions apply. The Act provides that a support obligation is satisfied for the months during which the family has reunited and is receiving public assistance, but if the reconciliation does not last and the parent moves out of the home, the child support is again due.

Division II also establishes the duties of the Child Support Recovery Unit with regard to child support obligations established by a foreign jurisdiction; eliminates the fee assessed for the Federal Tax Refund Offset Program; codifies language to allow the unit to contract with private collection agencies for difficult collection cases; provides for periodic notification of parents of the right to request a review and adjustment of a child support order; clarifies the unit's duties in spousal support cases; provides a process for certification to the federal government of arrearage cases in excess of \$5,000 for the purpose of passport sanction; provides a process for attorneys licensed in the state to be compensated for collection of child support as the direct result of a judicial proceeding maintained by the attorney; authorizes DHS to adopt rules to establish a standard for determining a parent's income if it is not provided in lieu of using the median income standard currently in use; requires the unit to provide informational materials to the public regarding the unit's services and procedures; requires that certain entities provide information to the unit and provides a penalty for noncompliance; provides for the release of the information to certain entities under certain conditions; and provides that the unit may use imaging or photographic copies of documents in the course of business.

Division III - Administrative Procedures

Division III makes changes in Code Chapter 252C, Child Support Debts - Administrative Procedures, by providing that assignment of support to the state is by operation of law if the child or a child's caretaker is receiving public assistance, providing for satisfaction of a support obligation for the period of reconciliation of parents, and extending the time periods for response to actions taken in establishing a support debt. In addition, the Act provides that if the support debt amount

established administratively is greater than the support debt amount established on an appeal of the order, the difference in the amount is deemed satisfied.

Division IV - Income Assignment and Withholding

Division IV makes changes in Code Chapter 252D, Child Support Payments - Assignment of Income and Immediate Income Withholding, by eliminating references to "assignment of income" and referring to the actions taken as "withholding of income"; providing that the Child Support Recovery Unit may enter an ex parte order for income withholding without the application of a person entitled to support; establishing which state's law applies in interstate withholding; defining terms including "income," "business day," and "payor of income"; providing for the use of a standard form for providing notice of income withholding to an obligor and a payor of income; allowing the district court to provide or send a notice of income withholding to the obligor and to the payor of income in lieu of sending a copy of the actual order; providing that the unit may provide notice of income withholding by electronic means and may send the notice on the same date that the order is sent to the clerk of the district court for filing; eliminating the requirement that the payor of income provide the notice to the obligor and requiring this of the unit instead; providing that withholding for support has priority over garnishment or an assignment for any other purpose; providing that the payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order; requiring the payor of income to provide payments withheld within seven business days of the pay date; providing that if a payor of income knowingly fails to withhold income or pay the amounts withheld, the person commits a simple misdemeanor; providing that payment of support is not considered delinquent if it is due to a disparity with the employer's pay cycle and the scheduled date on which support is due; redefining "support" to exclude enforcement of postsecondary education subsidy orders from enforcement under income withholding; reorganizing the chapter to make the general provisions more inclusive; and making changes necessary under UIFSA.

Division V - Medical Support

Division V makes changes in Code Chapter 252E, Medical Support, to include a provision for health insurance coverage in orders for income withholding. The changes provide for a motion to quash a procedure to contest a medical support provision and to provide for modification of an order, rather than entry of a new order, to include health insurance coverage under the order.

Division VI - Paternity Establishment

Division VI makes changes in Code Chapter 252F, Administrative Establishment of Paternity, including making the time frames for contesting genetic test results and holding hearings consistent, requiring that genetic tests be performed by an approved laboratory, establishing responsibility for payment of costs associated with genetic testing and providing for admission of evidence of these costs, and requiring the provision of certain information to the unit.

Division VII - Employee Registry

Division VII makes changes to Code Chapter 252G, Central Employee Registry, including redefining "employer" and defining "labor organization" and "business day"; permitting employers with multistate businesses who report electronically to choose one state for reporting purposes; and establishing that the Child Support Recovery Unit must enter new hire information within five days of receipt, must transmit registry records to the national registry within three business days after entry of the data, and must issue income withholding orders within two days of entry of the data.

Division VIII - Support Order Modification

Division VIII makes changes in Code Chapter 252H, Adjustment and Modification of Support Orders, including eliminating the requirement of periodic review of orders and replacing this with provision for reviews upon request or as otherwise required by federal law; providing a process for adjustment of an order based upon a cost-of-living alteration; providing for review and modification of an order due to substantial change in circumstances outside of the general time frames; and requiring the Child Support Recovery Unit to send a copy of the modified order to the parties within 14 days of the modification.

Division IX - Asset Accounts

Division IX makes changes in Code Chapter 252I, Child Support Payments - Levies Against Accounts, by redefining "account," "court order," "financial institution," and "support"; requiring financial institutions to complete quarterly data matches with the Child Support Recovery Unit to assist in locating assets of individuals who are delinquent in payment of child support; providing for assistance by the unit to nonautomated institutions in complying with the requirement; and providing the institution with immunity from liability for complying in good faith.

Division X - License Sanctions

Division X makes changes in Code Chapter 252J, Child Support - Licensing Sanctions, to include application of the sanction for failure to comply with a subpoena or warrant relating to paternity or support proceedings and to include application to recreational licenses.

Division XI - Uniform Interstate Act

Division XI establishes a new Code Chapter 252K, Uniform Interstate Family Support Act (UIFSA), which the federal Act requires all states to adopt by January 1, 1998, and which takes effect January 1, 1998.

Division XII - Dissolution of Marriage

Division XII makes changes in Code Chapter 598, Dissolution of Marriage and Domestic Relations, including providing definitions of "legal custody," "physical care," "joint custody," and "joint physical care"; replacing the prior law's provision of support for postsecondary education with a "postsecondary education subsidy," which may be ordered by the court if good cause is shown and based upon a formula provided in the Act; providing for retroactive application of a modification of an order to three months after notice is provided to the other party; requiring that orders include periodic payment plans when the order is retroactively increased or when the order includes accrued support; limiting the retroactive modification of temporary orders; providing that if the residence of a child is relocated to a location which is 150 miles or more from the residence of the child at the time that custody was awarded, the court may consider this a substantial change in circumstances and if it is determined to be a substantial change in circumstances, the order may be modified to preserve the existing relationship between the child and the noncustodial parent; requiring that parties to these proceedings provide the Child Support Recovery Unit or the court with certain information to facilitate locating the parties; providing that in addition to other provisions in lieu of contempt of court proceedings, the court may require providing contact with a child through a neutral visitation site and may impose sanctions or specific requirements or order the parties to participate in mediation; providing that the court may consider the awarding of joint physical care to be in the best interest of the child and may award physical care to one or both parents if the court determines that it is in the best interest of the child and if doing so will preserve the relationship between each parent and the child; providing that the clerk of court may require payment of support by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk; and making other conforming changes.

Division XIII - Liens

Division XIII establishes provisions relating to liens by providing that liens arise by operation of law on titled personal property as well as real property for overdue support and that liens entered by another state for overdue support are to be afforded full faith and credit. The Division also provides for a task force to develop a plan for a statewide support lien index.

Division XIV - Paternity Challenges

Division XIV makes changes in Code Chapter 600B, Paternity and Obligation for Support, including providing for a trial before the court instead of by jury; changing the time frames for objecting to genetic test results and for scheduling a hearing; providing for rescission of an affidavit of paternity under certain circumstances after 60 days; requiring that genetic testing be performed by an approved laboratory; and establishing responsibility for payment of costs of testing and for admission of bills for birth-related expenses and genetic testing.

Relating to disestablishment of paternity proceedings, the Division provides that the court no longer initially bases its determination, in part, on the best interest of the child. Rather, in a disestablishment proceeding, if the genetic test results conclude that the established father is not the biological father, the court is to enter an order relieving the established father of any and all future support and providing that any unpaid support is satisfied. However, if the court determines that the established father is not the biological father, the court may dismiss the action to overcome paternity and preserve paternity if the established father requests that paternity be preserved and the parent-child relationship be continued, if preserving paternity is in the best interest of the child, and if the biological father of the child is a party to the action and does not object to preservation of paternity or the parental rights of the biological father are terminated in accordance with the termination of parental rights chapter. If the court does preserve the paternity of the established father, the court must also enter an order establishing support, custody and visitation.

Additionally, the Division provides that if the court entered an order which preserved the paternity of an established father who was determined to not be the biological father of the child prior to May 21, 1997, the established father may petition the court and the court is to enter an order which terminates the parental rights of the established father and relieves the established father of any and all future support. The Act also makes conforming changes necessitated by changes in other chapters and by the federal Act.

Division XV - Records and Interest

Division XV makes miscellaneous changes throughout the Code to conform to changes made in the Act, including those relating to records maintained by the Iowa Department of Public Health and relating to confidentiality. This Division also provides that any interest on periodic payments paid through income withholding does not accrue for the time the payments are unpaid solely because the date on which the payor of income withholds income, based upon the regular pay cycle, varies from the support order; requires that application forms for and marriage licenses are to include language relating to abuse prevention; provides that the statute of limitations for judgments does not apply to actions to recover child support, spousal support or distribution of marital assets; and removes the exemption of pensions and similar payments from execution for collection of a child support obligation.

Division XVI - Surcharges

Division XVI provides for the assessment of a surcharge against an obligor if a difficult to collect case is referred to a collection agency.

Effective Dates

The portions of the divisions of the Act relating to UIFSA are effective January 1, 1998. The portions of the divisions of the Act under Code Chapters 598 and 600B relating to custody, visitation and the best interest of the child are effective May 21, 1997.

LABOR AND EMPLOYMENT

- SENATE FILE 109 - Workers' Compensation — Out-of-State Injuries and Claims
- SENATE FILE 280 - Providing Work-Related Employee Information
- SENATE FILE 296 - Workers' Compensation and Nonoccupational Health Coverage
- SENATE FILE 361 - School-to-Work Programs — Workers' Compensation
- SENATE FILE 395 - Department of Workforce Development — Unemployment Compensation and Other Matters
- SENATE FILE 460 - Workforce Development Board
- SENATE FILE 501 - Department of Workforce Development — Miscellaneous Provisions
- HOUSE FILE 167 - Eligibility Requirements for Workers' Compensation
- HOUSE FILE 236 - Unemployment Compensation — Employees of Temporary Employment Firms
- HOUSE FILE 370 - Workers' Compensation for Professional Athletes
- HOUSE FILE 398 - Labor Commissioner — Construction Contractors and Other Provisions
- HOUSE FILE 399 - Unfired Steam Pressure Vessels
- HOUSE FILE 401 - State Government Personnel Procedures

RELATED LEGISLATION

- SENATE FILE 391 - Appropriations — Transportation
SEE APPROPRIATIONS. This Act appropriates money for FY 1997-1998 to fund salary adjustments of approximately 3 percent and insurance benefits for state-appointed nonelected officers, employees subject to collective bargaining agreements, and noncontract employees.
- SENATE FILE 516 - Public Assistance Revisions — Family Investment and Other Programs
SEE HUMAN SERVICES. This Act relates to the Family Investment Program or FIP (formerly known as Aid to Families With Dependent Children or AFDC), administered by the Department of Human Services, by repealing and reenacting the Code chapters and other provisions associated with the program, including the work and training program known as JOBS.
- SENATE FILE 523 - Health Care Facilities — Records Checks — Home Health Services
SEE HEALTH & SAFETY. This Act provides for the Department of Public Safety to perform preemployment criminal and dependent adult abuse records checks of prospective employees of health care facilities regulated by the Department of Inspections and Appeals.
- HOUSE FILE 401 - State Government Personnel Procedures
SEE STATE GOVERNMENT. This Act provides for changes relating to state government personnel procedures, including discontinuing the Personnel Commission and transferring the commission's responsibilities and rulemaking authority to the Director of Personnel.
- HOUSE FILE 456 - City Civil Service
SEE LOCAL GOVERNMENT. This Act amends Code Chapter 400 relating to city civil service by changing the method of selecting clerks to the civil service commissions in cities of 75,000 population or fewer, exempting professional city engineers from civil service coverage, extending civil service rights to an employee who meets minimum qualifications or passes a qualifying noncompetitive test after completion of a probationary period, eliminating two successive examinations to find qualifying applicants for promotions, increasing from 90 days to 180 days the amount of time for background checks on potential employees, increasing the number of names on original appointment lists from 10 to 40, eliminating employee consent for departmental transfers, and retaining the 1980 census for determination of city civil service applicability.
- HOUSE FILE 515 - Determination of Annual Salaries for Deputy Sheriffs
SEE LOCAL GOVERNMENT. This Act provides that the sheriff shall set the annual base salary of those deputy sheriffs classified as exempt under the federal Fair Labor Standards Act of 1938, as amended.

- HOUSE FILE 557** - Insurance Regulation — Miscellaneous Provisions
SEE BUSINESS, BANKING & INSURANCE. This Act amends provisions relating to the regulatory authority of the Division of Insurance, the operation of insurers, and provides for rejection of workers' compensation coverage for certain officers of a corporation by attachment of a written rejection to the policy. Currently, such rejection must be attached initially and upon each renewal of the policy.
- HOUSE FILE 589** - Boxing and Wrestling
SEE STATE GOVERNMENT. This Act rewrites Code Chapter 90A, which regulates boxing and wrestling in the state. Much of the new material is added to conform the Code chapter to the requirements of the recently enacted federal Professional Boxing Safety Act of 1996.

LABOR AND EMPLOYMENT

SENATE FILE 109 - Workers' Compensation — Out-of-State Injuries and Claims

BY KING. This Act concerns the liability for payment of Iowa workers' compensation benefits when the injury occurs outside of the state and when the injured worker seeks coverage for workers' compensation benefits out of state.

The Act provides that an employee who is injured outside of Iowa under a contract of hire made in Iowa in employment not principally localized in any state is entitled to Iowa workers' compensation benefits only if the employee spends a substantial part of the employee's working time working for the employer in Iowa. In addition, an employee domiciled in Iowa and who is injured outside of Iowa is entitled to Iowa workers' compensation benefits only if the employee's employer has a place of business in this state. Previously, an injured employee was entitled to Iowa workers' compensation benefits if the employee was under a contract or hire made in Iowa for employment not localized in any state regardless of where the employee spent most of their working time or if the employee was domiciled in this state regardless of whether the employer had a place of business in Iowa.

The Act also provides that an employee is not entitled to Iowa workers' compensation benefits if the employee receives workers' compensation benefits pursuant to the laws of another state or country for the same injury. If the employee initiates a proceeding to receive workers' compensation benefits from another state or country, the Act provides that further action to receive Iowa workers' compensation benefits is stayed pending resolution of the out-of-state proceeding. Finally, the Act provides that an employer shall have a credit towards any Iowa workers' compensation benefits that are payable to the extent the employee receives any out-of-state benefits for the same injury.

SENATE FILE 280 - Providing Work-Related Employee Information

BY COMMITTEE ON JUDICIARY. This Act provides immunity from civil liability to an employer who provides work-related information about a current or former employee upon request of the employee or a prospective employer if the employer does not act unreasonably in providing the information. The Act provides that an employer acts unreasonably if the information disclosed violates a civil right of the employee, if the information is knowingly provided to one with no legitimate interest in the information, or if the information provided is not relevant and is disclosed with malice or with no good faith belief that the information is true.

SENATE FILE 296 - Workers' Compensation and Nonoccupational Health Coverage

BY COMMITTEE ON COMMERCE. This Act provides that an employee's nonoccupational health care plan shall not deny payment for medical services received by the employee while the employer's liability to make payment for those services pursuant to the workers' compensation law remains unresolved. Current law, which remains unchanged by this Act, provides that the nonoccupational plan shall have a credit against any workers' compensation benefits paid for medical services if the nonoccupational plan would not have been liable if a right to benefits existed under workers' compensation.

SENATE FILE 361 - School-to-Work Programs — Workers' Compensation

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes that, for purposes of the workers' compensation law, a student participating in a school-to-work program is defined as an "employee." If the student's participation in the program is unpaid, the eligible postsecondary institution, school corporation, or accredited nonpublic school is defined as the "employer." If the student is participating in a paid school-to-work program, the entity that pays the student is defined as the "employer."

However, the workers' compensation weekly benefit amount to a student participating in a school-to-work program is limited to the amount paid for a permanent partial disability, or for a permanent total disability, equal to the weekly benefit amount of a person whose gross weekly earnings are 35 percent of the statewide average weekly wage in effect at the time of the injury, rather than the weekly benefit that would be due to a regular employee. The weekly benefit amount due a regular employee is 80 percent of the employee's weekly earnings, but not more than 184 percent of the statewide average weekly wage for a partial disability, and not more than 200 percent of the statewide average weekly wage if the injury causes permanent total disability.

Under the Act, the rights and remedies of the workers' compensation law are the participating students' exclusive and only rights and remedies for occupational injury, occupational disease or occupational hearing loss.

School corporations are authorized to establish and maintain school-to-work programs including alternative learning opportunities through which students may obtain skills or training outside the classroom. The Act also permits school corporations to provide workers' compensation coverage by insuring or self-insuring students participating in a school-to-work program.

SENATE FILE 395 - Department of Workforce Development — Unemployment Compensation and Other Matters

BY COMMITTEE ON BUSINESS AND LABOR. This Act provides that the Department of Workforce Development can recoup the overissuance of food stamp benefits from unemployment compensation benefits if the Department of Human Services reimburses the department's administrative costs in recouping the overissuance.

The Act provides that the department and its employees are not liable for any acts or omissions resulting from the proper release of records related to unemployment compensation by the department.

The Act provides that employment, for purposes of unemployment compensation, does not include services performed by inmates at correctional institutions. Prior law provided that employment, for purposes of unemployment compensation, did not include services performed by inmates of a custodial or penal institution for the government or for certain religious, charitable, educational, or other similar organizations.

The Act also relieves an employer participating in the voluntary shared work program from charges for benefits paid while the employee attends approved work-related training.

The Act provides that employees of a community college providing workforce development services to the Department of Workforce Development based on a contract in existence as of July 1, 1996, may become state employees of the department while retaining most benefits accrued while employees of the community college, if the department and the community college agree. This portion of the Act takes effect April 18, 1997, and is repealed effective July 1, 1999.

SENATE FILE 460 - Workforce Development Board

BY COMMITTEE ON BUSINESS AND LABOR. This Act adds an eighth ex officio nonvoting member to the Iowa Workforce Development Board. The additional member shall be a president or president's designee from an independent Iowa college, appointed by the Iowa Association of Independent Colleges and Universities.

The Act takes effect May 2, 1997.

SENATE FILE 501 - Department of Workforce Development — Miscellaneous Provisions

BY COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM. This Act eliminates requirements that the Department of Workforce Development compile data included in emergency and hazardous chemical inventories by county and provide the compiled reports to at least one public library in each county. However, the Act does not eliminate the duty to compile the data.

The Act allows the Labor Commissioner to exempt an amusement device that is an appliance, and which is part of a structure subject to a building code, from the provisions of Code Chapter 88A concerning the safety inspection of amusement rides.

The Act eliminates the requirement that an asbestos management planner of public and commercial buildings be licensed. The license requirement is retained for an asbestos management planner of a school building.

The Act also eliminates the requirement that employment agencies produce affidavits certifying the good moral character of the officers of the employment agency prior to obtaining a license in this state.

The Act repeals a Code section requiring the state Commissioner of Athletics to appoint a secretary. The Act also repeals a Code section prohibiting the Labor Commissioner from taking claims for wages based on an act committed prior to July 1, 1975, the effective date of Code Chapter 91A, dealing with wage payment collection.

HOUSE FILE 167 - Eligibility Requirements for Workers' Compensation

BY GRUNDBERG. This Act provides that a person engaged in casual employment or in service in or about a private dwelling is not required to be covered by workers' compensation if they earn less than \$1,500 from the employment during the 12 months prior to the injury. Previously, workers' compensation coverage was not required if the person earned less than \$200 during the 13 weeks prior to the injury. An employer is still able to assume workers' compensation liability for such a person, but only if the employer purchases workers' compensation insurance.

HOUSE FILE 236 - Unemployment Compensation — Employees of Temporary Employment Firms

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act provides that a temporary employee employed through a temporary employment firm who fails to notify the firm within three working days of the completion of an employment assignment is deemed to have voluntarily quit employment for purposes of denying that temporary employee unemployment benefits. The three-day requirement can be extended for good cause.

The temporary employee is denied benefits only if the temporary employee is advised by the temporary employment firm in writing that the employee is required to notify the temporary employment firm upon completion of the assignment. To satisfy

the advise-in-writing requirement, the Act provides that the temporary employment firm shall advise the temporary employee through a separate document at the time of hire that provides an explanation of the notification requirements which also must be signed by the employee.

HOUSE FILE 370 - Workers' Compensation for Professional Athletes

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act provides for the determination of workers' compensation benefits for professional athletes injured while performing as professional athletes.

The Act provides that workers' compensation benefits for a temporary total disability, a temporary partial disability, and for a healing period relating to a permanent partial disability shall be terminated once the injured athlete is able to return to any employment the athlete previously performed.

The Act provides that the degree of permanent disability of an individual injured while performing as a professional athlete shall be determined based on occupations, other than professional athletics, that the individual previously performed or was suited to perform.

The Act also provides that in computing the workers' weekly compensation benefits of an injured professional athlete, the basis of compensation shall be one-fiftieth of the total earnings of the athlete over the previous 12 months.

The Act takes effect April 18, 1997.

HOUSE FILE 398 - Labor Commissioner — Construction Contractors and Other Provisions

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act updates industrial arts terminology, eliminates a reference to the specific Iowa administrative rule defining "construction" for purposes of the Iowa Employment Security Law, amends a subsection to provide for gender neutrality by replacing the word "journeyman" with the word "journey person," and provides for the suspension of a section of the Code relating to the registering and bonding of construction contractors if the section may cause denial of federal funds or otherwise is inconsistent with federal law.

HOUSE FILE 399 - Unfired Steam Pressure Vessels

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act provides that internal inspections of unfired steam pressure vessels shall be conducted by the Labor Commissioner once every two years and external inspections every year. Previously, an internal and external inspection was required annually. The Act also provides that the Labor Commissioner can require an internal inspection at any time if an inspector observes conditions warranting such inspection. The Act provides that the Labor Commissioner shall adopt rules enumerating the applicable conditions.

The Act repeals, effective December 31, 1997, a temporary provision of law that provided for the inspection intervals of certain unfired steam pressure vessels manufactured on or after January 1, 1994.

HOUSE FILE 401 - State Government Personnel Procedures

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act provides for changes relating to state government personnel procedures.

The Act abolishes the Personnel Commission and transfers the commission's responsibilities and rulemaking authority to the Director of Personnel. The Act substitutes the word "job" for "position" with reference to employment classifications within the executive branch of state government, other than the State Board of Regents. The Act provides for employee appeal of job classification or reclassification actions to the director, and provides that classifications or reclassifications resulting in the expenditure of additional salary funds in excess of a department's total budget shall not become effective until budgetary approval has been obtained from the Director of the Department of Management. The Act provides that the Director of Personnel shall notify the Governor regarding situations where an increase or decrease in the number of employees, or creation or elimination of a position or type of employment, is required in the public interest. Additionally, the Act eliminates a provision for annual review by the Governor of schedules of positions and types of employment not otherwise provided for by law.

The Act changes terminology applicable to rules concerning the recall of employees after layoffs, and adds to the list of causes of employee discharge, suspension or reduction in job classification or pay grade for which rules may be developed. The Act deletes a requirement that a copy of a written statement of the reasons for employee discharge, suspension or reduction be provided to the director, and deletes some job titles which are no longer utilized. The Act amends provisions in Code Section 19A.18 concerning merit system references to include all executive branch employees. Finally, the Act provides that salaries for state employees covered by the overtime payment provisions of the federal Fair Labor Standards Act shall be established on an hourly basis.

LOCAL GOVERNMENT

- SENATE FILE 145 - Mental Health and Developmental Disabilities Services Fund — Levy Revision Procedures
- SENATE FILE 193 - Elections in Special Land Use Districts
- SENATE FILE 232 - Notarial Acts — Registrars of Vital Statistics
- SENATE FILE 417 - Agricultural Extension Council Treasurers
- SENATE FILE 433 - Regulation and Location of Modular or Manufactured Housing
- SENATE FILE 544 - Rural Improvement Zones
- HOUSE FILE 4 - Office of City Assessor
- HOUSE FILE 114 - Legalization of Certain City and County Deeds and Conveyances
- HOUSE FILE 178 - Sanitary Districts and City Utilities — Accounts — Sewer Connection Fees
- HOUSE FILE 244 - County Debt Service Fund
- HOUSE FILE 255 - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment
- HOUSE FILE 372 - County Issuance of Motor Vehicle Licenses — Study
- HOUSE FILE 373 - Unified Law Enforcement District Tax Levies
- HOUSE FILE 456 - City Civil Service
- HOUSE FILE 515 - Determination of Annual Salaries for Deputy Sheriffs
- HOUSE FILE 616 - Instruments Filed With County Recorder
- HOUSE FILE 658 - City Ordinances and Related Matters
- HOUSE FILE 680 - Election of Mayors in Certain Cities
- HOUSE FILE 702 - Human Services — Miscellaneous Provisions
- HOUSE FILE 717 - Legalization of Sergeant Bluff Urban Revitalization Plan

RELATED LEGISLATION

- SENATE FILE 5 - Ex-Prisoner of War Motor Vehicle Plates
SEE TRANSPORTATION. This Act sets the fee for ex-prisoner of war license plates at \$15, limits an ex-prisoner of war to one set of plates, and provides that a person who paid for ex-prisoner of war license plates on or after January 1, 1997, but before the effective date of the Act, may obtain a refund of the fees paid in excess of \$15 for one set of ex-prisoner of war license plates.
 The Act takes effect February 18, 1997, and is retroactively applicable to January 1, 1997.
- SENATE FILE 59 - Emergency Medical Care Provider Certification Fees
SEE HEALTH & SAFETY. This Act provides that certification fees currently paid to the Iowa Department of Public Health by emergency medical care providers are to be deposited in the Emergency Medical Services Fund established in Code Section 135.25. Moneys in this fund are to be used to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of emergency medical services equipment and to provide grants to counties for education and training in the delivery of emergency medical services.
- SENATE FILE 83 - Property Tax on Certain Donated Property
SEE TAXATION. This Act provides that when real estate is donated as a gift to the state or a political subdivision of the state, and the donor provides for the donor or someone else to retain the use of the property for the remainder of their lives, the real estate continues to be subject to property tax and special assessments until the life estate ends if the property was so subject prior to the making of the gift. The Act applies to property donated on or after July 1, 1992, for taxes payable or assessments payable during fiscal years beginning on or after July 1, 1997.

- SENATE FILE 126** - Open Burning
SEE HEALTH & SAFETY. This Act permits a fire chief to issue a permit authorizing a supervised, controlled burn in the fire district of the chief even while the State Fire Marshal has issued a proclamation prohibiting open burning in the area.
- SENATE FILE 163** - Sale of Cigarettes and Tobacco Products Through Vending Machines
SEE HEALTH & SAFETY. This Act prohibits the sale of cigarettes or tobacco products through vending machines unless the vending machine is located in a place where the retailer ensures that a person younger than 18 years of age is not present or permitted to enter at any time. A permit holder who violates this provision is subject to revocation of the permit.
- SENATE FILE 184** - Fees Charged Prisoners for Room and Board
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act provides a procedure for reimbursement of claims for room and board provided to a person who is convicted of a criminal offense while in the custody of a county sheriff.

This Act takes effect May 14, 1997.
- SENATE FILE 190** - Easements on State Land
SEE STATE GOVERNMENT. This Act directs the Natural Resource Commission to adopt rules for granting easements to political subdivisions and utility companies on state land under the jurisdiction of the Department of Natural Resources.
- SENATE FILE 240** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1997, and ending September 30, 1998, and for the state fiscal year beginning July 1, 1997, and ending June 30, 1998. The Act includes an appropriation of approximately \$330,000 for local law enforcement programs.
- SENATE FILE 246** - Snowmobiles and All-Terrain Vehicles
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act requires the county recorder to issue certificates of title for snowmobiles acquired on or after January 1, 1998, unless the snowmobile is used exclusively as a farm implement.
- SENATE FILE 281** - Judicial Administration
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act permits the court to order a law enforcement agency or county attorney to assist the court in registering a person who is required to register with the sex offender registry.
- SENATE FILE 473** - Agriculture Drainage Wells and Related Provisions
SEE ENVIRONMENTAL PROTECTION. This Act relates to agricultural drainage wells and agricultural drainage well areas that drain into the agricultural drainage wells. An agricultural drainage well is any vertical opening to an aquifer or permeable substratum constructed in order to intercept surface or subsurface drainage water from land directly or by a drainage system. The Act requires counties to inspect the sites of the agricultural drainage wells. The Act authorizes counties required to perform inspections to levy taxes in order to pay for related costs.
- SENATE FILE 522** - Legal Settlement
SEE HUMAN SERVICES. This Act amends the legal settlement provisions of the Code by providing that a person receiving treatment or support services from any provider, regardless of the source of funding of the provider, who provides treatment or services for mental retardation, developmental disabilities, mental health, brain injury, or substance abuse, does not acquire legal settlement in the county in which the site of the provider is located unless the person continuously resides in that county for one year from the date of receiving the last treatment or support service. This provision was also enacted in H.F. 702.
- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes appropriations for grants to counties with disaster declarations due to heavy snowfall and for local purchase of mental health, mental retardation, and developmental disabilities services.

- HOUSE FILE 200** - Nonsubstantive Code Corrections
SEE STATE GOVERNMENT. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.
- HOUSE FILE 212** - Real Property Used in Racetrack Operation
SEE TAXATION. This Act permits local taxing authorities to subject to property taxation the real property used in the operation of a racetrack or racetrack enclosure.
- HOUSE FILE 335** - Public Health — Miscellaneous Provisions
SEE HEALTH & SAFETY. This Act includes amendments of various provisions of Code Chapter 144, relating to vital statistics, and abolishes the Plumbing Code Fund.
- HOUSE FILE 439** - Repository for Licensing, Registry, and Criminal History Information
SEE HEALTH & SAFETY. This Act requires development of a single contact repository for criminal history, child and dependent adult abuse and sex offender registries, and nurse aide and other health profession certification and licensing information. The purpose of the repository is to permit employers, local governments and state agencies to obtain the above information with one contact.
- HOUSE FILE 485** - Drainage Subdistricts
SEE AGRICULTURE. This Act eliminates a requirement that provides that a landowner must provide special notice to the landowner's affected neighbors when establishing a subdistrict within a drainage district.
- HOUSE FILE 596** - Regulation of Municipal Telecommunications Utilities
SEE ENERGY & PUBLIC UTILITIES. This Act authorizes a utilities board to grant certificates of public convenience and necessity to municipal utilities providing local exchange services, includes a municipal utility providing local exchange services under the definition of a "competitive local exchange service provider," and subjects such municipal utilities to Code provisions relating to competitive local exchange service providers.
- HOUSE FILE 632** - Elections
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes a number of changes to the election laws of Iowa, including enactment of new Code Section 39.1A, which prohibits county auditors from conducting elections that are not specifically authorized or required by state law, and amending the Code to allow the county board of supervisors to set the mileage rate for election workers.
- HOUSE FILE 645** - Financial and Regulatory Procedures of Counties, Cities, and Drainage Districts
SEE TAXATION. This Act makes a number of changes to the powers and duties of county treasurers relating to registration of motor vehicles; payment of electronic transfer; property taxes; mobile, manufactured and modular homes; city special assessments; and drainage district assessments.
- HOUSE FILE 704** - Transportation Regulation
SEE TRANSPORTATION. This Act makes changes to statutory provisions affecting the State Department of Transportation, including authorizing county engineers to approve progress payments for farm-to-market road projects.
- HOUSE FILE 715** - Appropriations — Human Services
SEE APPROPRIATIONS. This Act makes appropriations to the Department of Human Services and includes many appropriations and other provisions affecting human services programs administered by counties.
- HOUSE FILE 724** - Enterprise Zones
SEE ECONOMIC DEVELOPMENT. This Act allows counties meeting certain requirements to designate areas to be enterprise zones. Cities with a population of 24,000 or more, based upon the 1990 census, may designate areas meeting certain criteria to be enterprise zones. Businesses moving into or expanding in such zones could receive certain tax incentives and assistance. To be eligible, a business must meet certain criteria that involve compensation and a benefit package provided workers and the creation of at least 10 new jobs. If the eligibility requirements are not maintained, incentives and assistance would be cut off and previously received incentives and assistance would be subject to recovery.

HOUSE FILE 726**- Tax Credits and Exemptions — Local Budget Practices — Property Tax Statements**

SEE TAXATION. Division II of this Act specifies that property tax credits or exemptions enacted after January 1, 1997, are to be fully funded and if the state does not provide sufficient funding, the amount of the intended credit or exemption is to be reduced so that the amount provided will fully fund the credit or exemption. This requirement is to include the existing homestead credit, low-income additional homestead credit, elderly and disabled additional homestead credit, and the military service tax credit to the extent of \$6.75 per \$1,000 of assessed value. The Division also provides for standing unlimited appropriations to fully fund the homestead credit, elderly and disabled additional homestead credit, and the military service tax credit.

Division III of this Act makes changes relating to property taxes and local budget practices for cities and counties including adding a penalty for failure to certify a budget by March 15, requiring that forms for budgets be prescribed by the Department of Management, changing the publication date for city and county annual financial reports to December 1, and requiring that certain specific information be included on a taxpayer's tax statement.

