

# **SUMMARY OF LEGISLATION ENACTED IN THE YEAR 1998 BY THE SECOND 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 1998 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 1998 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, 1998, unless otherwise specified in an individual summary.

## **FISCAL YEAR**

For purposes of this summary of legislation, "fiscal year 1998-1999," and "FY 1999," for example, both describe the fiscal year beginning July 1, 1998, and ending June 30, 1999.

## **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.

**Legislative Service Bureau  
State Capitol Building  
Des Moines, Iowa 50319  
(515) 281-3566  
<http://www.legis.state.ia.us>**



**Printed on Recycled Paper**

*Cover Photo by Scott Little*

## TABLE OF CONTENTS

### Location of Summaries by File Number:

Senate Files .....	v
House Files .....	vii

### Subject Areas:

Agriculture .....	1
Alcohol Regulation & Substance Abuse .....	11
Appropriations .....	15
Business, Banking & Insurance .....	43
Children & Youth .....	55
Civil Law, Procedure & Court Administration .....	63
Criminal Law, Procedure & Corrections .....	75
Economic Development .....	89
Education .....	95
Elections, Ethics & Campaign Finance .....	103
Energy & Public Utilities .....	107
Environmental Protection .....	111
Gaming .....	117
Health & Safety .....	121
Human Services .....	129
Labor & Employment .....	139
Local Government .....	145
Natural Resources & Outdoor Recreation .....	157
State Government .....	161
Taxation .....	179
Transportation .....	189

### Appendices:

Chapter Numbers of the 1998 Iowa Acts and Joint Resolutions .....	199
Sections Amended, Added or Repealed .....	201
Iowa Acts Amended .....	252
Proposed Constitutional Amendments .....	254
1998 Senate Committees .....	255
1998 House of Representatives Committees .....	257

## LOCATION OF SUMMARIES BY FILE NUMBER

### Senate Files

Number	Major Subject	Number	Major Subject
SF 187	Natural Resources & Outdoor Recreation	SF 2257	Transportation
SF 316	Local Government	SF 2259	Criminal Law, Procedure & Corrections
SF 347	Natural Resources & Outdoor Recreation	SF 2261	Civil Law, Procedure & Court Administration
SF 466	Criminal Law, Procedure & Corrections	SF 2267	State Government
SF 490	Criminal Law, Procedure & Corrections	SF 2268	Energy & Public Utilities
SF 492	Labor & Employment	SF 2269	State Government
SF 518	State Government	SF 2277	Civil Law, Procedure & Court Administration
SF 530	Local Government	SF 2279	Business, Banking & Insurance
SF 540	Labor & Employment	SF 2280	Appropriations
SF 2015	Local Government	SF 2284	Local Government
SF 2022	Transportation	SF 2285	Human Services
SF 2023	Transportation	SF 2288	Taxation
SF 2029	State Government	SF 2292	Criminal Law, Procedure & Corrections
SF 2037	State Government	SF 2294	Natural Resources & Outdoor Recreation
SF 2038	Elections, Ethics & Campaign Finance	SF 2295	Appropriations
SF 2052	Appropriations	SF 2296	Appropriations
SF 2061	Local Government	SF 2301	Business, Banking & Insurance
SF 2072	Children & Youth	SF 2308	State Government
SF 2073	Criminal Law, Procedure & Corrections	SF 2310	State Government
SF 2075	State Government	SF 2311	Business, Banking & Insurance
SF 2081	Transportation	SF 2312	Children & Youth
SF 2082	Criminal Law, Procedure & Corrections	SF 2313	Human Services
SF 2085	Transportation	SF 2316	Business, Banking & Insurance
SF 2090	Criminal Law, Procedure & Corrections	SF 2319	State Government
SF 2094	Education	SF 2320	Gaming
SF 2109	Business, Banking & Insurance	SF 2321	State Government
SF 2112	Labor & Employment	SF 2324	Agriculture
SF 2113	Transportation	SF 2325	Business, Banking & Insurance
SF 2119	Agriculture	SF 2329	Civil Law, Procedure & Court Administration
SF 2121	Gaming	SF 2330	Civil Law, Procedure & Court Administration
SF 2136	State Government	SF 2331	Criminal Law, Procedure & Corrections
SF 2153	Elections, Ethics & Campaign Finance	SF 2332	Agriculture
SF 2161	Health & Safety	SF 2333	Labor & Employment
SF 2162	Business, Banking & Insurance	SF 2335	Criminal Law, Procedure & Corrections
SF 2170	Education	SF 2337	Criminal Law, Procedure & Corrections
SF 2174	Agriculture	SF 2338	Civil Law, Procedure & Court Administration
SF 2182	State Government	SF 2339	Civil Law, Procedure & Court Administration
SF 2183	State Government	SF 2340	Agriculture
SF 2184	Environmental Protection	SF 2341	Health & Safety
SF 2185	State Government	SF 2345	Children & Youth
SF 2186	Civil Law, Procedure & Court Administration	SF 2348	Education
SF 2188	Business, Banking & Insurance	SF 2350	State Government
SF 2189	Business, Banking & Insurance	SF 2351	Business, Banking & Insurance
SF 2192	Transportation	SF 2353	Education
SF 2200	Local Government	SF 2356	State Government
SF 2201	Energy & Public Utilities	SF 2357	Taxation
SF 2218	Transportation	SF 2359	Children & Youth
SF 2220	Children & Youth	SF 2364	Taxation
SF 2225	Education	SF 2365	Taxation
SF 2235	Civil Law, Procedure & Court Administration	SF 2366	Education
SF 2254	Local Government	SF 2367	Local Government

### Senate Files

<b>Number</b>	<b>Major Subject</b>	<b>Number</b>	<b>Major Subject</b>
SF 2368	Local Government	SF 2397	Business, Banking & Insurance
SF 2371	Agriculture	SF 2398	Criminal Law, Procedure & Corrections
SF 2372	Local Government	SF 2399	Business, Banking & Insurance
SF 2373	Criminal Law, Procedure & Corrections	SF 2400	Local Government
SF 2374	Civil Law, Procedure & Court Administration	SF 2404	Agriculture
SF 2376	Gaming	SF 2405	Local Government
SF 2377	Criminal Law, Procedure & Corrections	SF 2406	Local Government
SF 2378	Civil Law, Procedure & Court Administration	SF 2407	Taxation
SF 2380	Business, Banking & Insurance	SF 2410	Appropriations
SF 2381	Appropriations	SF 2413	Environmental Protection
SF 2383	State Government	SF 2415	Economic Development
SF 2384	Civil Law, Procedure & Court Administration	SF 2416	Taxation
SF 2385	Criminal Law, Procedure & Corrections	SF 2418	Appropriations
SF 2391	Criminal Law, Procedure & Corrections		

### Senate Joint Resolutions

<b>Number</b>	<b>Major Subject</b>
SJR 9	Elections, Ethics & Campaign Finance
SJR 2004	State Government

## LOCATION OF SUMMARIES BY FILE NUMBER

### House Files

Number	Major Subject	Number	Major Subject
HF 8	Local Government	HF 2392	Transportation
HF 58	Labor & Employment	HF 2394	Transportation
HF 299	Labor & Employment	HF 2395	Appropriations
HF 382	Civil Law, Procedure & Court Administration	HF 2400	Civil Law, Procedure & Court Administration
HF 530	Health & Safety	HF 2402	Criminal Law, Procedure & Corrections
HF 667	State Government	HF 2412	Transportation
HF 677	Civil Law, Procedure & Court Administration	HF 2424	Transportation
HF 681	Environmental Protection	HF 2429	Business, Banking & Insurance
HF 721	Economic Development	HF 2435	Economic Development
HF 2002	Criminal Law, Procedure & Corrections	HF 2438	Agriculture
HF 2049	Local Government	HF 2443	Labor & Employment
HF 2119	Education	HF 2454	Business, Banking & Insurance
HF 2120	Health & Safety	HF 2456	Civil Law, Procedure & Court Administration
HF 2135	Economic Development	HF 2465	Labor & Employment
HF 2136	Agriculture	HF 2468	Human Services
HF 2146	State Government	HF 2471	Civil Law, Procedure & Court Administration
HF 2153	Taxation	HF 2472	Local Government
HF 2162	State Government	HF 2473	Agriculture
HF 2164	Economic Development	HF 2476	State Government
HF 2166	State Government	HF 2478	Civil Law, Procedure & Court Administration
HF 2168	Economic Development	HF 2480	Criminal Law, Procedure & Corrections
HF 2169	Civil Law, Procedure & Court Administration	HF 2482	Criminal Law, Procedure & Corrections
HF 2175	Local Government	HF 2487	Alcohol Regulation & Substance Abuse
HF 2189	Business, Banking & Insurance	HF 2490	Environmental Protection
HF 2210	Appropriations	HF 2492	Agriculture
HF 2211	Local Government	HF 2494	Agriculture
HF 2218	Appropriations	HF 2495	Elections, Ethics & Campaign Finance
HF 2246	Local Government	HF 2496	State Government
HF 2262	Criminal Law, Procedure & Corrections	HF 2498	Appropriations
HF 2269	Education	HF 2499	Appropriations
HF 2271	Appropriations	HF 2502	State Government
HF 2272	Education	HF 2513	Taxation
HF 2275	Health & Safety	HF 2514	Transportation
HF 2281	Civil Law, Procedure & Court Administration	HF 2516	State Government
HF 2282	Education	HF 2517	Business, Banking & Insurance
HF 2290	Natural Resources & Outdoor Recreation	HF 2523	Human Services
HF 2292	Environmental Protection	HF 2527	Civil Law, Procedure & Court Administration
HF 2317	Agriculture	HF 2528	Transportation
HF 2324	Criminal Law, Procedure & Corrections	HF 2532	Gaming
HF 2331	Business, Banking & Insurance	HF 2533	Appropriations
HF 2335	Agriculture	HF 2538	Economic Development
HF 2336	Criminal Law, Procedure & Corrections	HF 2539	Appropriations
HF 2337	Criminal Law, Procedure & Corrections	HF 2541	Taxation
HF 2339	Environmental Protection	HF 2542	Agriculture
HF 2340	Health & Safety	HF 2545	Local Government
HF 2348	Human Services	HF 2546	Environmental Protection
HF 2353	Transportation	HF 2550	Taxation
HF 2369	Criminal Law, Procedure & Corrections	HF 2553	Appropriations
HF 2374	Taxation	HF 2558	Human Services
HF 2382	Agriculture	HF 2560	State Government

## House Joint Resolutions

<b>Number</b>	<b>Major Subject</b>
HJR 2003	State Government
HJR 2004	State Government

## AGRICULTURE

- SENATE FILE 2119 - Corn Promotion Board and Fund — State Assessment on Corn
- SENATE FILE 2174 - Agriculture Code Provisions Update
- SENATE FILE 2324 - Soil and Water Conservation Practices — Financial Incentives — Cost-Share Moneys
- SENATE FILE 2332 - Organic Agricultural Products
- SENATE FILE 2340 - Iowa Egg Council — Assessment on Eggs Sold
- SENATE FILE 2371 - Infectious and Contagious Diseases Among Livestock
- SENATE FILE 2404 - Cooperatives
- HOUSE FILE 2136 - Compliance With Requirements for Agricultural Drainage Wells
- HOUSE FILE 2317 - Drainage District Improvements in Protected Wetlands
- HOUSE FILE 2335 - Agricultural Landholding Restrictions and Reporting Requirements
- HOUSE FILE 2382 - Identification of Animals
- HOUSE FILE 2438 - Regulation of Commercial Feed
- HOUSE FILE 2473 - Farm Mediation
- HOUSE FILE 2492 - Drainage District Repairs and Improvements — Period for Financing
- HOUSE FILE 2494 - Regulation of Animal Feeding Operations and Related Provisions
- HOUSE FILE 2542 - Bulk Dry Animal Nutrient Products

### RELATED LEGISLATION

- SENATE FILE 2037 - Iowa State Fair Convention and Board  
*SEE STATE GOVERNMENT.* This Act amends a number of provisions in Code Chapter 173, which provides for the administration of the Iowa State Fair by a board of directors. The Act reduces the number of delegates required to attend the annual convention that elects members of the board, provides for the election of certain directors representing congressional districts, and eliminates term limits for directors.
- SENATE FILE 2052 - Private Activity Bonds for Agricultural and Other Purposes — Agricultural Development Authority  
*SEE APPROPRIATIONS.* This Act increases the allocation of the state ceiling, from 16 percent to 21 percent, of amounts reserved to support programs administered by the Agricultural Development Authority.
- SENATE FILE 2081 - Implements of Husbandry  
*SEE TRANSPORTATION.* This Act allows an implement of husbandry to be moved between any site and the site of an agricultural exposition or fair, notwithstanding provisions ordinarily regulating the size, weight and load of vehicles and requiring permits for the movement of certain heavy vehicles.
- SENATE FILE 2082 - Anhydrous Ammonia  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act regulates the installation and operation of equipment used to store and deliver anhydrous ammonia, and provides enhanced penalties for intentionally tampering with anhydrous ammonia equipment.
- SENATE FILE 2121 - Veterinary Treatment of Racehorses  
*SEE GAMING.* This Act permits the administration of the drug lasix to a racehorse in a horse stall by the treating veterinarian without direct supervision by a Racing and Gaming Commission veterinarian.
- SENATE FILE 2185 - State Purchase of Biodegradable Hydraulic Fluids  
*SEE STATE GOVERNMENT.* This Act requires state agencies, when purchasing hydraulic fluids, to give a preference to biodegradable hydraulic fluids manufactured from soybeans to the extent that the purchase is within their purchasing budgets and is consistent with manufacturer's specifications.

- SENATE FILE 2200** - County Agricultural Extension Councils  
**SEE LOCAL GOVERNMENT.** This Act permits a county agricultural extension council to collect reasonable fees and to seek and receive moneys from public and private sources for the purposes of the council; permits a council to enter into a contract to provide educational services; and provides for the reimbursement of members of a council for actual and necessary expenses from moneys available in the county agricultural extension education fund.
- SENATE FILE 2295** - 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. In addition, the Act includes various provisions involving animal health and marketing.
- SENATE FILE 2364** - Food and Beverage Sales and Use Tax Exemption  
**SEE TAXATION.** This Act provides an exemption from the sales and use taxes of the sales of food and beverages by nonprofit organizations that are not subject to federal income tax if the primary purpose of the nonprofit organization is the promotion of a food or beverage product for human consumption produced, grown or raised in the state.
- SENATE FILE 2381** - Appropriations — Infrastructure and Capital Projects  
**SEE APPROPRIATIONS.** This Act makes appropriations to and from the Rebuild Iowa Infrastructure Fund, including an appropriation to the Division of Soil Conservation located in the Department of Agriculture and Land Stewardship for deposit in the Loess Hills Development and Conservation Fund.
- SENATE FILE 2400** - Powers and Duties of County Treasurers  
**SEE LOCAL GOVERNMENT.** This Act eliminates the requirement that the county treasurer's approval be endorsed on the bond filed by the treasurer of an agricultural extension council.
- SENATE FILE 2415** - Iowa Agricultural Industry Finance Act and Related Provisions  
**SEE ECONOMIC DEVELOPMENT.** This Act provides for the financing of enterprises owned by agricultural producers which produce, process and market high value agricultural products.
- HOUSE FILE 2290** - Deer Hunting and Deer Population Control  
**SEE NATURAL RESOURCES & OUTDOOR RECREATION.** This Act increases the civil penalty for illegally taking antlered deer, authorizes the use of artificial light to take deer in urban areas pursuant to an approved special deer population control plan, provides for the issuance of depredation permits to certain landowners, increases the number of nonresident deer hunting licenses, and provides for issuance of additional licenses for antlerless deer.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
**SEE APPROPRIATIONS.** This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes.
- HOUSE FILE 2513** - Taxation — Miscellaneous Provisions  
**SEE TAXATION.** Division I of this Act eliminates the taxation for individual income tax purposes of certain qualifying net capital gains, including gains from the sale of certain livestock and timber and business real property. Prior law allowed only a 45 percent deduction. This Division also eliminates the material participation requirement from sales of businesses to lineal descendants for purposes of the taxation of net capital gains from these sales, and provides for complete exemption from the state individual income tax of capital gains from each capital asset when it is part of a sale of the taxpayer's business if the sale is made to a lineal descendant of the taxpayer. This Division takes effect May 6, 1998, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.



## AGRICULTURE

### **SENATE FILE 2119 - Corn Promotion Board and Fund — State Assessment on Corn**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 185C, which establishes the Iowa Corn Promotion Board and provides for a state excise tax (referred to as a "state assessment") on each bushel of corn marketed in this state which is paid by producers to support the board's efforts to increase markets for corn and corn products. Upon request of the board, the Secretary of Agriculture must call a special referendum for producers to vote on whether to authorize an increase in the state assessment. This Act allows producers to increase the assessment from one-half cent to one cent per bushel of corn. The state assessment is collected by the board and deposited into a special fund known as the Corn Promotion Fund. This Act also allows the board to accept rents, royalties and license fees for deposit into the fund.

### **SENATE FILE 2174 - Agricultural Code Provisions Update**

BY COMMITTEE ON AGRICULTURE. This Act makes a number of statutory changes relating to agriculture and the Department of Agriculture and Land Stewardship.

The Act strikes provisions requiring the department to establish an agricultural commodity informational database and publish an annual report involving inspection fees for commercial feed. The Act requires that standards for foods adopted by the department must comply with standards adopted by federal agencies including, but not limited to, the U.S. Department of Agriculture.

The Act repeals Code sections and chapters that do the following:

- Regulate cold storage plants by providing for licensure, examination of plants, reporting, and penalties.
- Authorize the Iowa State Dairy Association to hold an exposition of 4-H dairy calves and contests.
- Memorialize the Interstate Compact on Agricultural Grain Marketing.
- Regulate frozen desserts by regulating fruit flavoring, providing labeling requirements, prohibiting false advertising, requiring the posting of signs, and providing for dry powder mixes.
- Allow the department to hold a state farmers institute for the discussion of practical and scientific topics relating to the various branches of agriculture.
- Require persons answering departmental inquiries regarding agricultural statistics to summarize and footnote their responses.
- Authorize the department to establish standards for apples and allow for departmental inspections and certification of apples.
- Provide that regulations and orders adopted by the department in regulating bee colonies have the full force and effect of law.
- Require that each bee colony moved into Iowa from another state by a nonresident be assessed a \$1 entry fee.
- Provide for the sealing of bottles for milk or cream, the authority of a city to appoint a sealer of weights and measures, and the duty of a city sealer to provide for the safekeeping of city standards.
- Establish the State Interagency Resource Council, charging it to receive and distribute information regarding land use statistics by counties.

### **SENATE FILE 2324 - Soil and Water Conservation Practices — Financial Incentives — Cost-Share Moneys**

BY COMMITTEE ON AGRICULTURE. This Act amends a provision in Code Chapter 161A that provides for the administration of soil and water conservation practices by district commissioners. Code Section 161A.73 provides that the commissioners of a district may establish voluntary financial incentive programs that provide for the allocation of cost-share moneys to encourage summer construction of permanent soil and water conservation practices. The Code section provides that the practices must be constructed on or after June 1, but not later than August 15. This Act extends the deadline to September 15.

### **SENATE FILE 2332 - Organic Agricultural Products**

BY COMMITTEE ON AGRICULTURE. This Act establishes a new Code chapter which imposes requirements for the production, handling, processing, and sale of organic agricultural products, including commodities and processed products. The Act replaces provisions in Code Chapter 190B, which currently governs the sale of organic food.

The requirements under the Act are administered and enforced by the Department of Agriculture and Land Stewardship under the direction of an Organic Standards Board composed of members appointed by the Governor and Secretary of Agriculture. The requirements provide standards governing the production, handling, processing, and selling of agricultural products advertised as organic. The board has a number of powers, including approving applications for certification and establishing procedures governing appeals of decisions made by the department or board. The department is responsible for adopting a

number of rules to administer the Act, including rules for standards, certification, inspections, testing, the assessment and collection of fees, the maintenance of records, disciplinary action, and the issuance of stop sale orders. The board must establish a schedule of fees for persons required to be certified as producers, handlers and processors. Upon approval by the board, the department may authorize a regional organic association to assist the board in certification.

The Act contains specific provisions governing standards. The agricultural product must be produced and handled without the use of synthetic chemicals, must not be produced on land to which prohibited substances have been recently applied, and must be produced and handled in compliance with an organic plan agreed to by the producer, handler and certifying agent. The Act contains specific provisions governing the certification process, requirements for labeling including the establishment of a seal, and recordkeeping.

The provisions of the Act are enforceable by the department and the Attorney General. The Act authorizes the department to conduct investigations and inspections, including examining agricultural products, in order to determine compliance with the requirements of this Act. The Act provides that the board may take disciplinary action against persons violating the provisions of the Act, including suspending or terminating certification. The Act authorizes the department to issue stop sale orders. It authorizes the Attorney General, the department or any other person to seek an injunction in district court in order to prevent false or misleading advertising. A person who violates the Act is subject to a civil penalty of not more than \$5,000.

The Act takes effect May 20, 1998.

**SENATE FILE 2340 - Iowa Egg Council — Assessment on Eggs Sold**

BY COMMITTEE ON AGRICULTURE. This Act amends a number of provisions in Code Chapter 196A, which provides for the establishment and administration of the Iowa Egg Council and the assessment of an excise tax on eggs used to support the council's activities. The Act eliminates requirements that the council perform a number of specific functions, and requires that the council promote the increased utilization of eggs and egg products.

The Act amends provisions establishing the council and a state excise tax (referred to as an assessment) deducted from the sales price paid to producers. The Act changes requirements necessary in order for producers to call a referendum to abolish the council and terminate the assessment. The Act eliminates a provision that requires the assessment to expire every five years. The Act amends procedures for conducting a referendum, allowing a referendum to be conducted by mail, electronic means or a general meeting of eligible voters. The Act provides that in order to be eligible to vote in the referendum, a producer must have paid an assessment in the year of the referendum. The Act also eliminates the ceiling on the assessment amount that may be established by the council.

The Act provides that a member of the council must be a resident of the state. The Act eliminates requirements relating to the composition of a committee that nominates candidates to stand for election to the council. The Act also eliminates a requirement that notice of an election must be published in a newspaper. The Act permits the council to receive gifts, rents, royalties, license fees, or other moneys for deposit in the Iowa Egg Fund, which is used to support council activities.

The Act eliminates a provision requiring the council to annually prepare and submit a report summarizing council activities to the Auditor of State and the Secretary of Agriculture showing all council income and expenses.

**SENATE FILE 2371 - Infectious and Contagious Diseases Among Livestock**

BY COMMITTEE ON AGRICULTURE. This Act amends several provisions regulating infectious diseases among livestock, including Code Chapter 163, which regulates contagious diseases generally, and Code Chapter 166D, which regulates pseudorabies affecting swine under the authority of the Department of Agriculture and Land Stewardship.

The Act amends Code Chapter 163 by providing for the collection and analysis of blood from livestock at slaughtering establishments. The collection may be performed by the department, a slaughtering establishment under an agreement with the department, or a person authorized by the department.

The Act amends Code Chapter 166D by providing all of the following:

- Requires an owner transferring possession of feeder pigs to execute a written agreement with the person taking possession providing that the feeder pigs shall not be commingled with other swine for 30 days.
- Amends a provision placing special conditions upon an area when the department determines that a majority of herds within the area have been tested and a majority of herds reveal a noninfection rate of 90 percent or greater. The Act reduces this percentage to 80 percent.
- Amends a provision that requires herds to be periodically recertified by the department. The provision allows a herd to retain certification when at least 25 percent of the herd's breeding swine react negatively to a test every 80 to 105

days or at least 10 percent of the herd's breeding swine react negatively to a test each month. This Act eliminates the 25 percent requirement. It requires that the 10 percent rule does not apply if less than five head of swine react positively to a test.

- Provides that herd cleanup plans may include the segregation of progeny with restricted movement, the test and removal of infected swine from a herd, or depopulation. The Act provides that in the case of progeny segregation, the herd cleanup plan must include the location of the premises that will receive the progeny. The premises must be quarantined. However, breeding swine in an infected herd must be tested and the infected breeding swine must be removed from the infected herd in accordance with procedures and dates established by the department.
- Changes a requirement providing that a feeder pig cooperator herd plan may be adopted if there have been no clinical signs of pseudorabies during the past six months. The Act changes the requirement to provide that no clinical signs of pseudorabies must have been detected for 30 days and eliminates a requirement that a feeder pig cooperator herd may be moved within Iowa without individual tests as feeder pigs of unknown origin.
- Eliminates a requirement that provides that moved or relocated swine must be accompanied by a certificate of inspection or an official health certificate or veterinarian certificate.
- Amends a provision that applies to feeder swine moved from a location outside of this state to a location within this state. The Act provides that the feeder swine are not required to be vaccinated if the feeder swine originate from a qualified negative herd and are introduced to a qualified negative herd or the feeder swine originate from a qualified differentiable negative herd and are introduced to a qualified differentiable negative herd.
- Amends a provision permitting swine from known infected herds to be moved through a concentration point if other species of livestock are not to be held at the concentration point. This Act amends that restriction by providing that the other species must be kept separate and apart from the swine.

#### **SENATE FILE 2404 - Cooperatives**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 501, which provides for cooperative corporations that hold agricultural land in this state. This type of entity is a hybrid between a cooperative association organized under Code Chapter 499 and a corporation organized under Code Chapter 490.

The Act changes a number of terms used in the chapter. The Act changes "cooperative corporations" to "cooperatives." It changes a number of other terms to more closely resemble terms describing the business activities of cooperative associations rather than corporations. For example, a cooperative must be organized as an association rather than a corporation. The Act changes "articles of incorporation" to "articles of association"; "shareholders" to "interest holders" or "members" in the cooperatives; and "voting stock" to "voting interest." An "interest holder" is defined to mean a person who holds a voting or nonvoting interest in a cooperative. A "member" is a person who holds a voting interest in the cooperative. References to "dividends" are changed to "distributions."

The Act also provides that a general partner authorized to hold an interest in a cooperative must include all natural persons.

The Act amends Code Section 501.106, which provides for maintaining a registered office or registered agent in this state for purpose of service. The Act adds provisions taken from Code Sections 490.503 and 490.504, which provide procedures for the resignation of a registered agent and delivery of service when a registered agent is not available. The Act changes the term "corporation" to "cooperative."

The Act incorporates a number of provisions that were included by reference in the chapter. These sections refer to provisions in both Code Chapter 490, governing corporations, and Code Chapter 499, governing cooperative associations. The Act redrafts these provisions expressly as part of Code Chapter 501 and changes references to "corporation" or "association" to "cooperative" and corrects internal references.

Code Section 501.102 provides that a cooperative has the same powers as Code Sections 490.302 and 490.303 provide a corporation. Those powers include the power to sue and be sued, have a seal, make and amend bylaws, acquire property, sell or dispose of property, enter into purchase security arrangements, make contracts, incur liabilities, issue notes and bonds, lend money, invest money, become an investor in another enterprise, conduct business, elect directors, appoint officers and hire employees, pay pensions, and make donations. This Act repeals Code Section 501.102 and provides those same powers expressly to cooperatives.

Code Section 501.107 provides that Code Sections 490.1601 through 490.1622 apply to cooperatives organized under Code Chapter 501. The sections provide for keeping corporate records, the right of shareholders to inspect those records, the authority of courts to order inspections, the preparation of financial statements for shareholders, and the submission of reports to the Secretary of State. This Act repeals Code Section 501.107 and rewrites those provisions into new Code sections in Code Chapter 501.

Code Section 501.408 provides that a cooperative may indemnify an officer, employee or agent who is a party to a legal proceeding in the same way that a corporation may indemnify a director in the same circumstances. The section provides for definitions, grants authority to a corporation to indemnify a director under circumstances, requires indemnification in certain circumstances, allows for advancing a director moneys for legal expenses, allows for indemnification pursuant to court order, provides procedures for indemnification, provides for indemnification of officers, employees and agents, and allows a corporation to purchase insurance. The Act repeals Code Section 501.408 and expressly drafts those provisions into Code Chapter 501.

Code Section 501.602 provides for mergers and consolidations among cooperatives organized under Code Chapter 501. The section provides that Code Sections 499.61 through 499.70 apply to the mergers or consolidations. Those sections provide for definitions, allow for merger and consolidation, require a vote of the membership, provide for objections by members and the payment of fair market value to dissenters, provide for articles of merger or consolidation and the issuance of a certificate of merger or consolidation, and authorize abandonment prior to filing the articles of merger or consolidation. This Act repeals Code Section 501.602 and, with some exceptions, rewrites the same provisions in Code Chapter 501.

Code Section 501.604 provides for the dissolution of a cooperative based on the same provisions that apply to corporations under Code Sections 490.1401 through 490.1440. Those sections provide for dissolution by incorporators, initial directors who have not issued stock, or a board of directors operating a functioning corporation; the filing of articles of dissolution, a revocation of a dissolution, and the effect of the dissolution; procedures for disposing of known and unknown claims against the corporation; grounds for administrative dissolution, procedures for and the effect of an administrative dissolution, and reinstatement, including appeal from a denial of reinstatement; grounds for judicial dissolution, procedures for judicial dissolution, and procedures for appointing a receiver or custodian; entering a decree of dissolution; and depositing creditor assets with the Treasurer of State. This Act repeals Code Section 501.604 and rewrites those provisions expressly for cooperatives as part of Code Chapter 501 with limited exceptions. The Act does not include a provision requiring information in the articles to be separately provided for each voting group entitled to vote separately on the plan to dissolve.

The Act takes effect April 23, 1998.

#### **HOUSE FILE 2136 - Compliance With Requirements for Agricultural Drainage Wells**

BY MERTZ. This Act extends the deadline by which an owner of land that contains an agricultural drainage well must comply with requirements for preventing surface water from draining into the agricultural drainage well. The requirements include removing a surface water intake if it empties into the well, constructing and maintaining sidewalls surrounding the well's cistern, ensuring that the well and related drainage system are adequately ventilated, and installing a locked cover over the well or its cistern. This Act extends the deadline from December 31, 1998, to December 31, 2001.

#### **HOUSE FILE 2317 - Drainage District Improvements in Protected Wetlands**

BY MERTZ. This Act amends Code Chapter 456B, which provides for restrictions on the use of a protected wetland. Code Section 456B.13 prohibits a person from draining a protected wetland without first obtaining a permit from the Department of Natural Resources. The department may issue a permit if the protected wetland is replaced with another wetland or the wetland does not meet the qualifications for continued protection.

This Act provides that the drainage prohibition does not apply to a person maintaining, repairing or replacing an improvement to a drainage district as long as the improvement continues to serve the drainage district and the functions of the improvement are not expanded beyond the scope of functions as designed prior to the maintenance, repair or replacement.

#### **HOUSE FILE 2335 - Agricultural Landholding Restrictions and Reporting Requirements**

BY COMMITTEE ON AGRICULTURE. This Act allows several types of business entities to hold agricultural land in this state. Generally, Code Section 9H.5 prohibits entities such as corporations, limited liability companies, limited partnerships, and cooperative associations from holding agricultural land. Code Chapter 9H provides several exceptions to this prohibition. Code Chapter 567 prohibits foreign entities such as nonresident aliens from holding agricultural land. A corporate entity, such as a corporation, can be organized on a "family" basis or on an "authorized basis."

An entity organized on a family basis can be a family farm corporation, family farm limited liability company, family farm limited partnership, or family trust. However, a number of restrictions apply. For example, a family farm corporation must be founded for the purpose of farming and the ownership of agricultural land; a majority of the voting stock must be held by, and a majority of the voting stockholders must be, relatives; all of the stockholders must be natural persons; and 60 percent of the corporation's gross revenues over the last consecutive three-year period must come from farming. Similar requirements apply to other types of business qualifying on a family basis. There is no restriction on the amount of agricultural land that a family farm entity may hold or the number of family farm entities that a person can join.

In the same way, an entity can be organized on an authorized basis as an authorized corporation, authorized limited liability company, authorized trust, or limited partnership. An authorized entity, such as an authorized corporation, must also meet certain qualifications. An authorized corporation must be founded for the purpose of farming and the ownership of agricultural land, it must be composed of 25 or fewer stockholders, and the stockholders must be natural persons. These same types of qualifications apply to other authorized entities, other than limited partnerships. However, an authorized entity, including a limited partnership, is prohibited from holding more than 1,500 acres of agricultural land. A person cannot hold an interest in two or more authorized entities.

This Act creates a new Code chapter providing additional ways for entities to acquire and hold agricultural land, including corporations, limited liability companies and cooperative associations. Under the Act, a business can hold agricultural land if it qualifies as a farmers entity. A farmers entity can be either a networking farmers entity, a farmers cooperative association or a farmers cooperative limited liability company. A farmers networking entity may be organized as a networking farmers corporation or a networking farmers limited liability company. A farmers cooperative association is a cooperative association organized under Iowa law (specifically Code Chapter 490 or 499). A farmers cooperative limited liability company is a limited liability company organized under Code Chapter 490A and composed of cooperative associations.

A number of restrictions apply in common to all of these entities:

- A farmers entity cannot hold more than 640 acres. In addition, an interest in agricultural land held by a farmers entity is attributable as an interest in agricultural land held by the person holding the interest in the entity. This means that a person cannot be a shareholder of a networking farmers corporation if the person could not hold agricultural land directly. There is an exception for cooperative associations which can hold an interest in any number of farmers entities, if the total number of acres held by the farmers entities and attributable to the cooperative association is 640 acres or less. A special exception also exists for temporary transfers of an interest by operation of law.
- Only certain persons can own an interest in farmers entities.

In the case of a networking farmers entity or a farmers cooperative association, the following requirements apply:

- A person cannot hold an interest in an entity if the person holds a 25 percent or greater interest in another entity having six or fewer interest holders or the person holds a 15 percent or greater interest in an entity having seven or more stockholders.
- A person who holds a majority interest in an authorized entity cannot hold a majority interest in another entity.
- Qualified farmers must hold at least 51 percent of the entity (e.g., 51 percent of the stock of a networking farmers corporation). A qualified farmer is restricted to individuals actively engaged in farming, general partnerships in which all partners are individuals actively engaged in farming, or farm estates. In addition, qualified persons must hold at least 70 percent of the entity. A qualified person is limited to qualified farmers, family farm entities like family farm corporations, or certain landlords.
- In the case of farmers cooperative limited liability companies, cooperative associations must hold 100 percent of the entity and farmers cooperative associations must hold at least 70 percent of the entity. In addition, less than 50 percent of the interest in the entity can be held by members which are parties to loan agreements involving regional cooperative associations.
- There are restrictions on farming activities. At least 75 percent of the networking farmers entity's gross receipts must come from the sale of livestock or livestock products. A farmers cooperative association or a farmers cooperative limited liability company cannot produce forage or grain on its own land unless it is under a contract on a cash-lease basis. In addition, a farmers cooperative limited liability company cannot own or contract for the care and feeding of swine if a member of the entity is a regional cooperative association.
- Special rights are provided to members of farmers cooperative associations. If the association adopts a resolution to acquire an interest in agricultural land or in a farmers entity, the members may petition the association's board of directors to demand a referendum on the question. If a valid petition is filed, the resolution cannot become effective until the resolution is approved by a majority vote of the voting members of the association casting ballots. In addition, the holders of members' equity may dissent by filing a dissent with the board of directors members for the fair value of that member's interest.
- A number of penalties apply to persons violating the Act. A person violating landholding restrictions is subject to a civil penalty of not more than \$10,000 and must divest itself of any land held in violation of the Act within one year after judgment is entered ordering the entity to comply with the Act. A person who holds an interest in a farmers entity in violation of the Act is subject to a civil penalty of \$1,000 and must divest interest. A court may determine the method for divesting an interest, and any financial gain is forfeited to the state. The courts may issue injunctions in order to enforce the Act.

The Act also provides for a number of reporting requirements for all corporate entities holding agricultural land in this state, including entities holding land under this Act, and entities holding land under other Code Chapters 9H and 567. The entity must file an annual report with the Secretary of State on or before March 31 of each year. The report must contain information for the last year regarding the entity, including information about the activities of the entity, the entity's landholdings, and agricultural commodities produced on the land. The Act excuses an entity from filing a report during any year in which the entity holds an interest in less than 20 acres of agricultural land or the entity files a duplicate report as an authorized entity. The Act provides that failure to timely file a report or filing false information is punishable by a civil penalty not to exceed \$1,000. The Act suspends reporting requirements under other Code chapters. The suspension is repealed on July 1, 2000.

The Act takes effect April 16, 1998.

#### **HOUSE FILE 2382 - Identification of Animals**

BY GREIG. This Act amends Code Chapter 169A, which provides for the regulation of livestock brands. A brand properly recorded with the Department of Agriculture and Land Stewardship is prima facie evidence of the livestock's ownership. "Livestock" is defined to mean horses, cattle, sheep, mules, or asses.

This Act amends Code Section 169A.10 to provide that information accessed from an electronic identification device fixed onto or implanted beneath the skin or hide of an animal is prima facie evidence of the identity of the animal and the owner. An "animal" is defined to mean a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas or emus; farm deer; or poultry. The Act requires that the device meet certain design standards and be installed consistent with the manufacturer's requirements. The Act also provides that if information from the device is not consistent with a brand record, the brand record controls.

The Act provides for investigations involving the custody and ownership of animals subject to an electronic identification by the sheriff in the same manner as provided for brands. The results of the investigation are also admissible as evidence.

The Act also amends provisions that prohibit a person from tampering with a brand. The Code provides that a person who tampers with a brand is guilty of a fraudulent practice. This Act provides that a person who installs an electronic device or removes or damages an installed electronic device without authorization from the owner of an animal is also guilty of a fraudulent practice. The penalty for committing a fraudulent practice ranges from a simple misdemeanor to a class "C" felony, depending upon the amount of money involved in the offense.

#### **HOUSE FILE 2438 - Regulation of Commercial Feed**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 198, the "Iowa Commercial Feed Law." The Act amends Code Section 198.3, which provides that commercial feed does not include certain seeds, but permits the Secretary of Agriculture to exempt certain commodities from the definition of "commercial feed." This Act permits the exemption of unmixed whole seeds and physically altered entire unmixed seeds if the seeds are not adulterated and have not been chemically changed.

The Act also amends Code Section 198.4, which requires that a person must be licensed if they manufacture a commercial feed, if the person's name appears on the label of a commercial feed, or if the person is a broker of commercial feed. This Act provides that the manufacturer, distributor and broker must still receive a license, and further provides that a person whose name appears on the commercial feed label as a guarantor must also be licensed. However, the Act exempts a person from licensure requirements if the person makes only retail sales of commercial feed and the commercial feed bears a label providing that the commercial feed comes from a licensed manufacturer, guarantor or distributor who is responsible for paying an inspection fee imposed under the chapter.

#### **HOUSE FILE 2473 - Farm Mediation**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapters 654A, 654B and 654C, which provide for mediation affecting agricultural producers. Code Chapter 654A requires mediation between creditors and farmers who are borrowers prior to the enforcement of a legal action to collect the debt. Code Chapter 654B requires mediation in disputes involving farmers who provide care and feeding to livestock under contract. Code Chapter 654C allows for mediation between producers and neighbors negotiating to allow the construction of animal feeding operation structures closer than otherwise legally required to the neighbor's property.

The Act requires greater participation by the parties attending the mediation meetings. It provides for the types of corporate entities that must be involved as parties to a mediation, and requires personal participation by the parties subject to mediation. If the party is a corporate entity, attendance and participation are required by an officer, director, employee, or partner of the party. If a person acts in a fiduciary capacity for the party, the fiduciary may represent the party. Another representative may

attend if a party cannot otherwise be represented. Any representative must be able to execute documents required under the chapter, including a mediation agreement or waiver.

Current law requires participation at only one mediation meeting by a party or a party's representative. The Act is partly in response to Arends v. Iowa Select Farms, 556 N.W.2d 812, a case in which the Iowa Supreme Court held that mediation requirements were satisfied when an attorney for one party attended and participated in a mediation meeting, even though the attorney did not have the authority to enter into an agreement on behalf of the party.

#### **HOUSE FILE 2492 - Drainage District Repairs and Improvements — Period for Financing**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 468, which provides for drainage districts. Currently, drainage repairs and improvements may be financed by an assessment payable by landowners over a number of years. The assessments must be collected in fewer than 10 installments. The Act provides that the installments may be collected in not more than 20 installments.

#### **HOUSE FILE 2494 - Regulation of Animal Feeding Operations and Related Provisions**

BY COMMITTEE ON AGRICULTURE. This Act amends a number of provisions which apply to the regulation of animal feeding operations as administered by the Department of Natural Resources. The Act does all of the following:

- Amends provisions relating to the Manure Storage Indemnity Fund, which was established in order to reimburse the expenses incurred by counties in cleaning up manure storage structures on a site the county received due to nonpayment of back taxes. The fund is supported by fees paid by persons obtaining construction permits from the Department of Natural Resources for confinement feeding operations. The Act provides that if moneys are not sufficient to support the fund, the Executive Council may allocate up to \$3 million from the State General Fund in order to help satisfy claims by counties. The Act doubles the fees paid by permittees, and requires that persons submitting manure management plans also pay an indemnity fee. The Act allows the department or a county to clean up the site of a confinement feeding operation and obtain reimbursement from the fund if the confinement feeding operation has caused a clear, present and impending danger to the public health or the environment. The Act provides that the indemnity fee is not assessable against a person who received a construction permit within 10 years prior to May 31, 1995, if the confinement feeding operation was not constructed under the construction permit and the permit has expired. The Act also provides that a person who has not paid an indemnity fee is not subject to a delinquency penalty if the person pays the full amount of the indemnity fee.
- Prohibits a county from adopting or enforcing county legislation regulating an agricultural operation involving the production, care, feeding, or housing of livestock, unless expressly authorized by state law.
- Provides for determining when adjacent confinement feeding operations are considered as a single operation. The calculations are different for determining separation distance requirements and threshold requirements for issuing permits.
- Amends separation distance requirements between animal feeding operation structures and homes, schools, businesses, churches, and public use areas by increasing several of those separation distance requirements. The Act imposes additional separation distances required between animal feeding operation structures and cemeteries and thoroughfares. The Act prohibits a person from applying liquid manure from a confinement feeding operation on land located within a distance from a protected area. The Act creates several exceptions to new separation distance requirements, including an exception for the replacement of an unformed manure storage structure with formed manure storage structures. The Act also allows for persons benefiting from a separation distance to execute a waiver of their rights. The separation distance applicable between a thoroughfare and an animal feeding operation does not apply if permanent vegetation stands between the structure and the thoroughfare. The separation distance requirements applying to the application of liquid manure do not apply if the manure is injected or incorporated, originates from a small animal feeding operation, or is applied by spray irrigation equipment under departmental regulation.
- Increases special separation distance requirements in order to protect surface and subsurface water sources, including major water sources. An exception is created for structures constructed with secondary containment barriers.
- Amends Code Section 455B.173, subsection 13, providing for the issuance of permits by the department for animal feeding operations. The Act transfers the provision to a new Code section. The Act provides that a county board of supervisors may hold a public hearing to receive public comments regarding an application for a construction permit. The county board of supervisors may submit comments by the board and the public to the department. The Act provides that the county board of supervisors may designate a county employee to accompany a departmental official during any site inspection. The Act provides that a county board of supervisors may contest the decision as provided by rules adopted by the Environmental Protection Commission in conformance with Code Chapter 17A.
- Requires the owner of a confinement feeding operation, other than a small animal feeding operation, to submit a manure management plan, regardless of whether a permit is required for the operation, or whether the confinement feeding operation is located outside the state.

- Provides for the certification of commercial manure applicators and persons who apply manure originating from a confinement feeding operation other than a small animal feeding operation. The Act provides that a manure applicator is prohibited from applying manure unless the person is certified by the department. The requirements involve passing an examination and taking continuing instructional courses. The requirements are similar to requirements imposed upon commercial pesticide applicators. The Act assesses fees for certification.
- Requires the department to adopt rules governing the construction of manure storage structures constructed pursuant to a construction permit, including design characteristics such as the lining of structures. The Act also provides for conducting routine inspections of unformed manure structures.
- Creates special exceptions from water quality regulations which would otherwise apply to research colleges.
- Provides special enforcement measures. The Act permits a county to receive and review complaints regarding animal feeding operations, report the complaint to the department, and designate an employee to accompany the departmental official during an investigation of the site.
- Amends provisions which currently prohibit a habitual violator from obtaining a permit from the department for the construction or operation of an animal feeding operation. This Act allows the department to deny or revoke all environmental permits issued by the department under Code Chapter 455B. The Act also provides that a person who receives a controlling interest in a suspect site controlled by a habitual violator may be subject to the same conditions and enhanced penalties as applied to the habitual violator. The Act provides that a transaction involving a habitual violator may be considered suspect if the transaction involves transferring a controlling interest in the operation or land where an operation may be constructed to a person who is financially close or family-related; or financing the construction or operation of a confinement feeding operation.
- Requires that the department consult with members of organizations representing various interests collectively known as the Animal Agriculture Consulting Organization.
- Amends provisions regarding nuisance suit protection for owners of animal feeding operations, by eliminating a provision granting an animal feeding operation a rebuttable presumption that the operation is not a nuisance, unless there is proof by clear and convincing evidence that the operation unreasonably and continuously interferes with another person's comfortable use and enjoyment of life and property and the injury or damage is proximately caused by negligent operation. This Act provides that in order to prove a nuisance, the animal feeding operation must unreasonably and for substantial periods of time interfere with the person's comfortable use and enjoyment of life or property and that the owner must fail to use existing prudent generally accepted management practices reasonable for the operation.

The Act has a number of special effective dates. Provisions governing preemption of county authority, regulating habitual violators, providing definitions for "adjacency" and "nuisance suit protection," relating to the functioning of the Animal Agriculture Consulting Organization, and providing for the payment of outstanding indemnity fees take effect May 21, 1998. Provisions governing enforcement actions, separation distance requirements, permit requirements, manure management plan requirements, manure applicator certification requirements, and application requirements take effect January 1, 1999.

#### **HOUSE FILE 2542 - Bulk Dry Animal Nutrient Products**

**BY COMMITTEE ON WAYS AND MEANS.** This Act creates a new Code Chapter 200A titled the "Bulk Dry Animal Nutrient Products Law." The Act regulates certain bulk dry animal manure for use as a fertilizer or soil conditioner and especially the distribution of the manure, which is unmanipulated and therefore not subject to regulation under Code Chapter 200 (regulating processed fertilizers and soil conditioners). The Act authorizes the Department of Agriculture and Land Stewardship to adopt rules to administer the chapter.

The Act provides that a person who distributes a bulk dry animal nutrient product in this state must first obtain a license from the department. It provides that a person cannot distribute the bulk product unless the bulk product is registered with the department. It requires that a product be labeled or accompanied with a statement setting forth information regarding the contents of the product and its application. It also requires a licensee to file reports with the department. The Act imposes a fee upon licensees and a fee for the inspection of the product by the department.

The Act includes a number of enforcement mechanisms that allow the department to take disciplinary action against a person acting in violation of the Act's provisions, including license suspension or revocation. It provides for the examination of samples to ensure compliance with the provisions of the Act, procedures for collecting and examining samples, and the use of samples in legal proceedings. It permits the seizure, condemnation or disposal of a product not in compliance with, or in violation of, the Act's provisions. It regulates the content and the advertisement of a bulk dry animal nutrient product. It also regulates the storage of the product in order to protect water quality. The Act also provides that a person in violation of the chapter's provisions is subject to prosecution by a county attorney.



## ALCOHOL REGULATION AND SUBSTANCE ABUSE

**HOUSE FILE 2487** - Alcohol Sales to Minors — Fines and Penalties

### RELATED LEGISLATION

- SENATE FILE 2280** - Appropriations — Health and Human Rights  
*SEE 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. The Act directs new funding to address methamphetamine abuse and redirects gambling treatment funding to various other programs.
- SENATE FILE 2391** - Drug and Alcohol Offenses — Penalties and Miscellaneous Provisions  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act amends certain OWI provisions, and penalties, sentencing and bail provisions for certain controlled substance violations. The Act also amends previously passed drug-testing legislation.
- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
*SEE LOCAL GOVERNMENT.* This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The Act establishes a School Ready Children Grant Program for collaborative planning and funding of early childhood programs, including assessment services to identify chemically exposed infants and children.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes various provisions affecting substance abuse services, including authorization for a dual diagnosis mental illness/substance abuse program at Mount Pleasant MHI and managed care for substance abuse service coverage under Medicaid.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes funding for various substance abuse programs.
- HOUSE FILE 2348** - Department of Human Services Institutions and Services — Miscellaneous Provisions  
*SEE HUMAN SERVICES.* This Act relates to institutions and facilities administered by the Department of Human Services. The Act directs the Iowa Department of Public Health to work with various state agencies and county representatives in reviewing methamphetamine use in the state and the existing and potential options and costs for intervention and treatment.
- HOUSE FILE 2558** - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment  
*SEE HUMAN SERVICES.* This Act affects various provisions involving mental health, developmental disability, and substance abuse treatment. The Act includes provisions for simultaneous filing of applications for substance abuse and serious mental impairment civil commitment. In addition, the time period for appeal of a judicial hospitalization referee's finding is extended from seven to 10 days.

## ALCOHOL REGULATION AND SUBSTANCE ABUSE

### **HOUSE FILE 2487 - Alcohol Sales to Minors — Fines and Penalties**

BY COMMITTEE ON JUDICIARY. This Act makes changes in the fines and other penalties that must be paid for sale of alcohol to minors.

Currently, the criminal offense is a serious misdemeanor punishable by a fine of \$1,500, which may be imputed to a licensee or permittee if the offense is committed by an employee of the licensee or permittee. The Act changes the criminal penalty to a simple misdemeanor which, until December 31, 1998, is punishable by a scheduled fine of \$100. Language that currently imputes liability to the licensee or permittee because of the actions of the licensee's or permittee's employees is removed under the Act. Effective January 1, 1999, the scheduled fine amount is raised to \$1,500 for licensees and permittees and \$500 for persons who are employed by a licensee or permittee.

The Act also changes the civil penalties applicable to sales of alcohol to minors. The civil penalty applicable to first convictions is increased from \$300 to \$500. The civil penalty applicable to second and third convictions is \$1,500.

A reference change is made in the "open container" Code provisions to accommodate the addition of the scheduled fine to the scheduled violation provisions.

## APPROPRIATIONS

- SENATE FILE 2052 - Private Activity Bonds for Agricultural and Other Purposes — Agricultural Development Authority
- SENATE FILE 2280 - Appropriations — Health and Human Rights
- SENATE FILE 2295 - Appropriations — Agriculture and Natural Resources
- SENATE FILE 2296 - Appropriations — Economic Development
- SENATE FILE 2381 - Appropriations — Infrastructure and Capital Projects
- SENATE FILE 2410 - Human Services Appropriations and Related Provisions
- SENATE FILE 2418 - Appropriations — State Government Technology and Operations
- HOUSE FILE 2210 - Appropriations — Energy Conservation Trust Funds
- HOUSE FILE 2218 - Federal Block Grant Appropriations
- HOUSE FILE 2271 - Obsolete and Unnecessary Code Provisions Corrections
- HOUSE FILE 2395 - Supplemental and Other Appropriations and Miscellaneous Provisions
- HOUSE FILE 2498 - Appropriations — Administration and Regulation
- HOUSE FILE 2499 - Appropriations — Transportation
- HOUSE FILE 2533 - Appropriations — Education
- HOUSE FILE 2539 - Appropriations — Justice System
- HOUSE FILE 2553 - Compensation for Public Employees

### RELATED LEGISLATION

- SENATE FILE 530 - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator  
*SEE LOCAL GOVERNMENT.* This Act establishes an E911 wireless communications surcharge, provides for an E911 administrator in the Department of Public Defense, expands the membership on the E911 Communications Council, and provides appropriations for the E911 administrator and for telecommunicator training.  
 The Act takes effect April 16, 1998.
- SENATE FILE 2356 - Telecommunications and Electric Cabling Revolving Fund and Art Restoration and Preservation Revolving Fund  
*SEE STATE GOVERNMENT.* This Act creates two new revolving funds under the administration of the Department of General Services: the Telecommunications and Electric Cabling Revolving Fund and the Art Restoration and Preservation Revolving Fund.
- SENATE FILE 2366 - Educational Programming and Related Provisions and Appropriations  
*SEE EDUCATION.* This Act relates to teachers' contracts, instructional support state aid, the budget guarantee, on-time funding, an appropriation for deposit in the Iowa Empowerment Fund, inequity reporting, the Ambassador to Education, an increase in the minimum teacher salary, and practitioner preparation criteria; and to the establishment of evaluation criteria, a Frontier School and Extended School Year Grant Program, a Beginning Teachers Induction Program, an Instructional Leadership Pilot Program, a Mathematics Pilot Program, awards to teachers for national board registration and certification, an Early Childhood Education Imperatives Program, a Teacher Internship Pilot Program, para-educator licenses, and a Practitioner Performance Improvement Program. However, the Governor item vetoed a number of the provisions of this Act, including appropriations totaling \$17.4 million out of the \$23.695 million approved by the General Assembly.
- HOUSE FILE 8 - State Mandates — VETOED BY THE GOVERNOR  
*SEE LOCAL GOVERNMENT.* This bill would have provided that, commencing July 1, 1998, if a new state mandate is imposed on local governments to require the performance of a new activity, expand an activity beyond what was required before July 1, 1998, or provide a new or expanded service, the state mandate must be funded.

- HOUSE FILE 2494** - Regulation of Animal Feeding Operations and Related Provisions  
*SEE AGRICULTURE.* This Act amends a number of provisions which apply to the regulation of animal feeding operations, including provisions regarding the Manure Storage Indemnity Fund and fees and appropriations used to support the fund.
- HOUSE FILE 2545** - County Mental Health, Mental Retardation, and Developmental Disabilities Service Funding  
*SEE LOCAL GOVERNMENT.* This Act relates to county mental health, mental retardation and developmental disabilities service funding and planning by providing for distribution of an FY 1999-2000 appropriation for allowed growth in expenditures, based upon a variety of factors.
- HOUSE FILE 2546** - Waste Tires and Tire-Derived Fuels  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to financial assurance instruments for waste tires and use of processed waste tires. The Act appropriates \$200,000, from moneys used for funding alternatives to landfills, to Iowa State University for equipment and retrofitting of the heating plant at the university to burn tire-derived fuel.

## APPROPRIATIONS

**SENATE FILE 2052 - Private Activity Bonds for Agricultural and Other Purposes — Agricultural Development Authority**  
BY COMMITTEE ON AGRICULTURE. Iowa Code Section 7C.4A allocates a ceiling among the various governmental units authorized to issue private activity bonds under the laws of this state. The section allocates a percentage of the state ceiling for a number of public purposes, including housing, job training and education. Sixteen percent of the state ceiling is allocated to qualified small issue bonds issued for first-time farmers under programs administered by the Agricultural Development Authority. This Act increases the allocation to 21 percent of the state ceiling. It requires the Executive Director of the Agricultural Development Authority to make every effort practical to persuade members of Congress to increase the state's ceiling. It requires cooperation between the Agricultural Development Authority and the Iowa Finance Authority. It also allocates an additional full-time equivalent position to the Agricultural Development Authority.

The Act also amends a provision allocating 5 percent of the state ceiling for the issuance of private activity bonds by political subdivisions authorized to issue such bonds. The Act decreases the amount to 3 percent and limits the period when the amount is reserved from January 1 through October 25 to January 1 through June 30 of each year. The Act provides that 18 percent of the state ceiling must be allocated to bonds issued by political subdivisions to finance a qualified industry for the manufacturing, processing or assembly of agricultural or manufactured products.

**SENATE FILE 2280 - 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. The Act additionally provides for an appropriation from amounts remaining in the Gambling Treatment Fund at the close of FY 1997-1998 to the Department of Public Safety.

*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 \$645,000 for FY 1998-1999. The Act provides that two of the 38.50 full-time equivalent (FTE) positions appropriated for the commission relate to the transition of personnel services contractors to full-time equivalent positions, and that the merit system provisions of Code Chapter 19A and the provisions of the state or union collective bargaining agreements will not govern movement into the two FTE positions until September 1, 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, directs that program funds not be used by the department for administrative purposes, and provides that funds appropriated may be used to supplement federal funds under federal regulations. The Act provides that the Iowa chapters of the Alzheimer's Association and the Case Management Program for Frail Elders will collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time.

The Act additionally provides that the department in its discretion may grant an exception for a limited period of time, or modify applicable requirements, relating to compliance by persons regulated by the department or applicants for assisted living certification, with any part of Code Chapter 104A concerning the conversion of buildings existing on July 1, 1998, to accessibility for persons with disabilities.

*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.

*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. Additionally, funds are allocated to local boards of health to ensure that core public health functions are maintained

and to support essential services in local communities. The Act provides that any medical center in the state operating a poison center on or before July 1, 1998, can be designated as a state poison center by the director of the department.

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. The Act provides that the division shall establish an interagency work group to conduct an evaluation of the effectiveness of all existing federal and state-funded substance abuse treatment and prevention programs in the state. The department shall submit a report containing the recommendations of the interagency work group to the Governor and the General Assembly by January 1, 2000. 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, and an appropriation of \$950,000 is made 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 Program, maternal and child health services, and rural health care technical assistance, recruitment and retention. The Act provides that the department, in consultation with the Advisory Committee for Perinatal Guidelines, shall develop and maintain a Statewide Perinatal Program based on the recommendations of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists. Hospitals within the state shall determine whether to participate in the Statewide Perinatal Program, shall select the hospital's level of participation in the program, and shall comply with the guidelines appropriate to their level of participation. The Act provides that, of the funds allocated by the department to the Iowa Child Death Review Team, \$5,000 shall be used to establish a Domestic Abuse Death Review Team. The Act also provides that the department will submit prefiled legislation in advance of the convening of the 1999 Legislative Session for codifying the Domestic Abuse Review Team provisions. 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 and the Senior Health Program, for the Physician Care for Children Program, for primary and preventive health care for children, for the Iowa Healthy Family Program, for primary care provider recruitment and retention endeavors, and for the Prospective Minor Parents Decision-Making Assistance Program.

Appropriations are also made to the state boards of Dental, Medical, Nursing, and Pharmacy Examiners.

The Act provides that 1.5 of the FTE positions appropriated to the Division of Planning and Administration, and one of the FTE positions appropriated to the divisions of Health Protection, Substance Abuse and Health Promotion, and Family and Community Health, relate to the transition of personnel services contractors to FTE positions, and that the merit system provisions of Code Chapter 19A and the provisions of the state or union collective bargaining agreements will not govern movement into the two FTE positions until September 1, 1998.

The Act provides that the department shall apply for available federal funds for sexual abstinence education programs in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Additionally, the department shall conduct a comprehensive evaluation of the Gambling Treatment Program provisions contained in Iowa Code Section 99D.7, subsection 21, and the additions to and distributions from the Gambling Treatment Fund pursuant to Iowa Code Section 99E.10, subsection 1, paragraph "a."

**DEPARTMENT OF HUMAN RIGHTS.** The Act appropriates funds to the divisions of the Department of Human Rights. The Act also provides for several changes regarding the administration and use of the Community Grant Fund, including a three-year limitation regarding the number of consecutive years new grant applicants may receive community grant funding, local matching fund levels that progressively increase as applicants receive a second or more year of consecutive funding, and deleting a requirement that local match funds are required to be from specific funds provided to the applicant. The Act also requires the Division of Criminal and Juvenile Justice Planning to establish accountability measures for the program, and requires grant recipients to report how the progress of their activities and services are related to statewide program accountability measures. The Act also deletes a sunset provision that would have terminated the Community Grant Fund effective July 1, 1998.

**COMMISSION OF VETERANS AFFAIRS.** The Act appropriates funds to the Commission of Veterans Affairs, and provides that of the FTE positions appropriated to the commission, 1.82 FTE positions relate to the transition of personnel services contractors to FTE positions, and that the merit system provisions of Code Chapter 19A and the provisions of the state or union

collective bargaining agreements will not govern movement into the FTE positions until September 1, 1998. If there is an increase in Medical Assistance (Medicaid) Program reimbursements exceeding the amount budgeted for that purpose in FY 1998-1999, the Act authorizes the Iowa Veterans Home to expend the excess amounts to exceed the number of FTE positions authorized for meeting certification requirements or to provide additional beds, subject to approval by the Department of Management. The Act provides that chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Rights shall be notified, for purposes of providing legislative review and oversight, by January 15 of any calendar year during which a request for proposals is anticipated to be issued regarding any Iowa Veterans Home contract involving employment.

**GAMBLING TREATMENT FUND APPROPRIATIONS.** The Act provides for an appropriation of \$236,000 from amounts remaining in the Gambling Treatment Fund at the close of FY 1997-1998, to the Division of Narcotics Enforcement of the Department of Public Safety for undercover purchases of methamphetamine by law enforcement agency and drug task force personnel. In addition, \$83,000 is to be transferred to the Governor's Alliance on Substance Abuse for efforts to educate adolescents regarding methamphetamine abuse.

**OTHER PROVISIONS.** The Act extends the Vital Records Modernization Project until June 30, 1999, and permits until that date the continued collection of increased fees for birth, marriage, death, and other vital records which are part of the project.

The Act adds the Senior Health Program to the Statewide Public Health Nursing and Homemaker-Home Health Aide programs administered by the Iowa Department of Public Health, and provides that program direction, evaluation requirements, and formula allocation procedures for these programs shall be established by the department by rule.

The provisions of the Act regarding the extension of the Vital Records Modernization Project take effect May 19, 1998. The provisions regarding the Community Grant Fund are effective June 30, 1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision prohibiting Iowa Veterans Home successor contractors from considering employees of a state institution or facility to be new employees for purposes of employee wages, health insurance or retirement benefits.
2. Provisions making appropriations from receipts in excess of \$1.9 million deposited into the Gambling Treatment Fund to the Iowa Department of Public Health for FY 1998-1999, for allocation or transfer as follows:
  - An allocation of \$200,000 to increase the availability of public health nurses.
  - An allocation of \$78,000 for the provision of emergency medical services and training of emergency medical services personnel.
  - An allocation of \$150,000 for use by local boards of health to ensure that core public health functions are maintained and to support essential services in their communities.
  - A transfer of \$70,000 to the Iowa Law Enforcement Academy to be used for the Drug Abuse Resistance Education Program.
  - A transfer of \$70,000 to the Department of Public Safety for costs associated with the training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.
  - A transfer of \$130,000 to the Department of Elder Affairs to be used for the recruitment, retention, recognition, and training of care review committee volunteers.
  - A transfer of \$200,000 to the Department of Public Safety to enhance existing programs or to initiate new efforts designed to prevent and combat methamphetamine use.

**SENATE FILE 2295 - 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, such as the market reporting programs, the Farmers' Market Coupon Program, the administration of a program to provide safe drinking water, and a project to support the Lewis and Clark Rural Water System.

The Act supports a number of programs related to animal health and industry, including programs to support the horse and dog breeding industries in the state, and the eradication of pseudorabies and porcine reproductive and respiratory syndrome. The Act makes an appropriation from the Agricultural Management Account of the Groundwater Protection Fund to support a program to assist counties in testing private wells and waters of the state for pollution caused by animal feeding production. Of

the amount appropriated to Iowa State University during 1997 for purposes of controlling odor for animal feeding operations, the Act provides that unencumbered moneys shall be transferred to the Livestock Disease Research Fund for use by the Iowa State University College of Veterinary Medicine upon recommendation of the Livestock Health Advisory Council. The Act requests the Legislative Council to establish a study committee to review and consider the need for improvements in the division of responsibilities regarding on-site inspections of animal feeding operations between the Department of Agriculture and Land Stewardship and the Department of Natural Resources.

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 \$9 million to the Resources Enhancement and Protection (REAP) Fund in lieu of a standing appropriation made to that fund statutorily. 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 for full-time equivalent positions made by either department that is not authorized in the Act.
- The Department of Natural Resources may use additional funds for staffing two additional full-time positions to reduce the department's flood plain permit backlog.
- The Division of Soil Conservation of the Department of Agriculture and Land Stewardship may provide technical assistance to the Department of Natural Resources regarding the design and engineering of unformed manure storage structures.
- Of moneys allocated from the Agricultural Management Account of the Groundwater Protection Fund to support financial incentives programs administered by the Department of Agriculture and Land Stewardship, the department may reimburse landowners for engineering costs associated with voluntarily closing agricultural drainage wells.
- Provisions regarding the elimination of the position of Deputy Secretary of Agriculture are repealed.
- There are several special effective dates. Provisions repealing sections regarding the elimination of the position of Deputy Secretary of Agriculture and provisions providing for the transfer of moneys for use by Iowa State University College of Veterinary Medicine take effect upon enactment, May 19, 1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

A provision appropriating an amount to support financial incentives for soil conservation practices based on the difference in moneys appropriated under the Act for salaries during FY 1998-1999 and the amount actually used in salaries for that fiscal year.

**SENATE FILE 2296 - 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, the state University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board.

The Act makes a number of appropriations from the General Fund of the State to the following:

- The Department of Economic Development and the Department of Workforce Development for the administration of those departments and for specific programs.
- Iowa State University for funding and maintaining existing small business development centers, the Iowa State University Research Park, and the Institute for Physical Research and Technology.
- The state University of Iowa for the University of Iowa Research Park and the Advanced Drug Development Program at the Oakdale Research Park.
- The University of Northern Iowa for the Metal Casting Institute and the Institute of Decision Making.
- The Public Employment Relations Board.

The Act requires the Department of Economic Development and the Department of Workforce Development to undertake a workforce recruitment initiative with projects intended to retain and recruit new skilled and unskilled employees to fill the needs of both communities and businesses.



The Act establishes the Certified School to Career Program within the Department of Economic Development to provide incentives to employers to hire individuals between ages 16 through 24. The program is designed to enable individuals to learn new skills through employment, job training and classroom instruction by being employed during the summer months after their junior and senior years in high school and after their first year of postsecondary education. The employer pays the individual a base wage with an additional amount to be held in trust to be applied toward the participant's postsecondary education required for the completion of the certified program. The incentive for the employer is a refund of 20 percent of the wages actually paid by the employer to the individual plus the amount held in trust for the individual for up to 400 hours per calendar year. The refund is paid from an annual \$500,000 standing appropriation made from the General Fund of the State to the department. The appropriation begins with FY 1999-2000, and ends with the FY 2003-2004. The individual must agree to work for the employer for at least two years following completion of postsecondary education. If the individual fails to do so, the individual must repay any moneys that the employer paid for the individual's postsecondary education expenses. The Act also provides for the repayment to the employer or expenditure of moneys held in trust for the individual due to the individual's failure to complete the certified program either prior to or after entering a postsecondary education program. The program is repealed June 30, 2004, and all contracts still in existence will continue to be valid.

The Act creates an additional means to provide moneys for the payment of the costs of a new jobs training project or multiple projects.

The Act provides a process for the orderly liquidation of the Iowa Seed Capital Corporation.

The Act gives the Department of Economic Development direction regarding the expenditure of moneys from the Shelter Assistance Fund.

The Act requires the Department of Economic Development to submit a report regarding a survey of all business, industry and agriculture-related international trade activities in the state.

The Act establishes requirements for any nonprofit corporation created by or in association with the Iowa Finance Authority since January 1, 1989, relating to annual reporting to the General Assembly. The Act imposes requirements on the Iowa Housing Corporation Board of Directors membership. The Act instructs the Iowa Housing Corporation and the Iowa Finance Authority to consider restrictions on per diems provided to certain board of directors members.

#### THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision allowing the Department of Economic Development to provide financial assistance to private welcome centers.
2. A provision requiring departments to submit budget requests in both the traditional format and budgeting for results format.

#### **SENATE FILE 2381 - Appropriations — Infrastructure and Capital Projects**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund.

The Act makes appropriations for the fiscal year beginning July 1, 1998, and ending June 30, 1999, for various capital and other projects. These appropriations include capital projects for the departments of Agriculture and Land Stewardship, Cultural Affairs, Corrections, Economic Development, Education, General Services, Natural Resources, Public Defense, Public Safety, and Transportation, and to the State Fair Foundation, the Judicial Department and the State Board of Regents. Certain moneys appropriated to the Department of Corrections for the construction of additional cellblocks at the Fort Dodge Correctional Facility take effect on May 19, 1998.

The Act reduces the overall appropriation for the Restore Outdoors Program for the fiscal years beginning July 1, 1997, and ending June 30, 2001, from \$4 million to \$3 million each year as a result of the Governor's item veto of a \$1 million allocation. This provision takes effect May 19, 1998.

The Act provides a reversion date to funds appropriated to the Department of Revenue and Finance in FY 1998. This provision takes effect May 19, 1998.

The Act creates a Blufflands Protection Revolving Fund in the State Treasury to be used to make loans to nonprofit conservation organizations interested in preserving blufflands in this state. The Administrative Director of the Division of Soil Conservation of the Department of Agriculture and Land Stewardship is directed to establish and administer a Blufflands Protection Program. The program will offer loans to conservation organizations wishing to purchase blufflands adjacent to state public lands for the purpose of bluffland protection. All principal and interest payments or earnings are to be credited to the revolving fund. The Blufflands Protection Program is repealed as of July 1, 2005.

The Act creates a Historical Site Preservation Grant Program in the Department of Cultural Affairs for which an appropriation is made. The funds are used to preserve, restore and develop historical sites.

The Act creates a Recreational Grant Matching Program in the Department of Natural Resources, for which an appropriation is made. The matching grants are to provide funds to communities, organizations and associations to develop, restore or construct recreational complexes, facilities or sites. The grant matching program will match \$1 for every \$2 raised by the applicant, up to \$100,000.

The Act allocates part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the General Fund of the State to the Rebuild Iowa Infrastructure Fund.

The Act eliminates a matching grant requirement on certain funds appropriated to the Department of Cultural Affairs for FY 1998. This provision takes effect May 19, 1998.

The Act extends the allowable time to enter into contracts to provide for alternative drainage outlets in order to qualify for state funds from the Department of Agriculture and Land Stewardship.

The Act allows land and buildings used for fair purposes to be taken in the name of and managed by a society. Under prior law, land and buildings used for fair purposes were only allowed to be placed in the name of a county, and the property was managed by either the county or a district fair.

The Act allows the Department of General Services to use certain appropriated funds for a new school and other improvements at the State Training School.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. Funding for the construction and renovation of community-based correctional facilities.
2. Funding for vertical infrastructure improvements at the community colleges.
3. A provision establishing a vertical infrastructure database within the Department of General Services.

**SENATE FILE 2410 - Human Services Appropriations and Related Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act provides appropriations to the Department of Human Services (DHS) and to the Prevention of Disabilities Policy Council for FY 1998-1999, and includes provisions relating to human services and health care.

*SOCIAL SERVICES BLOCK GRANT SUPPLEMENTATION.* The Act appropriates the unallocated federal FY 1997-1998 Temporary Assistance for Needy Families (TANF) funds to replace an unanticipated decrease in the federal Social Services Block Grant (SSBG) funds and allocates these funds to maintain the current level of funding. This provision takes effect May 19, 1998.

*EARLY CHILDHOOD.* The Act appropriates annually \$3.8 million for four years from previously unallocated TANF funds to be used for community-based programs developed by community empowerment areas and targeted to children 0-5 years of age. The Act provides that DHS may transfer federal TANF funds to the Child Care and Development Block Grant and then provide funding to community empowerment areas based upon criteria in the Act. The Act also authorizes DHS to employ one full-time equivalent position to provide technical assistance and support to communities. Moneys not appropriated at the end of the fiscal year revert to the fund for federal grants. Senate File 2406 (see Local Government) provides for the community empowerment areas.

*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 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. For FIP-related programs, approximately \$116 million in combined federal and General Fund revenues are appropriated to the Family Investment Program Account.

These appropriations are directed to the Job Opportunities and Basic Skills (JOBS) Program, which provides for work and training activities for FIP participants, administrative costs, supplementation of the federal SSBG, 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. Other allocations are directed to family support programs, pregnancy prevention grants, and 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 1998-1999.

House File 2468 (see Human Services) establishes an electronic benefit transfer program in DHS. Under S.F. 2410, any retailer fees would not apply until the program is expanded outside the current pilot project counties. In addition, a target date of July 1, 2000, is established for statewide implementation of the program and participants are to receive a certain number of transaction and lost card replacements without charge.

The maximum time period allowed for postsecondary education for FIP participants is limited to a total of 24 months within a 36-month period.

The Family Development and Self-Sufficiency (FaDSS) Program uses grants to provide special assistance to FIP families deemed at-risk of long-term dependence upon FIP. The Act provides for the program to expand statewide during FY 1998-1999. The Act requires DHS to work with the FaDSS Council in developing performance measures for the FaDSS Program. In addition, the Act provides funding for various initiatives to divert families from enrolling in the FIP Program and to assist current participants in overcoming barriers to obtaining employment. This funding was provided on a pilot basis in the previous fiscal year and is now expanded. Additional pilot projects are funded, including services to noncustodial parents and young parents, implementation of a parental obligation project, study of welfare reform impact upon families, and implementation of the domestic violence option required by the Act.

Previous law allowed certain FIP participants to be credited with the first \$50 of child support ordered for the participant and collected by the state. The Act eliminates this credit for all FIP participants effective July 1, 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 Act authorizes DHS to transfer among appropriations if necessary to meet federal requirements.

The Act also 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.** The Act maintains the previous level of funding for the Emergency Assistance Program through a combination of General Fund and TANF moneys. The Act establishes a maximum grant level of \$500 per family in any 12-month period. The Act requires DHS to continue the process for retaining refunds or rent deposits returned to the state under the Emergency Assistance Program, and continues the allocation of \$10,000 to the Community Voice Mail Program.

**MEDICAL ASSISTANCE (Medicaid).** Overall, the Act increases the appropriation for medical assistance (MA) in comparison with the FY 1997-1998 appropriation, mainly due to increases in provider reimbursement rates, a decrease due to estimated changes in eligibility and utilization, an increase due to a change in the federal match rate, a decrease due to increased child support recoveries, a decrease for medical transportation due to decreased caseloads, an increase due to inflation for mental health centers, and an increase to expand physical disabilities waiver slots. The Act does 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.
- Authorizes DHS to proceed with the request for proposals (RFP), effective May 19, 1998, for managed behavioral health care, including substance abuse care, without inclusion of various child welfare rehabilitation services. The RFP may include coverage for persons with mental illness who are state cases. The Act provides that a contractor's denial of payment for services to a person with mental illness for whom payment for services is a state responsibility does not create a payment responsibility for a county and provides that DHS is to consult with the chairpersons and ranking members of the Joint Appropriations Subcommittee on Human Services in developing the RFP and in evaluating the responses to the RFP. The Act also provides that if the Legislative Council so authorizes, the child welfare services work group created in November 1997 is to continue meeting to develop capitation alternatives and consider accountability from a managed system of care, and is to submit recommendations to the General Assembly and to the co-chairpersons and ranking members of the Joint Appropriations Subcommittee on Human Services by January 1, 1999. Not more than \$50,000 may be provided for support of the work group.
- 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 consultation with the Iowa Department of Public Health and the state 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, contingent upon receiving federal approval, to develop and implement an MA home and community-based services waiver to allow children with mental retardation, who would otherwise require ICF/MR care, to be served in out-of-home settings of up to eight beds, with the initial waiver designed to provide 100 service slots.
- Authorizes DHS to establish up to 30 PMIC beds at the State Mental Health Institute at Independence.
- Directs DHS to reinstate the employment earnings disregard only if the disregard must be reinstated for the MA Program to assure federal funding under Title XIX (MA) or Title XXI (State Child Health Insurance Program) of the federal Social Security Act. This provision is effective upon enactment, May 19, 1998.
- Directs DHS, effective July 1, 1998, and contingent upon receiving federal approval, to revise the home and community-based services waiver provision which requires that an individual must have previously resided in an intermediate care facility for persons with mental retardation in order to receive support employment and other services under the waiver, and would allow persons to receive such services if the option is cost-effective compared with other service options available to the person.
- Authorizes adult residential environments licensed as intermediate or residential care facilities for persons with mental retardation using a campus or village setting approach, in not more than three counties, and, contingent upon federal approval, to convert to a residential program under an MA home and community-based services waiver for persons with mental retardation, based upon certain criteria.
- The Act outlines requirements for reimbursement and for standards and monitoring for these services.

**HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.** The Act provides a slight increase in the appropriations compared with FY 1997-1998 for the Health Insurance Premium Payment Program.

**CHILD HEALTH CARE PROGRAM.** The Act appropriates \$7 million to DHS for maintenance of the State Children's Health Insurance Program and receipt of federal financial participation, and provides for periodic updates on expenditure of funds and requires use of a concise application form to facilitate coordination of this program and the Medical Assistance Program. House File 2517 (see Business, Banking & Insurance) contains the statutory provisions.

**MEDICAL CONTRACTS.** The Act provides a decrease in the appropriation compared with the FY 1998 appropriation and provides all of the following:

- Notwithstanding the requirement of 1997 Iowa Acts, Chapter 208, Section 7, subsection 1 (the Human Services Appropriations Act of 1997, House File 715), which required DHS to conduct a prior authorization cost-effectiveness study at no cost to the state, the Act directs DHS to establish a task force to conduct a review of the prior authorization and prospective drug utilization review systems, with a report of recommendations to be submitted to the General Assembly by January 1, 1999. The Act specifies the membership of the task force and requires that prior to submission of the report, the task force is to receive input from interested legislators convened by the co-chairpersons of the Joint Appropriations Subcommittee on Human Services.
- Authorizes the use of \$130,000 by DHS to contract for a pilot project to develop recruitment and retention strategies and to provide additional training and support for nurse aides employed by nursing facilities. The department is required to establish an advisory council to direct the project.
- Directs DHS to enter into a contract with the College of Medicine at the state University of Iowa to conduct a study, at no cost to the state, to determine the benefits to the state of the provision of pharmaceutical services by pharmacists.

**STATE SUPPLEMENTARY ASSISTANCE.** This appropriation is an increase to maintain the federal maintenance of effort requirement for the 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 certain adults who are receiving assistance under a medical assistance home and community services-based waiver.

**CHILD DAY CARE ASSISTANCE.** This appropriation, combined with an increased appropriation of TANF funds, maintains the current level of funding for the program. The appropriation provides funding for protective child care assistance, state child care assistance, and child day care resource and referral services. The Act does all of the following:

- Increases eligibility for state child care assistance to 140 percent of the federal poverty level, and increases eligibility for state child care assistance for families with children with special needs to 175 percent of the federal poverty level.
- Provides for expenditure of state child care assistance funds based upon a prioritized waiting list.
- Requires DHS to use moneys deposited in the Child Day Care Credit Fund for state child care assistance.
- Requires the administrators of FIP and child care assistance to develop a proposal for a single point of access for publicly supported child care programs. If sufficient federal funding is secured, the Single Point of Access Program is

to be implemented by April 1, 1999. The Act also provides that if sufficient federal funding is secured for the reimbursement provisions for JOBS Program child care assistance to be made consistent with the reimbursement provisions for state child care assistance, DHS is required to include this reimbursement change in implementation of the Single Point of Access Program.

**CHILD SUPPORT RECOVERY.** The Act provides an increase in the appropriation compared with FY 1998. 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 requires DHS to 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, and provides that surcharges paid by obligors and received by CSRU as a result of referral of support delinquency by the CSRU to any private collection agency are appropriated to DHS to pay the costs of any contracts with the collection agencies.

**JUVENILE INSTITUTIONS.** The Act provides for an increase in the funding for the Iowa Juvenile Home at Toledo and the State Training School at Eldora. 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 prohibits amending the current managed mental health care contract to include PMICs. If annualization of a region's current expenditures indicates the region is at risk of exceeding its overall funding cap by more than 5 percent, DHS and Juvenile Court Services are to examine current group foster care placements to identify children who may be appropriate for termination from the program. Dispositional hearings are to be set for those identified. In a provision that takes effect upon enactment, May 19, 1998, the provisions in Code Section 232.143, relating to the funding cap for foster care, which apply to the juvenile court are to instead apply to the Juvenile Court Services staff. In addition, DHS and Juvenile Court Services staff are to implement utilization management criteria for group foster care placements to be used for making recommendations to the court.

The Act allocates funding for 50 highly structured juvenile program beds that may be used for group foster care and directs DHS to perform an evaluation of residential treatment programs for children. The department is 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 authorizes funding for a performance-based contract to secure federal 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; and authorizes development of a performance-based monitoring program to evaluate and improve outcomes for children and families.

The Act allows DHS to continue the clinical assessment and consultation teams (CACT) until October 31, 1998. The teams are to be replaced after that date with a new model, which includes a toll-free number for preauthorization. Under the FY 1997-1998 appropriations Act, a new model was to have been implemented by June 30, 1998. The department is to work with the child welfare services work group, created by the Legislative Council, to develop initiatives to increase receipt of federal Social Security Title IV-E funding for children in foster care. These provisions take effect May 19, 1998.

**CONNER 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.** The General Fund appropriation, when combined with TANF and SSBG funds, is a slight decrease compared with the appropriation in FY 1997-1998. The Act provides that funds are to be used to provide adolescent pregnancy prevention grants that are broad-based, focus on abstinence, and are targeted to middle schools. The Act provides that it is the intent of the General Assembly that DHS and the Iowa Department of Public Health continue to identify existing abstinence education or community-based programs that comply with the requirements of federal law to match federal abstinence education funds. The Act also appropriates funds for child abuse prevention grants.

**COURT-ORDERED SERVICES PROVIDED TO JUVENILES.** The Act maintains the current level of funding compared with the appropriation for the previous fiscal year. The Act provides for continuation of planning groups established by each judicial

district for review of expenditures under the appropriation. The Act provides that the provisions allowing funds under the appropriation to be allocated as determined by the State Court Administrator, on or before June 15, 1998, are effective May 19, 1998.

The Act provides for the transfer of not more than \$580,000 to the appropriation for the Division of 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 overall appropriation compared with the appropriation for FY 1998. The allocations to the Cherokee and Independence Mental Health Institutes are decreased, while the allocations to the Clarinda and Mount Pleasant Mental Health Institutes are increased. The allocation for Clarinda includes an increase for direct care staff to meet licensure and certification requirements. The increase at Mount Pleasant includes additional funding and full-time equivalent (FTE) positions to open a nine-bed dual diagnosis unit to provide psychiatric treatment and substance abuse treatment simultaneously and on a net budgeting basis. The Act requires the State Mental Health Institute at Independence to continue an accounting test of net state budgeting and to establish 30 psychiatric medical institution for children (PMIC) beds in a manner which does not expend state funds in excess of the funds appropriated or make counties responsible for the costs. The Act designates the revenues attributable to PMIC beds that are to be deposited in the institute's account. The Act requires DHS to provide persons being discharged from an institute with assistance in obtaining federal benefits under federal Supplemental Security Income (SSI). The Act also requires the institutes to implement a net state budgeting accounting test and to submit a status report in October 1999, and a preliminary report in January 1999, regarding the advantages and disadvantages of the approach and making recommendations.

**STATE HOSPITAL-SCHOOLS.** This appropriation is a significant decrease in the appropriation compared with the previous fiscal year because only the net amount needed is appropriated. In previous fiscal years, the appropriation included amounts that were later reimbursed by federal and county governments and deposited in the General Fund. The Act requires DHS to continue the net state budgeting pilot project at Glenwood State Hospital-School and to implement a net state budgeting project at Woodward State-Hospital School. The Act requires that county receivables billed but not yet received are included in the schools' FY 1998-1999 year-end balances if the billables are received within 90 days of the original billing date, and allows Woodward to draw upon the General Fund of the State in an amount equal to the receivables amount which is not received. The Act also provides that, subject to DHS approval, revenues attributable to the state-hospital schools for FY 1998-1999 are to be deposited into each school's account and designates the funding sources that are to be so deposited. The Act also requires that the FY 1998-1999 reports of the schools include a listing of items for which depreciation reimbursement funds would have been utilized if the fund had been retained by the institution. The Act authorizes DHS to implement a pilot project to bill for state hospital-school services using a scope of services approach for private providers of ICF/MR services in a manner which does not shift costs between current funding sources, and authorizes the schools to expand the time limited assessment and respite services during FY 1998-1999.

**MENTAL ILLNESS SPECIAL SERVICES.** This appropriation maintains the current level of funding, requires DHS and the Iowa Finance Authority to develop methods to finance community-based facilities, provides that the funds appropriated are for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless, and provides that the funds may be used to match federal grant funds.

**FAMILY SUPPORT SUBSIDY PROGRAM, SPECIAL NEEDS GRANTS AND STATE CASES.** The appropriation for the Family Support Subsidy Program provides a slight increase compared with FY 1997-1998 to provide for a cost-of-living adjustment. The Special Needs Grant Program appropriation maintains the current level of funding for the program. The state cases appropriation provides an increase compared with the previous fiscal year. The state cases appropriation also allocates funds for the costs of the reimbursement increase provided in the reimbursement section of the Act for sheltered work, work activity, supported employment, supported work training, and adult residential services paid by the state under a state purchase of social services contract.

**MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES—COMMUNITY SERVICES FUND.** This appropriation maintains the current level of services while transferring the FY 1997-1998 rate increase for sheltered workshop and work activity mental retardation services providers to the Community Services Fund. 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 DHS, funding continues for the Iowa Compass Disability Services Information and Referral Program, block grant funds distributed to counties for local purchase of services are to be expended by counties in accordance with the county's approved county management plan and a county without an approved plan is prohibited from receiving funds until the plan is approved, and the Act specifies that a county is eligible for funding through the Community Mental Health Services Fund if the county meets the requirements for receiving property tax relief funds and allowed growth funds.

**COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ADJUSTMENT.** This appropriation provides an increase in the appropriation compared with the FY 1998-1999 appropriation. The appropriation is for FY 1999-2000 to adjust the FY 1999 county mental health, mental retardation, and developmental disabilities allowed growth factor. The appropriation is made two years in advance to allow counties to budget accordingly. The Act provides that the allowable growth factor for FY 1999-2000 is 2.48 percent of the counties' FY 1997 budgets. House File 2545 (see Local Government) contains the provisions on expenditure of these moneys.

**PERSONAL ASSISTANCE.** This appropriation maintains the current level of funding to continue the Personal Assistance Services Program, a pilot program for persons with physical disabilities in an urban and a rural area. The Act prohibits the pilot project and any federal home and community-based waiver developed under the Medical Assistance Program from being implemented in a manner which would require additional county or state costs for assistance provided. The Act also includes intent language placing priority on 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. The Act also provides that funds remaining for the pilot project at the close of the fiscal year do not revert to the General Fund of the State.

**FIELD OPERATIONS, GENERAL ADMINISTRATION AND VOLUNTEERS.** The appropriation for field operations provides for a slight increase compared with the previous fiscal year. The appropriation for general administration is an increase compared with the previous fiscal year. The Act provides that a portion of the funds for general administration is allocated for the Prevention of Disabilities Policy Council, while another portion of the funds is to be transferred directly to the state University of Iowa for the university-affiliated program for the support of the Iowa Creative Employment Options Program. The Act also 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 services funding for disability rehabilitation programs, including statewide supported employment programs, or which reduces the drawdown of federal funds. The appropriation for volunteers provides a slight increase compared with the previous fiscal year.

**SEXUALLY VIOLENT PREDATORS.** This appropriation is a new appropriation for the costs associated with the commitment and treatment of sexually violent predators and includes transfer of an amount to the Office of the Attorney General for associated costs, including two FTE positions.

**REIMBURSEMENT FOR MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE AND SOCIAL SERVICE PROVIDERS.** The Act does all of the following:

- Provides an increase in the reimbursement rate for skilled nursing facilities.
- Provides 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.
- Requires the reimbursement rate to hospitals for inpatient and outpatient services to remain at the same rate in effect on June 30, 1998, requires DHS to continue the outpatient reimbursement system utilizing ambulatory patient groups implemented in FY 1994-1995, 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, hospices and acute mental hospitals reimbursement rates are to be increased in accordance with increases under the federal Medicare Program or as supported by Medicare-audited costs, resulting in an increased reimbursement.
- Provides that the reimbursement rates for home health agencies are limited to a 2 percent increase over the rate in effect on June 30, 1998, and that DHS, in consultation with provider representatives, is to study alternative reimbursement methodologies.
- Provides that the maximum MA reimbursement rate for nursing facilities is established at the 70<sup>th</sup> percentile based upon the June 30, 1998, unaudited compilation of costs and statistical data, with the provision that the reimbursement may be again increased to the 70<sup>th</sup> percentile based upon the December 31, 1998, unaudited compilation of costs.
- Requires DHS to reimburse federally qualified health centers at 100 percent of reasonable costs as determined based upon federal requirements.
- Provides that beginning July 1, 1998, reimbursement for dental services is to increase by 2 percent over the rates in effect on June 30, 1998, and that beginning January 1, 1999, this reimbursement is to increase by an additional 2 percent over the rates in effect on December 31, 1998.
- Provides that, unless the Act otherwise provides, all noninstitutional medical assistance provider reimbursements are to be increased by 2 percent over the rates in effect on June 30, 1998, and provides funding to increase rates paid to community mental health centers to a level equal to the level paid by other payers.

- Requires that in applying the reimbursement rate increases for pharmacist, physician, chiropractic, and dental services and durable medical equipment, DHS, in consultation with provider representatives, is to place a priority on primary and preventive care and requires DHS, in consultation with providers, to review the existing reimbursement methodology and report findings and recommendations to the General Assembly by January 1, 1999.
- Establishes the maximum cost reimbursement rate for residential care facilities at not less than \$23.26 per day for the period July 1, 1998, through December 31, 1998, and not less than \$24.83 per day for the period January 1, 1999, through June 30, 1999, and the rate for facilities not filing cost reports at \$16.64 per day for the time period beginning July 1, 1998, through December 31, 1998, and not less than \$17.05 per day for the time period of January 1, 1999, through June 30, 1999.
- Establishes the in-home, health-related care programs reimbursement rates at not less than \$447.16 per month for the time period of July 1, 1998, through December 31, 1998, and not less than \$458.20 per month for the time period of January 1, 1999, through June 30, 1999.
- Specifies the daily reimbursement rate for family foster care providers which reflects 70 percent of the U.S. Department of Agriculture regional cost of raising a child.
- Provides that the maximum reimbursement rate for adoption and independent living services providers is to be increased by 2 percent over the rates in effect during FY 1997-1998 and requires that all other reimbursement rates for social service providers are to remain the same as those in effect during FY 1997-1998, unless a specified exception applies.
- Provides for a reimbursement increase to rehabilitative treatment and support services providers to be distributed as negotiated; however, if a provider previously elected not to negotiate the provider's reimbursement, DHS is required to allow that provider to negotiate for reimbursement.
- 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 the Director of Human Services determines that care cannot be provided within the state and the rate must be based upon the actual number of days in a calendar month.
- Requires that the reimbursement rates for shelter care providers be calculated using a cost report, and establishes the maximum rate at \$78.14 per day. If the provider's cost report justifies the maximum rate but DHS would reimburse the provider at less than that rate, DHS is to readjust the rate to the maximum rate.
- Provides that the reimbursement rate for intermediate care facilities for persons with mental retardation is to be calculated at the 80<sup>th</sup> percentile.
- Requires DHS to establish the child day care provider rates based on the reimbursement survey completed in December 1996 and to set rates in a manner so as to provide incentives for nonregistered providers to become registered.
- Requires that the reimbursement rate for PMICs shall be increased by 2 percent over the rate in effect on June 30, 1998.
- Provides that the Iowa Empowerment Board is to develop and implement a plan to ensure attendance of health care appointments, with an emphasis on attendance of dental appointments, by MA recipients.
- Directs DHS to review the appropriateness and the level of the reimbursement for home infusion therapy and to determine the number of providers who are being reimbursed below the actual cost of durable medical equipment and supplies under the MA Program and to submit a report of the findings and review to the General Assembly by January 1, 1999.

**MOTOR VEHICLE LICENSE REINSTATEMENT PENALTY.** The Act requires that civil penalty moneys collected by the Iowa Department of Transportation (IDOT) at the time that IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges are to be deposited with DHS and allocated for juvenile programs and services with the initial \$1 million to be appropriated among county juvenile detention homes and with the amount in excess of the initial \$1 million to be allocated to judicial districts for court-ordered services for juveniles. The Governor vetoed a requirement for DHS to transfer money to juvenile detention facilities if the funds to be transferred by IDOT are less than \$1 million.

**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.

**TRANSFER AUTHORITY.** The Act permits DHS 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, general administration, and MH/MR/DD/BI community services (local purchase).

**CONFIDENTIALITY.** The Act requires DHS, in cooperation with other state agencies, to develop recommendations to improve the sharing of information, including confidential information, relative to individuals receiving services from DHS or a state agency. The Act requires DHS to submit a report of the recommendations to the General Assembly on or before December 15, 1998.



**CHILD ABUSE ASSESSMENT IMPLEMENTATION.** The Act allows Polk County to continue to use an investigation-based model to respond to reports of child abuse until September 1, 1998, and then to implement an assessment-based approach, notwithstanding an existing requirement that all counties implement the assessment-based approach by July 1, 1998.

**SUPPORTING FAMILIES OF CHILDREN WITH A DEVELOPMENTAL DISABILITY.** The Act requires DHS to develop a program supporting families of children with mental retardation or other developmental disability. The program is to provide case management through MA, for those eligible, or through the department. The program is to be designed with administrative simplicity, and is directed to children eligible for ICF/MR services, home and community-based waiver for persons with mental retardation services, voluntary foster care placement, and family support subsidy. Subject to federal and other restrictions and the amount of state funding appropriated, DHS is allowed to decategorize and transfer state funding for the program. The Act requires that the program be implemented by June 30, 1999, and requires that DHS submit an initial report concerning implementation during the 1999 Session of the General Assembly, and a final report prior to implementation which includes proposed legislation for codification of the program during the 2000 Session of the General Assembly.

**FINANCIAL ASSISTANCE SERVICES.** The Act authorizes DHS to implement pilot programs or projects in not more than eight counties altering policies, procedures and practices to waive administrative rules involving financial assistance services which are based in state law. In addition, the department may alter provisions based in federal law if federal approval is obtained. The programs or services affected include the Family Investment Program, Medicaid, food stamps, child care assistance, emergency assistance, and child support recovery. There are restrictions on what may be altered and a requirement for notice to the public and to legislative bodies. This provision takes effect May 19, 1998.

**SEXUALLY VIOLENT PREDATORS.** The Act requires DHS and the Department of Corrections to work with the Office of the Attorney General in jointly establishing a task force to identify the population of sexually violent predators and to develop options appropriate for addressing public safety concerns associated with the population. The Act requires the task force to submit a report on or before January 1, 1999, to the members of the Joint Appropriations Subcommittees on Human Services and on the Justice System.

**DEPENDENT ADULT ABUSE ASSESSMENT.** The Act requires DHS, in consultation with the Department of Elder Affairs and the Governor's Planning Council on Developmental Disabilities, to develop an assessment-based approach to respond to dependent adult abuse reports during FY 1998-1999.

**FRAUD AND RECOUPMENT ACTIVITIES.** The Act provides that notwithstanding limitations to the contrary, during FY 1998-1999, DHS may expend recovered moneys generated through fraud and recoupment activities for additional fraud and recoupment activities performed by DHS or the Department of Inspections and Appeals, if the director of either department determines that the investment can be reasonably expected to increase recovery of assistance paid in error in excess of the amount recovered in FY 1997-1998 and the amount expended does not exceed the amount of the projected increase in assistance recovered.

**MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS — STUDY.** The Legislative Council is requested to establish an interim committee to review the medical and surgical treatment of indigent persons in the state through the University of Iowa Hospitals and Clinics.

**HAWK-I TRUST FUND.** (See H.F. 2517 in Business, Banking & Insurance for statutory provisions.) The Act creates a HAWK-I Trust Fund in the State Treasury under the authority of DHS in which all state appropriations are to be deposited and used for the HAWK-I Program under Code Chapter 514I. The trust fund is separate from the General Fund of the State and moneys in the trust fund do not revert at the close of the fiscal year and are not to be transferred, used, obligated, appropriated, or otherwise encumbered except as provided under Code Chapter 514I. Interest and earnings on moneys deposited in the trust fund are credited to the trust fund.

**DOMESTIC VIOLENCE OPTION — IMMIGRANTS.** The Act amends Code provisions relating to family investment agreements. A new option is provided so that a family investment agreement may include an option for a program participant to participate in a family safety plan. This option may include a temporary waiver for participation in the JOBS Program or other employment-related activities. The department is required to provide FIP eligibility for immigrants who are qualified under federal law and who have been battered or subjected to extreme cruelty.

**FIP LIMITED BENEFIT PLANS.** The Act amends Code provisions involving limited benefit plans under FIP. In general under prior law, if a required FIP participant did not comply with family investment agreement or other requirements, the participant and designated family members were subject to a limited benefit plan. Under prior law, a first limited benefit plan provided for three months of reduced cash assistance followed by six months of ineligibility for cash assistance. Subsequent limited benefit plans provided for six months of ineligibility for cash assistance. Under the Act, a first limited benefit plan provides for

ineligibility for cash assistance for an indeterminate period which may be ended by compliance with requirements. A subsequent limited benefit plan is at least six months in duration followed by an indeterminate period which may be ended by compliance with requirements. The department is to adopt rules implementing the new limited benefit plan requirements on or after January 1, 1999.

**PRIVATE AGENCY CONTRACTS.** The Act requires the Auditor of State and the Director of Human Services to jointly develop a process for exempting a private agency awarded a grant, contract or purchase of service contract through DHS during FY 1998-1999 from the requirement of obtaining a certification from the Auditor of State. The Auditor of State and the director are to submit a report of the process developed to the General Assembly on or before January 1, 1999. This provision takes effect May 19, 1998.

**STATUTORY REVISIONS.** The Act makes all of the following statutory revisions:

- Repeals the requirement that all unobligated and unencumbered TANF funds do not revert at the close of the fiscal year. This provision takes effect May 19, 1998.
- Provides that in calculating the FY 1997-1998 ending balance of Glenwood State Hospital-School under net state budgeting, DHS is to include county receivables billed but not yet received if the billables are received within 90 days of the original billing, and provides that the hospital-school may draw upon the General Fund of the State in an amount equal to the amount of the receipts not yet received. This provision takes effect May 19, 1998.
- Permits DHS to establish not more than 30 PMIC beds at the Independence Mental Health Institute and exempts these beds from certificate of need requirements.
- Requires the tracking and reporting of FaDSS grant recipient performance measures.
- Requires a county of legal settlement to reimburse the cost of admitting persons to the state hospital-schools within 45 days in place of 60 days of certification of the billing, and provides that a penalty may be imposed if the county fails to pay a billing within 45 days of receipt of the billing.
- Provides that parents of a patient admitted or committed to a hospital-school or to a special unit are not liable for the support of the patient upon the patient attaining 18 years of age.
- Provides that a family receiving a family support subsidy may elect to receive a monthly subsidy amount that is less than the standard amount.
- Repeals the sunset of the Personal Assistance and Family Support Council. This provision takes effect May 19, 1998.
- Defines "retailer" for the purpose of the Electronic Benefits Transfer Program.
- Provides that eligibility for the diversion program is that of meeting income eligibility guidelines for the FIP Program rather than otherwise being eligible for assistance.
- Expands MA eligibility to include children ages 15 through 18 whose family income is not more than 133 percent of the federal poverty level.
- Requires approved claims for savings refunds for individual development accounts to be paid from the General Fund in the manner currently used by the Department of Revenue and Finance. This provision is effective May 19, 1998, and is retroactively applicable to January 1, 1998.
- Exempts from state mandate provisions, the provisions in the Act relating to county billings for state hospital-schools.
- Allows adoption of emergency rules 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.
- Requires that 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.
- Repeals transitional child care provisions.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision that directs DHS to aggressively implement the MA home and community-based waiver for persons with physical disabilities as a means to further develop the Personal Assistance Services Program. Application is limited to those persons with physical disabilities who reside in a medical institution at the time of applying for assistance. The base number of persons to be served at any time is 35 and in addition, a maximum of 10 persons who are at imminent risk of placement in a medical institution are to be approved for waiver services.
2. Language which provides that funds appropriated for the state Child Health Insurance Program do not revert to the General Fund of the State at the close of the fiscal year.
3. Language that prohibits the expansion of prior authorization for prescription drugs under the Medicaid Program without approval of the General Assembly.

4. Language which specifies the General Assembly's intent that the requirements of the Conner Decree, requiring the development of appropriate community supports and services for community placement of persons residing at the state hospital-schools, also apply to the University of Iowa Hospital-School, and requires that the Board of Regents submit recommendations to the General Assembly for codification of admission requirements under the Conner Decree.
5. Language that requires DHS to reimburse a county when DHS reduces the number of FTE positions responsible for mental health or mental retardation services in a local office, thereby requiring the county to assume responsibilities previously performed by the DHS positions.
6. Language providing an MA reimbursement increase beginning July 1, 1998, for pharmacist services that is 2 percent over the rate in effect on June 30, 1998.
7. Language that requires DHS to make up from any of its appropriations any shortfall in revenues earmarked for juvenile detention.
8. Language providing that revenues generated and moneys appropriated in the Act to the Glenwood and Woodward State Hospital-Schools do not revert to the General Fund but remain available for FY 2000.
9. Language requiring that contracts entered into by DHS in FY 1998-1999 which exceed \$150,000 are to include a penalty for failure to meet performance expectations, noncompliance, or any other breach of contract, in addition to any other remedy under law.

**SENATE FILE 2418 - 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 technology-related purposes, provides for the procurement of information technology, and establishes the lowAccess System. Portions of the Act take effect May 21, 1998.

Moneys are appropriated from the General Fund of the State for debt service associated with the ICN, for the subsidization of video rates for certain authorized users of the ICN, and for the transfer of two full-time equivalent positions from the Public Broadcasting Division of the Department of Education to the Iowa Telecommunications and Technology Commission (ITTC). The ITTC is directed to file a quarterly report electronically with the Legislative Fiscal Bureau including information relating to each state agency or department for which equipment is purchased, the equipment purchased, the cost of such equipment, and the amount received from the state agency or department as reimbursement for such purchases.

The Act appropriates \$75,000 from the General Fund of the State to the Legislative Council to retain a consultant to study and review potential options related to the disposition of the ICN, and potential options related to a change in the management structure of the network.

The Act appropriates moneys from the General Fund of the State to the Public Broadcasting Division of the Department of Education to provide support functions related to the network and for allocation to the regional telecommunications councils. The regional telecommunications councils are to use the funds allocated to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Moneys are appropriated to the Division of Information Technology Services of the Department of General Services for providing information technology services to state agencies.

The Act establishes a Reversion Technology Initiatives Account under the control of the Division of Information Technology Services for the purpose of supporting various technology programs and projects, as prioritized in the Act. This section takes effect May 21, 1998.

The Act provides for monthly reports from the executive branch agencies and departments, the State Board of Regents, the Judicial Department, the Legislative Computer Support Bureau, and each office of a statewide elected official other than the Governor, regarding the implementation of century date change programming. This section takes effect May 21, 1998.

The Act establishes the lowAccess System for the purpose of allowing electronic access to public records. The Act sets forth the powers and responsibilities of governmental agencies as lawful custodians of a public record. The Act provides funding for lowAccess in an amount not to exceed \$400,000 for the 1998-1999 fiscal year.

The Act makes other miscellaneous changes related to century date change programming and the ICN which take effect May 21, 1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision limiting overall expenditures by the ITTC to \$32 million.

2. A requirement that the ITTC establish budget units and accounts using the state budget system and the Iowa finance and accounting system.
3. A requirement that the head of the Division of Information Technology Services is subject to Senate confirmation.
4. A requirement that the ITTC, prior to obligating any funds for the replacement of optical components, must submit the proposed expenditure to the Legislative Oversight Committee of the Legislative Council.
5. A provision eliminating the Reversion Technology Initiatives Account unless reauthorized during the 1999 Regular Session of the General Assembly.
6. A directive that the Legislative Council initiate a progress audit concerning the implementation of century date change programming.
7. A prohibition on the privatization of the IowAccess System prior to February 1, 1999.
8. The creation of an IowAccess Advisory Council, and provisions establishing the duties and responsibilities of the council.
9. A prohibition on new connections to the ICN (network) except for a connection where the construction associated with the connection has commenced on or before June 30, 1999.

#### **HOUSE FILE 2210 - Appropriations — Energy Conservation Trust Funds**

BY COMMITTEE ON APPROPRIATIONS. This Act provides for the appropriation from Oil Overcharge Account funds for the 1998-1999 fiscal year to the departments of Human Rights, Natural Resources and Transportation for energy conservation programs and provides for the dissolution of the Energy Fund Disbursement Council on June 30, 2003, and the Intermodal Revolving Loan Fund by July 1, 2019. This Act also eliminates the June 30, 2000, repeal of the Energy Conservation Trust.

#### **HOUSE FILE 2218 - Federal Block Grant Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 1998, and ending September 30, 1999, 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, Local Law Enforcement, Residential Substance Abuse Treatment for State Prisoners, Community Services, Community Development, Low-Income Home Energy Assistance, Social Services, and Child Care and Development. See S.F. 2410 for appropriations of the federal Temporary Assistance for Needy Families (TANF) Block Grant and supplementation of the Social Services Block Grant.

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, 1998, and ending June 30, 1999.

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.

#### **HOUSE FILE 2271 - Obsolete and Unnecessary Code Provisions Corrections**

BY COMMITTEE ON APPROPRIATIONS. This Act includes sections of the Iowa Code and Session Laws which state agencies, funded through the Joint Appropriations Subcommittee on Administration and Regulation, found to contain requirements for unneeded reports, unfunded requirements or obsolete provisions.

*ETHICS AND CAMPAIGN DISCLOSURE BOARD.* Code Section 49.51 is amended by striking a requirement that sample ballots be sent to the Ethics and Campaign Disclosure Board.

*DEPARTMENT OF COMMERCE.* The amendment to Code Section 502.202 strikes the exemption from registration and certain filing requirements for securities issued by industrial loan companies that are members of the Industrial Thrift Guaranty Corporation.

Code Section 505.13, subsection 2, requires a semiannual report to the General Assembly regarding the state of the insurance business. This subsection is stricken.

Code Chapter 144C contains the Community Health Management Information System which was to be implemented in phases commencing from July 1, 1997. This Code chapter is repealed effective February 28, 1999.

Code Sections 523G.10 and 523G.11 relate to registration and the powers and duties of the Commissioner of Insurance for invention development services. Implementation of these sections is dependent upon an appropriation that has not been enacted. These sections are repealed.

The Act strikes from Code Section 7A.4, requirements for annual reports of the Accountancy Examining Board and the Engineers and Land Surveying Examining Board.

Struck from Code Section 272C.4 is a requirement that each licensing board governed by the Code chapter submit a report to the legislative committees on State Government.

The Act also strikes from Code Section 542C.3 a requirement that the Accountancy Examining Board submit a biennial report to the Governor of moneys handled and general information of persons licensed.

Code Sections 542B.10, 544A.4 and 544B.6 are repealed. These Code sections require annual or periodic reports to the Governor and other persons relating to the licensure of registered architects, landscape architects and professional engineers.

*DEPARTMENT OF INSPECTIONS AND APPEALS.* A paragraph under Code Section 135C.2, providing for a nine-member committee to monitor three-bed to five-bed residential care facilities, is struck.

*DEPARTMENT OF GENERAL SERVICES.* Code Section 18.3 is amended by adding a new subsection to provide for the insuring of motor vehicles owned by the state.

Code Section 18.6, subsection 12, is stricken. This subsection provides that waste management information and an offer to review waste management practices be given to potential contractors when contracts for purchase of items are offered to the Department of General Services.

Code Section 18.12, subsection 9, is amended to change references from "telephone" to "telecommunications."

Code Section 18.16, subsection 2, is amended to allow the Director of General Services flexibility in making rental and lease payments.

Code Section 18.18 is amended to remove commencement dates for certain environmental projects, such as using soybean-based ink, and to remove reference to starch-based plastic products as a recyclable product.

Code Section 18.20 is amended to remove past dates and reference to a report due in 1990.

Code Section 18.28 is amended to strike part of the definition of the word "printing."

Code Section 18.115 is amended to change the name "Vehicle Dispatcher" to "State Fleet Administrator," strike references to past effective dates, and remove intent language relating to the Midwest Energy Compact and the promotion of motor vehicles equipped with engines using alternative means of propulsion.

This Act also changes references to "Superintendent of Printing" to "State Printing Administrator" and "State Vehicle Dispatcher" to "State Fleet Administrator" where these references appear in the Iowa Code.

Code Sections 18.41, 18.55, 18.56, 18.76, 18.78, and 18.79 are repealed. These sections provide procedures for endorsing each bid that is accepted; establish procedures for making separate charges for a printing order for more than one officer, board, department, or agency; establish procedures for the filing, examination and approval of bills for printing; establish detailed procedures for editing, revising, condensing, and printing a manuscript; provide appeals procedures for disagreements as to the editing of a manuscript; and require the State Printing Administrator to keep detailed records of each report or document printed and the number and manner of distribution.

*DEPARTMENT OF PERSONNEL.* Code Section 19A.9 is amended to strike subsection 24, which establishes the Career Executive Program, now considered obsolete.

*DEPARTMENT OF REVENUE AND FINANCE.* Code Section 422.75 is amended to require the Department of Revenue and Finance to prepare and publish annually statistics with respect to the income, sales, services, and franchise taxes under Code Chapter 422. The annual report of the department will include these statistics and the reports required of the State Board of Tax Review and the Director of Revenue and Finance.

*SECRETARY OF STATE.* Code Section 50.19 is amended to allow for the disposal of copies of tally lists from each county if the tally lists are electronically recorded.

**HOUSE FILE 2395 - Supplemental and Other Appropriations and Miscellaneous Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes.

Division I - Supplemental Appropriations

This Division makes supplemental appropriations for FY 1997-1998 from various funds to the agencies specified as follows:

- Department of General Services - \$60,000 for utility costs.
- Department of General Services - combines two previous appropriations for parking lot and other exterior State Capitol Building improvements into a single appropriation of \$730,750.
- Department of Corrections - \$2,200,000 for construction of buildings to provide work space for inmates.
- Department of Education - \$720,000 for subsidization of video rates.
- Department of Education, Division of Public Broadcasting - \$150,000 for a study of digital television conversion.
- Department of Natural Resources - two separate appropriations amounting to \$595,000 for payment of sick leave for retiring personnel.
- Department of Natural Resources - an additional year is authorized for use of a previous appropriation of marine fuel tax receipts for capital projects.
- Judicial Department - \$1,700,000 for design and development of a new judicial building.
- Judicial Department - an increase in the court collections retained by the court from \$4 million to \$6 million. These moneys are used by the court for technological improvement projects.

This Division takes effect May 21, 1998.

Division II - Lottery Appropriations

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

- Department of General Services, Division of Information Technology Services - \$125,000 for development and start-up costs to implement a single contact repository for nursing home administrators and others to electronically perform criminal and abuse registry checks of prospective employees.
- Department of Human Services - \$125,000 for a grant to a county for implementation of the county's runaway child assessment and treatment plan.
- Department of Personnel - \$125,000 to support employees assigned to the State Employee Deferred Compensation Program.

Any of the excess lottery moneys remaining unexpended are to be transferred to the General Fund of the State.

Of the excess lottery revenues from FY 1994-1995 which were previously appropriated for health information systems, \$90,000 is to be transferred to the Department of Inspections and Appeals to be used to contract for the performance of building inspections. A corresponding decrease of \$90,000 is made from the FY 1998-1999 General Fund appropriation to the Department of Inspections and Appeals for this purpose.

Fiscal Year 1998-1999 lottery funds are transferred to the General Fund of the State rather than to the CLEAN (Committing the Lottery to Environment, Agriculture, and Natural Resources) Fund as the Iowa Code currently requires.

This Division takes effect May 21, 1998.

Division III - Miscellaneous Statutory Changes

The Act includes the following miscellaneous provisions:

- Technical and conforming corrections involving various 1998 enactments, including legislation for deer hunting licenses for nonresidents.
- Amendment of Code Section 69.2, relating to what constitutes a vacancy in an elective office, to provide that temporary active military duty or temporary service with another government entity does not constitute a vacancy. This provision takes effect May 21, 1998.
- A requirement that the Department of Inspections and Appeals work with other state agencies in establishing a single contact registry for nursing home and other providers of care to have electronic access to data to perform background checks of prospective employees who have direct contact with service consumers. The list of employers required to perform the checks is expanded to include elder group homes and assisted living facilities.
- Amendment of S.F. 2406 (see Local Government), relating to School Ready Children Grants, to move a submission date for grant plans from January 1, 1999, to December 1, 1998.

- Revision of the formula for distribution of the appropriation for community college vocational-technical technology improvement in Code Chapter 260A to base distribution on each community college's share of the overall enrollment.
- An increase of the standing appropriation for at-risk education programs from \$15,170,000 to \$15,360,000 with a corresponding increase in the standing allocation for Child Development Coordinating Council programs.

#### Division IV - Railroad Revolving Loan Fund

This Division creates a Railroad Revolving Loan Fund to be used by the Iowa Department of Transportation to provide loans for railroad-related improvements. The loan fund's initial funding source is an appropriation of an amount equal to the amount of loan repayments in excess of \$1.19 million made under Code Section 327H.18, relating to railroad assistance, and under Code Chapter 327I, relating to the Railway Finance Authority.

#### THE GOVERNOR ITEM VETOED THE FOLLOWING:

An appropriation of \$109,000 in unspent FY 1994-1995 lottery funds to the Department of Agriculture and Land Stewardship for laboratory operation and testing.

#### **HOUSE FILE 2498 - Appropriations — Administration and Regulation**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates approximately \$86.6 million to various state departments, agencies, boards, offices, commissions, and certain other interstate and national entities under the funding jurisdiction of the Joint Appropriations Subcommittee on Administration and Regulations for the fiscal year beginning July 1, 1998, and ending June 30, 1999.

This Act funds 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; Department of Inspections and Appeals; Department of Management; Department of Personnel; Iowa Public Employees' Retirement System; Department of Revenue and Finance; Secretary of State; Office of State-Federal Relations; 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 National Conference of Insurance Legislators, and the National Governors Association.

The Department of Inspections and Appeals may provide for health facility construction inspections, shall develop and implement a statewide education program for care review committee members, and shall review the need for a state licensing program for home health agencies. In addition, the department shall cooperate with the Department of Human Services, the Iowa Foundation for Medical Care, and the Iowa State University Social and Behavioral Research Center for Rural Health to implement a Positive Incentives for Nursing Care in an Iowa Nursing Home Pilot Project. The department is directed to implement a single contact repository for criminal history, child abuse, adult abuse, and sex offender registries, and nurse aide and other health professional certification and licensing information. Funding for this repository and additional statutory provisions are provided in H.F. 2395.

The state Racing and Gaming Commission is directed to require jockeys or drivers, trainers and handlers to submit to drug and alcohol testing pursuant to rules adopted by the state commission, but the procedures and standards of S.F. 2391 are not to be followed. The state commission is also authorized additional funding if a tenth excursion gambling boat is opened during FY 1999.

The Iowa Public Employees' Retirement System Division of the Department of Personnel is authorized funding for a headquarters building and to conduct studies of a statewide deferred compensation plan to study the feasibility of including adjunct professors at community colleges and regents universities as members of IPERS, and for a comprehensive examination of plan design of benefit parity issues of retirement systems under Code Chapters 97A, 97B and 411.

Funding is also provided to the Department of Management for law enforcement training reimbursements and the Council on Human Investment.

This Act includes statutory provisions transferring voter registration responsibilities to the State Commissioner of Elections.

This Act also provides for the phase-out of the Community Health Information System and repeals a provision relating to recommendations from the Insurance Division of the Department of Commerce for implementation of and a financing mechanism for health care coverage for Iowans. Funds are also provided for a Health Insurance Reform Program and a Health Insurance Oversight Program.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision appropriating moneys from the Innovation Fund for training in the Office of Auditor of State.
2. A provision requiring the state Racing and Gaming Commission to adopt rules for drug and alcohol testing of jockeys or drivers, trainers and handlers consistent with the procedures and standards for the testing of persons under Code Section 730.5, as amended by S.F. 2391 (see Criminal Law, Procedure & Corrections).
3. A provision requiring the reporting of cellular telephones usage to the Joint Appropriations Subcommittee on Administration and Regulation and the Legislative Fiscal Bureau.
4. A provision requiring the Department of General Services to recommend a reimbursement to the City of Des Moines for police and fire protection of state-owned facilities.

**HOUSE FILE 2499 - Appropriations — Transportation**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations from the General Fund of the State, the Road Use Tax Fund, the Primary Road Fund, and the Motorcycle Rider Education Fund to the Iowa Department of Transportation (IDOT).

Appropriations from the General Fund of the State include appropriations for railroad lines, airport engineering studies, civil air patrol, 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, audit expenses, membership in the North America's Superhighway Corridor Coalition, a system providing toll-free telephone road and weather reports, a scale facility in Fremont County, and indirect cost recoveries.

Appropriations from the Primary Road Fund include appropriations for salaries, operations, planning and programming, project development, maintenance, motor vehicles, equipment, the merit system, unemployment and workers' compensation, disposal of hazardous wastes at field locations, indirect costs, wastewater handling, roof replacement at field facilities, field garages, operations, compliance with the federal Americans With Disabilities Act at department facilities, construction of salt storage facilities, and remodeling of the administration building at Ames.

An appropriation from the Motorcycle Rider Education Fund is made for a mobile motorcycle education program.

The Act reduces the amount credited to the General Fund of the State from the funds collected on each title issuance from 25 cents to 10 cents for FY 1998-1999, and no funds shall be appropriated from title issuance fees to the General Fund of the State after FY 1998-1999. All fees shall be deposited in the Road Use Tax Fund after FY 1998-1999.

The Act requires the IDOT to issue electronic project bid notices to the targeted small business web page at the Department of Economic Development 48 hours prior to the issuance of all project bid notices.

The Act limits the IDOT from mowing roadside vegetation on certain rights-of-way or medians on primary or interstate highways.

The Act eliminates the requirement that fines and fees attributable to commercial vehicle violations be first deposited in the Iowa Prison Infrastructure Fund before being deposited in the Road Use Tax Fund.

**HOUSE FILE 2533 - 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 \$863.3 million and provides 17,252.84 full-time equivalent positions (FTEs), which is approximately \$2.2 million and 20.8 FTEs above the Governor's recommendations. This year's education appropriations Act exceeds the appropriations made in last year's Act (1997 Iowa Acts, Chapter 212) by approximately 1.61 percent.

*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, the Chiropractic Graduate Student Forgivable Loan Program, and the Stafford Loan Program, and increases moneys for Iowa and vocational-technical tuition grants. Compared to FY 1998, the commission receives an increase of 7.42 percent.

The Act creates the Industrial Technology Forgivable Loan Program and funds it with a standing appropriation from the General Fund of the State in the amount of \$90,000. The program is open to residents of the state enrolled as sophomores, juniors or



seniors in the area of industrial technology education at a regents university, an accredited private postsecondary institution or a community college. The loan recipient's total loan amount is reduced by 20 percent for each year in which the recipient remains an Iowa resident employed by a school district or accredited nonpublic school as an industrial technology teacher.

Funds remaining in the Scholarship and Tuition Grant Reserve Fund from fiscal years 1997 and 1998 are transferred to the commission to be used for Iowa Vocational-Technical Tuition Grants. The Act also expands the classes for which vocational-technical tuition grants may be used to include all classes, including liberal arts classes, needed to complete a student's vocational-technical or career option program. Also, the time limit for a vocational-technical tuition grant may be extended for one additional enrollment period for a student who is making satisfactory academic progress but cannot complete a vocational-technical or career option program in the grant time frame because additional classes are required to complete the program. The commission is also directed to establish a late application deadline of August 1 or later for new applicants and to reserve at least \$63,000 in tuition grant moneys for the late applicants.

The Act also increases the maximum amount of a tuition grant to a qualified full-time student from \$3,400 to \$3,650.

**DEPARTMENT OF CULTURAL AFFAIRS.** The Act funds the Arts, Historical and Administration divisions of the Department of Cultural Affairs, historic sites, the Local Arts Comprehensive Educational Strategies (LACES) Program, and community cultural grants. The department's total appropriation is increased by 6.9 percent over FY 1998.

The department is directed to coordinate activities with the Tourism Division of the Department of Economic Development to promote attendance at the State Historical Building and at this state's historic sites.

The Act also requires the department to include the amount appropriated for the LACES Program when calculating the amount of state financial assistance for the arts in national ranking surveys.

*Statutory Provisions.* The Act directs the department to encourage the use of volunteers throughout its divisions, especially for purposes of restoring books and manuscripts.

The Act repeals Code Chapter 303C, Arts and Cultural Enhancement and Endowment, but maintains within the Code the department's responsibility to administer regional conferences and a statewide caucus on arts and cultural enhancement. However, under the current Code, the department is required to convene a statewide caucus biennially, in the month of June during odd-numbered years. The Act requires the department to convene the statewide caucus every four years, beginning in June 2001. In addition, the department is directed to charge a reasonable fee for attendance at the statewide caucus.

The Act also requires the department to include the total estimated cost of the fine arts elements included in a plan and specifications for a new state building or group of state buildings when calculating the amount of state financial assistance for the arts in national ranking surveys.

**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, 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, an area education agency audit, and community colleges. The department's total appropriation is increased by 1.64 percent over FY 1998, and its FTEs are increased by 1.23 percent.

From the funds appropriated to the Vocational Rehabilitation Services Division, up to \$2 million is to be used to provide services to persons without regard to an order of selection. The division is directed to seek federal waivers in order to accept assessments of clients performed by area education agencies (AEAs) or any other governmental subdivision, and to improve and increase the availability of supported employment services to Iowans.

The Act provides that if the division receives federal funding to pay the costs of additional employees who would have duties relating to vocational rehabilitation services, the Act authorizes the division to exceed the FTE position limit established in the Act and fill not more than four additional FTE positions.