HOUSE FILE 729**- Local Options Sales and Services Taxes**

SEE TAXATION. This Act sets the manner and frequency of remitted local option sales and services tax to that required for the remission of the state sales and services tax. In addition, the Act increases from 90 to 95 percent the local tax receipts remitted to local governments by the Department of Revenue and Finance and provides that such remission be on a monthly, rather than quarterly, basis.

LOCAL GOVERNMENT

SENATE FILE 145 - Mental Health and Developmental Disabilities Services Fund — Levy Revision Procedures
BY JUDGE, BLACK OF KOSSUTH, AND REDWINE. This Act relates to the county mental health, mental retardation, and developmental disabilities services fund levy by providing a procedure for a county to make revisions affecting the county's services fund levy and other levies.

The Act applies to counties that made a major error in establishing the county's base year expenditures amount, which is used to establish the maximum levy for the county's services fund. According to the Act, a "major error" is underreporting which resulted from failure to include qualified expenditures associated with the operation of a county care facility, group home, or similar program. To be eligible, a county must submit a revision request to the County Finance Committee within 10 days of the Act's effective date of March 6, 1997. Based upon the County Finance Committee's determination as to the extent of an underreporting error, the County Finance Committee may approve or reject the revision request in whole or in part. The committee's decision must be issued within 20 days of the Act's effective date. A county is authorized to transfer up to the approved net revision amount from the county's general fund to the county's services fund for fiscal year 1996-1997. To the extent a county which has received approval for a revision increases its levy askings for the services fund for fiscal year 1997-1998 from the amount originally certified for the previous year, the county must decrease its general fund levy askings in an equivalent amount for that fiscal year.

The Act takes effect March 6, 1997.

SENATE FILE 193 - Elections in Special Land Use Districts
BY SCHUERER. This Act changes the annual elections for the trustees of special land use districts from the second Tuesday in September to a date agreed to by the county auditor and the trustees.

SENATE FILE 232 - Notarial Acts — Registrars of Vital Statistics
BY COMMITTEE ON LOCAL GOVERNMENT. This Act adds a registrar of vital statistics or a registrar's designee to the list of people who may perform a notarial act.

The Act takes effect April 22, 1997.

SENATE FILE 417 - Agricultural Extension Council Treasurers
BY COMMITTEE ON LOCAL GOVERNMENT. Iowa Code Section 176A.14 provides that the treasurer of an agricultural extension council must execute a corporate surety bond to the extension district before assuming the duties of office. The bond must be filed with the county auditor in the county where the extension district is located. This Act eliminates a requirement that the amount of the bond be 125 percent of the amount estimated to be in the custody of the treasurer at any one time. The Act provides that the amount of the bond must be not less than \$20,000. The Act also eliminates a requirement that the county treasurer's approval be endorsed on the bond.

SENATE FILE 433 - Regulation and Location of Modular or Manufactured Housing
BY COMMITTEE ON LOCAL GOVERNMENT. This Act amends city and county zoning laws to disallow mandated width standards greater than 24 feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with federal requirements under 42 U.S.C. § 5403. The Act also prohibits cities and counties from adopting ordinances that mandate width standards for single modular or manufactured homes. A land-leased community is defined to include a tract of land under common ownership upon which 10 or more occupied, manufactured or modular homes are harbored.

The Act takes effect April 30, 1997.

SENATE FILE 544 - Rural Improvement Zones
BY COMMITTEE ON WAYS AND MEANS. This Act allows a county with a population of between 10,500 and 11,500 residents, based upon the 1990 federal census, with a private lake development, to designate an unincorporated area of the county as a rural improvement zone upon petition of 25 percent of the residents who represent at least 25 percent of the taxable value of property to be located in the proposed zone and upon determination of a need for improvements in the proposed zone. Improvements include dredging, installation of erosion control measures, land acquisition, and related improvements. Because of the population requirement, only Franklin, Guthrie, Humboldt, Mitchell, and Palo Alto counties qualify. However, the Act was enacted for the benefit of Lake Panorama in Guthrie County.

The Act provides that a hearing shall be held on the designation of the proposed area as a rural improvement zone. Upon approval by the county of the area as a rural improvement zone, an election shall be held to choose a board of trustees who

have the authority to act in the zone. The trustees will determine the improvement projects and are authorized to issue certificates of indebtedness to pay for the projects' costs. The principal and interest of the certificates will be paid in the same manner as projects are paid for in tax increment financing districts, i.e., the city, county or school district taxes imposed on the increase in taxable valuations in the zone will be paid to the board of trustees. Certificates cannot be issued after January 1, 2007, except to refund previously issued certificates. The board of trustees also has an annual standby tax that it may levy if needed.

A rural improvement zone shall cease upon passage of a resolution by the trustees that all improvements needed have been made and all indebtedness has been paid. The assets shall then be deeded to a nonprofit corporation whose members are property owners of the improvement zone.

HOUSE FILE 4 - Office of City Assessor

BY GRUNDBERG, CONNORS, METCALF, HOLVECK, CHURCHILL, CATALDO, FALLON, JACOBS, AND LAMBERTI. This Act authorizes a city with a population of more than 125,000 to establish or abolish the office of city assessor. Under current law, a city with a population of more than 125,000 is required to have a city assessor.

The Act also permits a city with over 125,000 population to provide for a city board of review or request the county conference board to create a 10-member county board of review. The initial 10-member county board of review will consist of the members of the five-member city board of review and the five-member county board of review. If the city selects a city board of review, the expenses of the board will be paid by the county. The 10-member county board of review may be expanded with not more than four additional members for two-year terms of office if the workload of protest hearings warrants additional members.

HOUSE FILE 114 - Legalization of Certain City and County Deeds and Conveyances

BY COMMITTEE ON JUDICIARY. This Act legalizes deeds or conveyances of property by cities and counties that were recorded over 10 years earlier even though the record of such deed or conveyance does not show that all the required steps were complied with in the conveyance and deeding of the property.

HOUSE FILE 178 - Sanitary Districts and City Utilities — Accounts — Sewer Connection Fees

BY METCALF. This Act provides that sanitary districts established pursuant to Code Chapter 358 may join with city utilities under a Code Chapter 28E agreement, for the purpose of collecting sewer rentals. The agreement may also provide for the discontinuation of sewer and water services if the accounts become delinquent.

This Act also authorizes the board of trustees of a sanitary district to finance capital improvements through the imposition of connection fees. A city currently has this authority pursuant to Code Section 384.38, subsection 3.

HOUSE FILE 244 - County Debt Service Fund

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that anticipatory warrants issued by a county, and judgments based on a default in payment of anticipatory warrants, shall not be considered debt payable from the county debt service fund. The Act also provides that a board of supervisors may not increase the debt service levy to create excess funds to be used for purposes other than retirement of debt.

HOUSE FILE 255 - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment

BY COMMITTEE ON LOCAL GOVERNMENT. This Act establishes an allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services in FY 1997-1998 and FY 1998-1999. Appropriations of approximately \$6.1 million and \$12.5 million are made for the respective fiscal years to fund a 2.89 percent increase in growth in county expenditures for MH/MR/DD services in each of the fiscal years.

In the past several years, the state has committed significant funding for reimbursing county costs for MH/MR/DD services in accordance with Code Sections 331.438 and 331.439, and Code Chapter 426B (this legislation is commonly referred to by the number of the original enactment, S.F. 69). The S.F. 69 legislation established a framework that includes the following provisions:

- County expenditures for MH/MR/DD services funded from property taxes are capped at a base year level.
- Standing appropriations were made which increased over a period of three years so that beginning with FY 1997-1998, the state is to annually reimburse \$95 million to counties to be used for a dollar-for-dollar reduction in property taxes. A three-factor formula for distribution of the property tax relief moneys is based upon a county's relative proportions of the general population, total taxable property valuation, and all county expenditures for MH/MR/DD services.
- Provision was made for the state to establish an allowed growth factor for costs associated with new consumers of services, service cost inflation, and investments for economy and efficiency. The funding for the allowed growth factor is to be included in the state budget. The Act addresses this part of the package.

The Act amends prior law to provide that the allowed growth factor adjustment for counties is to be included in the definition of state payment to counties along with the property tax relief fund payment to counties. A county cannot receive a state payment unless the county is in compliance with various planning provisions administered by the Department of Human Services (DHS). The allowed growth factor appropriation is to be distributed by DHS to counties by applying a formula based upon a county's proportion of all counties' net expenditures for MH/MR/DD services, and of property tax relief payments to counties, in the fiscal year which began two years prior to the fiscal year in which the payments are to be distributed. Moneys received by a county from the appropriation are to be deposited in the county's MH/MR/DD services fund.

Prior law is amended to require the recommendations for the allowed growth factor adjustment to be made by the State-County Management Committee and the Governor for the fiscal year commencing two years from the beginning date of the fiscal year in progress at the time of the recommendation. See H.F. 702 for provisions affecting the recommendation from the committee. The General Assembly is to establish the allowed growth factor adjustment in statute. A method is provided for calculating the amount of the appropriation needed to fund the adjustment amount established in statute. Prior law provided for funding of the growth factor from the property tax relief fund in Code Chapter 426B. The Act strikes this requirement and instead provides for a direct appropriation from the General Fund of the State.

Code Chapter 426B is amended to strike provisions requiring that when payments from the property tax relief fund are equal to 50 percent of county base year expenditures for MH/MR/DD services, any remaining moneys will be transferred for payment of the homestead credit. See H.F. 726 (see Taxation) for state funding of various property tax credits.

The Act takes effect February 27, 1997.

HOUSE FILE 372 - County Issuance of Motor Vehicle Licenses — Study

BY COMMITTEE ON LOCAL GOVERNMENT. This Act establishes a County Issuance of Motor Vehicle Licenses Study Committee. The committee consists of 13 members: five county treasurers appointed by the Iowa Association of County Treasurers, the Director of the State Department of Transportation or the director's designee, the Director of the Office of Driver Services or the director's designee, the Director of Audits for the State Department of Transportation or the director's designee, the executive directors of the AAA of Minnesota/Iowa and the Iowa Motor Truck Association or their designees, the Auditor of State or the Auditor's designee, and the certified public accountant and the operations research analyst from the County Finance Committee.

The committee is to study county issuance of motor vehicle licenses, take testimony, and provide a report with recommendations to the General Assembly not later than January 1, 1998. The committee will remain in existence until December 21, 1998, to serve as an advisory body should legislation establishing a county issuance program be enacted.

The Act takes effect April 18, 1997.

HOUSE FILE 373 - Unified Law Enforcement District Tax Levies

BY COMMITTEE ON LOCAL GOVERNMENT. This Act legalizes unified law enforcement district tax levies, subject to the five-year limitation, that were authorized prior to July 1, 1983, and which continued to be collected for more than five years or which are currently being collected.

Prior to July 1, 1983, Code section 28E.22, regarding the referendum for imposition of a unified law enforcement district tax levy, limited the length of the levy to five years. The five-year limitation for levies authorized on or after July 1, 1983, was eliminated under 1983 Iowa Acts, Chapter 79.

The Act takes effect March 18, 1997.

HOUSE FILE 456 - City Civil Service

BY COMMITTEE ON STATE GOVERNMENT. This Act amends Code Chapter 400, which relates to city civil service to reduce the term of office for city civil service commissioners from six years to four years. The Act also freezes the populations of cities at the level ascertained by the 1980 census as the populations relate to city civil service applicability in Code Chapter 400.

The Act allows city clerks to select designees to serve as clerks to the civil service commissions in cities of 75,000 population or fewer and exempts professional city engineers licensed in this state from civil service coverage.

This Act also provides that an employee who has not completed the required probationary period but who otherwise meets the minimum qualifications established for the position or who passes a qualifying noncompetitive examination for the position shall receive full civil service rights upon completion of the probationary period.

This Act eliminates the requirement of holding two successive examinations to find qualifying applicants for promotions and increases from 90 days to 180 days the amount of time for a civil service commission to conduct background checks on potential employees. The Act also increases the number of names on two lists for original appointments from 10 to 40, or a lesser number determined by the commission. This increase will allow a pool of up to 80 persons from which to choose appointees. The Act also provides a 90-day period for investigation of promotion applicants and provides for a list of up to 10 applicants in order of standing, plus all persons tied for the tenth position.

This Act eliminates the requirement that an employee must give consent to be transferred to another department at the same civil service classification. This change does not apply to police officers or fire fighters.

The Act provides a delayed effective date for the amendment of Code Section 400.1 to January 1, 1998, to provide for a transition to new four-year terms of office for civil service commissioners.

HOUSE FILE 515 - Determination of Annual Salaries for Deputy Sheriffs

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that the sheriff shall set the annual base salary of those deputy sheriffs who are classified as exempt under the federal Fair Labor Standards Act of 1938, as amended. The board of supervisors shall determine the annual base salaries of the deputy sheriffs who are not exempt under this Act. Currently, the annual base salaries of deputy sheriffs are determined by the board of supervisors after certification by the sheriff. The Act also provides limitations so that the annual base salaries of the first and second deputy sheriffs each do not exceed 85 percent of the sheriff's salary and so that any additional deputies do not receive salaries exceeding those of the first and second deputies.

HOUSE FILE 616 - Instruments Filed With County Recorder

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that instruments filed with the county recorder may be larger than 8.5 by 14 inches if authorized by the recorder.

HOUSE FILE 658 - City Ordinances and Related Matters

BY COMMITTEE ON LOCAL GOVERNMENT. This Act changes the procedures by which cities adopt, record and codify ordinances, amendments, resolutions, and motions.

The Act provides that an amendment to an ordinance, or part of an ordinance, is deemed to be a repeal of the previous ordinance, or part, rather than requiring the specific repeal of the ordinance or part.

The Act strikes the provision that allows a city council to suspend one of the three required meetings to consider an ordinance or amendment if publication of a proposed ordinance or amendment occurred prior to first consideration of the ordinance or amendment by the city council.

The Act requires a majority vote of all council members to adopt an ordinance, amendment or resolution and requires a majority of a quorum of the council to adopt a motion. The Act provides that a vote on a motion must be recorded. The Act changes from motion to resolution the type of official action required of the council to accept public improvements upon completion and to spend funds in excess of \$25,000. Currently, the limit is \$10,000. The Act also provides that a vote on a measure is not invalid for conflict of interest reasons unless the vote was decisive in passing the measure.

The Act provides that an ordinance or amendment is effective upon publication unless a subsequent date is specified. The Act requires that a statement separate from the ordinance be recorded with an ordinance indicating the mayor's action on a measure and any subsequent action if the ordinance is vetoed.

The Act includes legal descriptions of urban revitalization and urban renewal areas in the types of ordinances, or portions of ordinances, that are not required to be included in the code of ordinances compiled by the city. The Act allows a city to maintain its code of ordinances by publishing an annual supplement or by adding new ordinances and amendments to the compiled code each year. The Act requires a city that publishes an annual supplement to also compile a new code of ordinances every five years.

The Act provides that state or national statutes or standard codes adopted by reference become effective upon publication of the ordinance adopting the state or national statute or standard code unless a subsequent effective date is specified. Copies of the federal or state law or standard code are required to be available at the city clerk's office.

HOUSE FILE 680 - Election of Mayors in Certain Cities

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a city the opportunity to stagger the term of office of mayor so that the office will be up for election at the same time as the minority of council members, or to stagger the term of office so

that it will be up for election at the same time as the majority of council members. In Iowa cities that have changed the terms of office of city officers, the mayor is currently elected at the same regular city election as the majority of council members.

To stagger the term of office of mayor over the 1997 and 1999 regular city elections, the Act requires that a city council adopt a resolution and file it with the city clerk by August 20, 1997.

The Act takes effect May 1, 1997.

HOUSE FILE 702 - Human Services — Miscellaneous Provisions

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to the service system, facilities, funding, and requirements associated with mental health, mental retardation and developmental disability (MH/MR/DD) services. The Act is organized into the following various topic divisions:

SINGLE ENTRY POINT PROCESS. As part of Iowa's reform of MH/MR/DD services funding enacted in 1994 and 1995 (commonly referred to as "S.F. 69"), counties were authorized to create a single entry point process for managing county-funded services. The entity designated to perform this process is called the central point of coordination, or CPC, and a CPC is designated to fill this role for each county. Over the past several years, Iowa law has been amended to incorporate the CPC within the civil commitment process, Medical Assistance (Medicaid) Program, and other service entry processes that may result in county payment for services. The Act amends various Code provisions by designating the CPC in place of the clerk of court, board of supervisors, county auditor, or other entity to receive service applications, make a determination regarding a service recipient's county of legal settlement, or perform other administrative functions.

REGIONAL PLANNING COUNCILS. Code provisions requiring counties to participate in regional planning councils for MH/MR/DD and brain injury services are amended to instead be optional for a county. In addition, if the board designates a council, the board is authorized to determine the size and membership of the council.

DEPARTMENT OF HUMAN SERVICES EMPLOYEE RECORD CHECKS. The Act adds dependent adult abuse registry checks to existing criminal and child abuse record check requirements for prospective employees of Department of Human Services (DHS) institutions, including the four state mental health institutes, two state hospital-schools, the State Training School at Eldora, and the Iowa Juvenile Home at Toledo.

DECATEGORIZATION OF ADULT DISABILITY SERVICES. The Act authorizes up to three counties or combinations of counties to participate in a planning process for the decategorization of county, state and state-federal funding sources for adult disability services. The Department of Human Services and the Department of Education, Division of Vocational Rehabilitation, are to assist by providing historical spending, budget projections and other data concerning persons with disabilities served by a participating county.

COUNTY AUDITOR. The Act amends four chapters to define "auditor" to mean the county auditor or the auditor's designee. The four chapters relate to the state hospital-schools, involuntary mental health commitments, state mental health institutes, and support for the poor.

HEALTH CARE FACILITIES AND ICFMR CONVERSION. The Act authorizes DHS to approve the conversion of up to 20 residential care facilities for persons with mental retardation (RCFMR), serving not more than five individuals, to instead operate as residential programs under provisions of the Medical Assistance (Medicaid) Home and Community-based Services (HCBS) Waiver Program for persons with mental retardation. The converted programs must comply with existing provisions under that waiver except that the maximum number of individuals served would be five instead of either three or four individuals. The Act provides for distribution of the approvals throughout the state and for reporting to the General Assembly.

The Act also provides that, if DHS receives federal approval, an intermediate care facility for persons with mental retardation (ICFMR) that serves not more than eight individuals and submits a plan approved by DHS may surrender the facility license and instead operate under a HCBS waiver for persons with mental retardation.

The Act directs DHS to design an enhanced reimbursement rate payable for those individuals transferred from an intermediate care facility for persons with mental retardation (ICFMR) to a residential care facility for persons with mental retardation (RCFMR). The department is to report concerning the design prior to the convening of the 1998 Legislative Session.

The Act affects regulatory activities involving various health care facilities and other programs that receive a certificate of compliance or provisional certificate of compliance from a state or deputy fire marshal or local building department. If the facility or program receives a certificate or has otherwise been approved as complying with a rule or standard, the entity that issued the certificate or approval cannot apply additional requirements for compliance unless the rule or standard has been revised through administrative procedures. The affected facilities include nursing facilities, residential care facilities,

intermediate care facilities for persons with mental retardation or for persons with mental illness, community supervised apartment living arrangements (CSALAs), certain small religious-based health care facilities, free-standing hospice programs, HCBS waiver programs for persons with mental retardation, and family homes for persons with brain injury or other disability.

STATE-COUNTY MANAGEMENT COMMITTEE AND SERVICE PLANS. The State-County Management Committee includes representatives of service providers, service consumers and public employees in addition to state and county representatives. The committee provides initial review of county MH/MR/DD service plans and makes recommendations to the Governor, General Assembly and DHS concerning the plans, funding provisions, proposed administrative rules, and other policy matters. The committee develops a recommendation for the amount of state funding to be designated for allowed growth in the cost of MH/MR/DD services payable from property taxes. The Act requires the committee to consider the cost trends indicated by growth in expenditures for the services in developing the recommendation.

The Act includes other county service plan provisions. A county is annually required to submit data concerning the services managed by the county, including the number of individuals who utilized services and the various service types. In addition, management plans are required to allow for the service needs of all ages of persons for whom expenditures may be made from the county's services fund. This requirement is effective upon enactment, May 19, 1997, and if a county's plan already submitted for FY 1997-1998 is not in compliance, the county has 60 days to amend the plan.

LEGAL SETTLEMENT. The Act includes a provision also enacted in S.F. 522 (see Human Services) amending determination of legal settlement provisions in Code Chapter 252, relating to support for the poor and legal settlement. The amendment clarifies that a person receiving MH/MR/DD or substance abuse services from any type of public or private provider does not acquire legal settlement in the county in which the provider is located unless the person continuously resides in the county for one year from the date of the last service or treatment received from the provider.

HOUSE FILE 717 - Legalization of Sergeant Bluff Urban Revitalization Plan

BY RANTS. This Act legalizes the adoption of an urban revitalization plan by the City Council of the City of Sergeant Bluff, thus making certain property of the Sioux City Brick and Tile Company eligible for the urban revitalization property tax exemption. Due to an error, the city council, which had agreed to adopt the urban revitalization plan in February 1996, did not adopt the urban revitalization plan until January 28, 1997, too late for the property of Sioux City Brick and Tile to qualify for the tax exemption under Code Section 404.3.

The Act takes effect May 1, 1997, and is retroactively applicable to April 1, 1996.

NATURAL RESOURCES AND OUTDOOR RECREATION

- SENATE FILE 95** - Water and Ice Vessel Accident Reports
SENATE FILE 174 - Motorboats on Artificial Lakes
SENATE FILE 246 - Snowmobiles and All-Terrain Vehicles
SENATE FILE 362 - Wild Animal Depredation Permits and Related Matters
HOUSE FILE 81 - Hunter Safety and Ethics Education
HOUSE FILE 142 - Hunting Deer With Pistol or Revolver
HOUSE FILE 615 - Abandoned Coal Mines

RELATED LEGISLATION

- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes an appropriation to the Department of Natural Resources for allocation to the U.S. Department of Agriculture to be used for animal damage control in Iowa.
- SENATE FILE 544** - Rural Improvement Zones
SEE LOCAL GOVERNMENT. This Act allows a county with a private lake development and a population between 10,500 and 11,500 residents to designate an unincorporated area as a rural improvement zone. The improvements allowed to be made in the zone relate to the private lake development and include dredging, installation of erosion control measures, land acquisition, and related improvements.
- HOUSE FILE 708** - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations to support related entities including the Department of Agriculture and Land Stewardship and the Department of Natural Resources.
- HOUSE FILE 733** - Appropriations — Infrastructure and Capital Projects
SEE APPROPRIATIONS. This Act establishes the Restore the Outdoors Program in the Department of Natural Resources to provide maintenance and infrastructure improvements to existing state parks and other public facilities managed by the department.

NATURAL RESOURCES AND OUTDOOR RECREATION

SENATE FILE 95 - Water and Ice Vessel Accident Reports

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act increases, from \$100 to \$500, the amount of property damage that requires a vessel accident report to be filed. The Act also provides that a copy of a written report of an accident involving water or ice vessels, which is submitted to the Department of Natural Resources by an operator, shall be made available upon request to the operator. A written report of a water or ice vessel accident filed by a law enforcement officer is available upon request and payment of a fee to any party to the accident, a party's insurance company, or the party's attorney. The operator's written report is confidential and cannot be used in a civil or criminal action. The law enforcement officer's written report is confidential only to a very limited degree provided under Code Section 22.7, subsection 5, and Code Section 622.11.

The Act takes effect April 22, 1997.

SENATE FILE 174 - Motorboats on Artificial Lakes

BY DEARDEN. This Act removes Big Creek Lake from the list in Code Section 462A.31 of two artificial lakes upon which motorboats with power units exceeding 10 horsepower are prohibited from operating by rule of the Natural Resource Commission between the Friday before Memorial Day and the succeeding Labor Day. During other times under that Code section, motorboats with power units exceeding 10 horsepower can be operated on the remaining lake only when permitted by rule of the commission.

The Act takes effect May 1, 1997.

SENATE FILE 246 - Snowmobiles and All-Terrain Vehicles

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act requires certain snowmobiles to have certificates of title, provides for point-of-sale registration for snowmobiles and all-terrain vehicles, and increases the registration fees for snowmobiles and all-terrain vehicles.

The Act requires that snowmobiles acquired on or after January 1, 1998, have certificates of title unless the snowmobile is used exclusively as a farm implement. The certificate of title will be issued by a county recorder for a \$10 fee. A security interest in a snowmobile with a certificate of title is perfected by noting the security interest on the certificate of title. The application fee for a security interest is \$10. Five dollars of each fee is to be deposited in the special conservation fund administered by the Department of Natural Resources to be used for state snowmobile programs. The remaining \$5 of each fee is to be deposited into the general fund of the county.

The Act also requires a snowmobile or all-terrain vehicle dealer to complete the application for registration and pay the registration fees on behalf of the purchaser.

The Act increases the snowmobile and all-terrain vehicle registration fee from \$20 to \$25 for each biennium and increases the snowmobile registration fee from \$10 to \$12.50 for less than a year.

The Act adds to the definition of "all-terrain vehicle," for the purposes of Code Chapter 321, the requirement that a vehicle be designed primarily for off-road recreational use, and excludes farm equipment from the definition. All-terrain vehicles are also defined to include two-wheeled, off-road motorcycles for the purposes of Code Chapter 321G.

The Act takes effect January 1, 1998.

SENATE FILE 362 - Wild Animal Depredation Permits and Related Matters

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act amends Code Section 461A.42 to allow the discharge of firearms in state parks for special events such as historical reenactments, educational programs, and special hunts for deer population control.

The Act authorizes an additional free deer hunting license for landowners and tenants if the Department of Natural Resources creates an additional deer hunting season for the first quarter of a calendar year that is separate from a deer hunting season that begins in the last quarter of a calendar year but extends into the succeeding first quarter.

The Act also establishes a wild animal depredation unit within the Fish and Wildlife Division of the Department of Natural Resources. The unit is comprised of two wild animal depredation biologists. The Director of Natural Resources shall enter into an agreement with the U.S. Department of Agriculture, Animal Damage Control Division, to have the wild animal depredation unit serve and act as the liaison to the department for producers in this state who suffer crop and nursery damage due to wild

animals. The wild animal depredation unit will be funded from the first license revenue received from the sale of nonresident deer and wild turkey hunting license fees. The remaining revenue from the nonresident deer and wild turkey hunting license will be used to meet the requirements of Code Section 483A.30, which funds the employment of new conservation officers. Code Section 483A.30 is repealed effective December 31, 1999. The department shall report, during January 1998, to the House Committee on Natural Resources and the Senate Committee on Natural Resources and Environment the number of applications received for depredation permits and the number of permits issued during calendar year 1997.

This Act takes effect May 26, 1997.

HOUSE FILE 81 - Hunter Safety and Ethics Education

BY EDDIE. This Act authorizes a person 11 years of age or older to enroll in an approved hunter safety and ethics education course to qualify for a hunting license and, upon successful completion, receive a certificate of completion. For a recipient who is 11 years old, the certificate does not become valid until the recipient's twelfth birthday. To successfully complete an approved hunter safety and ethics education course, an applicant must complete 10 hours of training, pass an individual oral or written test provided by the Department of Natural Resources, and demonstrate safe handling of a firearm.

HOUSE FILE 142 - Hunting Deer With Pistol or Revolver

BY EDDIE, MERTZ, MAY, TYRRELL, MUNDIE, DOTZLER, GREIG, GREINER, DRAKE, BODDICKER, WITT, HOUSER, HUSEMAN, TEIG, VAN FOSSEN, BARRY, VANDE HOEF, VAN MAANEN, WELTER, MEYER, DREES, RAYHONS, DOLECHECK, HAHN, CORMACK, WEIDMAN, KLEMME, AND FREVERT. This Act directs the Natural Resource Commission of the Department of Natural Resources to establish pistol or revolver seasons for deer hunting. The seasons are to be separate firearm seasons or to coincide with one or more firearm seasons. The pistols or revolvers must fire a magnum .357 of an inch caliber or larger, centerfire, straight wall ammunition propelling an expanding-type bullet. The commission shall adopt rules to allow black powder pistols or revolvers and to prohibit shoulder-stock or long-barrel modifications. The barrel length shall be at least four inches. A person who is 16 years of age or less is prohibited from deer hunting with a pistol or revolver.

A scheduled fine of \$100 is provided for hunters using prohibited types of pistols or revolvers.

HOUSE FILE 615 - Abandoned Coal Mines

BY COMMITTEE ON NATURAL RESOURCES. This Act relates to abandoned coal mine expenditures by amending provisions concerning reclamation of land and drainage abatement expenditures.

The Act amends Code Section 207.21, making certain coal lands and water damaged by coal mining after August 3, 1977, eligible for reclamation or drainage abatement expenditures. The Act provides that reclamation or drainage abatement moneys are available to damaged lands or water left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and April 10, 1981, where moneys available pursuant to a bond or other form of financial guarantee are not sufficient to provide adequate reclamation or abatement. The Act provides that reclamation or drainage abatement moneys are available to damaged lands or water left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and November 5, 1990, where the surety of the mining operator became insolvent during that period and, as of November 5, 1990, moneys immediately available from proceedings relating to such insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement.

The Act provides that at the request of the Governor, the Division of Soil Conservation of the Department of Agriculture and Land Stewardship may fill voids and seal tunnels, shafts and entryways resulting from any previous noncoal mining operation, and may reclaim surface impacts of any such noncoal mining or surface mines that were mined prior to August 3, 1977, and constitute an extreme danger to the public health and safety. Reclamation and abatement moneys will not be available to sites designated or listed for remedial action pursuant to federal law.

The Act removes research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques from the list of priorities for which the abandoned mine reclamation moneys may be used.

The Act amends Code Section 207.23 to provide that within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended and may file a lien statement together with a notarized appraisal by an independent appraiser of the value of the land prior to the project if the money so expended results in a significant increase in property value. The Act provides that the lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the project.

The Act provides that the division no longer must report to the General Assembly annually on the operations of the Abandoned Mine Reclamation Program, should the division participate in the program.

STATE GOVERNMENT

- SENATE FILE 118 - Substantive Code Corrections
- SENATE FILE 190 - Easements on State Land
- SENATE FILE 233 - Community College Retirement Benefits
- SENATE FILE 358 - Interstate Emergency Management Assistance Compact
- SENATE FILE 519 - Iowa Communications Network — Authorized Use and Users — VETOED BY THE GOVERNOR
- HOUSE FILE 200 - Nonsubstantive Code Corrections
- HOUSE FILE 233 - Cooperative Associations — Effective Date of Filings and Mergers
- HOUSE FILE 540 - Deferred Compensation and Phased Retirement — Investments and Other Provisions
- HOUSE FILE 577 - Continuing Education of Real Estate Appraisers
- HOUSE FILE 578 - Continued Operation of Department of Human Rights
- HOUSE FILE 589 - Boxing and Wrestling
- HOUSE FILE 659 - Practice of Respiratory Care
- H.J.R. 5 - Proposed Constitutional Amendment — Equal Rights

RELATED LEGISLATION

- SENATE FILE 21 - Nonperpetual Care Cemeteries
SEE BUSINESS, BANKING & INSURANCE. This Act strikes the requirement that a nonperpetual care cemetery post a legible sign in a conspicuous place indicating the cemetery is not a perpetual care cemetery.
- SENATE FILE 59 - Emergency Medical Care Provider Certification Fees
SEE HEALTH & SAFETY. This Act provides that certification fees currently paid to the Iowa Department of Public Health by emergency medical care providers are to be deposited in the Emergency Medical Services Fund established in Code Section 135.25 to be used for the purposes of the fund.
- SENATE FILE 83 - Property Tax on Certain Donated Property
SEE TAXATION. This Act provides that when real estate is donated as a gift to the state or a political subdivision of the state, and the donor provides for the donor or someone else to retain the use of the property for the remainder of their lives, the real estate continues to be subject to property tax and special assessments until the life estate ends if the property was so subject prior to the making of the gift. The Act applies to property donated on or after July 1, 1992, for taxes payable or assessments payable during fiscal years beginning on or after July 1, 1997.
- SENATE FILE 163 - Sale of Cigarettes and Tobacco Products Through Vending Machines
SEE HEALTH & SAFETY. This Act prohibits the sale of cigarettes or tobacco products through vending machines unless the vending machine is located in a place where the retailer ensures that a person younger than 18 years of age is not present or permitted to enter at any time. A permit holder who violates this provision is subject to revocation of the permit.
- SENATE FILE 232 - Notarial Acts — Registrars of Vital Statistics
SEE LOCAL GOVERNMENT. This Act adds a registrar of vital statistics or a registrar's designee to the list of people who may perform a notarial act.
The Act takes effect April 22, 1997.
- SENATE FILE 246 - Snowmobiles and All-Terrain Vehicles
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act authorizes the Department of Natural Resources to adopt rules regarding the issuance of title certificates for snowmobiles and to maintain a copy of each title certificate issued.