The Act directs the State Library to cap reimbursement of the regents universities for participation in the Access Plus Program during FY 1999 at the total amount of reimbursement paid for their participation during FY 1998.

The Act increases funding to the regional library system by \$100,000 over FY 1998 to provide salary increases to regional library employees.

The Act also provides that FY 1999 is the last year in which moneys will be appropriated for purposes of the family resource centers if legislation providing for the creation of an Iowa Empowerment Board and an Iowa Empowerment Fund, and for the appropriation of moneys to be administered by a community empowerment area, is enacted by the Seventy-seventh General Assembly, 1998 Session. Senate File 2406 provides for the creation of the Iowa Empowerment Board and the Iowa Empowerment Fund and S.F. 2366 (see Education) appropriates \$5.2 million for deposit in the Iowa Empowerment Fund.

General state financial aid to merged areas is distributed according to a new formula developed by the Community College Funding Formula Task Force.

The department is directed to analyze the state-funded Reading Recovery Program expenditures for FY 1998 through FY 2000, and to provide the analysis to the General Assembly and the Legislative Fiscal Bureau not later than January 1, 1999. The Act also establishes that priority for Reading Recovery training shall be given to teachers employed by school districts and accredited nonpublic schools in Iowa. The department is required by the Act to make every reasonable effort to publicize and promote the use of the center.

The Act permits the Board of Educational Examiners to use for its own purposes during FY 1999, up to 85 percent of any funds received resulting from any increase in licensing fees it approves and implements after July 1, 1997. This provision takes effect May 8, 1998.

The Act provides that if H.F. 2395 is enacted containing a provision relating to a study of digital television conversion by the Public Broadcasting Division, the division is to include in the study, upon the request of a public radio broadcaster, a review of the tower space availability and related cost efficiencies for broadcast antennas and associated equipment for the transmission of public radio station broadcasts. The provision is enacted within H.F. 2395.

*Area Education Agencies Audit.* The Act appropriates \$75,000 to the Department of Education for allocation to the Auditor of State for the costs of conducting an audit of the AEAs as required under the Act. The Auditor of State is directed to analyze AEA finances and operations for FY 1997 and utilize reports and information available from any other source necessary. The analysis shall include major areas of expenditure by AEA districts and a comparison by AEA of staffing levels, number of students served, purchase or lease of equipment and facilities, and funding from local school districts. The results of the analysis, and any recommendations, shall be submitted to the General Assembly and the Legislative Fiscal Bureau by January 1, 1999, and shall be utilized in the comprehensive legislative interim study of school finance requested of the Legislative Council in accordance with H.C.R. 15.

*Statutory Provisions.* The Act directs the Department of Education to summarize the Phase III reports filed by school districts and AEAs by November 1 annually, and the Act lists the information the summary must contain.

*BOARD OF REGENTS.* The Act appropriates moneys to the Board of Regents for board operations, tuition replacement, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, 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 Board of Regents and its institutions is increased 0.72 percent over FY 1998.

*State University of Iowa.* The Department of Human Services is directed to transfer to the state University of Iowa, for the purposes of the Creative Employment Options Program, the same amount of moneys in FY 1999 as was transferred in FY 1998.

*Statutory Provisions.* The Act amends last year's education appropriations Act, S.F. 549, to strike language permitting unencumbered tuition replacement moneys appropriated for FY 1998 to carry over to the next fiscal year, which means those unencumbered moneys will revert to the General Fund of the State at the end of FY 1998. This provision takes effect May 8, 1998.

Each year, the General Assembly must renew the allocation of Phase III moneys to the State Board of Regents for equal distribution to the Iowa Braille and Sight Saving School and the Iowa State School for the Deaf. The Act makes the allocation a standing, limited allocation.

#### **MISCELLANEOUS STATUTORY PROVISIONS:**

*First in the Nation in Education Foundation — Reading Recovery.* Effective December 31, 1998, the Act repeals the Code chapter creating the First in the Nation in Education (FINE) Foundation and Fund, along with any references to the foundation. Under the Act, the foundation after December 31 is no longer a quasi-public instrumentality, and the rights and properties of the

foundation will remain with the foundation as a nonprofit corporation. The Act requires the College Student Aid Commission to administer the Iowa State Fair Scholarship currently administered by the foundation.

The current distribution in the Interest for Iowa Schools Fund, a portion of which supports FINE under current law, is changed to transfer 55 percent of the moneys in the fund to assist school districts in developing Reading Recovery programs. From these moneys, \$100,000 is distributed to the Reading Recovery Center and the remainder is allocated to the AEAs in proportion to the number of children served by an AEA who are eligible for free or reduced-price meals. The remaining 45 percent of the moneys in the Interest for Iowa Schools Fund is transferred to the International Center Endowment Fund of the International Center for Gifted and Talented Education.

*Community College Levy Election Delay.* The Act shortens from 12 months to 355 days the time period that must pass before the board of directors of a community college may resubmit to the voters the question of whether to levy a tax on taxable property in the merged area.

*New Iowa Schools Development Corporation.* The distribution to the New Iowa Schools Development Corporation of \$1.25 million off the top of the Educational Excellence Program appropriation is renewed for FY 1999.

**AMENDMENTS TO SENATE FILE 2366** (commonly known as the Education Reform Act):

This Act amends S.F. 2366 as follows:

- Strikes two paragraphs under the \$1.5 million appropriation for frontier school or extended school year grants. The first paragraph specified that \$300,000 of the funds appropriated would be set aside to provide grants to six school districts for extended year school pilot projects, and up to \$75,000 would be used to contract for a study of the effectiveness of extended school years on student achievement. The Governor item vetoed the strike of the second paragraph, so the paragraph relating to the establishment of criteria and a process for the awarding of grants by the department, for equitable distribution of grants, and to nonreversion of the grant funds, takes effect.
- Makes moneys appropriated for purposes of extended school year grants available in the following year for the same purposes.
- Provides that the determination of standards of performance expected of school district personnel is an exclusive management right of the school board and is not subject to the mandatory collective bargaining negotiations. Objections to the procedures, use or content of an evaluation in a teacher termination proceeding are not subject to the collective bargaining grievance procedures. A school district is not obligated to process any evaluation grievance after service of a notice and recommendation to terminate the contract in accordance with lawful procedure.
- Provides that the Practitioner Performance Improvement Program, to be established and implemented by the Department of Education, shall not be used to provide consultation or assistance on specific employment situations.
- Makes inapplicable the grievance procedures of Code Section 20.18 relating to teacher job performance or teacher job retention during the first two years of the teacher's probationary period. The provision does not apply to a teacher who has successfully completed a probationary period in a school district in Iowa.
- Permits the Department of Education to adopt emergency rules for new Code Section 256.22, relating to extended school year grants.
- Includes a provision repealing a prospective Code section that would have established a Teacher Internship Pilot Program had the Governor not item vetoed the new Code section from S.F. 2366. The provision takes effect May 8, 1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision capturing funds appropriated, but never used, for historic sites last year and distributing the moneys to the Western Trails Center in Council Bluffs.
2. A provision directing the Division of Vocational Rehabilitation Services to enter into a chapter 28E agreement with the Creative Employment Options Program at the University of Iowa to enable the division to count as a local match the state funds appropriated to the university for purposes of the program.
3. Provisions reallocating, for FY 1999 expenditure by the Division of Libraries and Information Services for purposes of the Open Access Program, funds appropriated in FY 1998 to the Department of Education for purposes of developing an initiative to improve access to education through distance learning in postsecondary institutions and for participation in the National Assessment of Education Progress. The amounts referred to totaled approximately \$42,000.
4. A provision reallocating to the community colleges the \$50,000 appropriated for FY 1998 to the Department of Education, but never spent, for rehabilitating computers for schools and libraries.
5. Provisions amending S.F. 2366 relating to "frontier schools," including provisions establishing dates by which a

- district must submit a written request for a frontier school or extended school year grant and limiting grants to not more than \$25,000.
6. A provision directing the State Board of Education to require all higher education institutions providing practitioner preparation to include in their programs preparation in Reading Recovery and other reading programs.
  7. Provisions creating a two-year mathematics pilot program under the administration of the Iowa Mathematics and Science Coalition and appropriating \$75,000 for the program from Phase III Educational Excellence moneys.
  8. A provision prohibiting the College Student Aid Commission from expending interest moneys earned on commission accounts until the General Assembly specifically appropriates the moneys for use by the commission.
  9. Provisions allocating Educational Excellence moneys to LACES, the Geography Alliance, the Iowa Mathematics and Science Coalition, and to the Sioux City Community School District for a listening curriculum. A provision for a standing, limited allocation to the Iowa Public Broadcasting Division for overnight transmitter feeds was also item vetoed, without affecting the allocation for FY 1999.
  10. A provision amending S.F. 2366 relating to the Instructional Leadership Pilot Program the Governor item vetoed from that Act. The program's purpose as provided in S.F. 2366 would be to reward teachers and administrators for outstanding leadership, performance and service. The provision made the board of directors of a school district responsible for determining the number of awards and the amount of the awards based upon the total awards moneys received by the district.
  11. A contingent appropriation of \$200,000 in the event the Interest for Iowa Schools Fund moneys are not received by the Department of Education in FY 1999, for allocation to assist school districts in developing Reading Recovery programs.

#### **HOUSE FILE 2539 - Appropriations — Justice System**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for FY 1988-1999, 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, the total appropriations to the justice system of \$418.5 million reflect an increase in appropriations from the General Fund of the State of approximately \$28 million from the FY 1998 appropriations.

*DEPARTMENT OF JUSTICE.* The Act appropriates \$12.8 million to the Department of Justice, which represents an increase of \$266,000 compared to the estimated FY 1998 appropriations. These appropriations include amounts for the Office of the Attorney General, the Prosecuting Attorneys Training Program, amounts for victim assistance grants to care providers providing services to crime victims of domestic abuse or rape and sexual assault, and the Governor's Alliance on Substance Abuse (GASA) Prosecuting Attorneys 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 an increase of \$100,000 from the FY 1998 appropriation.

*DEPARTMENT OF CORRECTIONS.* The Act increases the General Fund appropriation to the Department of Corrections by \$13.4 million to \$211.3 million, representing a 6.8 percent increase from the estimated FY 1998 appropriation.

The Act provides for an increase of \$2.2 million and 49 full-time equivalent (FTE) positions to operate a 100-bed special needs women's unit at Mt. Pleasant. The Act also provides for an increase of \$5.8 million for 12 months of operations at full capacity at the Fort Dodge prison. The Act transfers \$1 million from the FY 1998 ending balance of the Prison Infrastructure Fund to the Department of Corrections for use in FY 1999. The funds are distributed to provide federal matching funds for construction of a 200-bed facility at the Mitchellville women's prison, to renovate the power plant and improve the water system at the Mitchellville women's prison, and for installation of perimeter fencing at the Mt. Pleasant prison to convert Department of Human Services beds to women's prison beds.

The Act directs the department to connect its facilities to the ICN and to cease cattle operations on lands at the Glenwood State Hospital-School but to otherwise continue to operate the correctional farms at the same or greater level as existed on January 1, 1998. The Act also requires that each correctional facility with at least 100 acres of agricultural land establish an agribusiness advisory council consisting of local persons selected by the county agricultural extension council to provide technical agricultural assistance to the facility.

*INDIGENT DEFENSE.* The Act appropriates an additional \$163,000 for indigent defense and the State Public Defender's Office compared to the FY 1998 appropriation.

*JUDICIAL DEPARTMENT.* The Act provides for an additional \$3.7 million in funding compared to the estimated FY 1998 appropriation. The Act provides for additional clerk of court positions, a Court Planning Division, and expansion of the Court-

Appointed Special Advocate Program. The Act also provides that the maximum deposit amount for the Enhanced Court Collections Fund for FY 1999 shall be increased to \$6 million instead of \$4 million (this change was also applied to FY 1998, in H.F. 2395). The Act also authorizes the Iowa Court of Appeals to meet at a location other than the Supreme Court courtroom in Des Moines from May 21, 1998, until June 30, 1999.

**LAW ENFORCEMENT ACADEMY.** The Act appropriates an additional \$47,000 for the Law Enforcement Academy, representing a 3.8 percent increase compared to the FY 1998 appropriation.

**BOARD OF PAROLE.** The Act provides for an appropriation of \$979,000 and 18 FTE positions to the Board of Parole. This appropriation represents an increase of \$22,000 (2.3 percent) and no change in FTE positions compared to the estimated FY 1998 appropriation. The Act provides an increase of \$15,000 to convert a part-time Parole Board member position to a full-time vice chairperson position.

**DEPARTMENT OF PUBLIC DEFENSE.** The Act provides for an appropriation of \$5.1 million and 257 FTE positions to the Department of Public Defense. This appropriation represents an increase of \$20,000 (0.4 percent) and 14.5 (6 percent) FTE positions compared to the estimated FY 1998 appropriation.

**DEPARTMENT OF PUBLIC SAFETY.** The Act appropriates an additional \$10.3 million to the Department of Public Safety compared to the estimated FY 1998 appropriation. The Act provides money for law enforcement officers for the new excursion gambling boat in Osceola, to establish a DNA Profiling Unit, for risk assessment analysis for the Sex Offender Registry, to replace federal and state funding for the Gang Unit, and for the Volunteer Fire Fighter Training Grant Program. Of the moneys appropriated to the Division of the Iowa State Patrol from the Highway Safety Patrol Fund, only 25 percent of the moneys are from the Motor Vehicle Use Tax Fund, and this fiscal year is the last year in which a portion of the moneys shall be from the Motor Vehicle Use Tax Fund.

**MISCELLANEOUS.** The Act requests the Legislative Council to extend the Criminal Sentencing Interim Study Committee through the 1998 Interim and to establish an interim committee to study private industry employment of inmates. The Act also provides that certain jacketed direct or indirect fired vessels shall be subject to inspection as pressure vessels and not as boilers by the Labor Commissioner pursuant to Code Chapter 89.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision requiring the Department of Corrections to timely fill all correctional positions authorized for correctional institutions.
2. A provision requiring 21 days' notice to the applicable joint appropriations subcommittee of the Legislature before the Department of Corrections can enter into a contract with a private corporation for the purpose of providing employment to inmates.
3. A provision prohibiting the Department of Corrections from placing inmates in a private prison located in Iowa without approval of the General Assembly.
4. A provision authorizing the Department of Corrections to use moneys appropriated to the department but not expended during FY 1998 for funding up to an additional 50 correctional officers and to purchase surveillance or other safety equipment for use in correctional institutions.
5. A provision that unobligated or unexpended funds appropriated for FY 1998 operations of the Fort Dodge prison shall be carried forward and be used to offset shortfalls in the revenues from inmate earnings in the Pay-for-Stay Program for FY 1999.

**HOUSE FILE 2553 - Compensation for Public Employees**

**BY COMMITTEE ON APPROPRIATIONS.** This Act relates to and appropriates moneys for the fiscal year beginning July 1, 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. The salaries of judicial magistrates are increased by approximately 7 percent. Other state employees, except officers and employees of the State Board of Regents, will receive a 3 percent increase with the pay period beginning June 26, 1998. If eligible, these state employees may also receive a step increase.

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

This Act also appropriates funds to various departments and agencies relating to the annualization of state employees' salaries. The Executive Council is directed to transfer moneys from the Health Insurance Surplus Account to the Health Insurance

Premium Operating Account to reduce health insurance premiums. The noncontract, supervisory, sworn state peace officers, except Capitol Police supervisors, are to receive the same per diem meal allowance as the sworn state peace officers under contract.

This Act also provides moneys to employ a salary model administrator/coordinator to work in conjunction with the Legislative Fiscal Bureau to analyze, compare and project state employee salary and benefit information.

## BUSINESS, BANKING AND INSURANCE

- SENATE FILE 2109 - Mobile Home Dealers
- SENATE FILE 2162 - Consumer Credit Code — Truth in Lending Act Definition
- SENATE FILE 2188 - Debt Collection
- SENATE FILE 2189 - Banks — Offices in Municipal Corporations and Urban Complexes
- SENATE FILE 2279 - Foreign Investments by Insurance Companies
- SENATE FILE 2301 - Bank Regulation and Operation
- SENATE FILE 2311 - Uniform Partnership Law
- SENATE FILE 2316 - Industries Regulated by Regulated Industries Unit of Insurance Division
- SENATE FILE 2325 - Investment Advisers
- SENATE FILE 2351 - Time for Review of Public Utility Reorganization
- SENATE FILE 2380 - Price Regulation for Telecommunications Services Providers
- SENATE FILE 2397 - Insurance Companies — Regulation and Operation — Miscellaneous Provisions
- SENATE FILE 2399 - Limited Partnership Mergers
- HOUSE FILE 2189 - Regulation of Multiple Employer Welfare Arrangements
- HOUSE FILE 2429 - Physical Exercise Clubs — Definition
- HOUSE FILE 2454 - Motor Vehicle Proof of Financial Responsibility
- HOUSE FILE 2517 - Healthy and Well Kids in Iowa Program

### RELATED LEGISLATION

- SENATE FILE 2113 - Driver and Motor Vehicle Licensing, Reporting, and Registration  
*SEE TRANSPORTATION.* This Act changes the terminology for motor vehicle license, allows an operator's liability insurance information to be made available to certain persons, and changes the purpose for which the department inspects specially constructed and reconstructed vehicles.
- SENATE FILE 2321 - Confidentiality of Records and Reports of Labor Commissioner  
*SEE STATE GOVERNMENT.* This Act makes confidential certain records and reports held by the Labor Commissioner of the Division of Labor Services of the Department of Workforce Development relating to safety or health violations inspections requests, consultation records, and citation and noncompliance notices.
- SENATE FILE 2404 - Cooperatives  
*SEE AGRICULTURE.* This Act amends Code Chapter 501, which provides for cooperative corporations that hold agricultural land in this state. The Act changes a number of terms used in the chapter, including changing "cooperative corporation" to "cooperative," provides for persons eligible to hold an interest in a cooperative organized under the chapter, and specifically includes a number of provisions which are similar to provisions governing corporations and, prior to the enactment of the Act, were incorporated within Code Chapter 501 by reference.
- SENATE FILE 2410 - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes provisions involving the Healthy and Well Kids - Iowa (HAWK-I) Program.
- SENATE FILE 2416 - Utilities — Property Tax Replacement and Statewide Property Tax  
*SEE TAXATION.* This Act generally replaces the current central property tax assessment procedures utilized by the Director of Revenue and Finance in valuing property of entities involved primarily in the production, delivery and transmission of electricity and natural gas within this state, with excise taxes on electricity and natural gas, and a statewide property tax on certain property of such entities. The Act generally takes effect January 1, 1999, and is applicable to property tax assessment years beginning on or after January 1, 1999, and to replacement tax years beginning on or after

January 1, 1999. Effective May 14, 1998, the Act creates a task force to study the effects of the replacement tax.

- HOUSE FILE 382** - Validity of Certain Marriages  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act requests that the Legislative Council establish a task force to review issues facing domestic partners including, but not limited to, property rights, contract rights, employment benefits, insurance coverage, and retirement benefits.
- HOUSE FILE 721** - New Jobs and Income Program — Insurance Premium Tax Credit  
**SEE ECONOMIC DEVELOPMENT.** This Act authorizes an eligible business under the New Jobs and Income Program to claim an insurance premium tax credit of up to a maximum of 10 percent of the new investment directly related to new jobs created by the location or expansion of an eligible business under the program. A similar insurance premium tax credit is allowed for a business that adds new jobs as a result of a training program handled by a community college.
- HOUSE FILE 2120** - Self-Service Displays for Cigarettes and Tobacco Products  
**SEE HEALTH & SAFETY.** This Act provides legislative intent relative to access of a minor to cigarettes and tobacco products. Beginning January 1, 1999, the Act also prohibits the use of self-service displays, which allow the buyer to take possession of the product without the seller being present, for the sale of, or offering for sale of, cigarettes or tobacco products in a quantity of less than a carton. Vending machine sales allowed by law are not affected. The Act provides that a retailer who violates the Act is subject to revocation of the retail permit.
- HOUSE FILE 2135** - Mid-America Port Commission Agreement  
**SEE ECONOMIC DEVELOPMENT.** This Act provides that the Mid-America Port Commission Agreement is entered into and enacted into law with the State of Illinois and the State of Missouri if those states join the agreement in substantially the same form. The agreement provides that the Mid-America Port Commission shall be governed by a nine-member port commission and provides a list of certain powers and duties the port commission shall have related to the operation of the port commission. The Act provides that the Iowa counties of Lee, Henry and Des Moines shall be included in the jurisdiction of the agreement.
- HOUSE FILE 2168** - Sale of Interest in Corporation Under Iowa Business Development Finance Act  
**SEE ECONOMIC DEVELOPMENT.** This Act provides the Business Development Finance Corporation with the power and authority to sell any stock or ownership interest of any corporation formed under Code Chapter 15E, "Development Activities"; Division 13, "Business Development Finance." Any proceeds of the sale of stock or ownership interest shall be deposited in the Strategic Investment Fund to be allocated by the Iowa Economic Development Board to programs for which the assets of the fund may be used.
- HOUSE FILE 2331** - Public Utilities — Cost Reviews  
**SEE ENERGY & PUBLIC UTILITIES.** This Act amends provisions relating to the natural gas supply and cost review, and the electric energy supply and cost review, of rate-regulated public utilities.
- HOUSE FILE 2335** - Agricultural Landholding Restrictions and Reporting Requirements  
**SEE AGRICULTURE.** This Act creates a new Code chapter providing additional ways for corporate entities to acquire and hold agricultural land, including corporations, limited liability companies, and cooperative associations. Under the Act, a business can hold agricultural land if it qualifies as a farmers entity, including a networking farmers entity, a farmers cooperative association, or a farmers cooperative limited liability company.
- HOUSE FILE 2400** - Mechanic's Liens  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act amends Code provisions regarding mechanic's liens, adding liens for rented material used in the course of alteration or construction of an owner's building, improvement or land; and for labor furnished to a subcontractor. The Act also amends mechanic's lien notification procedures for labor or materials furnished to a subcontractor, and the amount of a lien in the case of an owner-occupied dwelling.



- HOUSE FILE 2498** - Appropriations — Administration and Regulation  
*SEE APPROPRIATIONS.* This Act provides for the phase-out of the Community Health Information System and repeals a provision relating to recommendations from the Insurance Division of the Department of Commerce for implementation of, and a financing mechanism for, health care coverage for Iowans. Funds are also provided for a Health Insurance Reform Program and a Health Insurance Oversight Program.
- HOUSE FILE 2513** - Taxation — Miscellaneous Provisions  
*SEE TAXATION.* Division I of this Act eliminates the taxation for individual income tax purposes of certain qualifying net capital gains, including gains from the sale of certain livestock and timber and business real property. Prior law allowed only a 45 percent deduction. This Division also eliminates the material participation requirement from sales of businesses to lineal descendants for purposes of the taxation of net capital gains from these sales; and provides for complete exemption from the state individual income tax of capital gains from each capital asset when it is part of a sale of the taxpayer's business if the sale is made to a lineal descendant of the taxpayer. This Division takes effect May 6, 1998, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.

## BUSINESS, BANKING AND INSURANCE

### **SENATE FILE 2109 - Mobile Home Dealers**

BY BORLAUG. This Act amends Code Chapter 322B, relating to the licensing of mobile home dealers, to provide that licensing provisions also apply to dealers of manufactured homes. The term "mobile home" is amended to include a manufactured home. The amount of the surety bond for dealers is increased from \$25,000 to \$50,000.

This Act allows a dealer or an employee of a dealer to perform hookups to water, gas and electrical connections in a mobile home space, or within 10 feet of the space. The dealer or employee may also install a tie-down system on a mobile home in a mobile home park. The connections are subject to inspection and approval by local building code officials.

This Act removes requirements for the licensing of representatives of manufacturers and distributors of mobile homes or manufactured homes.

The Act also strikes a requirement that a dealer mail or deliver a signed purchase receipt of a mobile home to the county treasurer within 48 hours of the sale.

### **SENATE FILE 2162 - Consumer Credit Code — Truth in Lending Act Definition**

BY COMMITTEE ON COMMERCE. This Act amends the definition of the federal "Truth in Lending Act" (15 U.S.C. § 41) for purposes of the Consumer Credit Code to include amendments to that Act through January 1, 1998, and to also include regulations issued pursuant to that Act prior to January 1, 1998. The date used currently for purposes of this definition is January 1, 1995.

### **SENATE FILE 2188 - Debt Collection**

BY COMMITTEE ON COMMERCE. This Act amends a provision prohibiting a debt collector from using a fraudulent, deceptive or misleading representation or means to collect or attempt to collect a debt or to obtain information concerning a debtor. Currently, it is a fraudulent, deceptive or misleading representation for a debt collector to fail to disclose, in the initial written or oral communication with the debtor, that the debt collector is attempting to collect a debt and that information obtained will be used for that purpose. It is also a fraudulent, deceptive or misleading representation for the debt collector to fail to disclose in subsequent communications that the communication is from the debt collector. The Act provides that this provision does not apply if the communication to the debtor is issued directly by a state or national bank, state or national savings and loan association or savings bank, a state or federal credit union, a financial institution chartered by the Federal Home Loan Bank Board, a trust company, a national banking association, or an insurance company or association, or an officer, employee or agent of such company or association, so long as the communication does not deceptively conceal its origin or purpose.

### **SENATE FILE 2189 - Banks — Offices in Municipal Corporations and Urban Complexes**

BY COMMITTEE ON COMMERCE. This Act eliminates the restriction on the number of bank offices a state or national bank can open within a municipal corporation or urban complex in which the principal place of business of the bank is located.

### **SENATE FILE 2279 - Foreign Investments by Insurance Companies**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to authorized investments of domestic insurance companies in foreign governments and foreign corporations. The Act provides that investments in foreign government obligations must, at the time of acquisition, have predominantly investment qualities and characteristics as provided by rule of the Insurance Commissioner. The Act also provides that investments in foreign governments and foreign corporations are limited to an investment of 2 percent of the company's assets in any one foreign government or corporation, and limited to a total investment of 10 percent of the company's assets in foreign investments. The limitation is determined as a percentage of the reserves of a life insurance company or the admitted assets of a nonlife company. The limitation established does not include investments in the government of Canada or corporations incorporated under the laws of Canada.

### **SENATE FILE 2301 - Bank Regulation and Operation**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to the operation and regulation of banks in this state.

The Act requires a state or national bank to identify its principal place of business, any bank office, or any bank branch in a manner that includes its legally chartered name or a reasonable variation of such name at its Iowa locations. The Act also requires the state or national bank to use its legally chartered name in all legal documents of such bank.

The Act provides for the conversion of a federal savings association into a state bank and for the conversion of a state bank into a federal savings association.

**SENATE FILE 2311 - Uniform Partnership Law**

BY COMMITTEE ON COMMERCE. This Act rewrites Code Chapter 486 relating to partnerships in conformance with a draft prepared by the National Conference of Commissioners on Uniform State Laws. The Act generally takes effect January 1, 1999. Prior to January 1, 2001, the Act applies to a partnership formed on or after January 1, 1999, with the exception of a partnership continuing the business of dissolved partnership under Code Section 486.41, and to a partnership formed prior to January 1, 2001, if the partnership elects to be governed by the Act. On and after January 1, 2001, the Act applies to all partnerships and existing Code Chapter 486 is repealed. The Code Editor is directed to codify the provisions of the new chapter contained in the Act as a new Code Chapter 486A.

Article 1 includes general provisions, including definitions, the effect of a partnership agreement, the law governing internal relations, and other general provisions.

Article 2 relates to the nature of the partnership and includes provisions relating to the partnership as an entity, the formation of the partnership, partnership property, and when property is property of the partnership.

Article 3 relates to the relations of partners to persons dealing with the partnership and includes provisions relating to a partner as agent of the partnership, transfer of partnership property, statement of partnership authority, statement of denial, liability of a partnership for a partner's actionable conduct, liability of a partner, legal actions by and against the partnership and partners, and the liability of a purported partner.

Article 4 relates to the relations of the partners to each other and to the partnership and includes provisions relating to a partner's rights and duties, distributions in kind, the partner's rights and duties with respect to partnership information, general standards of a partner's conduct, actions by the partnership and partners, and the continuation of the partnership beyond a definite term or particular undertaking.

Article 5 relates to transferees and creditors of a partner and includes provisions relating to partnership property and providing that a partner is not a co-owner of partnership property, a partner's transferable interest in a partnership, the transfer of a partner's transferable interest, and a partner's transferable interest being subject to a charging order.

Article 6 relates to a partner's dissociation with the partnership and includes provisions relating to events causing a partner's dissociation, a partner's power to dissociate and wrongful dissociation, and the effect of a partner's dissociation.

Article 7 relates to a partner's dissociation with the partnership when the business of the partnership is not wound up, and includes provisions relating to the purchase of the dissociated partner's interest, the dissociated partner's power to bind the partnership, the dissociated partner's liability to other persons, the statement of dissociation, and the continued use of the partnership name by the partners continuing the business.

Article 8 relates to the winding up of the partnership business and includes provisions relating to events causing dissolution and winding up of the partnership business, continuation of the partnership after dissolution, the right to wind up partnership business, a partner's power to bind the partnership after dissolution, statement of dissolution, a partner's liability to the other partners after dissolution, and the settlement of accounts and contributions among the partners.

Article 9 relates to conversions and mergers involving a partnership and includes provisions relating to the conversion of a partnership to a limited partnership, the conversion of a limited partnership to a partnership, the effect of a conversion, the merger of partnerships, the effect of a merger, and the statement of merger.

Article 10 relates to a partnership becoming a limited liability partnership and includes provisions relating to the statement of qualification and the name of the limited liability partnership.

Article 11 relates to foreign limited liability partnerships and includes provisions relating to the law governing foreign limited liability partnerships, the statement of foreign qualification, the effect of failing to qualify, activities not constituting transacting business, and authorizing an action by the Attorney General to restrain a foreign limited liability partnership from transacting business in violation of the article.

Article 12 relates to filing provisions, including filing requirements, filing fees, effective time and date of documents filed, correcting filed documents, duties of the Secretary of State, appeal from the Secretary of State's refusal to file a document, evidentiary effect of a copy of a filed document, certificates issued by the Secretary of State, penalty for signing a false document, powers of the Secretary of State, registered office and agent provisions, and service on a partnership.

Article 13 includes miscellaneous provisions, including a uniformity of application and construction provision and the short title of the Act, "the Uniform Partnership Act."

**SENATE FILE 2316 - Industries Regulated by Regulated Industries Unit of Insurance Division**

BY COMMITTEE ON COMMERCE. This Act relates to entities and subject matter under the regulatory authority of the Regulated Industries Unit of the Insurance Division of the Department of Commerce. Specifically, the Act amends provisions relating to business opportunities, cemeteries and cemetery merchandise, preneed funeral merchandise and services, motor vehicle service contracts, and residential service contracts.

**MOTOR SERVICE VEHICLE CONTRACT.** The Act provides that a person in the business of selling motor vehicle service contracts must promptly file copies of amended documents used by such person with the Insurance Division. The Act provides that the Insurance Division is to assess an additional filing fee twice the amount normally associated with an annual filing if the annual filing occurs after August 1 and sales of such service contracts have occurred after August 1 and prior to the filing of the annual statement.

The Act provides that motor vehicle service contracts and residential service contracts must clearly state the terms and conditions of a deductible amount, if one exists.

The Act eliminates the 10-day notice requirement that currently must be given prior to an order being issued by the Insurance Division instructing the service contract provider to cease selling such contracts.

The Act provides that it is deceptive or misleading to use any combination of words, symbols or physical materials which are so similar to such combinations used by a manufacturer or which tend to mislead a person into believing that the solicitation is in some manner connected with the manufacturer, unless such use is authorized by the manufacturer. The Act also requires a motor vehicle service contract provider to include copies of all materials relating to denied claims in the provider's records.

**FUNERAL MERCHANDISE AND SERVICES.** The Act prohibits delivery in lieu of trusting with respect to concrete burial vaults and caskets sold after July 1, 1995. The Act provides that the Insurance Division may also prohibit delivery in lieu of trusting with respect to additional types of inner burial containers and merchandise, or may establish standards for the approval of storage facilities for such containers and merchandise. Currently, except for caskets and other types of inner burial containers or concrete burial vaults sold after July 1, 1995, delivery includes storage in a warehouse under the control of the seller or any other warehouse approved by the Insurance Division when a receipt of ownership naming the purchaser is delivered to the purchaser, the merchandise is insured and protected against damage, title has been transferred to the purchaser, the merchandise is appropriately identified and distinguishable from any other similar items, and the annual reporting requirements are satisfied.

The Act changes language required to be included in a funeral merchandise or funeral services agreement. Currently, the language provides that the contract (agreement) must be reported to the Insurance Division by the first day of March of the following year and that the individual purchasing such merchandise or services may call the Insurance Division to confirm that the contract has been reported. The language is amended by striking the reporting language and inserting language providing that the contract is subject to rules administered by the Insurance Division. The Act also strikes the specific reason for calling the Insurance Division (to confirm the contract has been reported) but leaves the general language indicating that the individual may call the division.

The Act provides that neither the Attorney General nor the Insurance Commissioner is required to post bond when seeking an injunction to restrain a person from engaging in conduct deemed contrary to the public interest with respect to the selling of funeral services or merchandise.

**BUSINESS OPPORTUNITY REQUIREMENTS.** The Act increases the time period after which a business opportunity registration becomes automatically effective from 10 to 15 days (the effectiveness of registration amendments may also be deferred for 15 days), and by providing that the Insurance Division may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, a registration if the Insurance Division finds that the seller does not have a minimum net worth of \$25,000. The Act provides that the business opportunity seller may submit a surety bond in lieu of the net worth requirement.

The Act establishes several other categories of offers or sales of business opportunities which are exempt from existing registration requirements. These include the offer or sale of a business opportunity to an ongoing business operated by the seller which is to be sold in its entirety, or by an executor, administrator, sheriff, receiver, trustee in bankruptcy, guardian, or conservator, or a judicial offer or sale. The Act also provides that the Insurance Division may deny or revoke an exemption from the registration requirement with respect to a particular offering if the public interest or the protection of purchasers requires such action. The Act permits the Insurance Division to directly bring an action to enjoin acts or practices, rather than notifying the Attorney General who would then bring the action, and identifies acts that are deemed to be misrepresentations, omissions and misleading conduct associated with business opportunities.

**CEMETERIES AND CEMETERY MERCHANDISE.** The Act changes language required to be included in a cemetery merchandise agreement. Currently, the language provides that the contract (agreement) must be reported to the Insurance Division by the first day of March of the following year and that the individual purchasing such merchandise may call the Insurance Division to confirm that the contract has been reported. The language is amended by striking the reporting language and inserting language that the contract is subject to rules administered by the Insurance Division. The Act also strikes the specific reason for calling the Insurance Division (to confirm the contract has been reported) but leaves the general language indicating that the individual may call the division. The Act provides that neither the Attorney General nor the Insurance Division is required to post bond when seeking an injunction to restrain a person from engaging in conduct deemed contrary to the public interest with respect to the selling of cemetery merchandise.

The Act provides that a cemetery, within the boundaries of the cemetery lands, may offer the nonexclusive preneed and at-need sale of the installation of monuments, memorials or markers.

The Act strikes language that permits a political subdivision to commingle perpetual care funds for purposes of investment and administration if each cemetery is appropriately identified and separate records are maintained for each cemetery.

The Act increases, from \$50,000 to \$100,000, the amount a perpetual care cemetery must deposit in an irrevocable trust fund prior to being able to withdraw the initial \$25,000 that must be deposited before the perpetual care cemetery can commence doing business. The withdrawal must be made within one year after the fund reaches \$100,000 unless otherwise approved by the Insurance Commissioner.

The Act provides that the Insurance Division may apply to the district court for a receivership with respect to a perpetual care cemetery. The Insurance Division may apply to the district court for an injunction to restrain a perpetual care cemetery from engaging in conduct or practices deemed to be in violation of Code Chapter 566A, which regulates cemeteries. The Act provides that neither the Insurance Division nor the Attorney General is required to post a bond when seeking such injunction.

The Act repeals the requirement that a seller, in connection with an offer or sale of a business opportunity, must have at all times a minimum net worth of \$25,000 or obtain a surety bond.

#### **SENATE FILE 2325 - Investment Advisers**

**BY COMMITTEE ON COMMERCE.** This Act amends Code Chapter 502, the Iowa Uniform Securities Act. Specifically, the Act regulates investment advisers. The Act provides that an investment adviser is a person who is engaged in the business of providing investment advice to persons in return for compensation. The Act provides exemptions for federally registered advisers, financial institutions, and professionals such as attorneys, accountants, engineers, and teachers who provide advice incidentally to their profession. The Act also regulates investment adviser representatives who are individuals employed by or associated with an investment adviser and who are involved in managing investments.

The Act establishes the licensure, registration and examination provisions for investment advisers and investment adviser representatives, establishes notice filing requirements for federal covered advisers, provides for filing fees, and authorizes rules to set minimum financial requirements and bonds for investment advisers.

The Act establishes postregistration requirements, such as recordkeeping, financial reports, corrective amendments, and bureau inspection authority.

The Act prohibits certain conduct. The Act lists prohibited advisory transactions, including fraud or deceit, unethical or dishonest business practices, and limits certain types of compensation arrangements. The Act creates civil liability for fraud or deceit, failure to register, and violations of rules or orders. The Act provides for filing certain sales and advertising literature. The Act provides that public records may be maintained in electronic, microfilm or other format.

The Act requires the Securities Bureau of the Insurance Division of the Department of Commerce to commence rulemaking as soon as possible. The Act provides for a delayed effective date of January 1, 1999, except for the rulemaking authority, which takes effect April 16, 1998.

#### **SENATE FILE 2351 - Time for Review of Public Utility Reorganization**

**BY COMMITTEE ON COMMERCE.** This Act provides that the Utilities Board, for good cause shown, may extend the deadline for acting on an application for the reorganization of a public utility for an additional period not to exceed 90 days. Currently, a proposal for reorganization is deemed to be approved unless the board disapproves the proposal within 90 days after filing.

The Act takes effect April 15, 1998.

**SENATE FILE 2380 - Price Regulation for Telecommunications Services Providers**

BY COMMITTEE ON COMMERCE. This Act amends portions of Code Section 476.97 applicable to a local exchange carrier with 500,000 or more access lines electing to operate under price regulation. The Act provides that the Utilities Board must approve, modify or reject the plan of any local exchange carrier to elect price regulation by no later than 90 days after such plan is filed with the board. The Act provides that a price regulation plan for a local exchange carrier with 500,000 or more access lines must provide for the reduction of its average intrastate access service rates by at least 100 percent of the difference between average intrastate access service rates and average interstate access service rates as of the date the plan becomes effective. Currently, such rates must be reduced by 50 percent of such difference between intrastate and interstate access service rates with a further reduction to the average interstate access service rates within 90 days of the date the plan becomes effective.

The Act provides that initial prices for basic communications services must be 3 percent less than rates in effect at the time a local exchange carrier with 500,000 or more access lines files its plan. Currently, such reduction in prices is 6 percent less than such rates.

The Act provides that the Utilities Board, for purposes of determining increases and decreases in prices for basic communications services under the plan reflecting annual changes in inflation and productivity, is to use the gross domestic product price index until January 1, 2000, after which the board is to adopt current measures of inflation and productivity. Currently, the board is to use the gross domestic product price index for such determinations until January 1, 1998.

The Act provides that the Utilities Board, during the term of the plan for a local exchange carrier with 500,000 access lines in this state, may consider further reductions toward economic costs in the local exchange carrier's average intrastate access service rates. The board may consider offsetting such reductions by an explicit subsidy replacement to the extent that such offsets are competitively neutral. In determining economic costs of access service, the board shall consider all relevant costs of the service, including shared and common costs of the local exchange carrier.

The Act provides that the Office of Consumer Advocate, in calculating an estimate of the return of a local exchange carrier operating under price regulation as if the carrier were subject to rate-of-return regulation, is to make two calculations with one calculation considering the investment, revenues and expenses associated with the sale of classified directory advertising, and one calculation not considering such investment, revenues and expenses.

The Act provides that a telecommunications carrier, as defined in the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), shall not use customer information in a manner that is not in compliance with 47 U.S.C. § 222; disparage the services offered by another telecommunications carrier through false or misleading statements; take any action that disadvantages a customer who has chosen to receive services through false or misleading statements; or take any action that disadvantages a customer who has chosen to receive services from another telecommunications carrier.

**SENATE FILE 2397 - Insurance Companies — Regulation and Operation — Miscellaneous Provisions**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to the operation of insurance companies.

The Act directs the Insurance Commissioner to examine the tax return of an insurance company for purposes of determining the tax within five years after the return is filed or within five years after the tax return became due, whichever is later. The Act provides that an assessment for tax or a claim for refund must be made within five calendar years after the annual tax filing is made. The Act also provides that a company may apply for a credit and the commissioner may make an assessment for the five-year period preceding the current calendar year.

The Act provides that a reinsurer's obligation to the insurer's estate is not reduced as a result of delinquency proceedings except when the agreement provides for another payee of the reinsurance to make payment or when an assuming insurer has assumed the policy obligations of the ceding insurer.

The Act provides that a stock life insurance company must have \$5 million in capital and surplus paid in cash or invested as permitted. Currently, such company must have \$2.5 million capital stock fully paid for in cash and \$2.5 million of surplus paid in cash or invested as permitted.

The Act authorizes a life insurance company to issue funding agreements. A funding agreement is an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies. The Act provides that such agreement is not life insurance, but is deemed to be doing insurance business. The Act provides that a funding agreement may be issued to a person authorized by a state or foreign country to engage in an insurance business or a subsidiary of such business, or by an individual for the purpose of funding any of the following: benefits under an employee benefit plan as defined in the federal Employee Retirement Income Security Act of

1974, 29 U.S.C. § 1001 et seq., maintained in the United States or in a foreign country; activities of an organization exempt from taxation pursuant to § 501c of the Internal Revenue Code, or any similar organization in any foreign country; a program of the United States government, another state government or political subdivision of such state, or a foreign country, or any agency or instrumentality of any such government, political subdivision or foreign country; an agreement providing for periodic payments in satisfaction of a claim; or a program of an institution that has assets in excess of \$25 million. The Act excludes the application of Code Chapter 508C, Iowa Life and Health Insurance Guaranty Association, to a funding agreement.

The Act includes a short-term limited duration policy in the definition of "creditable coverage" for purposes of small group health coverage.

The Act provides that a stock insurance company, other than a stock life insurance company, must have \$5 million in capital and surplus paid in cash or invested as permitted. Current Code provides that such company must have \$2.5 million capital stock fully paid for in cash.

The Act provides that an agreement among licensed insurers to offer workers' compensation insurance for applicants unable to procure workers' compensation insurance through ordinary methods must be administered by a workers' compensation rating organization licensed under Code Chapter 515A.

The Act provides that the commencement of an action by an insured under a provision included in an automobile liability or motor vehicle liability insurance policy pursuant to Code Section 516A.1 tolls the statute of limitations for purposes of the insurer's subrogated cause of action against a "party," as defined in Code Section 668.2.

The Act repeals the requirement that in addition to the paid-up capital requirements, an insurance company other than a life insurance company must have \$2.5 million of surplus paid in cash or invested as permitted.

The Act repeals Code Sections 515.22, 515.52 through 515.61, and 515E.6, relating to the participation, compensation and duties of a resident countersigning agent required to be utilized by an insurance company issuing a policy or contract of insurance in this state.

#### **SENATE FILE 2399 - Limited Partnership Mergers**

BY COMMITTEE ON JUDICIARY. This Act provides provisions relating to the merger of limited partnerships with and into other limited partnerships, limited liability companies and corporations.

The Act establishes basic authority for a limited partnership to merge into one or more limited partnerships, limited liability companies or corporations; establishes the requirements for a plan of merger; establishes the manner in which a merger is to be approved by the various entities to a merger with a limited partnership; provides that after a plan of merger is approved, the surviving entity must deliver the articles of merger to the Secretary of State for filing; sets forth the effects of a merger with respect to the assets and liabilities of the parties to the merger and the surviving entity; and establishes a manner in which a limited partnership may merge with a foreign entity.

#### **HOUSE FILE 2189 - Regulation of Multiple Employer Welfare Arrangements**

BY MYERS AND LAMBERTI. This Act extends the repeal date for the exemption of certain multiple employer welfare arrangements from regulation by the Insurance Division of the Department of Commerce, when specified requirements are met, from July 1, 1998, to July 1, 2001.

The Act takes effect March 17, 1998.

#### **HOUSE FILE 2429 - Physical Exercise Clubs — Definition**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act excludes from the definition of "physical exercise club" a facility owned and operated on a not-for-profit basis by a person or contractor of a person if operated solely for the purpose of serving the person's employees and family members of the employees. The result of this exclusion is to make the various requirements that relate to physical exercise clubs, such as requirements relating to contracts with members, membership contract cancellation requirements, and registration of the club with the Attorney General's Consumer Protection Division, inapplicable to these facilities.

#### **HOUSE FILE 2454 - Motor Vehicle Proof of Financial Responsibility**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends provisions relating to motor vehicle mandatory financial liability coverage legislation passed during the 1997 Legislative Session.

The Act corrects inconsistencies with respect to the applicable fine for driving a motor vehicle on the highways of this state without financial liability coverage. The Act clarifies that the scheduled fine for a violation is \$100. The fine is increased to \$250 effective July 1, 1999, unless there is an accident, in which case the fine will be \$500, pursuant to the 1997 legislation.

The Act provides that the mandatory financial liability coverage requirements apply to all motor vehicles driven on the highways of this state rather than just those vehicles registered in this state.

The Act provides that, in addition to other current enforcement options, a driver of a motor vehicle who is unable to provide proof of financial liability coverage shall only be issued a citation, if a citation is issued instead of a warning memorandum, unless the driver has been previously charged and cited for a violation. Currently, the peace officer may issue a memorandum; issue a citation; issue a citation and remove the motor vehicle's license plates and registration receipt; or issue a citation, remove the plates and registration receipt, and impound the motor vehicle.

The Act provides that an owner or driver of a vehicle registered in this state who is charged with a violation resulting in the removal of the license plates of the motor vehicle, and who provides proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or, if the driver is not the owner of the motor vehicle, proof that financial liability coverage was in effect for the driver with respect to the motor vehicle, shall be given a receipt indicating that such proof was provided. Upon providing a copy of such receipt to the county treasurer and the payment of a \$15 administrative fee, the county treasurer shall issue new license plates and registration to the person.

The Act provides that if the motor vehicle is not registered in this state and the driver is a nonresident, the peace officer shall issue a warning memorandum or a citation. A nonresident driver issued a citation who provides proof to the clerk of court within 30 days of the issuance of the citation that financial liability coverage was in effect at the time the person was stopped and cited shall be given a receipt indicating that such proof was provided, and the citation shall be dismissed.

The Act provides that the holder of a security interest in a motor vehicle that is impounded is to be notified of the impoundment within 72 hours of the impoundment and has the right to claim the motor vehicle upon the payment of all fees. The Act provides that if the value of the motor vehicle is less than the security interest, all fees are to be divided equally between the lienholder and the political subdivision impounding the motor vehicle.

The Act also provides a specific financial responsibility requirement for motor vehicle wholesalers.

The Act takes effect April 17, 1998, and is retroactively applicable to July 1, 1997.

#### **HOUSE FILE 2517 - Healthy and Well Kids in Iowa Program**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act establishes the Healthy and Well Kids in Iowa (HAWK-I) Program, beginning January 1, 1999, to provide health insurance for children under 19 years of age who are eligible under Title XXI of the federal Social Security Act. The Act establishes a board to adopt rules for, establish policy for, and direct the program.

The Act designates the Director of the Department of Human Services to implement the program and establishes the duties and powers of the director and the department under the program. The Act provides that an administrative contractor is to be selected through a request for proposals process to administer the program and lists the duties of the administrative contractor, defines participating insurers and designates their duties, and describes the benefit package to be provided under the program. The Act also provides that a child is eligible for the program if the adjusted gross income of the child's family does not exceed 185 percent of the federal poverty level and provides for cost-sharing by certain participants in the program. A participant whose adjusted gross income is at or below 150 percent of the federal poverty level is subject to cost-sharing which does not exceed cost-sharing under the Medical Assistance Program. A participant whose family's adjusted gross income is between 150 and 185 percent of the federal poverty level is subject to a minimum amount of cost-sharing, not to exceed 5 percent of the family's adjusted gross income.

The Act also expands the Medical Assistance (Medicaid) Program, beginning July 1, 1998, to include children whose family income does not exceed 133 percent of the federal poverty level.

The Act repeals the Iowa Healthy Kids Program, Code Chapter 514H, as the HAWK-I Program replaces such a program.

The Act takes effect May 14, 1998.



## CHILDREN AND YOUTH

- SENATE FILE 2072 - Membership of Family Development and Self-Sufficiency Council
- SENATE FILE 2220 - Juvenile Justice — Runaways
- SENATE FILE 2312 - Child Day Care
- SENATE FILE 2345 - Juvenile Justice — Out-of-Home Placement, Termination of Parental Rights, and Adoption
- SENATE FILE 2359 - Citizens' Aide Review of Child Protection System

### RELATED LEGISLATION

- SENATE FILE 2261 - Grandparent and Great-Grandparent Visitation  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that the parent of the mother or father of a child born out of wedlock or the grandparent of the mother or father of a child born out of wedlock may petition the court for visitation rights whether child custody has been awarded to the mother or father of the child. Visitation is only granted if it is in the best interest of the child and the grandparent or great-grandparent has established a substantive relationship with the child before filing the petition.
- SENATE FILE 2280 - Appropriations — Health and Human Rights  
*SEE APPROPRIATIONS.* This Act provides for the transfer of \$83,000 from amounts remaining in the Gambling Treatment Fund at the close of FY 1997-1998, to the Governor's Alliance on Substance Abuse for efforts to educate adolescents regarding methamphetamine abuse.
- SENATE FILE 2292 - Sex Offender Registry  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act amends the sex offender registration chapter by making changes to definitions, providing for lifetime registration for repeat offenders, providing for registration of offenders who are required to register in another state but whose crimes do not trigger the registration requirements in this state, making changes in the notification and offender reporting requirements, providing for offender risk assessment, codifying language regarding the applicability of registration requirements, and requiring the Department of Public Safety to make inquiry regarding, and to seek exception from, if necessary, any requirement that a state include kidnapping and false imprisonment as criminal offenses against a minor.
- SENATE FILE 2313 - Child Support, Spousal Support, and Related Matters  
*SEE HUMAN SERVICES.* This Act includes provisions relating to child support to comply with requirements in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, subsequent technical amendments made to the federal Act in 1997, and other technical changes.
- SENATE FILE 2338 - Adoption of Deceased Persons and International Adoptions  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act transfers the responsibility of assisting families involved in international adoptions from the Department of Human Services to licensed child placing agencies, persons making independent placements, and certified or approved adoption investigators. The Act also provides for the completion of an adoption of a person for whom parental rights of the biological parents have been terminated, for whom an adoption petition has been filed, but who died prior to completion of the adoption procedure.
- SENATE FILE 2341 - Hepatitis Type B Immunizations  
*SEE HEALTH & SAFETY.* This Act requires children born on or after July 1, 1994, to be immunized for hepatitis type B prior to enrollment in school.
- SENATE FILE 2353 - Allocation of State Aid for School-Based Youth Services Programs  
*SEE EDUCATION.* This Act continues through FY 2000 the \$2.8 million annual allocation of at-risk funds to school districts for school-based youth services, and the \$20,000 annual allocation for staff development, research and the development of strategies for coordination with community-based youth organizations and agencies; and provides a \$50,000 annual allocation through FY 2000 to those schools whose four-year grant funding, or whose expansion grant funding, under the program is otherwise scheduled to end in FY 1998.

- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
**SEE LOCAL GOVERNMENT.** This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act establishes a School Ready Children Grant Program for collaborative planning for, and funding of, early childhood programs.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act makes appropriations to the Department of Human Services and includes numerous provisions affecting children and youth.
- HOUSE FILE 677** - Child Custody and Visitation — Miscellaneous Provisions  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act provides that good cause for waiver of mandatory participation in a court-approved course to educate and sensitize the parties to an action involving child custody or visitation includes a showing of prior participation by the parties in a court-approved course or its equivalent. The Act also provides that the court is to consider the criminal history of a parent in awarding visitation rights if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor.
- HOUSE FILE 2120** - Self-Service Displays for Cigarettes and Tobacco Products  
**SEE HEALTH & SAFETY.** This Act provides legislative intent relative to access of a minor to cigarettes and tobacco products. Beginning January 1, 1999, the Act also prohibits the use of self-service displays which allow the buyer to take possession of the product without the seller being present, and for the sale of, or offering for sale of, cigarettes or tobacco products in a quantity of less than a carton. Vending machine sales allowed by law are not affected. The Act provides that a retailer who violates the Act is subject to revocation of the retail permit.
- HOUSE FILE 2169** - Conservatorship Assets  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act changes the maximum asset eligibility level for termination of a minor ward's conservatorship and provides for distribution of the remaining assets.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes funding for various programs involving children and families, including child care and development, maternal and child health, community services, and social services block grants.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
**SEE APPROPRIATIONS.** This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes an appropriation for a grant to a county for implementation of the county's runaway child assessment and treatment plan, changes a submission date in S.F. 2406 (see Local Government) for School Ready Children Grant plans from January 1, 1999, to December 1, 1998, and increases the standing appropriation for at-risk education programs from \$15,170,000 to \$15,360,000 with a corresponding increase in the standing allocation for Child Development Coordinating Council programs.
- HOUSE FILE 2517** - Healthy and Well Kids in Iowa Program  
**SEE BUSINESS, BANKING & INSURANCE.** This Act establishes the Healthy and Well Kids in Iowa (HAWK-I) Program, beginning January 1, 1999, to provide health insurance coverage for children under 19 years of age who are eligible under Title XXI of the federal Social Security Act, and expands the Medical Assistance (Medicaid) Program, beginning July 1, 1998, to include children whose family's adjusted gross income does not exceed 133 percent of the federal poverty level.

- HOUSE FILE 2523** - Medical Assistance Reimbursement for Certain Providers  
**SEE HUMAN SERVICES.** This Act requires that rural health clinics and federally qualified health clinics are to receive cost-based reimbursement for services provided under the Medical Assistance (Medicaid) Program.
- HOUSE FILE 2527** - Victim Rights Act  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act transfers and reorganizes existing Code sections pertaining to victim rights, including certain provisions relating to the rights of victims of juvenile offenders. The juvenile provisions are contained in a new subchapter entitled "Victims of Juveniles," contained in new Code Sections 915.24 through 915.29, and relate to the rights of a victim of a juvenile, access to certain juvenile files, restitution by juveniles, the rights of a victim of a sexual assault by a juvenile, and notification obligations of the Department of Human Services to victims of juveniles. The Act contains a delayed effective date of January 1, 1999.

## CHILDREN AND YOUTH

### **SENATE FILE 2072 - Membership of Family Development and Self-Sufficiency Council**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the appointment of an additional member, the Director of the Department of Workforce Development or the director's designee, to the Family Development and Self-Sufficiency Council in the Department of Human Services. This council deals with research and grants to address long-term dependency upon the Family Investment Program and other welfare programs.

### **SENATE FILE 2220 - Juvenile Justice — Runaways**

BY COMMITTEE ON JUDICIARY. This Act amends the definition of "chronic runaway" in the Juvenile Justice Chapter, Code Chapter 232, to change the language relating to the number of times that a runaway has been reported from once in "any month" to "any 30-day period." Under prior law, a chronic runaway was defined as a child who is reported to law enforcement as a runaway more than once in any month or three or more times in any year.

### **SENATE FILE 2312 - Child Day Care**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child day care requirements involving volunteers and to the child day care home pilot projects.

A person serving as an unpaid volunteer in a child day care facility is not required to complete training as a mandatory reporter of child abuse.

Provisions applicable to a pilot project that began in 1997 for child day care homes operating in two counties are amended. The pilot project registers family child care homes at four levels of care, depending on the space available and qualifications of the provider. The amendments make the following changes to the pilot project:

- A provider can be registered at a level of care for which the provider is qualified, even though the provider's home does not meet the space requirements for that level. The number of children allowed at that registration level, however, is to be restricted according to the space availability.
- Requirements applicable to level IV (greatest number of children out of the four levels) are revised to allow eight rather than seven children to be present before the provider must have a qualified assistant present.
- For a two-year period, beginning on April 20, 1998, a provider who provides care to four infants or to school-age children in excess of the limit authorized for a level of care may continue to provide care to those children. The exception applies during the two-year period until those children age out of the infant classification or leave the provider's care.

The Act requires the Department of Human Services to consult with various parties in studying the availability, accessibility, affordability, and quality of child day care services in the state.

The Act takes effect April 20, 1998.

### **SENATE FILE 2345 - Juvenile Justice — Out-of-Home Placement, Termination of Parental Rights, and Adoption**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to juvenile justice system provisions involving temporary removal of children, child in need of assistance (CINA) proceedings, foster care, termination of parental rights, and adoption. Many provisions of the Act are to conform with federal requirements in the federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89. The Act makes significant changes to Iowa Juvenile Justice Code, Code Chapter 232.

The provisions for conformance with federal requirements include the following:

- The Act changes the definition of "guardian" to include the purpose "to have a permanent self-sustaining relationship with the child." In addition, the guardian is to make other decisions involving protection, education, and care and control of the child.
- The Act amends Code Section 232.102, relating to transfer of legal custody of a child and placement, to revise the definition of "reasonable efforts" in the context of preventing or eliminating the need for removal of a child from the child's home. The change adds language for preserving and unifying a family prior to out-of-home placement of a child and makes the child's health and safety the paramount concern in making reasonable efforts. The performance of the reasonable efforts to prevent out-of-home placement may be made at the same time as reasonable efforts to place a child for adoption or with a guardian.
- The Act revises the language in the requirement for dispositional review hearings to refer to permanency hearings under Code Section 232.104.

- The Act authorizes the court to waive the requirement to make reasonable efforts if various aggravated circumstances exist. The Act includes specific aggravated circumstances such as the parent's murder of another child of the same parent. A permanency hearing must be held by the court within 30 days of the date the requirements are waived.
- The Act amends Code Section 232.111, relating to the filing of a petition for termination of parental rights, to require the county attorney to file or join in an existing petition if the child has been placed in foster care for 15 months or more of the most recent 22-month period, or if the circumstances for waiving the requirement to make reasonable efforts exist. Exceptions to the requirement to file are provided.
- The Act amends Code Section 232.104, relating to permanency hearings, to revise the time limits for holding the hearings. Under the Act, the initial permanency hearing for a child subject to an out-of-home placement for whom reasonable efforts have not been waived must be held within 12 months of the date of the child's removal. However, if the reasonable efforts requirement is waived, the permanency hearing must be held within 30 days of the date of the waiver. The Act strikes prior law relating to when the court must hold a permanency hearing.
- The Act provides that a child's foster parent, an individual providing preadoptive care for the child, or a relative providing care for the child is required to be notified of a termination of parental rights proceeding.
- The Act amends Code Section 237.8, relating to record checks of persons licensed to provide foster care, to prohibit foster parent licensing of individuals who have committed certain felony crimes such as child abuse, domestic abuse or a forcible felony.
- The Act amends Code Section 600.8, relating to preadoption investigations of individuals, to prohibit approval of individuals to be adoptive parents who have committed certain felony crimes such as child abuse, domestic abuse or a forcible felony.

In addition, the Act includes these other changes in the Juvenile Justice Code:

- The Act makes a number of changes to Code Section 232.78, relating to ex parte orders for the temporary removal of a child. The person applying for the order must provide a statement of the facts to support the findings required for the order and must assert facts showing there is reasonable cause to believe the child cannot be returned to the child's residence or be placed with the parent who does not have physical care of the child. Current law requires the court to designate an appropriate person to confer with the applicant for the order, attempt to inform the child's parent, and make inquiries to aid the court. The Act requires this designee to file a written report of the person's activities and discussions within five days of the date of the removal order. If the court does not designate the appropriate person, the child's parent is not responsible for paying for the costs of the child's care and services for the duration of the removal order.
- The Act revises Code Section 232.2 provisions for the case permanency plan of a child in an out-of-home placement to specify that reasonable efforts for placing a child for adoption or with a guardian can be made at the same time as reasonable efforts to reunite the child with the child's family.
- Various orders for removal of a child or for out-of-home placement of a child are to include a statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.
- A child in need of assistance order for out-of-home placement of a child is to identify the reasonable efforts that have been made involving that child.
- If a child is found to be a child in need of assistance in any dispositional hearing, dispositional review or permanency hearing, the court must inquire of the parties as to the sufficiency of the services being provided and whether any additional services are needed to facilitate the safe return of the child to the child's home. In addition, the court must advise the parties that failure to identify needed services or a deficiency in services may preclude the party from challenging the sufficiency of the services in a termination of parental rights hearing.
- The Act amends existing provisions in the child of need of assistance and termination of parental rights disposition statutes to include in the list of placement options, along with a relative or other suitable person, the parent who does not have physical care of the child.
- The Act amends Code Section 232.116, relating to the grounds for termination of parental rights, to require the court to consider the safety of the child along with the existing criteria in determining whether to terminate parental rights.
- The Act provides for continued placement of a child, for whom a termination of parental rights petition has been filed, with a foster parent providing preadoptive care to the child through the termination of parental rights proceeding, unless the court orders otherwise, based upon the best interests of the child.
- The Act amends Code Section 232.189, relating to requirements for the Director of Human Services and the Chief Justice of the Iowa Supreme Court to implement a reasonable efforts protocol, to refer to the new definition of "reasonable efforts."