- SENATE FILE 391** - Appropriations — Transportation
SEE APPROPRIATIONS. This Act provides cost-of-living adjustments of approximately 3 percent for legislators for the calendar years 1999 and 2000, and similar cost-of-living adjustments for elected state executive officers for the fiscal years beginning July 1, 1997, and July 1, 1998.
- SENATE FILE 451** - Milk and Milk Products
SEE AGRICULTURE. This Act regulates the milk industry, including the imposition of fees upon persons required to obtain licenses or permits by the Department of Agriculture and Land Stewardship, including receiving stations, milk haulers, milk graders and bulk milk tankers.
- SENATE FILE 522** - Legal Settlement
SEE HUMAN SERVICES. This Act amends the legal settlement provisions of the Code by providing that a person receiving treatment or support services from any provider, regardless of the source of funding of the provider, who provides treatment or services for mental retardation, developmental disabilities, mental health, brain injury, or substance abuse, does not acquire legal settlement in the county in which the site of the provider is located unless the person continuously resides in that county for one year from the date of receiving the last treatment or support service. This provision was also enacted in H.F. 702 (see Local Government).
- SENATE FILE 529** - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act appropriates \$82,212,000 from the General Fund of the State and \$17,509,337 from other fund sources for FY 1997-1998 to state departments, agencies, and interstate and national entities, including the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, offices of Governor and Lieutenant Governor, Terrace Hill, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Employees' Retirement System, Department of Revenue and Finance, Secretary of State, Treasurer of State, Council of State Governments, National Council of State Legislatures, National Governors Association, American Legislative Exchange Council, and Commission on Uniform State Laws, and for law enforcement training reimbursement.
- SENATE FILE 542** - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes language authorizing the use of a "budgeting for results" approach by state agencies in preparing budgets and performing evaluations.
- HOUSE FILE 275** - Registration of Trademarks and Service Marks
SEE BUSINESS, BANKING, & INSURANCE. This Act amends several provisions in Code Chapter 548 regulating the registration and protection of marks such as trademarks and service marks by the Secretary of State.
- HOUSE FILE 320** - Registration and Accreditation Requirements for Postsecondary Schools
SEE EDUCATION. This Act exempts postsecondary educational institutions offering programs limited to nondegree specialty vocational training programs from the chapter of the Code that requires postsecondary schools to register with the Secretary of State's office.
- HOUSE FILE 336** - Levee and Drainage Districts — State-Owned Land
SEE TAXATION. This Act eliminates a provision which provides that land under the jurisdiction of the Department of Natural Resources is not subject to an assessment by drainage and levee districts if the land is located below the ordinary high water mark in a sovereign state-owned lake, marsh or stream.
- HOUSE FILE 355** - Income Tax Exemption for Certain Military Pay
SEE TAXATION. This Act provides an income tax exemption for the active duty pay of national guard and armed forces military reserve personnel for service performed on or after November 21, 1995, pursuant to military orders related to peacekeeping in Bosnia-Herzegovina.
- HOUSE FILE 439** - Repository for Licensing, Registry, and Criminal History Information
SEE HEALTH & SAFETY. This Act requires development of a single contact repository for criminal history, child and dependent adult abuse and sex offender registries, and nurse aide and other health profession certification and licensing information. The purpose of the repository is to permit employers, local governments, and state agencies to obtain the above information with one contact.

The Department of Inspections and Appeals is to lead other state agencies in this effort. A progress report is due to the General Assembly by January 15, 1998.

- HOUSE FILE 456** - City Civil Service
SEE LOCAL GOVERNMENT. This Act amends Code Chapter 400 relating to city civil service by reducing the term of office of city civil service commissioners, changing the method of selecting clerks to the civil service commissions in cities of 75,000 population or fewer, exempting professional city engineers from civil service coverage, extending civil service rights to an employee who meets minimum qualifications or passes a qualifying noncompetitive test after completion of a probationary period, eliminating two successive examinations to find qualifying applicants for promotions, increasing from 90 days to 180 days the amount of time for background checks on potential employees, increasing the number of names on original appointment lists from 10 to 40, eliminating employee consent for departmental transfers, and retaining the 1980 census for determination of city civil service applicability. The transition to four-year terms of office of civil service commissioners is delayed until January 1, 1998.
- HOUSE FILE 636** - Elections
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes a number of changes to the election laws of Iowa including provisions relating to voter registration, preparation of ballots, absentee voting, and local government elections.
- HOUSE FILE 687** - Beef Cattle Producers Association
SEE AGRICULTURE. This Act provides for the administration of the Iowa Beef Industry Council and the assessment and distribution of excise taxes assessed against cattle and veal.
- HOUSE FILE 730** - Appropriations — State Government Technology and Operations
SEE APPROPRIATIONS. This Act appropriates moneys to the Iowa Communications Network (ICN) and to other entities for other technology-related purposes. The Act provides for the payment of services rendered by the ICN to state agencies. The Act provides that the Department of General Services may provide telecommunications cabling. The Act also provides that the Executive Council may use moneys in a contingent fund for purposes of restoring state property destroyed by wild animals.

STATE GOVERNMENT

SENATE FILE 118 - Substantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

The Act adds the Superintendent of Credit Unions to the committee that establishes maximum interest rates for certain public obligations and assessments. In provisions relating to reports by the Engineering and Land Surveying Examining Board, the Accountancy Examining Board, the Architectural Examining Board, and the Landscape Architectural Examining Board, the Act strikes requirements for the inclusion of information on receipts and disbursements. In the prohibitions relating to distribution of controlled substances in public parks, public swimming pools, or public recreation centers, references to the real property that comprises those locations are stricken. References to the "Grade 'A' Pasteurized Milk Ordinance" are updated to reflect 1995 revisions. In the sex offender registry provisions, the description of the offenses committed in other jurisdictions which would require that an individual register as a sex offender are conformed to the offenses which, if committed in Iowa, would require that an individual register as a sex offender. The Act conforms terminology within the domestic abuse assault statute and strikes redundant language relating to issuance of deferred judgments or sentences for domestic abuse assault convictions. The Act conforms the mandatory minimum penalties applicable to the third or subsequent domestic abuse assault offense with the mandatory minimum sentencing language that is applicable to other felonies. These provisions take effect July 1, 1997.

In addition, the Act changes the placement of a reference to employees of the Commission of Veterans Affairs in the State Tort Claims Act, so that it does not disrupt references to the jurisdiction of the Iowa Department of Corrections. This provision takes effect April 18, 1997, and applies retroactively to July 1, 1996.

SENATE FILE 190 - Easements on State Land

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act directs the Natural Resource Commission to adopt rules for granting easements to political subdivisions and utility companies on state land under the jurisdiction of the Department of Natural Resources. An applicant for an easement must provide information stating the need for the easement, availability of alternatives, and measures proposed to prevent or minimize the adverse impacts of the easement. Easements are to be executed by the Director of Natural Resources, except that an easement which is to be granted for more than five years must be approved by the Commission.

SENATE FILE 233 - Community College Retirement Benefits

BY COMMITTEE ON STATE GOVERNMENT. This Act provides new employees of community colleges the option of continuing their membership in certain additional eligible alternative retirement plans instead of being required to join the Iowa Public Employees' Retirement System (IPERS). Previously, the only alternative retirement plan authorized for new community college employees was a retirement annuity issued by a nonprofit corporation for the exclusive benefit of employees of educational institutions, i.e., the Teachers Insurance and Annuity Association-College Retirement Equity Fund (TIAA-CREF).

Eligible retirement plans are employee-sponsored pension plans with mandatory employer contributions that meet certain Internal Revenue Code requirements. Each community college shall provide for this alternative retirement plan. The Act provides that the employer's contribution rate under the alternative retirement plan shall not exceed that for employees under IPERS. The Act applies to new employees hired on or after July 1, 1997.

SENATE FILE 358 - Interstate Emergency Management Assistance Compact

BY COMMITTEE ON STATE GOVERNMENT. This Act provides for the Emergency Management Assistance Compact, which is to replace the Interstate Civil Defense and Disaster Compact in Code Section 29C.21. The new compact is substantially similar to the compact it replaces, but with less emphasis on civil defense related emergencies.

The Act provides that the purpose of the compact is to provide for mutual assistance between the states entering into the compact in managing any emergency or disaster duly declared by the governor of the affected state. The compact also provides for mutual cooperation in emergency-related exercises, testing or other training activities.

The Act provides for the designation of an official responsible for the formulation of the appropriate interstate mutual aid plans and procedures necessary to implement the compact and provides for the manner and content of requests for assistance.

The Act provides that the emergency forces of any party state are provided the same powers, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services and for the applicable command and control of emergency forces.

The Act provides that licenses and permits evidencing the meeting of qualifications for professional, mechanical or other skills held by persons in a party state shall be honored by the state requesting assistance.

The Act provides for the tort liability, and any applicable immunity, of officers and employees of a party state rendering aid in another state.

The Act provides for the reimbursement of certain losses and expenses of any party state rendering aid.

The Act provides that evacuation plans shall be worked out and maintained between the party states where any type of incident requiring evacuations might occur.

The Act provides that the compact shall become operative immediately upon its enactment into law by any two states and shall become effective as to any other state upon its enactment by such state. Withdrawal shall occur 30 days after the governor of the withdrawing state has given notice of the repeal of the statute to all of the other party states.

SENATE FILE 519 - Iowa Communications Network — Authorized Use and Users — VETOED BY THE GOVERNOR BY COMMITTEE ON COMMERCE. This bill identified permitted and prohibited activities with respect to the Iowa Communications Network. The bill established definitions for terms used in Code Chapter 8D, including "authorized use," "authorized user," "educational use," "library," "nonprofit institution of higher education," "state agency," and "telemedicine." The bill provided that full-motion, interactive video services provided by the network could be used by a person only if certain identified criteria were met. The bill established limitations on dial-up internet access. The bill prohibited certain activities with respect to the network including the resale of services except as permitted by rule of the Iowa Telecommunications and Technology Commission, unauthorized use of the network through an authorized user, and use of the network or any network services to transmit an unauthorized personal or private business communication, unless specifically authorized under Code Chapter 8D or unless the communication was an incidental communication by an authorized user from an authorized site.

The bill directed the Iowa Utilities Board to establish a procedure for receiving and resolving disputes which arise between the Iowa Technology and Telecommunications Commission and a local exchange carrier regarding the network.

The bill also established certain deadlines for an authorized user providing dial-up internet access to discontinue providing such service.

The bill was vetoed by the Governor April 24, 1997.

HOUSE FILE 200 - Nonsubstantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.

Subject matter areas in which changes are made include provisions relating to the Sesquicentennial Commission, liens for certain inappropriately obtained entitlement benefits or provider payments, the Rural Small Business Transfer Linked Investment Program, microenterprise organizations, community colleges and merged areas, the title of the head of public safety, the Iowa Conservation Corps, IPERS, the administration of phenylbutazone in horses, primary care provider loan repayment, the use of imitation cheese, persons with mental illness, the Department of Workforce Development, fire and safety standards for assisted living programs, medical assistance debts and asset transfers, special education services, the computation of property tax and income surtax amounts for instructional support programs, school transportation assistance aid, public school open enrollment, suspension of driver's licenses, vehicles of excessive size and weight, handicapped registration plates, mental health and developmental disability funding, the livestock brand book, municipal home rule, Department of Revenue and Finance personnel, tax liens and reimbursements, individual income taxes, the Low-Income Tax Credit and Reimbursement Fund, the Litigation Expense Fund, the Midwest Interstate Low-Level Radioactive Waste Compact, water vessel certificates of title, cooperative cooperations, corporate indemnification, securities regulation, the Community Health Management Information System, sale of funeral and cemetery services and merchandise, bank holding companies, the practice of engineering or land surveying, real property inspection reports, real estate broker trust accounts, the Uniform Commercial Code, duties of the clerk of district court, and sexually predatory offenses.

HOUSE FILE 233 - Cooperative Associations — Effective Date of Filings and Mergers

BY COMMITTEE ON STATE GOVERNMENT. This Act amends Iowa Code Chapter 499 regarding the merger or consolidation of cooperative associations. Code Section 499.67 provides that the Secretary of State must issue a certificate of merger or a certificate of consolidation upon the filing of the articles of merger or the articles of consolidation. The Act provides that the merger's or consolidation's effective date is not automatically tied to the date that the certificate of merger or consolidation is issued. A different effective date of the merger or consolidation may be specified in the articles of merger or articles of

consolidation if that date is later than the date of issuance. The Act also provides that a document required to be filed with the Secretary of State pursuant to Code Chapter 499 is effective at the time it is filed or at the delayed effective date specified in the document, whichever is later.

HOUSE FILE 540 - Deferred Compensation and Phased Retirement — Investments and Other Provisions

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes investment guidelines and procedures for state deferred compensation and phased retirement plans.

The Act adds state deferred compensation plans established by the Executive Council to the list of entities exempt from public fund investment standards, maturity and procedural limitations, written investment policy requirements, and regulation of public fund custodial agreements established in the Code.

The Act also provides that public funds of a state deferred compensation plan established by the Executive Council can be invested in a deferred compensation investment product authorized in Code Section 509A.12. The investment products authorized in Code Section 509A.12 include an individual or group life insurance contract, annuity contract, interest in a mutual fund, security, or any other deferred payment contract. The Act provides that the Department of Personnel will make the option of utilizing mutual funds available to state employees by September 1, 1997, and to the extent permitted by law, will permit state employees to transfer moneys deferred under another investment option to a mutual fund. The Act authorizes "other public entities," in addition to the Executive Council, school boards, certain public institutions, or a county board of supervisors, to establish a deferred compensation program pursuant to Code Section 509A.12.

Finally, the Act modifies the eligibility provisions contained in Code Section 70A.31 for employees participating in the phased retirement program to provide that they must retire at the end of the fifth year of participation in the program.

HOUSE FILE 577 - Continuing Education of Real Estate Appraisers

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes June 30 of the year in which a real estate appraiser's certificate expires as the date by which continuing education requirements shall be completed for purposes of renewing the appraiser's certificate. The Act restricts the number of instructional hours of correspondence and home study courses that may be claimed by an appraiser to meet the continuing education requirements to no more than 50 percent of the required hours necessary for renewal of the certificate. The Act also requires that courses or seminars be preapproved by the Real Estate Appraiser Examining Board.

HOUSE FILE 578 - Continued Operation of Department of Human Rights

BY COMMITTEE ON STATE GOVERNMENT. This Act enables the Department of Human Rights to continue its operation. Code Section 216A.5 provides that the department will cease to exist effective July 1, 1997. The Act repeals this provision, enabling the department to continue its operations.

The Act takes effect April 18, 1997.

HOUSE FILE 589 - Boxing and Wrestling

BY CONNORS AND TYRRELL. This Act rewrites Code Chapter 90A, which regulates boxing and wrestling in the state. Much of the new material is added to conform the Code chapter to the requirements of the federal Professional Boxing Safety Act of 1996.

The Act identifies two types of promoters: (1) a person who organizes, holds, advertises, or otherwise conducts a professional boxing match, or (2) a person who charges admission for the viewing of a professional boxing or wrestling match received through a closed-circuit, pay-per-view, or similarly distributed signal.

The Act prohibits a person from acting as a promoter of a professional boxing or wrestling match without first obtaining a license from the State Commissioner of Athletics. Under the Act, it is a serious misdemeanor for a person to act as a professional boxing or wrestling promoter without first obtaining a license.

The Act requires the promoter of a professional boxing or wrestling match to add the value of complimentary tickets, in excess of 5 percent of the number of tickets sold, to the gross admission receipts total in the written report required to be furnished to the commissioner. The promoter shall pay a tax of 5 percent of its total admission receipts to the Treasurer of State. The commissioner may examine the records of a promoter and assess the costs of the examination to the promoter. If the promoter defaults in paying a tax or costs, the promoter forfeits the \$5,000 surety bond posted by the promoter for the license. In addition to the criminal penalties, the promoter shall be liable to the state for taxes and penalties.

The Act requires each professional boxer residing in Iowa to fill out a registration application and submit the application, along with a fee set by rule, to the commissioner. The commissioner shall issue each registered boxer an identification card containing a recent photograph of the boxer, the boxer's social security number, and a personal identification number assigned to the boxer by the boxer registry. The Act defines "boxer registry" as an entity certified by the Association of Boxing Commissions for the purpose of maintaining records and identification of boxers. A registration is valid for two years from the date of issue. The Act prohibits a contestant from taking part in a boxing match unless the contestant has presented a required valid registration identification card to the commissioner prior to the weigh-in for the boxing match.

The Act provides the commissioner with emergency authority to orally suspend a license, registration or participation immediately under certain circumstances. However, a written notice of a suspension must be issued within seven days of the emergency suspension.

HOUSE FILE 659 - Practice of Respiratory Care

BY COMMITTEE ON STATE GOVERNMENT. This Act modifies provisions of Code Chapter 152B regarding respiratory care. The Act changes the designation "certified registered nurse" to "licensed registered nurse" regarding consultation between licensed registered nurses and organized health care systems concerning respiratory care policies and procedures. The Act provides that Code Chapter 152B is not intended to limit, preclude or otherwise interfere with the practice of respiratory care by other health care providers licensed and certified by the state pursuant to a chapter of the Code other than Code Chapter 152B.

The Act also provides that the continuing education requirements contained in Code Section 152B.11 do not apply to health care providers who perform respiratory care within the scope of practice of their profession if they are engaged in a health-related profession pursuant to Code Chapter 147 but are not licensed under Code Chapter 152B.

HOUSE JOINT RESOLUTION 5 - Proposed Constitutional Amendment — Equal Rights

BY DODERER, CONNORS, VAN MAANEN, VANDE HOEF, HOLVECK, KOENIGS, SHOULTZ, TYRRELL, METCALF, SIEGRIST, CHAPMAN, COHOON, CORBETT, EDDIE, GARMAN, KREMER, SCHRADER, WISE, BRAND, MAY, MERTZ, MURPHY, BERNAU, GIPP, HAHN, MILLAGE, WEIDMAN, BELL, BLODGETT, BODDICKER, BRAUNS, BRUNKHORST, CATALDO, CHURCHILL, DINKLA, DRAKE, FALLON, GREIG, GREINER, GRIES, GRUNDBERG, HOUSER, JOCHUM, KLEMME, KREIMAN, LARSON, MARTIN, MEYER, MORELAND, MUNDIE, O'BRIEN, RANTS, WEIGEL, WELTER, WITT, LARKIN, MYERS, ARNOLD, BARRY, BOGGESS, BRADLEY, BURNETT, CARROLL, CORMACK, DREES, HEATON, HUSEMAN, JACOBS, LAMBERTI, LORD, MASCHER, NELSON, SUKUP, TEIG, VAN FOSSEN, VEENSTRA, WARNSTADT, THOMSON, TAYLOR, OSTERHAUS, BUKTA, CHIODO, DIX, DOLECHECK, DOTZLER, FALCK, FOEGE, FORD, FREVERT, HANSEN, HOLMES, HUSER, JENKINS, KINZER, RAYHONS, REYNOLDS-KNIGHT, RICHARDSON, SCHERRMAN, THOMAS, AND WHITEAD. This Act proposes an amendment to the Constitution of the State of Iowa regarding the equality of rights of men and women under the law. As required by Article X of the Constitution of the State of Iowa, the Act was adopted by two consecutive general assemblies, the 1995 and 1997 Sessions of the General Assembly. In order to become a part of the State Constitution, the final step required is that the Act be submitted to the electorate for ratification, which will take place at the general election in November 1998.

TAXATION

- SENATE FILE 30 - Sales and Use Tax Exemptions — Products Used in Agricultural Production
- SENATE FILE 35 - Inheritance Tax
- SENATE FILE 83 - Property Tax on Certain Donated Property
- SENATE FILE 129 - Internal Revenue Code References and Income Tax Provisions
- SENATE FILE 222 - Use Tax on Motor Vehicle Leasing
- SENATE FILE 531 - School District Financing — Physical Plant and Equipment Levy
- SENATE FILE 553 - Tax Treatment of Subchapter S Financial Institutions and Their Shareholders
- HOUSE FILE 126 - Sales and Use Tax Exemptions — Computers, Machinery, Equipment, and Fuel
- HOUSE FILE 212 - Real Property Used in Racetrack Operation
- HOUSE FILE 218 - Notice of Appraisalment for Inheritance Tax Purposes
- HOUSE FILE 266 - Tax Administration and Related Matters
- HOUSE FILE 306 - Taxation of Shareholders of Subchapter S Corporations
- HOUSE FILE 336 - Levee and Drainage Districts — State-Owned Land
- HOUSE FILE 354 - Corporate Income Tax — Foreign Corporations
- HOUSE FILE 355 - Income Tax Exemption for Certain Military Pay
- HOUSE FILE 388 - Individual Income Tax Rates
- HOUSE FILE 495 - Valuation of Certain Industrial Machinery, Equipment, and Computers
- HOUSE FILE 645 - Financial and Regulatory Procedures of Counties, Cities, and Drainage Districts
- HOUSE FILE 726 - Tax Credits and Exemptions — Local Budget Practices — Property Tax Statements
- HOUSE FILE 729 - Local Option Sales and Services Taxes

RELATED LEGISLATION

- SENATE FILE 189 - School Finance — Regular Program District Cost Guarantee
SEE EDUCATION. This Act continues through the 1998 and 1999 fiscal years a provision directing the Department of Management to provide a budget adjustment to ensure that a school district's regular program district cost is not less than 100 percent of the level of the previous budget year, thereby permitting the district to levy more property tax to maintain funding at 100 percent of the level of the previous budget year.
 The Act takes effect April 9, 1997.
- SENATE FILE 528 - Land Recycling and Environmental Remediation Standards
SEE ENVIRONMENTAL PROTECTION. This Act relates to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and the establishment of a Land Recycling Program and a Land Recycling Fund. The Act allows cities and counties to provide, by ordinance, that the costs of carrying out response actions are to be reimbursed, in whole or part, by incremental property taxes over a six-year period.
- SENATE FILE 542 - Supplemental and Other Appropriations and Miscellaneous Provisions
SEE APPROPRIATIONS. This Act makes supplemental appropriations for FY 1996-1997 and appropriations for other fiscal years. The Act includes provisions reestablishing the State Income Tax Checkoff for domestic abuse programs.
- SENATE FILE 544 - Rural Improvement Zones
SEE LOCAL GOVERNMENT. This Act allows tax increment financing to be used to pay for improvement projects relating to private lake development in rural improvement zones designated by certain counties.

- SENATE FILE 545** - Centralized State Debt Collection — Information — Drivers Licenses
SEE TRANSPORTATION. This Act reestablishes the Driver's License Indebtedness Clearance Pilot Project operated by the State Department of Transportation and the Department of Revenue and Finance.
 The Act takes effect May 19, 1997.
- HOUSE FILE 4** - Office of City Assessor
SEE LOCAL GOVERNMENT. This Act authorizes a city with a population of more than 125,000 to establish or abolish the office of city assessor, to provide for a city board of review or request a 10-member county board of review, and expand its 10-member board of review by not more than four members to assist with protest hearings.
- HOUSE FILE 255** - Mental Health and Developmental Disability Funding — Allowed Growth Factor Adjustment
SEE LOCAL GOVERNMENT. This Act establishes an allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services paid from property taxes in FY 1997-1998 and FY 1998-1999. Appropriations of approximately \$6.1 million and \$12.5 million are made to the Department of Human Services to distribute to counties for the respective fiscal years to fund a 2.89 percent increase in growth in county expenditures for MH/MR/DD services in each of the fiscal years.
- HOUSE FILE 373** - Unified Law Enforcement District Tax Levies
SEE LOCAL GOVERNMENT. This Act legalizes unified law enforcement district tax levies, subject to the five-year limitation, that were authorized prior to July 1, 1983, and which continued to be collected for more than five years or which are currently being collected.
- HOUSE FILE 589** - Boxing and Wrestling
SEE STATE GOVERNMENT. This Act requires the promoter of a professional boxing or wrestling match to add the value of complimentary tickets, in excess of 5 percent of the number of tickets sold, to the gross admission receipts total in the written report required to be furnished to the state Commissioner of Athletics. The promoter shall pay a tax of 5 percent of its total admission receipts to the Treasurer of State. If the promoter defaults in paying a tax or costs, the promoter forfeits a \$5,000 surety bond posted with the commissioner. The promoter is liable to the state for taxes and penalties relating to professional boxing or wrestling matches.
- HOUSE FILE 687** - Beef Cattle Producers Association
SEE AGRICULTURE. This Act increases the amount that may be assessed to support the Iowa Beef Cattle Producers Association from 50 cents for beef cattle and 35 cents for veal calves to up to \$1 on beef cattle and veal calves.
- HOUSE FILE 704** - Transportation Regulation
SEE TRANSPORTATION. This Act makes changes to statutory provisions affecting the State Department of Transportation, including adding special provisions to Code Section 422.45 regarding the refund of sales and use tax paid on department construction projects.
- HOUSE FILE 722** - Seed and Venture Capital — Capital Investment Board — Tax Credits
SEE ECONOMIC DEVELOPMENT. This Act establishes the Capital Investment Board, provides for tax credits, terminates the Iowa Seed Capital Corporation, and establishes the Capital Transition Board.
- HOUSE FILE 724** - Enterprise Zones
SEE ECONOMIC DEVELOPMENT. This Act provides tax incentives and assistance to businesses meeting certain criteria for locating into or expanding in enterprise zones designated by certain cities and counties. The incentives and assistance that shall be provided are a 1.5 percent credit from withholding of income tax from wages of new employees for training new employees to work in the zone, a refund of sales and use taxes for utility services furnished in the zone and for materials used in construction contracts fulfilled in the zone, an investment tax credit for investments made in the zone, credit for increasing research activities in the state, and an exemption from all property taxation on the value added to the property used in the business in the zone if the county or city so decides.

- HOUSE FILE 732** - Housing Development
SEE ECONOMIC DEVELOPMENT. This Act authorizes cities and counties to provide a property tax exemption of up to \$75,000 for certain residential property.

TAXATION

SENATE FILE 30 - Sales and Use Tax Exemptions — Products Used in Agricultural Production

BY IVERSON. This Act exempts from the sales and use tax ingredients and detergents used to enhance the application of commercial fertilizer, agricultural limestone, herbicides, pesticides, and insecticides used in agricultural production for market.

The Act takes effect April 22, 1997, and applies retroactively to April 1, 1990, for sales made and uses occurring on or after that date. The Act also requires that claims for refunds of taxes paid between April 1, 1990, to June 30, 1997, be made prior to October 1, 1997, and limits the aggregate amount of claims to \$25,000.

SENATE FILE 35 - Inheritance Tax

BY COMMITTEE ON WAYS AND MEANS. This Act eliminates the inheritance tax on property of decedents dying on or after July 1, 1997, and passing to parents, grandparents, great-grandparents and other lineal ascendants, and children, including adopted children and biological children entitled to inherit under the laws of this state, grandchildren, great-grandchildren and other lineal descendants, and stepchildren.

SENATE FILE 83 - Property Tax on Certain Donated Property

BY FREEMAN. This Act provides that when real estate is donated as a gift to the state or a political subdivision of the state, and the donor provides for the donor or someone else to retain the use of the property for the remainder of their lives, the real estate continues to be subject to property tax and special assessments if the property was so subject prior to the making of the gift. Once the use of the property transfers to the government donee, the property is then taxed or not taxed based upon the law and the classification of the property at the time of transfer.

The Act applies to property donated on or after July 1, 1992, for purposes of property taxes or special assessments due and payable in fiscal years beginning on or after July 1, 1997.

SENATE FILE 129 - Internal Revenue Code References and Income Tax Provisions

BY COMMITTEE ON WAYS AND MEANS. This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 1996 applicable for Iowa income tax purposes and to provide a state income tax deduction for that portion of the federal mortgage interest credit that reduced the amount of mortgage interest deductible for state and federal tax purposes. The Act reflects the change in nomenclature of the federal jobs tax credit to work opportunity tax credit. The Act updates Iowa Code references to the state research activities credit for individuals, corporations, and corporations in quality jobs enterprise zones to include the 1996 changes to the federal research activities credits. The research activities credit offered under the New Jobs and Income Act is also updated.

The Act takes effect May 9, 1997, and applies retroactively to tax years beginning on or after January 1, 1996.

SENATE FILE 222 - Use Tax on Motor Vehicle Leasing

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Section 423.4, subsection 16, which was enacted in 1996 to provide an exemption from use tax for vehicles purchased for lease qualifying under Code Section 423.7A. The 1996 language indicates that once a lessor has met the qualifications for exemption under the statute, the exemption is maintained regardless of how the vehicle is subsequently used by the lessor. In addition, the 1996 law also provides that if a vehicle subject to lease does not meet the qualifications under the 1996 law, then use tax is due on the vehicle. The 1996 law does not provide a period of time to allow the vehicle to be released. The Act amends Code Section 423.4, subsection 16, to assist in the administration of the tax by providing that the use tax exemption may be retained as long as the lessor does not use the vehicle for any purpose other than for lease.

Code Section 423.7A is amended by the Act to allow the Department of Revenue and Finance to receive tax in instances where tax is due on the lease, but the transaction creating the tax does not require registration or titling of the vehicle subject to the lease. The section is also amended by the Act to provide that certain items shall not be included in the computation of the lease price. These items include title and registration fees, federal excise taxes, insurance, manufacturer's rebates, and refundable deposits. The Act also sets forth that when the parties to a lease agree to include the tax in the lease payments to be paid by the lessee, the total of the use tax shall not be included in the computation of total lease price. Instead, the cost of the tax shall only be reflected as part of the monthly lease payments. Providing an exclusion of the tax in the computation of total lease price in this situation will assist in the computation of the tax and auditing of lessor records.

The Act also provides that if a lease is terminated prior to the termination date, no use tax paid is refundable unless the lease is terminated under the Defective Motor Vehicle (Lemon Law) statute.

SENATE FILE 531 - School District Financing — Physical Plant and Equipment Levy

BY COMMITTEE ON WAYS AND MEANS. This Act provides for an increase in the amount able to be levied pursuant to a voter-approved physical plant and equipment levy, approved on or after July 1, 1997, from 67 cents to \$1.34 per \$1,000 of assessed valuation in a school district. A school district that already has a voter-approved levy at the former maximum rate of 67 cents per \$1,000 of assessed value must continue at that rate for the duration of the period authorized for levy, unless the voters in the school district approve an additional levy of 67 cents per \$1,000 of assessed value during the authorized period.

The Act provides that revenue from the regular physical plant and equipment levy, the maximum rate of which is 33 cents per \$1,000 of assessed value in the district, and revenue from the voter-approved physical plant and equipment levy are not to be expended by the school district for district employee salaries or travel expenses, supplies, printing costs or media services, or for any other purpose not expressly authorized in Code Section 298.3.

SENATE FILE 553 - Tax Treatment of Subchapter S Financial Institutions and Their Shareholders

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Section 422.61 to disallow the federal tax treatment for Iowa individual income tax purposes where a financial institution, as defined in Section 581 of the Internal Revenue Code, is not subject to income tax and where the financial institution's income is taxed on the shareholder's federal individual income tax return. This federal provision is known as a subchapter S corporation election. The federal subchapter S election for financial institutions allows the income of the financial institution to be taxed to the shareholders of the institution on their federal individual income tax return, rather than being taxed to the financial institution. Under the Act, the income of financial institutions is taxed under the state franchise tax only. To prevent the income from being taxed twice, a franchise tax credit, not to exceed a shareholder's pro rata share of the franchise tax paid, would be applied to the shareholder's individual income tax liability. The amount of the credit may not exceed the taxpayer's pro rata share of the franchise tax paid by the financial institution. This change is intended to prevent any discrimination in the taxation of federal obligation income of all financial institutions.

The Act applies retroactively to January 1, 1997, for tax years beginning on or after that date.

HOUSE FILE 126 - Sales and Use Tax Exemptions — Computers, Machinery, Equipment, and Fuel

BY COMMITTEE ON WAYS AND MEANS. This Act rewrites the Code provision that exempts certain computers, machinery, equipment, electricity, and other items related to the manufacturing process from the state sales and use tax by defining those manufacturing activities which give rise to the exemption.

HOUSE FILE 212 - Real Property Used in Racetrack Operation

BY COMMITTEE ON WAYS AND MEANS. This Act provides that real property used in the operation of a racetrack or racetrack enclosure may be subject to taxation even if otherwise exempt because it is owned by a city, county, state, or charitable or nonprofit entity. To be so taxed, the taxing authority must adopt a resolution subjecting the property to taxation. Once a resolution is adopted, the property will continue to be taxed until the resolution is repealed. This Act would subject Prairie Meadows and Dubuque racetracks to property taxation. Presently, because they are owned by counties, the Prairie Meadows and Dubuque racetracks are not subject to property taxation.

The Act also amends the definition of "racetrack enclosure" to include licensed racetrack areas where the required admission fee is paid by a person other than the person entering the area. This change in definition is to handle the situation that exists where the owner or operator of the racetrack enclosure pays the admission fee for the persons entering the racetrack enclosures.

House File 266 amends this Act by specifying that if the resolution to tax racetrack property by a local jurisdiction is passed by September 1, 1997, the property pays taxes during fiscal year 1998-1999. If the resolution was passed after that date, the jurisdiction must notify the assessor and owner prior to the next assessment (calendar) year and the process would be in the manner and time as for other valuations.

HOUSE FILE 218 - Notice of Appraisal for Inheritance Tax Purposes

BY CARROLL. This Act provides that the notice of appraisal of property required by the inheritance tax chapter of the Code shall be sent to certain interested parties by certified mail and notice is deemed complete when the notice is postmarked for delivery. Prior law required that delivery of a notice of appraisal be by personal service or by publication.

HOUSE FILE 266 - Tax Administration and Related Matters

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the administration of state individual income, corporate, franchise, sales and use, motor vehicle, property, and other taxes. This Act includes Code Editor changes that are generally nonsubstantive or involve obsolete provisions.

The Act provides that the minimum amount a person owes before a setoff of any tax refund can be made shall be determined by the Department of Revenue and Finance by rule, thus granting the department greater flexibility by providing a means of amending the minimum amount through the rulemaking process rather than the legislative process.

The Act provides that if a provision of the Iowa law grants a tax benefit, whether in the form of a tax exemption, deduction, credit, or otherwise, to some taxpayers but withholds the tax benefit from other taxpayers with the result that such withholding is unconstitutional, the tax benefit shall be extended to the other taxpayers in a manner that removes the unconstitutionality.

The Act amends the new Code provision enacted in 1996 that allows a resident shareholder of a "value-added" S corporation to elect to reduce state income tax by apportioning income, by providing that if the taxpayer then elects not to apportion income in a later tax year, the taxpayer could not reelect to apportion income for four tax years without the approval of the Director of Revenue and Finance. This same provision, as enacted in H.F. 306, does not apply until January 1, 1998. However, this Act, in which the amendment is made retroactively applicable to tax years beginning on or after January 1, 1997, takes precedence.

This Act authorizes the Department of Revenue and Finance to enter into contractual arrangement with vendors to create or administer systems or programs to identify nonfilers of returns or nonpayers of taxes administered by the department. These vendors will have access to confidential data. This authorization takes effect May 19, 1997.

The Act provides that any partnership taxed as a corporation for federal purposes will be treated as a corporation for Iowa tax purposes, rather than only publicly traded partnerships, as is currently provided in law. The provision is retroactively applicable to tax years beginning on or after January 1, 1997.

The Act adds "in this state" after the term "nonprofit private museum" in order to acquire uniformity in the application of the sales tax exemption and refund provision. It makes the exemption consistent with other exemptions available only to entities located in this state.

The Act expands the definition of "agricultural production" to include the production from aquaculture for purposes of the sales tax exemptions provided for items used in agricultural production.

The Act imposes the 5 percent sales and use tax on sales of prepaid telephone calling cards and authorization numbers.

The Act alters the sales tax exemption for sales made to persons engaged in the business of leasing by changing the required term of the leases from more than one year to more than five months. This provision takes effect May 19, 1997.

The Act allows the purchaser, user or consumer who has incurred a sales or use tax liability to pay the tax directly to the Department of Revenue and Finance. This would not apply to utilities or motor vehicle transactions. This provision takes effect January 1, 1998.

The Act provides the Department of Public Safety with restricted access to tax records. The information would be restricted to special highly complex drug or money-laundering investigations and would be released by court order after the request for the information has been approved by the Iowa Attorney General.

The Act allows the homestead credit to be granted on property owned by a family farm corporation if the person making the claim is a shareholder and occupies the property.

The Act provides for a taxpayer hearing on an omitted assessment made by the Director of Revenue and Finance after the making of the assessment rather than prior to the making of the assessment. Code Sections 440.2 through 440.4, which contain obsolete provisions pertaining to holding hearings prior to the assessment, are repealed.

The Act permits an assessor changing assessment jurisdictions to carry forward continuing education credit hours to the new position and requires that a deputy assessor complete continuing education requirements in order to continue to serve in the capacity of a deputy.

The Act allows a tax refund for motor fuel or undyed special fuel sold directly to and used for watercraft. This provision is retroactive to July 1, 1996.

This Act changes the date for interest to begin accruing on motor fuel tax refunds from the first day of the third calendar month following payment or filing to the first day of the second calendar month following the date the claim for refund is received by the Department of Revenue and Finance. Refunds for taxes paid for nonhighway use or in blending to produce ethanol shall accrue interest beginning with the first day of the second calendar month following the date the refund claim is received by the department.

The Act amends H.F. 212, which authorizes the taxation of real property used in the operation of a racetrack or racetrack enclosure, by specifying that if the resolution to tax such property by a local jurisdiction is passed by September 1, 1997, the property would be paying taxes during fiscal year 1998-1999. If the resolution was passed after that date, the jurisdiction must notify the assessor and owner prior to the next assessment (calendar) year and the process, including valuation, appeal and rollback, would be in the same manner and time as for other valuations.

HOUSE FILE 306 - Taxation of Shareholders of Subchapter S Corporations

BY COMMITTEE ON WAYS AND MEANS. Present law allows shareholders of an S corporation that is a value-added corporation to reduce their individual income tax by use of a different method of computing the tax. The difference between the regular method and the alternative method constitutes a claim for refund of tax owed. However, the aggregate amount of refunds shall not exceed \$5 million per tax year.

This Act expands the opportunity for a reduction in tax to shareholders of all S corporations whether or not they are value-added corporations. This expansion is effective January 1, 1998, for tax years beginning on or after that date.

The Act also eliminates the limitation of \$5 million on the aggregate amount of claims for refunds and the need to file claims for refunds. This provision applies retroactively to January 1, 1997, for tax years beginning on or after that date.

The Act also provides that if a taxpayer elects to take advantage of the provision to reduce the taxpayer's tax, then later elects not to take advantage of the tax reduction provisions, the taxpayer cannot reelect to take advantage of the tax reduction provisions for the next three tax years unless permitted by the Director of Revenue and Finance. This provision takes effect January 1, 1998, and applies to tax years beginning on or after that date (see also H.F. 266).

HOUSE FILE 336 - Levee and Drainage Districts — State-Owned Land

BY TEIG. This Act amends Code Chapter 468, which provides for the organization and administration of drainage and levee districts. Specifically, the Act amends Code Section 468.43, which provides for assessing state-owned land under the jurisdiction of the Department of Natural Resources. The Act eliminates a provision which provides that land under the department's jurisdiction is not subject to an assessment if located below the ordinary high water mark in a sovereign state-owned lake, marsh or stream.

HOUSE FILE 354 - Corporate Income Tax — Foreign Corporations

BY COMMITTEE ON WAYS AND MEANS. This Act provides that a foreign corporation which trains employees or educates employees, or uses facilities in Iowa for that purpose, is not considered to be doing business within the state or deriving income from sources within the state for the purposes of the imposition of the state corporate income tax.

This Act takes effect April 18, 1997, and applies retroactively to January 1, 1997, for tax years beginning on or after that date.

HOUSE FILE 355 - Income Tax Exemption for Certain Military Pay

BY COMMITTEE ON WAYS AND MEANS. This Act provides a state income tax exemption for the active duty pay of national guard and armed forces military reserve personnel for service performed on or after November 21, 1995, pursuant to military orders related to peacekeeping in Bosnia-Herzegovina.

The Act takes effect May 7, 1997.

HOUSE FILE 388 - Individual Income Tax Rates

BY COMMITTEE ON WAYS AND MEANS. This Act reduces the state individual income tax rates by 10 percent. The lowest and highest rates under present law are 0.4 percent and 9.98 percent, respectively. Under the Act these rates would be 0.36 percent and 8.98 percent.

The Act takes effect January 1, 1998, and applies to tax years beginning on or after that date.

HOUSE FILE 495 - Valuation of Certain Industrial Machinery, Equipment, and Computers

BY COMMITTEE ON WAYS AND MEANS. This Act provides that industrial machinery, equipment and computers acquired or initially leased before January 1, 1982, shall be assessed for taxation at 30 percent of net acquisition cost and shall be subject to the same exemption phase-out schedule as is currently provided by law for such property acquired or initially leased on or after January 1, 1982. According to the phase-out schedule, applicable machinery, equipment and computers will be totally exempt from taxation beginning with the 2002 assessment year.

The state will provide reimbursement for this property as it is removed from the tax rolls beginning with the 1996 assessment year. The Act applies to claims for machinery and equipment tax reimbursement filed on or after July 1, 1997.

HOUSE FILE 645 - Financial and Regulatory Procedures of Counties, Cities, and Drainage Districts

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes a number of changes to the powers and duties of county treasurers.

Code Section 321.44A is amended to permit the county treasurer to retain for deposit in the general fund of the county, 5 percent of the voluntary contribution made to the state's Anatomical Gift Public Awareness and Transplantation Fund.

Code Section 321.52 is amended to provide that junking certificates for vehicles shall be printed on the vehicle registration receipt rather than as a separate document. Code Section 321.105 is amended to direct the Director of Transportation to consult with the Iowa County Treasurers Association when annually setting the mailing fee for motor vehicle or trailer registrations.

Code Section 331.553 is amended to add two provisions relating to the form and method of payment made to county treasurers by allowing county treasurers to accept electronic transfers of moneys and require a payor or agent of a payor to pay by electronic transfer if the aggregate payment is \$100,000 or more.

Code Section 384.59 is amended to require that the parcel number be identified on a special assessment payment schedule prepared by a city. Code Sections 384.60 and 384.63 are updated to refer to the county system of records rather than to the tax list or to a separate special assessment deficiencies book. Code Section 384.70 is amended to provide that funds paid for transfer of tax sale certificate to the holder of a special assessment bond payable from assessments on the property for which the certificate was issued shall be paid to the county treasurer, rather than to the county auditor. Code Section 427.9 is amended to require the county board of supervisors and the Department of Human Services to verify annually a person's eligibility for property tax suspension.

Code Section 435.1 is amended to remove from the definition of "modular home" the requirement that it be built on a permanent chassis. The section is also amended to require that a manufactured home placed outside a mobile home park be titled.

Code Section 445.37 is amended to provide that a property tax payment must be received by the county treasurer or postmarked on the day before the delinquent date to avoid late interest charges.

Code Section 446.9 is amended to provide that notice of the annual tax sale shall be published in at least one of the official newspapers in the county. Code Section 446.16 is amended to allow the county treasurer to collect a registration fee from tax sale certificate buyers at the tax sale to cover the cost of the sale.

Code Section 446.31 is amended to increase the certificate of purchase assignment fee from \$10 to \$100. The fee remains \$10 for estates, however.

Code Section 447.10 is amended to provide that the fee charged a tax sale certificate holder for publication of notice of expiration of right of redemption shall not exceed fees established by the Code to be charged to counties for official publications.

Code Section 448.1 is amended to provide that if a tax sale certificate holder does not take action for issuance of a deed within 90 days of the expiration of the redemption period, the tax sale certificate is canceled.

Code Section 448.3 is amended to clarify the rights of the deedholder after a deed on property sold at sale is issued.

Code Section 468.57, relating to drainage district installment payments, is amended to be consistent with provisions on payment of special assessments.

Code Sections 468.160, 468.162, 468.163, and 468.165, all relating to drainage districts, are amended to provide that land upon which there is an unpaid drainage assessment shall be sold at tax sale and transfer related duties from the county auditor to the county treasurer.

Code Section 555B.4 is amended to require that notices of abandoned mobile homes and personal property include the docket and case number of the abandonment petition filed with the court. Code Section 562B.7 is amended to change the definition of "mobile home park" to include three or more mobile homes, manufactured homes or modular homes placed on developed property and operated for a profit.

Code Section 444.28, which applied to the property tax limitation on cities and counties for fiscal year 1994-1995, is repealed.

Those sections of the Act amending Code Sections 446.9, 446.16, 446.31, 448.1, 448.3, 468.57, and 555B.4 take effect May 6, 1997. Code provisions are also updated to refer to the county system of records rather than to fee books.

HOUSE FILE 726 - Tax Credits and Exemptions — Local Budget Practices — Property Tax Statements
BY COMMITTEE ON WAYS AND MEANS.

Division I - Livestock Production Credit

Division I amends Code Section 422.120, which provides for a state tax credit for livestock production operations located in the state. A \$2 million standing appropriation is used to support the tax credit. The amount of the credit equals 10 cents for each corn equivalent consumed by the livestock in the production operation. The credit is available to an individual or corporate taxpayer who owns livestock if the total net worth of the taxpayer during the taxpayer's tax year is less than \$1 million and the taxpayer receives, or accrues in the case of an accrual-basis taxpayer, more than one-half of the taxpayer's gross income from farming or ranching operations during the tax year. This Division replaces these net worth and gross income requirements with a requirement that the individual or corporation have federal taxable income of not more than \$99,600 for the tax year. The amount is adjusted for inflation. The Division provides that for tax years beginning on or after January 1, 1997, the tax credit shall only be allowed for cow-calf operations. The Division defines cow-calf operations as meaning mature beef cows bred or for breeding, bred yearling heifers and breeding bulls.

Division II - State Property Tax Reimbursement

Division II provides that beginning with property taxes payable in the fiscal year beginning July 1, 1998, the cost of providing property tax credits or reimbursements that are enacted on or after January 1, 1997, shall be fully funded by the state. If the state does not provide funding for 100 percent of the cost of the total exemption or credit, the taxpayer will receive only a portion of the intended credit or exemption to the extent the resulting exemption or credit is fully funded. The portion the taxpayer will receive is based upon an estimate made by the Department of Revenue and Finance. This also applies to the homestead credit, low-income additional homestead credit, elderly and disabled additional homestead credit, and military service tax credit but only to the extent of \$6.75 per \$1,000 of assessed value.

State reimbursements to local governments for the homestead credit, the elderly and disabled additional homestead credit and rent reimbursement, and the military service credit were frozen, beginning with FY 1992-1993, at the FY 1991-1992 level. The Division eliminates the freeze and provides for standing unlimited appropriations for these credits and reimbursements. These reimbursements apply to reimbursements made on or after July 1, 1997.

Beginning with the fiscal year beginning July 1, 1997, the amount of reimbursements in excess of the dollar amount of reimbursements for FY 1996-1997 that a school district will receive because of the full funding of the homestead credit, military service credit, and elderly and disabled credit shall be used entirely for property tax relief. In the case of a city or county, at least 50 percent of such excess reimbursements shall be used for property tax relief with any remaining amount to be used for infrastructure. The counties may use the remaining amount to pay expenses incurred in providing tax statements and receipts required under a Code section amended in Division III. This requirement, describing how the excess reimbursement amounts may be used, does not apply after FY 2001-2002.

Division II also repeals the extension of time for filing late claims for the homestead and military property tax credits. Currently, the Code provides that late claims for the homestead and military property tax credits can be filed after the July 1 deadline through December 31 of the following year.

Division III - Local Government Budgeting Practices

This Division makes numerous changes relating to property taxes and local budget practices.

The Division provides that cities and counties whose budget is certified after March 15 shall be limited to the prior year's certification amount.

The Division requires that the Department of Management prescribe the forms for budgets certified to the county auditor and for the public hearing notice on the budget for use by cities and counties. The Division also requires the department to certify local budgets back to the county auditor by June 15 of each year.

The publication deadline for the city and county annual financial reports are changed from October 1 to December 1. The Division also provides that the Department of Management shall prescribe the form for the annual financial report. The Division prescribes a monetary withholding penalty for late filing of the report.

The Division also requires that a property tax statement be delivered to the taxpayer. The Division specifies additional comparative information that must be included on the property tax statement.

A section of the Division requiring that a tax statement be prepared and mailed applies to tax statements issued for fiscal years beginning on or after July 1, 2001. The sections of the Division that do not deal with preparation and issuance of tax statements apply to budgets prepared for fiscal years beginning on or after July 1, 1998.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A section of Division III establishing a Tax Statement Study Committee. Also, the applicability provision requiring that the new tax statements be issued beginning with FY 2002 is vetoed.

HOUSE FILE 729 - Local Option Sales and Services Taxes

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Section 422B.9 to provide that local option sales and services taxes shall be remitted to the Department of Revenue and Finance at the same frequency as is required for state retail sales and services taxes, which will provide uniformity in the reporting and depositing of state sales and services taxes and local sales and services taxes. Local tax collection shall not be included in the computation of state retail sales and services tax to determine frequency of remitting. Instead, the computation of state sales and services tax should be used to determine the frequency with which local taxes should be remitted to the department.

The Act also amends Code Section 422B.10 to increase the amount of estimated local option sales and services tax receipts remitted by the department to the counties and cities from 90 to 95 percent and also provides that such remission shall be on a monthly, rather than quarterly, basis.

TRANSPORTATION

- SENATE FILE 5 - Ex-Prisoner of War Motor Vehicle Plates
- SENATE FILE 80 - Police Bicycles
- SENATE FILE 132 - Department of Transportation — Miscellaneous Provisions
- SENATE FILE 177 - Motor Vehicle Operation — Parking — Littering
- SENATE FILE 229 - Motor Vehicle Licenses for Undercover Officers
- SENATE FILE 293 - Reporting of Motor Vehicle Accidents
- SENATE FILE 379 - Repair of Out-of-State Commercial Vehicles
- SENATE FILE 545 - Centralized State Debt Collection — Information — Drivers Licenses
- HOUSE FILE 383 - Highway Information Centers and Rest Areas
- HOUSE FILE 416 - Trucks and Other Large Motor Vehicles
- HOUSE FILE 685 - Motorcycle Dealer Business Hours
- HOUSE FILE 688 - Parking for Persons With Disabilities
- HOUSE FILE 692 - Parking Permits — Statement Regarding Handicap
- HOUSE FILE 704 - Transportation Regulation

RELATED LEGISLATION

- SENATE FILE 222 - Use Tax on Motor Vehicle Leasing
SEE TAXATION. This Act relates to the administration of use tax on leased motor vehicles and provides that if a lease is terminated prior to the termination date, no use tax paid is refundable unless the lease is terminated under the Defective Motor Vehicle (Lemon Law) statute.
- SENATE FILE 391 - Appropriations — Transportation
SEE APPROPRIATIONS. This Act makes appropriations from the General Fund of the State, the Road Use Tax Fund, and the Primary Road Fund to the State Department of Transportation, establishes the number of full-time equivalent positions authorized to the department, and contains related statutory provisions.
- SENATE FILE 432 - Disposition of Condemned Property and Unused Right-of-Way
SEE COURTS, CIVIL LAW & PROCEDURE, & PROBATE. This Act permits the prior owner of, or owner of property adjacent to, unused highway right-of-way property to acquire the unused property prior to having the property offered for sale to the public.
- SENATE FILE 499 - Tobacco Violations by Underage Persons — Age Identification on Licenses
SEE HEALTH & SAFETY. This Act relates to privileges and prohibitions relating to tobacco, tobacco products and cigarettes relative to minors. The Act provides that motor vehicle licenses or nonoperator's identification cards issued to persons under 18 years of age are to include, prominently on the face of the license, the words "under eighteen" and those issued to persons under the age of 21 but older than 18 are to include, prominently on the face of the license, the words "under twenty-one."
- HOUSE FILE 372 - County Issuance of Motor Vehicle Licenses — Study
SEE LOCAL GOVERNMENT. This Act establishes a committee to study whether to expand statewide the current program authorizing six counties to issue driver's licenses.
- HOUSE FILE 514 - Financial Liability Coverage for Motor Vehicles
SEE BUSINESS, BANKING & INSURANCE. This Act prohibits a person from driving a motor vehicle registered in this state on the highways of this state unless financial liability coverage is in effect for the motor vehicle. The driver is also subject to a conviction for a violation if the driver does not have in the motor vehicle a proof of financial liability coverage card issued for the motor vehicle.

- HOUSE FILE 645** - Financial and Regulatory Procedures of Counties, Cities, and Drainage Districts
SEE TAXATION. This Act makes a number of changes to the powers and duties of county treasurers. The Act provides that junking certificates for vehicles shall be printed on the vehicle registration receipt rather than as a separate document. The Act also directs the Director of Transportation to consult with the Iowa County Treasurers Association when annually setting the mailing fee for motor vehicle or trailer registration.
- HOUSE FILE 707** - Operating While Intoxicated and Related Provisions
SEE CORRECTIONS, CRIMINAL LAW & PROCEDURE. This Act amends the laws relating to the offense of operating while intoxicated, including increasing criminal penalties, requiring substance abuse evaluation and a drinking drivers course by all persons whose licenses are revoked under Code Chapter 321J, and requiring ignition interlock devices upon a second or subsequent offense as a condition of obtaining a temporary restricted license.

TRANSPORTATION

SENATE FILE 5 - Ex-Prisoner of War Motor Vehicle Plates

BY MADDOX, DOUGLAS AND LIND. This Act sets the fee for ex-prisoner of war license plates at \$15 and limits an ex-prisoner of war to one set of plates. In 1996, the fee for ex-prisoner of war license plates was changed from a flat fee of \$15 to a fee of \$25 in addition to the regular motor vehicle registration fee and an ex-prisoner of war was allowed to have more than one set of plates.

The Act provides that a person who paid for ex-prisoner of war license plates on or after January 1, 1997, but before the effective date of the Act, may obtain a refund of the fees paid in excess of \$15, for one set of ex-prisoner of war license plates only. Refunds may be obtained by submitting a claim to the State Department of Transportation on a form obtained from the county treasurer.

The Act also requires a person who obtained more than one set of ex-prisoner of war license plates to surrender the additional plates not later than the end of the registration year for which the plates were issued.

The Act takes effect February 18, 1997, and is retroactively applicable to January 1, 1997.

SENATE FILE 80 - Police Bicycles

BY LUNDBY. This Act provides that peace officers operating bicycles are subject to the requirements of Code Chapter 321 except where specific exceptions have been created. A peace officer on a bicycle may run a red light or stop sign or exceed the posted speed limit in the same manner as peace officers operating motor vehicles. The Act also provides that police bicycles may have sirens or whistles, and that peace officers riding bicycles in the line of duty need not operate the front and rear lights as normally necessary.

SENATE FILE 132 - Department of Transportation — Miscellaneous Provisions

BY COMMITTEE ON TRANSPORTATION. This Act contains provisions relating to the regulation of transportation and motor vehicles.

The Act adds a definition of "agricultural hazardous material" and amends the definition of "new motor vehicle." "Agricultural hazardous material" means a hazardous material that directly supports the production of an agricultural commodity, other than hazardous waste, including fertilizer, pesticides, soil conditioners, or fuel, as found in certain provisions of Title 49, Code of Federal Regulations. "New motor vehicle or new car" is defined as a motor vehicle subject to registration that has not been sold at retail.

The Act provides that only one "registration applied for" card will be issued for each motor vehicle purchased.

The Act provides that the release of a security interest on a vehicle with a gross weight rating of 16,000 pounds or more is to be noted on the title, or may be noted on a form issued by the State Department of Transportation.

The Act provides that damage disclosure statements are not required to be provided to purchasers of new motor vehicles with a true mileage of 1,000 miles or less.

A person must obtain a certificate of title in the person's name prior to selling, offering for sale, or transferring a motor vehicle, trailer or semitrailer, unless the transaction is exempt because the person acquiring the vehicle is a dealer or title is transferred by operation of law. Failure to comply with this provision is a simple misdemeanor.

The Act creates a new separate offense of driving with an expired license. Currently, this offense is contained within the offense of operating without a license in Code Section 321.174. This offense continues to be punishable by a \$20 scheduled fine.

The Act eliminates language in Code Section 321.208A requiring the department to adopt out-of-service rules for commercial driver's license holders consistent with federal regulation. Currently, this section only imposes a penalty for violators of out-of-service orders regarding alcohol-related violations.

The Act exempts portable or part-time stop signs from the requirement that all traffic signs in school zones conform to specifications in the department's manual of traffic control devices.

The Act provides that when a local law enforcement agency is notified of a traffic accident involving hazardous materials, the agency is to notify the department. Currently, local law enforcement agencies are only required to notify the Iowa Highway Safety Patrol.

The Act requires that reflective devices and amber flashing lights on slow-moving vehicles be in accordance with the standards of the American Society of Agricultural Engineers instead of approved by the Director of Transportation.

Code Section 321.450, relating to hazardous materials transportation regulations, is amended to provide that the section or rules adopted in accordance with the section do not disqualify a person employed as a driver of commercial vehicles engaged in commerce within the state prior to July 29, 1996, who had a physical or medical condition which also existed prior to July 29, 1996, from employment as a driver of commercial vehicles engaged in intrastate commerce. The Act also exempts farmers or their employees from hazardous materials transport rules when transporting agricultural hazardous materials between sites in the farmer's agricultural operations, unless the material is being transported on an interstate highway. "Farmer" is defined as a person engaged in the production or raising of crops, poultry or livestock, and not a commercial applicator of agricultural chemicals or fertilizers.

The Act provides that an owner's vehicle liability insurance is secondary to the vehicle liability insurance of the driver or a person vicariously responsible for the negligence of the driver.

The Act permits consecutive revocations for a person convicted of being a habitual offender while the person's license was revoked for a previous habitual offender conviction.

The Act adds "junking" to the description of "vehicle salvager" in the Code chapter relating to vehicle recyclers. A person who is not otherwise authorized to recycle used vehicles may not junk and offer for sale more than six bodies, parts of bodies, or frames of used vehicles that are subject to registration under Code Chapter 321 in a calendar year. The Act increases the penalty for a violation of the chapter from a simple to a serious misdemeanor.

"Engaged in the business" is added to the definitions in Code Section 322.2 regarding motor vehicle manufacturers, distributors and dealers, and is defined in the Act as acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment, conducting a retail auction, or acting as an agent for any of those purposes for the purpose of the retail sale of motor vehicles. A person selling more than six motor vehicles during a 12-month period is presumed to be engaged in the business of selling motor vehicles. The Act also prohibits a person engaged in the business of selling motor vehicles at retail from displaying motor vehicles at a location other than the person's place of business unless an exception under Code Section 322.5 applies. The Act increases the penalty for a violation of the chapter, which takes effect when the Code does not otherwise provide a specific penalty for such violation, from a simple to a serious misdemeanor.

The Act eliminates the licensing of motor vehicle factory or distributor representatives and provides that the realignment, relocation or reduction of motor vehicle dealerships cannot constitute good cause for terminating a dealer franchise.

The Act requires that all motor vehicle operators from jurisdictions not participating in the international fuel tax agreement comply with Code Chapter 452A, relating to motor fuel taxes, by using the guidelines from the agreement for reporting purposes, penalty, interest, and credential display.

The Act amends the Code to provide that permanent fuel permits or licenses must comply with the international fuel tax agreement. The Act also increases the fee for a single trip interstate permit from \$12 to \$20, and requires records related to motor fuel and special fuel taxes to be kept for a period of four years. Currently, records are required to be kept for three years.

The Act provides for a \$50 scheduled fine for violations of Code Section 321.57, Operation Under Special Plates, and for violations of Code Section 321.62 relating to transporter or dealer records. The Act also provides for a \$20 scheduled fine for operating a motor vehicle with an expired license or permit.

Code sections relating to an implementation period for 12-month registration, trucks with solid rubber tires, and approval of reflectors and lighting equipment are repealed.

The Act also strikes several provisions requiring the Director of Transportation to adopt administrative rules regarding snow tires, tow bars, directional signs, strobe lights for school buses, bicycle reflectors, motor vehicle lights, weight-equalizing hitches, safety glass, and safety belts. These provisions are either obsolete or have been superseded by federal requirements.

SENATE FILE 177 - Motor Vehicle Operation — Parking — Littering

BY COMMITTEE ON TRANSPORTATION. This Act makes changes to several provisions relating to the operation of motor vehicles. The Act establishes the offense of careless driving. A person commits careless driving by causing unnecessary tire squealing, skidding or sliding while accelerating or stopping, by simulating a race, by causing a wheel or tire to lose contact with the ground unnecessarily, or by causing the vehicle to unnecessarily turn or sway. A violation of this provision is a simple misdemeanor under Code Section 321.482.

The Act removes the simple misdemeanor penalty for littering and provides for a scheduled violation of \$25 for littering. This change is also applicable to violations of Code Section 321.370, which requires the removal of injurious material dropped or thrown on a highway.

The Act amends Code Section 321J.7 to specifically state that a physician may provide oral certification for an alcohol or drug test of a person who is dead, unconscious or incapable of providing consent if the oral certification is followed by written certification by the physician within a reasonable time of the test.

The Act provides that the uniform penalty for handicapped parking violations is the \$100 scheduled fine established in Code Section 805.8.

SENATE FILE 229 - Motor Vehicle Licenses for Undercover Officers

BY COMMITTEE ON TRANSPORTATION. This Act authorizes the State Department of Transportation to issue a motor vehicle license to a peace officer or federal law enforcement officer for the purpose of providing the officer with a fictitious identity for use when performing undercover duty. The department is directed to adopt administrative rules in cooperation with the Commissioner of Public Safety to implement the provisions of this Act. Motor vehicle licenses include driver's licenses, chauffeur's licenses, commercial driver's licenses, and motorcycle licenses. The officer must be qualified to obtain the type of license sought.

The Act provides that undercover licenses shall only be issued at the request of the law enforcement agency employing the officer who needs the license, and limits use of the license to official duty when a fictitious identity is necessary. When the officer no longer needs the license for undercover duties, the license shall be surrendered.

The Act also requires the officer using the fictitious identity to report traffic citations issued the officer while using the undercover license. An officer using an undercover license on official business is not subject to prosecution for violations of Code Chapter 321 if the violation was necessary to protect the identity of the officer.

An officer who provides false information to the department to obtain an undercover license, who uses the license during the commission of a crime other than provided for by the Act, or who knowingly allows another person to use the license commits a class "D" felony. A person who uses the license improperly, without committing a public offense, or who fails to surrender the license commits an aggravated misdemeanor.

The Act provides that the fee for an undercover license is the same as for issuance of any of the regular licenses issued by the department. In addition, records regarding the issuance of an undercover license are confidential public records.

The Act takes effect May 1, 1997.

SENATE FILE 293 - Reporting of Motor Vehicle Accidents

BY COMMITTEE ON COMMERCE. This Act increases from \$500 to \$1,000 the property damage limit applicable to mandatory reporting of a motor vehicle accident and to suspension of the license of a person involved in a motor vehicle accident by the State Department of Transportation.

SENATE FILE 379 - Repair of Out-of-State Commercial Vehicles

BY COMMITTEE ON TRANSPORTATION. This Act allows the operator of a commercial motor vehicle that is not registered within the state and does not have an interstate fuel permit, to enter the state, travel to a commercial vehicle dealer or repair facility and exit the state, under the following circumstances:

1. The commercial motor vehicle is entering the state solely for the purposes of maintenance and repair to the commercial motor vehicle and is exiting the state after having completed vehicle maintenance or repair.
2. The operator has obtained a temporary entry or exit permit from the commercial vehicle dealer or repair facility.
3. The commercial vehicle is unladen.

The Act requires the State Department of Transportation to provide a temporary entry or exit permit to an operator when the operator takes the commercial motor vehicle for repair or returns from having the commercial motor vehicle repaired. Any operator in possession of the document allowing entry into the state or exit from the state may not be charged with a registration violation under Code Chapter 321 or 326, or with a motor vehicle fuel tax violation under Code Chapter 452A.

SENATE FILE 545 - Centralized State Debt Collection — Information — Drivers Licenses

BY COMMITTEE ON WAYS AND MEANS. This Act reestablishes the Driver's License Indebtedness Clearance Pilot Project. The Act provides that the State Department of Transportation shall not renew a driver's license, or shall suspend the driver's

license of a person who has a delinquent account or other indebtedness owed to or being collected by the state, unless the applicant or licensee has made arrangements for the payment of the account or debt with the agency collecting the account or debt. The department shall determine which counties will participate in the pilot project. However, a county may elect to join the pilot project voluntarily.

In addition, the Act permits the Director of Revenue and Finance to provide the names, addresses and amount of indebtedness owed or being collected by the state to credit reporting agencies.

The Act takes effect May 19, 1997.

HOUSE FILE 383 - Highway Information Centers and Rest Areas

BY COMMITTEE ON TRANSPORTATION. This Act provides that, after January 1, 1997, a party entering into an agreement under Code Section 306C.21 shall not develop, establish or own any commercial business adjacent to the rest area which is subject to the agreement. Code Section 306C.21 allows the State Department of Transportation to enter into agreements with private persons, firms or corporations for the establishment of information centers in rest areas on the interstate or primary highways. The Act further provides that an interstate rest area shall be located entirely on the interstate right-of-way, including, but not limited to, all entrance ramps, all rest area buildings including information centers, and all parking facilities. Department moneys shall not be used for any other type of interstate rest area. If an interstate rest area is reconstructed, the area available for parking shall be equal to or more than the area available for parking prior to the reconstruction.

The Act takes effect April 23, 1997, and applies retroactively to January 1, 1997.

HOUSE FILE 416 - Trucks and Other Large Motor Vehicles

BY COMMITTEE ON TRANSPORTATION. This Act makes changes to statutory provisions governing the operation of trucks and other large motor vehicles as follows:

Code Section 321.1 is amended to define the word "crane" to mean a machine for raising, shifting and lowering heavy weights by means of a projecting swinging arm, and a "retractable axle" as an axle designed with the capability of manipulation or adjustments of the weight and the axle.

The Act eliminates the requirement that the Director of Transportation adopt safety standards regarding pneumatic tires designed originally without grooves or tread, and effective July 1, 1999, prohibits vehicles from operating with tire weights per inch of tire width that are greater than 575 pounds per inch of the tire width on a nonsteering axle and 600 pounds per inch of tire width on a steering axle based on the tire width rating.

The Act provides that vehicles used solely for the hauling of automobiles, light trucks and recreational vehicle chassis are exempt from a permit requirement if the load vehicle is 14 feet tall or less.

The Act amends Code Section 321.463 to state the maximum allowable vehicle weights for interstate and noninterstate highways in chart form. The maximum weight is also increased to 96,000 pounds for livestock and construction vehicles on noninterstate highways. The Act provides that the increase, to 96,000 pounds, in maximum gross weight for vehicles on the primary road system takes effect July 1, 1997, and for the urban and secondary road system takes effect December 31, 1998. Prior to that date, local authorities may approve routes of travel for 96,000-pound vehicles on urban and secondary roads.

The Act provides that model year 1999 and later motor vehicles with retractable axles must have the weight-adjusting device located where it is inaccessible to the driver during operation of the vehicle. The controls for raising and lowering the axle may be located in the cab of the vehicle, however.

The Act permits cranes with gross weights per axle of up to 24,000 pounds to be moved temporarily on streets, roads or highways.

Vehicles with loads not more than 12 feet 5 inches in width, 14 feet in height, not greater than 100 feet in length, and weighing between 80,000 and 136,000 pounds may, under the Act, be moved unlimited distances on highways specified by the permitting authority, provided that the vehicle owner or operator verifies to the permitting authority before moving the load that road conditions have not changed so as to prohibit the load from being moved. The vehicle owner or operator is also liable for damages done to highways or highway structures from the load. These vehicles are prohibited by the Act from traveling on the interstate highway system if the vehicle exceeds 80,000 pounds gross weight.