The Act includes the following provisions relating to adoption:

- The Act amends Code Section 232.119, relating to the adoption exchange established in the Department of Human Services, to revise a reference to the National Adoption Exchange to refer to electronic capabilities.
- If the person being adopted dies following the termination of the parental rights of the child's biological parent but prior to the filing of an adoption petition, the person who was the guardian or custodian, or was in a parent-child relationship with the child, may file an adoption petition and the court may waive procedures and requirements associated with the adoption and issue a final adoption decree.

**SENATE FILE 2359 - Citizens' Aide Review of Child Protection System**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for a review of the state's child protection system by the Office of the Citizens' Aide/Ombudsman, an agency of the General Assembly. The review is to encompass all aspects of the system including reporting, assessment, child removal, child in need of assistance proceedings, review and appeals, and termination of parental rights. The purpose of the review is to determine whether the current system adequately provides fairness and due process protections for all involved with the system. The report of the review is to be submitted to the Department of Human Services, chief juvenile court officer of each judicial district, Governor, and General Assembly by February 1, 1999. Implementation of the study is contingent upon authorization of funding for the study by the Legislative Council. The Legislative Council approved funding for the study on June 23, 1998.

The Act takes effect May 14, 1998.

## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

- SENATE FILE 2186 - Validity and Enforceability of Veterans Advance Directive Documents
- SENATE FILE 2235 - Judicial Administration
- SENATE FILE 2261 - Grandparent and Great-Grandparent Visitation
- SENATE FILE 2277 - Municipal Tort Liability Exceptions for Skateboarding and In-Line Skating
- SENATE FILE 2329 - Crime Victim Compensation
- SENATE FILE 2330 - Civil Litigation by Inmates and Prisoners
- SENATE FILE 2338 - Adoption of Deceased Persons and International Adoptions
- SENATE FILE 2339 - Payment of Costs of Postconviction Proceedings
- SENATE FILE 2374 - Bail Enforcement Businesses, Private Investigative Agencies and Security Agents
- SENATE FILE 2378 - Real Estate Titles Involving Bankruptcy
- SENATE FILE 2384 - Installment Payment Fees — Fines and Court Costs — VETOED BY THE GOVERNOR
- HOUSE FILE 382 - Validity of Certain Marriages
- HOUSE FILE 677 - Child Custody and Visitation — Miscellaneous Provisions
- HOUSE FILE 2169 - Conservatorship Assets
- HOUSE FILE 2281 - Mandatory Recording of Certain Real Estate Contracts
- HOUSE FILE 2400 - Mechanic's Liens
- HOUSE FILE 2456 - Designation of Judicial Department as Judicial Branch
- HOUSE FILE 2471 - Appellate Court Judges
- HOUSE FILE 2478 - Mediation Confidentiality
- HOUSE FILE 2527 - Victim Rights Act

### RELATED LEGISLATION

- SENATE FILE 347 - Disposition of Seized Public Nuisances  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides that a device or material used to violate Code Chapter 481A, 481B, 482, 484A, or 484B, or rules of the Natural Resource Commission, is a public nuisance and subject to seizure by the Department of Natural Resources or any peace officer. The Act also establishes procedures for disposing of the seized property or returning it to persons who claim the seized property.
- SENATE FILE 2015 - Items Deemed Nuisances  
*SEE LOCAL GOVERNMENT.* This Act removes cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in cities from a list of items or conditions that constitute a nuisance.
- SENATE FILE 2038 - Mental Incompetency — Voting  
*SEE ELECTIONS, ETHICS, & CAMPAIGN FINANCE.* This Act requires that the clerk of the district court monthly notify the county commissioner of elections of persons who during the preceding calendar month have been legally declared to be mentally incompetent to vote.
- SENATE FILE 2073 - Partial-Birth Abortions  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act prohibits a person from performing a partial-birth abortion relative to a human fetus. The Act provides that the mother, the father, or, if the mother is less than 18 years of age or unmarried at the time of the performance of the partial-birth abortion, a maternal grandparent of the fetus, may bring a civil action against a person violating the criminal provisions of the Act for relief, which includes statutory and compensatory damages.

- SENATE FILE 2170** - Licensing Sanctions for Student Loan Default  
**SEE EDUCATION.** This Act directs the Supreme Court to prescribe rules providing for the denial, suspension or revocation of the admission to practice as an attorney and counselor for failure to repay an obligation owed to or collected by the College Student Aid Commission.
- SENATE FILE 2259** - Search Warrant Applications  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act strikes language that requires a magistrate to make a determination of the credibility of information in a search warrant application if the application is based on information from an informant. The magistrate is still required to determine whether the application or sworn testimony in support of the application supports the credibility of the informant or of the informant's information.
- SENATE FILE 2313** - Child Support, Spousal Support, and Related Matters  
**SEE HUMAN SERVICES.** This Act includes provisions relating to child support to comply with requirements in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, subsequent technical amendments made to the federal Act in 1997, and other technical changes.
- SENATE FILE 2345** - Juvenile Justice — Out-of-Home Placement, Termination of Parental Rights, and Adoption  
**SEE CHILDREN & YOUTH.** This Act relates to juvenile justice system provisions involving temporary removal of children, child in need of assistance proceedings, foster care, termination of parental rights, and adoption. Many provisions of the Act are to conform with federal requirements in the federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89. The Act makes other significant changes to Code Chapter 232, Juvenile Justice.
- SENATE FILE 2359** - Citizens' Aide Review of Child Protection System  
**SEE CHILDREN & YOUTH.** This Act provides for a review of the state's child protection system by the Office of the Citizens' Aide/Ombudsman. The review is to encompass all aspects of the system including reporting, assessment, child removal, child in need of assistance proceedings, review and appeals, and termination of parental rights. The purpose of the review is to determine whether the current system adequately provides fairness and due process protections for all involved with the system.
- SENATE FILE 2367** - Counties — Issuance of Marriage Licenses, Birth Registration Fees  
**SEE LOCAL GOVERNMENT.** This Act strikes the county fee for birth registration and permits the county recorder to issue a marriage license that will be valid three days from the date of issue.
- SENATE FILE 2373** - Stalking and Harassment — Criminal History Data and No-Contact Orders  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act provides a procedure for the issuance of a no-contact order in harassment and stalking cases upon the arrest of a person who has allegedly committed the offense of harassment or stalking.
- SENATE FILE 2377** - Probation Procedures — Sixth Judicial District  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act makes changes to and, on June 30, 2000, sunsets the probation pilot project in the Sixth Judicial District. The pilot project utilizes the services of administrative parole and probation judges, in lieu of district court judges, for purposes of limited decision making in cases in which a person is sentenced to the custody of the Director of the Department of Corrections. The Division of Criminal and Juvenile Justice of the Department of Human Rights is required to conduct an evaluation of the pilot project and submit the evaluation in a report to the General Assembly that convenes in January 2001. The portions of the Act that make changes to the pilot project but do not remove the references to the pilot project take effect May 18, 1998.
- SENATE FILE 2383** - Amusement Ride Rider Safety  
**SEE STATE GOVERNMENT.** This Act relates to amusement ride rider safety. The Act provides that a person failing to obey a safety-related requirement listed on a sign displayed at an amusement ride is subject to a civil penalty of \$100. The Act specifically provides that the provisions of the Act shall not be construed to preclude any criminal or civil action otherwise available under law.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act makes appropriations to the Department of Human Services and includes many child welfare, child support and juvenile justice items, including foster care, adop-



tion and other child welfare services, funding for court-ordered services for juveniles, directives to juvenile court services, and other provisions involving the juvenile court.

- HOUSE FILE 530** - Assistive Devices  
*SEE HEALTH & SAFETY.* This Act provides for an express warranty concerning assistive devices, provides for the replacement of or refund concerning defective assistive devices, and establishes consumer remedies.
- HOUSE FILE 667** - Administrative Procedure Act and Division of Administrative Hearings  
*SEE STATE GOVERNMENT.* This Act makes changes to the Iowa Administrative Procedure Act and establishes a Division of Administrative Hearings within the Department of Inspections and Appeals to provide administrative law judges to conduct most administrative hearings. The Act takes effect July 1, 1999, and applies to initial or remanded proceedings commenced on or after that date.
- HOUSE FILE 681** - Environmental Audits  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to privilege and immunity granted to an entity which conducts an environmental audit that meets the criteria provided in this Act.
- HOUSE FILE 2246** - Payment of County Medical Examiners' Fees and Expenses  
*SEE LOCAL GOVERNMENT.* This Act establishes a procedure for the collection of fees and expenses incurred by a county medical examiner when a preliminary examination and related services are performed for a decedent who was not a resident of the county.
- HOUSE FILE 2290** - Deer Hunting and Deer Population Control  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act increases the civil penalty for illegally taking antlered deer.
- HOUSE FILE 2340** - Volunteer Health Care Provider Program — Inclusion of Dental and Certain Medical Services  
*SEE HEALTH & SAFETY.* This Act includes dentists in the definition of "health care provider" for purposes of eligibility under the Volunteer Health Care Provider Program. The Act also provides that medical services to be provided under the program are to include obstetrical and gynecological medical services.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
*SEE APPROPRIATIONS.* This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes an appropriation to the Judicial Department for design and development of a new judicial building and increases the amount of fees that may be retained for technology projects.
- HOUSE FILE 2473** - Farm Mediation  
*SEE AGRICULTURE.* This Act amends a number of Code chapters that provide for mediation affecting agricultural products by requiring greater participation by the parties to a dispute.
- HOUSE FILE 2496** - Public Retirement Systems and Related Provisions  
*SEE STATE GOVERNMENT.* This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.
- HOUSE FILE 2539** - Appropriations — Justice System  
*SEE APPROPRIATIONS.* This Act appropriates moneys for FY 1999 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, the total appropriations to the justice system of \$418.5 million reflect an increase in appropriations from the General Fund of the State of approximately \$28 million from the FY 1998 appropriations. The Act provides for additional clerk of court positions, a Court Planning Division, and expansion of the Court-Appointed Special Advocate Program. The Act also provides that the maximum deposit amount for

the Enhanced Court Collections Fund for FY 1999 shall be increased to \$6 million instead of \$4 million. The Act also authorizes the Iowa Court of Appeals to meet at a location other than the Supreme Court courtroom in Des Moines from May 21, 1998, until June 30, 1999.

- HOUSE FILE 2546** - Waste Tires and Tire-Derived Fuels  
*SEE ENVIRONMENTAL PROTECTION.* This Act relates to financial assurance instruments for waste tires and use of processed waste tires. The Act provides that a generator of waste tires who is identified as being a contributor to the materials which are the object of an abatement is not liable for any of the costs of recovery actions of the abatement if the generator can document full compliance with Code Chapter 455D.
- HOUSE FILE 2553** - Compensation for Public Employees  
*SEE APPROPRIATIONS.* This Act relates to and appropriates moneys for the fiscal year beginning July 1, 1998, to fund salary adjustments for state appointed, nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, and noncontract employees.
- HOUSE FILE 2558** - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment  
*SEE HUMAN SERVICES.* This Act affects various provisions involving mental health, developmental disability, and substance abuse treatment. The Act includes provisions for simultaneous filing of applications for substance abuse and serious mental impairment civil commitment. In addition, the time period for appeal of a judicial hospitalization referee's finding is extended from seven to 10 days.

## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

### **SENATE FILE 2186 - Validity and Enforceability of Veterans Advance Directive Documents**

BY MCKIBBEN. This Act provides that an advance directive declaration or similar document, executed by a veteran of the armed forces, which complies with the federal Department of Veterans Affairs requirements for advance directives is deemed valid and enforceable in Iowa under the Life-Sustaining Procedures Act and the Durable Power of Attorney for Health Care Code chapter.

### **SENATE FILE 2235 - Judicial Administration**

BY COMMITTEE ON JUDICIARY. This Act makes several changes concerning the administration of the courts and the judicial branch.

Effective April 17, 1998, several requirements pertaining to rulemaking by the Iowa Supreme Court as reflected in the Iowa Court Rules are changed. The requirement in the Code that the Iowa Court Rules be indexed and that changes to the rules be included in the published Session Laws is eliminated. Those changes made by the Supreme Court to the Iowa Court Rules that must be submitted to the Legislative Council prior to the rules becoming effective are delineated. Also, the Act specifically exempts certain categories of rules from the requirement to submit changes to the Legislative Council, but provides that changes to the following rules shall be submitted to the Legislative Council:

- Rules of Civil Procedure
- Rules of Criminal Procedure
- Rules of Evidence
- Rules 1 through 9 of the Rules of Appellate Procedure
- Rules of Probate Procedure
- Juvenile Procedure
- Involuntary Hospitalization of the Mentally Ill
- Involuntary Commitment or Treatment of Substance Abusers

The Act also provides that a court-appointed special advocate is entitled to receive otherwise confidential child abuse information.

The Act additionally amends the provisions dealing with the ability of the Judicial Department, through the clerk of the district court, to obtain a setoff of any claim owed to a person by a state agency in order to satisfy a liability that the person owes the clerk of the district court. The Act provides that the Department of Revenue and Finance, and not the Judicial Department, shall send notice of a potential offset to the person liable, provides for the procedures to follow once a setoff is complete, and provides for the adoption of applicable procedures governing setoff by the Judicial Department and the Department of Revenue and Finance.

The Act eliminates the limitation on the number of attorneys or law school graduates the Supreme Court may employ to act as legal assistants to the justices of the Supreme Court.

The Act eliminates the requirement that the most recent federal decennial census be used to determine a county's eligibility for apportionment of district associate judges.

The Act provides that a district associate judge or magistrate who seeks to resign from that office shall notify the chief judge of the applicable judicial district of the resignation. The chief judge is then required to forward this information to the State Court Administrator and the applicable county magistrate appointing commission.

The Act also changes the deadline for appointing magistrates from any day in June to June 1.

The Act also provides that the clerk of the district court shall enter a conviction and judgment upon the failure of a person charged pursuant to a uniform citation and complaint to appear in person or through an attorney to defend against the offense charged.

The Act further provides that where an initial appearance before a magistrate is required and the person was arrested either with or without a warrant, the appearance may be before a magistrate located in a judicial district other than where the warrant was issued or where the person was arrested if the chief judges of the applicable judicial districts have previously agreed by order to permit such an appearance in either judicial district.

**SENATE FILE 2261 - Grandparent and Great-Grandparent Visitation**

BY LUNDBY. This Act provides that the parent or grandparent of the mother or father of a child born out of wedlock may petition the court for visitation rights whether child custody has been awarded to the mother or father of the child.

Visitation is granted only if it is in the best interest of the child and the grandparent or great-grandparent has established a substantive relationship with the child before filing the petition.

**SENATE FILE 2277 - Municipal Tort Liability Exceptions for Skateboarding and In-Line Skating**

BY SZYMONIAK. This Act provides two express exceptions to tort liability for governmental subdivisions. Claims relating to the design or construction of public facilities designed for skateboarding or in-line skating, and claims relating to the act or omission of an officer or employee of a municipality in relation to certain injuries or damages for skateboarding or in-line skating, are limited by this Act.

**SENATE FILE 2329 - Crime Victim Compensation**

BY COMMITTEE ON JUDICIARY. This Act raises the cap from \$5,000 to \$7,500 for funeral expenses payable for crime victims, and eliminates the aggregate limits of \$6,000 for the following: loss of support through death or disability of the victim incurred by families of crime victims, counseling expenses for families of crime victims, and mental health care for secondary victims of a crime. The Act also expands recoverable compensation to include certain wages lost by certain family members and others due to the death of the victim.

**SENATE FILE 2330 - Civil Litigation by Inmates and Prisoners**

BY COMMITTEE ON JUDICIARY. This Act regulates civil lawsuits filed by prisoners and inmates.

The Act provides additional grounds for the court to dismiss a complaint, claim, defense, or appeal by an inmate or prisoner. In addition to the current grounds of a false affidavit of inability to pay costs and fees and the filing of a frivolous or malicious action, the court may also dismiss claims if an inmate has knowingly presented or attempted to create false evidence or testimony, or if the actions of the inmate constitute an abuse of the discovery process.

In classifying an action, claim, defense, or appeal as frivolous or malicious, the Act provides that the court may consider whether the claim is without substantial justification or cannot be supported by a reasonable argument for a change in existing law, whether the action is intended solely or primarily for harassment, whether it is asserted for some improper purpose, including seeking to cause an unnecessary expansion or delay in proceedings, whether the defendant is immune from providing the relief requested, and the fact that evidentiary support is unavailable or is unlikely to be discovered after investigation.

A respondent may file a pre-answer motion asserting any deficiencies in meeting these standards.

A prisoner who brings an action that is dismissed under the standards articulated in this Act is subject to a loss of some or all good conduct time credits acquired. In the alternative, a state inmate who has no good time credits is subject to a loss of up to 50 percent of the average balance in the inmate's account.

A prisoner who brings three or more frivolous actions within five years is subject to the stay of proceedings, pending prepayment or guarantee of costs, that is applicable to all civil litigants. In addition, a prisoner who has had three actions dismissed will not be permitted to file in forma pauperis. This provision is modeled after a similar provision added to federal law in 1996.

The Act takes effect April 23, 1998. The provisions of the Act are severable and the invalidity of one provision will not affect any others which may be severed.

**SENATE FILE 2338 - Adoption of Deceased Persons and International Adoptions**

BY COMMITTEE ON HUMAN RESOURCES. This Act transfers the responsibility of assisting families to make international adoptions from the Department of Human Services (DHS) to licensed child placing agencies, persons making independent placements, and certified or approved adoption investigators. Currently, international adoptions are privately arranged by prospective adoptive parents and the agency or individual representing the foreign country. Federal law does not require the involvement of a state agency, such as DHS, in international adoptions. Regulatory activities are conducted by the Department of Inspections and Appeals, the agency that monitors the activities of licensed child placing agencies and certified adoption investigators.

The Act also provides for the completion of an adoption of a person for whom parental rights of the biological parents have been terminated, for whom an adoption petition has been filed, but who has died prior to completion of the adoption procedure. This portion of the Act takes effect April 9, 1998.

**SENATE FILE 2339 - Payment of Costs of Postconviction Proceedings**

BY COMMITTEE ON JUDICIARY. This Act amends Code Section 822.5, which currently entitles an inmate who is unable to afford counsel to state-paid counsel in postconviction relief actions. The right to payment for counsel is eliminated in the Act in postconviction actions that are based on the alleged unlawful forfeiture of good conduct time and the exhaustion of administrative remedies to regain the good conduct time reduction in sentence, and in postconviction relief actions based on alleged unlawful custody or restraint due to the expiration of a person's sentence or revocation of probation, parole or conditional release or some other alleged unlawful action. The right to payment for counsel is retained for other types of postconviction actions. The right to payment of court costs and stenographic and printing expenses is retained for all postconviction actions in which an inmate is unable to pay for those expenses.

**SENATE FILE 2374 - Bail Enforcement Businesses, Private Investigative Agencies and Security Agents**

BY COMMITTEE ON JUDICIARY. This Act regulates bail enforcement businesses and acts by bail enforcement agents, and apprehension of the principal on a bail bond.

The Act requires that persons operating a bail enforcement business with a principal place of business within the state obtain a license from the Department of Public Safety. The license is valid for two years and requires payment of a \$100 fee for the license and a \$10 fee for each identification card for each employee. An applicant must meet statutory qualifications and must file a bond with the department. An applicant must also prove financial responsibility for damages arising out of the business.

The Act also eliminates temporary identification cards presently issued for private security agents and investigators.

The Act requires any licensed bail enforcement agent to notify the local law enforcement agency before taking any action to apprehend a defendant. A bail enforcement agent from another state is required to register with the local law enforcement agency, providing copies of a license to operate a bail enforcement business, if the state of origin licenses such a business, and bonds related to the defendant in question and for liability for the agent's acts, if such bond has been issued. A bail enforcement agent from another state who registers as required and otherwise complies with the requirements for bail enforcement agents other than licensure is subject to civil liability only as provided in the chapter.

Licensees and their employees are subject to the rules of the department with regard to the use of badges, uniforms and identification cards. Bail enforcement agents from states other than Iowa are not permitted to use badges or identification cards other than those permitted by the state of origin or to wear a uniform or make a statement that gives the impression that the agent is a peace officer.

A person who is subject to the licensing requirements for bail enforcement businesses or bail enforcement agents and acts as a bail enforcement business or agent without a valid current license is guilty of a class "D" felony. A person is guilty of a fraudulent practice for committing any of the following: (1) making a false statement or representation in a document filed with the Department of Public Safety; (2) making a false statement or representation or failing to disclose, when required, that the person is or has been a private investigator, security agent or bail enforcement agent; or (3) falsely advertising that the person is a licensed private investigator, security agent or bail enforcement agent. Depending upon the value of the property or service obtained by means of fraudulent practices, such an act is punishable as a simple misdemeanor (\$50 to \$100 fine, or up to 30 days in jail) up to a class "C" felony (\$500 to \$10,000 fine and a 10-year maximum sentence).

Bail enforcement businesses and bail enforcement agencies are also subject to civil liability for injury to persons other than the defendant being apprehended. A business or agent held to have violated the applicable standard of care is liable for treble damages, costs and reasonable attorney fees.

The Act also sets forth prerequisites for a person apprehending a defendant, including licensure where appropriate, and registration or notification of local law enforcement agencies. A person apprehending a defendant also may not act beyond the authority granted to a peace officer under similar circumstances.

This Act may include a state mandate as defined in Code Section 25B.3. However, this Act 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.

**SENATE FILE 2378 - Real Estate Titles Involving Bankruptcy**

BY COMMITTEE ON JUDICIARY. This Act provides an alternative method for getting the record of bankruptcies into the records of the counties in which real estate of bankrupt debtors is located. Currently, the only uniform way of getting the information into the county records is recording each page at a set fee per page.

This Act allows for a bankruptcy transcript, which has been authenticated in accordance with federal or Iowa law, to be filed in the office of the clerk of the district court of the county in which real estate affected by the bankruptcy is located. A "bankruptcy transcript" is any document certified by the clerk of any United States Bankruptcy Court as being a true and correct copy of a document on file with the court. Once a bankruptcy transcript is filed, notice will be provided to the owner of the real estate affected by the transcript.

The owner of the real property may receive a stay of the effect of the bankruptcy transcript if the owner shows the district court that an appeal is pending or will be taken or that a stay of execution has been granted. The stay of the effect of the bankruptcy transcript will remain in effect until the appeal is concluded, the time of appeal expires, or the stay of execution expires or is vacated, whichever is applicable.

**SENATE FILE 2384 - Installment Payment Fees — Fines and Court Costs — VETOED BY THE GOVERNOR**

BY COMMITTEE ON JUDICIARY. This bill would have provided for the payment of a \$35 installment payment fee where fines or court costs are paid in installments. The fee would not have been required if the fee had already been charged under provisions relating to installment payments made by persons whose income level qualifies them for court-appointed counsel at state expense. Hearings held for purposes of monitoring compliance with any installment payment plan would not have been considered contempt or show cause hearings unless the court specifically designated the hearing as either a contempt or show cause hearing. The enactment of the bill was contingent upon the enactment of S. F. 2281, pertaining to the legal defense of indigent persons. Senate File 2281 was not enacted.

**HOUSE FILE 382 - Validity of Certain Marriages**

BY COMMITTEE ON JUDICIARY. This Act provides that only a marriage between a male and a female is valid and that a marriage solemnized in another jurisdiction is valid in this state if the requirements, including gender requirements, of the parties to the marriage are met and the marriage would not otherwise be void.

This Act also requests the Legislative Council to establish an interim task force to review the issues facing domestic partners.

**HOUSE FILE 677 - Child Custody and Visitation — Miscellaneous Provisions**

BY COMMITTEE ON JUDICIARY. This Act provides that good cause for waiver of mandatory participation in a court-approved course to educate and sensitize the parties to an action involving child custody or visitation includes a showing of prior participation by the parties in a court-approved course or its equivalent.

The Act also provides that the court is to consider the criminal history of a parent in awarding visitation rights if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor.

**HOUSE FILE 2169 - Conservatorship Assets**

BY RANTS. This Act increases the maximum asset eligibility level for a private, nonprofit corporation to serve as a conservator from \$15,000 to \$75,000 of assets subject to the conservatorship, and increases the maximum asset eligibility level for termination of a minor ward's conservatorship from \$4,000 to \$10,000 of assets. Assets under the latter type of conservatorship shall be distributed after payment of claims and expenses to a custodian under the Uniform Transfers to Minors Act.

**HOUSE FILE 2281 - Mandatory Recording of Certain Real Estate Contracts**

BY JACOBS. This Act requires that installment contracts for the sale of residential real estate must be recorded in the office of county recorder by the seller within 180 days of the date the contract was signed by the seller and buyer. The county recorder is to forward to the county attorney each contract recorded after the expiration of the 180-day period. Failure of the seller to record the contract prohibits the seller from initiating forfeiture procedures on the basis of the failure of the buyer to comply with the terms of the contract, but does not invalidate an otherwise valid contract. The contract seller is also subject to a fine not to exceed \$100 per day for each day over 180 that the contract is not recorded.

The Act also declares unenforceable a provision in a real estate installment sales contract that prohibits the recording of the contract.

The Act applies to installment sales contracts entered into before, on or after July 1, 1998. However, contracts entered into before July 1, 1998, shall not be subject to a fine for failure to timely record the contract.

**HOUSE FILE 2400 - Mechanic's Liens**

BY COMMITTEE ON JUDICIARY. This Act establishes a mechanic's lien for a person who rents material that is used in the course of alteration, construction or repair of the owner's building, improvement or land, to an owner, owner's agent, trustee, contractor, or subcontractor. The mechanic's lien is for the reasonable rental value during the period of actual use of the material and any reasonable periods of nonuse of the material taken into account in the rental agreement. The Act provides that the delivery of material to the building, improvement or land creates a presumption that the material was used in the course of alteration, construction or repair of the building, improvement or land, except in cases involving recoveries sought under a surety bond.

The Act also adds the furnishing of labor as grounds for a mechanic's lien claim, and alters notification procedures for liens involving the furnishing of labor or materials. A person furnishing such labor or materials must notify the owner and the principal contractor within 30 days of the amount, kind and value of the labor or materials furnished, and support the lien claim with a certified statement regarding that notification.

The Act further expands the definition of "material" in the mechanic's lien provisions to include tools. Existing law includes machinery, equipment, trees, plants, dirt, fence material, and other accessories, among the items defined as "materials."

The Act also alters mechanic's liens for owner-occupied dwellings, making those liens enforceable only to the extent of the amount due by the owner-occupant to the principal contractor under the contract, less any payments made by the owner-occupant to the principal contractor prior to receipt of notice by the owner-occupant regarding liability for liens by subcontractors.

**HOUSE FILE 2456 - Designation of Judicial Department as Judicial Branch**

BY COMMITTEE ON JUDICIARY. This Act changes the designation of the judiciary in the Code from the Judicial Department to the judicial branch.

**HOUSE FILE 2471 - Appellate Court Judges**

BY COMMITTEE ON JUDICIARY. This Act provides that the number of Court of Appeals judges shall be increased from six to nine effective July 1, 1999. The Act further provides that the number of Supreme Court justices shall be reduced from nine to seven justices through attrition, by justices leaving the Supreme Court due to death, resignation, removal, or failure to seek or win a retention election, commencing with vacancies occurring on or after July 1, 1999.

The Act takes effect July 1, 1999, but only if money is appropriated for the fiscal year beginning July 1, 1999, to employ the three additional Court of Appeals judges.

**HOUSE FILE 2478 - Mediation Confidentiality**

BY COMMITTEE ON JUDICIARY. This Act creates new Code Chapter 679C relating to confidentiality in mediation. The Act provides that if a mediation is conducted pursuant to a court order, a court-connected mediation program, a written agreement between the parties, or a provision of law, then all mediation communications and mediation documents shall be deemed confidential, except under certain circumstances, and a mediator or a representative of a mediation program shall not testify about a mediation communication or mediation document in any judicial or administrative proceeding, except under certain circumstances.

The Act provides that a mediator or mediation program shall not be liable for any civil damages for a statement, decision or omission made in the process of mediation unless acts or omissions of bad faith, malicious purpose or willful or wanton disregard for human rights, safety or property are involved.

The Act establishes separate mediator privilege provisions for mediation involving collective bargaining disputes before the Public Employment Relations Board. Other than facts relating to the timing or scheduling of mediation, a mediator shall not be required to testify or produce or disclose any communications, behavior or documents relating to or occurring during the course of mediation. The provisions include a list of expectations under which testimony, production or disclosure may occur.

The Act also provides that certain types of mediation are not subject to all or portions of new Code Chapter 679C.

**HOUSE FILE 2527 - Victim Rights Act**

BY COMMITTEE ON JUDICIARY. This Act transfers and reorganizes existing Code sections pertaining to victim rights into a new Code chapter. The following chart is a guide to the substantive transfers to new Code Chapter 915:

Prior Code Section	New Code Section	Subject Matter
232.28, subs. 10 232.28	915.25 915.26	Access to certain juvenile court files. Victim impact statements.
232.28A	915.24 915.26	The rights of a victim of a juvenile. Victim impact statements.
232A.4	915.28	Restitution by juveniles.
236A.1	915.20A	Victim-counselor privilege.
709B.1	915.40	Definitions for current Code Chapter 709B, Tests for Certain Sexual Offenders.
709B.2	915.42	HIV testing of an offender convicted of sexual assault.
709B.3	915.43	HIV testing of an offender convicted of sexual assault.
709.10	915.41	Payment of medical expenses for a sexual assault victim.
709.17	915.44	The right to refuse a polygraph that is offered as a prerequisite to an investigation of sexual abuse.
910A.2	915.10 915.12	Definitions relating to victims. Registration with the county attorney.
910A.5	915.21 915.26	Victim impact statements. Victim impact statements.
910A.6	915.13	Notification by the county attorney.
910A.7	915.14	Notification by the clerk of the district court.
910A.7A	915.15	Notification by the Department of Justice.
910A.8	915.11 915.16	Notice to a victim of the right to register as a victim with the county attorney. Notifications that must be made to victims by local correctional institutions.
904.108, subs. 6 910A.9	915.17	Notification of prisoner escape. Notification by the Department of Corrections.
910A.9A	915.29	Notification by Department of Human Services.
910A.10	915.18	Notification by the Board of Parole.
910A.10A	915.19	Notification by the Governor.
910A.11	915.22	The use of injunctions to protect victims and witnesses.
910A.12	915.23	The right of witnesses in criminal proceeding not to suffer discrimination from employers.
910A.13	915.36	Protection of a child victim's privacy.
910A.14	915.38	Permitting the use of televised and videotaped testimony in certain circumstances for child and certain other victims.
910A.15	915.37	Appointment of a guardian ad litem for a child witness of sexual abuse.
910A.16	915.35	Services for child victims of sexual abuse.
910A.17	915.12	Confidentiality of a victim's registration file.
910A.18	915.2	Immunity.
910A.19	915.3	Citizen intervention.
910A.20	915.20	Right to presence of victim counselor in proceedings related to the offense.
912.1 through 912.14	915.80 through 915.94	New Code Sections are a new subchapter of proposed Code Chapter 915. The subchapter is essentially composed of current Code Chapter 912.



New Code Section 915.100, titled "Victim Restitution Rights," sets forth the right a victim has to restitution and provides that a victim is entitled to recover pecuniary damages.

The Act directs the Code Editor to make necessary internal reference corrections throughout the Code, as required because of the transfer of Code sections to new Code Chapter 915. An amendment to S.F. 2329 requires the Code Editor to incorporate in the new Code chapter any changes made in this Act or S.F. 2329 to the underlying Code sections. The Act contains a delayed effective date of January 1, 1999, to permit the Code Editor the time necessary to make such comprehensive changes.

## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

- SENATE FILE 466 - Video Rental Property Theft
- SENATE FILE 490 - Consumer Frauds
- SENATE FILE 2073 - Partial-Birth Abortions
- SENATE FILE 2082 - Anhydrous Ammonia
- SENATE FILE 2090 - Compensation for Indigent Defense
- SENATE FILE 2259 - Search Warrant Applications
- SENATE FILE 2292 - Sex Offender Registry
- SENATE FILE 2331 - Transportation of Prisoners and Sharing Habilitative Services and Treatment Resources for Offenders
- SENATE FILE 2335 - Sexual Misconduct With Offenders and Juveniles
- SENATE FILE 2337 - Presentence Investigation Report Distribution
- SENATE FILE 2373 - Stalking and Harassment — Criminal History Data and No-Contact Orders
- SENATE FILE 2377 - Probation Procedures — Sixth Judicial District
- SENATE FILE 2385 - Minimum Term of Incarceration for Felony Domestic Abuse Assault
- SENATE FILE 2391 - Drug and Alcohol Offenses — Penalties and Miscellaneous Provisions
- SENATE FILE 2398 - Confinement and Treatment of Sex Offenders
- HOUSE FILE 2002 - Attempted Murder — Mandatory Service of Sentence
- HOUSE FILE 2262 - Out-of-State Peace Officers
- HOUSE FILE 2324 - Statutory Elements of Assault
- HOUSE FILE 2336 - Forcible Felon Liability
- HOUSE FILE 2337 - Drug Abuse Resistance Education Surcharge
- HOUSE FILE 2369 - HIV-Related Testing of Alleged Offenders — Criminal Transmission of HIV
- HOUSE FILE 2402 - First Degree Burglary — Sexual Abuse as Possible Element
- HOUSE FILE 2480 - Interception of Communications — Sunset Provision Repeal
- HOUSE FILE 2482 - Crimes Relating to Railroad Property

### RELATED LEGISLATION

- SENATE FILE 316 - Law Enforcement Officers' Training and Probationary Periods  
*SEE LOCAL GOVERNMENT.* This Act provides for time extension for the completion of law enforcement officer training and for the completion of probationary employment periods for deputy sheriffs and police patrol officers.
- SENATE FILE 2136 - 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 by changing the name of the Iowa Highway Safety Patrol to the Iowa State Patrol, conforming several provisions in the Iowa Financial Transaction Reporting Act to the model legislation upon which the Act was originally based, and correcting references and usage of terms and delete unused terms in provisions which pertain to economic and other penalties for certain criminal activity.
- SENATE FILE 2254 - Room and Board Charges for Certain Prisoners  
*SEE LOCAL GOVERNMENT.* This Act provides that a sheriff may collect room and board charges from a prisoner serving a sentence of contempt of court for violation of a domestic abuse order.

- SENATE FILE 2320** - Gambling Moratorium and Penalties for Underage Gamblers - **VETOED BY THE GOVERNOR**  
**SEE GAMING.** This bill would have imposed a moratorium of five years on the issuance of licenses for excursion gambling boats, limited the location of new excursion gambling boat licenses after the moratorium, imposed a scheduled violation for underage gambling, limited the civil penalty imposed against a licensee related to underage gambling, prohibited the loaning of money by credit card or other electronic means for gambling, and authorized the transfer of a gambling game license held by a pari-mutuel racetrack licensee with county voter approval.
- SENATE FILE 2330** - Civil Litigation by Inmates and Prisoners  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act regulates civil litigation by prisoners and inmates. Inmates whose lawsuits do not comply with the standards in the Act are subject to the dismissal of their lawsuits, and may be subject to the loss of some or all good time credits or up to 50 percent of the balance in the inmate's account.
- SENATE FILE 2339** - Payment of Costs of Postconviction Proceedings  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act eliminates the inmate entitlement to state-paid counsel in postconviction relief actions based on the alleged unlawful forfeiture of good conduct time and the exhaustion of administrative remedies to regain the good conduct time reduction in sentence, and in postconviction relief actions based on alleged unlawful custody or restraint due to the expiration of a person's sentence or revocation of probation, parole or conditional release or some other alleged unlawful action.
- SENATE FILE 2374** - Bail Enforcement Businesses, Private Investigative Agencies and Security Agents  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act regulates bail enforcement businesses and acts by bail enforcement agents and apprehension of the principal on a bail bond. Among other requirements, the Act requires licensure of bail enforcement businesses within the State of Iowa, and requires such businesses that are based outside of the state to notify local law enforcement prior to apprehending a principal on a bail bond. Persons apprehending a defendant under a bail bond may not act beyond the authority granted to a peace officer under similar circumstances. Persons who act without a valid license, or who undertake certain actions deemed to be "fraudulent practices" under the Act, are subject to criminal penalties. Persons who exceed the applicable standard of care in apprehending a defendant may be civilly liable to persons other than the defendant for injuries caused to such other persons.
- SENATE FILE 2376** - Regulation and Operation of Lottery  
**SEE GAMING.** This Act provides that lottery employees are not responsible for examining lottery equipment before or after drawings and it is a class "D" felony to redeem a lottery ticket with intent to defraud or to commit a theft of a lottery ticket.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act makes appropriations to the Department of Human Services and includes many child welfare and juvenile justice items, provisions for the fee charged for reinstatement of motor vehicle licenses to be allocated to local juvenile justice programs and reimbursement provisions for these programs, and provisions relating to sexually violent predators.
- HOUSE FILE 2211** - Liability for Inmate, Prisoner, and Escapee Expenses — State Tort Claims  
**SEE LOCAL GOVERNMENT.** This Act specifies state liability for and payment of certain costs and expenses relating to the supervision and care of inmates, prisoners and escapees from state custody.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes funding for various programs involving corrections, including the Drug Control and System Improvement and Residential Substance Abuse Treatment for State Prisoners Grant Programs.
- HOUSE FILE 2292** - Aquifer Storage and Recovery — Permits  
**SEE ENVIRONMENTAL PROTECTION.** This Act provides that a person, other than an aquifer storage and recovery permittee, withdrawing treated water from a permitted aquifer storage and recovery site within the state is subject to a civil penalty not to exceed \$500 for each day the violation occurs as provided in Code Section 455B.279.

- HOUSE FILE 2336** - Forcible Felon Liability  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that perpetrators of forcible felonies assume the risk of loss and liability for damages caused as a result of the perpetrators' criminal conduct.
- HOUSE FILE 2394** - Penalties for Homicide by Vehicle  
*SEE TRANSPORTATION.* This Act provides for the suspension of a person's driver's license upon a charge of homicide by vehicle under Code Section 707.6A, subsection 1 or 2, and provides for sentencing changes regarding certain persons charged with homicide by vehicle.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
*SEE APPROPRIATIONS.* This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes an appropriation to the Department of Corrections for construction of buildings to provide work space for inmates.
- HOUSE FILE 2487** - Alcohol Sales to Minors — Fines and Penalties  
*SEE ALCOHOL REGULATION & SUBSTANCE ABUSE.* This Act makes changes in the fines and other penalties that must be paid for sale of alcohol to minors.
- HOUSE FILE 2527** - Victim Rights Act  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act transfers and reorganizes existing Code sections pertaining to the rights of victims of criminal offenses, including the right of a sexual assault victim to request HIV testing of the offender and to refuse a polygraph as a prerequisite to an investigation, and the obligation of an offender to make restitution to a victim. The Act also transfers notification obligations regarding prisoner release and escape to the new Victim Rights Code chapter, as well as certain protections for child witnesses and other special witnesses in cases of sexual assault. The Act contains a delayed effective date of January 1, 1999.
- HOUSE FILE 2539** - Appropriations — Justice System  
*SEE APPROPRIATIONS.* This Act appropriates moneys for FY 1999 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, the total appropriations to the justice system of \$418.5 million reflect an increase in appropriations from the General Fund of the State of approximately \$28 million from the FY 1998 appropriations. The Act provides money and additional positions to operate a 100-bed special needs women's unit at Mt. Pleasant. The Act transfers \$1 million from the FY 1998 ending balance of the Prison Infrastructure Fund to the Department of Corrections for use in FY 1999. The funds are distributed to provide federal matching funds for construction of a 200-bed facility at the Mitchellville women's prison, to renovate the power plant and improve the water system at the Mitchellville women's prison, and for installation of perimeter fencing at the Mt. Pleasant prison to convert Department of Human Services beds to women's prison beds.
- H.J.R. 2003** - State Public Defender — Fort Dodge Office  
*SEE STATE GOVERNMENT.* This Joint Resolution conveys the approval of the General Assembly of proposed action by the State Public Defender to convert the Fort Dodge satellite public defender office to a separate public defender office.

## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

### **SENATE FILE 466 - Video Rental Property Theft**

BY COMMITTEE ON JUDICIARY. This Act establishes new Code Chapter 714C to provide for the crime of theft of video rental property. The Act defines theft of video rental property as either obtaining the video rental property with the intent to deprive the owner of the property or failing to return the property with the intent to deprive the owner of the property.

The Act provides that the value of the video rental property taken is the retail value of the property.

The Act provides that first degree theft of video rental property shall be punishable as theft as provided in Code Section 714.2, based upon the aggregate value of the property.

The Act further provides that certain facts establish an intent to knowingly deprive an owner of video rental property. The Act also provides affirmative defenses to theft of video rental property, if the person pays the owner the fair market value of the video rental property or returns the video rental property, along with certain additional charges if applicable, within 48 hours after the person is arrested.

The Act provides that the new chapter does not preclude the applicability of any other provision of law for an act otherwise covered by new Code Chapter 714C.

### **SENATE FILE 490 - Consumer Frauds**

BY COMMITTEE ON JUDICIARY. This Act amends provisions of the consumer fraud law. The Act rewrites provisions that provide limited immunity from criminal prosecution to a person providing information in a civil action brought by the Attorney General under Code Section 714.16, to provide that such immunity shall not arise unless the person providing the information has first asserted a right against self-incrimination and the Attorney General provides a written statement that information provided by the person will not be used in a subsequent criminal action.

The Act authorizes the Attorney General to commence an action under Code Section 714.16 against a person who fails to respond to a subpoena or other formal investigation request of the Attorney General in Polk County District Court, as well as the district court in the county in which the person resides or is located.

The Act authorizes the Attorney General to bring an action on behalf of the residents of this state under the federal Telemarketing and Consumer Fraud and Abuse Prevention Act.

The Act also permits the Attorney General to establish and accept a settlement amount related to an investigation of a consumer fraud allegedly committed against an older person, whether or not that investigation results in litigation.

### **SENATE FILE 2073 - Partial-Birth Abortions**

BY BEHN, REDWINE, KING, McKIBBEN, DOUGLAS, McKEAN, ANGELO, REHBERG, SCHUERER, HEDGE, FREEMAN, IVERSON, BOETTGER, JENSEN, RENSINK, FLYNN, BARTZ, REDFERN, McCOY, McLAREN, AND BORLAUG. This Act prohibits a person from performing a partial-birth abortion relative to a human fetus. Notwithstanding the prohibition, the Act provides that a person may perform a partial-birth abortion if necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness or physical injury.

The Act defines "abortion," "fetus," "partial-birth abortion," and "vaginally delivers a living fetus before killing the fetus" for the purposes of the Act. The Act also provides that the provisions in the Act are not to be construed to create a right to an abortion.

The Act provides that the mother, the father of the fetus, or, if the mother is less than 18 years of age or unmarried at the time of the performance of the partial-birth abortion, a maternal grandparent of the fetus, may bring a civil action against a person violating the criminal provisions of the Act for relief, which includes statutory and compensatory damages.

A person who performs a partial-birth abortion in violation of the Act is guilty of a class "C" felony, which carries a maximum sentence of confinement not to exceed 10 years and a fine of at least \$500, but not to exceed \$10,000.

The Act excludes the mother upon whom a partial-birth abortion is performed from prosecution for violation of the Act, or for conspiracy to violate the Act.

If a licensed physician subject to the authority of the Board of Medical Examiners is accused of an offense under the Act, the licensed physician may seek a hearing before the board as to whether the physician's conduct was necessary to save the mother's

life. Upon the motion of an accused licensed physician, the court is to delay the beginning of a criminal trial for 30 days to permit the hearing before the board.

**SENATE FILE 2082 - Anhydrous Ammonia**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 200, which is known as the "Iowa Fertilizer Law." The chapter provides for the regulation of anhydrous ammonia by the Secretary of Agriculture. Code Section 200.14 requires that the secretary adopt rules relating to the safe installation and operation of equipment for storage, handling, transportation, and use of anhydrous ammonia. The section requires that anhydrous ammonia equipment be installed and maintained in a safe operating condition. It also prohibits an unauthorized person from selling, filling, delivering, or using anhydrous ammonia containers or receptacles. A person violating the section's provisions is guilty of a simple misdemeanor.

This Act provides enhanced penalties for intentionally tampering with anhydrous ammonia equipment. Tampering occurs when a person not authorized by the equipment's owner uses the equipment in violation of the chapter or of a rule adopted by the Secretary of Agriculture. The enhanced penalties also apply to possessing or transporting anhydrous ammonia in a container not authorized by the secretary. The enhanced civil penalty cannot be more than \$1,500, and is assessed in addition to the imposition of the simple misdemeanor penalty. A person tampering with the equipment cannot sue the owner of the equipment, any person responsible for the installation and maintenance of the equipment, or the person lawfully selling the anhydrous ammonia for damages arising out of the tampering.

The Act takes effect February 19, 1998.

**SENATE FILE 2090 - Compensation for Indigent Defense**

BY COMMITTEE ON JUDICIARY. This Act makes changes in the procedures applicable to payment of costs and expenses in postconviction actions relating to forfeiture of reductions in sentence based on good conduct time which had been earned by an inmate against the sentence. Under current law, claims for cost and expenses incurred are submitted to the court for approval and forwarded to the county for payment. Once the county has paid, the claim is forwarded to the Executive Council for reimbursement from the General Fund of the State. Under the Act, those claims would be forwarded to the State Public Defender for payment from the Indigent Defense Fund.

The Act takes effect March 31, 1998, and is made retroactively applicable to claims approved by the court on or before that date. For claims paid by counties before the effective date of the Act for which the county has not received full reimbursement from the Executive Council, the county is permitted to submit claims to the State Appeal Board for reimbursement of the difference.

**SENATE FILE 2259 - Search Warrant Applications**

BY COMMITTEE ON JUDICIARY. This Act strikes language that requires a magistrate to make a determination of the credibility of information in a search warrant application if the application is based on information from an informant. The magistrate is still required to determine whether the application or sworn testimony in support of the application supports the credibility of the informant or of the informant's information. The requirement that the magistrate identify in the warrant only the peace officer from whom the information was given is retained in the statute as amended by the Act.

**SENATE FILE 2292 - Sex Offender Registry**

BY COMMITTEE ON JUDICIARY. This Act amends the sex offender registration chapter by making changes to definitions, providing for lifetime registration for repeat offenders, providing for registration of offenders who are required to register in another state but whose crimes do not trigger the registration requirements in this state, making changes in the notification and offender reporting requirements, providing for offender risk assessment, and codifying language regarding the applicability of registration requirements.

The definition of the term "criminal offense against a minor" is amended to delete kidnapping of a minor and false imprisonment of a minor. The definition of the term "sexually violent offense" is amended by adding false imprisonment to the list of offenses that involve sexual abuse or attempted sexual abuse. The term "sexually violent offense" is also amended by striking three offenses from the definition: telephone dissemination of obscene materials, rental or sale of hard core pornography, and indecent exposure. The same three offenses are contained in the new definition of "other relevant offense," which is incorporated into the list of offenses requiring registration. A definition of the term "sexually violent predator" is created, and is defined the same as in the federal definition of "sexually violent predator" under the Violent Crime Control and Law Enforcement Act of 1994. Language which referenced the federal definition in other provisions of the chapter is stricken to utilize the new state definition.

The provisions that establish an individual's duty to register as a sex offender are amended to require registration in Iowa by persons who are convicted of a offense in a court in another state, a federal court, a military court, a tribal court, or a foreign court;

persons who commit offenses in other jurisdictions that would require registration if the offense were committed in this state; and persons who are required to register in another state. Language is added to provide for the tolling of the period of registration during the time that a registrant is incarcerated for an offense that does not require registration. A requirement is added that provides that if a person is convicted more than once of a crime that requires registration, the person must register for the rest of the person's life. If the juvenile court modifies an order that had required the registration of a juvenile, the court must notify the department of the modification. Convictions for more than one offense that require registration but which are prosecuted in a single indictment are to be considered as a single offense for purposes of registration. The Code section addressing changes in information about a registrant is expanded to require that the person provide information relating to certain new legal name changes, and to provide that the registry be cross-referenced by name at the time of conviction and by name subsequent to any change. The Act also requires that persons who move to another state must register with the registering agency of the other state within 10 days of changing residency if sex offenders are required to register under the laws of that state. The Department of Public Safety or the county sheriff may notify the registering agency in the other state of the registrant's new address, telephone number or name.

Sexually violent predators are required to provide the registry with information beyond that which is required for other sex offenders, including other identifying factors, anticipated future residence, offense history, and documentation of any treatment received by the person for mental abnormality or personality disorder. The public notification provisions are modified to provide that any person may contact a sheriff's office or police department in writing to request information regarding any person who is required to register. The request must include the registrant's name and at least one of the following additional identifiers: the registrant's date of birth, social security number, or address. Additionally, the county sheriff or a police department is to provide, in accordance with rules adopted by the Department of Public Safety, a list of all registrants in that county who are classified as "at-risk" of reoffending. The Department of Corrections, the Department of Human Services, and the Division of Criminal Investigation of the Department of Public Safety, in consultation with one another, are to develop methods and procedures for the assessment of persons required to register as sex offenders and sexually violent predators and are to perform assessments of offenders who are under their respective jurisdictions.

Language relating to the release of information is changed to include information regarding convictions for the crimes of sexual exploitation and those offenses classified as other relevant offenses. The Department of Public Safety is to provide electronic access to relevant information from the registry pertaining to offenders who are convicted of offenses which require registration as a sex offender and who have been classified as "at-risk" of reoffending.

The registration provisions are made applicable to persons convicted of criminal offenses against a minor, sexual exploitation, sexually violent offenses, and other relevant offenses prior to July 1, 1995, but who are released after that date. Persons who are convicted in federal, military, tribal, or foreign court or who are required to register in another state are to register in Iowa as of July 1, 1998.

The provision restricting the release of presentence reports is amended to provide for release of the report to the department responsible for conducting the offender assessment of risk.

The Department of Public Safety is required to submit a request to the U.S. Department of Justice for a determination of whether the failure of a state to include kidnapping and false imprisonment as criminal offenses against a minor will result in a state being found not to be in compliance with the federal Megan's Law amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. If the department receives an opinion that a state would not be in compliance if those offenses are not included within that definition, the department is to seek an exception from that requirement and shall report the information regarding the contents of the Department of Justice opinion and any results of an exception request at the commencement of the session of the General Assembly which convenes in January of 1999.

**SENATE FILE 2331 - Transportation of Prisoners and Sharing Habilitative Services and Treatment Resources for Offenders BY COMMITTEE ON JUDICIARY.** This Act makes changes relating to various agreements to provide certain services to inmates of correctional institutions and prisoners in county jails.

The Act exempts any persons who are engaged in the business of transporting prisoners under a contract with the Iowa Department of Corrections, a county sheriff, or with a similar agency from another state or the federal government from requirements pertaining to private investigative agencies and security agents and from requirements pertaining to the carrying of weapons. The Act provides that a county sheriff and the Department of Corrections, when respectively contracting with a private person or entity for the transportation of inmates or prisoners to or from a jail or correctional facility, are to include in the contracts provisions which require that the person, entity or officers or employees of the entity have not committed certain specified crimes; that the person actually transporting the prisoners be trained and proficient in the safe use of firearms; that any

employees of the private entity only possess and use security and restraint equipment issued by the private entity; that the person or persons providing the actual transportation be trained and proficient in appropriate transportation procedures; and that the person or entity comply with any applicable standards promulgated by the American Corrections Association for the transportation of prisoners. The Department of Corrections is also required to adopt rules pertaining to contacts with private persons or entities providing transportation of inmates of institutions under the control of the department.

This Act authorizes the Director of Corrections to enter into agreements to utilize mental health institutions and share Department of Human Services' staff in order to provide habilitative and treatment services and other special needs programs for inmates in the corrections institutions. The agreements are to provide that the costs of the habilitative and treatment services are to be paid from state funds. If the agreement pertains to the use of mental health institution staff and resources other than the use of a building or facility to provide habilitative and treatment services and other special needs programming, the directors of Corrections and Human Resources are to notify the chairpersons and ranking members of the joint appropriations subcommittees that handle the appropriations for the those directors' respective departments. If the use of a building or facility is contemplated in the agreement, the approval of the General Assembly is required if the General Assembly is in session. If the General Assembly is not in session, the Legislative Council may grant temporary authority, which is subject to final approval of the General Assembly during the next succeeding legislative session.

#### **SENATE FILE 2335 - Sexual Misconduct With Offenders and Juveniles**

BY COMMITTEE ON JUDICIARY. This Act expands the criminal offense of sexual misconduct to prohibit sex acts between employees or agents of juvenile placement facilities and juveniles placed at such facilities. In addition, the Act prohibits such sex acts between employees or agents of counties and prisoners placed in a county jail.

Under prior law, only sex acts between correctional employees and adult offenders in custody were prohibited by the offense of sexual misconduct.

A person who violates this Act commits an aggravated misdemeanor.

#### **SENATE FILE 2337 - Presentence Investigation Report Distribution**

BY COMMITTEE ON JUDICIARY. This Act permits distribution of the presentence investigation report for purposes of providing interstate probation and parole compact services or evaluations.

Presentence reports are confidential and the court is required to provide safeguards to ensure confidentiality. The reports are to be sealed and opened only on order of the court. Currently, the presentence is distributed to the defendant's attorney and the attorney for the state prior to sentencing. A copy is also forwarded to the Director of the Iowa Department of Corrections if the defendant is not a class "A" felon.

#### **SENATE FILE 2373 - Stalking and Harassment — Criminal History Data and No-Contact Orders**

BY COMMITTEE ON JUDICIARY. This Act makes changes pertaining to certain crimes against persons. A criminal records retention provision is amended to provide that criminal history information must include information pertaining to dismissals and acquittals which are based on the defendant's mental capacity if the offense charged involved allegations of the commission or the attempted commission of physical or mental injury to another. The dissemination of the dismissal and acquittal information is limited, however, to criminal and juvenile justice agencies and persons employed in or by those agencies.

The Act also requires criminal and juvenile justice agencies to collect and maintain information pertaining to stalking. The Department of Public Safety is permitted to compile information and statistics on stalking and generate reports on the incidence of stalking in this state.

One of the criteria established for enhanced stalking penalties is changed to provide for the imposition of a class "D" felony penalty where the person who committed the stalking offense is the subject of a civil or criminal protective order or injunction, or of any other court order pertaining to the victim, or is the subject of a civil or criminal protective order or injunction or other court order which pertains to another person against whom the person has committed a public offense.

The Act provides a procedure for the issuance of a no-contact order in harassment and stalking cases upon the arrest of a person who has allegedly committed the offense of harassment or stalking. If a person is arrested for either harassment or stalking and the magistrate finds that there is probable cause to believe that the person has committed the offense and that the presence of or contact with the person charged poses a threat to the safety of the victim, persons residing with the victim, or the victim's immediate family, then the magistrate is to enter a no-contact order. The no-contact order is to prevail over any existing order which may be in conflict with the no-contact order and is to remain in existence until modified or terminated by subsequent court action. Upon final disposition of the charge, the court is to determine whether the no-contact order should be modified or terminated. If the defendant is convicted of the charge, the court must provide for continuance of the no-contact order for five



years from the date of judgment or the entry of a deferred judgment. The no-contact order will be extended in five-year increments for an indefinite period of time if, within 90 days of the expiration of the no-contact order, the victim files an affidavit stating that the defendant still poses a threat. The clerk of court is to provide the victim with a copy of the order and to provide notice of the no-contact order to applicable law enforcement agencies and dispatchers. Violation of a no-contact order is punishable by summary contempt proceedings. If a person is found to be in contempt, the person must serve a minimum of seven consecutive days in jail.

#### **SENATE FILE 2377 - Probation Procedures — Sixth Judicial District**

BY COMMITTEE ON JUDICIARY. This Act makes changes to and, on June 30, 2000, sunsets the probation pilot project in the Sixth Judicial District. The Act limits the authority of the administrative parole and probation judges to those cases in which a person is sentenced to the custody of the Director of the Department of Corrections. The Act provides that the court retains jurisdiction in those cases to establish the amount of restitution, approve the plan of restitution, and reconsider the original sentence. The court also retains jurisdiction for arrest warrants, initial appearances, preliminary probation violation information, bond proceedings, violations of restitution plans, and appointment of counsel in those cases.

Language is added to allow the administrative parole and probation judge to conduct any or all appearances or hearings electronically or by telephone. An administrative parole and probation judge is permitted under the Act to reconsider a person's sentence if the person's probation was revoked by an administrative parole and probation judge in the Sixth Judicial District. The sheriff is required under the Act to coordinate and provide transportation and security for probation hearings conducted by an administrative parole and probation judge.

If a violation of probation is established, the Act authorizes the administrative parole and probation judge to continue the probation, sentence the defendant to a jail term while continuing probation, order the defendant to be placed in a violator facility while continuing probation, or revoke probation and require the defendant to serve the sentence imposed or some lesser sentence. If the defendant does not appeal the decision of the administrative parole and probation judge to the parole judge, the decision of the administrative parole and probation judge becomes a final decision.

Effective June 30, 2000, the Act removes references to the Sixth Judicial District probation pilot project and directs the Code Editor to harmonize the remaining language with any other amendments to those same provisions that do not relate to the pilot project. The Division of Criminal and Juvenile Justice of the Department of Human Rights is required to conduct an evaluation of the pilot project in cooperation with the court, prosecutors and community corrections personnel of the Sixth Judicial District and representatives of the Board of Parole and to submit the evaluation in a report to the General Assembly that convenes in January of 2001.

The portions of the Act that make changes to the pilot project but do not remove the references to the pilot project take effect May 18, 1998.

#### **SENATE FILE 2385 - Minimum Term of Incarceration for Felony Domestic Abuse Assault**

BY COMMITTEE ON JUDICIARY. This Act makes changes relating to the imposition of sentences for felony domestic abuse assault. The felony domestic abuse assault language in Code Section 708.2A is amended to specify that a person is to be sentenced to an indeterminate term of up to five years upon conviction for the offense, but that the person may not be released on parole or work release unless the person has served a minimum of one year of the person's sentence. The convicted person also may not receive a deferred judgment or deferred sentence.

#### **SENATE FILE 2391 - Drug and Alcohol Offenses — Penalties and Miscellaneous Provisions**

BY COMMITTEE ON JUDICIARY. This Act amends certain operating-while-intoxicated (OWI) provisions, and penalties, sentencing and bail provisions for certain controlled substance offenses concerning marijuana and methamphetamine. The Act also amends previous drug-testing legislation.

Division I of the Act pertains to OWI, and takes effect April 22, 1998. Under Division I, license revocations for persons under age 21 who drive with a blood alcohol content of between 0.02 and 0.10 will be deleted from motor vehicle records according to the same rules that apply to regular OWI violations. Under Division I, the Code is amended to permit the court to suspend execution of a sentence for certain less serious offenders, and impose a period of probation after service of the mandatory minimum sentence. The Act also provides that a defendant who tests 0.15 or higher shall be subject to the conditions applicable to persons registering higher than 0.15, regardless of the standard of error associated with the test device.

Division II of the Act amends Code Chapter 321J to add an OWI offense for driving with any amount of a controlled substance within a person, as measured in the person's blood or urine. An affirmative defense is available for certain prescribed medications. Requirements for obtaining an involuntary blood sample are included in the Act.

Division III of the Act amends penalties for certain controlled substance violations, including increased penalties for marijuana trafficking, and certain repeat offenses, including possession of marijuana.

Division IV of the Act provides for the denial of federal and state benefits, such as grants, loans and licenses, to persons convicted of controlled substance violations. Denial of federal benefits is governed by the provisions of 21 U.S.C. § 862, and the denial of state benefits is comparable to the federal provisions.

Division V of the Act provides for the denial of bail to persons charged with trafficking of methamphetamine and certain other controlled substances, and prohibits the use of deferred judgments, deferred sentences or suspended sentences for certain methamphetamine trafficking offenses. The Act also limits the discretion of the judge when reducing a mandatory minimum sentence applicable to certain methamphetamine offenses by permitting a reduction of up to one-third of a sentence for a guilty plea, and up to one-half of the remaining mandatory minimum if the defendant cooperates in the prosecution of other persons involved in the sale or use of controlled substances and the prosecutor recommends the reduction.

Division VI of the Act amends previously passed drug-testing legislation. The Act makes provision for collection of urine specimens in a private but secure location, or for observation by persons of the same gender when direct monitoring occurs. The Act also addresses parental notification procedures for testing of minors. This Division takes effect April 22, 1998.

#### **SENATE FILE 2398 - Confinement and Treatment of Sex Offenders**

**BY COMMITTEE ON JUDICIARY.** This Act establishes a procedure for the civil commitment of persons who are determined to be sexually violent predators, provides for the imposition of a life sentence for persons who commit repeat acts of sexual abuse against children age 12 and younger, provides for hormonal intervention therapy for persons who commit serious sex offenses and the possibility of a special life sentence with parole for persons who commit felony serious sex offenses, and requests that the Legislative Council establish a study committee concerning treatments available and used to rehabilitate persons who have engaged in criminal sexual acts or activities.

Under the Act, a special civil commitment procedure is established for persons found to be sexually violent predators. A "sexually violent predator" is defined under the Act as a person who has been convicted of or charged with a sexually violent offense, and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. The definition of "sexually violent offense" includes any violation of the sexual abuse chapter; the commission of certain other criminal offenses if the offenses involved sexual abuse, attempted sexual abuse or the intent to commit sexual abuse; sexual exploitation of a minor; pandering involving a minor; and any similar offenses under prior Iowa law or the law of another jurisdiction which would be the equivalent of one of the enumerated offenses.

Not later than 90 days before the release of a person believed to be a sexually violent predator, the agency releasing the person is to give notice of the impending release of the person from confinement, treatment or other custody to the Attorney General and a Department of Corrections multidisciplinary team. The multidisciplinary team is to review available records to determine whether the individual in question meets the definition of a sexually violent predator, and to notify the Attorney General of the results of their assessment. The Attorney General is to establish a prosecutor's review committee which, like the corrections multidisciplinary team, is to conduct a review of the available information, including the multidisciplinary team's assessment, and to assist the Attorney General in determining whether the person is a sexually violent predator.

Within 75 days of receipt of the notice from the releasing agency, if it appears that the person may be a sexually violent predator and the prosecutor's review team has determined that the person meets the definition of a sexually violent predator, the Attorney General may file a petition alleging that the person is a sexually violent predator. A county attorney for the county in which a person was convicted or charged may also file a petition alleging that the person is a sexually violent predator if the person commits an act that either causes harm of a sexually violent nature or creates reasonable apprehension of harm of a sexually violent nature, and one of the following has occurred: the person was convicted of a sexually violent offense and completed service of the person's sentence for such offense; the person was charged with a sexually violent offense but was acquitted of the sexually violent offense by reason of insanity and has been released from confinement or supervision; or the person was charged with, but found incompetent to stand trial for, a sexually violent offense and has been released from confinement or supervision.

Upon the filing of the petition, the court is to make a preliminary determination of the existence of probable cause to support the petition. If the preliminary determination is affirmative, the court is to issue a custody order and an order for hearing on the issue of probable cause. If the person is already in custody, the court is to make a determination of whether transfer of the person to an appropriate secure facility is appropriate pending the outcome of the civil commitment proceeding, or whether the custody order should be delayed until the date of release of the person.

At the probable cause hearing, the person alleged to be a sexually violent predator has the right to be present, be represented by counsel, present and cross-examine the evidence, and view and copy all petitions and reports. If the court determines that there is probable cause to believe the person is a sexually violent predator, the court is to set the matter for trial and order a professional evaluation of the individual.

If the person is alleged to be a sexually violent predator, but was found to be incompetent to stand trial or not guilty by reason of insanity, and is about to be released, the court must first conduct a hearing to determine if the person actually did commit the act or acts charged before the court can conduct a trial to determine if the person should be committed. That hearing is to be conducted in the same manner and under the same procedures as a criminal trial. If the court finds that the person did commit the acts alleged, the matter may proceed to trial on the sexually violent predator commitment issue.

The trial on the issue of whether the person is a sexually violent predator is to be held within 60 days after completion of the probable cause hearing. The person, the Attorney General or the judge has the right to demand that the case be heard before a jury. At trial, the burden of proof is beyond a reasonable doubt. If the matter is heard by a jury, any determination that the person is a sexually violent predator must be by unanimous verdict. If the person is determined to be a sexually violent predator, the person is to be committed to the custody of the Director of the Department of Human Services for control, care and treatment until the time the public would be safe if the person were released. If a person is not found to be a sexually violent predator, the court is to direct the person's release from custody. If the trial proceedings result in a mistrial, the person is to be held in a secure facility until a new trial is conducted, which must be within 90 days of the previous proceeding.

A person who is committed as a sexually violent predator is to be committed to the care, custody and control of the Department of Human Services, although the department may contract with the Department of Corrections or other appropriate agency in this state or another state for placement of the persons. All persons who are committed as sexually violent predators and are in confinement under the supervision of the Director of the Department of Corrections are to be segregated from criminal offenders who are under the custody of the Department of Corrections. Persons who are committed to the custody of the Department of Human Services may be located in a facility that is separate from facilities used to house other individuals in the department's custody and care.

A person who has been committed as a sexually violent predator shall be examined annually by qualified professionals. The findings are to be submitted in a report to the court, which shall annually review the person's commitment status. The person may petition the court for discharge at any time and the filing of previous petitions will not jeopardize the person's right to petition the court for release. The Director of the Department of Human Services may also authorize a person to petition for their release, if the director believes that the person's condition has so changed that the public would be safe if the person were released. At any probable cause hearing on a petition, the person committed has the right to be represented by counsel, but is not entitled to be present. If the court finds that probable cause exists to believe that the public would be safe if the person were released, a full hearing must be held. The person is entitled to be present at the hearing and is entitled to all of the same protections that the person was entitled to at the original commitment trial.

Any involuntary detention or commitment must conform to constitutional requirements for care and treatment. The costs of the care and treatment provided is the responsibility of the Department of Human Services, although the department may seek reimbursement from the person committed or anyone legally liable or bound by contract for the support of the person committed.

Prior to the release of a person who has been committed as a sexually violent offender, victims of the person's activities or crimes are to be notified. A failure to notify does not create a cause of action against the state or employee of the state, however.

Records that would otherwise be confidential under Code Chapter 22 may be released to the agency which is about to release a person believed to be a sexually violent predator or to the Attorney General, for purposes of complying with the notice and other requirements of the Act. Any psychological reports, drug and alcohol reports, treatment records, diagnostic reports, or other medical records or victim impact statements submitted to the court are a part of the record, but shall be sealed and opened only on order of the court.

The Act also provides for the imposition of a life sentence for persons who commit sexual abuse against children age 12 and younger and have been previously convicted of sexual abuse against a child age 12 or younger.

The Act further creates Code Section 903B.1, which provides that persons who are convicted of certain enumerated "serious sex offenses" may be required to undergo hormonal intervention therapy by the court or the Board of Parole. If the person has been confined, the treatment is to commence before the person is released. If the person was not confined at the time of sentencing, a plan for commencement of treatment is to be developed and included in the presentence investigation report.

If the serious sex offense for which a person has been convicted is a felony, the court is given authority to provide for a special lifetime sentence with eligibility for community supervision on parole. The special sentence is to commence upon completion of the sentence for the underlying serious sex offense. Serious sex offenses include sexual abuse in the first, second or third degree, lascivious acts with a child, indecent contact with a minor, assault with intent to commit sexual abuse, sexual exploitation by a counselor, and sexual exploitation of a minor.

The Act also contains a provision requesting that the Legislative Council establish an interim study committee concerning the treatments available and used in the United States and other countries to rehabilitate persons who have engaged in criminal sexual acts or activities and to deter them from future acts. The committee is to issue a report to the General Assembly that convenes in 1999.

#### **HOUSE FILE 2002 - Attempted Murder — Mandatory Service of Sentence**

BY HOLMES. This Act adds attempted murder to the list of crimes for which an inmate must serve 100 percent of their sentence, less any of the limited amount of good time that may be earned by the inmate. The Code provides that inmates convicted of a crime for which the entire term of incarceration must be served may accumulate a maximum reduction in sentence for good behavior of 15 percent of the sentence imposed, meaning that the inmate must effectively serve at least 85 percent of the sentence imposed.

Attempted murder is a class "B" felony. Class "B" felons are to be confined for no more than 25 years.

The Act takes effect February 27, 1998.

#### **HOUSE FILE 2262 - Out-of-State Peace Officers**

BY COMMITTEE ON JUDICIARY. This Act provides a procedure for agreements between the State of Iowa or a political subdivision of the State of Iowa and another state or a political subdivision of another state, under which out-of-state peace officers may engage in law enforcement activities in this state. An out-of-state peace officer is a certified or licensed, full-time, regular peace officer from another state or of the United States, who is empowered to make arrests and who is authorized to carry a firearm in the performance of the person's duties. Under the Act, out-of-state peace officers will be authorized to come into this state and make arrests and engage in law enforcement activities pursuant to agreements entered into under Code Chapter 28E.

Any arrests made and activities engaged in are subject to Iowa law and any conditions or specification contained in the agreement. An out-of-state peace officer acting pursuant to a 28E agreement under the Act is covered by the same immunity that applies to peace officers in this state. The State of Iowa or any political subdivision of the state is not liable for any acts or omissions that occur while the out-of-state peace officer is engaged in activities pursuant to the agreement. The out-of-state peace officer is not an employee or agent of the state or a political subdivision of the state while acting pursuant to the agreement. An out-of-state peace officer's appointing or employing agency or authority retains any liability permitted by law.

The Act does not limit an appointing authority or employing agency to regulate the conduct of those peace officers who are the agents or employees of the authority or agency.

#### **HOUSE FILE 2324 - Statutory Elements of Assault**

BY COMMITTEE ON JUDICIARY. This Act changes the statutory elements for two forms of assault: assault that is committed without the intent to inflict serious injury but which results in bodily injury or disabling mental illness; and assault against a peace officer, health care provider or fire fighter. In the first form of assault, the language relating to the lack of intent to inflict serious injury is eliminated, as is the requirement that any mental illness caused as a result of the assault must be disabling. With respect to an assault on a peace officer, health care provider or fire fighter, the requirement that any resulting mental illness be disabling is eliminated.

#### **HOUSE FILE 2336 - Forcible Felon Liability**

BY COMMITTEE ON JUDICIARY. This Act provides that perpetrators of forcible felonies assume the risk of loss and liability for damages caused as a result of the perpetrators' criminal conduct. The term "perpetrator" includes both the principal actor and any others who either jointly participate in or aid or abet the commission of the forcible felony. A certified copy of a guilty plea, an order entering a judgment of guilt, a court record of conviction or adjudication, an order adjudicating a child delinquent, or a record of an informal adjustment agreement constitutes conclusive proof of assumption of risk and liability for damages caused by the perpetrator of the crime. Victims seeking damage awards under the new provision also must be awarded compensation for attorney fees and other reasonable expenses incurred in seeking those damages. Actions under the new provision will be stayed during the pendency of any criminal action pertaining to the crime.

**HOUSE FILE 2337 - Drug Abuse Resistance Education Surcharge**

BY COMMITTEE ON JUDICIARY. This Act provides that the clerk of the district court, and not the court, shall assess the \$5 DARE (Drug Abuse Resistance Education) surcharge on fines imposed by the court for violations of an offense in Code Chapter 321J, relating to operating while intoxicated offenses, or Code Chapter 124, Division IV, relating to controlled substances offenses.

**HOUSE FILE 2369 - HIV-Related Testing of Alleged Offenders — Criminal Transmission of HIV**

BY COMMITTEE ON JUDICIARY. This Act provides for the HIV-related testing of an alleged offender who is charged with sexual assault, based upon the application for and issuance of a search warrant to require the testing. The Act provides for the holding of a hearing on the application for a search warrant, prescribes the grounds for a finding of probable cause to issue the search warrant, and makes confidentiality provisions and penalties for unauthorized disclosure of test results applicable.

This Act also establishes the crime of criminal transmission of the human immunodeficiency virus (HIV). The Act applies to a person who, knowing that the person's HIV status is positive, does one of three things: engages in intimate contact with another person; in some manner administers the person's blood, tissue, semen, organs, or other potentially infectious bodily fluids to another; or in some manner transfers to another person nonsterile, intravenous or intramuscular drug paraphernalia previously used by the person infected with HIV. Criminal transmission of HIV is a class "B" felony, the maximum sentence for which is confinement for no more than 25 years. The Act also provides that it is an affirmative defense if the person exposed knew that the other person had a positive HIV status, knew that the action of exposure could result in transmission of HIV, and consented to the action with this knowledge.

**HOUSE FILE 2402 - First Degree Burglary — Sexual Abuse as Possible Element**

BY COMMITTEE ON JUDICIARY. This Act amends the crime of burglary in the first degree to include perpetrating a burglary in or upon an occupied structure, and performing or participating in a sex act with any person which would constitute sexual abuse in the first, second or third degree. Burglary in the first degree is a class "B" felony. Class "B" felonies are punishable by confinement for no more than 25 years.

**HOUSE FILE 2480 - Interception of Communications — Sunset Provision Repeal**

BY COMMITTEE ON JUDICIARY. This Act strikes the provision that provides for the repeal of Code Chapter 808B, relating to the interception of wire and aural communications. If the stricken provision were to take effect, the chapter would be repealed effective July 1, 1999.

**HOUSE FILE 2482 - Crimes Relating to Railroad Property**

BY COMMITTEE ON TRANSPORTATION. This Act establishes three new criminal offenses relating to criminal acts committed on or against the property owned, leased or operated by a railway corporation.

The Act adds to the criminal trespass statute the act of entering or remaining upon or in railroad property without lawful authority or the consent of the railway corporation which owns, leases or operates the railroad property. The new prohibition does not apply to federal and state railway officials performing their official duties, railway corporation employees acting in the course of employment, or any person engaged in a lawful business on railway station grounds or in the railway depot. The new prohibition also does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage does not interfere with the operation of the railroad. Persons who knowingly commit trespass commit a simple misdemeanor. If injury to any person or damage with a value of more than \$100 occurs or if the offense is committed with the intent to commit a hate crime under Code Section 729A.2, the offense is punishable as a serious misdemeanor. If the offense is committed with the intent to commit a hate crime under Code Section 729A.2, and injury to any person or damage in an amount more than \$100 occurs, the offense is punishable as an aggravated misdemeanor.

A new serious misdemeanor offense of stowing away is created in the Act. A person commits the offense of stowing away when, without lawful authority or the consent of the railway corporation, the person rides on the outside of a train or train component or rides on the inside of a train or train component which is not a passenger car.

The Act also creates the new offense of railroad vandalism. Railroad vandalism includes activities such as discharging firearms or other devices at trains or train components; launching, directing or propelling various objects or devices at trains, train components or railroad tracks; placing or dropping objects on trains, train components or railroad tracks; taking, removing, tampering, changing, altering, or interfering with a railroad roadbed, rail, tie, frog, sleeper, switch, viaduct, bridge, trestle, culvert, embankment, or other structure or appliance which pertains or is appurtenant to a railroad; removing parts or appurtenances from, damaging, impairing, disabling, or interfering with the operation of or rendering inoperable a railroad signal, train

control system, train dispatching system, warning signal, highway-railroad grade crossing signal or gate, or railroad sign, placard or marker; taking, removing, disabling, tampering, changing, or altering a part or component of an operating mechanism or safety device of any train or train component; or taking, defacing, altering, obscuring, damaging, impairing, disabling, rendering inoperable, or changing railroad signs, signals, gates, or various equipment or equipment components.

If the railway vandalism results in a death, the offense is a class "B" felony, punishable by a maximum penalty of no more than 50 years, notwithstanding Code Section 902.9, subsection 1, which limits confinement for a class "B" felony to 25 years. If the railway vandalism results in serious injury, the offense is a class "B" felony. If the railway vandalism results in bodily injury or property damage which costs \$10,000 or more to replace, repair or restore, the offense is punishable as a class "C" felony. If the railway vandalism results in property damage which costs less than \$10,000 but more than \$1,000 to replace, repair or restore, the offense is punishable as a class "D" felony. If the railway vandalism results in property damage which costs more than \$500 but does not exceed \$1,000 to replace, repair or restore, the offense is punishable as an aggravated misdemeanor. If the railway vandalism results in property damage which costs more than \$100 but does not exceed \$500 to replace, repair or restore, the offense is punishable as a serious misdemeanor. If the railway vandalism results in property damage which costs \$100 or less to replace, repair or restore, the offense is punishable as a simple misdemeanor.

Except as otherwise provided, class "B" felonies are punishable under Code Section 902.9, subsection 1, by confinement for no more than 25 years. Class "C" felonies are punishable by confinement for no more than 10 years and a possible fine of at least \$500, but not more than \$10,000. Class "D" felonies are punishable by confinement for no more than five years and a possible fine of at least \$500, but not more than \$7,500. An aggravated misdemeanor is punishable by imprisonment not to exceed two years and a fine of at least \$500, but not more than \$5,000. A serious misdemeanor is punishable by a fine of at least \$250, but not more than \$1,500, and possible imprisonment not to exceed one year. A simple misdemeanor is punishable by either a fine of at least \$50, but not more than \$100, or imprisonment not to exceed 30 days.

## ECONOMIC DEVELOPMENT

- SENATE FILE 2415** - Iowa Agricultural Industry Finance Act and Related Provisions
- HOUSE FILE 721** - New Jobs and Income Program — Insurance Premium Tax Credit
- HOUSE FILE 2135** - Mid-America Port Commission Agreement
- HOUSE FILE 2164** - Local Community and Economic Development — Community Builder Program and Enterprise Zones
- HOUSE FILE 2168** - Sale of Interest in Corporation Under Iowa Business Development Finance Act
- HOUSE FILE 2435** - Entrepreneurs With Disabilities Technical Assistance Program
- HOUSE FILE 2538** - Enterprise Zones — Eligible Housing Businesses and Related Matters

### RELATED LEGISLATION

- SENATE FILE 2296** - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes a number of appropriations from the General Fund of the State to the Department of Economic Development for the administration of the department and for specific programs.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes more than \$30 million in funding for community development programs administered by the Department of Economic Development.
- HOUSE FILE 2353** - Motor Vehicles Exempt From Registration Fees — Distinguishing Registration Plates Exemption  
*SEE TRANSPORTATION.* This Act relates to the ability of the Department of General Services or the state Department of Transportation to order the issuance of regular registration plates for certain exempted government vehicles. The Act adds vehicles used by persons in the Department of Economic Development who regularly are assigned duties relating to existing industry expansion or business attraction to the list of exempted vehicles. If a vehicle is not exempt, the registration plate bears the word "official."

## ECONOMIC DEVELOPMENT

**SENATE FILE 2415 - Iowa Agricultural Industry Finance Act and Related Provisions**  
BY COMMITTEE ON APPROPRIATIONS. This Act relates to agricultural finance.

The Act provides that the General Assembly finds that the economic structure of agricultural production is undergoing a period of rapid transformation; there is a need for additional sources of financing for local agricultural producer-led ventures to expand production, processing and marketing of high value agricultural products; and it is necessary for the state to authorize the formation of private corporations in order to provide sources of investment capital to encourage agricultural producer-led ventures. The Act also provides that there is a need to support the production of agricultural commodities and the processing and marketing of agricultural products that are produced by using biological techniques for the development of specialized plant or animal characteristics.

The Act establishes a new Code division within Code Chapter 15E which authorizes the establishment of Iowa agricultural industry finance corporations. This Act provides that the Code division shall be known and may be cited as the "Iowa Agricultural Industry Finance Act."

Generally, the words and phrases used in the Code division are defined to have the same meaning as used in Code Chapter 490, the Iowa Business Corporation Act.

The Act provides for findings, intent and purposes of the Code division, generally mirroring the findings of the General Assembly.

The Act provides for the powers of Iowa agricultural industry finance corporations, and provides that an Iowa agricultural industry finance corporation is a private business corporation and not a public corporation or instrumentality of the state.

As provided in the Act, an entity incorporated under Code Chapter 490 is an Iowa agricultural industry finance corporation if the corporation complies with certain requirements. At least 51 percent of the corporation's common stock must be held by agricultural producers and at least 51 percent of the corporation's voting stock must be held by agricultural producers. An agricultural producer includes a range of persons, including a person who is an individual actively engaged in agricultural production or a person other than an individual, if the person is a general partnership in which all the partners are natural persons, and one of the partners is actively engaged in agricultural production; a family farm entity (such as a family farm corporation) organized under Code Chapter 9H; or a networking farmers entity organized under H.F. 2335 (see Agriculture).

The Act provides for the formation of model Iowa agricultural industry finance corporations. The Act provides for incorporating the corporation and for the election of an initial board of directors, appointed by an appointment committee whose members are selected by the Economic Development Board. In carrying out its duties and exercising its powers, an Iowa agricultural industry finance corporation must exercise diligence and care in the selection of persons and projects to receive financing, and with limited exceptions, it cannot hold an interest in real or depreciable property.

The Department of Economic Development may award an Iowa agricultural industry finance loan to an Iowa agricultural industry finance corporation under the Act. The loan is repayable upon terms and conditions negotiated by the parties. However, the loan's repayment schedule shall not exceed 25 years from the date that the loan is issued. The corporation must provide for public oversight and its articles of incorporation must comply with requirements established by the department relating to the capacity and integrity of the corporation to carry out the purposes of this division of Code Chapter 15E. A corporation is prohibited from providing financing to support a person who is an agricultural producer if the producer is involved in a case involving a violation of environmental standards or is classified as a habitual violator of environmental regulations under Code Chapter 455B. A corporation is prohibited from providing financing to support a person who is an agricultural products processor if the processor has demonstrated a continuous and flagrant disregard for the health and safety of its employees or the quality of the environment. A corporation is also prohibited from providing assistance to a member of the Economic Development Board, an employee of the Department of Economic Development, an elected state official, or any director or other officer or an employee of the corporation. Not more than 75 percent of moneys originating from the state, including moneys loaned to the corporation, may be used to finance any one Iowa agricultural industry venture. The Act also requires a default of a loan if a corporation fails to comply with requirements contained in the Code division or by the department, or is involved in winding up its affairs pursuant to merger or sale.

The Act provides requirements for a corporation extending financing to agricultural producers. The agricultural producer must participate in an Iowa agricultural industry venture. The corporation may also provide financing to an agricultural products processor as part of an Iowa agricultural industry venture involving the construction, expansion or acquisition of an agricultural



products processing facility. More than 50 percent of the ownership interest in the facility must be held by qualified investors or more than 50 percent of the commodities processed by the facility must be produced in this state. A qualified investor includes an agricultural producer, a cooperative organized under Code Chapter 501, or a networking farmers entity organized under H.F. 2335 (see Agriculture). The Act also provides that the corporation may finance an agricultural biotechnology enterprise which qualifies as an Iowa agricultural industry venture. The financing may be in the form of a loan, loan guarantee, sale and purchase of mortgage instruments for eligible recipients, or other similar form of financing.

The Act provides that the obligations of the corporation are not obligations of this state or any political subdivision of this state.

The Act also authorizes the Department of Economic Development to adopt rules under Code Chapter 17A necessary to administer the division.

The Act amends Code Section 423.24, which allocates use tax moneys to the Iowa Comprehensive Petroleum Underground Storage Tank Marketability Fund through December 31, 2002. This Act provides that \$4.25 million per quarter from the use tax shall be credited to the department for purposes of supporting the Act until June 30, 1999, to a maximum of \$25 million.

The Act also provides that moneys deposited in the Iowa Comprehensive Petroleum Underground Storage Tank Marketability Fund from January 1, 1998, until July 1, 1998, must be transferred to the department. The provision takes effect May 20, 1998, and is retroactively applicable to January 1, 1998.

The Act rewrites Code Section 423.24 to provide that all revenues derived from the use tax must be allocated to the Road Use Tax Fund except as otherwise provided in the section.

#### **HOUSE FILE 721 - New Jobs and Income Program — Insurance Premium Tax Credit**

BY COMMITTEE ON WAYS AND MEANS. This Act authorizes an eligible business under the New Jobs and Income Program to claim an insurance premium tax credit of up to a maximum of 10 percent of the new investment directly related to new jobs created by the location or expansion of an eligible business under the program. If the credit is in excess of the insurance premium tax liability for the tax year, the excess may be credited toward the insurance premium tax liability of the business for the following seven years or until the credit is depleted, whichever occurs earlier.

The Act also provides that an eligible business under the New Jobs and Income Program which has entered into an agreement under Code Chapter 260E for training of employees for new jobs and which has met employment level requirements within the time set in the agreement is entitled to a new jobs insurance premium tax credit for the tax year selected by the business. The credit equals 6 percent of the taxable wages for which the employer is required to contribute to the state Unemployment Compensation Fund, times the number of new jobs. If the credit is in excess of the insurance premium tax liability for the tax year, then the excess may be credited toward the insurance premium tax liability for the following seven years or until the credit is depleted, whichever occurs earlier.

#### **HOUSE FILE 2135 - Mid-America Port Commission Agreement**

BY WISE, HEATON, COHOON, AND LARKIN. This Act provides that the Mid-America Port Commission Agreement is entered into with the State of Illinois and the State of Missouri, and enacted into law, if those states join the agreement in substantially the same form. The agreement provides that the Mid-America Port Commission shall be governed by a nine-member port commission and provides a list of certain powers and duties the port commission shall have related to the operation of the port commission.

The Act provides for the Mid-America Port Commission Act, which enables the state to participate in the Mid-America Port Commission Agreement. The Act provides that the Iowa counties of Lee, Henry and Des Moines shall be included in the jurisdiction of the port commission agreement. The Act allows public agencies of the state to jointly exercise and enjoy the power or powers, privileges or authority of that public agency with the port commission. A public agency may enter into a Code Chapter 28E agreement with the port commission to advance the purposes of the port commission.

The Act takes effect April 14, 1998.

#### **HOUSE FILE 2164 - Local Community and Economic Development — Community Builder Program and Enterprise Zones**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act amends Code Section 15.108 to require the Department of Economic Development to encourage cities, counties, local and regional government organizations, and local and regional economic development organizations to develop and implement comprehensive community and economic development plans. The Act requires the department to award supplementary credit to financial assistance applications submitted by cities,

counties, local and regional government organizations, and local and regional economic development organizations that have developed comprehensive community and economic development plans.

The Act repeals the Community Builder Program in Code Section 15.308, a program intended to encourage cities, counties, and unincorporated communities to implement planning efforts for community, business and economic development. The Act makes conforming amendments related to the removal of the Community Builder Program from the Code.

**HOUSE FILE 2168 - Sale of Interest in Corporation Under Iowa Business Development Finance Act**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act provides the Business Development Finance Corporation with the power and authority to sell any stock or ownership interest of any corporation formed under Code Chapter 15E, "Development Activities," Division 13, "Business Development Finance." Any proceeds of the sale of stock or ownership interest shall be deposited in the Strategic Investment Fund to be allocated by the Iowa Economic Development Board to programs for which the assets of the fund may be used.

**HOUSE FILE 2435 - Entrepreneurs With Disabilities Technical Assistance Program**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act requires the Department of Economic Development to implement an Entrepreneurs With Disabilities Technical Assistance Program designed to provide technical assistance to qualified businesses. A business qualifying for assistance is a business which is 51 percent owned, operated and actively managed by one or more persons with a disability, and is located in the state, operated for profit, and has a gross income of less than \$3 million. A qualified business does not need to be a client of the Division of Vocational Rehabilitation Services or the Department for the Blind.

**HOUSE FILE 2538 - Enterprise Zones — Eligible Housing Businesses and Related Matters**

BY COMMITTEE ON WAYS AND MEANS. This Act amends the Enterprise Zone Program legislation enacted during the 1997 legislative session by creating housing-related incentives and assistance for eligible businesses.

The Act creates a new type of eligible business. A housing business that builds or rehabilitates a minimum of four single-family homes or a multiple dwelling unit building containing three or more individual dwelling units located in a designated enterprise zone shall be considered an eligible housing business. The homes or units shall be completed within two years from the time construction begins. In order to receive incentives and assistance under the program, an eligible housing business must apply to the applicable enterprise zone commission for consideration and must have an application approved by the Department of Economic Development. An approved eligible housing business shall receive a sales, services and use tax refund and a 10 percent new investment income tax credit. The Act requires the business to repay all or a portion of the incentives and assistance received if the business fails to maintain the requirements. The Act requires all enterprise zone commissions to examine and evaluate building codes and zoning in the enterprise zone in an effort to promote more affordable housing development.

The Act amends one of the incentives provided to eligible businesses that are not housing businesses under the Enterprise Zone Program. As an alternative to using a new jobs credit from withholding, a business may establish a housing assistance program in the form of down payment assistance and rental assistance for employees in new jobs who buy or rent housing located within the enterprise zone. The program shall be funded through a credit from withholding based on the wages paid to the employees participating in the housing program. The amount of the credit shall equal 1.5 percent of the gross wages paid by the employer to each employee participating in a program. A business may enter into a loan agreement with the county or city designating the enterprise zone for initial moneys to fund a housing assistance program. The business shall pay the principal and interest on the loan out of moneys received from the credit from withholding. An employee participating in a housing assistance program shall receive full credit for the amount withheld.

## EDUCATION

- SENATE FILE 2094 - School Finance — Allowable Growth
- SENATE FILE 2170 - Licensing Sanctions for Student Loan Default
- SENATE FILE 2225 - Legalization of Sigourney Community School District Sale of Property
- SENATE FILE 2348 - Locations for Shared Public School Services
- SENATE FILE 2353 - Allocation of State Aid for School-Based Youth Services Programs
- SENATE FILE 2366 - Educational Programming and Related Provisions and Appropriations
- HOUSE FILE 2119 - Iowa Educational Savings Plan Trust
- HOUSE FILE 2269 - Physical Contact With Students
- HOUSE FILE 2272 - Education Standards and Accreditation Process
- HOUSE FILE 2282 - School Infrastructure Funding

### RELATED LEGISLATION

- SENATE FILE 2183 - State Records Management  
*SEE STATE GOVERNMENT.* This Act transfers the records management duties from the Department of General Services to the Department of Cultural Affairs.
- SENATE FILE 2280 - Appropriations — Health and Human Rights  
*SEE APPROPRIATIONS.* This Act provides for the transfer of \$83,000 from amounts remaining in the Gambling Treatment Fund at the close of FY 1997-1998, to the Governor's Alliance on Substance Abuse for efforts to educate adolescents regarding methamphetamine abuse.
- SENATE FILE 2296 - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes an appropriation from the General Fund of the State to Iowa State University, the state University of Iowa and the University of Northern Iowa.
- SENATE FILE 2308 - Eligible Alternative Retirement Benefit Systems for Community College Employees  
*SEE STATE GOVERNMENT.* This Act permits an employee hired by a community college after July 1, 1998, to have the option of electing an alternative retirement benefits system, in which they are not currently a member, offered by the community college in lieu of coverage under the Iowa Public Employees' Retirement System.
- SENATE FILE 2356 - Telecommunications and Electric Cabling Revolving Fund and Art Restoration and Preservation Revolving Fund  
*SEE STATE GOVERNMENT.* This Act creates an Art Restoration and Preservation Revolving Fund under the administration of the Department of General Services. The fund is created to provide for the restoration, preservation, rehabilitation, and enhancement of art and artifacts of historical or cultural significance or artistic value located in public areas of the State Capitol Building.
- SENATE FILE 2359 - Citizens' Aide Review of Child Protection System  
*SEE CHILDREN & YOUTH.* This Act provides for a review of the state's child protection system by the Office of the Citizens' Aide/Ombudsman. The review is to encompass all aspects of the system including reporting, assessment, child removal, child in need of assistance proceedings, review and appeals, and termination of parental rights. The purpose of the review is to determine whether the current system adequately provides fairness and due process protections for all involved with the system.
- SENATE FILE 2406 - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
*SEE LOCAL GOVERNMENT.* This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional empha-

sis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act establishes a School Ready Children Grant Program for collaborative planning for, and funding of, early childhood programs. Community empowerment areas may be based upon school district boundaries.

- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes provisions for grant funding to community empowerment areas.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
*SEE APPROPRIATIONS.* This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act changes a submission date in S.F. 2406 (see Local Government) for School Ready Children Grant plans from January 1, 1999, to December 1, 1998, increases the standing appropriation for at-risk education programs, appropriates moneys for subsidization of video rates, changes a formula for distribution of vocational-technical technology improvement moneys to community colleges, and provides funding for an Iowa Public Television study of digital television conversion.
- HOUSE FILE 2443** - Workers' Compensation Coverage for Community College Students in School-to-Work Programs  
*SEE LABOR & EMPLOYMENT.* This Act provides for state workers' compensation coverage for students participating in school-to-work programs through a community college.
- HOUSE FILE 2476** - Iowa Communications Network Connection  
*SEE STATE GOVERNMENT.* This Act provides that the Iowa Telecommunications and Technology Commission shall provide for the construction of a connection to the network for the Quad Cities Graduate Center. The graduate center is responsible for the costs of the connection. Hourly rates to be charged to the center are to be set at an appropriate rate so that no state subsidy results.
- HOUSE FILE 2513** - Taxation — Miscellaneous Provisions  
*SEE TAXATION.* Division IV of this Act increases the tuition and textbook tax credit from 10 percent to 25 percent of the first \$1,000 paid by the taxpayer for tuition and textbooks for each dependent attending an accredited elementary or secondary school. This Division also expands the definitions of "tuition" and "textbooks" to include those expenses, materials or charges relating to extracurricular activities. The credit is a nonrefundable credit that is applied against the taxpayer's state individual income tax. This Division applies retroactively to January 1, 1998, for tax years beginning on or after that date.

## EDUCATION

### **SENATE FILE 2094 - School Finance — Allowable Growth**

BY COMMITTEE ON EDUCATION. This Act sets the state percent of growth under the State School Foundation Program at 3 percent for the budget year beginning July 1, 1999. The state percent of growth for each subsequent budget year shall be established by statute, which shall be enacted within 30 days of the submission in the year preceding the base year of the Governor's budget under Code Section 8.21.

The Act is applicable for computing state aid under the State School Foundation Program for the school budget year beginning July 1, 1999.

### **SENATE FILE 2170 - Licensing Sanctions for Student Loan Default**

BY TINSMAN. This Act creates a process by which the College Student Aid Commission may request that a state licensing agency deny, revoke, deny renewal, or suspend a license authorized by the laws of this state to any person who has defaulted on an obligation owed to or collected by the commission.

The Act establishes procedures for issuing notice to a person who has defaulted on an obligation owed to or collected by the commission, for the scheduling of a conference between the individual and the commission following service of notice, for entering into a written agreement for payment of the obligation which takes into consideration the individual's ability to pay and other criteria established by rule of the commission, for the conditions under which the commission must send the individual a copy of a written decision by the commission, and for the individual to request a hearing.

If an individual fails to respond to the commission's notice of a potential license sanction, the Act requires the commission to certify, in writing, to any appropriate licensing authority that the individual is not in compliance and include a copy of the certificate of noncompliance.

The Act requires that the licensing authority include in its rules, as grounds for suspension, revocation or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from the commission. The Supreme Court is directed to prescribe rules providing for the denial, suspension or revocation of the admission to practice as an attorney and counselor for failure to repay an obligation owed to or collected by the commission.

When issued a certificate of noncompliance, the licensing authority is required to initiate procedures for the suspension, revocation or denial of issuance or renewal of licensure to an individual. The Act permits an individual to seek a review of the commission's decision and request a hearing before the district court in the individual's county of residence.

### **SENATE FILE 2225 - Legalization of Sigourney Community School District Sale of Property**

BY COMMITTEE ON JUDICIARY. This Act legalizes the sale of two pieces of the Sigourney Community School District's property. The board of directors of the school district, in proceeding with the sale of the property, inadvertently failed to have the buildings on the property appraised as required by Code Section 297.22.

The Act takes effect May 14, 1998, and is retroactively applicable to March 9, 1992.

### **SENATE FILE 2348 - Locations for Shared Public School Services**

BY COMMITTEE ON EDUCATION. This Act adds services funded by Title I of the federal Elementary and Secondary Education Act of 1965 to the list of public school services that may be provided to nonpublic school students on nonpublic school premises.

### **SENATE FILE 2353 - Allocation of State Aid for School-Based Youth Services Programs**

BY COMMITTEE ON EDUCATION. This Act continues through FY 2000 the \$2.8 million annual allocation of at-risk funds to school districts for school-based youth services, and the \$20,000 annual allocation to staff development, research and the development of strategies for coordination with community-based youth organizations and agencies; and provides a \$50,000 annual allocation through FY 2000 to those schools whose four-year grant funding, or whose expansion grant funding, under the program is otherwise scheduled to end in FY 1998.

### **SENATE FILE 2366 - Educational Programming and Related Provisions and Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to teachers' contracts, instructional support state aid, the budget guarantee, on-time funding, an appropriation for deposit in the Iowa Empowerment Fund, inequity reporting, the Ambassador to Education, an increase in the minimum teacher salary, and practitioner preparation criteria; and to the establishment of evaluation criteria, a Frontier School and Extended School Year Grant Program, a Beginning Teachers Induction Program, an

Instructional Leadership Pilot Program, a Mathematics Pilot Program, awards to teachers for national board registration and certification, an Early Childhood Education Imperatives Program, a Teacher Internship Pilot Program, para-educator licenses, and a Practitioner Performance Improvement Program. However, the Governor item vetoed a number of the provisions of this Act, including appropriations totaling \$17.4 million out of the \$23.695 million approved by the General Assembly.

**EXTENDED SCHOOL YEAR PROGRAM.** The Act establishes an Extended Year School Grant Program to provide technical assistance to school districts, or a collaboration of school districts, interested in investigating the possibility of converting an existing school within a district to an extended school year.

The Act appropriates \$1.5 million from the General Fund of the State to the Department of Education for grant awards. The Governor item vetoed provisions in H.F. 2533 (see Appropriations) that would have amended this Act to limit a grant award to not more than \$25,000, and prohibited the department from awarding grants for technical assistance for actual conversion prior to July 1, 1999.

**NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS REGISTRATION AND CERTIFICATION AWARDS.** The Act provides for a \$2,000 registration award and an annual payment of \$10,000 for up to five years to each teacher employed by a school district in Iowa who holds a National Board for Professional Teaching Standards certificate. Individuals must apply to the Department of Education within one year of achieving certification and provide certification as required by the department. The Act also establishes a National Board for Professional Teaching Standards Certification Fund to be administered by the department and appropriates \$250,000 to the fund. The Governor item vetoed a provision in H.F. 2533 that would have established legislative intent that not more than \$1 million be appropriated for the program during its lifetime.

**AMBASSADOR TO EDUCATION.** The Act places responsibility for administration of the Ambassador to Education position with the Department of Education, but eliminates language requiring that the position be established within the department. Under the Act, the ambassador receives a salary in an amount that the teacher would have received from the school district during the year in which the teacher acts as ambassador, or \$30,000, whichever is greater. The department grants funds to the school district in that amount, and the school district pays the ambassador's salary and benefits.

**PARA-EDUCATOR LICENSES.** The Act requires the Board of Educational Examiners to adopt rules relating to a multilevel voluntary licensing system for para-educators, who are defined as persons licensed to assist teachers in the performance of instructional tasks to support and assist classroom instruction and related school activities, and appropriates \$75,000 from the General Fund of the State to the board for developing and implementing the system. A school district, area education agency, community college, regents university, or accredited private university, with programs approved by the State Board of Education, may train and recommend individuals for board licensure. The Act lists a number of reasons why an applicant shall be disqualified from being issued or holding a license.

**EVALUATION CRITERIA AND PROCEDURES.** The Act provides that the determination of standards of performance expected of school district personnel is an exclusive management right of the school board and is not subject to the mandatory collective bargaining negotiations. Objections to the procedures, use or content of an evaluation in a teacher termination proceeding are not subject to the collective bargaining grievance procedures. A school district is not obligated to process any evaluation grievance after service of a notice and recommendation to terminate the contract in accordance with lawful procedure.

**PRACTITIONER PERFORMANCE IMPROVEMENT PROGRAM.** The Act provides for the establishment and implementation, within the Department of Education, of a voluntary Practitioner Performance Improvement Program to provide technical assistance to teachers and administrators from each public school district and area education agency, as well as individuals under contract with a school district. However, H.F. 2533 provides that the program shall not be used to provide consultation or assistance on specific employment situations.

An annual report summarizing program activities and describing the department's plans for improving or changing the program is required to be submitted to the chairpersons and ranking members of the standing education committees by the department. The Act appropriates \$300,000 from the General Fund of the State for the program.

**PROBATIONARY TEACHERS.** The Act extends the probationary period a teacher must serve to three years, unless the teacher has successfully completed a probationary period in another Iowa school district, in which case the probationary period is not more than one year.

**RETIREMENT INCENTIVES.** The Act makes changes affecting the retirement incentive programs school districts may offer to employees and pay for through the district management levy. Currently, districts can pay for the program through the district management levy if the program is offered to employees between the ages of 59 and 65 and if the total estimated accumulated program cost to the school district does not exceed the estimated savings. Under the Act, the age limit is reduced to age 55 and a district may include in the district management levy an amount to pay the total estimated accumulated program cost to the

district, whether or not the cost exceeds savings. This provision takes effect May 8, 1998, and applies retroactively to retirement incentive programs in existence on December 31, 1997.

**STUDENT ACHIEVEMENT GOAL.** The Act amends Code Section 280.18 to require the boards of each school district to adopt a goal of addressing the educational inequities among Iowa's minority students and develop plans for improving minority student academic achievement.

**MINIMUM SALARY SUPPLEMENT.** The Act increases the minimum annual teacher salary from \$18,000 to \$23,000, and provides for payment by the state of a minimum salary supplement to qualifying school districts.

**REPORT TO THE GENERAL ASSEMBLY.** The Act directs the Department of Education to prepare and submit a proposal for a program for leadership development of practitioners and school board members to the chairpersons and ranking members of the standing education committees and of the Joint Subcommittee on Education Appropriations.

**IOWA TORT CLAIMS ACT EXEMPTION.** The Act exempts the Department of Education from the Iowa Tort Claims Act in relation to any claim arising from technical assistance furnished by the department.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision that linked "frontier schools" to the Extended Year School Grant Program. The Department of Education would be able to award grants for technical assistance to school districts, or a collaboration of school districts, ready to investigate the possibility of converting of an existing school within a district to a frontier school, which was defined in the Act to mean a school that is nonsectarian in its program, admission policies, employment practices, and all other operations. The frontier school would have been a public school that could not charge admission or tuition. Provisions in H.F. 2533 that amend the frontier schools portion of the Act were also item vetoed.
2. Provisions that would have created and appropriated moneys for the Beginning Teacher Induction Program to promote excellence in teaching, build a supportive environment in school districts to increase the retention of promising beginning teachers, and promote the personal and professional well-being of teachers. The Act would have appropriated \$240,000 for FY 1998-1999, to support at least 133 teams of mentors and beginning teachers.
3. A provision that would have established a competitive Teacher Internship Pilot Program approval process open to Iowa colleges and universities with master's programs in practitioner preparation approved by the State Board of Education. The provision included a \$220,000 appropriation for the program for FY 1999, and a \$575,000 appropriation for each of fiscal years 2000 and 2001. The Governor's item veto of this program nullifies a provision in H.F. 2533 that would have repealed the program.
4. Provisions that would have provided for the establishment and implementation of an Instructional Leadership Pilot Program to reward teachers and administrators for outstanding leadership, performance and service. If enacted, the Act would have appropriated \$1 million for the program for FY 1999. Under the program, the board of directors of the school district would be responsible for determining the number of awards and the amount of the awards based upon the moneys received by the school district. Program moneys would be divided on a per pupil basis among the school districts that indicated to the Department of Education their intent to participate.
5. A provision that would have required the State Board of Education to adopt rules requiring higher education institutions with practitioner preparation programs to demonstrate that students who graduate from those programs have successfully completed preparation for accelerating the achievement of students through the use of learning techniques including reading instruction in phonics, and for recognizing, understanding and ameliorating at-risk behavior.
6. Provisions that would have established an Early Childhood Education Imperatives Program, focused on kindergarten through grade three, and appropriated annually \$9 million to support the program. Moneys would have been distributed on a per pupil basis, but no school district would receive less than \$7,500.

The program goal was to improve student achievement in the basic educational subject matters of reading, language arts and mathematics, and to accomplish proficiency in those subjects by grade four.

7. A provision that would have allowed school districts with enrollment increases to request on-time funding for new students from the School Budget Review Committee by October 1 annually. If the committee approved the request, funding would be in an amount of up to the product of one-third of the state cost per pupil for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. The Governor also item vetoed the contingent appropriation that paid for the additional funding. The \$4 million appropriation from the General Fund of the State for the additional funding would be contingent upon whether the actual taxable valuation of real property used in the computation of property taxes increased from the estimate of taxable valuation.

8. A provision that would have continued through the 1999 and 2000 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. The provision would have permitted a school district to levy additional property tax to maintain funding at 100 percent of the level of the previous budget year. The Act also would have increased the budget guarantee for the 1999-2000 budget year to 101 percent, with the additional 1 percent being paid by the state rather than raised through property taxation.
9. A provision that would have increased by \$2 million the portion of the Instructional Support Program budget that is state funding. Currently, the state-funded portion is frozen at the FY 1992-1993 level of funding, \$14,798,227, a shortfall of \$12.2 million.

#### **HOUSE FILE 2119 - Iowa Educational Savings Plan Trust**

BY COMMITTEE ON WAYS AND MEANS. This Act establishes an Iowa Educational Savings Plan Trust. The purpose of the trust is to provide a means whereby participants may invest money in a public trust for future application to the payment of the higher education costs of the participant's designated beneficiary or beneficiaries. The Act provides that amounts of up to \$2,000 annually may be contributed to the trust on behalf of each designated beneficiary. Payment of benefits must commence not later than the first full fall academic quarter or semester following the twenty-second birthday or high school graduation of a beneficiary. The trust does not guarantee that higher education costs will be equal to projections made at the time a participation agreement is entered into, nor are guarantees made relating to admission to or graduation from an institution of higher education.

The Act contains provisions relating to creation of the trust, the authority of the Treasurer of State concerning trust administration, transfer of funds from the Unclaimed Property Trust Fund for payment of administration and operation costs, the content of trust participation agreements, component funds within the trust and their investment and payment features, participation agreement cancellation procedures, ownership rights, integration of trust payments with student financial aid programs, reporting requirements, and federal and state tax treatment.

The Act provides that the Iowa Educational Savings Plan Trust constitutes a qualified state tuition program exempt from federal income taxation pursuant to Section 529 of the federal Internal Revenue Code. The Act adds provisions concerning state income taxation, providing a deduction for the amount of the annual contribution to the trust, increased by proceeds received due to cancellation of a participation agreement which were previously deducted as contributions, and for a deduction of investment income earned on contributions. In addition, the Act provides that gifts, grants and donations made to the endowment fund may be deducted from income for both individuals and corporations.

#### **HOUSE FILE 2269 - Physical Contact With Students**

BY RANTS. This Act relates to the conditions constituting permissible physical contact involving students.

The Act provides that an employee of an accredited public school district, accredited nonpublic school, or area education agency (AEA) who, in the reasonable course of employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability if the physical contact is reasonable under the circumstances and involves encouraging, supporting or disciplining the student; protecting the employee, the student, other students, or school property; obtaining possession of a weapon or other dangerous object within a student's control; quelling a disturbance or preventing an act threatening physical harm to any person; removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises; preventing a student from the self-infliction of harm; self-defense; or relates to any other legitimate educational activity.

The Act provides that any school employee determined in a civil action to have been wrongfully accused of improper physical contact shall be awarded reasonable monetary damages.

The Act additionally provides that a school employee may intervene in a fight or physical struggle that takes place in the presence of the employee in a school building, on school premises, or at an off-site school function or activity which occurs among students or between students and nonstudents. The employee determines the degree and force of the intervention that is reasonably necessary to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation. A school employee found wrongfully accused of violating these provisions in a civil action shall be entitled to an award of reasonable monetary damages.

The Act further provides that a person who is not an employee of an accredited public school district, accredited nonpublic school or AEA may also intervene under these circumstances, but is limited to recovery of attorney fees and court costs.



**HOUSE FILE 2272 - Education Standards and Accreditation Process**

BY COMMITTEE ON EDUCATION. This Act requires the State Board of Education to develop and adopt rules by July 1, 1999, incorporating accountability for student achievement into the education standards and accreditation process for school districts and accredited nonpublic schools.

The rules are to require all school districts and accredited nonpublic schools to develop, implement and file with the Department of Education a comprehensive school improvement plan. The plan shall include demonstrated school, parental and community involvement in assessing educational needs, establishment of local education standards and student achievement levels, and consolidation of federal and state planning, goal-setting, and reporting requirements; provision by the department of a set of core academic indicators in mathematics and reading in grades four, eight and 11, and science in grades eight and 11, and additional core indicators for graduation rate, postsecondary education, and successful employment in Iowa; and a requirement that accredited schools report to the department and the local community the district-wide progress made in attaining the student achievement goals on the core indicators and other locally established student learning goals. The data collected on each core indicator will be distributed by the department statewide.

**HOUSE FILE 2282 - School Infrastructure Funding**

BY COMMITTEE ON WAYS AND MEANS. This Act provides for the imposition of a local sales and services tax by a county to be utilized for school infrastructure purposes, separate and distinct from any other local sales and services tax otherwise imposed by a city or county pursuant to Code Chapter 422B. The tax is subject to a 1 percent maximum rate, for up to a 10-year duration, and is imposed county-wide. The Act defines "school infrastructure" as those activities for which a school district is authorized to contract indebtedness and to issue general obligation bonds, except activities related to a teacher's or superintendent's home or homes. These activities include the construction, reconstruction, repair, purchasing, or remodeling of schoolhouses, stadiums, gyms, fieldhouses, or bus garages.

The Act provides that imposition of the tax can be requested by a petition signed by 5 percent of the eligible electors of the whole county who voted at the last preceding state general election, or by a motion received by the county commissioner of elections adopted by the governing body or school districts located within the county representing at least one-half of the population of the county.

The Act further provides that the tax will be imposed if approved by a majority vote of those persons voting on the question within the county at a state general election or a special election called for imposition of the tax.

The Act additionally provides for the creation of a separate account within a county's local sales and services tax fund, and specifies procedures for remittance of receipts by the Director of Revenue and Finance to a school district.

The Act provides that the board of directors of a school district is authorized to issue negotiable, interest-bearing school bonds, without election, and can utilize tax receipts derived from the sales and services tax for school infrastructure purposes for principal and interest repayment.

A school district in which a local option sales tax for school infrastructure purposes has been imposed is authorized to enter into a Code Chapter 28E agreement with one or more cities whose boundaries encompass all or a part of the area of the school district. The Act authorizes a city or cities entering into such an agreement to expend its designated portion of the local option sales and services tax revenues for any valid purpose permitted by the Act or authorized by the governing body of the city.

The Act provides for the creation of a School Infrastructure Safety Fund, administered by the School Budget Review Committee in conjunction with the State Fire Marshal. The fund will contain distributions from the federal funds allocated to the state, as described in Conference Committee Report 105-390, accompanying House Resolution 2264, making federal appropriations to the United States departments of Labor, Health and Human Services, and Education, in the amount of \$8 million.

The Act provides that top priority in awarding program grants is given to the making of school infrastructure improvements relating to fire and personal safety. School districts eligible for program grants will have received an order or citation relating to fire safety, or be operating school facilities with defects or violations of the State Building Code, or be requiring improvements relating to handicapped accessibility. The Act provides that school districts applying for program grants must develop and submit to the State Fire Marshal or local building department a written plan to remedy fire or safety defects within a specified period of time. The Act provides that the School Budget Review Committee shall submit a progress report of the number and amount of grants awarded, and fire and safety improvements made, pursuant to the program to the General Assembly by January 1, 2000.

The Act takes effect April 20, 1998.

**ELECTIONS, ETHICS AND CAMPAIGN FINANCE**

- SENATE FILE 2038** - Mental Incompetency — Voting  
**SENATE FILE 2153** - Information Required in Affidavits of Candidacy for Public Office  
**S.J.R. 9** - Proposed Constitutional Amendment — Qualifications of Electors  
**HOUSE FILE 2495** - Elections

**RELATED LEGISLATION**

- HOUSE FILE 2498** - Appropriations — Administration and Regulation  
*SEE APPROPRIATIONS.* This Act includes statutory provisions transferring voter registration responsibilities to the State Commissioner of Elections.

## ELECTIONS, ETHICS AND CAMPAIGN FINANCE

### **SENATE FILE 2038 - Mental Incompetency — Voting**

BY DELUHERY. This Act amends the statutory definition of "person who is mentally incompetent to vote" to mean a person who has been found by a court to lack the mental capacity to vote in either a legal proceeding for involuntary commitment of a mentally retarded person or in any guardianship proceeding. The Act also requires that a separate finding on a person's competency to vote be made when issuing an order in either of the two proceedings. A person who is mentally incompetent to vote is disqualified from voting or registering to vote.

Finally, the Act requires that the clerk of the district court monthly notify the county commissioner of elections of persons who during the preceding calendar month have been legally declared to be mentally incompetent to vote.

### **SENATE FILE 2153 - Information Required in Affidavits of Candidacy for Public Office**

BY MADDOX. This Act changes the language of the Code section titled "Affidavit of Candidacy" to refer to restoration of a candidate's rights after conviction of a felony rather than to a pardon. The Act applies to affidavits of candidacy filed by candidates for all partisan offices, city councils, school boards of directors, soil and water conservation district commissioners, and, by reference, to the following nonpartisan officers: community mental health center boards of trustees, regional library boards of trustees, and county hospital and merged hospital boards of trustees. Restoration of rights of citizenship granted by the Governor or by the President of the United States includes restoration of the right to register to vote and to vote.

### **SENATE JOINT RESOLUTION 9 - Proposed Constitutional Amendment — Qualifications of Electors**

BY HALVORSON. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa providing that conviction of any felony, rather than of any infamous crime, disqualifies the convicted offender from voting or holding elective offices. The Joint Resolution also removes the words "idiot" and "insane" from the constitutional provision and substitutes "mentally competent."

The Joint Resolution will be referred to the next General Assembly before being submitted to the electorate for ratification.

### **HOUSE FILE 2495 - Elections**

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

Code Section 39.2 is amended to provide that a special election cannot be held on the first, second or third Tuesday preceding and following the primary and general elections. Under previous law, special elections could not be held on the first and second Tuesdays preceding and following the primary and general elections.

The Act repeals Code Section 39.5, which prohibits a local government from holding an election not authorized by state law, but which specifically does not prohibit all local elections called pursuant to ordinance. Presently, the Code otherwise specifies those instances when a local government is authorized or required to hold an election on a matter within the jurisdiction of the local government. This repeal takes effect April 17, 1998.

Code Sections 44.4 and 44.9 are amended to provide that objections to candidate nominations and withdrawals of candidacy must be filed at least 63 days before a regular or special city election if the city is one that may be required to hold a primary election.

Code Section 49.12 is amended to allow election boards to be comprised of three or five precinct election officials. The section is also amended to remove the requirement that a fourth precinct election official be appointed to the election board in those precincts using paper ballots and which have a three-member election board.

Code Section 49.53 is amended to require that the notice of election also contain a notice of the date and time the commissioner will be testing voting machines, voting equipment and tabulating devices.

Code Sections 49.77 and 53.19 are amended to require that a voter who was sent an absentee ballot, but who swears by affidavit that the absentee ballot was not received, shall be permitted to cast a challenged ballot.

Code Sections 52.9, 52.35 and 52.38 are amended to require that the county commissioner of elections notify a representative from each political party to attend and witness the testing of the voting machines, voting equipment and tabulating devices by the commissioner for partisan elections only. Previously, the commissioner had been required to notify the representatives of the political parties of voting machine and equipment testing for any election to be held. The Act also requires the State Commissioner of Elections to promulgate rules establishing procedures for handling test ballots submitted by observers.

Code Section 275.18 is amended to require that in an election for reorganization of a school district, a map of the reorganized district shall be provided by the area education agency for posting at the precinct polling place if the commissioner approves it as suitable for posting.

Code Section 357B.2 is amended to change the method of selection of trustees of a benefited fire district from election by the voters of the fire district to appointment by the county board of supervisors.

Code Section 357G.9 is amended to change the method of selection of trustees of an emergency medical services district from election by the voters of the district to appointment by the city council. This section of the Act takes effect April 17, 1998.

Code Section 364.2 is amended to require that a public hearing on a city franchise be held before adoption of an ordinance granting, amending, extending, or renewing a franchise.

Code Section 368.19 is amended to require that in elections for incorporation, discontinuance, annexation, severance, or consolidation of territory, the city supply the county commissioner of elections with a map of the territory involved for posting at the precinct polling place if the commissioner approves it as suitable for posting.

## ENERGY AND PUBLIC UTILITIES

- SENATE FILE 2201** - Security for Damages From Abandonment of Pipelines
- SENATE FILE 2268** - Rural Water Districts — Agreements With Sanitary Districts, Project Financing, and Detachment and Attachment of Areas
- HOUSE FILE 2331** - Public Utilities — Cost Reviews

### RELATED LEGISLATION

- SENATE FILE 530** - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator  
**SEE LOCAL GOVERNMENT.** This Act establishes an E911 wireless communications surcharge, establishes an E911 administrator in the Department of Public Defense, expands the membership on the E911 Communications Council, and provides appropriations for the E911 administrator and for telecommunicator training.  
 The Act takes effect April 16, 1998.
- SENATE FILE 2365** - Sales and Use Taxes and Exemptions Associated With Providing Water  
**SEE TAXATION.** This Act provides that a rural water district organized under Code Chapter 504A shall receive a refund of sales or use taxes upon submitting an application to the Department of Revenue and Finance for refund of taxes imposed upon the gross receipts of all sales of building materials, supplies or equipment used to construct a rural water district. The Act also exempts from the sales and use tax the gross receipts from the sale of electricity to water companies assessed for property tax which is used solely for the purpose of pumping water from a river or well.
- SENATE FILE 2368** - Public Utility Facilities in Local Government Rights-of-Way and Telecommunications Franchises in Cities  
**SEE LOCAL GOVERNMENT.** This Act amends provisions relating to a city's authority to grant a franchise to erect, maintain and operate plants and systems for telephone service, and establishes provisions relating to the management of public rights-of-way.
- SENATE FILE 2416** - Utilities — Property Tax Replacement and Statewide Property Tax  
**SEE TAXATION.** This Act generally replaces the current central property tax assessment procedures utilized by the Director of Revenue and Finance in valuing the property of entities involved primarily in the production, delivery and transmission of electricity and natural gas within this state, with excise taxes on electricity and natural gas, and a statewide property tax on certain property of such entities. The Act generally takes effect January 1, 1999, and is applicable to property tax assessment years beginning on or after January 1, 1999, and to replacement tax years beginning on or after January 1, 1999. Effective May 14, 1998, the Act creates a task force to study the effects of the replacement tax.
- HOUSE FILE 2210** - Appropriations — Energy Conservation Trust Funds  
**SEE APPROPRIATIONS.** This Act provides for the appropriation from Oil Overcharge Funds for FY 1998-1999 to the Departments of Human Rights, Natural Resources and Transportation for energy conservation programs and provides for the dissolution of the Energy Fund Disbursement Council on June 30, 2003, and the Intermodal Revolving Loan Fund by July 1, 2019. This Act also eliminates the June 30, 2000, repeal of the Energy Conservation Trust.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes more than \$18 million in funding for the Low-Income Home Energy Assistance Program.

## ENERGY AND PUBLIC UTILITIES

### **SENATE FILE 2201 - Security for Damages From Abandonment of Pipelines**

BY REHBERG. This Act amends Code Section 479A.12, relating to the financial condition of natural gas pipeline companies, to include damages arising out of the abandonment of pipelines and underground storage facilities as damages for which a surety bond, guaranty or proof of solvency must be provided.

### **SENATE FILE 2268 - Rural Water Districts — Agreements With Sanitary Districts, Project Financing, and Detachment and Attachment of Areas**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act amends Code Section 357A.11, which provides rural water districts with authority to execute agreements with governmental entities for purposes of managing or administering infrastructure used in the collection, disposal or treatment of wastewater or sewage.

This Act provides that a rural water district may execute an agreement with a sanitary sewer district. In carrying out the agreement, the board of the district may own or acquire an interest in real property; provide for construction, maintenance and improvement of the facilities; and finance all or part of the construction, maintenance or improvement costs.

The Act also provides for a procedure for rural water districts, or rural water districts and nonprofit organizations that operate rural water systems, to detach an area from one district and attach it to another district or system. The petition must be filed in the county where the area in the petition is located. The board of supervisors for the county must approve the petition after a public hearing, after determining that detachment and attachment are in the best interests of the residents of the area. The Act provides procedures for filing the petition and conducting the hearing.

### **HOUSE FILE 2331 - Public Utilities — Cost Reviews**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends provisions relating to the natural gas supply and cost review, and the electric energy supply and cost review, of rate-regulated public utilities.

The Act strikes the following: a requirement that a natural gas supply and cost review be conducted at least annually, language requiring a public utility to include in its natural gas procurement plan a description of all major contracts and gas supply arrangements entered into by the utility for obtaining gas during a specified 12-month period as determined by the Utilities Board within the Utilities Division of the Department of Commerce, and certain specific items the board is to consider in evaluating the gas procurement plan including the volume, cost and reliability of the major alternative gas supplies available to the utility; the cost of alternative fuels available to the utility's customers; the availability of gas in storage; the appropriate legal and regulatory actions the utility could take to minimize the cost of purchased gas; the gas procurement practices of the utility; and other relevant factors.