As provided in the Act, cranes exceeding the maximum gross axle weight allowed in Code Section 321.463, but not exceeding 24,000 pounds in axle weight, may be moved under a single-trip permit in accordance with rules adopted by the department.

The Act also permits vehicles not more than 120 feet in length and 16 feet in width, and of any height, to be moved on highways designated by the permitting authority under a multi-trip permit provided that the total vehicle gross weight is not more than 156,000 pounds. Current size limitations are 11 feet in width, 100 feet in length, and 14 feet four inches in height, and the weight limitation is determined under Code Section 321E.7.

The Act also amends Code Section 321E.14 to create an annual permit fee of \$300 for vehicles with gross weights between 80,000 and 136,000 pounds. The fee for all other annual permits remains at \$25. The fee for a multi-trip permit is increased from \$100 to \$200.

HOUSE FILE 685 - Motorcycle Dealer Business Hours

BY COMMITTEE ON TRANSPORTATION. This Act provides that a motorcycle dealer is not required to maintain regular business hours at the dealer's principal place of business or other business locations. Current administrative rules require that motorcycle dealers be open to the public for a minimum of 32 posted hours each week between Monday and Friday, inclusive.

HOUSE FILE 688 - Parking for Persons With Disabilities

BY COMMITTEE ON TRANSPORTATION. This Act makes several changes regarding handicapped parking permits.

The Act changes the term "handicapped person" to the term "person with a disability," and makes conforming changes to related terms. The Act also eliminates the requirement that handicapped parking signs state the amount of the fine for violations of handicapped parking provisions. Public and private entities may continue to use signs and other devices bearing the word "handicapped" until those devices are replaced in the normal course of business.

The Act also authorizes the State Department of Transportation to issue nonexpiring, removable windshield placards to persons who are handicapped by reason of a lifelong disability. To be eligible for a nonexpiring placard, a physician or chiropractor must state in writing to the department that the person's disability is permanent. A nonexpiring placard must be a different color from a temporary placard and state that it is a nonexpiring placard.

Currently, certain persons who transport handicapped or elderly persons may obtain removable windshield placards that must be renewed every four years. The Act designates these placards as expiring removable windshield placards. Persons receiving these placards must comply with Code Section 321L.4 regarding the display and use of the permit.

The Act eliminates the requirement that the physician or chiropractor who made the determination regarding the handicapped person's disability sign the removable windshield placard. The Act also eliminates the requirement that a handicapped person who obtains a removable windshield placard have a handicapped designation on the person's driver's license or obtain a nonoperator's identification card.

The Act takes effect April 22, 1997.

HOUSE FILE 692 - Parking Permits -- Statement Regarding Handicap

BY COMMITTEE ON HUMAN RESOURCES. This Act provides that handicapped parking permits may be issued pursuant to the statement of a physician assistant or nurse practitioner. Currently, only physicians and chiropractors may provide information to the State Department of Transportation regarding the disability of the person seeking the handicapped permit. The Act also makes physician assistants and nurse practitioners subject to the \$300 civil penalty for providing false information regarding such permits.

HOUSE FILE 704 - Transportation Regulation

BY COMMITTEE ON TRANSPORTATION. This Act makes changes to statutory provisions relating to the State Department of Transportation.

The Act requires the department to adopt rules regarding the regulation of certain signs along interstate highways and in the areas adjacent to other roads, including a fee schedule for signs, beginning January 1, 1999. For the remainder of 1997 and 1998, the Act establishes renewal fees for signs as follows:

- For signs up to 375 square feet in area, \$15.
- For signs 376 to 999 square feet in area, \$25.
- For signs 1,000 square feet and over, \$50.

The Act authorizes the county engineer to approve progress payments on farm-to-market road projects. Currently, only the board of supervisors and the department may approve progress payments.

The term "road construction zone" is changed to "road work zone" and defined as the portion of a highway that is identified as the site of construction, maintenance, survey, or utility work.

The Act adds authorized emergency vehicles used in disaster relief that are owned and operated by a not-for-profit entity to the vehicles exempted from paying fees under Code Chapter 321. This provision takes effect May 1, 1997.

The Act authorizes the department to undertake a program to utilize electronic means for applying for titles for vehicles traveling in interstate commerce, including the use of electronic funds transfers.

The Act also authorizes the department to issue "love our kids" and motorcycle rider education special plates. The fee for each is \$35. Proceeds from the "love our kids" plates are distributed to the Iowa Department of Public Health and proceeds from the motorcycle rider education plates are distributed to the Motorcycle Rider Education Fund. Code Section 321.34 is also amended to add a provision allowing an agency of the state which requests a special plate to request that an alternate fee of \$35 be assessed in lieu of the regular special fee with the proceeds from the alternate fee being credited by the Treasurer of State to the agency. The Act also requires the department to adopt administrative rules regarding the issuance of special license plates. Currently, special plates are issued only after the department recommends the plates be approved and the plates are enacted into law.

The Act authorizes the owners of 1948 model year vehicles or older or vehicles rebuilt to resemble street rods of 1948 or older vintage to mount only the rear license plate and carry the front plate in the vehicle.

County treasurers shall refuse to renew the vehicle registrations of persons who owe delinquent restitution anywhere in the state. Currently, registration is only refused in counties that have populations of 25,000 or more or which have agreed to do so by resolution. Restitution includes any delinquent fine, penalty, surcharge, victim restitution, or other restitution under Code Section 910.1, subsection 4. The Act provides for daily notification of persons who owe restitution by clerks of court to the department through the Iowa Court Information System and for notification to the county treasurers by the department through the distributed teleprocessing network. This provision takes effect on January 1, 1998.

Owners of trailers with an empty weight of 2,000 pounds or less may request regular-sized license plates instead of smaller plates for their trailers.

The Act increases from 20 days to 30 days the notice required to a motor vehicle operator before the operator's license may be suspended for habitually reckless operation, being a habitual violator, or other reasons. The section also provides that filing a petition for judicial review under the Iowa Administrative Procedure Act (Code Chapter 17A) does not stay a suspension for being physically or mentally incapable of safely operating a motor vehicle.

Code Section 321.218 is amended to apply the serious misdemeanor penalty applicable to a person who is found to have driven while the person's license is suspended or revoked under Code Chapter 321, to a person found to have driven while the person's license is revoked as part of the sentence for conviction of a drug offense.

The Act amends the exemption for road workers from most provisions of Code Chapter 321 contained in Code Section 321.233, so that it applies when the worker is operating equipment on behalf of a state or local authority. Currently, the equipment must be owned by or under lease to the state or local authority.

Code Section 321.253 is amended to eliminate the reference to the \$100 limitation on doubled fines for moving violations in road work zones.

The Act permits chiropractors to certify that a person is unable to wear a safety belt.

The Act provides that implements of husbandry must be operated within the weight requirements of Code Section 321.463, except for certain cattle feeding machinery, which need not meet the requirements of Code Section 321.463 until July 1, 1999. The Act also provides that implements of husbandry used to dispense feed to cattle at feedlots are not required to comply with the weight requirements of the section until July 1, 1999. Other implements of husbandry shall comply with the requirements as of July 1, 1997.

The clerk of the district court shall charge a fee of 50 cents for copies of records of conviction of a provision of Code Chapter 321 or other motor vehicle operation law. The fee is to be credited to the department to enhance the department's ability to process and transfer information within the Iowa Court Information System.

The Act amends the definition of "habitual offender" in Code Section 321.555 to include the offenses of eluding or attempting to elude a pursuing law enforcement vehicle and serious injury by a vehicle.

The Act amends Code Chapter 321E to consolidate references to escort vehicles in new Code Section 321E.34. Vehicles up to 14 feet, 6 inches in width may be moved on two-lane roads that have a minimum lane width of 12 feet and sufficient shoulder space. Vehicles up to 16 feet, 6 inches may be moved on four-lane highways without escort. The department is directed to adopt rules regarding the operation of escort vehicles.

The Act extends from 15 days to 30 days the time period for the Director of Transportation, upon request, to review a license revocation decision under Code Chapter 321J and either rescind or suspend the decision. Subsection 4 of Code Section 321J.13, providing for the reopening of a revocation hearing on the grounds of newly discovered evidence or a decision in favor of the defendant in the related criminal case, is stricken.

The Act repeals Code Chapters 325 (Certificated Carriers), 327 (Truck Operators), and 327A (Liquid Transport Carriers) and replaces them with new Code Chapter 325A regarding intrastate motor carrier regulation. Persons subject to regulation under Code Chapter 325A include intrastate for-hire motor carriers of goods, liquids and passengers.

The Act makes the department responsible for safety and financial responsibility regulations, tariff approval, and permit or certificate issuance or revocation for intrastate carriers. The department is no longer responsible for regulating matters under federal regulation, such as insurance coverage, rates, routes, and services.

The Act requires motor carriers of liquids or passengers to complete a safety education seminar within six months of being issued a permit or certificate. The department may charge a \$200 fee for the seminar, which may be provided by a third party approved by the department.

The Act also establishes the following fees: \$150 for a new application, to reinstate a permit or certificate, to transfer a passenger certificate, or to change ownership of a motor carrier permit or certificate; \$25 to change an address or name or issue a duplicate permit or certificate; and \$10 to update a tariff. Fees are to be credited to the Road Use Tax Fund, except for seminar fees, which are credited to the department to cover the costs of the seminars.

The Act establishes scheduled fines of \$50 for violations of marking requirements and \$250 for any other violation of Code Chapter 325A, such as unlawful tariffs or failure to have a required permit or certificate. The Act provides for the transition from the current regulation to regulation under Code Chapter 325A. Permits or certificates issued before January 1, 1998, are voided January 1, 1998, except insofar as the permit or certificate allows the person holding the permit or certificate to transport goods or passengers in intrastate commerce. The department is required to issue new permits or certificates to persons holding permits or certificates on December 31, 1997. The Act maintains the current system where the Department of Inspections and Appeals hears protests by third parties against the issuance of a permit or certificate to an applicant, with review of the hearing decision by the State Department of Transportation and judicial review pursuant to Code Chapter 17A.

Code Section 422.45, regarding sales and use tax, is amended to include special provisions regarding the refund of sales and use tax paid on State Department of Transportation construction projects. Under the provision, a contractor is considered the consumer of materials, supplies and equipment and must pay sales or use taxes directly to the department. Contractors are not, however, required to file information with the department regarding the amount of goods, merchandise or services rendered, furnished or performed. The department will file for the sales or use tax refund based upon a formula that must include consideration of the quantity of material and items of work necessary to complete the contract and the estimated cost of the materials included in the items of work and the rate of tax paid. The department is to maintain information on the materials needed and used for each contract in a database. The provision prohibits refunds on local option sales taxes paid by the contractor.

Code Section 805.8, regarding moving violations in road construction zones, is amended to use the term "road work zones," eliminate the cap on fines at \$100, and add scheduled fines for violations of Code Chapter 325A.

CHAPTER NUMBERS OF THE 1997 IOWA ACTS

SENATE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
5	2	205	20	417	73
21	89	214	137	432	149
30	54	219	57	433	86
35	1	222	34	442	130
59	6	229	92	451	94
75	31	230	35	457	39
80	71	232	58	460	110
82	200	233	14	472	150
83	146	235	59	473	193
95	55	236	93	497	95
104	32	238	60	499	74
109	106	240	202	501	40
116	107	241	178	503	125
118	33	246	148	515	126
123	90	251	11	516	41
126	19	272	15	522	75
128	172	280	179	523	42
129	135	281	128	526	138
131	56	285	191	528	127
132	108	292	16	529	211
145	3	293	72	531	182
160	5	296	36	533	205
161	192	299	17	541	151
163	136	300	21	542	209
174	91	358	129	544	152
176	85	361	37	545	153
177	147	362	180	549	212
184	140	379	109	551	204
189	18	391	207	553	154
190	10	395	38	555	183
193	83	410	181		

CHAPTER NUMBERS OF THE 1997 IOWA ACTS

HOUSE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
4	22	371	160	616	116
81	96	372	49	628	117
92	155	373	7	635	166
114	156	376	99	636	170
121	173	383	76	637	171
125	199	384	77	642	188
126	87	388	8	643	118
132	61	398	26	644	82
133	88	399	27	645	121
142	141	401	28	647	167
167	43	405	184	653	53
178	62	410	134	655	201
191	4	416	100	658	168
200	23	439	101	659	68
212	9	449	78	661	189
218	157	453	161	666	122
226	131	456	162	674	196
228	24	475	50	680	102
229	63	485	163	685	69
232	64	492	112	687	30
233	65	495	66	688	70
236	132	514	139	692	123
244	25	515	142	693	197
255	198	540	185	694	124
265	119	542	79	698	176
266	158	544	164	701	103
275	44	545	51	702	169
306	111	550	67	704	104
307	97	552	113	707	177
308	120	553	114	708	213
309	12	557	186	710	203
313	45	577	80	715	208
320	13	578	52	717	105
331	84	579	165	722	143
335	159	589	29	724	144
336	194	596	81	726	206
354	46	597	174	729	145
355	133	611	187	730	210
367	98	612	175	732	214
368	47	613	195	733	215
370	48	615	115	734	190

HOUSE JOINT RESOLUTIONS

File No.	Acts Chapter
5	216
10	217

1997 SECTIONS AMENDED, ADDED OR REPEALED

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
2.10	New subsection 8	SF 551.16	J
6B.56	New section	SF 432.1	J
7.20	Section amended	HF 405.1	E
7E.5A	New section	HF 733.28	J
7G.1	Subsection 7 amended	HF 200.1	J
7H.1	New section	SF 551.17	J
8.59	Section amended	HF 726.5	A J
8.60	Subsection 8 stricken	SF 391.5	VETO
8D.1	Section rewritten	SF 519.1	VETO
8D.2	New subsections 0A, 0B, 2A, 2B, 3A, 5A, & 7	SF 519.2	VETO
8D.2	Subsection 4 amended	SF 519.3	VETO
8D.2	Subsection 5 amended	SF 519.4	VETO
8D.13	Subsections 2 & 3 amended	SF 519.5	VETO
8D.13	Subsection 11 amended	HF 730.17	J
8D.13A	New section	SF 519.6	VETO
8D.13B	New section	SF 519.7	VETO
8D.13C	New section	SF 519.8	VETO
9E.10	Subsection 1, new paragraph e	SF 232.1	E
10A.108	Subsection 1, unnumbered paragraph 2 amended	HF 200.2	J
10A.108	Subsection 4, unnumbered paragraph 1 amended	HF 200.3	J
12.32	Subsection 1 amended	HF 613.1	A J
12.32	Subsection 3 amended	HF 613.2	A J
12.33	Section amended	HF 613.3	A J
12.34	Subsection 1 amended	HF 613.4	A J
12.40	Subsection 3 amended	HF 200.4	J
12.40	Subsection 3 amended	HF 613.5	A J
12.40	Subsection 4 amended	HF 613.6	A J
12.40	Subsection 7 amended	HF 613.7	A J
12.41	Subsection 1 amended	HF 613.8	A J
12.43	Section amended	HF 613.9	A J
12B.10	Subsection 6, new paragraph h	HF 540.1	J
12B.10A	Subsection 6, new paragraph h	HF 540.2	J
12B.10B	Subsection 3, new paragraph h	HF 540.3	J
12B.10C	New subsection 7	HF 540.4	J
12C.1	Subsection 1 amended	HF 540.5	J
12C.26	New section	SF 542.19	E
13B.6	Subsection 1 amended	HF 662.1	VETO
13B.9	Subsection 6 stricken	HF 662.2	VETO
15.108	Subsection 1, paragraph c amended	SF 272.1	J
15.108	Subsection 7, paragraph i amended	SF 272.2	J
15.108	New subsection 11	HF 732.1	J
15.114	Subsection 1, paragraph c amended	HF 200.5	J
15.177	New section	HF 733.30	VETO
15.286	Subsection 4, paragraph a amended	HF 688.1	E
15.331B	Subsection 3 amended	SF 205.1	J
15.335	Unnumbered paragraph 1 amended	SF 129.1	R 1/1/96
15.337	Unnumbered paragraph 3 stricken	SF 205.2	J
15.338	New section	HF 368.1	J
15.339	New section	HF 368.2	J
15.350	New section	HF 655.16	J
15.351	New section	HF 732.2	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions M - Multiple effective dates 00-00-00 - Specified effective date

C - Conditional effective date R - Retroactive applicability * - Section amended by subsequent bill

E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
15.352	New section	HF 732.3	J
15.353	New section	HF 732.4	J
15.354	New section	HF 732.5	J
15A.7	Subsection 4 amended	HF 200.6	J
15A.9	Subsection 8, unnumbered paragraph 2 amended	SF 129.2	R 1/1/96
15E.112	Subsections 1 & 3 amended	SF 391.6	7/1/2000
15E.176	New section	HF 733.29	VETO
15E.181	New section	HF 722.1	E
15E.181	New section	HF 724.1	J
15E.182	New section	HF 722.2	E
15E.182	New section	HF 724.2	J
15E.183	New section	HF 722.3	E
15E.183	New section	HF 724.3	J
15E.184	New section	HF 722.4	E
15E.184	New section	HF 724.4	J
15E.185	New section	HF 724.5	J
15E.186	New section	HF 724.6	J
16.5	New subsection 17	HF 655.17	J
16.40	Subsection 2 stricken	HF 655.18	J
16.91	Subsection 1 amended	HF 732.6	J
16.100	Subsection 2, paragraph a stricken	HF 655.19	J
16.131	Section amended	HF 191.1	E
16.132	Subsection 1, paragraphs c & d amended	HF 191.2	E
16.132	Subsection 5 amended	HF 191.3	E
16.132	Subsection 6 amended	HF 191.4	E
18.8	Unnumbered paragraph 1 amended	HF 730.18	J
18.24	New section	HF 733.31	VETO
19A.1	Subsection 3, paragraph a stricken	HF 401.1	J
19A.2	Subsection 2 stricken	HF 401.2	J
19A.3	Subsection 24, unnumbered paragraph 2 amended	SF 549.20	J
19A.4	Section repealed	HF 401.10	J
19A.6	Section repealed	HF 401.10	J
19A.7	Section repealed	HF 401.10	J
19A.9	Unnumbered paragraph 1 amended	HF 401.3	J
19A.9	Subsections 1, 2, 14, 16, & 23 rewritten	HF 401.4	J
19A.12B	New section	HF 540.6	J
19A.16	Section amended	HF 401.5	J
19A.18	Unnumbered paragraphs 6 & 7 amended	HF 401.6	J
22.7	Subsection 2 amended	HF 335.1	J
22.7	New subsection 37	SF 229.1	E
24.9	Unnumbered paragraph 1 amended	HF 726.11	A 7/1/98
24.9	New unnumbered paragraph	HF 726.12	A 7/1/98
24.17	Section amended	HF 726.13	A 7/1/98
25B.7	New section	HF 726.4	J
28E.28B	New section	HF 373.1	E
29C.20	Subsection 1 amended	HF 730.19	J
29C.21	Section rewritten	SF 358.1	J
30.7	Subsection 5 amended	SF 501.1	J
39.1A	New section	HF 636.1	E
43.6	Subsection 1 amended	HF 636.2	J
43.73	Unnumbered paragraph 1 amended	HF 636.3	J
43.79	Section amended	HF 636.4	J
43.88	Unnumbered paragraph 2 amended	HF 636.5	J
43.116	New subsection 3	HF 636.6	J
44.4	Unnumbered paragraph 1 amended	HF 636.7	J
44.11	Section amended	HF 636.8	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
44.17	New section	HF 636.9	J
47.4	New section	HF 636.10	J
47.5	Subsection 1 amended	HF 636.11	J
47.5	Subsection 2 amended	HF 636.12	J
47.6	Subsection 1, unnumbered paragraph 2 amended	HF 636.13	J
48A.22	Section amended	HF 636.14	E
48A.26	Subsection 1 amended	HF 636.15	E
48A.27	Subsection 4, paragraph b amended	HF 636.16	E
48A.27	Subsection 4, paragraph c, unnumbered paragraph 2 amended	HF 636.17	E
48A.27	Subsection 4, paragraph d amended	HF 636.18	E
48A.28	Subsection 2, unnumbered paragraph 2 amended	HF 636.19	E
48A.28	Subsection 3, unnumbered paragraph 1 amended	HF 636.20	E
48A.29	Subsection 1, unnumbered paragraph 2 amended	HF 636.21	E
48A.29	Subsection 3, unnumbered paragraph 2 amended	HF 636.22	E
49.13	Subsection 4 amended	HF 636.23	E
49.16	New subsection 5	HF 636.24	E
49.20	Section amended	HF 636.25	J
49.25	Subsection 3 amended	HF 636.26	E
49.25	New subsection 4	HF 636.27	E
49.26	Section amended	HF 636.28	J
49.27	Section repealed	HF 636.93	J
49.29	Section repealed	HF 636.93	J
49.30	Section amended	HF 636.29	J
49.31	Subsection 1 rewritten	HF 636.30	J
49.31	Subsection 4 amended	HF 636.31	J
49.31	New subsection 4A	HF 636.32	J
49.33	Section amended	HF 636.33	J
49.35	Section amended	HF 636.34	J
49.37	Subsection 1 rewritten	HF 636.35	J
49.37	Subsections 2 & 3 amended	HF 636.36	J
49.42	Section repealed	HF 636.93	J
49.42A	New section	HF 636.37	J
49.43	New unnumbered paragraph before unnumbered paragraph 1	HF 636.38	J
49.43	Unnumbered paragraph 2 amended	HF 636.39	J
49.44	Unnumbered paragraph 1 amended	HF 636.40	J
49.45	Section amended	HF 636.41	J
49.46	Section amended	HF 636.42	J
49.47	Section amended	HF 636.43	J
49.57	Section amended	HF 636.44	J
49.58	Unnumbered paragraph 1 amended	HF 636.45	J
49.92	Section amended	HF 636.46	J
49.93	Section rewritten	HF 636.47	J
49.94	Section amended	HF 636.48	J
49.95	Section amended	HF 636.49	J
49.96	Section amended	HF 636.50	J
49.97	Section amended	HF 636.51	J
49.98	Section amended	HF 636.52	J
49.99	Unnumbered paragraph 1 amended	HF 636.53	J
49.100	Section amended	HF 636.54	J
49.104	New subsection 7	HF 636.55	J
49.125	Section amended	HF 636.56	J
50.13	Section amended	HF 636.57	J
50.48	Subsection 4, unnumbered paragraph 1 amended	HF 636.58	E

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A - Applicability provisions M - Multiple effective dates 00-00-00 - Specified effective date

C - Conditional effective date R - Retroactive applicability * - Section amended by subsequent bill

E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
50.50	New section	HF 636.59	J
52.10	Section amended	HF 636.60	J
52.12	Section rewritten	HF 636.61	J
52.33	New unnumbered paragraph	HF 636.62	E
52.35	Subsection 2 amended	HF 636.63	E
52.36	Unnumbered paragraph 2 amended	HF 636.64	E
52.37	Subsection 2, unnumbered paragraph 2 amended	HF 636.65	E
52.38	Unnumbered paragraph 1 amended	HF 636.66	E
52.40	Subsection 1 amended	HF 636.67	E
53.2	Unnumbered paragraph 1 amended	HF 636.68	E
53.9	New section	HF 636.69	J
53.11	New unnumbered paragraph	HF 636.70	J
53.11	Unnumbered paragraph 2 amended	HF 636.71	J
53.19	Unnumbered paragraph 3 amended	HF 636.72	E
53.23	Subsection 3 amended	HF 636.73	J
54.5	New unnumbered paragraph	HF 636.74	J
59.1	New unnumbered paragraph	HF 636.75	J
62.1	Section amended	HF 636.76	E
62.2	Section amended	HF 636.77	E
62.9	Section amended	HF 636.78	E
69.13	Unnumbered paragraph 1 amended	HF 636.79	J
69.14A	Subsection 1, paragraph a, unnumbered paragraph 2 amended	HF 636.80	E
69.14A	Subsection 1, paragraph b, unnumbered paragraph 1 amended	HF 636.81	E
69.14A	Subsection 2, paragraph a, unnumbered paragraph 2 amended	HF 636.82	E
69.14A	Subsection 2, paragraph b, unnumbered paragraph 1 amended	HF 636.83	E
70A.1	Unnumbered paragraphs 1 & 7 amended	HF 401.7	J
70A.16	Subsection 2, unnumbered paragraph 1 amended	HF 401.8	J
70A.31	Section amended	HF 540.7	J
70A.32	Subsection 4 amended	HF 540.8	J
70A.33	Unnumbered paragraph 1 amended	HF 540.9	J
74A.6	Subsection 1 amended	SF 118.1	J
80.16	Section amended	HF 200.7	J
84A.1A	Subsection 1 amended	SF 460.1	E
84A.6	Section amended	SF 516.32	J
84A.7	Subsection 2 amended	HF 200.8	J
85.1	Subsection 1 amended	HF 167.1	J
85.1	Subsection 2 amended	HF 167.2	J
85.20	Section amended	SF 361.1	J
85.33	New subsection 6	HF 370.1	E
85.34	New subsection 6	HF 370.2	E
85.36	New subsection 12	HF 370.3	E
85.38	Subsection 2, new unnumbered paragraph	SF 296.1	J
85.60	Section amended	SF 361.2	J
85.61	Subsection 2, new unnumbered paragraph	SF 361.3	J
85.61	Subsection 11, new unnumbered paragraph	SF 361.4	J
85.71	Section amended	SF 109.1	J
85.72	New section	SF 109.2	J
87.4	Unnumbered paragraph 2 amended	SF 361.5	J
87.22	Unnumbered paragraph 1 amended	HF 557.1	J
88A.11	Subsection 3 amended	SF 501.2	J
88B.6	Subsection 2, paragraph a, subparagraph (3) amended	SF 501.3	J
89.3	New subsection 10, subsequent subsections renumbered	HF 399.1	J
90A.1	Section rewritten	HF 589.1	J
90A.2	Section rewritten	HF 589.2	J
90A.3	Section rewritten	HF 589.3	J
90A.3	Section repealed	SF 501.5	J

Section	Action Taken	Hse/Sen	File#	Effective
90A.4	Section rewritten	HF	589.4	J
90A.5	Section rewritten	HF	589.5	J
90A.6	Section rewritten	HF	589.6	J
90A.7	Section rewritten	HF	589.7	J
90A.8	Section rewritten	HF	589.8	J
90A.9	Section rewritten	HF	589.9	J
90A.10	Section rewritten	HF	589.10	J
90A.11	New section	HF	589.11	J
90A.12	New section	HF	589.12	J
91A.13	Section repealed	SF	501.5	J
91B.2	New section	SF	280.1	J
91C.1	Subsection 1 amended	HF	398.1	J
91C.7	Subsection 5 amended	HF	398.2	J
92.9	Unnumbered paragraph 1 amended	HF	398.3	J
92.9	Subsection 3 amended	HF	398.4	J
95.2	Unnumbered paragraph 1 amended	SF	501.4	J
96.3	Subsection 9, paragraph c amended	HF	612.222	J
96.3	New subsection 11	SF	395.1	J
96.5	Subsection 1, new paragraph j	HF	236.1	J
96.11	Subsection 6, new paragraph h	SF	395.2	J
96.19	Subsection 18, para. a, subpara. (6), subpara. subdivision (f) stricken	SF	395.3	J
96.19	Subsection 18, paragraph g, new subparagraph (8)	SF	395.4	J
96.40	Subsection 9, new unnumbered paragraph	SF	395.5	J
97A.7	Subsection 5 stricken	HF	200.9	J
97B.42	Unnumbered paragraph 7 amended	SF	233.1	A J
97B.49	Subsection 17, paragraph c, subparagraph (1) stricken	HF	200.10	J
97B.80	Unnumbered paragraph 1 amended	HF	200.11	J
99D.2	Subsection 8 amended	HF	212.1	J
99D.14	Subsection 6 rewritten	HF	212.2*	J
99D.14	Rewritten subsection 6 amended	HF	266.47	J
99D.25A	Subsection 2 amended	HF	200.12	J
99E.10	Subsection 1, paragraph a, unnumbered paragraph 2 is stricken	HF	710.11	J
99F.1	Subsection 15 amended	HF	212.3	J
100.40	Subsection 3 amended	SF	126.1	J
103A.10	Subsection 4, paragraph a amended	HF	732.7	VETO
103A.10	New subsection 5	HF	732.8	VETO
123.3	Subsection 19 amended	SF	515.1	J
123.47	Section amended	SF	515.2	J
123.47A	Section repealed	SF	515.54	J
123.47B	Section amended	SF	515.3	J
123.49	Subsection 3 amended	SF	515.4	J
123.50	Subsection 1 amended	SF	515.5	J
123.50	Subsection 4 stricken	SF	515.6	J
123.92	New unnumbered paragraph	SF	515.7	J
124.212	New subsection 5	HF	384.1	J
124.401	Subsection 1, para. a, subpara. (2), subpara. subdivision (e) amended	HF	666.1	J
124.401	Subsection 1, paragraph b, new subparagraph (8)	HF	666.2	J
124.401	Subsection 1, paragraph c, new subparagraph (7) and renumbering	HF	666.3	J
124.401C	New section	SF	503.1	J
124.406	Subsection 1, paragraph a amended	SF	118.2	J
124.406	Subsection 2, paragraph a amended	SF	118.3	J
125.21	Subsection 1 stricken	HF	710.12	J
125.83A	New section	HF	335.2	J

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A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	* - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
126.25	Subsection 1 amended	SF 300.1	J
126.27	New section	SF 497.1	J
135.11	Subsection 16 stricken	HF 200.13	J
135.11	New subsection 18A	HF 693.1	J
135.15	Section repealed	HF 335.25	J
135.22A	Subsection 6, paragraph f stricken	HF 710.13	J
135.43	Subsection 6 amended	HF 335.3	J
135.43	New subsections 7 & 8	HF 335.4	J
135.61	Subsection 14 amended	SF 236.1	J
135.61	Subsection 18, paragraphs c, e, g, h, i, j, k, l, & m amended	SF 236.2	J
135.62	Subsection 2, paragraph c amended	SF 236.3	J
135.63	Subsection 1 amended	SF 236.4	J
135.63	Subsection 2, paragraph a amended	SF 236.5	J
135.63	Subsection 2, new paragraphs j, k, l, m, n, o, & p	SF 236.6	J
135.63	Subsection 4, unnumbered paragraph 1 amended	SF 236.7	J
135.63	Subsection 4, paragraph a, unnumbered paragraph 1 amended	SF 236.8	J
135.65	Subsection 1 amended	SF 236.9	J
135.71	Unnumbered paragraph 1 amended	SF 236.10	J
135.77	Section repealed	HF 710.18	J
135.105A	Section amended	HF 335.5	J
135.105C	New section	HF 335.6	C
135.106	Section rewritten	SF 526.1	J
135.107	Subsection 3, para. c, subpara. (2), subpara. subdivision (a) amended	HF 200.14	J
135.107	Subsection 5 stricken	HF 710.14	J
135C.6	Subsection 8, new paragraph c	HF 702.18	J
135C.6	New subsection 8A	HF 702.26	J
135C.9	New subsection 4	HF 702.19	J
135C.33	Section amended	SF 523.1	J
135L.1	Subsection 3 stricken	HF 121.1	J
135L.2	Subsections 3 & 6 amended	HF 121.2	J
135L.3	Subsections 1 & 2 amended	HF 121.3	J
135L.3	Subsection 3, paragraph c amended	HF 121.4	J
135L.3	Subsection 3, paragraph 1 amended	HF 121.5	J
135L.3	Subsection 3, paragraph m, subparagraph (2) amended	HF 121.6	J
135L.3	Subsection 3, paragraph m, subparagraph (3) amended	HF 121.7	J
135L.3	Subsection 3, paragraph m, subparagraph (4) amended	HF 121.8	J
135L.3	Subsection 3, paragraph n amended	HF 121.9	J
135L.3	Subsection 3, new paragraph o	HF 121.10	J
135L.3	Subsection 3, new paragraph p	HF 121.11	J
135L.4	Section repealed	HF 710.19	J
135L.5	Section repealed	HF 121.17	J
135L.6	Section amended	HF 121.12	J
135L.7	Section amended	HF 121.13	J
135L.8	Section amended	HF 121.14	J
137.6	Subsection 4 amended	HF 401.9	J
137C.25C	Subsection 3 amended	SF 515.8	J
137E.1	Subsection 11 amended	HF 200.15	J
144.1	Subsections 5, 9, & 10 amended	HF 335.7	J
144.5	Subsection 4 amended	HF 335.8	J
144.12	Section amended	HF 335.9	J
144.13	Subsection 1, paragraphs a, b, & c amended	HF 335.10	J
144.13	Subsection 2 amended	HF 335.11	J
144.13	Subsection 2 amended	HF 612.223	J
144.13	Subsection 3 amended	HF 335.12	J
144.13	Subsection 3 amended	HF 612.224	J
144.13	Subsection 4, paragraph c amended	HF 612.225	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
144.15	Unnumbered paragraph 1 amended	HF 335.13	J
144.26	Section amended	HF 335.14	J
144.26	Section amended	HF 612.226	J
144.27	Section amended	HF 335.15	J
144.28	Section amended	HF 335.16	J
144.29	Section amended	HF 335.17	J
144.29A	New section	SF 128.1	J
144.30	Section amended	HF 335.18	J
144.31	Section amended	HF 335.19	J
144.32	Unnumbered paragraph 1 amended	HF 335.20	J
144.43	New unnumbered paragraph	HF 335.21	J
144.45A	New section	HF 710.20	J
144.52	New subsection 7	SF 128.2	J
147A.6	Subsection 1 amended	SF 59.1	J
152.12	New section	HF 335.22	J
152B.2	Subsection 5, unnumbered paragraph 3 amended	HF 659.1	J
152B.7A	Subsection 3 rewritten	HF 659.2	J
152B.11	New unnumbered paragraph	HF 659.3	J
153.36	Section amended	HF 335.23	J
155A.4	Subsection 2, new paragraph g	SF 457.1	J
155A.15	Subsection 2, paragraph d, unnumbered paragraph 2 amended	SF 457.2	J
155A.27	Subsection 1, unnumbered paragraph 1 amended	SF 457.3	J
155A.27	Subsection 1, paragraph c amended	SF 457.4	J
155A.39	New section	SF 457.5	J
155A.41	New section	SF 457.6	J
159.1	New subsections 0A, 0B, & 1A	SF 473.1	E
159.29A	New section	SF 473.2	E
159.29B	New section	SF 473.3	E
159A.7	Subsection 1, unnumbered paragraph 1 amended	SF 391.7	7/1/2000
159A.7	Subsection 3 stricken	SF 391.8	7/1/2000
159A.7	Subsection 6 amended	SF 391.9	7/1/2000
161A.7	New subsection 15	SF 235.1	J
161A.75	New section	SF 235.2	J
163.30	Subsection 2, paragraph c amended	SF 555.1	10/1/97
164.1	Section amended	HF 694.1	J
164.2	Section amended	HF 694.2	J
164.3	Section amended	HF 694.3	J
164.4	Section amended	HF 694.4	J
164.5	Section amended	HF 694.5	J
164.6	Section amended	HF 694.6	J
164.7	Section amended	HF 694.7	J
164.8	Section amended	HF 694.8	J
164.9	Section amended	HF 694.9	J
164.10	Section amended	HF 694.10	J
164.11	Section amended	HF 694.11	J
164.12	Section amended	HF 694.12	J
164.13	Section amended	HF 694.13	J
164.14	Section amended	HF 694.14	J
164.15	Section amended	HF 694.15	J
164.16	Section amended	HF 694.16	J
164.17	Section amended	HF 694.17	J
164.18	Section amended	HF 694.18	J
164.19	Section amended	HF 694.19	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A	Applicability provisions	M	Multiple effective dates	00:00:00	Specified effective date
C	Conditional effective date	R	Retroactive applicability	*	Section amended by subsequent bill
E	Effective upon enactment	VETO	Entire bill/section vetoed	**	Bill section repealed by subsequent bill
J	Effective July 1, 1997	TV	Part of bill section vetoed		

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
164.20	Section amended	HF 694.20	J
164.21	Section amended	HF 694.21	J
164.22	Section amended	HF 694.22	J
164.29	Section amended	HF 694.23	J
164.30	Section amended	HF 694.24	J
164.31	Section amended	HF 694.25	J
166D.2	Subsection 7, unnumbered paragraph 1 amended	SF 555.2	10/1/97
166D.2	Subsection 7, unnumbered paragraph 2 stricken	SF 555.3	10/1/97
166D.2	Subsection 31 amended	SF 555.4	10/1/97
166D.2	New subsections 39A & 39B	SF 555.5	10/1/97
166D.2	Subsection 45 amended	SF 555.6	10/1/97
166D.3A	New section	SF 555.7	10/1/97
166D.9	Subsection 4, unnumbered paragraph 1 amended	SF 555.8	10/1/97
166D.10	Subsection 1, unnumbered paragraph 1 amended	SF 555.9	10/1/97
166D.10	Subsection 1, unnumbered paragraph 2 amended	SF 555.10	10/1/97
166D.10	Subsection 4 amended	SF 555.11	1/1/98
169C.1	New section	SF 219.1	E
169C.2	New section	SF 219.2	E
169C.3	New section	SF 219.3	E
169C.4	New section	SF 219.4	E
169C.5	New section	SF 219.5	E
174.1	Subsection 1 amended	HF 733.32	J
174.9	Unnumbered paragraph 1 amended	HF 733.33	J
174.9	Subsection 4 amended	HF 733.34	J
174.10	Section amended	HF 733.35	J
174.12	Unnumbered paragraph 1 amended	HF 733.36	J
176A.14	Subsection 4, unnumbered paragraph 2 amended	SF 417.1	J
181.3	Subsection 1, unnumbered paragraph 1 amended	HF 687.1	J
181.6	Subsection 1 amended	HF 687.2	J
181.11	Section repealed	HF 687.8	J
181.13	Unnumbered paragraph 1 amended	HF 687.3	J
181.14	Section amended	HF 687.4	J
181.17	Section amended	HF 687.5	J
181.19	New unnumbered paragraph after unnumbered paragraph 1	HF 687.6	J
181.19	Unnumbered paragraphs 2, 4, & 5 amended	HF 687.7	J
190.14	Subsection 1 amended	SF 118.4	J
191.3	Unnumbered paragraph 1 amended	HF 200.16	J
191.9	Subsection 1 amended	SF 118.5	J
192.101A	New section	SF 451.1	J
192.102	Section amended	SF 118.6	J
192.104	Section amended	SF 451.2	J
192.108	Section amended	SF 451.3	J
192.110	Subsection 1 amended	SF 451.4	J
192.110	Subsection 2 amended	SF 118.7	J
192.111	Section amended	SF 451.5	J
192.112	New section	SF 451.6	J
192.113	New section	SF 451.7	J
192.118	Section amended	SF 451.8	J
193	Chapter repealed	SF 451.10	J
194.18	Section amended	SF 451.9	J
195	Chapter repealed	SF 451.10	J
196.8	Section amended	SF 161.1	J
207.21	Subsection 2 amended	HF 615.1	J
207.21	Subsection 3, paragraph d stricken	HF 615.2	J
207.23	Subsection 1 amended	HF 615.3	J
207.23	Subsections 4 & 5 stricken	HF 615.4	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
207.29	New section	HF 615.5	J
216A.5	Section repealed	HF 578.1	E
216A.138	New subsection 5A	SF 515.9	J
217.30	Section amended	SF 516.32	J
218.13	Subsections 2, 3, 4, & 5 amended	HF 702.12	J
218.99	Section amended	HF 702.1	J
222.2	New subsection 1A	HF 702.14	J
222.13	Subsection 1 amended	HF 702.2	J
222.61	Unnumbered paragraph 1 and subsection 1 amended	HF 702.3	J
222.62	Section amended	HF 702.4	J
222.64	Section amended	HF 702.5	J
225C.7	Subsection 3 stricken	HF 702.7	J
225C.18	Subsections 1 & 2 rewritten	HF 702.8	J
225C.18	Subsection 3 stricken	HF 702.9	J
225C.18	Subsection 4, unnumbered paragraph 1 amended	HF 702.10	J
225C.18	Subsection 5 amended	HF 702.11	J
229.1	New subsection 1A	HF 702.15	J
229.33	Section amended	HF 200.17	J
229.42	Unnumbered paragraph 1 amended	HF 702.6	J
230.6	Subsection 1 amended	HF 200.18	J
230.7	Section amended	HF 200.19	J
230.34A	New section	HF 702.16	J
231.53	Section amended	HF 200.20	J
231C.4	Section amended	HF 200.21	J
232.2	New subsection 6A	SF 123.1	J
232.2	Subsection 12, new paragraph c	SF 515.10	J
232.2	New subsection 42A	HF 544.1	J
232.8	Subsection 3 amended	SF 515.11	J
232.19	Subsection 1, paragraph c amended	SF 123.2	J
232.19	Subsection 2 amended	SF 515.12	J
232.19	New subsection 4	SF 515.13	J
232.22	New subsection 7	SF 515.14	J
232.23	New section	SF 515.15	J
232.28	Subsection 10 amended	SF 515.16	J
232.28	Subsection 11 amended	SF 515.17	J
232.28A	Subsection 1, paragraph d amended	SF 515.18	J
232.44	Section amended	SF 515.19	J
232.45	Subsection 1 amended	SF 515.20	J
232.45	New subsection 6A	SF 515.21	J
232.45	New subsection 7A	SF 515.22	J
232.45	Subsection 10 amended	SF 515.23	J
232.45A	New subsection 4	SF 515.24	J
232.50	Subsection 1 amended	SF 515.25	J
232.50	Subsection 2 amended	HF 376.1	J
232.52	Subsection 1 amended	SF 515.26	J
232.52	Subsection 2, paragraph e, subparagraph (4) amended	HF 545.1	J
232.52	Subsection 2, paragraph e, subparagraph (4) amended	HF 715.40	J
232.52	Subsection 2, paragraph g amended	SF 515.27	J
232.52	Subsection 7 amended	HF 376.2	J
232.54	New subsections 7 & 8	SF 515.28	J
232.55	New unnumbered paragraph	SF 515.29	J
232.56	New section	SF 515.30	J
232.67	Section amended	SF 230.3	7/1/98

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	* - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
232.68	Unnumbered paragraph 1 amended	HF 698.1	J
232.68	New subsection 2A	SF 230.4	7/1/98
232.68	Subsection 3 amended	SF 230.5	7/1/98
232.69	Subsection 1, unnumbered paragraph 1 amended	SF 176.1	J
232.70	Subsection 4 amended	HF 698.2	J
232.70	New subsection 7	HF 698.17	J
232.71	Subsections 7, 8, & 9 amended	HF 698.3	J
232.71	New subsection 1A	SF 176.2**	J
232.71	Section repealed	SF 230.24	7/1/98
232.71A	Subsection 1 amended	SF 230.1	E
232.71A	Subsection 7 stricken	HF 698.4	J
232.71A	Section repealed	SF 230.24	7/1/98
232.71B	New section	SF 230.6*	7/1/98
232.71B	New subsection 11, new paragraph g	HF 698.24	7/1/98
232.71C	New section	SF 230.7	7/1/98
232.71D	New section	HF 698.5	J
232.71D	New subsection 1 amended	HF 698.25	7/1/98
232.71D	New subsection 5, paragraph a, subparagraphs (1) & (2) amended	HF 698.26	7/1/98
232.72	Section amended	SF 230.8	7/1/98
232.73	Unnumbered paragraph 1 amended	SF 230.9	7/1/98
232.77	Section amended	SF 230.10	7/1/98
232.78	Subsection 4, unnumbered paragraph 1 amended	SF 230.11	7/1/98
232.88	Section amended	HF 544.2	J
232.89	Subsection 1 amended	HF 200.22	J
232.89	Subsection 1 amended	HF 376.3	E
232.91	Subsection 2 amended	HF 544.3	J
232.101	Subsection 2 amended	HF 376.4	J
232.102	Subsection 7 amended	HF 376.5	J
232.141	Subsection 3, paragraph c amended	SF 515.31	J
232.141	Subsection 6 amended	SF 230.12	7/1/98
232.147	Subsection 3, new paragraph g	HF 544.4	J
232.148	Subsection 2 amended	SF 515.32	J
232.148	Subsection 5, paragraph b amended	SF 515.33	J
232.149	Subsection 2 amended	SF 515.34	J
232.149	New subsection 3	SF 515.35	J
232.150	Subsection 1, new paragraph c	SF 515.36	J
232.163	Section amended	HF 376.6	J
232.175	Section amended	HF 376.7	J
232.183	Subsection 2 amended	HF 376.8	J
232.183	Subsection 6 amended	HF 376.9	J
232.195	New section	SF 123.3	J
232.196	New section	SF 123.4	J
234.6	Section amended	SF 516.32	J
234.12	New unnumbered paragraph	SF 516.1	E
234.39	Subsections 1, 2, & 3 amended	HF 612.227	J
235A.13	Unnumbered paragraph 1 amended	HF 698.27	7/1/98
235A.13	Subsection 1, paragraph b amended	HF 698.28	7/1/98
235A.13	Subsections 1, 6, & 8 amended	HF 698.7	J
235A.13	New subsection 2A	HF 698.6	J
235A.13	Subsection 3, paragraph a amended	SF 230.13	7/1/98
235A.13	Subsection 5 amended	HF 698.29	7/1/98
235A.13	Subsection 6, unnumbered paragraph 1 amended	HF 698.30	7/1/98
235A.13	Subsection 8, unnumbered paragraph 1 amended	HF 698.31	7/1/98
235A.14	Subsection 6 amended	HF 698.8	J
235A.15	Section amended	HF 698.9	J
235A.15	Subsection 2, paragraph b amended	SF 230.14**	7/1/98

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
235A.15	Subsection 2, paragraph b, unnumbered paragraph 1 amended	HF 698.32	7/1/98
235A.15	Subsection 2, paragraph b, subparagraphs (2), (3), (4), & (8) amended	HF 698.33	7/1/98
235A.15	Subsection 2, paragraph c, subparagraph (1) amended	SF 230.15**	7/1/98
235A.15	Subsection 2, paragraph d, unnumbered paragraph 1 amended	HF 698.34	7/1/98
235A.15	Subsection 3, paragraph b amended	HF 698.35	7/1/98
235A.15	Subsection 4, unnumbered paragraphs 2 & 3 amended	SF 230.16**	7/1/98
235A.15	Subsection 4, paragraph b amended	HF 698.36	7/1/98
235A.15	Subsection 6 amended	HF 698.37	7/1/98
235A.17	Subsection 2 amended	HF 698.10	J
235A.17	Subsection 2 amended	HF 698.38	7/1/98
235A.17	Subsection 2 amended	SF 230.17	7/1/98
235A.18	Section amended	HF 698.11	J
235A.18	Subsection 2, paragraph a amended	SF 230.18**	7/1/98
235A.18	Subsection 4 amended	SF 230.19**	7/1/98
235A.19	Section amended	HF 698.12	J
235A.19	Subsection 2, paragraph a amended	HF 698.39	7/1/98
235A.19	Subsection 2, paragraph a amended	SF 230.20**	7/1/98
235A.19	Subsection 2, paragraph b, subparagraphs (5) & (7) amended	HF 698.40	7/1/98
235A.19	Subsection 2, paragraph b, subparagraph (7) amended	SF 230.21	7/1/98
235A.20	Section amended	HF 698.13	J
235A.20	Section amended	HF 698.41	7/1/98
235A.21	Subsection 1 amended	HF 698.14	J
235A.21	Subsection 1 amended	HF 698.42	7/1/98
235A.22	Section amended	HF 698.15	J
235A.23	Section amended	HF 698.16	J
235B.6	Subsection 2, paragraph e, new subparagraph (7)	SF 523.2	J
235C.3	Subsection 7, unnumbered paragraph 1 stricken	HF 710.15	J
236.5	Subsection 2, paragraph e amended	HF 612.228	J
236.10	Section amended	HF 612.229	J
236.15A	Section repealed	HF 266.48	J
236.15A	Section repealed	SF 542.13	R 1/1/96
236.15B	New section	SF 542.12	R 1/1/97
237.3	Subsection 2, new paragraph k	HF 544.5	J
237.3	New subsection 9	HF 544.6	J
237.20	Subsection 1, new paragraph e	HF 544.7	J
237A.1	Subsection 8, paragraph b amended	SF 541.1	J
237A.3	Subsection 2 amended	SF 541.2	J
237A.3A	New section	SF 541.3	J
237A.5	New subsection 6	HF 313.1	J
238.30	Section repealed	HF 376.10	J
239	Chapter repealed	SF 516.29	E
239.3	Section amended	HF 612.230	J
239.5B	New section	HF 597.1	E
239.14	Section amended	SF 131.1**	J
239.17	Section amended	SF 131.2**	J
239A.1	Section amended	SF 516.32	J
239A.3	Section amended	SF 516.32	J
239B.1	New section	SF 516.2	E
239B.1	New subsection 12, paragraph n amended	SF 516.34	A J
239B.2	New section	SF 516.3	E
239B.3	New section	SF 516.4	E
239B.4	New section	SF 516.5	E
239B.5	New section	SF 516.6	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A	Applicability provisions	M	Multiple effective dates	00-00-00	Specified effective date
C	Conditional effective date	R	Retrospective applicability	*	Section amended by subsequent bill
E	Effective upon enactment	VETO	Entire bill section vetoed	**	Bill section repealed by subsequent bill
J	Effective July 1, 1997	TV	Part of bill section vetoed		

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
239B.6	New section	SF 516.7	E
239B.7	New section	SF 516.8	E
239B.7	New subsection 4 stricken	SF 516.35	A 10/1/97
239B.8	New section	SF 516.9	E
239B.9	New section	SF 516.10	E
239B.10	New section	SF 516.11	E
239B.11	New section	SF 516.12	E
239B.12	New section	SF 516.13	E
239B.13	New section	SF 516.14	E
239B.14	New section	SF 516.15	E
239B.15	New section	SF 516.16	E
239B.16	New section	SF 516.17	E
239B.17	New section	SF 516.18	E
239B.18	New section	SF 516.19	E
239B.19	New section	SF 516.20	E
239B.20	New section	SF 516.21	E
239B.21	New section	SF 516.22	E
239B.22	New section	SF 516.23	E
239B.23	New section	SF 516.24	E
249A.2	New subsection 4A	SF 516.25	E
249A.3	Subsection 1, paragraphs b, e, f, & m amended	SF 516.26	E
249A.3	Subsection 1, new paragraphs r & s	SF 516.27	E
249A.3	Subsection 2, paragraph c amended	SF 516.28	E
249A.4	Subsection 8, unnumbered paragraph 1 amended	HF 579.1	J
249A.7	Unnumbered paragraph 1 amended	SF 131.3	J
249A.8	Section amended	SF 131.4	J
249A.17	Section repealed	SF 516.29	E
249C	Chapter repealed	SF 516.29	E
249F.1	Subsection 2, paragraph b, subparagraph (6) amended	HF 200.23	J
252.16	Subsection 8 amended	HF 702.27	J
252.16	Subsection 8 amended	SF 522.1	J
252.22	New unnumbered paragraph	HF 702.17	J
252A.1	Section amended	HF 612.8	1/1/98
252A.2	Section amended	HF 612.9	1/1/98
252A.3	Subsections 1, 2, 3, 5, & 6 amended	HF 612.10	1/1/98
252A.3	Subsection 8, paragraphs b & c amended	HF 612.1	J
252A.3	New subsection 9	HF 612.11	1/1/98
252A.3A	Section amended	HF 612.2	J
252A.4	Section repealed	HF 612.21	1/1/98
252A.4A	Section repealed	HF 612.21	1/1/98
252A.5	Section amended	HF 612.12	1/1/98
252A.6	Section amended	HF 612.13	1/1/98
252A.6A	Subsection 1, unnumbered paragraph 1 amended	HF 612.14	1/1/98
252A.6A	Subsection 1, paragraph a amended	HF 612.3	J
252A.6A	Subsection 1, new paragraphs c & d	HF 612.4	J
252A.6A	Subsection 2, unnumbered paragraph 1 amended	HF 612.15	1/1/98
252A.6A	Subsection 2, paragraph a, subparagraph (2) amended	HF 612.16	1/1/98
252A.6A	Subsection 2, paragraph b amended	HF 612.17	1/1/98
252A.6A	New subsection 3	HF 612.5	J
252A.7	Section repealed	HF 612.21	1/1/98
252A.9	Section repealed	HF 612.21	1/1/98
252A.10	Section amended	HF 612.6	J
252A.11	Section repealed	HF 612.21	1/1/98
252A.12	Section repealed	HF 612.21	1/1/98
252A.13	Section amended	HF 612.7	J
252A.16	Section repealed	HF 612.21	1/1/98

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252A.17	Section amended	HF 612.18	1/1/98
252A.18	Section amended	HF 612.19	1/1/98
252A.19	Section repealed	HF 612.21	1/1/98
252A.20	Section rewritten	HF 612.20	1/1/98
252A.24	Section repealed	HF 612.21	1/1/98
252A.25	Section repealed	HF 612.21	1/1/98
252B.1	New subsection 2A	HF 612.23	J
252B.1	Subsection 5 amended	HF 612.24	J
252B.2	Section amended	HF 612.25	J
252B.3	Section amended	HF 612.26	J
252B.3	Section amended	SF 516.32	J
252B.4	Section amended	SF 516.32	J
252B.4	Unnumbered paragraph 1 amended	HF 612.27	J
252B.4	Subsection 3 stricken	HF 612.28	J
252B.4	New subsection 6	HF 612.29	J
252B.5	Section amended	SF 516.32	J
252B.5	Subsection 3 amended	HF 612.30	J
252B.5	Subsection 7, unnumbered paragraph 1 amended	HF 612.31	J
252B.5	Subsection 9 amended	HF 612.32	J
252B.5	New subsections 10 & 11	HF 612.33	J
252B.6	Subsections 1, 2, & 4 amended	HF 612.46	1/1/98
252B.6	Subsection 3 amended	HF 612.34	J
252B.6A	New section	HF 612.35	J
252B.7	Subsection 1, paragraph b amended	HF 612.47	1/1/98
252B.7	Subsection 4 amended	HF 612.36	J
252B.7A	Subsection 1, paragraphs a & d amended	HF 612.37	J
252B.7B	New section	HF 612.38	J
252B.9	Section amended	HF 612.39	J
252B.9	Subsection 2, paragraph b, new subparagraph (4)	HF 612.242	J
252B.10	Subsection 2 amended	HF 612.40	J
252B.12	Section amended	HF 612.48	1/1/98
252B.13A	Section amended	HF 612.41	J
252B.13A	Section amended	HF 612.243	J
252B.14	Subsection 1 amended	HF 612.42	J
252B.14	Subsection 3 amended	HF 612.43	J
252B.17A	New section	HF 612.44	J
252B.20	Section amended	SF 516.32	J
252B.22	New section	HF 612.201	J
252B.22	New section	HF 612.244	J
252C.1	Section amended	SF 516.32	J
252C.2	Subsections 1 & 2 amended	HF 612.50	J
252C.3	Subsection 1, paragraph c, subparagraphs (2) & (4) amended	HF 612.51	J
252C.3	Subsection 1, paragraph d amended	HF 612.52	J
252C.3	Subsection 5 amended	HF 612.53	J
252C.5	New subsection 4	HF 612.54	J
252C.7	Section repealed	HF 612.55	J
252D.1	Section amended	HF 612.56	J
252D.2	Section repealed	HF 612.69	J
252D.3	Section amended	HF 612.57	J
252D.8	Section amended	SF 516.32	J
252D.9	Section amended	HF 612.58	J
252D.10	Section amended	HF 612.59	J
252D.11	Section repealed	HF 612.69	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A	Applicability provisions	M	Multiple effective dates	00-00-00	Specified effective date
C	Conditional effective date	R	Retroactive applicability	*	Section amended by subsequent bill
E	Effective upon enactment	VETO	Entire bill section vetoed	**	Bill section repealed by subsequent bill
J	Effective July 1, 1997	IV	Part of bill section vetoed		

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252D.16A	New section	HF 612.60	J
252D.17	Section amended	HF 612.61	J
252D.17	New subsection 12	HF 612.70	1/1/98
252D.17A	New section	HF 612.62	J
252D.18A	Unnumbered paragraph 1 amended	HF 612.63	J
252D.18A	Subsection 3, paragraph a amended	HF 612.64	J
252D.19A	New section	HF 612.65	J
252D.21	Section amended	HF 612.66	J
252D.23	Section amended	HF 612.67	J
252D.24	Subsection 3 amended	HF 612.71	1/1/98
252D.31	New section	HF 612.68	J
252E.1	Section amended	SF 516.32	J
252E.2	Subsection 2, unnumbered paragraph 1 amended	HF 612.73	J
252E.4	Subsection 1 amended	HF 612.74	J
252E.6A	New section	HF 612.75	J
252E.13	Subsection 2 amended	HF 612.76	J
252F.3	Subsection 1, para. f, subpara. (2), subpara. subpart (c) amended	HF 612.77	J
252F.3	Subsection 1, para. f, subpara. (4), subpara. subpart (c) amended	HF 612.78	J
252F.3	Subsection 1, paragraph g amended	HF 612.79	J
252F.3	Subsection 4, paragraphs b & c amended	HF 612.80	J
252F.3	Subsection 6, paragraph d amended	HF 612.81	J
252F.3	Subsection 6, paragraph i, subparagraph (1) amended	HF 612.82	J
252F.3	Subsection 6, paragraph k amended	HF 612.83	J
252F.3	Subsection 6, paragraph n amended	HF 612.84	J
252F.4	Subsection 6, new paragraph j	HF 612.85	J
252F.5	Subsection 3, paragraph d stricken	HF 612.86	J
252G.1	New subsections 4A & 8A	HF 612.87	J
252G.1	Subsection 8 amended	HF 612.88	J
252G.3	Subsection 1, paragraph d amended	HF 612.89	J
252G.3	Subsection 3 amended	HF 612.90	J
252G.5	Unnumbered paragraph 1 amended	HF 662.3	VETO
252G.5	New subsection 4	HF 662.4	VETO
252G.7	New section	HF 612.91	J
252G.8	New section	HF 612.92	J
252H.1	Section amended	HF 612.93	J
252H.2	New subsection 5A	HF 612.94	J
252H.2	Subsection 6, paragraph a amended	HF 612.95	J
252H.2	Subsection 8 amended	HF 612.96	J
252H.3	Subsection 1 amended	HF 612.97	J
252H.4	Subsections 1 & 4 amended	HF 612.98	J
252H.6	Section amended	HF 612.99	J
252H.8	Subsection 4, paragraph f amended	HF 612.100	J
252H.9	Subsections 2 & 7 amended	HF 612.101	J
252H.11	Subsection 2, unnumbered paragraph 1 amended	HF 612.102	J
252H.13	Section amended	HF 612.103	J
252H.14	Section amended	HF 612.104	J
252H.18A	New section	HF 612.105	J
252H.21	New section	HF 612.106	J
252H.22	New section	HF 612.107	J
252H.23	New section	HF 612.108	J
252H.24	New section	HF 612.109	J
252I.1	Subsections 1, 3, 5, & 8 amended	HF 612.110	J
252I.4	Section amended	HF 612.111	J
252J.1	Subsections 1, 2, 3, 4, 6, & 9 amended	HF 612.112	J
252J.1	New subsections 1A & 5A	HF 612.113	J
252J.2	Subsections 1, 2, & 4 amended	HF 612.114	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252J.3	Section amended	HF 612.115	J
252J.4	Section amended	HF 612.116	J
252J.5	Subsection 1, unnumbered paragraph 1 amended	HF 612.117	J
252J.6	Section amended	HF 612.118	J
252J.7	Section amended	HF 612.119	J
252J.8	Subsections 3, 4, & 5 amended	HF 612.120	J
252J.9	Subsections 1, 2, & 3 amended	HF 612.121	J
252K.101	New section	HF 612.122	1/1/98
252K.102	New section	HF 612.123	1/1/98
252K.103	New section	HF 612.124	1/1/98
252K.201	New section	HF 612.125	1/1/98
252K.202	New section	HF 612.126	1/1/98
252K.203	New section	HF 612.127	1/1/98
252K.204	New section	HF 612.128	1/1/98
252K.205	New section	HF 612.129	1/1/98
252K.206	New section	HF 612.130	1/1/98
252K.207	New section	HF 612.131	1/1/98
252K.208	New section	HF 612.132	1/1/98
252K.209	New section	HF 612.133	1/1/98
252K.301	New section	HF 612.134	1/1/98
252K.302	New section	HF 612.135	1/1/98
252K.303	New section	HF 612.136	1/1/98
252K.304	New section	HF 612.137	1/1/98
252K.305	New section	HF 612.138	1/1/98
252K.306	New section	HF 612.139	1/1/98
252K.307	New section	HF 612.140	1/1/98
252K.308	New section	HF 612.141	1/1/98
252K.309	New section	HF 612.142	1/1/98
252K.310	New section	HF 612.143	1/1/98
252K.311	New section	HF 612.144	1/1/98
252K.312	New section	HF 612.145	1/1/98
252K.313	New section	HF 612.146	1/1/98
252K.314	New section	HF 612.147	1/1/98
252K.315	New section	HF 612.148	1/1/98
252K.316	New section	HF 612.149	1/1/98
252K.317	New section	HF 612.150	1/1/98
252K.318	New section	HF 612.151	1/1/98
252K.319	New section	HF 612.152	1/1/98
252K.401	New section	HF 612.153	1/1/98
252K.501	New section	HF 612.154	1/1/98
252K.502	New section	HF 612.155	1/1/98
252K.503	New section	HF 612.156	1/1/98
252K.504	New section	HF 612.157	1/1/98
252K.505	New section	HF 612.158	1/1/98
252K.506	New section	HF 612.159	1/1/98
252K.507	New section	HF 612.160	1/1/98
252K.601	New section	HF 612.161	1/1/98
252K.602	New section	HF 612.162	1/1/98
252K.603	New section	HF 612.163	1/1/98
252K.604	New section	HF 612.164	1/1/98
252K.605	New section	HF 612.165	1/1/98
252K.606	New section	HF 612.166	1/1/98
252K.607	New section	HF 612.167	1/1/98

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A	Applicability provisions	M	Multiple effective dates	00-00-00	Specified effective date
C	Conditional effective date	R	Retroactive applicability	*	Section amended by subsequent bill
E	Effective upon enactment	VETO	Entire bill section vetoed	**	Bill section repealed by subsequent bill
J	Effective July 1, 1997	IV	Part of bill section vetoed		

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252K.608	New section	HF 612.168	1/1/98
252K.609	New section	HF 612.169	1/1/98
252K.610	New section	HF 612.170	1/1/98
252K.611	New section	HF 612.171	1/1/98
252K.612	New section	HF 612.172	1/1/98
252K.613	New section	HF 612.173	1/1/98
252K.614	New section	HF 612.174	1/1/98
252K.701	New section	HF 612.175	1/1/98
252K.801	New section	HF 612.176	1/1/98
252K.802	New section	HF 612.177	1/1/98
252K.901	New section	HF 612.178	1/1/98
252K.902	New section	HF 612.179	1/1/98
252K.903	New section	HF 612.180	1/1/98
252K.904	New section	HF 612.181	1/1/98
256.10	Section amended	SF 549.21	J
256B.2	Subsection 3, unnumbered paragraph 1 amended	HF 200.24	J
257.14	Subsection 1 amended	SF 189.1	E
257.14	Subsection 3 stricken	SF 189.2	E
257.21	Unnumbered paragraph 2 amended	HF 200.25	J
257.31	Subsection 17, paragraph d amended	HF 200.26	J
257B.1A	Section rewritten	SF 549.22	VETO
258.10	Section amended	SF 361.6	J
260A.1	New section	HF 733.24	J
260A.2	New section	HF 733.25	J
260A.3	New section	HF 733.26	J
260A.4	New section	HF 733.27	J
260A	Chapter repealed	HF 733.27	7/1/2001
260C.14	New subsection 2A	SF 549.23	VETO
260C.14	Subsection 18 amended	SF 233.2	A J
260C.29	Subsections 1 & 2 amended	SF 549.24	J
260C.39	Unnumbered paragraphs 3 & 4 stricken	HF 200.27	J
260C.45	Unnumbered paragraph 3 stricken	HF 200.28	J
260C.46	Section amended	HF 200.29	J
260F.2	Subsection 11 amended	HF 655.20	J
260F.6B	New section	HF 655.21	J
260F.8	Subsection 1 amended	HF 200.30	J
261.12	Subsection 1, paragraph b amended	SF 549.25	J
261.17	Subsections 1, 2, & 4 amended	SF 549.26	J
261.18	Section repealed	HF 410.2	J
261.19	Section rewritten	HF 410.1	J
261.19A	Section repealed	HF 410.2	J
261.25	Subsection 1 amended	SF 549.27	J
261A.34	Subsection 3 amended	SF 410.1	J
261A.36	Section amended	SF 410.2	J
261A.37	Section amended	SF 410.3	J
261A.38	Section amended	SF 410.4	J
261A.42	Unnumbered paragraph 1 amended	SF 410.5	J
261B.3A	Section amended	HF 320.1	J
261B.11	New subsection 11	HF 320.2	J
262.9	Subsection 24 amended	SF 549.28	J
262.9	New subsection 30	SF 549.29	VETO
272.31	Subsection 1, new paragraph e	SF 104.1	E
272C.4	Subsection 2, paragraph b stricken	HF 710.16	J
273.3	Subsection 21 amended	HF 405.2	E
277.4	Unnumbered paragraph 2 amended	HF 636.84	E
278.1	Subsection 8 amended	HF 636.85	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
279.9B	New section	SF 515.37	J
279.51	Subsection 1, unnumbered paragraph 1 amended	SF 542.17	E
279.51	Subsection 1, paragraph b amended	SF 542.18	E
280.24	New section	SF 515.38	J
280.25	New section	SF 515.39	J
282.18	Subsection 7 amended	HF 200.31	J
282.18	Subsection 9, unnumbered paragraph 2 amended	HF 200.32	J
294A.25	New subsections 4A, 4B, & 7A	SF 549.30	J
294A.25	Subsections 7 & 8 amended	SF 549.31	J
295.2	Subsections 2 & 8 amended	HF 92.1	J
295.3	Section amended	HF 92.2	J
297.21	Section repealed	HF 405.7	E
297.22	Section amended	HF 405.3	E
297.23	Section repealed	HF 405.7	E
297.24	Section repealed	HF 405.7	E
297.25	Section amended	HF 405.4	E
298.2	Subsection 1 amended	SF 531.1	J
298.2	New subsection 1A	SF 531.2	J
298.3	New unnumbered paragraph	SF 531.3	J
299.5A	Unnumbered paragraph 1 amended	HF 597.2	J
299.6	New unnumbered paragraph	HF 597.3	J
299.6A	New section	HF 597.4	J
299.12	New section	HF 597.5	J
299.13	New section	HF 597.6	J
303.3	Subsection 3 rewritten	SF 549.32	J
303.49	Subsections 2, 3, & 4 amended	SF 193.1	J
306.23	Section amended	SF 432.2	A J
306B.2	Subsection 3 stricken	HF 704.1	J
306C.11	Subsection 3 amended	HF 704.2	J
306C.18	Subsections 1 & 4 amended	HF 704.3	J
306C.21	Section amended	HF 383.1	R 1/1/97
307.31	New section	SF 379.1	J
310.18	Section amended	HF 704.4	J
312.2	Subsection 13 stricken	SF 391.10	VETO
321.1	New subsection 0A	SF 132.1	J
321.1	Subsection 4 amended	SF 246.7	1/1/98
321.1	New subsections 15A & 63A	HF 416.1	J
321.1	New subsection 24A & 54A	HF 514.1	C
321.1	Subsection 42, paragraph c amended	SF 132.2	J
321.1	Subsection 64A amended	HF 704.5	J
321.11	Unnumbered paragraph 3 amended	SF 132.3	J
321.12	Section amended	HF 707.1	J
321.19	Subsection 1, unnumbered paragraph 1 amended	HF 704.6	E
321.19	Subsection 1, unnumbered paragraph 2 amended	HF 266.1	J
321.20	New unnumbered paragraph	HF 704.7	J
321.20B	New section	HF 514.2	C
321.23	Subsection 4 amended	HF 688.2	E
321.25	Unnumbered paragraph 2 amended	SF 132.4	J
321.27	Section repealed	SF 132.49	J
321.34	New subsection 8A	SF 5.1	R 1/1/97
321.34	Subsection 9 amended	SF 132.5	J
321.34	New subsections 11A & 11B	HF 704.8	J
321.34	Subsection 13, paragraph c amended	HF 704.9	J