The Act provides that a public utility shall file information as the board deems appropriate regarding the evaluation of the gas procurement plan. The Act also provides that the Utilities Board is to periodically, rather than annually, conduct a proceeding for the purpose of evaluating the reasonableness and prudence of a rate-regulated public utility's procurement and contracting practices related to the acquisition of fuel for use in generating electricity.

## ENVIRONMENTAL PROTECTION

- SENATE FILE 2184** - Solid Waste Tonnage Fees — Exemptions for Certain Disposal Facilities
- SENATE FILE 2413** - Solid Waste — Tonnage Fees and Standards for Criteria for Landfills
- HOUSE FILE 681** - Environmental Audits
- HOUSE FILE 2292** - Aquifer Storage and Recovery — Permits
- HOUSE FILE 2339** - Underground Storage Tanks — No Further Action Fund
- HOUSE FILE 2490** - Underground Storage Tank Insurance Fund and Board
- HOUSE FILE 2546** - Waste Tires and Tire-Derived Fuels

### RELATED LEGISLATION

- SENATE FILE 2015** - Items Deemed Nuisances  
*SEE LOCAL GOVERNMENT.* This Act removes cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in cities from a list of items or conditions that constitute a nuisance.
- SENATE FILE 2185** - State Purchase of Biodegradable Hydraulic Fluids  
*SEE STATE GOVERNMENT.* This Act provides that when purchasing hydraulic fluids, state agencies must give a preference to biodegradable hydraulic fluids manufactured from soybeans to the extent that the purchase is within their purchasing budgets and is consistent with manufacturer's specifications.
- SENATE FILE 2201** - Security for Damages From Abandonment of Pipelines  
*SEE ENERGY & PUBLIC UTILITIES.* This Act amends Code Section 479A.12, relating to the financial condition of natural gas pipeline companies, to include damages arising out of the abandonment of pipelines and underground storage facilities as damages for which a surety bond, guaranty or proof of solvency must be provided.
- SENATE FILE 2295** - Appropriations — Agriculture and Natural Resources  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Natural Resources for the administration of a program to provide safe drinking water and a project to support the Lewis and Clark Rural Water System; to Iowa State University to support a program to assist counties in testing private wells and waters of the state for pollution caused by animal feeding production; and appropriates \$9 million to the Resources Enhancement and Protection (REAP) Fund in lieu of the appropriation made to that fund statutorily. The Act also provides that the Department of Agriculture and Land Stewardship may reimburse landowners, from the Agricultural Management Account of the Groundwater Protection Fund, for engineering costs associated with voluntarily closing agricultural drainage wells.
- SENATE FILE 2415** - Iowa Agricultural Industry Finance Act and Related Provisions  
*SEE ECONOMIC DEVELOPMENT.* This Act establishes a new division within Code Chapter 15E, cited as the "Iowa Agricultural Industry Finance Act," which authorizes the establishment of Iowa agricultural industry finance corporations. The Act provides that \$4.25 million per quarter from the use tax moneys deposited in the Iowa Comprehensive Petroleum Underground Storage Tank Marketability Fund shall be credited to the Department of Economic Development for purposes of supporting the Act until June 30, 1999, to a maximum of \$25 million. The Act also provides that moneys deposited in the Iowa Comprehensive Petroleum Underground Storage Tank Marketability Fund from January 1, 1998, until July 1, 1998, must be transferred to the department.
- HOUSE FILE 2136** - Compliance With Requirements for Agricultural Drainage Wells  
*SEE AGRICULTURE.* This Act extends the deadline by which an owner of land containing an agricultural drainage well must comply with requirements for preventing surface water from draining into the agricultural drainage well, from December 31, 1998, to December 31, 2001.
- HOUSE FILE 2210** - Appropriations — Energy Conservation Trust Funds  
*SEE APPROPRIATIONS.* This Act provides for the appropriation from Oil Overcharge Account funds for FY 1998-1999 to the departments of Human Rights, Natural Resources and Transportation

for energy conservation programs and provides for the dissolution of the Energy Fund Disbursement Council on June 30, 2003, and the Intermodal Revolving Loan Fund by July 1, 2019. This Act also eliminates the June 30, 2000, repeal of the Energy Conservation Trust.

- HOUSE FILE 2494** - Regulation of Animal Feeding Operations and Related Provisions  
*SEE AGRICULTURE.* This Act amends a number of provisions which apply to the regulation of animal feeding operations, including provisions regarding the Manure Storage Indemnity Fund; county ordinances regulating livestock operations; separation distances between animal feeding operation structures and homes, schools, businesses, churches, and public use areas; separation distances between manure application and water sources; the issuance of construction permits; the enforcement of environmental regulations; the submission of manure management plans; the certification of commercial manure applicators; the construction of manure storage structures; and nuisance suit protection.
- HOUSE FILE 2542** - Bulk Dry Animal Nutrient Products  
*SEE AGRICULTURE.* This Act creates a new Code Chapter 200A, titled the "Bulk Dry Animal Nutrient Products Law." The Act regulates certain bulk dry animal manure for use as a fertilizer or soil conditioner and especially the distribution of the manure, which is unmanipulated and therefore not subject to regulation under Code Chapter 200 (regulating processed fertilizers and soil conditioners).



## ENVIRONMENTAL PROTECTION

### **SENATE FILE 2184 - Solid Waste Tonnage Fees — Exemptions for Certain Disposal Facilities**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act adds cement kiln dust to the list of materials that may be disposed of at certain solid waste disposal facilities which are exempt from paying a tonnage fee to the Department of Natural Resources.

### **SENATE FILE 2413 - Solid Waste — Tonnage Fees and Standards and Criteria for Landfills**

BY COMMITTEE ON WAYS AND MEANS. This Act relates to solid waste tonnage fees paid to the Department of Natural Resources (DNR) by sanitary landfills for each ton of solid waste received and disposed of at the sanitary landfill.

The Act provides for the retention of a portion of the tonnage fee by a sanitary landfill operator, if an updated, comprehensive plan has been approved by DNR. The amount of the tonnage fee that may be retained equals 25 cents per ton of solid waste beginning July 1, 1998. In the fiscal year beginning July 1, 1999, and every year thereafter, any planning area that meets the statewide solid waste reduction average, as determined by DNR on July 1, 1999, shall retain, in addition to the 25 cents retained, 10 cents of the tonnage fee regardless of whether the planning area subsequently fails to meet the statewide average. The Act provides that any tonnage fee retained shall be used for waste reduction, recycling or small business pollution prevention purposes. Any tonnage fee retained shall be taken from that portion of the tonnage fee which would have been allocated to funding alternatives to landfills.

The Act requires the Environmental Protection Commission to adopt rules requiring all sanitary disposal projects to install and utilize scales to calculate payment of the tonnage fee.

The Act provides that a person who fails or refuses to provide the return required by the Code shall be assessed a penalty of 2 percent of the fee due each month the return is overdue.

The Act also provides that the General Assembly supports the 50 percent waste stream reduction goal, requests DNR to evaluate, assess and suggest amendments to the design standards and criteria for nonmunicipal solid waste landfills, and requests the Environmental Protection Division to implement a permitting fee schedule for the permitting of foundry sand and coal combustion residue disposal sites.

### **HOUSE FILE 681 - Environmental Audits**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to privilege and immunity granted to an entity that conducts an environmental audit which meets the criteria provided in the Act.

The Act provides that an environmental audit is a voluntary evaluation of a facility or operation, of an activity at a facility or operation, or of an environmental management system at a facility or operation if the facility, operation or activity is regulated under state or federal environmental laws, rules or permit conditions. The audit is conducted by an owner or operator, an employee or an independent contractor. The audit is designed to identify historical or current noncompliance with environmental laws, rules, ordinances, or permit conditions; discover environmental contamination or hazards; remedy noncompliance or improve compliance with environmental laws; or improve an environmental management system. The Act provides that once notification is given to the Department of Natural Resources (DNR), the audit must be completed within a reasonable time not to exceed six months.

The Act provides that material included in an environmental audit report generated during an environmental audit is privileged and confidential and is not discoverable or admissible as evidence in any civil or administrative proceeding. The Act provides circumstances under which certain persons shall not be compelled to testify about or produce a document related to an environmental audit. The Act provides that the privilege may be waived and provides certain circumstances under which information is not privileged.

The Act provides that disclosure of a portion of an environmental audit may be required by a court or presiding officer in a civil or administrative proceeding if the court or presiding officer makes particular findings after an in camera review. The Act provides an appeal process, including interlocutory appeal, for appealing a ruling requiring disclosure. If a court finds that a person claiming privilege intentionally claimed the privilege for material that is not entitled to be privileged, the person is subject to a fine not to exceed \$1,000. The Act provides that privilege does not apply if an owner or operator has been found in a civil or administrative proceeding to have committed serious violations in this state that constitute a pattern of continuous or repeated violations of environmental laws, administrative rules or permit conditions, which were due to separate and distinct events giving rise to the violations within the three-year period prior to the date of disclosure.

The Act provides that privilege for environmental audits does not apply to criminal proceedings; however, if an audit report is obtained, reviewed or used in a criminal investigation or proceeding, the administrative and civil evidentiary privilege is not waived or made inapplicable. The department may review information in an audit report, but such review does not waive or make inapplicable the administrative and civil evidentiary privilege.

The Act provides that an owner or operator is eligible for immunity from the time DNR receives official notification from the owner or operator of a scheduled environmental audit. An owner or operator is immune from any administrative or civil penalty associated with the information disclosed if the owner or operator makes a prompt voluntary disclosure to DNR regarding the environmental violation which is discovered. The Act provides for the circumstances under which disclosure is considered voluntary. The Act provides that immunity does not apply if the violations are intentional or if the violations resulted in substantial actual injury or imminent and substantial risk of injury to persons, property or the environment. Immunity also does not apply if an owner or operator is found to have committed serious violations that constitute a pattern of continuous or repeated violations or if a violation results in a substantial economic benefit which gives the violator a clear advantage over its business competitors.

The Act requires DNR and the Iowa Waste Reduction Center to jointly develop a training program and standards for certification of environmental auditors.

The Act requires DNR to annually make available a summary of the number of environmental audit notices received, the violations, and the remediation status of the violations reported during the preceding fiscal year.

#### **HOUSE FILE 2292 - Aquifer Storage and Recovery — Permits**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act authorizes the Department of Natural Resources (DNR) to issue permits for aquifer storage and recovery sites for a period of 20 years or the life of the project, whichever is less. Permits may be renewed an unlimited number of times for periods of 20 years. The Act prohibits DNR from authorizing withdrawal of treated water from an aquifer storage and recovery site by anyone other than the permittee during the period of the original permit and each subsequent renewal permit. The Act provides that treated water injected into a permitted aquifer storage and recovery site is the property of the permittee. The Act provides that a person, other than a permittee, withdrawing treated water from a permitted site within the state is subject to a civil penalty not to exceed \$500 for each day the violation occurs as provided in Code Section 455B.279. The Act requires DNR to adopt rules relating to information an applicant for a permit must submit to DNR.

#### **HOUSE FILE 2339 - Underground Storage Tanks — No Further Action Fund**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act makes amendments to Code Chapter 455G relating to the Iowa Comprehensive Petroleum Underground Storage Tank Fund and creates a "No Further Action Fund."

The Act amends limitations of Remedial Account coverage to delete the differentiation between claims for a release for a small business and all other claims. The Act also amends the minimum copayment schedule provisions relating to the Remedial Account. The Act provides that, with the exception of counties under certain circumstances, an owner or operator shall be required to pay the greater of \$5,000 or 18 percent of the first \$80,000 of the total costs of corrective action for a release. If the actual cost of corrective action of a site exceeds \$80,000, the Remedial Account pays the remainder of the total costs, as provided by federal regulations, up to \$1 million.

The Act creates a No Further Action Fund under the control of and administered by the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board. The fund consists of \$10 million allocated from the Comprehensive Petroleum Underground Storage Tank Fund and any interest earned on the No Further Action Fund. Moneys in the No Further Action Fund do not revert to the General Fund of the State at the end of each fiscal year.

Up to \$100,000, per site, from the No Further Action Fund may be used for reimbursement for corrective action under certain conditions. The Act prohibits moneys in the fund from being used for purposes of bonding or providing security for bonding. Any moneys remaining in the fund on June 30, 2006, which are not held in reserve for a claim, and any moneys remaining on June 30, 2008, are credited to the Road Use Tax Fund.

#### **HOUSE FILE 2490 - Underground Storage Tank Insurance Fund and Board**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act creates an Underground Storage Tank Insurance Fund consisting of all moneys held in the Insurance Account of the Comprehensive Petroleum Underground Storage Tank Fund. The Treasurer of State acts as the custodian of the fund and the fund is administered by the Comprehensive Petroleum Underground Storage Tank Fund Board. By July 1, 2004, the Underground Storage Tank Insurance Board will receive all the assets and liabilities of the insurance fund when the insurance board is restructured as an independent nonprofit entity.

The insurance board consists of five members. Prior to the restructuring of the insurance board as an independent nonprofit entity, the insurance board is to provide recommendations to the Comprehensive Petroleum Underground Storage Tank Fund Board relating to all of the following:

1. Rules, practices and procedures for implementing and administering the insurance fund.
2. A process to independently provide all of the following: long-term insurability based upon competitive rates; elimination of any lapse in coverage; ease in transition; participation of insureds in establishing the rules, practices and procedures; and continued approval as an acceptable financial assurance mechanism as required by federal law.
3. The determination of a date certain upon which all assets and liabilities of the Insurance Account shall be transferred to the insurance board once the insurance board is an independent nonprofit entity.

The Act provides that if the insurance board dissolves or ceases to function as an acceptable financial assurance mechanism or if a person or persons purchase the ownership rights of the assets of the insurance board, any unencumbered and unobligated moneys transferred to the insurance board shall be transferred back to the Comprehensive Petroleum Underground Storage Tank Fund, if the fund is still in existence, or to the General Fund of the State.

The Act changes one of the alternative conditions for owners and operators to receive Insurance Account coverage to require compliance with all technical requirements of the Department of Natural Resources. The Act also changes a provision relating to actuarially sound premiums.

The Act amends provisions relating to installer's and inspector's insurance coverage. Currently, the Comprehensive Petroleum Underground Storage Tank Fund Board is required to provide such coverage. The Act makes offering of such coverage by the board optional. The Act also allows the Comprehensive Petroleum Underground Storage Tank Fund Board to choose to cease offering installer's and inspector's insurance coverage if the board determines that competitive private market alternatives exist.

The Act also provides that the Comprehensive Petroleum Underground Storage Tank Fund Board may cease offering insurance coverage to owners and operators if the board determines that competitive private market alternatives exist and if certain criteria are met.

The Act removes the availability of property transfer insurance under Code Section 455G.11.

Code Section 455G.11, which creates the insurance fund and the insurance board, is repealed effective July 1, 2004.

#### **HOUSE FILE 2546 - Waste Tires and Tire-Derived Fuels**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to financial assurance instruments for waste tires and use of processed waste tires.

The Act amends Code Section 455D.11A, relating to financial assurance for waste tires, by amending what constitutes an instrument and the amount of financial assurance that must be provided. Effective July 1, 1999, the Act requires a waste tire collection site to have a financial assurance instrument that provides coverage in an amount equivalent to 35 cents per passenger tire equivalent collected by the site prior to July 1, 1998, and an amount equivalent to 35 cents per passenger tire equivalent collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department. The Act requires a financial assurance instrument that provides coverage in an amount equivalent to 85 cents per passenger tire equivalent collected by the site on or after July 1, 1998, and an amount equivalent to 85 cents per passenger tire equivalent collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department.

The Act provides that State Board of Regents institutions of higher learning are encouraged to use waste tires for consumption of tire-derived fuels. The Act allows for moneys to be awarded to institutions from the Waste Tire Management Fund to offset additional fuel, operation and maintenance costs incurred in generating heat, electricity or power through the use of tire-derived fuel and for the reimbursement of costs associated with mandated air permits, regulatory fees, and emission or fuel testing required to expand the institutions' use of tire-derived fuels. Institutions receiving these moneys shall not be eligible to receive end-users award moneys for using processed waste tires.

The Act provides that an end-user who annually recycles, reuses or consumes more than 250,000 processed waste tires may be awarded moneys of not more than 10 cents per passenger tire equivalent processed and delivered to the end-user, at a reimbursement rate of no more than 50 percent of the costs incurred or paid per ton by the end-user to receive the processed waste tires. An end-user shall not be awarded more than \$150,000 in a fiscal year. Award allocations shall be made proportionately between eligible end-users in the event that funding requests exceed the total annual amount of moneys available. Moneys are available only for waste tires generated within the state and processed by and received from a tire processor located within the state. An

end-user with a pending enforcement action against the end-user by the Department of Natural Resources relating to Code Sections 455D.11 through 455D.11H is ineligible for consideration of receiving moneys for waste tire materials which are recycled, reused or consumed while the enforcement action is pending. The Act provides that end-users are encouraged to use moneys awarded to increase the purchase and consumption of processed materials.

The Act provides that a generator of waste tires who is identified as being a contributor to the materials which are the object of an abatement is not liable for any of the costs of recovery actions of the abatement if the generator can document full compliance with Code Chapter 455D, Waste Volume Reduction and Recycling.

The Act appropriates \$200,000, from moneys used for funding alternatives to landfills, to Iowa State University for equipment and retrofitting of the heating plant at the university to burn tire-derived fuel.

---

**GAMING**

- SENATE FILE 2121** - Veterinary Treatment of Racehorses  
**SENATE FILE 2320** - Gambling Moratorium and Penalties for Underage Gamblers - VETOED BY THE GOVERNOR  
**SENATE FILE 2376** - Regulation and Operation of Lottery  
**HOUSE FILE 2532** - Prizes Awarded in Raffles and Games

**RELATED LEGISLATION**

- SENATE FILE 2280** - Appropriations — Health and Human Rights  
*SEE APPROPRIATIONS.* This Act provides for an appropriation from amounts remaining in the Gambling Treatment Fund at the close of FY 1997-1998, and for an appropriation of amounts deposited into the fund in excess of \$1,900,000 for FY 1998-1999, to the Department of Public Safety, the Iowa Department of Public Health, and the Department of Elder Affairs for a variety of programs and services.

## GAMING

### **SENATE FILE 2121 - Veterinary Treatment of Racehorses**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to the administration of lasix to racehorses, which is regulated by the state Racing and Gaming Commission under Code Chapter 99D.

Currently, a racehorse must be brought to a detention barn for treatment under the supervision of a commission veterinarian. This Act permits lasix to be administered in the horse's stall, unless the commission requires that the horse be brought to the detention barn. The Act directs the commission to adopt rules to ensure that lasix is lawfully administered. The treating veterinarian is not required to administer the lasix under the supervision of a commission veterinarian, under the Act, but must provide an affidavit relating to the horse's treatment to the commission veterinarian within 20 minutes following treatment.

The Act takes effect February 26, 1998.

**SENATE FILE 2320 - Gambling Moratorium and Penalties for Underage Gamblers - VETOED BY THE GOVERNOR**  
BY COMMITTEE ON STATE GOVERNMENT. This Act would have imposed a moratorium of five years on the issuance of licenses for excursion gambling boats, limited the location of new excursion gambling boat licenses after the moratorium, imposed a scheduled violation for underage gambling, limited the civil penalty imposed against a licensee related to underage gambling, prohibited the loaning of money by credit card or other electronic means for gambling, and authorized the transfer of a gambling game license held by a pari-mutuel racetrack licensee with county voter approval.

The total number of excursion gambling boat licenses would have been limited to 10 from July 1, 1998, until July 1, 2003. However, the licenses could have been sold and a new license issued for the same county; a licensed boat could have been relocated within the same county; and a new license could have been issued if a license was surrendered, not renewed, or revoked. These actions would have required approval of the state Racing and Gaming Commission. Commencing on July 1, 2003, a new license for an excursion gambling boat could have been issued only for operation on the Mississippi or Missouri Rivers.

The Act also would have imposed a freeze on an increase in the number of gambling games or the number of slot machines on an excursion gambling boat and on an increase in the number of slot machines at a pari-mutuel racetrack. The freeze would have begun six months after enactment, and continued until January 1, 2001.

A license to operate gambling games at pari-mutuel racetracks could have been transferred to another person with approval of the county electorate and the state Racing and Gaming Commission. A new licensee would have to meet the requirements related to pari-mutuel licensees. In addition, if a contract related to purses and supplements for horse racing existed when the transfer occurs, the contract could have remained effective until termination, and thereafter, purses and supplements would be no lower than 15 percent of the annual adjusted gross receipts. The commission could not authorize a licensee to conduct pari-mutuel wagering at a licensed premises in more than one county.

This Act also would have preserved collective bargaining agreements or the impact of an employee representation election if a pari-mutuel, excursion gambling boat or gambling game license was transferred. Also, a gambling game licensee could distribute profits to a governmental body and the distribution would be considered a charitable contribution.

The scheduled violation for a person who gambles at a licensed gambling facility while under the age of 21 years would have been a fine of \$100. A civil penalty imposed by the state Racing and Gaming Commission on a gambling licensee relating to underage gambling could not have exceeded \$1,000 per incident.

### **SENATE FILE 2376 - Regulation and Operation of Lottery**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that employees of the Lottery Division of the Department of Revenue and Finance are not responsible for the examination of equipment used to select winning tickets or shares before and after each public drawing and that a person commits a class "D" felony if the person redeems or attempts to redeem a lottery ticket or share with intent to defraud or commits a theft or attempts to commit a theft of a lottery ticket or share. A class "D" felony is punishable by imprisonment up to five years and a possible fine of at least \$500 but not more than \$7,500.

### **HOUSE FILE 2532 - Prizes Awarded in Raffles and Games**

BY SIEGRIST AND SCHRADER. This Act increases the maximum value of a prize that may be awarded in a raffle or game of skill or chance, excluding bingo. The value is increased from \$200 to \$1,000. However, one raffle may be conducted each calendar year at which prizes including cash or real estate may have a combined value of more than \$1,000.

## HEALTH AND SAFETY

- SENATE FILE 2161 - HIV Testing, Reporting, and Partner Notification
- SENATE FILE 2285 - Anatomical Gifts — Hospital Reimbursement Grants — Annual Donation and Compliance Report
- SENATE FILE 2341 - Hepatitis Type B Immunizations
- HOUSE FILE 530 - Assistive Devices
- HOUSE FILE 2120 - Self-Service Displays for Cigarettes and Tobacco Products
- HOUSE FILE 2275 - Health Care Facility Inspection Records and Health Care Provider Record Checks
- HOUSE FILE 2340 - Volunteer Health Care Provider Program — Inclusion of Dental and Certain Medical Services

### RELATED LEGISLATION

- SENATE FILE 530 - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator  
*SEE LOCAL GOVERNMENT.* This Act establishes an E911 wireless communications surcharge, provides for an E911 administrator in the Department of Public Defense, expands the membership on the E911 Communications Council, and provides appropriations for the E911 administrator and for telecommunicator training.  
 The Act takes effect April 16, 1998.
  
- SENATE FILE 2073 - Partial-Birth Abortions  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act prohibits a person from performing a partial-birth abortion relative to a human fetus. Notwithstanding the prohibition, the Act provides that a person may perform a partial-birth abortion if necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness or physical injury. A person who performs a partial-birth abortion in violation of the Act is guilty of a class "C" felony. The Act provides that certain individuals may also bring a civil action for relief against a person violating the criminal provisions of the Act.
  
- SENATE FILE 2136 - 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. The Act changes the name of the Iowa Highway Safety Patrol to the Iowa State Patrol and corrects a reference in provisions relating to blood or genetic testing in paternity actions.
  
- SENATE FILE 2186 - Validity and Enforceability of Veterans Advance Directive Documents  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that an advance directive declaration or similar document, executed by a veteran of the armed forces, which complies with the federal Department of Veterans Affairs requirements for advance directives, is deemed valid and enforceable in Iowa under the Life-Sustaining Procedures Act and the Durable Power of Attorney for Health Care Code chapter.
  
- SENATE FILE 2280 - Appropriations — Health and Human Rights  
*SEE 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.
  
- SENATE FILE 2312 - Child Day Care  
*SEE CHILDREN & YOUTH.* This Act relates to Department of Human Services child day care requirements involving volunteers and to child day care home pilot projects.
  
- SENATE FILE 2332 - Organic Agricultural Products  
*SEE AGRICULTURE.* This Act establishes a new Code chapter that imposes requirements for the production, handling, processing, and sale of organic agricultural products, including commodities and processed products.

- SENATE FILE 2333** - Occupational Hearing Loss  
**SEE LABOR & EMPLOYMENT.** This Act amends Code Chapter 85B concerning workers' compensation for an employee who suffers an occupational hearing loss. The Act also requires an employer to provide an employee with a hearing aid for each ear affected by an occupational hearing loss.
- SENATE FILE 2345** - Juvenile Justice — Out-of-Home Placement, Termination of Parental Rights, and Adoption  
**SEE CHILDREN & YOUTH.** This Act relates to juvenile justice system provisions involving temporary removal of children, child in need of assistance proceedings, foster care, termination of parental rights, and adoption. Many provisions of the Act are to conform with federal requirements in the federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89. The Act makes other significant changes to Code Chapter 232, Juvenile Justice.
- SENATE FILE 2359** - Citizens' Aide Review of Child Protection System  
**SEE CHILDREN & YOUTH.** This Act provides for a review of the state's child protection system by the Office of the Citizens' Aide/Ombudsman, including reporting, assessment, child removal, child in need of assistance proceedings, review and appeals, and termination of parental rights. The purpose of the review is to determine whether the current system adequately provides fairness and due process protections for all involved with the system.
- SENATE FILE 2366** - Educational Programming and Related Provisions and Appropriations  
**SEE EDUCATION.** This Act appropriates \$5.2 million to the Department of Education from the General Fund of the State for deposit in the Iowa Empowerment Fund for a program established in S.F. 2406 (see Local Government) with the initial goal of implementing a statewide system of community empowerment areas. An important initial emphasis of the community empowerment areas is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative bureaucratic requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs.
- SENATE FILE 2373** - Stalking and Harassment — Criminal History Data and No-Contact Orders  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act makes changes pertaining to certain crimes against persons by providing for retention of information pertaining to certain dismissals and acquittals in criminal actions involving allegations of the commission or the attempted commission of physical or mental injury to another, by requiring criminal and juvenile justice agencies to collect and maintain information pertaining to stalking, by changing one of the criteria established for enhanced stalking penalties, and by providing a procedure for the issuance of a no-contact order in harassment and stalking cases upon the arrest of a person who has allegedly committed the offense of harassment or stalking.
- SENATE FILE 2383** - Amusement Ride Rider Safety  
**SEE STATE GOVERNMENT.** This Act relates to amusement ride rider safety.
- SENATE FILE 2400** - Powers and Duties of County Treasurers  
**SEE LOCAL GOVERNMENT.** This Act gives the county treasurer the option of retaining for deposit in the county general fund up to 5 percent of the voluntary contribution made to the state's Anatomical Gift Public Awareness and Transplantation Fund.
- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
**SEE LOCAL GOVERNMENT.** This Act creates the Iowa Empowerment Board and authorizes local committees to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act establishes a School Ready Children Grant Program for collaborative planning for, and funding of, early childhood programs, including programs to enhance the health, safety and intellectual development of very young children.



- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes numerous provisions involving health and health-related services, including the Medical Assistance (Medicaid) Program, mental health and developmental disabilities services, prevention of disabilities, and substance abuse services.
- HOUSE FILE 299** - Employee Drug Testing  
*SEE LABOR & EMPLOYMENT.* This Act makes changes to Iowa's law governing drug and alcohol testing of employees and prospective employees by striking current law and replacing it with a new Code section.
- HOUSE FILE 2166** - Food Establishments and Food Processing Plants  
*SEE STATE GOVERNMENT.* This Act repeals Code Chapters 137A, 137B and 137E and replaces the repealed chapters with a new Code Chapter 137E, which reflects the adoption of the federal level of the 1997 Model Food Code. The Act provides for a revised license fee structure.
- HOUSE FILE 2175** - Sanitary Districts — Creation and Annexation  
*SEE LOCAL GOVERNMENT.* This Act establishes procedures for the annexation of territory to a sanitary district in a county which has more than 7,500 acres of natural lakes.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes appropriations for maternal and child health, preventive health and health services, substance abuse, and other health-related programs.
- HOUSE FILE 2262** - Out-of-State Peace Officers  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act provides a procedure for agreements under Code Chapter 28E between the state or a political subdivision of the state and another state, or a political subdivision of the other state, under which out-of-state peace officers may engage in law enforcement activities in Iowa.
- HOUSE FILE 2269** - Physical Contact With Students  
*SEE EDUCATION.* This Act relates to the conditions constituting permissible physical contact involving students.
- HOUSE FILE 2324** - Statutory Elements of Assault  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act changes the statutory elements for assault committed without the intent to inflict serious injury, but which results in bodily injury or disabling mental illness; and for assault against a peace officer, health care provider or fire fighter.
- HOUSE FILE 2348** - Department of Human Services Institutions and Services — Miscellaneous Provisions  
*SEE HUMAN SERVICES.* This Act relates to institutions and facilities administered by the Department of Human Services. The Act includes a directive to the Iowa Department of Public Health to work with various state agencies and county representatives in reviewing methamphetamine use in the state and the existing and potential options and costs for intervention and treatment.
- HOUSE FILE 2369** - HIV-Related Testing of Alleged Offenders — Criminal Transmission of HIV  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act provides for the HIV-related testing of an alleged offender who is charged with sexual assault, based upon the application for and issuance of a search warrant to require the testing. This Act also establishes the crime of criminal transmission of the human immunodeficiency virus (HIV). Criminal transmission of HIV is a class "B" felony, the maximum sentence for which is confinement for no more than 25 years.
- HOUSE FILE 2374** - Sales and Use Tax Exemption for Organ Procurement Organizations  
*SEE TAXATION.* This Act exempts from the state sales and use taxes the gross receipts from the sale of tangible personal property or from services performed for statewide nonprofit organ procurement organizations.

- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
**SEE APPROPRIATIONS.** This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes an appropriation and statutory language for establishing a single contact repository for nursing homes and other care providers to obtain background check data concerning prospective employees.
- HOUSE FILE 2412** - Incompetency of Motor Vehicle Operators — Optometrists' Reports  
**SEE TRANSPORTATION.** This Act extends to optometrists the same authority and immunity extended to physicians respecting reports to the state Department of Transportation concerning the identity of a person whom the optometrist has diagnosed as having a condition rendering the person incompetent to operate a motor vehicle.
- HOUSE FILE 2429** - Physical Exercise Clubs — Definition  
**SEE BUSINESS, BANKING & INSURANCE.** This Act excludes from the definition of "physical exercise club" a facility owned and operated on a not-for-profit basis by a person or contractor of a person if operated solely for the purpose of serving employees and family members of the employees. The result of this exclusion is to make the various requirements that relate to physical exercise clubs, such as requirements relating to membership contracts with members, membership contract cancellation requirements, and registration of the club with the Attorney General's Consumer Protection Division, inapplicable to these facilities.
- HOUSE FILE 2498** - Appropriations — Administration and Regulation  
**SEE APPROPRIATIONS.** This Act permits the Department of Inspections and Appeals to provide for health facility construction inspections, and requires the department to develop and implement a statewide education program for care review committee members and review the need for a state licensing program for home health agencies. In addition, the department shall cooperate with the Department of Human Services, the Iowa Foundation for Medical Care, and the Iowa State University Social and Behavioral Research Center for Rural Health to implement a Positive Incentives for Nursing Care in an Iowa Nursing Home Pilot Project. The department is directed to implement a single contact repository for criminal history, child abuse, adult abuse, and sex offender registries, and nurse aide and other health professional certification and licensing information. The state Racing and Gaming Commission is directed to require jockeys or drivers, trainers and handlers to submit to drug and alcohol testing pursuant to rules adopted by the state commission.
- HOUSE FILE 2513** - Taxation — Miscellaneous Provisions  
**SEE TAXATION.** Division V of this Act exempts sales and services made to nonprofit hospitals from the state sales and use taxes if the hospital is licensed under Code Chapter 135B by the Department of Inspections and Appeals and the property and services are used in the operation of the hospital.
- HOUSE FILE 2516** - Marital and Family Therapy and Mental Health Counseling — Licensure — Board of Behavioral Science Examiners  
**SEE STATE GOVERNMENT.** This Act provides for the mandatory licensure of individuals engaged in the professional practice of marital and family therapy or mental health counseling. Requirements previously established in Code Chapter 154D regarding qualifications to utilize the professional designation of marital and family therapist or mental health counselor did not mandate licensing in order to practice. The Act adds marital and family therapy and mental health counseling to the list of professions for which a license is required in Code Section 147.2.
- HOUSE FILE 2517** - Healthy and Well Kids in Iowa Program  
**SEE BUSINESS, BANKING & INSURANCE.** This Act establishes the Healthy and Well Kids in Iowa (HAWK-I) Program, beginning January 1, 1999, to provide health insurance coverage for children under 19 years of age who are eligible under Title XXI of the federal Social Security Act, and expands the Medical Assistance (Medicaid) Program to include children whose family's adjusted gross income does not exceed 133 percent of the federal poverty level.
- HOUSE FILE 2523** - Medical Assistance Reimbursement for Certain Providers  
**SEE HUMAN SERVICES.** This Act requires that rural health clinics and federally qualified health clinics are to receive cost-based reimbursement for services provided under the Medical Assistance (Medicaid) Program.

- 
- HOUSE FILE 2550** - Services Tax Exemption for Massage Therapy  
*SEE TAXATION.* This Act exempts from the state sales and services tax services provided by massage therapists licensed under Code Chapter 152C.
- HOUSE FILE 2558** - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment  
*SEE HUMAN SERVICES.* This Act affects various provisions involving mental health, developmental disability and substance abuse treatment.

## HEALTH AND SAFETY

### **SENATE FILE 2161 - HIV Testing, Reporting, and Partner Notification**

BY SZYMONIAK. This Act amends provisions relating to human immunodeficiency virus (HIV) testing and partner notification.

The Act provides that free testing available to the public is no longer anonymous and that the Iowa Department of Public Health is to be provided with any relevant partner information for the purposes of conducting partner notification in the same manner as for other sexually transmitted diseases. The Act also provides for the information to be included in a report of a positive HIV test result to the department from the person performing the test, and requires that the department develop an informational brochure for patients who may have blood withdrawn for an HIV test, which includes a summary of the patient's rights and responsibilities under the law.

**SENATE FILE 2285 - Anatomical Gifts — Hospital Reimbursement Grants — Annual Donation and Compliance Report**  
BY COMMITTEE ON HUMAN RESOURCES. This Act provides that the Iowa Department of Public Health, in conjunction with the Iowa Statewide Organ Procurement Organization, will prepare and submit a report to the General Assembly on or before January 1 each year regarding organ donation rates and voluntary compliance efforts by physicians, hospitals and other health systems organizations. The report will contain an evaluation of the success of organ procurement efforts in the state, including statistics regarding organ and tissue donation activity as of September 30 of the preceding year, efforts by the Iowa Statewide Organ Procurement Organization and related parties to increase organ and tissue donation and consent rates, voluntary compliance efforts by physicians, hospitals and health systems organizations and the results of those efforts, annual contribution levels to the Anatomical Gift Public Awareness and Transplantation Fund established in Code Section 142C.15, efforts and ideas for increasing public awareness of the option of organ and tissue donation, and any additional information determined to be relevant by the department in assessing the status and progress of organ and tissue donation efforts in the state.

Additionally, the Act provides for a change in the threshold protocol compliance rate in order for hospitals to qualify for Anatomical Gift Public Awareness and Transplantation Fund reimbursement grants pursuant to Code Section 142C.15. Specifically, the Act provides that a hospital must achieve a rate of compliance with organ donation procedure protocols in the top 50 percent of all hospitals submitting documentation to be considered eligible for a reimbursement grant. Previously, hospitals had to submit documentation that they were observing organ and tissue donation protocols for at least 80 percent of all patient deaths in that hospital in order to receive grants providing reimbursement for the development and administration of organ donation procedures and expenses related to performing organ and tissue transplant operations. Provisions of the Act are based upon the recommendations of the Anatomical Gift Referral Study Committee, which met during the 1997 legislative interim.

### **SENATE FILE 2341 - Hepatitis Type B Immunizations**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to hepatitis type B immunizations of children and requires the Iowa Department of Public Health to develop a plan for protecting persons against hepatitis type B and requiring hepatitis type B immunization of children. The plan is to be submitted to the Governor and General Assembly by October 1, 1998.

The Act requires evidence of hepatitis type B immunization for children born on or after July 1, 1999, who are enrolling in school. The requirement is first applicable to children enrolling for the 1999-2000 school year. Existing provisions for children and religious exemptions from the requirement are applicable.

The Act takes effect April 2, 1998.

### **HOUSE FILE 530 - Assistive Devices**

BY COMMITTEE ON HUMAN RESOURCES. This Act creates a new Code Chapter regarding warranties for assistive devices. "Assistive device" is defined as any item used to help maintain or improve the functional capabilities of a person with disabilities. The Act also defines, for the purposes of this chapter, "consumer," "loaner," "manufacturer," and other terms used in the chapter concerning repair and cost.

The Act provides for an express warranty on assistive devices of at least one year. The Act further provides for the repair of a nonconforming assistive device and provides a consumer with the ability to obtain a refund or a replacement device if the nonconformity is not repaired. The Act also provides that, if certain conditions are met, a manufacturer must provide to a consumer either at least partial reimbursement for inability to use an assistive device or a free loaner assistive device if the device is being repaired.

The Act also provides that when a device returned for a nonconformity is resold or leased, the reason for its return must be disclosed in writing to a prospective buyer or lessee.

The Act does not limit a consumer's right to pursue other remedies concerning an assistive device and provides for a civil action to obtain damages for a violation of this new Code chapter.

The Act provides that hearing aids sold, leased or transferred to a consumer from an audiologist or hearing aid dealer are exempt from the chapter if the audiologist or dealer provides an express warranty or provides for service and replacement of the hearing aid. A device for which a certificate of title is issued by the state Department of Transportation is also exempt from this chapter.

**HOUSE FILE 2120 - Self-Service Displays for Cigarettes and Tobacco Products**

BY THOMSON. This Act provides legislative intent relative to access of a minor to cigarettes and tobacco products. Beginning January 1, 1999, the Act also prohibits the use of self-service displays, which allow the buyer to take possession of the product without the seller being present for the sale of, or offering for sale of, cigarettes or tobacco products in a quantity of less than a carton. Vending machine sales allowed by law are not affected. The Act provides that a retailer who violates the Act is subject to revocation of the retail permit.

**HOUSE FILE 2275 - Health Care Facility Inspection Records and Health Care Provider Record Checks**

BY MARTIN, LORD, NELSON, KREMER, AND THOMSON. This Act relates to health care facility inspections and employee record checks. The Act directs the Department of Inspections and Appeals to establish a report card system for the recording of the results of inspections of health care facilities including a summary of the findings of the inspection, any violation found, any enforcement action taken including any citations issued and penalties assessed, any actions taken to correct violations or deficiencies, and the nature and status of any action taken with respect to any uncorrected violation for which a citation is outstanding. The report card form is to be developed by the department in cooperation with various interested persons. The completed report cards are to be made electronically accessible to the public on a monthly basis and the department is directed to compile the report cards on an annual basis and make the compilation available in its office in Des Moines and also electronically. The Act also requires the department to provide compilations of the report cards on a cumulative, four-year period basis and to make the compilations available in the same manner as the annual compilations.

The Act makes the requirements of child, dependent adult and criminal record checks currently applicable to prospective employees of health care facilities applicable to the prospective employees of various home care providers, hospices, and recipients of federal home and community-based services waivers if the providers are regulated by the state or receive state or federal funding. The Act is further amended by H.F. 2395 (see Appropriations) to apply to prospective employees of assisted living facilities and elder group homes.

The Act repeals Code Section 135C.47, the substance of which is incorporated into the Act in the portion relating to public access to information and report cards.

**HOUSE FILE 2340 - Volunteer Health Care Provider Program — Inclusion of Dental and Certain Medical Services**

BY COMMITTEE ON JUDICIARY. This Act includes dentists in the definition of "health care provider" for purposes of eligibility under the Volunteer Health Care Provider Program. The Act also provides that medical services to be provided under the program are to include obstetrical and gynecological medical services.

## HUMAN SERVICES

- SENATE FILE 2313** - Child Support, Spousal Support, and Related Matters
- HOUSE FILE 2348** - Department of Human Services Institutions and Services — Miscellaneous Provisions
- HOUSE FILE 2468** - Child and Family Services — Electronic Benefits Transfer Program
- HOUSE FILE 2523** - Medical Assistance Reimbursement for Certain Providers
- HOUSE FILE 2558** - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment

### RELATED LEGISLATION

- SENATE FILE 2072** - Membership of Family Development and Self-Sufficiency Council  
*SEE CHILDREN & YOUTH.* This Act provides for the appointment of an additional member, the Director of the Department of Workforce Development or the director's designee, to the Family Development and Self-Sufficiency Council in the Department of Human Services. This council deals with research and grants to address long-term dependency upon the Family Investment Program and other welfare programs.
- SENATE FILE 2220** - Juvenile Justice — Runaways  
*SEE CHILDREN & YOUTH.* This Act amends the definition of "chronic runaway" in Code Chapter 232, Juvenile Justice, to change the language relating to the number of times that a runaway has been reported from once in "any month" to "any 30-day period."
- SENATE FILE 2261** - Grandparent and Great-Grandparent Visitation  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that the parent or grandparent of the mother or father of a child born out of wedlock may petition the court for visitation rights whether child custody has been awarded to the mother or father of the child. Visitation is only granted if it is in the best interest of the child and the grandparent or great-grandparent has established a substantive relationship with the child before filing the petition.
- SENATE FILE 2312** - Child Day Care  
*SEE CHILDREN & YOUTH.* This Act relates to Department of Human Services child day care requirements involving volunteers and to child day care home pilot projects.
- SENATE FILE 2335** - Sexual Misconduct With Offenders and Juveniles  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act expands the criminal offense of sexual misconduct to prohibit sex acts between juvenile placement facility employees and juveniles placed at such facilities, and prohibits sex acts between county employees and prisoners placed in a county jail.
- SENATE FILE 2345** - Juvenile Justice — Out-of-Home Placement, Termination of Parental Rights, and Adoption  
*SEE CHILDREN & YOUTH.* This Act relates to juvenile justice system provisions involving temporary removal of children, child in need of assistance proceedings, foster care, termination of parental rights, and adoption. Many provisions of the Act are to conform with federal requirements in the federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89. The Act makes other significant changes to Code Chapter 232, Juvenile Justice.
- SENATE FILE 2359** - Citizens' Aide Review of Child Protection System  
*SEE CHILDREN & YOUTH.* This Act provides for a review of the state's child protection system by the Office of the Citizens' Aide/Ombudsman. The review is to encompass all aspects of the system, including reporting, assessment, child removal, child in need of assistance proceedings, review and appeals, and termination of parental rights. The purpose of the review is to determine whether the current system adequately provides fairness and due process protections for all involved with the system.
- SENATE FILE 2366** - Educational Programming and Related Provisions and Appropriations  
*SEE EDUCATION.* This Act appropriates \$5.2 million to the Department of Education from the General Fund of the State for deposit in the Iowa Empowerment Fund for a program established in

S.F. 2406 (see Local Government) with the initial goal of implementing a statewide system of community empowerment areas.

- SENATE FILE 2398** - Confinement and Treatment of Sex Offenders  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act establishes a procedure for the civil commitment of persons who are determined to be sexually violent predators, provides for the imposition of a life sentence for persons who commit repeat acts of sexual abuse against children age 12 and younger, provides for hormonal intervention therapy for persons who commit serious sex offenses and the possibility of a special life sentence with parole for persons who commit felony serious sex offenses, and requests that the Legislative Council establish a study committee concerning treatments available and used to rehabilitate persons who have engaged in criminal sexual acts or activities.
- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
**SEE LOCAL GOVERNMENT.** This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act establishes a School Ready Children Grant Program for collaborative planning for, and funding of, early childhood programs, including human services programs.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act makes appropriations to the Department of Human Services and includes numerous provisions involving the programs administered by the department.
- HOUSE FILE 677** - Child Custody and Visitation — Miscellaneous Provisions  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act provides that good cause for waiver of mandatory participation in a court-approved course to educate and sensitize the parties to an action involving child custody or visitation includes a showing of prior participation by the parties in a court-approved course or its equivalent. The Act also provides that the court is to consider the criminal history of a parent in awarding visitation rights if the parent has been convicted of a criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. 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.
- HOUSE FILE 2275** - Health Care Facility Inspection Records and Health Care Provider Record Checks  
**SEE HEALTH & SAFETY.** This Act directs the Department of Inspections and Appeals to establish a report card system for the recording of the results of inspections of health care facilities. The Act makes the requirements of child, dependent adult and criminal record checks that are currently applicable to prospective employees of health care facilities applicable to the prospective employees of various home care providers, hospices, and recipients of federal home and community-based services waivers if the providers are regulated by the state or receive state or federal funding. The Act is further amended by H.F. 2395 (see Appropriations) to apply to prospective employees of assisted living facilities and elder group homes.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
**SEE APPROPRIATIONS.** This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes an appropriation to the Department of Human Services for a grant to a county for implementation of the county's runaway child assessment and treatment plan.

- HOUSE FILE 2516** - Marital and Family Therapy and Mental Health Counseling — Licensure — Board of Behavioral Science Examiners  
*SEE STATE GOVERNMENT.* This Act adds marital and family therapy and mental health counseling to the list of professions for which a license is required. Licensure requirements of the Act are made inapplicable to students, individuals practicing marital and family therapy under the supervision of a person licensed pursuant to Code Chapter 154D as part of a clinical experience requirement, and to the provision of children, family or mental health services through the Department of Human Services or juvenile court, or agencies which the department or juvenile court have contracted with, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.
- HOUSE FILE 2517** - Healthy and Well Kids in Iowa Program  
*SEE BUSINESS, BANKING & INSURANCE.* This Act establishes the Healthy and Well Kids in Iowa (HAWK-I) Program, beginning January 1, 1999, to provide health insurance coverage for children under 19 years of age who are eligible under Title XXI of the federal Social Security Act, and expands the Medical Assistance (Medicaid) Program, beginning July 1, 1998, to include children whose family's adjusted gross income does not exceed 133 percent of the federal poverty level.
- HOUSE FILE 2545** - County Mental Health, Mental Retardation, and Developmental Disabilities Service Funding  
*SEE LOCAL GOVERNMENT.* This Act relates to county mental health, mental retardation and developmental disabilities services funding and planning by providing for distribution of an FY 1999-2000 appropriation for allowed growth in expenditures, based upon a variety of factors. The Act establishes various funding pools within the Property Tax Relief Fund and requires the Department of Human Services and various committees and commissions associated with the department to take actions in implementing the distribution system.



## HUMAN SERVICES

### SENATE FILE 2313 - Child Support, Spousal Support, and Related Matters

BY COMMITTEE ON HUMAN RESOURCES. This Act includes provisions relating to child support to comply with requirements in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, subsequent technical amendments made to the federal Act in 1997, and technical changes. The Act is organized into a number of divisions.

Division I provides for compliance with the federal Act requirement that by October 1, 1999, states provide a single location for employers to submit income withholding payments. Under the Act, employers will send all income withholding payments to one state disbursement unit which is responsible for receiving, recording and disbursing payments.

Division II requires operation of a state case registry (SCR) in compliance with a federal mandate effective October 1, 1998. The Child Support Recovery Unit (CSRU) of the Department of Human Services (DHS) must operate a case registry that includes all IV-D cases with or without orders in place and all orders for support established or modified in Iowa on or after October 1, 1998 (IV-D refers to Title IV-D of the federal Social Security Act, which is the basis for state assistance in child support recovery). The Iowa SCR will also include all non-IV-D orders under which an obligor is subject to income withholding. The federal Act requires that certain SCR data from Iowa be transmitted to the Federal Case Registry of Child Support Orders.

Division III relates to new hire reporting. For several years, Iowa employers have been required to comply with child support reporting and payment requirements. Iowa must now meet the new hire reporting requirements of the federal Act by October 1, 1998. A portion of the new requirements were enacted in 1997 and the remaining requirements are in this Act. The changes include amending the definition of "employee" to eliminate an age limit and a minimum salary, requiring a reporting form that allows employers to use the W-4 or an equivalent form to report the federally mandated elements, allowing an optional filing time included in federal law for employers who file electronically, and making confidentiality requirements conform with the federal law.

Division IV relates to confidentiality and disclosure. Federal legislation enacted August 5, 1997, and November 19, 1997, made several changes to the 1996 federal Act regarding who has access to Federal Parent Locator Service (FPLS) and CSRU confidential information and the safeguards which must be in place. These changes require amendments to legislation enacted by the General Assembly in 1997. One of the new federal requirements is to notify FPLS if confidential information should be protected because there is a protective concern or reasonable evidence of domestic violence or child abuse. This Act lists the criteria used by CSRU to determine if FPLS should be notified. The notification is called notification of a "disclosure risk indicator." Another federal requirement is that CSRU operate a parent locator service to provide confidential information to persons authorized under federal law to receive the information for specific purposes, subject to safeguards. Since a court is also an "authorized person" under federal law to receive confidential information subject to safeguards, this Act includes a second process for the courts.

Division V relates to voluntary paternity affidavits and rescissions. Voluntary paternity affidavits may be used to legally establish the paternity of a child born out of wedlock. Federal legislation enacted in August 1997, which included a technical amendment to the 1996 federal Act, allows oral information about the voluntary paternity affidavit process to be provided by video or audio tapes or similar means. This Act also includes a technical correction of the time allowed to rescind an affidavit. Clarification from the federal Office of Child Support Enforcement provides an affidavit may be rescinded within the earlier of 60 days after the latest notarized signature of the mother and putative father on the affidavit or upon the entry of a court order relating to the child.

Division VI provides technical amendments related to enforcement of orders for health care coverage. Federal legislation enacted August 5, 1997, includes several amendments to the federal law which controls health care coverage benefits for self-funded Iowa employers. This Act amends Code Chapter 252E to conform the definition of a "qualified medical child support order" to the new federal definition. It also clarifies that CSRU may send a notice of the order to the employer, and is not required to send a photocopy of the order. This is similar to the income withholding process.

Division VII redefines "account" in Code Chapter 252I, relating to levies against child support obligor accounts in financial institutions, to comply with the federal definition.

Division VIII relates to passport sanction. The federal Act included a requirement for the sanctioning of a passport if the passport holder's child support delinquency is over \$5,000. In 1997, the federal government issued instructions to states regarding how to implement the requirement in coordination with three federal agencies. In 1997, Iowa legislation was enacted to provide a process for this, but changes are now needed to conform with the new federal instructions. The process involves Iowa certifying

a list of delinquent obligors to the federal Office of Child Support Enforcement. Notices are then sent to obligors on that list notifying them of their rights to appeal.

Division IX relates to the determination of a controlling order. In 1997, the Uniform Interstate Family Support Act was enacted in Iowa which, in part, provides a "one-order" system to facilitate interstate child support enforcement. Under that Act and under federal law, a state may have to determine which of several orders will be the "controlling order." The Act clarifies that if CSRU is administratively modifying a support order, and if it is necessary to determine the controlling order, the unit is authorized to make that determination subject to court ratification. This will prevent the filing of two separate actions: one to determine the controlling order and one to modify the order.

Division X provides intent language of the General Assembly in promoting responsible parenthood.

Division XI relates to satisfaction of accrued support debt by requiring the DHS, on or after July 1, 1999, to implement a program for the satisfaction of accrued support debt. The department is directed to adopt rules for the program, which may be established on a pilot program basis.

Division XII requires the DHS, by July 1, 1999, to adopt rules for imputing income based on the earning capacity of a parent who does not provide income information or for whom income information is not available. Under prior law, income in such situations was imputed based upon the estimated state median income for a one-person family.

Division XIII permits the DHS to adopt emergency rules to decrease the percentage of income to be withheld to pay a child support delinquency from the 50 percent amount required as of June 30, 1998.

Division XIV provides that if an obligee so requests and if not prohibited by the Uniform Interstate Family Support Act, an obligation of support over the obligor may be deemed satisfied upon filing of the order suspending the support obligation order.

Division XV requires the DHS to seek permission from the U.S. Department of Health and Human Services for a statewide initiative to pass the full amount of child support collected, on behalf of a Family Investment Program participant, through to the family without being required to reimburse the federal government for the federal share.

#### **HOUSE FILE 2348 - Department of Human Services Institutions and Services — Miscellaneous Provisions**

BY HOUSER, BRAUNS, FOEGE, HEATON, AND MERTZ. This Act relates to institutions and facilities administered by the Department of Human Services (DHS) and to similar and related services. The Act was sponsored by House of Representatives members of the Institutions and Facilities Committee of the Human Services Restructuring Task Force. This Task Force was created by the Legislative Council and met during the 1997 Legislative Interim.

The Act provides legislative findings and intent concerning DHS institutions. These findings address the past contributions to care of persons with mental illness or disabilities and of juveniles, and stress the evolving role of the institutions to become multiuse regional resource centers.

The Act requests the Legislative Council to authorize the Legislative Service Bureau to work with representatives of DHS institutions and various interest groups in a review of the Code provisions pertaining to the institutions. The purpose of the review is to develop proposed legislation to more accurately reflect the changed role of the institutions, consistent with the Act's provisions.

The Act also addresses out-of-state services in two ways. The department is directed to work with various interests in reviewing services to persons with mental illness, mental retardation or other disabilities who are placed outside of this state and to develop options to make in-state placement possible. In addition, DHS may enter into discussions with bordering states to utilize resources for making appropriate services available to citizens of those other states.

The Iowa Department of Public Health (IDPH) is to work with various other state agencies and county representatives in reviewing methamphetamine use in Iowa. The Act directs IDPH to submit a report to the Governor and the General Assembly providing statistical information concerning the drug's use and early intervention options. In addition, the review is to address availability of dual diagnosis, substance abuse and mental illness treatment, and various questions concerning costs and reimbursements.

The Department of Human Services is also directed to consult with various state agencies in reviewing cost recovery and other financial aspects of contracts for use of space and other resources of the DHS institutions. The department is to report findings and other options for cost recovery to the Governor and the General Assembly.

Code Section 18.6, relating to state purchasing under the Department of General Services, is amended to require state purchas-

ing of products produced by various publicly funded programs employing persons with mental retardation or other developmental disabilities, or mental illness. In addition, the state is to make every effort to purchase products produced for sale by employers of persons in supported employment.

Code Section 217.3, relating to the duties of the Council of Human Services, is amended to require the materials accompanying the budget approved by the council to include a review of options for revising the Medical Assistance (Medicaid) Program.

Code Section 222.1, relating to the purposes of the state hospital-schools, is amended to include serving as a regional resource center for the communities in the region served by a hospital-school and to serve as a training resource. In addition, a hospital-school is authorized to obtain the approval of the Council of Human Services for a change of the name used in various official communications.

The Act expands Code Sections 222.73 and 230.20, authorizing the superintendents of hospital-schools and mental health institutes to enter into contracts to provide various services, to include the scope of the revised purpose provided in the Act. This authorization for contracting is amended to permit the superintendents to request that the Director of Human Services enter into the contracts rather than the superintendents entering into the contracts. Current law allows the institutions to retain the income from these contracts to defray costs.

The Act amends Code Section 226.1, relating to the official designation for the state hospitals for persons with mental illness (mental health institutes), to outline the purposes of a mental health institute. Under the Act, the purposes include various forms of treatment and support for persons with mental illness or a substance abuse problem. In addition, a mental health institute is to provide various forms of support to the communities located in the region and is encouraged to act as a training resource. A mental health institute is also authorized to obtain the approval of the Council of Human Services for a change of the name used in various official communications.

#### **HOUSE FILE 2468 - Child and Family Services — Electronic Benefits Transfer Program**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act authorizes the Department of Human Services (DHS) to establish an Electronic Benefits Transfer Program. The program would be used to provide benefits, such as food stamp benefits, to eligible individuals through the use of electronic funds transfer system equipment. The program, if established, must satisfy several criteria, including that a retailer must not be required to make cash disbursements, or to provide, purchase or upgrade electronic funds transfer system equipment as a condition of participation in the program; a participating retailer providing electronic funds transfer system equipment for transactions pursuant to the program is to be reimbursed 15 cents for each approved transaction utilizing the retailer's equipment; and a retailer that provides electronic funds transfer system equipment for transactions pursuant to the program and that makes cash disbursements pursuant to the program utilizing the retailer's equipment is to be paid a fee of 15 cents by the DHS for each cash disbursement transaction by the retailer.

The Act provides that a point-of-sale terminal used only for purchases from a retailer under the Electronic Benefits Transfer Program is not a satellite terminal for purposes of Code Chapter 527, which generally applies to electronic funds transfers.

#### **HOUSE FILE 2523 - Medical Assistance Reimbursement for Certain Providers**

BY COMMITTEE ON HUMAN RESOURCES. This Act requires that rural health clinics and federally qualified health clinics are to receive cost-based reimbursement for services provided under the Medical Assistance (Medicaid) Program.

#### **HOUSE FILE 2558 - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to mental health, developmental disability and substance abuse service Code provisions involving community mental health centers, Medical Assistance (Medicaid) reimbursement, legal settlement, age-related requirements of county management plans, dual civil commitments, and county liability for costs relating to commitment of sexually violent predators. The Act is organized into a number of divisions.

**COMMUNITY MENTAL HEALTH CENTERS.** Division I relates to establishment and continuance of community mental health centers and to reimbursement amounts for the centers.

The Act amends Code Section 230A.1, relating to establishment and continued support of community mental health centers, by striking language which allows the board or boards of supervisors to make a single, nonrecurring expenditure in establishing a center.

The Act amends Code Section 230A.3, relating to forms of organization of centers, to add a third type of organization. The third type would allow a center established prior to July 1, 1998, as a not-for-profit corporation under contract with a board or boards of supervisors, to continue without an agreement with the county or counties that originally established the center, provided the

center complies with applicable standards. This authority is repealed following the three-year period beginning July 1, 1998, and ending June 30, 2001.

The Act amends Code Section 249A.4, relating to the duties of the Director of Human Services concerning the Medicaid Program, to require the director to establish appropriate reimbursement rates for community mental health centers accredited by the Mental Health and Developmental Disabilities Commission. The rates are to be phased in over the three-year period, July 1, 1998, through June 30, 2001.

**LEGAL SETTLEMENT.** Division II relates to legal settlement and payment of mental health and disabilities services costs by the state and counties.

Effective July 1, 1999, the Act amends Code Section 230.1 to provide that liability for the costs and expenses of a person with mental illness admitted or committed to a state hospital are to be paid by the county or state based upon the new criteria of the age of the person. These expenses and costs are to be paid by the county if the person has legal settlement in the county and the person is 18 years of age or older. These expenses and costs are to be paid by the state if the person has no legal settlement, legal settlement is unknown, or the person is under 18 years of age. The Department of Human Services (DHS) is to work with counties and other parties to develop fiscal estimates for implementation of the amendments to Code Section 230.1. The state portion of the fiscal estimate is to be incorporated into the department's budget for fiscal year 1999-2000.

The Act amends Code Section 252.16, relating to how legal settlement is acquired, by deleting language referring to the site of a service provider in a county.

**SUPPORTED COMMUNITY LIVING.** Division III relates to mental health and developmental disability (MH/DD) services provisions involving supported community living services.

The definition of "community supervised apartment living arrangements" (CSALAs) is changed to "supported community living services." The change is reflected in Code Section 135C.6, relating to exemptions from health care facility licensing; in Code Section 225C.21, which under prior law authorized CSALAs; and in Code Section 235B.3, relating to dependent adult abuse reports.

**HOME AND COMMUNITY-BASED WAIVERS.** Division IV amends provisions in the exemption from health care facility licensing requirements for medical assistance home and community-based waiver residential services for persons with mental retardation. Separate exemption categories for programs serving three individuals and for programs serving four individuals are combined to authorize services to up to four individuals. A conforming amendment is applied to provisions involving residential care facilities for persons with mental retardation serving five individuals which convert to a residential program under the waiver.

**MH/DD SERVICE REGULATION.** Division V amends and deletes various duties of the Mental Health and Developmental Disabilities Commission under Code Section 225C.6. Division V also directs DHS to include persons with Prader-Willi Syndrome in the definition of "persons with developmental disabilities" used in the department's rules for accreditation or certification of mental health and disability service providers.