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A - Applicability provisions M - Multiple effective dates 00-00-00 - Specified effective date

C - Conditional effective date R - Retroactive applicability * - Section amended by subsequent bill

E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill/section repealed by subsequent bill

J - Effective July 1, 1997 IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321.34	Subsection 13, new paragraph d	HF 704.10	J
321.34	Subsection 14 amended	HF 688.3	E
321.34	Subsection 14 amended	HF 692.1	J
321.34	Subsection 15 stricken	SF 5.2	R 1/1/97
321.34	Subsection 21, paragraph c, subparagraph (2) amended	SF 549.33	J
321.37	New unnumbered paragraph after unnumbered paragraph 1	HF 704.11	J
321.40	Unnumbered paragraph 4 amended	HF 704.12	1/1/98
321.44A	Section amended	HF 645.1	J
321.50	Subsection 4, new unnumbered paragraph	SF 132.6	J
321.52	Subsections 2 & 3 amended	HF 645.2	J
321.52	Subsection 4, paragraph c, unnumbered paragraph 2 amended	SF 132.7	J
321.54	Unnumbered paragraph 1 amended	HF 514.3	C
321.55	Section amended	HF 514.4	C
321.57	Unnumbered paragraph 1 amended	HF 514.5	C
321.69	Subsection 9 amended	SF 132.8	J
321.104	Subsection 4 amended	SF 132.9	J
321.105	Unnumbered paragraph 2 amended	HF 645.3	J
321.105	Unnumbered paragraph 5 amended	SF 132.10	J
321.115	New subsection 4	HF 704.13	J
321.120	Section repealed	SF 132.49	J
321.166	Subsection 1, new unnumbered paragraph	HF 704.14	J
321.166	Subsection 6 amended	HF 688.4	E
321.166	Subsection 8 amended	HF 704.15	J
321.174A	New section	SF 132.11	J
321.179	Subsection 1, unnumbered paragraph 1 amended	HF 688.5	E
321.189	Subsection 6 amended	SF 499.1	J
321.189A	New section	SF 229.2	E
321.190	Subsection 1, paragraph b amended	SF 499.2	J
321.208A	Section amended	SF 132.12	J
321.210	Subsection 1, unnumbered paragraph 1 amended	HF 200.33	J
321.210	Subsection 1 amended	HF 704.16	J
321.210B	Section amended	SF 545.1	E
321.216B	Section amended	SF 515.40	J
321.218	Subsection 1 amended	HF 704.17	J
321.218	Subsections 1 & 4 amended	HF 662.5	VETO
321.218A	New section	HF 734.1	J
321.231	Subsection 3 amended	SF 80.1	J
321.233	Section amended	HF 704.18	J
321.234	Subsection 2 amended	SF 80.2	J
321.236	Subsection 1, paragraph a amended	SF 177.1	J
321.236	Subsection 12 amended	SF 132.13	J
321.249	Section amended	SF 132.14	J
321.253	Unnumbered paragraph 2 amended	HF 704.19	J
321.266	Subsection 2 amended	SF 293.1	J
321.266	Subsection 4 amended	SF 132.15	J
321.277A	New section	SF 177.2	J
321.288	Subsection 6 amended	HF 704.20	J
321.309	Section amended	SF 132.16	J
321.317	Subsection 1 amended	SF 132.17	J
321.317	Subsection 3 amended	SF 132.18	J
321.369	Section amended	SF 177.3	J
321.373	Subsection 7 amended	SF 132.19	J
321.383	Subsection 2 amended	SF 132.20	J
321.391	Section repealed	SF 132.49	J
321.397	Section amended	SF 80.3	J
321.397	Section amended	SF 132.21	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Scn File#</u>	<u>Effective</u>
321.423	Subsection 6 amended	SF 132.22	J
321.424	Section amended	SF 132.23	J
321.424	Section repealed	SF 132.49	J
321.428	Section repealed	SF 132.49	J
321.429	Section repealed	SF 132.49	J
321.430	Subsection 3 amended	SF 132.24	J
321.434	Section amended	SF 80.4	J
321.440	Subsection 7 amended	HF 416.2	J
321.440	New unnumbered paragraph after subsection 7	HF 416.3	7/1/99
321.444	Subsection 3 stricken	SF 132.25	J
321.445	Subsection 1 amended	SF 132.26	J
321.445	Subsection 2, paragraph e amended	HF 704.21	J
321.450	Unnumbered paragraph 2 amended	SF 132.27	J
321.450	New unnumbered paragraph	SF 132.28	J
321.456	Section amended	HF 416.4	J
321.462	Unnumbered paragraph 2 stricken	SF 132.29	J
321.463	Section amended	HF 416.5	M
321.463	New unnumbered paragraph after unnumbered paragraph 3	HF 704.22	J
321.467	New section	HF 416.6	J
321.491	Unnumbered paragraph 2 amended	HF 704.23	J
321.492	Unnumbered paragraph 1 amended	HF 514.6	C
321.492	New unnumbered paragraph after unnumbered paragraph 1	HF 514.7	C
321.493	Subsection 1 amended	SF 132.30	J
321.555	Subsection 1, paragraph c amended	HF 707.2	J
321.555	Subsection 1, new paragraphs g & h	HF 704.24	J
321.560	New unnumbered paragraph	SF 132.31	J
321A.5	Subsection 1 amended	SF 293.2	J
321A.24	Subsection 1 amended	HF 514.8	C
321A.25	Subsection 1 amended	HF 514.9	C
321A.32	Subsection 3 amended	HF 514.10	C
321A.32A	New section	HF 734.2	J
321A.34	Subsections 2 & 3 amended	HF 514.11	C
321E.7	Subsection 1 amended	HF 416.7	J
321E.8	New subsection 1A	HF 416.8	J
321E.8	Subsection 4 stricken	HF 704.25	J
321E.9	Subsection 2 amended	HF 704.26	J
321E.9	Subsection 3 stricken	HF 704.27	J
321E.9	New subsection 4	HF 416.9	J
321E.9A	Subsection 1 amended	HF 416.10	J
321E.11	Unnumbered paragraph 1 amended	HF 704.28	J
321E.14	Unnumbered paragraph 1 amended	HF 416.11	J
321E.14	Unnumbered paragraph 2 stricken	HF 200.34	J
321E.26	Section repealed	HF 704.60	J
321E.34	New section	HF 704.29	J
321G.1	Subsection 1 amended	SF 246.8	1/1/98
321G.6	Unnumbered paragraphs 1 & 2 amended	SF 246.6	1/1/98
321G.15	Section amended	SF 246.5	1/1/98
321G.29	New section	SF 246.1	1/1/98
321G.30	New section	SF 246.2	1/1/98
321G.31	New section	SF 246.3	1/1/98
321G.32	New section	SF 246.4	1/1/98
321H.2	Subsection 9 amended	SF 132.32	J
321H.3	Subsection 1 amended	SF 132.33	J

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A - Applicability provisions M - Multiple effective dates 00-00-00 - Specified effective date

C - Conditional effective date R - Retroactive applicability * - Section amended by subsequent bill

E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 TV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321H.8	Section amended	SF 132.34	J
321J.1A	New section	HF 707.3	J
321J.2	Subsections 2, 3, 4, & 5 amended	HF 707.4	J
321J.2	Subsection 8 amended	HF 707.5	J
321J.3	Section amended	HF 707.6	J
321J.3	New subsection 3	HF 707.7	J
321J.4	Subsection 1 amended	HF 707.8	J
321J.4	Subsection 3 amended	HF 707.9	J
321J.4	Subsection 5 amended	HF 707.10	J
321J.4	Subsection 7 amended	HF 707.11	J
321J.4B	Section amended	HF 707.12	J
321J.7	Section amended	HF 707.13	J
321J.7	Section amended	SF 177.4	J
321J.9	Subsections 1 & 2 amended	HF 707.14	J
321J.12	Subsection 1, paragraphs a & b amended	HF 707.15	J
321J.12	Subsection 5 amended	HF 707.16	J
321J.13	Subsection 3 amended	HF 704.30	J
321J.13	Subsection 4 stricken	HF 704.31	J
321J.17	Section amended	HF 707.17	J
321J.20	Subsection 1, unnumbered paragraph 1 amended	HF 707.18	J
321J.20	Subsection 1, paragraph a amended	HF 707.19	J
321J.20	Subsection 6 amended	HF 707.20	J
321J.21	Section amended	HF 707.21	J
321J.22	Section amended	HF 707.22	J
321J.24	Subsection 1, paragraph b amended	HF 707.23	J
321J.24	Subsection 2 amended	HF 707.24	J
321J.25	Subsection 4 amended	HF 707.25	J
321L.1	Subsection 4, paragraph a amended	HF 200.35	J
321L.1	Subsections 4, 5, & 6 amended	HF 688.6	E
321L.1	Subsection 7, unnumbered paragraph 1 amended	HF 688.7	E
321L.1	New subsection 8	HF 688.8	E
321L.2	Subsection 1, paragraph a, unnumbered paragraph 1 amended	HF 692.2	J
321L.2	Subsection 1, paragraph a, unnumbered paragraphs 1 & 2 amended	HF 688.9	E
321L.2	Subsection 1, paragraph a, subparagraph (3) amended	HF 688.10	E
321L.2	Subsection 1, paragraph a, subparagraph (3) amended	HF 692.3	J
321L.2	Subsection 1, paragraph b amended	HF 688.11	E
321L.2	Subsection 2 amended	HF 692.4	J
321L.2	Subsection 3, paragraph b, subparagraph (3) amended	HF 688.12	E
321L.2	Subsection 5 stricken	HF 688.13	E
321L.2A	New section	SF 177.5	J
321L.4	Subsection 2 amended	HF 688.14	E
321L.4	Subsection 2 amended	SF 177.6	J
321L.6	Subsection 3 amended	SF 177.7	J
321L.6	Subsection 3 stricken	HF 688.16	E
322.2	New subsection 6A	SF 132.35	J
322.3	Subsection 11 amended	SF 132.36	J
322.4	New subsection 7A	HF 514.12	1/1/98
322.8	New unnumbered paragraph	HF 514.13	1/1/98
322.14	Unnumbered paragraph 1 amended	SF 132.37	J
322.29	Section amended	SF 132.38	J
322.31	Section amended	SF 132.39	J
322.36	New section	HF 685.1	J
322A.15	New unnumbered paragraph	SF 132.40	J
322C.4	Subsection 1, paragraph c amended	SF 132.41	J
325	Chapter repealed	HF 704.60	1/1/98
325A.1	New section	HF 704.32	1/1/98

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
325A.2	New section	HF 704.33	1/1/98
325A.3	New section	HF 704.34	1/1/98
325A.4	New section	HF 704.35	1/1/98
325A.5	New section	HF 704.36	1/1/98
325A.6	New section	HF 704.37	1/1/98
325A.7	New section	HF 704.38	1/1/98
325A.8	New section	HF 704.39	1/1/98
325A.9	New section	HF 704.40	1/1/98
325A.10	New section	HF 704.41	1/1/98
325A.11	New section	HF 704.42	1/1/98
325A.12	New section	HF 704.43	1/1/98
325A.13	New section	HF 704.44	1/1/98
325A.15	New section	HF 704.45	1/1/98
325A.16	New section	HF 704.46	1/1/98
325A.17	New section	HF 704.47	1/1/98
325A.18	New section	HF 704.48	1/1/98
325A.19	New section	HF 704.49	1/1/98
325A.20	New section	HF 704.50	1/1/98
325A.21	New section	HF 704.51	1/1/98
325A.22	New section	HF 704.52	1/1/98
325A.23	New section	HF 704.53	1/1/98
325A.24	New section	HF 704.54	1/1/98
325A.25	New section	HF 704.55	1/1/98
325A.26	New section	HF 704.56	1/1/98
326.25	New subsection 4	HF 514.14	C
327	Chapter repealed	HF 704.60	1/1/98
327A	Chapter repealed	HF 704.60	1/1/98
331.361	Subsection 7 amended	HF 405.5	E
331.403	Subsection 1 amended	HF 726.14	A 7/1/98
331.403	Subsection 3 rewritten	HF 726.15	A 7/1/98
331.424	Subsection 1, paragraph b amended	SF 230.22	7/1/98
331.424A	Subsection 4 amended	HF 255.2	E
331.427	Subsection 1, unnumbered paragraph 1 amended	HF 266.2	J
331.430	Subsection 2, new unnumbered paragraph	HF 244.1	J
331.430	Subsection 3 amended	HF 244.2	J
331.434	Subsection 3 amended	HF 726.16	A 7/1/98
331.434	New subsection 7	HF 726.17	A 7/1/98
331.438	Subsection 2 amended	HF 200.36	J
331.438	Subsection 2 amended	HF 255.3	E
331.439	Subsection 1, paragraph a amended	HF 726.18	A 7/1/98
331.439	Subsection 3 amended	HF 255.4*	E
331.439	Subsection 3, paragraph b amended	HF 702.22	J
331.439	New subsection 7	HF 702.23	J
331.439	New subsection 8	HF 702.24	E
331.508	Subsection 6 amended	HF 645.4	J
331.553	New subsections 5 & 6	HF 645.5	J
331.602	Subsection 1 amended	HF 616.1	J
331.602	Subsection 14 stricken	HF 200.37	J
331.606	Subsection 1 amended	HF 645.6	J
331.607	Subsection 3 amended	HF 645.7	J
331.653	Subsection 4 amended	SF 515.41	J
331.653	Subsection 24 amended	SF 230.23	7/1/98
331.653	Subsection 58 amended	SF 515.42	J

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E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
331.655	Subsection 3 amended	HF 645.8	J
331.902	Subsections 2 & 3 amended	HF 645.9	J
331.904	Subsection 2 rewritten	HF 515.1	J
335.30	New unnumbered paragraph	SF 433.1	E
335.30A	New section	SF 433.2	E
347.11	Section amended	HF 636.86	J
347A.1	Unnumbered paragraph 2 amended	HF 636.87	J
356.7	Subsections 1, 2, & 3 amended	SF 184.1	E
357H.1	New section	SF 544.1	J
357H.2	New section	SF 544.2	J
357H.3	New section	SF 544.3	J
357H.4	New section	SF 544.4	J
357H.5	New section	SF 544.5	J
357H.6	New section	SF 544.6	J
357H.7	New section	SF 544.7	J
357H.8	New section	SF 544.8	J
357H.9	New section	SF 544.9	J
357H.10	New section	SF 544.10	J
358.20	Unnumbered paragraph 1 amended	HF 178.1	J
358.22	New unnumbered paragraph	HF 178.2	J
364.21	Section amended	HF 405.6	E
372.2	Subsection 2 amended	HF 636.88	J
372.3	Section rewritten	HF 636.89	J
372.4	Unnumbered paragraph 2 amended	HF 200.38	J
372.5	Unnumbered paragraph 3 amended	HF 200.39	J
372.12	Unnumbered paragraph 1 amended	HF 200.40	J
372.13	Subsection 2, paragraph a, unnumbered paragraph 1 amended	HF 636.90	E
376.4	Unnumbered paragraph 1 amended	HF 636.91	J
376.10	Section amended	HF 636.92	J
380.1	Section amended	HF 658.1	J
380.2	Section amended	HF 658.2	J
380.3	Unnumbered paragraph 1 amended	HF 658.3	J
380.3	Unnumbered paragraph 2 stricken	HF 658.4	J
380.4	Section amended	HF 658.5	J
380.5	Section amended	HF 658.6	J
380.6	Section amended	HF 658.7	J
380.7	Section amended	HF 658.8	J
380.8	Section amended	HF 658.9	J
380.10	Unnumbered paragraphs 1 & 2 amended	HF 658.10	J
380.10	New unnumbered paragraph	HF 658.11	J
384.16	Subsection 3 amended	HF 726.19	A 7/1/98
384.16	New subsection 6	HF 726.20	A 7/1/98
384.22	Section amended	HF 726.21	A 7/1/98
384.59	Subsection 1 amended	HF 645.10	J
384.60	Subsection 5, unnumbered paragraph 3 amended	HF 645.11	J
384.63	Unnumbered paragraphs 2 & 4 amended	HF 645.12	J
384.70	Section amended	HF 645.13	J
384.84	Subsection 6, new paragraph c	HF 178.3	J
400.1	Section amended	HF 456.1	1/1/98
400.4	Unnumbered paragraph 1 amended	HF 456.2	J
400.6	Subsection 2 amended	HF 456.3	J
400.7	Subsection 3, unnumbered paragraph 1 amended	HF 456.4	J
400.9	Subsection 3 amended	HF 456.5	J
400.11	Unnumbered paragraphs 1 & 2 amended	HF 456.6	J
400.11	Unnumbered paragraph 3 rewritten	HF 456.7	J
400.15	Unnumbered paragraph 3 amended	HF 456.8	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
403.22	Subsection 1, new unnumbered paragraph	HF 732.9	J
404.1	New subsection 5	HF 732.10	J
404.3A	New section	HF 732.11	J
405A.10	New section	HF 266.3	J
414.28	New unnumbered paragraph	SF 433.3	E
414.28A	New section	SF 433.4	E
421.4	Section amended	HF 266.4	J
421.16	Section amended	HF 200.41	J
421.17	Subsection 21, unnumbered paragraph 1 amended	HF 612.231	J
421.17	Subsection 21, paragraph b, subparagraph (3) amended	HF 266.5	J
421.17	New subsection 22A	HF 266.6	E
421.17	Subsection 23, paragraphs c, d, & g amended	HF 266.7	J
421.17	Subsection 25, paragraph c amended	HF 266.8	J
421.17	Subsection 29, paragraphs a & e amended	HF 266.9	J
421.17	Subsection 34, paragraph i amended	SF 545.3	E
421.61	New section	HF 266.10	J
422.3	Subsection 4 amended	SF 129.3	R 1/1/96
422.4	Subsection 18 stricken	HF 306.1	A 1/1/98
422.5	Subsection 1, paragraphs a, b, c, d, e, f, g, h, & i amended	HF 388.1	A 1/1/98
422.5	Subsection 1, paragraph j, subparagraph (2) amended	HF 306.3	A 1/1/98
422.5	Subsection 1, para. j, subpara. (2), unnumbered para. 1 amended	HF 266.11	R 1/1/97
422.5	Subsec. 1, para. j, subpara. (2), subpara. subdivisions (a) & (c) stricken	HF 306.2	R 1/1/97
422.5	Subsection 1, paragraph k, unnumbered paragraph 4 amended	HF 306.4	A 1/1/98
422.6	Unnumbered paragraph 1 amended	HF 200.42	J
422.7	Subsection 8 amended	SF 129.4	R 1/1/96
422.7	New subsection 25	HF 355.1	E
422.8	Subsection 2, paragraph b, unnumbered paragraph 1 amended	HF 306.5	A 1/1/98
422.8	Subsection 6 amended	HF 306.6	A 1/1/98
422.9	Section amended	SF 516.32	J
422.9	Subsection 2, new paragraph f	SF 129.5	R 1/1/96
422.10	Unnumbered paragraph 1 amended	SF 129.6	R 1/1/96
422.10	Unnumbered paragraph 2 amended	HF 200.43	J
422.11	New section	SF 553.1	R 1/1/97
422.12C	Subsection 1, unnumbered paragraph 1 amended	HF 200.44	J
422.16A	Section amended	HF 367.1	A 7/1/96
422.20	Subsection 3, unnumbered paragraph 1 amended	HF 266.12	E
422.26	Unnumbered paragraph 2 amended	HF 200.45	J
422.32	Subsection 4 amended	HF 266.13	R 1/1/97
422.33	Subsection 5, unnumbered paragraph 1 amended	SF 129.7	R 1/1/96
422.34A	New subsection 7	HF 354.1	R 1/1/97
422.35	Subsection 5 amended	SF 129.8	R 1/1/96
422.42	Subsections 1 & 14 amended	HF 266.14	J
422.42	Subsection 14 amended	SF 30.1	R 4/1/90
422.43	New subsection 12	HF 266.15	J
422.45	Subsection 7, unnumbered paragraph 1 amended	HF 266.16	J
422.45	New subsection 7A	HF 704.57	J
422.45	Subsection 18 amended	HF 266.17	E
422.45	Subsection 27 rewritten	HF 126.1	J
422.45	Subsection 39, paragraphs a & c amended	HF 266.18	J
422.47	Subsection 4, paragraph f amended	HF 266.19	J
422.53	New subsection 8	HF 266.20	1/1/98
422.61	Subsection 3, new paragraph g	SF 553.2	R 1/1/97
422.65	Section amended	HF 266.21	J

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A - Applicability provisions M - Multiple effective dates 00-00-00 - Specified effective date

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E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 TV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
422.72	Subsection 3, unnumbered paragraph 1 amended	HF 266.22	E
422.72	New subsection 7	HF 266.23	J
422.120	Subsection 1, paragraph b rewritten	HF 726.1	J
422.120	New subsection 2A	HF 726.2	J
422.121	Section amended	HF 726.3	J
422B.9	New unnumbered paragraph after unnumbered paragraph 4	HF 729.1	J
422B.10	Subsection 2 amended	HF 729.2	J
422D.2	Section amended	HF 200.46	J
423.1	Subsection 8 amended	HF 266.24	J
423.4	Subsection 16, new unnumbered paragraph	SF 222.1	J
423.7A	Subsections 1, 2, & 4 amended	SF 222.2	J
423.24	Subsection 1, paragraph b stricken	SF 391.11	7/1/2000
423.25	Section amended	HF 266.25	J
424.18	Section amended	HF 200.47	J
425.2	Unnumbered paragraphs 2 & 6 amended	HF 726.6	J
425.7	Subsection 3 amended	HF 266.26	J
425.39	Subsection 1 amended	HF 726.7	A J
425.39	Subsection 2 stricken	HF 726.8	A J
425.40	Section amended	HF 200.48	J
426A.6	Section amended	HF 266.27	J
426B.1	Subsection 1 amended	HF 266.28	J
426B.2	Section amended	HF 255.5	E
426B.3	Section amended	HF 255.6	E
426B.4	Section amended	HF 266.29	J
427.1	Subsection 16 amended	HF 266.30	J
427.2A	New section	SF 83.1	A J
427.5	Unnumbered paragraphs 1 & 2 amended	HF 266.31	J
427.5	Unnumbered paragraph 5 stricken	HF 726.9	J
427.9	Section amended	HF 645.14	J
427A.12	Subsection 5 amended	HF 200.49	J
427A.12	Subsection 6 amended	HF 200.50	J
427A.13	Section repealed	HF 266.48	J
427B.17	Subsection 1 rewritten	HF 495.1	A J
427B.19	Subsection 3, unnumbered paragraph 1 amended	HF 266.32	J
427B.19	Subsection 4 amended	HF 266.33	J
427B.19A	Subsection 2 amended	HF 266.34	J
428.4	Unnumbered paragraph 3 amended	HF 266.35	J
428A.8	Unnumbered paragraph 1 amended	HF 655.22	J
435.1	Subsection 2 amended	HF 645.15	J
435.1	Subsection 5 amended	HF 645.16	J
440.1	Section amended	HF 266.36	J
440.2	Section repealed	HF 266.48	J
440.3	Section repealed	HF 266.48	J
440.4	Section repealed	HF 266.48	J
441.1	Section amended	HF 4.1	J
441.8	Unnumbered paragraphs 6 & 7 amended	HF 266.37	J
441.11	Section amended	HF 266.38	J
441.21	Subsection 4 stricken	HF 200.51	J
441.31	Subsection 2 amended	HF 4.2	J
441.31	Subsection 3 amended	HF 4.3	J
441.46	Unnumbered paragraph 2 amended	HF 200.52	J
441.73	Subsections 2 & 4 amended	HF 200.53	J
444.25	Section repealed	HF 266.48	J
444.26	Section amended	HF 266.39	J
444.27	Subsection 1 amended	HF 266.40	J
444.28	Section repealed	HF 266.48	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
444.28	Section repealed	HF 645.33	J
445.5	Section amended	HF 726.22	J
445.32	Section amended	HF 266.41	J
445.37	New unnumbered paragraph	HF 645.17	J
446.9	Subsection 2 amended	HF 645.18	E
446.16	Section amended	HF 645.19	E
446.31	Unnumbered paragraph 1 amended	HF 645.20	E
446.39	Section amended	HF 645.21	E
447.9	Unnumbered paragraph 1 amended	HF 645.22	J
447.10	Section amended	HF 645.23	J
448.1	New unnumbered paragraph	HF 645.24	E
448.3	Section amended	HF 645.25	E
450.7	Subsection 1, unnumbered paragraph 1 amended	SF 35.1	A J
450.9	Section rewritten	SF 35.2	A J
450.10	Subsection 1 stricken	SF 35.3	A J
450.10	Subsection 2, unnumbered paragraph 1 amended	SF 35.4	A J
450.10	Subsection 3, unnumbered paragraph 1 amended	SF 35.5	A J
450.10	Subsection 6 amended	SF 35.6	A J
450.10	Subsection 7 amended	SF 35.7	A J
450.28	Section amended	HF 218.1	J
450.29	Section amended	HF 218.2	J
450.86	Section repealed	SF 238.1	7/1/98
452A.17	Subsection 1, paragraph a, new subparagraph (9)	HF 266.42	R 7/1/96
452A.17	Subsection 1, paragraph b, subparagraphs (4) & (5) amended	HF 266.43	R 7/1/96
452A.51	Section amended	SF 132.42	J
452A.53	Unnumbered paragraphs 1, 2, & 3 amended	SF 132.43	J
452A.54	Unnumbered paragraph 2 amended	SF 132.44	J
452A.54	Unnumbered paragraph 4 amended	SF 132.45	J
452A.55	Section amended	SF 132.46	J
452A.65	Unnumbered paragraph 1 amended	HF 266.44	J
453A.3	Section amended	SF 499.3	J
453A.36	Subsection 6 amended	SF 163.1	J
455A.12	New section	HF 708.26	J
455A.13	New section	HF 708.27	J
455B.171	Subsection 7 amended	SF 214.1	J
455B.171	New subsections 25A & 26A	SF 214.2	J
455B.172	New subsection 9	SF 214.3	J
455B.174	Subsection 4, paragraph a, unnumbered paragraph 1 amended	SF 214.4	J
455B.177	Subsection 2 amended	HF 191.5	E
455B.183	Subsection 1 amended	HF 191.6	E
455B.183	Subsection 1 amended	SF 214.5	J
455B.183	Subsection 3, unnumbered paragraph 1 amended	SF 214.6	J
455B.202	New section	SF 472.1	E
455B.291	Section amended	HF 191.7	E
455B.292	Section amended	HF 191.8	E
455B.293	Section amended	HF 191.9	E
455B.294	Section amended	HF 191.10	E
455B.295	Section amended	HF 191.11	E
455B.296	Section amended	HF 191.12	E
455B.297	Section amended	HF 191.13	E
455B.298	Section amended	HF 191.14	E
455B.304	Subsection 2 amended	SF 214.7	J
455D.11	Subsection 1, paragraph d amended	HF 228.1	J

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E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 TV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
455D.11A	Subsection 5, paragraph c stricken	HF 653.1	J
455D.11A	New subsection 8	HF 653.2	J
455F.1	Subsection 4 amended	SF 285.1	J
455F.3	Section repealed	SF 285.4	1/1/98
455F.8B	Subsection 2 stricken	SF 285.2	J
455F.9	Section amended	SF 285.3	J
455G.18	Subsection 2, paragraph d amended	SF 75.1	J
455H.1	New section	SF 473.4	E
455H.2	New section	SF 473.5	E
455H.3	New section	SF 473.6	E
455H.4	New section	SF 473.7	E
455H.5	New section	SF 473.8	E
455H.6	New section	SF 473.9	E
455H.7	New section	SF 473.10	E
455H.101	New section	SF 528.1	J
455H.102	New section	SF 528.2	J
455H.103	New section	SF 528.3	J
455H.104	New section	SF 528.4	J
455H.105	New section	SF 528.5	J
455H.106	New section	SF 528.6	J
455H.107	New section	SF 528.7	J
455H.201	New section	SF 528.8	J
455H.202	New section	SF 528.9	J
455H.203	New section	SF 528.10	J
455H.204	New section	SF 528.11	J
455H.205	New section	SF 528.12	J
455H.206	New section	SF 528.13	J
455H.207	New section	SF 528.14	J
455H.301	New section	SF 528.15	J
455H.302	New section	SF 528.16	J
455H.303	New section	SF 528.17	J
455H.304	New section	SF 528.18	J
455H.305	New section	SF 528.19	J
455H.306	New section	SF 528.20	J
455H.307	New section	SF 528.21	J
455H.308	New section	SF 528.22	J
455H.309	New section	SF 528.23	J
455H.401	New section	SF 528.24	J
455H.501	New section	SF 528.25	J
455H.502	New section	SF 528.26	J
455H.503	New section	SF 528.27	J
455H.504	New section	SF 528.28	J
455H.505	New section	SF 528.29	J
455H.506	New section	SF 528.30	J
455H.507	New section	SF 528.31	J
455H.508	New section	SF 528.32	J
455H.509	New section	SF 528.33	J
455H.510	New section	SF 528.34	J
455H.511	New section	SF 528.35	J
457B.1	Article V, paragraph c amended	HF 200.54	J
461A.3A	New section	HF 733.37	IV J
461A.25	New unnumbered paragraph	SF 190.1	J
461A.42	Subsection 1 rewritten	SF 362.1	E
462A.7	Subsection 2 amended	SF 95.1	E
462A.7	Subsection 4 amended	SF 95.2	E
462A.31	Subsection 1, paragraph b amended	SF 174.1	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
462A.77	Subsection 3, paragraph b amended	HF 200.55	J
468.43	Unnumbered paragraph 3 amended	HF 336.1	J
468.57	Subsection 2, unnumbered paragraph 1 amended	HF 645.26	E
468.63	Section amended	HF 485.1	J
468.160	Section amended	HF 645.27	J
468.162	Section amended	HF 645.28	J
468.163	Section amended	HF 645.29	J
468.165	Section amended	HF 645.30	J
468.189	New section	SF 473.11	E
476.1B	Subsection 1, unnumbered paragraph 1 amended	HF 596.1	R 10/18/94
476.1B	New subsection 3	HF 596.2	R 10/18/94
476.29	New subsection 16	HF 596.3	R 10/18/94
476.96	Subsection 3 amended	HF 596.4	R 10/18/94
478.1	Unnumbered paragraph 2 amended	HF 552.1	J
478.13	Unnumbered paragraph 1 amended	HF 229.1	J
481A.48	New unnumbered paragraph	HF 142.1	J
481C.1	New section	SF 362.2	E
481C.2	New section	SF 362.3	E
481C.3	New section	SF 362.4	E
483A.24	Subsection 2, new paragraph d	SF 362.6	E
483A.27	Subsection 1 rewritten	HF 81.1	J
483A.27	Subsection 2 rewritten	HF 81.2	J
483A.30	Section repealed	SF 362.7	12/31/99
486.44A	New section	HF 637.1	J
487.101	Subsections 1 & 6 amended	HF 642.1	J
487.101	New subsections 11 & 12	HF 642.2	J
487.102	Subsection 3 stricken	HF 642.3	J
487.102	Subsection 4 amended	HF 642.4	J
487.102	New subsection 6	HF 642.5	J
487.103	Subsection 2 amended	HF 642.6	J
487.104	Subsection 3 amended	HF 642.7	J
487.104	Subsection 3 amended	SF 116.1	J
487.104A	Subsection 1, paragraphs b & d stricken	SF 116.2	J
487.105	Section amended	HF 642.8	J
487.108	New section	HF 642.9	J
487.109	New section	HF 642.10	J
487.110	New section	HF 642.11	J
487.111	New section	HF 642.12	J
487.112	New section	HF 642.13	J
487.113	New section	HF 642.14	J
487.114	New section	HF 642.15	J
487.115	New section	HF 642.16	J
487.116	New section	HF 642.17	J
487.117	New section	HF 642.18	J
487.201	Subsection 1 amended	HF 642.19	J
487.202	Section amended	HF 642.20	J
487.202	Subsection 1, paragraph b stricken	HF 637.2	J
487.203	Subsection 2 stricken	HF 637.3	J
487.204	Subsection 1 amended	HF 642.21	J
487.205	Section amended	HF 642.22	J
487.206	Unnumbered paragraph 1 amended	HF 637.4	J
487.206	Section repealed	HF 642.74	J
487.208	Section amended	HF 642.23	J

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E - Effective upon enactment VETO - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
487.301	Section amended	HF 642.24	J
487.303	Section amended	HF 642.25	J
487.304	Section amended	HF 642.26	J
487.401	Section amended	HF 642.27	J
487.402	Section amended	HF 642.28	J
487.403	Section amended	HF 642.29	J
487.405	Section amended	HF 642.30	J
487.502	Section amended	HF 642.31	J
487.503	Section amended	HF 642.32	J
487.504	Section amended	HF 642.33	J
487.601	Section amended	HF 642.34	J
487.603	Section amended	HF 642.35	J
487.605	Section amended	HF 642.36	J
487.607	Section amended	HF 642.37	J
487.608	Subsection 3 amended	HF 642.38	J
487.702	Section amended	HF 642.39	J
487.704	Section amended	HF 642.40	J
487.801	Subsection 1 amended	HF 642.41	J
487.810	New section	HF 642.42	J
487.811	New section	HF 642.43	J
487.812	New section	HF 642.44	J
487.813	New section	HF 642.45	J
487.902	Subsections 3 & 7 stricken	HF 642.46	J
487.902	Subsection 5 amended	SF 116.3	J
487.902	New subsections 6A & 6B	HF 642.47	J
487.903	Section repealed	HF 642.74	J
487.905	Section rewritten	HF 642.48	J
487.909	Section amended	SF 116.4	J
487.911	New section	SF 116.5	J
487.1002	Section amended	HF 642.49	J
487.1104	Section amended	HF 642.50	J
487.1105	Section repealed	HF 642.74	J
487.1106	New section	HF 642.51	J
490.121	Subsection 1, paragraph c amended	HF 637.5	J
490.122	Subsection 1, paragraph w stricken	HF 637.6	J
490.125	Subsection 2 amended	HF 637.7	J
490.128	Subsection 2, paragraph d amended	HF 637.8	J
490.140	Subsection 17 amended	HF 637.9	J
490.141	Subsection 4 amended	HF 637.10	J
490.502	Subsection 4 amended	HF 637.11	J
490.702	Subsection 1, unnumbered paragraph 1 amended	HF 628.1	J
490.702	New subsection 5	HF 628.2	J
490.1101	Section amended	HF 637.12	J
490.1101	New subsection 4	HF 628.3	J
490.1102	New subsection 5	HF 628.4	J
490.1109	New section	SF 299.1	E
490.1109	New section	HF 628.5*	J
490.1109	New section, subsection 3, paragraph e amended	HF 642.52	J
490.1326	Subsection 1 amended	HF 637.13	J
490.1420	Subsection 1 amended	HF 637.14	J
490.1508	Subsection 3 amended	HF 637.15	J
490.1510	Subsection 2, unnumbered paragraph 1 amended	HF 637.16	J
490.1530	Subsection 1 amended	HF 637.17	J
490.1531	Subsection 4 amended	HF 637.18	J
490.1601	Subsection 5, paragraph g amended	HF 637.19	J
490.1622	Section amended	HF 637.20	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
490.1701	Subsection 3, paragraphs a & b rewritten	HF 637.21	J
490.1701	Subsection 3, paragraph c, unnumbered paragraph 1 amended	HF 637.22	J
490.1701	Subsection 3, paragraph c, unnumbered paragraph 2 amended	SF 116.6	J
490.1701	Subsection 3, paragraph d, subparagraph (3) amended	HF 637.23	J
490.1701	Subsection 5, paragraphs a & b amended	HF 637.24	J
490A.102	Subsections 13, 16, & 18 amended	HF 642.53	J
490A.202	Subsection 17 rewritten	HF 642.54	J
490A.303	Subsection 1, paragraph d amended	HF 642.55	J
490A.304	New section	HF 642.56	J
490A.305	New section	HF 642.57	J
490A.306	New section	HF 642.58	J
490A.307	New section	HF 642.59	J
490A.502	Subsection 1, paragraphs b & d stricken	SF 116.7	J
490A.502	New subsection 4	SF 116.8	J
490A.503	Section amended	SF 116.9	J
490A.603	New section	HF 642.60	J
490A.702	Subsection 4 rewritten	HF 642.61	J
490A.702	New subsections 4A & 4B	HF 642.62	J
490A.703	New subsection 2A	HF 642.63	J
490A.704A	New section	HF 642.64	J
490A.705A	New section	HF 642.65	J
490A.709	Subsection 2, unnumbered paragraph 1 amended	HF 642.66	J
490A.710	New section	HF 642.67	J
490A.711	New section	HF 642.68	J
490A.712	New section	HF 642.69	J
490A.801	New subsection 4	HF 642.70	J
490A.809	New section	HF 642.71	J
490A.902	Unnumbered paragraph 1 amended	HF 642.72	J
490A.1301	Subsection 3 stricken	HF 642.73	J
496C.21	Subsection 1 amended	HF 637.25	J
497.22	Section rewritten	HF 637.26	J
497.25	Section amended	HF 637.27	J
498.24	Section rewritten	HF 637.28	J
498.27	Section amended	HF 637.29	J
499.4	Section amended	HF 200.56	J
499.13	Section amended	SF 299.2	E
499.16	Section amended	SF 299.3	E
499.22	Section amended	SF 299.4	E
499.36	Subsections 1 & 2 amended	SF 299.5	E
499.40	Subsection 5 amended	SF 299.6	E
499.44	New subsection 3A	HF 233.1	J
499.45	Section amended	HF 637.30	J
499.49	Section rewritten	HF 637.31	J
499.50	Section repealed	HF 637.49	J
499.61	New subsections 3A, 3B, & 3C	SF 299.7	E
499.64	Unnumbered paragraph 1 amended	SF 299.8	E
499.68	Unnumbered paragraph 1 amended	HF 233.2	J
499.69A	New section	SF 299.9	E
499.76	Subsection 1 stricken	HF 637.32	J
499.78	Subsection 1, paragraph b amended	HF 637.33	J
501.103	Section amended	HF 637.34	J
501.404	Subsection 1, paragraph b amended	HF 200.57	J
501.408	Section amended	HF 200.58	J

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A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	* - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	TV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
501.501	Subsection 2 amended	SF 292.1	J
501.502	Subsection 5 amended	SF 292.2	J
501.604	Section amended	SF 292.3	J
502.102	Subsection 3 amended	HF 553.1	E
502.102	New subsection 5A	HF 553.2	E
502.102	New subsection 13A	HF 553.3	E
502.102	Subsection 14 amended	HF 553.4	E
502.201	Section amended	HF 553.5	E
502.202	Subsection 7 amended	HF 553.6	E
502.206A	New section	HF 553.7	E
502.207A	Subsection 5 amended	HF 553.8	E
502.207B	Section amended	HF 200.59	J
502.208	Subsections 1, 2, 4, 5, 8, 9, 11, & 13 amended	HF 553.9	E
502.302	Subsection 4 amended	HF 553.10	E
502.303	Subsections 1 & 2 amended	HF 553.11	E
502.304	Subsection 1, paragraph e amended	HF 553.12	E
502.404	Section amended	HF 200.60	J
502.406	Subsection 2, paragraph a amended	HF 553.13	E
502.501	Subsection 1, paragraph a amended	HF 553.14	E
502.602	Section amended	HF 553.15	E
502.607	Subsection 1 amended	HF 553.16	E
502.608	Subsections 2 & 3 amended	HF 553.17	E
502.609	Subsection 1, unnumbered paragraph 1 amended	HF 553.18	E
504A.9	Section amended	SF 116.10	J
504A.9	Subsection 6, unnumbered paragraphs 5 & 6 amended	HF 637.35	J
504A.32	Subsection 2 amended	HF 637.36	J
504A.36	Subsection 1 amended	HF 637.37	J
504A.39	Subsection 4, paragraph e, unnumbered paragraph 2 amended	HF 637.38	J
504A.53	Section amended	HF 637.39	J
504A.54	Section amended	HF 637.40	J
504A.54	Section repealed	HF 637.49	J
504A.73	Unnumbered paragraph 5 amended	HF 637.41	J
504A.80	Section amended	HF 637.42	J
504A.83	Section amended	HF 637.43	J
504A.84	Section amended	HF 637.44	J
504A.87	Subsection 2 amended	HF 637.45	J
504A.100	Subsection 3, paragraph d amended	HF 637.46	J
504A.100	Subsection 8 amended	HF 637.47	J
504A.100	Subsection 9 stricken	HF 637.48	J
505.8	Subsection 2 amended	HF 200.61	J
507.3	Subsection 1 amended	HF 557.2	J
507A.4	Subsection 10 amended	HF 550.1	E
507C.34	Subsection 2, paragraph a, subparagraph (3) amended	HF 557.3	J
507C.42	Section amended	HF 557.4	J
507C.59	Section amended	HF 557.5	J
508.10	New unnumbered paragraph	HF 557.6	J
508.14	Section amended	HF 557.7	J
508.32	New unnumbered paragraphs	SF 160.1	E
508.32A	New section	SF 160.2	E
509.3	New unnumbered paragraph	HF 701.1	J
509A.12	Unnumbered paragraph 1 amended	HF 540.10	J
511.36	Subsection 2 amended	HF 557.8	J
513A.8	Section repealed	HF 550.3	E
513B.2	Subsection 1 amended	HF 701.2	J
513B.2	Subsection 4 rewritten	HF 701.3	J
513B.2	Subsection 6, paragraph a amended	HF 701.4	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
513B.2	New subsections 7A, 9A, & 13A	HF 701.10	J
513B.2	Subsection 9 amended	HF 701.5	J
513B.2	Subsection 10 rewritten	HF 701.6	J
513B.2	Subsection 12, paragraphs a, b, & c amended	HF 701.7	J
513B.2	Subsection 12, new paragraphs d & e	HF 701.8	J
513B.2	Subsection 13 amended	HF 701.9	J
513B.2	Subsection 14 stricken	HF 701.11	J
513B.3	Subsection 3 amended	HF 701.12	J
513B.3	Subsection 4, paragraphs a & c amended	HF 701.13	J
513B.4	Subsection 1, paragraph c, subparagraph (1) amended	HF 701.14	J
513B.4	Subsection 1, paragraph d amended	HF 701.15	J
513B.4	Subsection 3, unnumbered paragraph 3 amended	HF 701.16	J
513B.4	Subsection 4 amended	HF 701.17	J
513B.4A	Section amended	HF 701.18	J
513B.5	Section rewritten	HF 701.19	J
513B.6	Unnumbered paragraph 1 amended	HF 701.20	J
513B.6	Subsection 2 amended	HF 701.21	J
513B.7	Section amended	HF 701.22	J
513B.9A	New section	HF 701.23	J
513B.10	Section rewritten	HF 701.24	J
513B.11	Subsection 2 amended	HF 701.25	J
513B.13	Subsection 7, unnumbered paragraph 1 amended	HF 701.26	J
513B.13	Subsection 7, paragraph d amended	HF 701.27	J
513B.13	Subsection 8, paragraph b amended	HF 701.28	J
513B.13	Subsection 9, paragraph a amended	HF 701.29	J
513B.13	Subsection 10 amended	HF 701.30	J
513B.13	Subsection 11, paragraph b, subparagraphs (1), (2), & (3) amended	HF 701.31	J
513B.13	Subsection 11, paragraph c, subparagraph (3) amended	HF 701.32	J
513B.15	Section amended	HF 701.33	J
513B.17	Subsection 3 amended	HF 701.34	J
513B.17A	Section amended	HF 701.35	J
513C.6	Section rewritten	HF 701.36	J
513C.7	Subsection 1, paragraph b amended	HF 701.37	J
513C.7	Subsection 2 amended	HF 701.38	J
513C.7	Subsection 4, paragraph b amended	HF 701.39	J
513C.9	New subsection 4A	HF 701.40	J
513C.12	New section	HF 701.41	J
514B.33	New section	HF 557.9	J
514C.13	New section	HF 133.1	J
514E.1	New subsections 3A, 4A, 4B, 5A, 5B, 5C, 8A, 10A, 12A, & 15	HF 701.42	J
514E.1	Subsection 9 stricken	HF 701.43	J
514E.2	Subsection 1 amended	HF 701.44	J
514E.2	Subsection 2, unnumbered paragraph 1 amended	HF 701.45	J
514E.2	Subsection 3, paragraph f stricken	HF 701.46	J
514E.2	Subsection 7 amended	HF 701.47	J
514E.2	Subsection 12 stricken	HF 701.48	J
514E.3	Section repealed	HF 701.56	J
514E.5	Subsection 2 amended	HF 701.49	J
514E.6	Subsection 3, paragraph e rewritten	HF 701.50	J
514E.6	Subsection 6 rewritten	HF 701.51	J
514E.7	Subsections 1, 2, & 5 rewritten	HF 701.52	J
514E.7	Subsection 6 amended	HF 701.53	J
514E.9	Section amended	HF 701.54	J

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A - Applicability provisions **M** - Multiple effective dates **00-00-00** - Specified effective date

C - Conditional effective date **R** - Retroactive applicability * - Section amended by subsequent bill

E - Effective upon enactment **VETO** - Entire bill section vetoed ** - Bill section repealed by subsequent bill

J - Effective July 1, 1997 **IV** - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
514E.11	Section amended	HF 701.55	J
515.35	Subsection 3, para. a, subpara. (2), subpara. subdivision (a) amended	HF 557.10	J
515.51	Section amended	HF 557.11	J
515.68A	New section	HF 557.12	J
515B.1	Section rewritten	HF 557.13	J
515B.2	New subsection 1A	HF 557.14	J
515B.5	Subsection 1, paragraph a rewritten	HF 557.15	J
515B.5	Subsection 1, paragraph c, new unnumbered paragraph	HF 557.16	J
515B.8	Subsection 2 amended	HF 557.17	J
515B.15	Unnumbered paragraph 1 amended	HF 557.18	J
515B.16	Section amended	HF 557.19	J
515B.25	Section repealed	HF 557.27	J
515D.4	Subsection 2, unnumbered paragraph 1 amended	HF 557.20	J
515D.5	Section amended	HF 557.21	J
518.7	Section amended	HF 557.22	J
518A.6	Section amended	HF 557.23	J
521.13	Section amended	HF 557.24	J
521A.1	Subsection 6, unnumbered paragraph 1 amended	HF 557.25	J
521A.3	Subsection 4, paragraph a amended	HF 557.26	J
523A.2	Subsection 1, paragraph d amended	HF 200.62	J
523E.2	Subsection 1, paragraph d amended	HF 200.63	J
524.810	Section repealed	SF 238.1	7/1/98
524.1213	New subsection 4A	HF 475.1	E
524.1802	Subsection 2 amended	HF 200.64	J
524.1805	New subsection 3A	HF 475.2	E
533.49A	Section repealed	SF 238.1	7/1/98
535.3	Subsection 1 rewritten	HF 693.2	A J
535.3	Subsection 2 stricken	HF 693.3	A J
535.3	Subsection 3 amended	HF 693.4	A J
535.3	Subsection 3 amended	HF 612.232	J
537.1301	Subsection 42 amended	HF 611.1	J
537.2202	Subsection 1 amended	HF 611.2	J
537.2202	Subsection 3 stricken	HF 611.3	J
537.2402	Subsection 1 amended	HF 611.4	J
537.2402	Subsections 3, 5, & 6 stricken	HF 611.5	J
537.2502	Subsection 4 amended	HF 611.6	J
537.2502	Subsections 7 & 8 stricken	HF 611.7	J
537.7103	Subsection 4, paragraph b amended	HF 308.1	J
541A.2	Section amended	SF 516.32	J
542B.10	Section amended	SF 118.8	J
542B.27	Subsection 1, unnumbered paragraph 1 amended	HF 200.65	J
542B.35	Subsection 2, paragraph c amended	HF 200.66	J
542C.3	Subsection 3, unnumbered paragraph 2 amended	SF 118.9	J
543B.46	Subsection 1 amended	HF 732.12	J
543B.46	Subsection 3 amended	HF 200.67	J
543B.57	Subsections 1 & 2 amended	HF 644.1	E
543D.16	Subsection 2 amended	HF 577.1	J
544A.4	Section amended	SF 118.10	J
544B.6	Section amended	SF 118.11	J
548.103	Unnumbered paragraph 5 amended	HF 275.1	J
548.105	Unnumbered paragraph 1 amended	HF 275.2	J
554.2512	Subsection 1, paragraph b amended	HF 200.68	J
554.5116	Subsection 4 amended	HF 200.69	J
554.8111	Section amended	HF 200.70	J
554.8205	Unnumbered paragraph 1 amended	HF 200.71	J
554.8401	Subsection 1, unnumbered paragraph 1 amended	HF 200.72	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
554.9305	Section amended	HF 200.73	J
555B.4	Subsection 3 amended	HF 645.31	E
562B.7	Subsection 6 amended	HF 645.32	J
566A.5	Subsection 1 stricken	SF 21.1	J
566A.5	Subsection 2 amended	SF 21.2	J
589.6	Section amended	HF 200.74	J
589.31	New section	HF 114.1	J
595.3A	New section	HF 612.233	J
595.4	Unnumbered paragraph 1 amended	HF 612.234	J
598.1	Subsections 3 & 5 amended	HF 612.182	E
598.1	New subsections 3A & 3B	HF 612.183	E
598.1	New subsection 5A	HF 612.184	J
598.1	Subsection 6 amended	HF 612.185	J
598.5	Subsection 5 amended	HF 612.186	J
598.14A	New section	HF 612.187	J
598.21	Subsection 4, paragraph a amended	HF 612.188	J
598.21	Subsection 4A, paragraph c amended	HF 612.189	E
598.21	New subsections 5A & 8A	HF 612.190	J
598.21	Subsection 8, unnumbered paragraphs 2 & 3 amended	HF 612.191	J
598.21	Subsection 9, unnumbered paragraph 2 amended	HF 612.192	J
598.21	Subsection 10 amended	HF 612.193	J
598.22	Section amended	HF 612.194	J
598.22A	Section amended	SF 516.32	J
598.22B	New section	HF 612.195	J
598.23	Subsection 2, paragraph a rewritten	HF 612.196	J
598.23	Subsection 2, new paragraphs c & d	HF 612.197	J
598.34	Section amended	HF 612.198	J
598.35	Section amended	HF 643.1	J
598.41	Subsections 5 & 6 amended	HF 612.199	E
600A.2	Subsection 18 rewritten	HF 453.1	5/23/97
600A.6	Subsection 7 stricken	HF 121.15	J
600A.8	New subsection 3A	HF 453.2	5/23/97
600B.9	Section amended	HF 612.204	J
600B.18	Section amended	HF 612.205	J
600B.23	Section amended	HF 612.206	J
600B.24	Subsection 2 amended	HF 612.207	J
600B.25	Section amended	HF 612.208	J
600B.30	Section repealed	HF 612.217	J
600B.34	Section repealed	HF 612.220	1/1/98
600B.38	Section amended	HF 612.209	J
600B.40A	New section	HF 371.1	J
600B.41	Subsections 2 & 4 amended	HF 612.210	J
600B.41	Subsection 5, paragraph a, unnumbered paragraph 1 amended	HF 612.211	J
600B.41A	Subsection 2, paragraph a amended	HF 612.219	1/1/98
600B.41A	Subsection 3, paragraph e, subparagraph (1) amended	HF 612.212	J
600B.41A	Subsection 3, paragraph f amended	HF 612.213	J
600B.41A	Subsection 3, paragraph g stricken	HF 612.214	E
600B.41A	Subsections 4 & 6 rewritten	HF 612.215	E
600B.41A	New subsection 6A	HF 612.216	E
602.1211	Subsection 4 amended	SF 515.43	J
602.1304	Subsection 2, paragraphs b & c amended	SF 533.23	J
602.5203	Section amended	SF 281.1	J
602.6110	Section amended	SF 515.44	J

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J - Effective July 1, 1997	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen. File#</u>	<u>Effective</u>
602.6201	Subsection 3, paragraph b amended	SF 442.1	J
602.6201	Subsection 10 amended	SF 533.24	J
602.8102	New subsection 31	HF 121.16	J
602.8102	Subsection 32 stricken	HF 200.75	J
602.8102	Subsection 125 amended	SF 515.45	J
602.8103	Subsection 4, paragraph i amended	SF 281.2	J
602.8104	Subsection 2, paragraph j stricken	HF 200.76	J
602.8106	Subsection 1, new paragraph g	HF 662.6	VETO
602.8107	Subsection 2, paragraph d amended	HF 662.7	VETO
602.8107	Subsection 5, unnumbered paragraph 1 amended	SF 281.3	J
602.8108	Subsection 2 amended	HF 662.8	VETO
602.8108	New subsection 6	HF 662.9	VETO
614.1	New subsection 2A	HF 693.5	A J
614.1	Subsection 6 amended	HF 612.235	J
614.1	Subsection 9 amended	HF 693.6	A J
614.8	Section amended	HF 693.7	A J
622.10	Section amended	HF 693.8	A J
624.18	Section amended	HF 693.9	A J
624.23	New subsection 4	HF 612.202	J
624.24A	New section	HF 612.203	J
626A.2	Subsection 2 amended	HF 612.236	J
627.6A	New section	HF 612.237	J
627.11	Section amended	HF 612.238	J
627.12	Section amended	HF 612.239	J
633.3	New subsection 18A	SF 241.1	J
633.3	Subsection 22 amended	SF 241.2	J
633.10	New subsection 5	SF 241.3	J
633.551A	New section	SF 241.4	J
633.552	Subsection 2, paragraph a amended	SF 241.5	J
633.556	Section amended	SF 241.6	J
633.557	Section amended	SF 241.7	J
633.560	Section amended	SF 241.8	J
633.566	Subsection 2, paragraph a amended	SF 241.9	J
633.570	Section amended	SF 241.10	J
633.572	Section amended	SF 241.11	J
633.596	Section amended	SF 241.12	J
633.635	Subsection 1, unnumbered paragraph 1 amended	SF 241.13	J
633.635	Subsections 3 & 4 amended	SF 241.14	J
633.637	Section amended	SF 241.15	J
633.675	Subsection 3 amended	SF 241.16	J
633.699	Subsection 7 amended	HF 266.45	J
633.703A	Subsection 1, unnumbered paragraph 1 amended	HF 266.46	J
633.800	New section	SF 241.17	J
633.801	New section	SF 241.18	J
633.802	New section	SF 241.19	J
633.803	New section	SF 241.20	J
633.804	New section	SF 241.21	J
633.805	New section	SF 241.22	J
633.806	New section	SF 241.23	J
633.807	New section	SF 241.24	J
633.808	New section	SF 241.25	J
633.809	New section	SF 241.26	J
633.810	New section	SF 241.27	J
633.811	New section	SF 241.28	J
634A.1	New section	HF 492.1	J
634A.2	New section	HF 492.2	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
642.2	Subsections 1 & 5 amended	HF 612.240	J
645.1	Subsection 3 amended	HF 307.1	J
663A.1	New section	HF 674.1	J
668.3	Subsection 1 amended	HF 693.10	A J
668.3	Subsection 2, paragraph b amended	HF 693.11	A J
668.3	Subsection 8 amended	HF 693.12	A J
668.4	Section amended	HF 693.13	A J
668.13	Subsection 3 amended	HF 693.14	A J
669.2	Subsection 4 amended	SF 118.12	R 7/1/96
673.1	New section	HF 132.1	J
673.2	New section	HF 132.2	J
673.3	New section	HF 132.3	J
690.1	Section amended	HF 200.77	J
692.1	Subsections 1 & 9 amended	SF 515.46	J
692.2A	New section	SF 542.24	E
692A.1	Subsection 6, paragraph h amended	SF 118.13	J
692A.5	New subsection 4	SF 281.4	J
704.2	Subsections 3 & 4 amended	HF 635.1	J
704.2	New unnumbered paragraph	HF 635.2	J
707.6A	Subsection 1 amended	HF 707.26	J
707.6A	Subsection 3 amended	HF 707.27	J
707.6A	New subsection 6	HF 707.28	J
708.2A	Subsections 6, 7, & 9 amended	SF 118.14	J
708.3B	New section	HF 542.1	J
709.4	New subsection 3	HF 449.1	J
714.1	Subsection 6, unnumbered paragraph 1 amended	HF 647.1	J
719.1	Subsections 1 & 2 amended	HF 662.10	VETO
723A.1	Subsection 1, paragraph h reenacted	HF 265.2	E
724.2	New subsections 8 & 9	HF 635.3	J
724.11	Section amended	HF 200.78	J
724.16A	Section reenacted	HF 265.3	E
724.26	Section amended	SF 515.47	J
728.1	New subsection 5A	SF 503.2	E
728.5	Section amended	SF 503.3	E
728.8	Section amended	SF 503.4	E
805.8	Subsection 2, paragraph a amended	SF 177.8	J
805.8	Subsection 2, paragraph w amended	SF 132.47	J
805.8	Subsection 2, new paragraph ad	SF 177.9	J
805.8	Subsection 2, new paragraph ad	HF 514.15	C
805.8	Subsection 2, new paragraph ad	HF 704.58	1/1/98
805.8	Subsection 2, new paragraphs ad & ae	SF 132.48	J
805.8	Subsection 2, new paragraph ad stricken	HF 514.19	7/1/99
805.8	Subsection 2, new paragraph af	HF 514.16	7/1/99
805.8	Subsection 2A amended	HF 704.59	J
805.8	Subsection 5, paragraph h, new subparagraph (5)	HF 142.2	J
805.8	Subsection 10, paragraphs a & b stricken	SF 515.48	J
805.8	Subsection 11 amended	SF 499.4	J
805.16	Subsection 1 amended	SF 515.49	J
808A.1	Subsection 1, paragraph d stricken	HF 331.1	E
808A.1	Subsection 5 amended	HF 331.2	E
808A.2	Subsection 1 rewritten	HF 331.3	E
808A.2	Subsection 2 amended	HF 331.4	E
808A.2	Subsection 5 rewritten	HF 331.5	E

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E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
809A.3	Subsections 4 & 5 amended	HF 707.29	J
811.1	Subsections 1 & 2 amended	HF 707.30	J
812.4	Section amended	HF 232.1	J
815.7	Section amended	HF 662.11	VETO
815.7	Section amended	SF 515.50	J
815.9	Section amended	HF 662.12	VETO
815.9A	Subsections 1, 2, & 3 stricken	HF 662.13	VETO
815.10	Subsection 1, new unnumbered paragraph	HF 662.14	VETO
815.10A	Subsection 1 amended	HF 662.15	VETO
815.11A	New section	HF 662.16	VETO
901.8	Section amended	HF 226.1	R 7/1/96
901A.1	Subsection 2 amended	HF 200.79	J
902.4	Section amended	HF 661.1	J
903A.2	Section rewritten	HF 226.2	R 7/1/96
903A.5	Unnumbered paragraph 2 amended	HF 662.17	VETO
903A.7	Section rewritten	HF 226.3	R 7/1/96
904.102	Subsection 2 amended	SF 442.2	J
904.102	Subsection 8 amended	SF 442.3	J
904.102	New subsection 8A	SF 442.4	J
904.108	Subsection 7 amended	HF 734.3	J
904.112	Section amended	HF 734.4	J
904.206	Section rewritten	SF 442.5	J
904.311A	Section amended	HF 734.5	J
904.809	New subsection 5	HF 734.6	J
904.904	Section amended	SF 442.6	J
905.12	Unnumbered paragraph 2 amended	SF 533.25	J
905.14	New section	HF 734.7	J
906.16	Section amended	SF 503.12	J
907.2	Unnumbered paragraph 2 amended	SF 503.5	J
907.3	Unnumbered paragraph 1 amended	HF 661.2	J
907.3	Subsection 1, unnumbered paragraph 1 amended	HF 734.8	J
907.3	Subsection 1, paragraph g amended	HF 707.31	J
907.3	Subsection 1, new paragraph j	HF 707.32	J
907.3	Subsections 2 & 3 amended	HF 707.33	J
907.3	Subsection 3 amended	HF 734.9	J
907.3A	New section	SF 515.51	J
907.4	Section amended	SF 281.5	J
907.7	Unnumbered paragraphs 1 & 2 amended	HF 734.10	J
907.7	Unnumbered paragraphs 1 & 2 amended	SF 503.6	J
907.8	Unnumbered paragraph 3 amended	SF 503.7	J
907.8A	New section	SF 503.8	J
907.9	Unnumbered paragraph 1 amended	HF 734.11	J
907.9	Section amended	SF 503.9	J
908.4	Section amended	SF 503.12	J
908.5	Section amended	SF 503.12	J
908.6	Section amended	SF 503.12	J
908.7	Section amended	SF 503.12	J
908.10	Section amended	SF 503.12	J
908.10A	Section amended	SF 503.12	J
908.11	Section amended	SF 503.10	J
908.11	Section amended	SF 515.52	J
910.1	Subsection 4 amended	HF 707.34	J
910.1	Subsection 4 amended	SF 184.2	E
910.2	Section amended	HF 707.35	J
910.2	Section amended	SF 184.3	E
910.3	Section amended	HF 707.36	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
910.3	Section amended	SF 184.4	E
910.3B	New section	SF 503.11	J
910.7A	Subsection 2 amended	HF 662.18	VETO
910.9	Unnumbered paragraph 3 amended	HF 707.37	J
910A.5	Subsection 1, paragraph b amended	HF 661.3	J
910A.5	Subsection 3 amended	SF 515.53	J
911.1	Section amended	HF 662.19	VETO
912.5	New subsection 5	SF 251.1	E

1997 ACTS - Listed by Bill Number

<u>Bill/Section</u>	<u>Action</u>	<u>Sen/Hse File No.</u>	<u>Effective</u>
SF 131.1	Section repealed	SF 542.21	E
SF 131.2	Section repealed	SF 542.22	E
SF 176.2	Section repealed	HF 698.17	J
SF 230.6	Subsection 11, new paragraph g	HF 698.24	7/1/98
SF 230.14	Section repealed	HF 698.18	J
SF 230.15	Section repealed	HF 698.18	J
SF 230.16	Section repealed	HF 698.18	J
SF 230.18	Section repealed	HF 698.19	J
SF 230.19	Section repealed	HF 698.19	J
SF 230.20	Section repealed	HF 698.20	J
SF 395.6	Section repealed	SF 395.7	7/1/99
HF 715.9	Subsection 3, unnumbered paragraph 1 amended	SF 542.20	E
HF 715.22	New subsection 9	HF 702.21	J

1996 ACTS AMENDED

<u>Chap/Section</u>	<u>Action</u>	<u>Sen/Hse File No.</u>	<u>Effective</u>
1024.1	Section amended	HF 550.2	E
1149.2	Section repealed	HF 399.2	12/31/97
1186.25	New unnumbered paragraph	SF 395.6	E
1186.25	New unnumbered paragraph repealed	SF 395.7	7/1/99
1213.1	Unnumbered paragraph 2 amended	HF 125.2	E
1213.6	Unnumbered paragraph 2 & subsection 1 amended	HF 125.3	E
1213.10	Unnumbered paragraph 2 amended	HF 125.4	E
1213.10	Subsection 9 amended	HF 125.5	E
1213.21	Unnumbered paragraph 2 amended	HF 125.6	E
1213.22	Unnumbered paragraph 2 amended	HF 125.7	E
1214.26	Section amended	HF 708.25	J
1214.27	Section repealed	HF 708.31	J
1214.33	Section amended	HF 708.28	J
1216.7	Subsection 7 amended	SF 533.27	E
1216.21	Subsection 7 amended	SF 533.28	J
1218.10	Unnumbered paragraph 3 amended	SF 542.26	E
1218.13	Section amended	HF 733.3	J
1218.13	Subsection 2, paragraph c, subparagraph (2) amended	HF 733.3	VETO
1218.51	Subsection 3 rewritten	SF 391.12	J
1218.55	Unnumbered paragraph 1 amended	HF 733.8	J
1218.55	Subsection 2 amended	HF 733.9	VETO
1218.55	Subsection 3 amended	HF 655.23	E
1219.92	Section amended	HF 655.24	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	* - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	** - Bill section repealed by subsequent bill
J - Effective July 1, 1997	IV - Part of bill section vetoed	

1995 ACTS AMENDED

Chap/Section	Action	Sen/Hse File No.	Effective
33.1	Section amended	HF 550.2	E
67.49	Section repealed	SF 391.14	J
166.2	Section amended	SF 533.26	J
195.41	Section repealed	HF 708.30	J
216.13	Subsection 3 stricken	HF 708.29	J

1994 ACTS AMENDED

Chap/Section	Action	Sen/Hse File No.	Effective
1038.3	Section amended	HF 550.2	E
1038.3	Section repealed	HF 550.2	1/1/98
1119.36	Section repealed	SF 391.13	J

1993 ACTS AMENDED

Chap/Section	Action	Sen/Hse File No.	Effective
158.3	Subsection 1, paragraph f stricken	HF 710.17	J

PROPOSED CONSTITUTIONAL AMENDMENTS

Portion of Iowa Constitution	Sen/Hse File No.	Effective
Article 1, Section 1	HJR 5.1	upon approval of voters
Article 1, Section 11, unnumbered paragraph 1	HJR 10.1	upon approval of voters

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