**COUNTY MANAGEMENT PLANS.** Division VI affects county management plans for mental health, mental retardation and developmental disabilities services. The State-County Management Committee is directed to review requirements for county management plans. Code Section 331.439, which relates to age-related requirements for county management plans, is amended to strike subsection 8, which requires a county management plan to allow for the service needs of all ages of persons for whom expenditures may be made from the county's services fund. In addition, a 1997 Session Law provision is repealed that directed counties which did not comply with the "all ages" management plan requirement to amend their management plan as necessary for compliance. The Act replaces the stricken and repealed provisions with a requirement for the management plans to provide for services to children from community mental health centers and other accredited providers. These provisions of the Act take effect May 6, 1998, and the Act provides that a county's compliance with any management plan amendment submitted to conform with the requirements of the 1997 law is voluntary for the county, unless required by another applicable law.

**DUAL CIVIL COMMITMENTS.** Division VII authorizes an application for involuntary commitment or treatment for substance abuse to be filed at the same time as an application for involuntary hospitalization of a person for mental illness, or vice versa. The Act extends the time period for appealing a judicial hospitalization referee's finding that a person is seriously mentally impaired or a chronic substance abuser from seven to 10 days. In addition, an information notice concerning the period of time for appeal and the persons who may sign the appeal is to be included as part of a referee's order.

*SEXUALLY VIOLENT PREDATORS.* Division VIII amends a provision of S.F. 2398 (See Civil Law, Procedure & Court Administration), relating to the civil commitment of sexually violent predators. The amendment provides that a "person legally liable" for the costs relating to the evaluation and treatment of persons does not include a political subdivision.

## LABOR AND EMPLOYMENT

- SENATE FILE 492 - Unemployment Compensation Benefits — Proof of Voluntary Quit
- SENATE FILE 540 - Contributions and Payments to Second Injury Fund
- SENATE FILE 2112 - Employment Security Administrative Contribution Surcharge Sunset Provision
- SENATE FILE 2333 - Occupational Hearing Loss
- HOUSE FILE 58 - Personnel Files — Fees for Employee Copies
- HOUSE FILE 299 - Employee Drug Testing
- HOUSE FILE 2443 - Workers' Compensation Coverage for Community College Students in School-to-Work Programs
- HOUSE FILE 2465 - Workers' Compensation — Division and Commissioner Name Change — Compensation During Healing Period

### RELATED LEGISLATION

- SENATE FILE 2280 - Appropriations — Health and Human Rights  
*SEE APPROPRIATIONS.* This Act provides that any Iowa Veterans Home successor contractor shall not consider employees of a state institution or facility to be new employees for purposes of employee wages, health insurance or retirement benefits, and that the chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Rights shall be notified by January 15 of any calendar year during which a request for proposals is anticipated to be issued regarding any Iowa Veterans Home contract involving employment, for purposes of providing legislative review and oversight.
- SENATE FILE 2296 - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes a number of appropriations from the General Fund of the State to the Department of Workforce Development for the administration of the department and for specific programs.
- SENATE FILE 2310 - Professional Engineers — Requirements for Licensure  
*SEE STATE GOVERNMENT.* This Act provides that applicants for licensure as a professional engineer who obtained an associate of science or more advanced degree between July 1, 1983, and June 30, 1988, can qualify to take an examination in fundamental engineering subjects.
- SENATE FILE 2366 - Educational Programming and Related Provisions and Appropriations  
*SEE EDUCATION.* This Act provides that the determination of standards of performance expected of school district personnel is an exclusive management right of the school board and is not subject to the mandatory collective bargaining negotiations. Objections to the procedures, use or content of an evaluation in a teacher termination proceeding are not subject to the collective bargaining grievance procedures.
- SENATE FILE 2372 - Sheriff Uniforms  
*SEE LOCAL GOVERNMENT.* This Act adds shirts to the clothing items included as part of the standard uniform of a sheriff or deputy sheriff.
- SENATE FILE 2391 - Drug and Alcohol Offenses — Penalties and Miscellaneous Provisions  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act addresses, among other issues, amendments to previously passed drug-testing legislation. The Act makes provision for collection of urine specimens in a private but secure location, or for observation by persons of the same gender when direct monitoring occurs. The Act also addresses parental notification procedures for testing of minors. These provisions take effect April 22, 1998.
- HOUSE FILE 2400 - Mechanic's Liens  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act amends Code provisions regarding mechanic's liens, adding liens for rented material used in the course of alteration or construction of an owner's building, improvement or land; and for labor furnished to a subcontractor. The Act also amends mechanic's lien notification procedures for labor or materials furnished to a subcontractor, and the amount of a lien in the case of an owner-occupied dwelling.

- HOUSE FILE 2478** - Mediation Confidentiality  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act creates new Code Chapter 679C relating to confidentiality in mediation. The Act establishes separate mediator privilege provisions for mediation involving collective bargaining disputes before the Public Employment Relations Board.
- HOUSE FILE 2496** - Public Retirement Systems and Related Provisions  
*SEE STATE GOVERNMENT.* This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.
- HOUSE FILE 2498** - Appropriations — Administration and Regulation  
*SEE APPROPRIATIONS.* This Act authorizes funding to the Iowa Public Employees' Retirement System Division of the Department of Personnel for a headquarters building and directs the division to conduct studies of a statewide deferred compensation plan to study the feasibility of including adjunct professors at community colleges and regents universities as members of IPERS and for a comprehensive examination of plan design of benefit parity issues of retirement systems under Code Chapters 97A, 97B and 411. Funding is also provided to the Department of Management for law enforcement training reimbursements and the Council on Human Investment.

## LABOR AND EMPLOYMENT

### **SENATE FILE 492 - Unemployment Compensation Benefits — Proof of Voluntary Quit**

BY COMMITTEE ON BUSINESS AND LABOR. This Act provides that a claimant seeking unemployment benefits has the burden of proving, to establish that the claimant is not disqualified for benefits, that if the claimant voluntarily quit employment, it was for good cause attributable to the employer and that the claimant is otherwise eligible for benefits pursuant to an exception to a disqualification for benefits for voluntarily quitting work as provided in Code Section 96.5, subsection 1, paragraphs "a" through "h."

Prior to this Act, the law provided that the employer had the burden of proof so long as the claimant produced evidence to show that the claimant was otherwise eligible for benefits pursuant to an exception to the disqualification for benefits for voluntarily quitting work.

### **SENATE FILE 540 - Contributions and Payments to Second Injury Fund**

BY IVERSON. This Act makes changes to the Second Injury Compensation Act and is primarily concerned with the financing of the Second Injury Fund used to pay benefits.

The Act increases the amount payable to the Second Injury Fund by employers, or their insurance carrier, in cases of an injury covered under workers' compensation that results in death. Pursuant to the Act, if the deceased worker had dependents, the amount payable to the Second Injury Fund is \$12,000, instead of \$4,000, and if the deceased worker had no dependents, the amount payable to the fund is \$45,000, instead of \$12,000. This increase is applicable to workplace deaths occurring on or after April 17, 1998.

The Act also directs the Commissioner of Insurance to examine the claims involving the Second Injury Compensation Act prior to each fiscal year and determine the outstanding liability for such claims. The Act provides that if the commissioner determines that there are insufficient funds in the Second Injury Fund to pay claims, the commissioner may impose, by rule, a surcharge on employers for the upcoming fiscal year. For fiscal years beginning on or after July 1, 1999, the Act provides that the commissioner, in deciding whether sufficient funds are available in the Second Injury Fund, shall determine the liabilities for the next two fiscal years. The surcharge shall apply to all workers' compensation insurance policies and self-insurance coverages of employers approved for self-insurance by the commissioner, and to the State of Iowa, its departments, divisions, agencies, commissions, and boards, or any political subdivision coverages whether insured or self-insured. The Act also establishes the methodology for calculating the assessment charged to insured and self-insured employees. The Act provides that this examination and surcharge process shall continue until July 1, 2003, when this process is repealed.

The Act also provides that the Labor Commissioner, and not the Treasurer of State, shall be responsible for the collection of contributions and payments to the Second Injury Fund.

The Act takes effect April 17, 1998.

### **SENATE FILE 2112 - Employment Security Administrative Contribution Surcharge Sunset Provision**

BY COMMITTEE ON BUSINESS AND LABOR. This Act changes the repeal date of the administrative contribution surcharge and its fund from July 1, 1998, to July 1, 2001. The administrative contribution surcharge is imposed on employers, other than governmental entities and nonprofit organizations, subject to the unemployment compensation chapter of the Iowa Code, and moneys collected are used by the Department of Workforce Development for costs associated with certain rural and satellite departmental offices or for the department-approved training fund.

The Act takes effect June 30, 1998.

### **SENATE FILE 2333 - Occupational Hearing Loss**

BY COMMITTEE ON HUMAN RESOURCES. This Act amends Code Chapter 85B concerning workers' compensation for occupational hearing loss.

The Act replaces the current definitions for "occupational hearing loss" and "excessive noise level" in Code Chapter 85B and provides for the definitions of "excessive noise exposure," "hearing level," and "occupational hearing loss." "Occupational hearing loss" is specifically defined as not including loss of hearing due to age or another exposure not arising out of employment.

The Act provides that a claim for occupational hearing loss may be filed beginning one month after separation from the excessive noise. New Code Section 85B.9A provides that any apportionment of occupational and nonoccupational hearing



loss be made by an audiologist or qualified physician and that consideration of all probable sources of loss shall be given in determining occupational hearing loss. The section also specifically provides that the apportionment of age-related hearing loss be calculated consistent with tables concerning age-related loss of the National Institute for Occupational Safety and Health existing on July 1, 1998. The Act also requires employers to provide for a hearing aid for each ear affected by an occupational hearing loss if certain conditions are met.

#### **HOUSE FILE 58 - Personnel Files — Fees for Employee Copies**

**BY RANTS.** This Act provides that an employer can charge an employee a reasonable copy fee for each page of an item in the employee's personnel file. A reasonable fee is an amount equivalent to that which would be charged by a commercial copying business. Previously, the total amount an employer could charge an employee for copies was \$5.

#### **HOUSE FILE 299 - Employee Drug Testing**

**BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS.** This Act makes changes to Iowa's law governing drug and alcohol testing of employees and prospective employees by striking current law and replacing it with a new Code section.

Drug and alcohol testing requirements established by the Act apply only to private sector employers. The state and its political subdivisions, as well as Native American tribes and the federal government, are excluded from the definition of "employer." The Act also provides that its requirements do not apply to drug or alcohol tests of employees required to be tested by federal law.

The Act governs the procedures for conducting a drug or alcohol test by an employer, including the collection of samples and the scheduling of tests. The Act provides that blood samples shall not be collected except under circumstances following a workplace accident. The Act also requires that the results of drug or alcohol testing be confirmed and specifies the methodology by which a drug or alcohol test shall be confirmed. The Act provides that samples collected from current employees shall be split into two components so that an employee has an opportunity to have the second sample tested if the first sample yields a confirmed positive test result.

The Act permits unannounced drug or alcohol testing of employees selected from the entire employee population scheduled to work at the time of the testing at a particular work site of the employer, or from all employees working in a safety-sensitive position, and permits testing of employees during and after completion of drug or alcohol rehabilitation. The Act also permits drug or alcohol testing based on reasonable suspicion, on prospective employees, in investigating an accident at work, and as required by federal law or regulation or by law enforcement.

The Act requires an employer to establish a written policy, available to employees and prospective employees, governing drug or alcohol testing. The written policy shall provide for uniform requirements for what disciplinary or rehabilitative actions an employer can take following a positive drug or alcohol test that shall be based only on the results of the test. The Act also provides what disciplinary or rehabilitative actions are permissible as a part of the employer's written policy. The Act further provides that for certain positive alcohol tests, the employer shall provide rehabilitation to the employee. The requirement for rehabilitation shall only apply to certain larger employers and to employees who have not previously violated the employer's substance abuse policy. The written policy shall also provide, if applicable, a minimum level for a positive alcohol test result, but in no event lower than 0.04, and information about the employer's employee assistance program, if applicable, or community services concerning alcohol and drug abuse.

The Act also makes provisions governing the liability of an employer. The Act provides that an employer shall not be liable for actions taken in good faith based on a positive drug or alcohol test, for failing to test for drugs or alcohol or for failing to detect any specific drug or other controlled substance, for terminating or suspending a drug and alcohol testing program or policy, or for failing to take action relating to a false negative test result. The Act provides that an employer shall be liable for actions taken based upon a false positive test only if the employer knew or clearly should have known the test was incorrect and ignored the correct result because of a reckless disregard for the truth. In addition, the Act also provides that an employer is not liable for an action based on damage to reputation, libel, slander, or defamation unless certain additional requirements are met, generally requiring a finding that an incorrect positive test result was disclosed negligently. The Act establishes that a drug or alcohol test conducted in accordance with the Act is presumed valid and that an employer is not liable for monetary damages if the employer's reliance on a false positive test was reasonable and in good faith.

The Act also provides for the confidentiality of test results and provides that laboratories and medical review officers conducting drug or alcohol testing who violate the confidentiality provisions or who do not limit testing to a determination of whether the sample contains drugs or alcohol are subject to a civil penalty of \$1,000. An employer who improperly targets or exempts employees subject to testing is also liable for a \$1,000 civil penalty. The Act also provides that a person who violates the provisions of this new Code section is liable to an aggrieved employee or prospective employee through a civil action for affirmative relief such as reinstatement or for injunctive relief, as applicable.

The Act further provides that laboratories conducting drug or alcohol tests pursuant to this Act shall report the number and results of the drug or alcohol tests conducted during a calendar year to the Iowa Department of Public Health.

Senate File 2391 (see Criminal Law, Procedure & Corrections) amends this Act to provide for additional privacy protection for the collection of samples subject to drug and alcohol testing and for notice requirements concerning the testing of employees who are under 18 years of age.

This Act takes effect April 16, 1998.

**HOUSE FILE 2443 - Workers' Compensation Coverage for Community College Students in School-to-Work Programs**  
BY NELSON. This Act provides that workers' compensation coverage applies to a student participating and providing unpaid services in a school-to-work program at a community college that the community college is providing under a contractual agreement with a school corporation or accredited nonpublic school.

**HOUSE FILE 2465 - Workers' Compensation — Division and Commissioner Name Change — Compensation During Healing Period**

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS. This Act changes the name of the Division of Industrial Services of the Department of Workforce Development to the Division of Workers' Compensation. In addition, the title "Industrial Commissioner" is changed to "Workers' Compensation Commissioner."

The Act also provides that an employer is required to pay workers' compensation for a healing period for a permanent disability beginning on the first day of disability after the injury instead of on the day of injury.

The Act also eliminates the requirement that first reports of injury be filed in written form.

## LOCAL GOVERNMENT

- SENATE FILE 316** - Law Enforcement Officers' Training and Probationary Periods
- SENATE FILE 530** - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator
- SENATE FILE 2015** - Items Deemed Nuisances
- SENATE FILE 2061** - Tax Statements
- SENATE FILE 2200** - County Agricultural Extension Councils
- SENATE FILE 2254** - Room and Board Charges for Certain Prisoners
- SENATE FILE 2284** - Rural Improvement Zones
- SENATE FILE 2367** - Counties — Issuance of Marriage Licenses, Birth Registration Fees
- SENATE FILE 2368** - Public Utility Facilities in Local Government Rights-of-Way and Telecommunications Franchises in Cities
- SENATE FILE 2372** - Sheriff Uniforms
- SENATE FILE 2400** - Powers and Duties of County Treasurers
- SENATE FILE 2405** - Joint County, City, School District Buildings — VETOED BY THE GOVERNOR
- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards
- HOUSE FILE 8** - State Mandates — VETOED BY THE GOVERNOR
- HOUSE FILE 2049** - County Contracts for Public Improvements and Redemption of Parcels at Property Tax Sales
- HOUSE FILE 2175** - Sanitary Districts — Creation and Annexation
- HOUSE FILE 2211** - Liability for Inmate, Prisoner, and Escapee Expenses — State Tort Claims
- HOUSE FILE 2246** - Payment of County Medical Examiners' Fees and Expenses
- HOUSE FILE 2472** - Penalties for Violations of City or County Ordinances and City or County Infractions
- HOUSE FILE 2545** - County Mental Health, Mental Retardation, and Developmental Disabilities Service Funding

### RELATED LEGISLATION

- SENATE FILE 2052** - Private Activity Bonds for Agricultural and Other Purposes — Agricultural Development Authority *SEE APPROPRIATIONS*. This Act decreases the allocation of the state ceiling from 5 percent to 3 percent of amounts reserved to support the issuance of private activity bonds by political subdivisions authorized to issue such bonds, and limits the time such allocation is reserved. The Act also provides that 18 percent of the state ceiling must be allocated to bonds issued by political subdivisions to support qualified industries.
- SENATE FILE 2109** - Mobile Home Dealers *SEE BUSINESS, BANKING & INSURANCE*. This Act amends Code Chapter 322B relating to the licensing of mobile home dealers to provide that licensing provisions also apply to dealers of manufactured homes.
- SENATE FILE 2153** - Information Required in Affidavits of Candidacy for Public Office *SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE*. This Act changes the language of affidavits of candidacy for elective office to refer to restoration of rights after conviction of a felony rather than to a pardon.
- SENATE FILE 2268** - Rural Water Districts — Agreements With Sanitary Districts, Project Financing, and Detachment and Attachment and Attachment of Areas *SEE ENERGY & PUBLIC UTILITIES*. This Act provides that a rural water district may expand its service area by providing for the ownership, maintenance and finance of infrastructure associated with sanitary sewer districts. The Act also provides a procedure for rural water districts to detach an area from one district and attach it to another district.

- SENATE FILE 2277** - Municipal Tort Liability Exceptions for Skateboarding and In-Line Skating  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides certain exceptions to the tort liability of a governmental subdivision in relation to skateboarding and in-line skating.
- SENATE FILE 2331** - Transportation of Prisoners and Sharing Habilitative Services and Treatment Resources for Offenders  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act makes changes relating to various agreements to provide transportation and habilitative and treatment services to inmates of correctional institutions and prisoners in county jails.
- SENATE FILE 2365** - Sales and Use Taxes and Exemptions Associated With Providing Water  
*SEE TAXATION.* This Act provides that a rural water district organized under Code Chapter 504A shall receive a refund of sales or use taxes upon submitting an application to the Department of Revenue and Finance for such refund of taxes imposed upon the gross receipts of all sales of building materials, supplies or equipment used to construct a rural water district. The Act also exempts from the sales and use tax the gross receipts from the sale of electricity to water companies assessed for property tax which is used solely for the purpose of pumping water from a river or well.
- SENATE FILE 2374** - Bail Enforcement Businesses, Private Investigative Agencies and Security Agents  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act regulates bail enforcement businesses and acts by bail enforcement agents, and apprehension of the principal on a bail bond. Among other requirements, the Act requires licensure of bail enforcement businesses within the State of Iowa, and requires such businesses that are based outside of the state to notify local law enforcement prior to apprehending a principal on a bail bond. Persons apprehending a defendant under a bail bond may not act beyond the authority granted to a peace officer under similar circumstances. Persons who act without a valid license, or who undertake certain actions deemed to be "fraudulent practices" under the Act, are subject to criminal penalties. Persons who exceed the applicable standard of care in apprehending a defendant may be civilly liable to persons other than the defendant for injuries caused to such other persons.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes provisions for grant funding to community empowerment areas and many programs and appropriations affecting human services programs administered by counties.
- SENATE FILE 2416** - Utilities — Property Tax Replacement and Statewide Property Tax  
*SEE TAXATION.* This Act generally replaces the current central property tax assessment procedures utilized by the Director of Revenue and Finance in valuing property of entities involved primarily in the production, delivery and transmission of electricity and natural gas within this state, with excise taxes on electricity and natural gas, and a statewide property tax on certain property of such entities. The Act generally takes effect January 1, 1999, and is applicable to property tax assessment years beginning on or after January 1, 1999, and to replacement tax years beginning on or after January 1, 1999. Effective May 14, 1998, the Act creates a task force to study the effects of the replacement tax.
- HOUSE FILE 2164** - Local Community and Economic Development — Community Builder Program and Enterprise Zones  
*SEE ECONOMIC DEVELOPMENT.* This Act requires the Department of Economic Development to encourage cities, counties, local and regional government organizations, and local and regional economic development organizations to develop and implement comprehensive community and economic development plans. The Act also requires the department to award supplementary credit to financial assistance applications submitted by cities, counties, local and regional government organizations, and local and regional economic development organizations that have developed comprehensive community and economic development plans.
- HOUSE FILE 2218** - 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, 1998, and ending September 30, 1999, and for the state fiscal year beginning July 1, 1998, and ending June 30, 1999. The Act includes an appropriation of approximately \$380,000 for local law enforcement programs.

- HOUSE FILE 2262** - Out-of-State Peace Officers  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act provides a procedure for agreements under Code Chapter 28E between the state or a political subdivision of the state and another state, or a political subdivision of the other state, under which out-of-state peace officers may engage in law enforcement activities in Iowa.
- HOUSE FILE 2348** - Department of Human Services Institutions and Services — Miscellaneous Provisions  
*SEE HUMAN SERVICES.* This Act relates to institutions and facilities administered by the Department of Human Services. The Act directs the Iowa Department of Public Health to work with various state agencies and county representatives in reviewing methamphetamine use in the state and the existing and potential options and costs for intervention and treatment.
- HOUSE FILE 2424** - County Issuance of Motor Vehicle Licenses  
*SEE TRANSPORTATION.* This Act expands the system of county issuance of motor vehicle licenses to include up to 42 additional counties. As clusters of counties are authorized to issue licenses, state Department of Transportation (DOT) license issuance teams will be correspondingly reduced. Each county authorized to issue licenses must execute an agreement pursuant to Code Chapter 28E with other counties in its cluster, as well as one with DOT. Provisions are made for opt-out periods, and replacement of counties choosing to opt out of issuance, or for reversion to DOT services in the alternative. Issuance of commercial driver's licenses (CDLs) are separately addressed, and counties must comply with all federal and state CDL standards to retain the right to issue CDLs. The department shall retain supervisory authority. The Act addresses initial and ongoing training. Counties shall retain \$3.75 of the license fee for each license issued. The department shall purchase all equipment used primarily for issuance activities, including any purchase or lease of digitized photolicensing equipment.
- HOUSE FILE 2495** - Elections  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act makes a number of changes relating to the election laws of Iowa relating to local special elections, candidate nominations for city elections, annexation elections, the method selection of trustees for benefited fire districts and emergency medical services districts, and city franchise procedures.
- HOUSE FILE 2496** - Public Retirement Systems and Related Provisions  
*SEE STATE GOVERNMENT.* This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System.
- HOUSE FILE 2502** - Underground Facilities — Statewide Notification Center — Notice of Excavation  
*SEE STATE GOVERNMENT.* This Act provides that the Board of Directors of the Statewide Underground Facility Notification Center, in lieu of establishing a competitive bidding procedure to select a vendor to provide the notification service, may elect to retain necessary and sufficient staff to provide the notification service.
- HOUSE FILE 2513** - Taxation — Miscellaneous Provisions  
*SEE TAXATION.* Division VI of this Act changes the law that grants a mobile home tax credit, additional homestead credit, and reimbursement for rent constituting property taxes paid for certain low-income persons based upon household incomes. Under prior law, the maximum credit and reimbursement was granted to those with household incomes of \$6,000 or less, with no credit or reimbursement granted to those with household incomes of \$14,000 or more. This Division increases these figures to \$8,500 or less and \$16,500 or more, respectively. This Division also adjusts these figures for inflation on an annual basis. This Division applies to claims for credits or reimbursements filed on or after January 1, 1999.
- HOUSE FILE 2558** - Mental Health, Developmental Disability, and Substance Abuse Service, Commitment, and Payment  
*SEE HUMAN SERVICES.* This Act affects various provisions involving mental health, developmental disability and substance abuse treatment. The Act includes provisions for the state to assume payment responsibility for minors committed to a state mental health institute beginning July 1, 1999, revisions to county management plan requirements, and other items affecting counties.

## LOCAL GOVERNMENT

### **SENATE FILE 316 - Law Enforcement Officers' Training and Probationary Periods**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides for time extension for the completion of law enforcement officer training and for the completion of probationary employment periods for deputy sheriffs and police patrol officers. The Act provides that the Law Enforcement Academy Council shall extend the one-year time period in which an officer must be certified for up to an additional 180 days if the officer is enrolled in training within 12 months of initial appointment as a peace officer.

If a deputy sheriff or police patrol officer has completed law enforcement training before initial appointment as a deputy sheriff or police patrol officer, the probationary period shall be for a period up to nine months commencing on the date of initial appointment. Also, if a deputy sheriff or police patrol officer has not completed law enforcement officer training before the date of initial appointment as a deputy sheriff or police patrol officer, the probationary period of up to nine months shall commence on the date of initial appointment and continue for up to nine months after completion of the training.

This Act also provides for a probationary period of up to nine months for a police patrol officer or deputy sheriff who transfers employment from one jurisdiction to another.

### **SENATE FILE 530 - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator**

BY COMMITTEE ON WAYS AND MEANS. This Act establishes an E911 wireless communications surcharge, establishes an E911 administrator in the Department of Public Defense, expands the membership on the E911 Communications Council, and provides appropriations for the E911 administrator and for telecommunicator training.

The Act directs the Administrator of the Division of Emergency Management of the Department of Public Defense to appoint an E911 administrator. The E911 administrator is to administer the E911 chapter under the supervisory control of the division administrator and in consultation with the E911 Communications Council.

The Act provides that the administrator is to establish by rule a monthly surcharge of up to 50 cents to be imposed on each wireless communications service number provided in this state. The administrator may adjust the surcharge amount, subject to the 50-cent limitation, no more than once in any calendar year. The surcharge is to be collected by the wireless communications service provider, which may retain 1 percent of the gross surcharges collected in compensation for the costs of billing and collection. The surcharge is to be remitted by the provider to the administrator quarterly and deposited into a Wireless E911 Emergency Communications Fund for use to fund the functions of the administrator, reimburse wireless carriers for their eligible costs to deliver E911 services, and distribute to joint E911 service boards and the Department of Public Safety for the implementation of enhanced wireless communications capabilities.

The Act expands the membership of the E911 Communications Council to include two persons appointed by the Iowa wireless industry. The Act provides that a member of the council is to be reimbursed for actual and necessary expenses incurred in the performance of the member's duties, if such member is not otherwise reimbursed.

The Act provides for the disposition of initial amounts deposited in the Wireless E911 Emergency Communications Fund for FY 1998-1999 as follows:

- An amount is appropriated not to exceed \$200,000 for the implementation, support and maintenance of the functions of the E911 administrator.
- An amount is to be transferred by the E911 administrator not to exceed \$80,000 for telecommunicator training.

The Act takes effect April 16, 1998.

### **SENATE FILE 2015 - Items Deemed Nuisances**

BY LUNDBY. This Act removes cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in cities from a list of items or conditions that constitute a nuisance.

### **SENATE FILE 2061 - Tax Statements**

BY COMMITTEE ON WAYS AND MEANS. This Act requires representatives of the Iowa State Treasurers Association to recommend to the Legislative Council's Task Force on Iowa's System of State and Local Taxation, a process by which a statewide uniform property tax statement design can be in place and used statewide for tax statements issued beginning with the 1999-2000 fiscal year. House File 726, enacted in 1997, required county treasurers to include specified comparative information on property tax statements.

The Act also allows a county to defer implementation of the property tax statement comparative data requirements for fiscal years 1998-1999 and 1999-2000 by filing an application for deferral with the Department of Management. For FY 1999, the application for deferral must be received within 30 days of the effective date of this Act. For the fiscal year beginning July 1, 1999, the application must be received on or before January 1, 1999. The Act defines "taxing authority" to mean a public body which has the authority to certify a property tax to be levied.

The Act also requires the county treasurer to send, upon request, a property tax statement to financial institutions, contract purchasers and lessees of the property. The Act allows the county treasurer to negotiate and charge a reasonable fee for tax statements or tax statement information requested.

The Act takes effect May 14, 1998.

#### **SENATE FILE 2200 - County Agricultural Extension Councils**

BY ANGELO. This Act permits a county agricultural extension council to collect reasonable fees and to seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes of the council. The Act also permits the council to enter into contracts to provide educational services.

Members of the council serve without compensation, but the Act permits the members to be reimbursed for actual and necessary expenses, including in-state travel at not more than the state rate, incurred in the performance of official duties other than attendance at regular local council meetings. Payment shall be made from moneys available in the county agricultural extension education fund.

#### **SENATE FILE 2254 - Room and Board Charges for Certain Prisoners**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that a sheriff may collect room and board charges from a prisoner serving a sentence of contempt of court for violation of a domestic abuse order. The Act also exempts the sheriff's room and board fees collected as delinquent fees from distribution as other delinquent fines, penalties, court costs, surcharges, and restitution payments are distributed.

#### **SENATE FILE 2284 - Rural Improvement Zones**

BY COMMITTEE ON WAYS AND MEANS. This Act expands the definition of "improvement" for purposes of rural improvement zones to include dredging, installation of erosion control measures, land acquisition, soil conservation practices, and related improvements within or outside of the boundaries of the zone. Prior law limited such items to items located within the zone.

This Act specifies that the trustees of a rural improvement zone shall begin their terms immediately following their election and certification.

Prior law allowed for the issuance of certificates to finance improvements. This Act expands this to allow the board of trustees to enter into contracts or other obligations for purposes of financing improvements.

#### **SENATE FILE 2367 - Counties — Issuance of Marriage Licenses, Birth Registration Fees**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act strikes the county registration fee of \$4 for a birth registration. Currently, births are also registered with the state at a fee of \$10. The county recorder or registrar collects that fee for deposit in the General Fund of the State.

The Act also permits the county recorder to issue a marriage license upon receipt of a verified application, but the license will not be valid until after the expiration of three days from the date of issuance of the license.

#### **SENATE FILE 2368 - Public Utility Facilities in Local Government Rights-of-Way and Telecommunications Franchises in Cities**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to a city's authority to grant a franchise to erect, maintain and operate plants and systems for telephone service, and establishes provisions relating to the management of public rights-of-way.

The Act creates a new Code Chapter 480A, which defines a local government's right to charge public utilities for the location and operation of public utilities in the local government's rights-of-way.

The Act also eliminates the authority of a city to grant a franchise to erect, maintain and operate a telephone plant and system. The Act provides that a local government may not recover a fee from a public utility for use of a right-of-way other than a fee for management costs caused by the public utility's activity in the right-of-way. Costs which cannot be attributed to a single public utility are to be allocated among all users of the right-of-way, including the local government itself. The Act provides that the

new Code chapter does not modify or supersede the rights and obligations of a local government and the public utility established under the terms of a franchise granted by the local government. The Act prohibits a city that collects a city franchise fee from an entity from also collecting a fee for use of the city's right-of-way.

The Act provides that a public utility which is assessed management costs by a local government is entitled to recover those costs.

The Act applies retroactively to January 1, 1998, and supersedes the provisions of any ordinances contrary to the Act.

**SENATE FILE 2372 - Sheriff Uniforms**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act adds shirts to the clothing items included as part of the standard uniform of a sheriff or deputy sheriff.

The Act also makes inapplicable Code Section 25B.2, subsection 3, which would relieve a county from complying with the state mandate in this Act if funding for the cost of the state mandate is not provided or specified. Therefore, counties must comply with this state mandate without compensation.

**SENATE FILE 2400 - Powers and Duties of County Treasurers**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes a number of changes to the powers and duties of county treasurers.

Code Section 161A.35 is amended to provide that installment payments for improvements to property for purposes of watershed protection and flood prevention shall become due and payable at the September semiannual pay date and the agreement to pay in installments shall be filed with the county treasurer rather than with the county auditor.

Code Section 176A.14 is amended to eliminate the requirement that the county treasurer's approval be endorsed on the bond filed by the treasurer of an agricultural extension council. Code Section 331.502 is amended to correspond to this change.

Code Section 309.55 is amended to change the time period after which interest ceases to accrue on anticipatory certificates issued in anticipation of revenues collected for deposit in the county secondary road fund. The time period is changed from 30 days to 10 days.

Code Section 311.17 is amended to make the secondary road assessment payment procedure consistent with payment of other special assessments. Code Section 311.17 is also amended to increase from \$10 to \$100 the amount owed by the taxpayer before the amount may be paid in installments. Code Sections 311.19 and 384.60 are amended to provide that special assessments of \$100 or less may not be paid in installments.

Code Sections 311.18, 317.21, 384.60, and 384.65 are amended to provide that special assessments and special taxes collected by the county are considered delinquent if not received by the county on the last day due, including in those instances when the last day due is a Saturday or a Sunday.

Code Section 321.44A is amended to give the county treasurer the option of retaining for deposit in the county general fund up to 5 percent of the voluntary contribution made to the state's Anatomical Gift Public Awareness and Transplantation Fund.

Code Sections 335.30A and 414.28A, relating to county and city zoning of land-leased communities, are amended to remove modular homes from the definition of "land-leased community" and to provide that manufactured homes in land-leased communities shall be taxed on a square footage basis. Amendments to these Code sections apply retroactively to the assessment year beginning January 1, 1998, and to all subsequent assessment years.

Code Section 384.47 is amended to require that the parcel number be identified on a special assessment payment schedule for a public improvement.

Code Section 384.84 is amended to define "premises," for purposes of delinquent utility liens, to include mobile homes, modular homes and manufactured homes taxed as real estate.

Code Sections 435.1, 435.22, 435.26, 435.27, 435.29, and 435.35 are amended to remove modular home from the type of housing which, for property tax purposes, is taxed on a square footage basis if located in a mobile home park. Modular housing located inside and outside a mobile home park shall be taxed as real estate. New Code Section 435.34 is created to exempt modular homes from the square footage property tax. However, modular homes placed in a mobile home park in existence on or before January 1, 1998, will continue to be taxed by square footage. Amendments to these Code sections apply retroactively to the assessment year beginning January 1, 1998, and to all subsequent assessment years.



Code Section 435.26 is amended to require the assessor, when entering a mobile home, modular home or manufactured home taxed as real estate on the tax rolls, to also enter on the tax rolls the prior title number of the home, if it is being converted to real estate, and the manufacturer's identification number.

Code Section 445.36 is amended to refer to the total amount of property taxes due rather than the tax and interest due, making the provision consistent with other statutory references to delinquent property tax amounts.

Code Sections 446.2, 446.9 and 446.20 are amended to provide that failure to receive a notice pertaining to a tax sale is not a defense to failure to pay the total amount due. The amendment to Code Section 446.9 also applies to statements of delinquent taxes mailed by the county treasurer with the notice of tax sale.

Code Section 447.9 is amended to provide that notice of expiration of right of redemption must be served by both regular mail and certified mail to the taxpayer. The law had required personal service. The notice is deemed completed when the certified mail notice is deposited in the mail and postmarked for delivery. By internal reference, this also changes the type of service required in Code Section 446.20 when a county serves notice of liability for costs incurred by the county in removing, dismantling or demolishing property purchased by the county at tax sale.

New Code Sections 648.6 and 648.22A are enacted to allow a mobile home park tenant, against whom a judgment has been entered, to delay vacating the premises for up to 30 days after entry of the judgment if the landlord of the mobile home park consents to delayed vacation and if all utilities to the mobile home are disconnected within three days of the entry of judgment.

**SENATE FILE 2405 - Joint County, City, School District Buildings — VETOED BY THE GOVERNOR**

**BY COMMITTEE ON STATE GOVERNMENT.** This bill would have created within Code Chapter 28E a new section providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city or school district. The bill provided that two or more counties, cities or school districts, each containing areas within their boundaries that overlap areas within the boundaries of the others, or which are contiguous with each other, could execute an agreement for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use within their overlapping or contiguous areas. Noncontiguous cities located within the same county, or contiguous counties, could also execute such an agreement. The agreement would have to be approved by resolution of the governing bodies of each of the participating counties, cities or school districts and would specify the purposes for which the building or improvement would be used, the estimated cost thereof, the estimated amount of the cost to be allocated to each of the participating counties, cities or school districts, the proportion and method of allocating the expenses of the operation and maintenance of the building or improvement, and the disposition to be made of any resulting revenues.

The bill provided that a county, city or school district could appropriate funds or issue general obligation bonds for the payment of its share of the cost of constructing, acquiring, furnishing, operating, or maintaining a joint public building, either on a joint or an individual basis, and that bonds could not be issued by a county, city or school district until provision was made by each of the other participating counties, cities or school districts to the agreement for the payment of their shares of the cost of the joint public building. A vote in favor of authorization of bonds cast by at least 60 percent of the electors voting on the question of a bond issue would be necessary for approval of the bond issue. In the event that the cost of the construction or acquisition, furnishing, operation, and maintenance of the public building exceeded original estimates, the bill authorized a county, city or school district to appropriate additional moneys or issue additional bonds to pay their portion of the increased costs.

The bill additionally authorized a county, city or school district, with the consent of the governing bodies of the other counties, cities or school districts which are parties to the agreement, to improve, add to or equip any such building for its own purposes to the same extent and in the same manner as if the building were wholly owned by and devoted to the uses of the county, city or school district.

**SENATE FILE 2406 - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards**

**BY COMMITTEE ON APPROPRIATIONS.**

*OVERVIEW.* This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act establishes a School Ready Children Grant Program for collaborative planning for, and funding of, early childhood programs. The Act includes numerous transition provisions in order to expedite implementation.

**IOWA EMPOWERMENT BOARD.** The Iowa Empowerment Board (Iowa Board) is created to oversee state and community efforts involving community empowerment areas. The board is to have 11 voting members, including citizens and the directors of the departments of Education, Human Services, and Public Health. In addition, three members each of the Iowa Senate and House of Representatives are to serve as ex officio, nonvoting members. The Iowa Board is to designate state agency teams to provide technical assistance and other support to community empowerment areas. In addition, an advisory council may be designated consisting of community empowerment area board members.

The initial Iowa Board is to be appointed by the Governor by December 1, 1998. Until that date, a transition board consisting of the citizen members of the Innovation Zone Board and the designated department directors and legislators are to fulfill the responsibilities of the Iowa Board. Innovation zones were authorized in 1996 legislation on a project basis to further community-level collaboration of public and private service providers. A state-level Innovation Zone Board was created to oversee the community-level projects. The Act repeals this state-level board and requires the Iowa Empowerment Board to integrate Innovation Zone Board duties.

The Iowa Board is authorized to adopt administrative rules and take other actions to improve state coordination of services and to assist community empowerment areas and the associated community boards. Duties include the development of performance indicators for community empowerment boards and areas and of minimum standards to further the provision of equal access to services.

**COMMUNITY EMPOWERMENT AREAS AND BOARDS.** The stated purpose of a community empowerment area is to enable local citizens to lead collaborative efforts involving education, health and human services programs on behalf of the children, families and other citizens residing in the area. An area is to be designated using existing school district and county boundaries to the extent possible. Designation of an area is subject to the approval of the Iowa Board. Criteria used for approval include the existence of a large enough geographic area and population to administer efficiently and effectively the area.

The Act provides for the establishment of community empowerment area boards for each community empowerment area. The Act requires that the majority of the members of a community board are to be citizens and elected officials and the remainder may be employees of, or individuals paid for, representing various public and private agencies, associations and organizations. Any initial board, which does not comply with this membership requirement, must comply by June 30, 1999.

The Act provides additional provisions for transition from existing entities to the new areas and boards. The Act includes transition provisions in the event an initial empowerment area consists of the area of an innovation zone, one or more school districts, or a decategorization project. Under these circumstances, in addition to existing board members of those jurisdictions, the empowerment area board is to include representatives of school districts, county boards of supervisors, cities, juvenile court services, public health and human services administrators, and parents of children living in the area. For areas that do not encompass innovation zones or decategorization projects, the chairperson of the county board of supervisors may work with the local school district or districts to designate an area and board.

The community board must designate a public agency to be the fiscal agent for the board and to administer school ready children and community empowerment grant moneys. A community board may designate committees to oversee grant moneys awarded to the empowerment area, function as a coordinating body for services offered by others in the area that are directed to similar purposes, and develop neighborhood bodies for community-level input and service implementation.

**SCHOOL READY CHILDREN GRANTS.** The Act includes comprehensive provisions for a School Ready Children Grant Program to be jointly developed and promoted by the departments of Education, Human Services, and Public Health. The departments are to identify core indicators of performance and a process for determining the readiness of an area to administer a grant. In addition, the departments are to provide for technical assistance. The provisions identified by the departments are subject to approval by the Iowa Board.

The Act requires that, at a minimum, a School Ready Children Grant is to provide for all of the following:

- Preschool services to children deemed at risk of not succeeding in elementary school.
- Parent support and education programs.
- A comprehensive plan for providing services for children from birth through age five years. Services are to include child development, child day care, training child day providers to encourage early intellectual stimulation of very young children, health and safety, and identification of chemically exposed infants and children.
- The comprehensive plan is to describe community needs for children from birth through age five, describe current and desired levels of community coordination of services for this age group, identify all available public and private funding, describe how funding sources will be used collaboratively, and identify the results the community board expects to achieve through the grant program.

Grantees must submit an annual report on the effectiveness of the grant programs. Grants are to be for a three-year period, subject to program evaluations and funding availability. Moneys are to be granted based upon the Iowa Board's determination of a community board's degree of readiness to effectively utilize the moneys. The criteria used to determine readiness include evidence of successful collaboration, program design, local funding commitment, and adequacy of plans for obtaining local funding.

There are two dates for community empowerment area boards to submit initial School Ready Children Grant plans. The first date is September 1, 1998. The second date of January 1, 1999, was amended to be December 1, 1998, in H.F. 2395 (see Appropriations).

**FUNDING.** The Act creates an Iowa Empowerment Fund. The School Ready Children Grant moneys are to be credited to an account in the fund under the authority of the Director of the Department of Education. A \$5.2 million appropriation for these grants in FY 1998-1999 is made in the education reform legislation, S.F. 2366 (see Appropriations).

The Act also creates an Early Childhood Programs Grants Account in the Iowa Empowerment Fund. An annual appropriation of \$3.8 million for the four-year period beginning FY 1998-1999 is made to the Department of Human Services from the Federal Temporary Assistance for Needy Families Block Grant. Eligibility for this funding requires eligibility for a School Ready Children Grant. Other criteria are provided in the appropriation in S.F. 2410 (see Appropriations).

**HEALTHY FAMILIES PROGRAM.** The Act amends prior law involving the Healthy Families Program, which provides services to families upon the birth of a child. Requests by local communities for the redesigning of services were previously subject to joint approval of the departments of Public Health, Human Services, and Education. The Act provides for this approval to be granted by the Iowa Empowerment Board in consultation with the three departments.

**CHILD WELFARE DECATEGORIZATION.** Decategorization projects exist in almost all Iowa counties to collaboratively administer primarily Department of Human Services' funding for child welfare and juvenile justice. The Act includes several provisions for coordination with these projects and the Iowa empowerment initiative. Annual reports are to be submitted to the Iowa Empowerment Board. An initial community empowerment area board may be a decategorization governance board. By mutual agreement, a community empowerment area board may assume the duties of a decategorization governance board or the decategorization governance board may continue as a committee of the empowerment area board.

**COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.** The Council on Children, Youth, and Families, in the Department of Human Services, is repealed by the Act.

The Act takes effect May 20, 1998.

#### **HOUSE FILE 8 - State Mandates — VETOED BY THE GOVERNOR**

**BY VANDE HOEF AND HOUSER.** This bill would have provided that, commencing July 1, 1998, if a new state mandate is imposed on local governments which requires the performance of a new activity, to expand an activity beyond what was required before July 1, 1998, or to provide a new or expanded service, the state mandate must be funded. If the state mandate is not fully funded, the bill would release affected political subdivisions from any requirement to comply or implement the state mandate and the political subdivisions would not be subject to any liabilities, fines or penalties for failure to comply. However, the bill provided that the requirement that state mandates must be funded would not apply to any requirement imposed on a political subdivision relating to public retirement systems pursuant to Code Chapters 97B, 410 and 411, or to the enforcement of Code Chapter 321J (Operating While Intoxicated) or the Iowa Criminal Code pursuant to Code Chapters 701 to 728.

A state mandate means a statutory requirement which necessitates the additional combined annual expenditures by all affected subdivisions of at least \$100,000 annually or additional combined expenditures of local revenue by all affected political subdivisions within five years of enactment of \$500,000 or more.

#### **HOUSE FILE 2049 - County Contracts for Public Improvements and Redemption of Parcels at Property Tax Sales**

**BY HUSER AND CARROLL.** This Act allows a county to redeem on behalf of a delinquent taxpayer a parcel sold at tax sale, if the taxpayer shows that the taxpayer is unable to contribute to the public revenue, in the same manner that a county may suspend the taxes due of a person otherwise deemed unable to contribute to the public revenue. The Act provides that, with the exception of the 2 percent interest paid by the county to the certificate holder, the amount paid by the county to redeem shall be charged against and deducted from the next month's disbursement of funds made by the county to each tax-levying or tax-certifying body having any interest in the taxes. A county may limit the number of times a taxpayer may petition for this type of assistance. This portion of the Act applies to tax sales held before, on or after July 1, 1998.

The Act also increases the contract price for a public improvement that requires a contractor's bond from \$5,000 to \$15,000.

**HOUSE FILE 2175 - Sanitary Districts — Creation and Annexation**

BY GREIG. This Act establishes procedures for the annexation of territory to a sanitary district in a county which has more than 7,500 acres of natural lakes. The procedures are similar to the procedures used to create a new sanitary district, including a petition of property owners to the board of supervisors, a public hearing on the petition after notice, and a favorable vote of the registered voters of the district and the territory to be annexed.

**HOUSE FILE 2211 - Liability for Inmate, Prisoner, and Escapee Expenses — State Tort Claims**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act specifies state liability for and payment of certain costs and expenses relating to the supervision and care of inmates, prisoners and escapees from state custody. The Act provides that persons who are supervising inmates or prisoners pursuant to a Chapter 28E agreement are considered state employees and the state will defend and indemnify the employees against tort claims and demands while the employees are acting in the scope of employment.

The Act also provides that a county is not liable for medical treatment for injuries incurred by a person before the person is transferred to the custody of the county sheriff. Costs resulting from injuries occurring before a person is transferred to the custody of the sheriff or expenses incurred by an escapee from a state correctional institution are payable from the General Fund of the State.

**HOUSE FILE 2246 - Payment of County Medical Examiners' Fees and Expenses**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act establishes a procedure for the collection of fees and expenses incurred by a county medical examiner when a preliminary examination and related services are performed for a decedent who was not a resident of the county. The county appointing the county medical examiner initially pays for the fees and expenses and the county of appointment is to be reimbursed by the county of the decedent's residence.

**HOUSE FILE 2472 - Penalties for Violations of City or County Ordinances and City or County Infractions**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act increases the limit on a civil penalty for violation of a city or county ordinance or a city or county infraction from \$100 to \$500, and the limit on a penalty for a repeat offense from \$200 to \$750.

**HOUSE FILE 2545 - County Mental Health, Mental Retardation, and Developmental Disabilities Service Funding**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to county mental health, mental retardation and developmental disabilities (MH/MR/DD) service funding and allocates the FY 1999-2000 appropriation made for expenditure growth in these services. The Act is divided into three divisions, based on the effective date of the provisions in each division.

Division I relates to transfers between county funds by amending Code Section 331.432 to prohibit transfers between the county MH/MR/DD services fund and any other county fund. This Division takes effect April 27, 1998.

Division II relates to FY 1999-2000 service funding provisions by allocating, from moneys appropriated to the Department of Human Services, \$18,126,362 for MH/MR/DD allowed growth to counties and establishing funding pools within the Property Tax Relief Fund. The majority of this Division takes effect July 1, 1998, for planning purposes in order for moneys to be distributed in FY 1999-2000.

Code Section 331.438, relating to MH/MR/DD expenditures and definitions, is amended by defining "per capita expenditure" used for calculating a county's per capita MH/MR/DD services expenditures for each person in the county's general population. This definition is used as part of the calculation for distribution of the per capita expenditure target pool created in the Act.

Code Section 331.438 is also amended to change a factor for distribution of allowed growth moneys. Under the law amended by this Act, the moneys are divided 50 percent based upon a county's proportion of the state's general population and 50 percent based upon the proportion of total previous expenditures and property tax relief payments. The Act changes the proportion of these factors to 75 percent and 25 percent, respectively, for FY 1999-2000. Division III further amends this distribution formula.

New Code Section 426B.5 creates three pools within the Property Tax Relief Fund: a per capita expenditure target pool, an incentive and efficiency pool, and a risk pool. Under existing law, any moneys appropriated to the Property Tax Relief Fund that are unexpended at the close of a fiscal year remain in the fund.

The statewide per capita expenditure target is established as the 75th percentile of all county per capita expenditures for MH/MR/DD services in FY 1997-1998. Counties with a per capita expenditure below this target amount that levy the maximum amount allowed for MH/MR/DD services are eligible to receive payments from the pool. The payment amount is determined based upon a county's proportion of the general population of the counties eligible to receive the payment. Payments are to be issued in January.

The incentive and efficiency pool is created for payments to counties achieving desired results and efficiently providing services. The State-County Management Committee is to propose desired results and objective performance measures for the results. These are to be adopted in rule by the Mental Health and Mental Retardation Commission. The results and measures are to be implemented in a manner that compares a county's progress to the county's own prior history for purposes of making pool payments. The maximum amount is based upon a county's proportion of the state's general population. The maximum amount is adjusted based upon a county's performance score. Payments are to be issued in January. Unexpended monies are carried forward to the next fiscal year.

A risk pool and nine-member Risk Pool Board are created. The board consists of county supervisors, auditors and central point of coordination administrators selected by the Governor and confirmed by the Senate. An additional member is to be selected by the Director of Human Services. Applications for risk pool assistance must be submitted by April 1. Eligibility is based upon calculations of the funding available in the county's services fund. A county receiving assistance in a fiscal year in which the county did not levy the maximum allowed must repay the risk pool in the succeeding fiscal year. The repayment amount is limited to the amount by which the actual amount levied was less than the maximum amount allowed. Application provisions and other requirements for the pool are to be determined by the board. The board may accept or reject an application for assistance in whole or in part. In addition, a county may apply to the board for preapproval for assistance. If the amount of assistance for which there is eligibility exceeds the amount available for distribution, the assistance payments are to be prorated.

Division II requirements for development of the initial incentive and efficiency pool provisions take effect April 27, 1998, and are to be developed by July 1, 1998, so that counties can collect initial information during FY 1998-1999. Emergency rulemaking authority is granted to the MH/DD Commission for this purpose. Otherwise, for purposes of budget preparation and levy certification, this Division applies to FY 1999-2000.

Division III amends the allowed growth payment distribution formula applicable to FY 2000-2001 and subsequent fiscal years. Beginning with FY 2000-2001, the entire distribution is to be made based upon a county's proportion of the general population. This Division takes effect July 1, 2000, and applies to county budgets prepared and levies certified for the fiscal year beginning July 1, 2000.

**NATURAL RESOURCES AND OUTDOOR RECREATION**

- SENATE FILE 187** - Fishing and Hunting — Licenses and Fees  
**SENATE FILE 347** - Disposition of Seized Public Nuisances  
**SENATE FILE 2294** - Payment of Snowmobile and All-Terrain Vehicle Fees  
**HOUSE FILE 2290** - Deer Hunting and Deer Population Control

**RELATED LEGISLATION**

- SENATE FILE 2015** - Items Deemed Nuisances  
*SEE LOCAL GOVERNMENT.* This Act removes cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in cities from a list of items or conditions that constitute a nuisance.
- SENATE FILE 2277** - Municipal Tort Liability Exceptions for Skateboarding and In-Line Skating  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides certain exceptions to the tort liability of a governmental subdivision in relation to skateboarding and in-line skating.
- SENATE FILE 2295** - 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.
- SENATE FILE 2381** - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations to and from the Rebuild Iowa Infrastructure Fund. The Act also establishes the Blufflands Protection Program and Revolving Fund and a Recreational Grant Matching Program.
- HOUSE FILE 2317** - Drainage District Improvements in Protected Wetlands  
*SEE AGRICULTURE.* This Act provides that restrictions on the use of drainage improvements to land designated as a wetland do not apply to a person maintaining, repairing or replacing an improvement to a drainage district as long as the improvement continues to serve the drainage district and the functions of the improvement are not expanded beyond the scope of functions as designed prior to the maintenance, repair or replacement.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
*SEE APPROPRIATIONS.* This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act includes additional time for expenditure of an existing FY 1997-1998 appropriation of marine fuel tax moneys for capital projects.
- H.J.R. 2004** - Highest Elevation in State  
*SEE STATE GOVERNMENT.* This Joint Resolution designates a site located in Osceola County as the official highest elevation in the state of Iowa and provides that the site will be designated and referred to as Hawkeye Point.

## NATURAL RESOURCES AND OUTDOOR RECREATION

### **SENATE FILE 187 - Fishing and Hunting — Licenses and Fees**

BY COMMITTEE ON NATURAL RESOURCES, ENVIRONMENT AND ENERGY. This Act provides for the issuance of licenses and collection of fees for hunting, fishing, fur harvesting, and related wildlife and game activities by the use of electronic means.

The fees for certain licenses currently issued by the Department of Natural Resources are increased by 50 cents to provide a writing fee for county recorders and license depositories. A new lifetime fishing license and a lifetime hunting license for residents who are 65 years of age or older are added for a one-time fee of \$50.50 each. A general hunting license for nonresidents under 18 years of age is added for an annual fee of \$25.50. The Act raises the fee for a nonresident deer hunting license from \$110 to \$150.50, a nonresident wild turkey license from \$55.00 to \$75.50, and a nonresident fur harvester license from \$175.50 to \$180.50.

The Act also eliminates the combined hunting and fishing license for residents and the combined hunting, fishing and fur harvesting license for residents. A resident archer shall be issued two wild turkey licenses for the spring season upon payment of the required fees. The Act also increases the number of nonresident deer hunting licenses authorized each year to 6,000. (This authorization for 6,000 licenses is increased to 7,500 in H.F. 2290.)

The Act provides that the Natural Resource Commission shall determine how licenses will be issued by the department, the county recorder and the license depositories. The department shall designate the license depositories. The writing fee is increased to 50 cents for a regular license sale, \$1.00 for issuance of a free license, and \$2.00 for issuance of a duplicate license.

Except for possession and exhibition of deer licenses and tags and wild turkey licenses and tags, a person who is charged with failure to possess and exhibit a license, certificate or permit to a peace officer shall not be convicted if the person produces in court a license, permit or certificate that was valid when the person was charged with the violation.

The Act authorizes the department to sell lists of licensees if the cost does not exceed the cost of preparation and duplication of the lists.

A free deer hunting license issued to a landowner, tenant or member of their respective families is valid during all shotgun deer seasons.

The Act takes effect December 15, 1998, for licenses issued for calendar year 1999.

### **SENATE FILE 347 - Disposition of Seized Public Nuisances**

BY ANGELO. This Act provides that a device or material used to violate Code Chapter 481A, 481B, 482, 484A, or 484B (chapters relating to wildlife conservation, endangered plants and wildlife, commercial fishing, migratory waterfowl, and hunting preserves), or rules of the Natural Resource Commission, is a public nuisance and subject to seizure by the Department of Natural Resources or any peace officer. The Act also establishes procedures for disposing of the seized property or returning it to persons who claim the seized property. Procedures are also provided to appeal the court's judgment on the disposal of the seized property.

### **SENATE FILE 2294 - Payment of Snowmobile and All-Terrain Vehicle Fees**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act provides that a snowmobile and all-terrain vehicle dealer shall pay all title fees, if applicable, on behalf of a purchaser of a snowmobile or all-terrain vehicle. Under prior law, the dealer was required to pay only the registration fees on behalf of the purchaser.

### **HOUSE FILE 2290 - Deer Hunting and Deer Population Control**

BY ARNOLD. This Act increases the civil penalty for illegally taking antlered deer, authorizes the use of artificial light to take deer in urban areas pursuant to an approved special deer population control plan, provides for the issuance of depredation permits to certain landowners, increases the number of nonresident deer hunting licenses, and provides for issuance of additional licenses for antlerless deer.

The civil penalty for taking of an antlered deer during September, October, November, or December before the regular gun season is increased to \$2,000 plus 80 hours of community service or a total of \$4,000 without community service.

The Department of Natural Resources shall issue a depredation permit to any landowner who incurs crop or nursery damage of \$1,000 or more from wild animals and a producer shall not be required to erect or maintain a fence at a cost exceeding \$1,000 as a requisite for receiving a depredation permit.

The maximum limit for nonresident deer licenses is increased from 5,000 to 7,500 annually. Of the first 6,000 nonresident licenses, not more than 35 percent of the licenses shall be bow season licenses and, after the first 6,000 nonresident licenses have been issued, all additional licenses shall be issued for antlerless deer only.

The Natural Resource Commission is also authorized to issue an additional antlerless deer license to a person who has been issued an antlerless deer license. The fee for the second license is \$10 for residents. This provision takes effect May 19, 1998.



## STATE GOVERNMENT

- SENATE FILE 518 - Department of General Services Practices and Other State Government Administration
- SENATE FILE 2029 - Board of Podiatry Examiners
- SENATE FILE 2037 - Iowa State Fair Convention and Board
- SENATE FILE 2075 - Dental Hygiene Committee
- SENATE FILE 2136 - Substantive Code Corrections
- SENATE FILE 2182 - State Fire Marshal
- SENATE FILE 2183 - State Records Management
- SENATE FILE 2185 - State Purchase of Biodegradable Hydraulic Fluids
- SENATE FILE 2267 - Department of Transportation Records — Release to Governmental Employees
- SENATE FILE 2269 - Regulation of Massage Therapists and Athletic Trainers
- SENATE FILE 2308 - Eligible Alternative Retirement Benefit Systems for Community College Employees
- SENATE FILE 2310 - Professional Engineers — Requirements for Licensure
- SENATE FILE 2319 - Land Surveyors — Definition of Practice
- SENATE FILE 2321 - Confidentiality of Records and Reports of Labor Commissioner
- SENATE FILE 2350 - State Employee Deferred Compensation Trust Fund
- SENATE FILE 2356 - Telecommunications and Electric Cabling Revolving Fund and Art Restoration and Preservation Revolving Fund
- SENATE FILE 2383 - Amusement Ride Rider Safety
- S.J.R. 2004 - Proposed Constitutional Amendments — State Expenditures and Taxes
- HOUSE FILE 667 - Administrative Procedure Act and Division of Administrative Hearings
- HOUSE FILE 2146 - State Flag Day
- HOUSE FILE 2162 - Nonsubstantive Code Corrections
- HOUSE FILE 2166 - Food Establishments and Food Processing Plants
- HOUSE FILE 2476 - Iowa Communications Network Connection
- HOUSE FILE 2496 - Public Retirement Systems and Related Provisions
- HOUSE FILE 2502 - Underground Facilities — Statewide Notification Center — Notice of Excavation
- HOUSE FILE 2516 - Marital and Family Therapy and Mental Health Counseling — Licensure — Board of Behavioral Science Examiners
- HOUSE FILE 2560 - Aircraft Registration Fees and Sales Tax Exemptions
- H.J.R. 2003 - State Public Defender — Fort Dodge Office
- H.J.R. 2004 - Highest Elevation in State

## RELATED LEGISLATION

- SENATE FILE 187 - Fishing and Hunting — Licenses and Fees  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides for the issuance of licenses and collection of fees for hunting, fishing, fur harvesting, and related wildlife and game activities by the use of electronic means.
- SENATE FILE 2090 - Compensation for Indigent Defense  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act provides that, effective March 31, 1998, claims for costs and expenses in postconviction actions relating to forfeiture of reductions in sentence based on good conduct time earned by an inmate against the sentence are to be forwarded to the State Public Defender for payment from the Indigent Defense Fund, and provides that

claims paid by counties before the effective date of the Act for which the county has not received full reimbursement from the Executive Council may be submitted to the State Appeal Board for reimbursement of the difference.

- SENATE FILE 2174** - Agricultural Code Provisions Update  
**SEE AGRICULTURE.** This Act amends a number of provisions relating to agriculture and the Department of Agriculture and Land Stewardship in order to reflect current practice. The Act also transfers various Code provisions to other locations in the Code in order to enhance the Code's readability.
- SENATE FILE 2186** - Validity and Enforceability of Veterans Advance Directive Documents  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act provides that an advance directive declaration or similar document executed by a veteran of the armed forces, which complies with the federal Department of Veterans Affairs requirements for advance directives, is deemed valid and enforceable in Iowa under the Life-Sustaining Procedures Act and the Durable Power of Attorney for Health Care Code chapter.
- SENATE FILE 2285** - Anatomical Gifts — Hospital Reimbursement Grants — Annual Donation and Compliance Report  
**SEE HUMAN SERVICES.** This Act contains provisions included in the November 17, 1997, recommendation of the Anatomical Gift Referral Study Committee. The Act provides that the Iowa Department of Public Health, in conjunction with the Iowa Statewide Organ Procurement Organization, shall prepare and submit a report to the General Assembly on or before January 1 each year regarding organ donation rates and voluntary compliance efforts by physicians, hospitals and other health systems organizations. The Act also provides for a change in the threshold protocol compliance rate for hospitals to qualify for Anatomical Gift Public Awareness and Transplantation Fund reimbursement grants.
- SENATE FILE 2351** - Time for Review of Public Utility Reorganization  
**SEE BUSINESS, BANKING & INSURANCE.** This Act provides that the Utilities Board, for good cause shown, may extend the deadline for acting on an application for the reorganization of a public utility for an additional period not to exceed 90 days.
- SENATE FILE 2406** - Iowa Empowerment Board, Community Empowerment Areas, and Community Empowerment Area Boards  
**SEE LOCAL GOVERNMENT.** This Act creates the Iowa Empowerment Board and authorizes local communities to create community empowerment areas and community empowerment area boards. The stated purpose of the Act is to create a partnership between communities and state government by gradually implementing a statewide system of community empowerment areas. An important initial emphasis is to improve the well-being of families with young children. An additional emphasis is to reduce duplicative requirements that are barriers to community efforts to improve the efficiency and effectiveness of local education, health and human services programs. The Act provides for many state government activities to support community empowerment area efforts.
- SENATE FILE 2410** - Human Services Appropriations and Related Provisions  
**SEE APPROPRIATIONS.** This Act makes appropriations to the Department of Human Services and includes numerous provisions involving health and health-related services, including the Medical Assistance (Medicaid) Program, mental health and developmental disabilities services, prevention of disabilities, and substance abuse services.
- SENATE FILE 2418** - Appropriations — State Government Technology and Operations  
**SEE APPROPRIATIONS.** This Act provides for monthly reports from the executive branch agencies and departments, the Board of Regents, the Judicial Department, the Legislative Computer Support Bureau, and each office of a statewide elected official other than the Governor, regarding the implementation of century date change programming. This provision takes effect May 21, 1998.
- The Act also establishes the lowAccess System for the purpose of allowing electronic access to public records.
- S.J.R. 9** - Proposed Constitutional Amendment — Qualifications of Electors  
**SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.** This Joint Resolution proposes an amendment to the Constitution of the State of Iowa providing that conviction of any felony, rather than of

any infamous crime, disqualifies the convicted offender from voting or holding certain elective offices. The Joint Resolution also removes the words "idiot" and "insane" from the constitutional provision and substitutes "mentally competent." The Joint Resolution will be referred to the next General Assembly before being submitted to the electorate for ratification.

- HOUSE FILE 2135** - Mid-America Port Commission Agreement  
**SEE ECONOMIC DEVELOPMENT.** This Act provides that the Mid-America Port Commission Agreement is entered into and enacted into law with the State of Illinois and the State of Missouri if those states join the agreement in substantially the same form. The agreement provides that the Mid-America Port Commission shall be governed by a nine-member port commission and provides a list of certain powers and duties the port commission shall have related to the operation of the port commission. The Act provides that the Iowa counties of Lee, Henry and Des Moines shall be included in the jurisdiction of the agreement.
- HOUSE FILE 2153** - State Tax Status of Certain Public Retirement System Contributions  
**SEE TAXATION.** This Act provides that employee contributions to certain public retirement systems in this state shall not be considered part of the employee's income for state income taxation purposes.
- HOUSE FILE 2271** - Obsolete and Unnecessary Code Provisions Corrections  
**SEE APPROPRIATIONS.** This Act includes sections of the Iowa Code and Session Laws which state agencies, funded through the Joint Appropriations Subcommittee on Administration and Regulation, found to contain requirements for unneeded reports, unfunded requirements or obsolete provisions.
- HOUSE FILE 2275** - Health Care Facility Inspection Records and Health Care Provider Record Checks  
**SEE HEALTH & SAFETY.** This Act directs the Department of Inspections and Appeals to establish a report card system for the recording of the results of inspections of health care facilities. The Act makes the requirements of child, dependent adult and criminal record checks that are currently applicable to prospective employees of health care facilities applicable to the prospective employees of various home care providers, hospices, and recipients of federal home and community-based services waivers if the providers are regulated by the state or receive state or federal funding. The Act is further amended by H.F. 2395 (see Appropriations) to apply to prospective employees of assisted living facilities and elder group homes.
- HOUSE FILE 2281** - Mandatory Recording of Certain Real Estate Contracts  
**SEE CIVIL LAW, PROCEDURE & CORRECTIONS.** This Act requires that installment contracts for the sale of residential real estate be recorded with the county recorder by the seller within 180 days of the signing of the contract in order to avoid a monetary penalty.
- HOUSE FILE 2340** - Volunteer Health Care Provider Program — Inclusion of Dental and Certain Medical Services  
**SEE HEALTH & SAFETY.** This Act includes dentists in the definition of "health care provider" for purposes of eligibility under the Volunteer Health Care Provider Program. The Act also provides that medical services to be provided under the program include obstetrical and gynecological medical services.
- HOUSE FILE 2348** - Department of Human Services Institutions and Services — Miscellaneous Provisions  
**SEE HUMAN SERVICES.** This Act relates to institutions and facilities administered by the Department of Human Services.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
**SEE APPROPRIATIONS.** This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act makes additional appropriations and amends previous appropriations for capital projects.
- HOUSE FILE 2424** - County Issuance of Motor Vehicle Licenses  
**SEE TRANSPORTATION.** This Act expands the system of county issuance of motor vehicle licenses to include up to 42 additional counties. As clusters of counties are authorized to issue licenses, state Department of Transportation (DOT) license issuance teams will be correspondingly reduced. Each county authorized to issue licenses must execute an agreement with other counties in

its cluster, as well as one with DOT. Provisions are made for opt-out periods, and replacement of counties choosing to opt out of issuance, or for reversion to DOT services in the alternative. Issuance of commercial driver's licenses (CDLs) is separately addressed, and counties must comply with all federal and state CDL standards to retain the right to issue CDLs. The department shall retain supervisory authority. Counties shall retain \$3.75 of the license fee for each license issued. The department shall purchase all equipment used primarily for issuance activities, including any purchase or lease of digitized photolicensing equipment.

- HOUSE FILE 2429** - Physical Exercise Clubs — Definition  
**SEE BUSINESS, BANKING & INSURANCE.** This Act excludes from the definition of "physical exercise club" a facility owned and operated on a not-for-profit basis by a person or contractor of a person if operated solely for the purpose of serving employees and family members of the employees. The result of this exclusion is to make the various requirements that relate to physical exercise clubs, such as requirements relating to contracts with members, membership contract cancellation requirements, and registration of the club with the Attorney General's Consumer Protection Division, inapplicable to these facilities.
- HOUSE FILE 2456** - Designation of Judicial Department as Judicial Branch  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act changes the designation of the judiciary in the Code from the Judicial Department to the judicial branch.
- HOUSE FILE 2465** - Workers' Compensation — Division and Commissioner Name Change — Compensation During Healing Period  
**SEE LABOR & EMPLOYMENT.** This Act changes the name of the Division of Industrial Services of the Department of Workforce Development to the Division of Workers' Compensation, and changes the title "Industrial Commissioner" to "Workers' Compensation Commissioner."
- HOUSE FILE 2478** - Mediation Confidentiality  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act creates new Code Chapter 679C relating to confidentiality in mediation.
- HOUSE FILE 2498** - Appropriations — Administration and Regulation  
**SEE APPROPRIATIONS.** This Act funds 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; Department of Inspections and Appeals; Department of Management; Department of Personnel; Iowa Public Employees' Retirement System; Department of Revenue and Finance; Secretary of State; Office of State-Federal Relations; 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 National Conference of Insurance Legislators, and the National Governors Association. The Act also provides for an annual reimbursement to the City of Des Moines for police and fire protection for state-owned facilities. However, the reimbursement provision was item vetoed by the Governor.
- HOUSE FILE 2532** - Prizes Awarded in Raffles and Games  
**SEE GAMING.** This Act increases the maximum value of a prize that may be awarded in a raffle or game of skill or chance, excluding bingo, from \$200 to \$1,000.
- HOUSE FILE 2553** - Compensation for Public Employees  
**SEE APPROPRIATIONS.** This Act relates to and appropriates moneys for the fiscal year beginning July 1, 1998, to fund salary adjustments for state appointed nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, and noncontract employees.

## STATE GOVERNMENT

### **SENATE FILE 518 - Department of General Services Practices and Other State Government Administration**

BY COMMITTEE ON STATE GOVERNMENT. This Act amends a number of provisions relating to the administration of state government by providing for the administration of the Department of General Services and particularly provisions affecting procurement, state-owned motor vehicles and state printing. The Act amends the Code as follows:

Code Section 18.1 is amended to provide that the definition of "competitive bidding procedure" includes transactions accomplished in an electronic format. The Act also provides that state buildings and grounds under the jurisdiction of the department do not include buildings under the control of the Iowa Public Employees' Retirement System.

Code Section 18.3 is amended to provide that the department is not responsible for providing architectural services and contracting oversight for the Iowa Public Employees' Retirement System. The Act requires the department to develop and implement procedures to conduct transactions, including purchasing, in an electronic format. The Act also requires the department to insure motor vehicles owned by the state through a self-insurance program or through a private insurer. The Act permits the department to organize by divisions or other subunits to promote the effective and efficient administration of the department.

Code Section 18.6 is amended to provide that the Director of the Department of General Services may contract for the purchase of services as well as items. The Act allows the department to exempt from ordinary competitive bidding procedures the purchase of an item or service based on a determination that it is necessary to protect the health, safety or welfare of persons occupying or visiting a public improvement or property located adjacent to the public improvement. The director may enter into an agreement with the government of another state or the federal government to provide for the cooperative purchase of an item or service of general use in the state. The Act also permits the department to advertise for bids in an electronic format. The Act eliminates provisions regarding share drafts and deposits of moneys used by bidders to provide evidence of financial security. The Act provides that the evidence of financial security is limited to a certified check and a bid bond. The Act eliminates a requirement that a person submitting the proposed contract for the purchase of items must receive information regarding the availability of a waste management review.

Code Section 18.8 is amended to provide that the director may provide telecommunications cabling to state agencies and eliminates a reference to voice and data communications. Code Section 18.8 is also amended to provide that the department is not responsible for assigning office space for buildings under the control of the Iowa Public Employees' Retirement System.

Code Section 18.12 is amended to permit the department to dispose of presses, printing equipment, printing supplies, and other machinery or equipment used in the department's printing operation.

Code Section 18.16 is amended to allow a state agency to directly pay the price of a lease or rental costs incurred by the state agency in lieu of the department paying the price of the lease or rental costs on behalf of the state agency.

Code Section 18.18 is amended to remove dates for compliance of recycling mandates that have expired. The Act provides that information regarding recycled content for products that could be starch-based is no longer required to be included on bids. The Act authorizes the department to enter into agreements for the purchase of general use items with any state and the federal government.

New Code Section 18.19 establishes a Recycling Revolving Fund under the control of the department, and provides that the assets of the fund must be used by the department for supporting recycling operations.

Code Section 18.28 is amended by eliminating a provision that prohibits the reproduction of 10 or more copies from an original on an office copier located in Des Moines unless the department approves the copying.

Code Section 18.33 is amended to provide that advertisements for bid specifications shall provide how bids will be accessed as well as opened.

Code Section 18.36 is amended to provide requirements for bids. The Act allows bids to be in a format prescribed by the department. The Act provides that the bid may be submitted in an electronic format that reasonably assures the authenticity of the bid and the bidder's identity.

Code Section 18.37 amends a provision requiring a bidder to post evidence of financial security with the department. The Act eliminates references to credit union share drafts and allows a bidder to provide evidence of financial security by providing a certified check or posting a bid bond.

Code Section 18.38 is amended to provide that bids may be accessed as well as opened. The Act provides that contracts are awarded in a manner designated in the bid specifications.

Code Section 18.43 is amended to remove a reference to credit union certified share drafts in a provision relating to a bidder's evidence of financial security.

Code Section 18.44 is amended to allow the department to enter into contracts the department finds reasonable and which may include factors currently considered by the department.

Code Section 18.45 is amended to allow the department to determine when a bond by a bidder is required.

Code Section 18.46 is amended to eliminate requirements relating to written orders for printing, including detailed specifications relating to the nature of orders. The Act allows the department to determine procedures for completing an order.

Code Section 18.48 authorizes the department to reject printing if it does not meet quality requirements of a first-class printer. It also provides that a contractor may be required to forfeit payment amounts as liquidated damages. The Act permits the department to also reject or refuse delivery on printing that is not of the quality contemplated in the contract. It also provides that the liquidated damages may be deducted from any payment made to the contractor under any state contract.

Code Section 18.49 provides that the director may authorize a state agency located outside of Polk County to secure printing bids. The Act provides that a state agency located outside of Polk County may contract for outside printing. The Act eliminates procedural requirements regarding the authorization and provides that the director must prescribe the manner by which notification and approval are made.

Code Section 18.50 is amended to allow the director of the department to award separate printing contracts for work, material or printing supplies that are not included in a current printing contract. Currently, the department may enter into a special contract for work or materials only if the amount of the contract is \$5,000 or less. The Act removes this limitation.

Code Section 18.51 is amended to eliminate a requirement that all paper purchased for use by the state must have a distinguishing mark. The Act also provides accounting requirements involving persons doing printing for the state.

Code Section 18.59 is amended to provide that the department is no longer required to obtain the consent of the Executive Council prior to disposing of printing machinery or equipment. The Act provides that receipts from the sale of presses, printing equipment, printing supplies, and other machinery or equipment used in the printing operation shall be deposited in the department's Printing Revolving Fund.

Code Section 18.60 provides for accounts by state agencies located outside of Polk County that maintain printing equipment. Previous law dealt with agencies outside of Des Moines. The Act provides that the provisions apply to agencies located outside of Polk County.

Code Section 18.63 provides that state agencies located in Des Moines may not expend moneys for the publication or distribution of materials unless required by law or approved by the director. The Act provides that this requirement now applies to state agencies located in Polk County. It removes a provision which provides that a violation of the requirement constitutes misfeasance in office. The Act permits the department to exempt minimal single printing projects from these requirements in order to permit a state agency to timely procure printing, if a state contract is not currently available.

Code Section 18.82 is amended to change the name of the State Printing Superintendent to the State Printing Administrator.

Code Section 18.115 currently provides for the duties and powers of the State Vehicle Dispatcher. The Act changes the name of the State Vehicle Dispatcher to the State Fleet Administrator. The Act also provides that the administrator may notify an elected official as well as the head of a state agency regarding any mishandling or misuse of a state-owned motor vehicle. The Act eliminates language providing procedures for purchasing new motor vehicles. The Act provides that a purchase must comply with competitive bidding procedures. The Act eliminates school buses from the exemptions from the fuel economy requirement currently available for school buses, off-road maintenance work vehicles and vehicles used to pull loaded trailers. The Act changes the date by which the department must annually report on compliance with the standards from January 31 to February 15. The Act eliminates the Department of Management as a recipient of the report. The Act changes the fuel economy standard from a standard that measures combined fuel economy to a standard which measures corporate average fuel economy. Both standards are established by the federal government. The Act removes a requirement that the department establish a system of uniform standards for assigning motor vehicles by rule. The Act provides that the department must assign motor vehicles based on standards which may include the same factors currently used. The Act eliminates a provision referring to promoting the

development and purchase of motor vehicle equipment with engines utilizing alternative methods of propulsion. The Act amends provisions regarding the purchase of gasoline used in state-owned motor vehicles. The Act removes a requirement that the department study the accessibility of state-owned sources.

The Act allows the department to provide for the purchase of motor vehicle repair and maintenance in accordance with competitive bidding procedures.

Code Section 18.117 provides for reimbursing state officers and employees who use a privately owned motor vehicle for state business. The Act provides that the amount of reimbursement shall be based on an amount determined by the department in consultation with the Department of Personnel and the Department of Revenue and Finance. The Act provides that this section is not applicable to members and employees of the General Assembly who are governed by policies established by the General Assembly.

Code Section 421.40 provides procedures for the payment of claims by departments, the General Assembly and the courts. The Act provides that departments may enter into contracts for goods or services on payment terms of less than 60 days if the state obtains a financial benefit or incentive which would not otherwise be available from the vendor.

The Act directs the Iowa Code Editor to change references to "Superintendent of Printing" to "State Printing Administrator" and references to "State Vehicle Dispatcher" to "State Fleet Administrator" wherever the references appear in the Code.

The Act repeals a number of sections, including Code Sections 18.41, 18.52, 18.55, 18.56, 18.76, 18.77, 18.78, 18.79, and 18.118. Code Section 18.41 had referred to the acceptance of bids; Code Section 18.52 provided accounting requirements for private printers; Code Section 18.55 required the director to provide accounting requirements when several state agencies are involved in a printing project; Code Section 18.56 provided for vouchers and audit requirements; Code Section 18.76 provided for editing manuscripts; Code Section 18.77 provided for cooperation among agencies in their operations; Code Section 18.78 provided for appeals; Code Section 18.79 provided recordkeeping requirements; and Code Section 18.118 provided penalties for violating rules adopted by the State Vehicle Dispatcher.

#### **SENATE FILE 2029 - Board of Podiatry Examiners**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides for a change in the number of members of the Board of Podiatry Examiners. The Act provides that the number of members on the board who are licensed to practice podiatry shall be increased from three to five individuals, with a resulting total Board of Podiatry Examiners membership increase to seven members. Previously, the Board of Podiatry Examiners consisted of a total of only five members, three of whom are licensed to practice podiatry and two who are not licensed to practice podiatry and who represent the general public.

#### **SENATE FILE 2037 - Iowa State Fair Convention and Board**

BY DOUGLAS, MCKIBBEN, MCCOY, MCLAREN, RIFE, GETTINGS, FRAISE, SCHUERER, AND JENSEN. This Act amends Code Chapter 173, which provides for the administration of the Iowa State Fair by the Iowa State Fair Board. Each year the board must organize a convention to elect members to the board and conduct other business of the board. The board is partly composed of two persons from each congressional district elected by the convention.

This Act eliminates a number of delegates to the convention, including the president or an accredited representative of the State Horticultural Society, the Iowa State Dairy Association, the Iowa Beef Cattle Producers Association, the Iowa Crop Improvement Association, the Iowa Pork Producers Council, the Iowa Horse Industry Council, the Iowa Sheep and Wool Promotion Board, the Iowa Home Economists Association, the Iowa Dietetics Association, and the State Board of Education, and the chairperson or an accredited representative of the Iowa Arts Council.

The Act provides that congressional board directors must be elected by a majority of convention members from the same congressional district.

The Act also amends provisions relating to the term of office by providing that a director's term begins following the adjournment of the convention rather than at noon on the day following the convention's adjournment. Finally, the Act eliminates a provision limiting a director's term of office to five consecutive terms.

#### **SENATE FILE 2075 - Dental Hygiene Committee**

BY IVERSON, SZYMONIAK, HANSEN, DVORSKY, HAMMOND, KIBBIE, CONNOLLY, DOUGLAS, BARTZ, HORN, HARPER, FREEMAN, RITTMER, GETTINGS, NEUHAUSER, GRONSTAL, FINK, LUNDBY, MCKIBBEN, DRAKE, VILSACK, MADDIX, AND BEHN. This Act provides for the creation of a Dental Hygiene Committee within the Board of Dental Examiners, comprised of the two dental hygienist members of the Board of Dental Examiners and one dentist member of the Board of Dental Examiners. The Act provides that the dental hygienist members of the Dental Hygiene Committee shall be licensed dental

hygienists who have been Iowa residents engaged in the practice of dental hygiene for a five-year period directly preceding appointment to the board. The dentist member of the Dental Hygiene Committee shall have supervised and worked in collaboration with a dental hygienist for at least the three-year period immediately preceding appointment to the board, and shall be elected to the committee by annual vote of the board membership.

The Act provides that the dental hygienist members of the Dental Hygiene Committee shall be licensed dental hygienists who have been Iowa residents engaged in the practice of dental hygiene for a five-year period directly preceding appointment to the board. The dentist member of the Dental Hygiene Committee shall have supervised and worked in collaboration with a dental hygienist for at least the three-year period immediately preceding appointment to the board, and regulatory authority over the practice, discipline, examination, and licensure of dental hygienists. The board shall ratify recommendations of the Dental Hygiene Committee unless the board finds that the recommendations exceed committee jurisdiction or scope of authority, create an undue financial impact on the board, or are unsupported based on the record and any information considered by the committee in making the recommendation. The Act provides that the creation and operation of the Dental Hygiene Committee in no way expands the scope of practice of the profession of dental hygiene or authorizes the independent practice of dental hygiene. Expenses of the Dental Hygiene Committee and the board in implementing ratified committee recommendations shall be provided for by the board.

The Act also provides that dental hygienists appointed to the Board of Dental Examiners beginning January 1, 2000, shall not receive any form of remuneration from, nor be employed by, a dental or dental hygiene educational institution.

#### **SENATE FILE 2136 - 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 changes the name of the Iowa Highway Safety Patrol to the Iowa State Patrol, changes the name of the Joint Regulations Appropriations Subcommittee to the Joint Economic Development Appropriations Subcommittee, makes a change pertaining to owner and operator liability for injury or damage caused by all-terrain vehicles or snowmobiles, conforms several provisions in the Iowa Financial Transaction Reporting Act to the model legislation upon which the Act was originally based, corrects a reference in provisions relating to blood or genetic testing in paternity actions, and corrects references and usage of terms and deletes unused terms in provisions pertaining to economic and other penalties for certain criminal activity.

#### **SENATE FILE 2182 - State Fire Marshal**

BY COMMITTEE ON STATE GOVERNMENT. This Act repeals a section that prevents the State Fire Marshal from spending funds for the education of the public in fire safety unless the Legislature appropriates moneys for that purpose.

The Act also increases the new building construction height levels at which approved automatic fire-extinguishing systems must be installed from 65 feet to 75 feet.

Lastly, the Act requires the State Fire Marshal's administrative rules to be in substantial compliance with the standards of the National Fire Protection Association relating to aboveground petroleum storage tanks, flammable liquids and liquefied petroleum gases.

#### **SENATE FILE 2183 - State Records Management**

BY COMMITTEE ON STATE GOVERNMENT. This Act transfers the records management duties from the Department of General Services to the Department of Cultural Affairs. Under the Act, the Director of the Department of Cultural Affairs replaces the Director of General Services as the secretary to the State Records Commission and the Department of Cultural Affairs replaces the Department of General Services as the primary agency responsible for providing administrative personnel and services to the commission.

Also under the Act, the State Records Commission submits to the State Archivist all lists and schedules for the proposed disposal of records. The State Archivist determines whether the lists and schedules of records have research or historical value, or any value to other state agencies, and submits recommendations regarding the lists and schedules to the commission.

#### **SENATE FILE 2185 - State Purchase of Biodegradable Hydraulic Fluids**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act provides that when purchasing hydraulic fluids, state agencies must give a preference to biodegradable hydraulic fluids manufactured from soybeans to the extent that the purchase is within their purchasing budgets and is consistent with manufacturer's specifications. The state agencies affected include the Department of General Services and agencies purchasing through that department, the Department for the Blind,



community colleges, institutions under the direction of the Board of Regents, the state Department of Transportation, and the Iowa Department of Corrections.

In carrying out this requirement, the affected state agency must include the preference requirements in publications used to solicit bids for hydraulic fluids, describe the preference requirements at bidders' conferences in which bids for the sale of hydraulic fluids are sought, discuss the preference requirements in procurement solicitations or invitations to bid for hydraulic fluids, and inform industry trade associations about the preference requirements.

**SENATE FILE 2267 - Department of Transportation Records — Release to Governmental Employees**

BY COMMITTEE ON STATE GOVERNMENT. This Act permits an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, or a contract employee of the Department of Inspections and Appeals in the conduct of an investigation, to obtain personal information within the control of the state Department of Transportation based upon the presentation of a registration plate number to the state Department of Transportation. The Act also authorizes an officer or employee of a law enforcement agency to release information based on vehicle registration numbers if the release is necessary in the performance of the law enforcement agency officer's or employee's duties.

**SENATE FILE 2269 - Regulation of Massage Therapists and Athletic Trainers**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides for the conversion of the existing Athletic Training and Massage Therapy Advisory Boards, presently reporting to the Iowa Department of Public Health, into full regulatory examining boards subject to the general provisions for health-related professions pursuant to Code Chapter 147. The membership of each board remains the same as it existed prior to this Act.

The Act provides, however, that members of the Board of Examiners for Massage Therapists will be appointed by the Governor, rather than the existing procedure of appointment by the Director of Public Health. Members of the Board of Examiners for Athletic Trainers are already appointed by the Governor.

**SENATE FILE 2308 - Eligible Alternative Retirement Benefit Systems for Community College Employees**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that commencing July 1, 1998, a person newly employed by a community college may elect retirement coverage under an alternative retirement benefits system in which the person is not currently a member but which is offered by the community college, at the discretion of the community college, in lieu of coverage under the Iowa Public Employees' Retirement System. The Act provides that the community college may limit to six the number of alternative retirement benefits systems offered and provides that the selection by the community college of a provider of an eligible alternative retirement benefits system does not constitute an endorsement of that provider.

**SENATE FILE 2310 - Professional Engineers — Requirements for Licensure**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that applicants for licensure as a professional engineer who obtained an associate of science or more advanced degree between July 1, 1983, and June 30, 1988, can qualify to take an examination in fundamental engineering subjects.

Prior to July 1, 1988, an applicant could qualify for the examination if the individual had completed a two-year course in engineering and had six years of practical experience. Beginning July 1, 1988, the qualification requirements were changed to provide that an applicant must have graduated from a four-year course in engineering. However, applicants were given a "window" period, until June 30, 1991, during which they could continue to qualify for the examination with a two-year degree and six years of experience. Individuals who had graduated from a two-year program prior to the law change, and embarked on a six-year period of practical experience, but had not completed the six years by June 30, 1991, were left unable to qualify for the examination after the law change. The Act addresses this by providing that individuals obtaining a two-year degree between July 1, 1983, and June 30, 1988, will be able to qualify for the examination based on the two-year degree, six years of experience requirements previously in effect. The Act provides that an applicant to whom the Act applies has until June 30, 2001, to complete the examination.

**SENATE FILE 2319 - Land Surveyors — Definition of Practice**

BY COMMITTEE ON STATE GOVERNMENT. This Act revises the definition of the practice of "land surveying." As defined in the Act, the practice of land surveying involves providing a variety of professional services relating to the location, size, shape, or physical features of the earth, improvements on the earth, and space above the earth. The practice of land surveying includes, but is not limited to, activities relating to the locating of permanent monumentation for property lines and boundaries for tracts or parcels of land, making surveys for the division or subdivision of tracts of land, determination of positions for survey monuments or reference points, creating metes and bounds descriptions, geodetic surveying, and the creation or modification of electronic or computerized data relating to land surveying activities. The Act provides that the definition of land surveying does not prohibit a professional engineer from practicing any aspect of the practice of engineering. The Act

additionally specifies activities which, if engaged in, shall be construed to constitute the practice of land surveying, or an offer to practice land surveying.

**SENATE FILE 2321 - Confidentiality of Records and Reports of Labor Commissioner**

BY COMMITTEE ON BUSINESS AND LABOR. This Act makes confidential certain records and reports held by the Labor Commissioner of the Division of Labor Services of the Department of Workforce Development.

Currently, the Iowa Code provides that only the names of persons who request the commissioner to inspect possible safety or health violations shall not appear in any record published, released or otherwise made available. The Act replaces the word "name" with the phrase "identifying information," which the Act defines as personal information including, but not limited to, the person's name, home address, telephone number, social security number, handwriting and language idiosyncrasies, or any fact used to identify the person.

The Act provides that records relating to an enforcement action being conducted by the commissioner are confidential until the enforcement action is complete, and any citation and noncompliance notices remain confidential until received by the appropriate employer. The Act sets forth the conditions under which an enforcement action may be considered complete.

Also confidential under the Act are records pertaining to consultation services provided to specific, identifiable employers or workplaces, and records the commissioner holds that contain identifiable financial institution or credit card account numbers.

**SENATE FILE 2350 - State Employee Deferred Compensation Trust Fund**

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes within the Office of the Treasurer of State an Iowa State Employee Deferred Compensation Trust Fund to be administered by the Director of the Department of Personnel. The fund consists of moneys deferred by employees participating in the state's deferred compensation program to be used for the exclusive benefit of participants in the program pursuant to requirements established in the federal Internal Revenue Code.

The Act provides that the Director of the Department of Personnel shall not be personally liable for any losses to the fund or for losses to trusts as referred to in the federal Internal Revenue Code.

The Act provides that moneys deferred from employees participating in the state's deferred compensation program shall be deposited in the fund or placed in trust as provided by the federal Internal Revenue Code by January 1, 1999.

The Act also provides that Code Section 8.33 concerning the reversion of any moneys in the fund to the General Fund of the State does not apply to moneys in the fund. The Act further provides that any interest on moneys in the fund shall be credited to the fund and shall be used for the exclusive benefit of participants in the state's deferred compensation program.

**SENATE FILE 2356 - Telecommunications and Electric Cabling Revolving Fund and Art Restoration and Preservation Revolving Fund**

BY COMMITTEE ON STATE GOVERNMENT. This Act creates two new revolving funds under the administration of the Department of General Services: a Telecommunications and Electric Cabling Revolving Fund and an Art Restoration and Preservation Revolving Fund.

The Telecommunications and Electric Cabling Revolving Fund is created to provide for appropriate telecommunications and cabling, planning cabling layouts, and locating, relocating, installing, and removing telecommunications and electric cable, including peripheral equipment on the State Capitol Complex.

The Art Restoration and Preservation Revolving Fund is created to provide for the restoration, preservation, rehabilitation, and enhancement of art and artifacts of historical or cultural significance or artistic value located in the public areas of the State Capitol Building. The Act also provides that the proceeds from the sale of personal property located on the State Capitol Complex, except motor vehicles and printing equipment, shall be credited to the Art Restoration and Preservation Revolving Fund.

The Act also requires the Department of General Services to submit an annual report on each revolving fund to the General Assembly and the Legislative Fiscal Bureau.

**SENATE FILE 2383 - Amusement Ride Rider Safety**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to amusement ride rider safety. The Act provides that an amusement ride rider or the rider's parent or guardian shall report in writing to the amusement ride operator any injury sustained by the amusement rider before leaving the operator's premises. If the rider or the rider's parent or guardian is unable to report the injury due to the severity of the injury, the injury must be reported as soon as reasonably possible. The Act requires riders to

obey the reasonable safety rules posted and oral instructions given and requires riders to refrain from acting in any manner that may cause or contribute to injuring the rider or others. The Act prohibits a rider from getting on an amusement ride unless the rider has sufficient knowledge of the safe use of the ride, understands warnings and restrictions, knows the limits of the rider's abilities, is not under the influence of alcohol or any drug, and is authorized by the operator, employee, agent, or servant to get on the ride.

The Act requires operators to display signs indicating the applicable rider safety responsibilities and the location of the stations to report injuries. The Act provides locations where these signs must be located. The Act requires an operator to post a sign at each amusement ride. The sign must include the operation instructions of the ride, safety guidelines for riders, restrictions on the use of the ride, behavior and activities that are prohibited, and a warning requiring compliance with the rules and restrictions.

The Act provides that a person failing to obey a safety-related requirement listed on a sign displayed at an amusement ride is subject to a civil penalty of \$100.

The Act specifically provides that the provisions of the Act shall not be construed to preclude any criminal or civil action otherwise available under law.

The Act takes effect January 1, 1999.

**SENATE JOINT RESOLUTION 2004 - Proposed Constitutional Amendments — State Expenditures and Taxes**

BY COMMITTEE ON WAYS AND MEANS. This Joint Resolution proposes two amendments which relate to state budgets within a new Article XIII to the Constitution of the State of Iowa.

The first amendment establishes a State General Fund expenditure limitation. The amount of the limitation is 99 percent of the adjusted revenue estimate. The amendment defines adjusted revenue estimate and requires that the estimate be determined by a revenue estimating conference which is to be created by the General Assembly by law. The amendment requires that the expenditure limitation be used by the Governor in preparation of the Governor's budget and by the General Assembly in the budget process. The amendment also provides that, if a new revenue source is established and implemented, 95 percent of the estimate of that new revenue shall be included in the expenditure limitation.

The first amendment also provides that the amount of any surplus that exceeds an amount equal to 10 percent of the adjusted revenue estimate may be included in the adjusted revenue estimate for the following fiscal year. Any surplus equal to 10 percent or less of the amount of the adjusted revenue estimate may be included in the following year's adjusted revenue estimate if approved by a three-fifths majority of each house of the General Assembly. The amendment also requires the state to use generally accepted accounting principles for state budgeting and accounting purposes. The amendment requires the General Assembly to enact laws to implement the amendment.

The second amendment contained in the Joint Resolution requires a three-fifths majority of the General Assembly for certain tax law changes. The amendment provides that any bill which enacts, amends or repeals the state income tax or the state sales and use taxes, and which causes, in the aggregate, an increase in state tax revenues, as determined by the General Assembly, must be adopted by three-fifths of the whole membership of each house of the General Assembly. The amendment also requires a three-fifths majority vote of each house of the General Assembly in order to enact a new state tax to be imposed by the state. A lawsuit challenging a bill pursuant to either three-fifths' majority passage requirement must be filed no later than one year from the date of enactment of the bill. Finally, the amendment provides that the General Assembly shall enact laws to implement the amendment.

The Joint Resolution will be referred to the next General Assembly for consideration. If the next General Assembly adopts this Joint Resolution, the amendments will be submitted to the voters for ratification. When submitted to the voters, each amendment will be voted on individually.

**HOUSE FILE 667 - Administrative Procedure Act and Division of Administrative Hearings**

BY COMMITTEE ON JUDICIARY. This Act makes changes to the Iowa Administrative Procedure Act. The Act takes effect July 1, 1999, and applies to initial or remanded proceedings commenced on or after that date.

The Act establishes a Division of Administrative Hearings within the Department of Inspections and Appeals. The department and the division have the authority to employ and assign most administrative law judges (ALJs) to preside over hearings held by state agencies in which the agency head did not preside. New Code Section 10A.801 requires the division to establish rules governing ALJs, including rules imposing on all persons who act as presiding officers a code of administrative judicial conduct

similar to the Iowa Code of Judicial Conduct. The new section also makes provisions for the specialization of ALJs and the ability of agencies to require a certain level of expertness in ALJs used by that agency. The new section also requires that all newly hired ALJs must be licensed to practice law in this state.

Code Section 17A.3 is amended to provide that agencies shall, to the extent practicable, adopt rules that embody the standards, principles and procedural safeguards that the agency will apply to the law it administers.

Code Section 17A.4 is amended to provide that when agencies adopt rules, the agency shall generally provide in a preamble to the rule a brief explanation of the principal reasons for its adoption, and, if applicable, any reasons for not including a provision providing for the waiver of that rule.

The Act creates new Code Section 17A.4A, requiring agencies to issue a regulatory analysis of proposed rules under certain circumstances. The new Code section replaces prior law that provides for requests for an economic impact of a rule and for a small business regulatory analysis.

Code Section 17A.7 is amended to provide a mechanism for requiring an agency to conduct a formal review of an adopted rule of the agency. The amendment permits the Administrative Rules Coordinator to request a review of a specified rule. The agency need only review a particular rule once every five years.

Code Section 17A.8, subsection 9, is amended to provide a timeline for standing committees of the Legislature to examine and report on a referral of a rule to the committee by the Administrative Rules Review Committee.

Code Section 17A.9 is rewritten by this Act. Previous law provides for agencies to establish rules governing the disposition of requests for declaratory rulings as to the applicability of any law of the agency. The new Code section provides specific guidelines, including specific time standards, concerning the disposition of a petition requesting a declaratory order by an agency. A declaratory order is defined similarly to the current declaratory ruling.

New Code Section 17A.10A is created to provide that a party can request a contested case proceeding even if the facts of the particular case are not in dispute.

Code Section 17A.11, governing presiding officers and administrative law judges, is rewritten. The new Code section provides that if the agency is a party to the hearing and a person requests that an ALJ be used, the agency shall grant the request unless it can provide good cause. The new Code section specifies what constitutes good cause. If an ALJ is used, the ALJ must be from the Office of Administrative Hearings unless the agency or an agency officer is not a party or the real party in interest in the hearing. The new Code section also provides for the disqualification and substitution of presiding officers.

Code Section 17A.12, subsection 3, governing defaults in contested case proceedings, is rewritten, providing the mechanism, including applicable time standards, governing the imposition of a default order.

Code Section 17A.15 is amended to provide that upon appeal from an ALJ to an agency head, the agency may reverse or modify any finding of fact if a preponderance of the evidence supports this, and may reverse or modify any conclusion of law the agency finds to be in error.

Code Section 17A.16 is amended to require that a proposed or final agency decision include reasons why the relevant evidence in the record supports each finding of fact.

Code Section 17A.17, governing ex parte communications and separation of functions, is amended. The Act bars a person from personally investigating a matter and then serving as a presiding officer, or assisting the presiding officer, when the matter is considered. The Act also provides that if a presiding officer has received an ex parte communication prior to the commencement of a contested case, the officer must disclose any material factual information received that has not already been provided through discovery.

New Code Section 17A.18A, governing emergency adjudicative proceedings, is created by the Act. Prior law replaced by this new Code section makes provision only for emergency proceedings concerning licenses.

Code Section 17A.19, governing judicial review, is amended to provide specific guidelines concerning the granting of stays and the review of a grant or denial of a stay. The Act also specifies, in greater detail than prior Code, the standards to be applied by a court when it reviews agency action. The Act also requires a court reviewing any agency finding of fact to use the substantial evidence test and to consider both the evidence that supports and the evidence that detracts from the finding.

Code Section 17A.19 is also amended to provide that a defendant in a suit for civil enforcement of agency action may defend on any of the grounds specified for judicial review of agency action if that defendant could have relied on any of those grounds in a suit for judicial review of that action brought at the time the enforcement suit was filed.

#### **HOUSE FILE 2146 - State Flag Day**

BY SCHRADER. This Act requests and authorizes the Governor to issue annually a proclamation designating March 29 as Iowa State Flag Day and to urge all citizens of the state on that day to display the state flag and to reflect on and consider the heritage of the state flag.

#### **HOUSE FILE 2162 - 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 technical, grammatical and other nonsubstantive changes are made include the following: various programs under the jurisdiction of the Department of Economic Development; election balloting; the Public Safety Peace Officers' Retirement, Accident, and Disability System; the names of the Association of Iowa Hospitals and Health Systems, the Joint Commission on the Accreditation of Health Care Organizations, and the Iowa Comprehensive Health Insurance Association; lead abatement certification requirements; trespassing of stray livestock; the county single entry point process; runaway assessment centers; youthful offender procedures; fingerprinting and photographing of children; the Interstate Compact on the Placement of Children; child support recovery; the Community Health Data Commission; school district budgets; community college vocational-technical technology improvement; child abuse reports; motor carriers; the Anatomical Gift Public Awareness and Transplantation Fund; motor vehicle parking permits; use of a motor vehicle license or nonoperator's identification card by a minor to obtain alcohol; authorized emergency vehicles and police bicycles; proof of motor vehicle financial liability coverage cards; operating while intoxicated; state payments to counties for mental health, mental retardation and developmental disabilities; city civil service commissions; low-income assistance requirements for housing and residential development; Department of Workforce Development requirements; the livestock production tax credit; the Property Tax Relief Fund; permits and licenses for importing fuel in motor vehicle supply tanks; cigarette and tobacco sale and use violation penalties; the Green Thumb Program; various provisions relating to corporations and other business entities; health care coverage; finance charges; certificated securities; statutes of limitations; appointments of guardians; domesticated animal activities; scheduled violations; good conduct time for prisoners; restitution; school searches; and sewage sludge.

#### **HOUSE FILE 2166 - Food Establishments and Food Processing Plants**

BY COMMITTEE ON WAYS AND MEANS. This Act repeals Code Chapters 137A, Food Establishments; 137B, Food Service Sanitation Code; and 137E, Food and Beverage Vending Machines, and replaces the repealed chapters with new Code Chapter 137F, which reflects the adoption on the federal level of the 1997 Model Food Code.

The Act deletes provisions that allow the Department of Inspections and Appeals to amend the Model Food Code through the administrative rule process, expands the definition of a bed and breakfast home contained in Code Section 137F.1 from a two-guest to four-guest family capacity, and exempts from regulation under Code Chapter 137D, Home Food Establishments, a home food establishment with annual sales of prepared food of \$1,000 or less, if the food is labeled to specify the name and address of the individual who prepared the food and the fact that the kitchen producing the food was not subject to inspection.

New Code Chapter 137F defines terms consistent with the definitions adopted in the 1997 Model Food Code and a combination of definitions provided in Code Chapters 137A, 137B and 137E. The Act additionally provides for exceptions to certain provisions of the 1997 Model Food Code, including specifying standards for minimizing food establishment employee contact with exposed, ready-to-eat food.

The Act provides for a revised license fee structure for fees charged for licensing mobile food units or pushcarts, temporary food establishments per fixed location, vending machines, food establishments preparing or serving food for individual portion service, food establishments selling food for off-site preparation or consumption, and food processing plants. The Act establishes a transition between licenses issued under the repealed chapters and licenses issued under Code Chapter 137F.

The Act takes effect January 1, 1999. However, a license issued under Code Chapter 137A, 137B or 137E prior to the effective date of the Act is valid for the remaining term of the license.

#### **HOUSE FILE 2476 - Iowa Communications Network Connection**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act provides that the Iowa Telecommunications and Technology Commission shall provide for the construction of a connection to the network for the Quad Cities Graduate Center. The graduate center is responsible for the costs of the connection. Hourly rates to be charged to the center are to be set at an appropriate rate so that no state subsidy results.

**HOUSE FILE 2496 - Public Retirement Systems and Related Provisions**

BY COMMITTEE ON STATE GOVERNMENT. This Act makes numerous changes pertaining to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (Code Chapter 411), and the Judicial Retirement System (Code Chapter 602).

**PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM (PORS).** The Act contains the following provisions relating to PORS:

1. Increases, from eight to 10 years, the maximum number of years to which the 1.5 percent additional benefit is applied to establish the additional benefit for members for each additional year of service in the system over 22 years of service for members terminating service on or after July 1, 1998.
2. Provides that a member entitled to an ordinary disability pension or an accidental disability pension on or after July 1, 1998, and who has at least five years of service, will receive a benefit equal to the greater of the disability benefit the member is entitled to or the amount the member would have received as a service (nondisability) retirement allowance based on actual years of service.
3. The earnings test applied to determine whether a member's accidental or ordinary disability benefit allowance should be reduced based on the member's outside earnings is changed to provide that outside earnings used for the purpose of paying for health care coverage shall not be counted in applying the earnings test.

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS).** The Act contains the following provisions relating to IPERS:

1. The definition of "employee" for purposes of determining who is covered under IPERS is amended. The Act provides that those groups of employees who currently are not members of IPERS unless they elect coverage within, generally, 60 days of employment will, commencing with employees hired on or after January 1, 1999, be members of IPERS unless they already are covered by another retirement system or affirmatively elect not to be covered pursuant to Code Section 97B.42A. Examples of this category of employees are elected officials, including members of the General Assembly, State Board of Regents employees, and city managers. An election to not be covered must be made within 60 days of employment. Those employees who failed to elect coverage under IPERS pursuant to prior law, and who are not in a different public retirement system, will become members of IPERS on January 1, 1999, with the ability to elect out of IPERS coverage on or before January 1, 2000. Individuals who become members of IPERS on January 1, 1999, can purchase IPERS service credit for service in that position prior to January 1, 1999, which was not membership service.
2. The definition of "service" for purposes of determining IPERS benefits is amended. The change provides that service, with only a few exceptions, includes only service in which an employee is paid covered wages. Exceptions to this requirement are military service, unpaid leave taken as a result of the federal Family and Medical Leave Act or other similar leave, and unpaid seasonal breaks for employees of school corporations and educational institutions in which the employee returns to a school corporation or educational institution upon the end of the break.
3. The definition of "three-year average covered wage" for purposes of determining IPERS benefits is amended concerning the method of calculating a computed wage for one of the employee's three years when employment does not end at the end of a calendar year. The amendment provides that the computed year shall not be greater than 103 percent of the member's highest actual calendar year of covered wages.
4. Code Section 97B.45 is amended to provide that a member may retire, without any age reduction penalty, upon reaching 62 years of age with 20 or more years of membership service. Under prior law, a member could retire upon reaching age 62 with 30 or more years of membership service. This change takes effect January 1, 1999.
5. Code Section 97B.48A, concerning reemployment, is amended to provide for a reduction in a member's retirement allowance if the member is under 65 years of age and earns an amount over the dollar limit provided in the section. The Act amends the current limit by increasing the earnings a retired member can keep without penalty from \$7,440 to \$12,000. In addition, Code Section 97B.48A is amended to provide that if the member's reemployment period of service is not used for recalculation of the member's annuity, the member receives both the employee and employer contributions, plus interest, on the contributions made for the reemployment period of service upon termination of the reemployment period of service. Prior law only provided for the return of the employee contributions plus interest.
6. Code Section 97B.49 is reorganized into new Code Sections 97B.49A through 97B.49G.
7. New Code Section 97B.49B, concerning members of a protection occupation, is amended to eliminate probation and parole officers III from the list of occupations covered by this section.
8. New Code Section 97B.49C, concerning sheriffs, deputy sheriffs and airport fire fighters, provides that a member covered by this section will receive an additional 1.5 percent for each additional year of service after 22 years of service for up to eight additional years. Previously, sheriffs, deputy sheriffs and airport fire fighters received only an additional 1 percent for up to five years of service beyond 22 years of service.

9. New Code Section 97B.49F establishes a favorable experience dividend applicable to members who retire on or after July 1, 1990. Commencing January 1, 1999, members who retired from IPERS on or after July 1, 1990, and who have been retired for at least one year, are eligible to receive a favorable experience dividend. The dividend shall be payable, if at all, from moneys deposited in a favorable experience reserve account within the IPERS Retirement Fund. Moneys shall be deposited in the reserve account based upon a determination by the actuary that the most recent valuation of the retirement fund indicates that the actual actuarial status of the retirement fund is better than what was anticipated by the actuary. In addition, money sufficient to pay the dividend for five years will be credited to the account in January 1999. The section establishes the process for determining the amount of the favorable actuarial experience of the system that shall be deposited in the reserve account.  
The dividend shall be payable on the last business day of January following a determination by the actuary that there are sufficient moneys in the account to pay a dividend. The dividend shall be calculated by multiplying the member's annual benefit by the number of years the member has been retired and by a percentage, not to exceed 3 percent, determined by the department. A member's beneficiary or contingent annuitant is also eligible to receive a dividend.
10. Beginning with monthly retirement payments made on or after January 1, 1999, members who retired prior to July 1, 1986, shall have their monthly retirement allowances increased by 15 percent, while members who retired on or after July 1, 1986, and prior to July 1, 1990, shall have their monthly retirement allowances increased by 7 percent.
11. New Code Section 97B.49H establishes active member supplemental accounts, sometimes referred to as gainsharing accounts, for IPERS members. Amounts shall be deposited in these accounts only after the actuary determines that the system does not have an unfunded actuarial liability as of the most recent actuarial valuation of the system. If an amount is payable, the new Code section then provides that IPERS shall deposit in each active member's account, in the year following the actuary's determination that the system does not have an unfunded liability, an amount determined by multiplying the member's covered wages by a supplemental percentage rate as determined by the actuary. The supplemental rate is the rate that reflects the difference between the statutory contribution rate for both employers and employees and the contribution rate the actuary determines is necessary to fund the future benefits of the system. Amounts in a member's supplemental account are payable upon a member's termination from covered service under certain circumstances, a member's death, or a member's retirement. The establishment of an active member supplemental account is subject to IRS approval.
12. Code Section 97B.52A is amended to provide that a retiree is required to be out of any employment with an employer covered under IPERS following termination from service and initiation of retirement benefits from one to four months, as applicable, in order to continue receiving benefits.
13. Code Section 97B.53 is amended to provide that a member who terminates employment under IPERS prior to retirement may be paid, in addition to the total of their employee contributions plus interest, a portion of the total employer contributions paid on their behalf plus interest. This change provides that the member shall receive the total employer contributions paid, plus interest, multiplied by the member's number of years of the member's service divided by the number of years the member would have to serve in order to receive a 60 percent retirement allowance. This change takes effect July 1, 1999.
14. Beginning July 1, 1999, the contributions required for a purchase by a member of IPERS of additional service credit through a buy-in or buy-back of service shall be based upon the actuarial cost of the additional service and not based upon the employee and, if applicable, employer contributions that would have been required for the service purchased.
15. Code Section 509A.13A is amended to provide that a spouse of a retired member under IPERS is entitled to continue to purchase group insurance coverage from the applicable employer upon the death of the retired member until reaching age 65. This amendment takes effect May 8, 1998, and is retroactively applicable to July 1, 1994.
16. The Act creates a provision entitled "Iowa Public Employees' Retirement System—Eligibility for Retirement Allowance," which provides that a person who was designated as a contingent annuitant by a member of IPERS but who did not receive an allowance as a contingent annuitant shall receive an allowance and a lump-sum payment once the person files a valid application for such benefits no later than June 30, 1999, and meets the requirements of this provision. The lump-sum payment shall be an amount the contingent annuitant would have received had the member met the requirements to receive a retirement allowance. In order to be eligible to receive an allowance pursuant to this Act, the member must have submitted a valid application for retirement benefits between January 1, 1992, and January 1, 1995; was otherwise eligible to receive an allowance but died prior to the Department of Personnel issuing payment of the member's first retirement allowance; and survived into the month for which the member's first retirement allowance would have been payable. In addition, the Act provides that the person must make arrangements with the system to repay any death benefits received from the system prior to receiving an allowance pursuant to this provision.
17. The Act provides that the IPERS Division shall conduct several studies. The division shall continue its study concerning the possible establishment of a statewide deferred compensation plan for IPERS members and shall study the establishment of a benefits advisory board for IPERS and submit its report as to these studies to the General Assembly

by January 1999. The IPERS Division shall also conduct a study concerning the issue of whether adjunct instructors should be allowed to become members of IPERS and must submit its report to the Legislative Service Bureau on or before September 1, 1999.

**STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM (Code Chapter 411).** The Act contains the following provisions relating to the Code Chapter 411 retirement system:

1. Increases, from 0.6 percent to 1.5 percent, the additional benefit for members for each additional year of service in the system from 22 to 30 years of service for members terminating service on or after July 1, 1998.
2. A member entitled to an ordinary disability pension or an accidental disability pension on or after July 1, 1998, and who has at least five years of service, will receive a benefit equal to the greater of the disability benefit the member is entitled to or the amount the member would have received as a service (nondisability) retirement allowance based on actual years of service.
3. The earnings test applied to determine whether a member's accidental or ordinary disability benefit allowance should be reduced based on the member's outside earnings is changed to provide that outside earnings used for the purpose of paying for health care coverage shall not be counted in applying the earnings test.
4. Code Section 411.6 is amended to provide that retirement benefits payable to a member for an accidental disability or an ordinary disability shall be offset against any amounts the member is receiving as unemployment compensation as a result of the member's unemployment due to the ordinary disability or accidental disability.
5. Code Section 411.15 is amended to provide that a city may pay the medical costs incurred by members of that city's police or fire department who are injured in the performance of their duties through insurance, by self-insuring the obligation, or by a local government risk pool established for this purpose. The Act also permits the payment of these costs from amounts held in the city's trust and agency fund. Previously, the medical costs incurred could be paid only from an appropriation to the department to which the injured person belongs or belonged.
6. New Code Section 411.24 establishes representative payee procedures and provides that the board of trustees shall adopt rules to provide for payment to a representative of an adult or minor applicant entitled to payment.
7. Code Section 411.36 is amended to provide that a city financial officer or city clerk involved with the financial matters of the city, and not just a city treasurer as previously provided under law, is eligible for selection to the board of trustees of the retirement system.

**JUDICIAL RETIREMENT SYSTEM.** The Act contains the following provisions relating to the Judicial Retirement System:

1. Full-time associate juvenile judges and full-time associate probate judges hired on or after July 1, 1998, shall be members of the Judicial Retirement System and not members of the Iowa Public Employees' Retirement System (IPERS). Current full-time associate juvenile judges and associate probate judges have the option of remaining in IPERS, changing to judicial retirement but leaving their contributions in IPERS, or changing to judicial retirement and transferring a portion of their IPERS money in order to purchase additional service credit under judicial retirement. This portion of the Act takes effect May 8, 1998.
2. The maximum percentage multiplier used in calculating a retirement allowance for a judge shall be increased from 50 percent to 52 percent as of July 1, 1998. In addition, the Act provides that it is the intent of the General Assembly that this percentage be eventually increased to 60 percent based on whether the system can afford any particular increase.
3. New Code Section 602.9107B provides that a judge, or a survivor of a judge, who retired before July 1, 1977, shall receive a minimum monthly annuity under the Judicial Retirement System of \$500 a month beginning with annuity payments made after July 1, 1998.

**GENERAL PROVISIONS.** The Act provides for the establishment of a study which shall be a comprehensive examination of the plan designs concerning the portion of IPERS that deals with the members of special classifications within IPERS, the Statewide Fire and Police Retirement System, and the Public Safety Peace Officers' Retirement, Accident, and Disability System. The study shall be coordinated by the Chief Benefits Officer of IPERS, the Executive Director of the Statewide Fire and Police Retirement System, and the Director of the Financial Division of the Department of Public Safety for the Public Safety Peace Officers' Retirement, Accident, and Disability System who shall, upon approval of the Public Retirement Systems Committee, employ a consultant to assist in conducting the comprehensive examination. The Act provides that a report concerning this study shall be issued to the Public Systems Retirement Committee by November 2, 1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING PROVISION CONCERNING IPERS:**

A provision creating a new Code section to provide, effective July 1, 1999, for disability retirement benefits under IPERS for members of a protection occupation and for sheriffs, deputy sheriffs and airport fire fighters.



**HOUSE FILE 2502 - Underground Facilities — Statewide Notification Center — Notice of Excavation**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that the Board of Directors of the Statewide Underground Facility Notification Center, in lieu of establishing a competitive bidding procedure to select a vendor to provide the notification service, may elect to retain necessary and sufficient staff to provide the notification service. If the board retains staff to provide the notification service, the board may review the notification service and decide at a later time to use the competitive bidding procedure to select a vendor.

The Act establishes separate information to be provided with respect to the location of a proposed excavation, depending on whether the location is rural or within a municipality.

**HOUSE FILE 2516 - Marital and Family Therapy and Mental Health Counseling — Licensure — Board of Behavioral Science Examiners**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the mandatory licensure of individuals engaged in the professional practice of marital and family therapy or mental health counseling and adds marital and family therapy and mental health counseling to the list of professions for which a license is required in Code Section 147.2. Requirements previously established in Code Chapter 154D regarding qualifications to utilize the professional designation of marital and family therapist or mental health counselor did not mandate licensing in order to practice.

The Act also provides that members of other professions authorized to provide marital and family therapy or mental health counseling services within the scope of their own profession pursuant to Code Section 154D.4 shall not practice marital and family therapy or mental health counseling beyond that scope without obtaining licensure as a marital and family therapist or mental health counselor.

Licensure requirements of the Act are made inapplicable to students and individuals practicing marital and family therapy under the supervision of a person licensed pursuant to Code Chapter 154D as part of a clinical experience requirement, and to the provision of children, family or mental health services through the Department of Human Services or juvenile court, or agencies the department or juvenile court have contracted with, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

The Act exempts individuals seeking licensure prior to July 1, 2000, from the examination requirements contained in Code Section 154D.2, subsection 1, paragraph "c," provided that the education and clinical experience requirements contained in Code Section 154D.2 are met, or in lieu of the clinical experience requirements, that 4,000 hours of practice have been performed.

The Act provides that applicants possessing a lapsed license who seek license reinstatement prior to July 1, 1998, shall not incur a financial penalty or continuing education requirements for the period of the lapse in licensure. Applicants for reinstatement shall complete a reinstatement application and pay renewal and application fees.

The Iowa Department of Public Health shall be authorized, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, to retain any fees generated by the adoption of the Act in excess of anticipated revenue.

Additionally, the Act strikes Code Section 154D.3, subsection 5, which relates to the number of Board of Behavioral Science Examiners' meetings required to be held annually.

The Act takes effect April 2, 1998.

**HOUSE FILE 2560 - Aircraft Registration Fees and Sales Tax Exemptions**

BY COMMITTEE ON WAYS AND MEANS. This Act provides for changes to aircraft registration fees in Code Section 328.21. The Act establishes the general fee based upon a formula which starts with 1 percent of the manufacturer's list price for the first year of registration and is reduced in the second and subsequent years. However, a registration fee shall not be less than \$35 or greater than \$5,000.

When an aircraft other than a new aircraft is registered in Iowa, the registration fee is based upon the number of years for which the aircraft was previously registered.

The Act also amends Code Section 328.26, relating to applications for registration, and repeals Code Section 328.22, relating to used aircraft, to conform to the changes made in Code Section 328.21.

Under law, the purchase of tangible personal property for resale is exempt from the sales and use taxes. Thus, a sale of an aircraft to an aircraft dealer for resale by the dealer is exempt. However, this exemption is lost if the dealer rents or leases the aircraft or

uses the aircraft for any purpose but resale. The Act provides that an aircraft dealer may rent or lease the aircraft without losing the exemption if the aircraft is kept in the inventory of the dealer for sale at all times and the aircraft will be immediately taken from the renter or lessee when a buyer is found and the renter or lessee is aware of this situation. The Act further provides that if the dealer uses the property for other than renting or leasing or does not meet the other conditions, the dealer is liable for the tax that would have been paid when the dealer purchased the aircraft.

The Act also exempts from the sales and use taxes the sales or rentals of tangible personal property that is permanently affixed or attached to aircraft used in air carrier operations and services on such aircraft and such tangible personal property.

**HOUSE JOINT RESOLUTION 2003 - State Public Defender — Fort Dodge Office**

BY KREMER. This Joint Resolution conveys the approval of the General Assembly of proposed action by the State Public Defender to convert the Fort Dodge satellite public defender office to a separate public defender office. Under Code Section 13B.8, the State Public Defender is required to provide a written report detailing the reasons for establishing or abolishing a local public defender office. The State Public Defender submitted the required report, which contained a request for approval of the conversion of an existing satellite office in Fort Dodge to a separate office. The request cited the distance between that office and current separate offices as creating difficulties in administration, and the low cost per case ratio, as reasons in support of the request. The request also noted that there are sufficient funds in the budget to cover the cost of converting the existing office to a separate office.

**HOUSE JOINT RESOLUTION 2004 - Highest Elevation in State**

BY VANDE HOEF, BRAUNS, MASCHER, BARRY, KLEMME, MUNDIE, HUSEMAN, WHITEAD, WELTER, VEENSTRA, O'BRIEN, HOLMES, MERTZ, OSTERHAUS, AND RANTS. This Joint Resolution provides for the designation of a site located in Osceola County, approximately five miles north of the town of Sibley as the official highest elevation in the state of Iowa. The Joint Resolution provides that the official highest elevation shall be designated and referred to as Hawkeye Point and that official state publications referencing the highest elevation in the state, or describing other state symbols or features, shall be encouraged to refer to the official highest elevation in the state as Hawkeye Point.

## TAXATION

- SENATE FILE 2288 - Sales and Use Taxes and Exemptions Relating to Computers, Machinery, and Equipment
- SENATE FILE 2357 - Internal Revenue Code References and Income Tax Provisions
- SENATE FILE 2364 - Food and Beverage Sales and Use Tax Exemption
- SENATE FILE 2365 - Sales and Use Taxes and Exemptions Associated With Providing Water
- SENATE FILE 2407 - Excise Tax on Motor Fuel Containing Ethanol
- SENATE FILE 2416 - Utilities — Property Tax Replacement and Statewide Property Tax
- HOUSE FILE 2153 - State Tax Status of Certain Public Retirement System Contributions
- HOUSE FILE 2374 - Sales and Use Tax Exemption for Organ Procurement Organizations
- HOUSE FILE 2513 - Taxation — Miscellaneous Provisions
- HOUSE FILE 2541 - Use Tax Exemption for Vehicles Used in Interstate Commerce
- HOUSE FILE 2550 - Services Tax Exemption for Massage Therapy

### RELATED LEGISLATION

- SENATE FILE 530 - Enhanced E911 Emergency Telephone Systems — Wireless Communications Surcharge and E911 Administrator  
*SEE LOCAL GOVERNMENT.* This Act establishes an E911 wireless communications surcharge, establishes an E911 administrator in the Department of Public Defense, expands the membership on the E911 Communications Council, and provides appropriations for the E911 administrator and for telecommunicator training.
  
- SENATE FILE 2061 - Tax Statements  
*SEE LOCAL GOVERNMENT.* This Act relates to the statutory requirement to include comparative information on property tax statements, a deferral on implementation of that requirement, and the imposition of fees for property tax statements and property tax statement information requested by certain persons.  
 The Act takes effect May 14, 1998.
  
- SENATE FILE 2119 - Corn Promotion Board and Fund — State Assessment on Corn  
*SEE AGRICULTURE.* This Act increases the allowable assessment from one-half cent to one cent per bushel of corn collected by the Iowa Corn Promotion Board to be used for promoting corn and corn products.
  
- SENATE FILE 2340 - Iowa Egg Council — Assessment on Eggs Sold  
*SEE AGRICULTURE.* This Act amends a number of provisions in Code Chapter 196A, which provides for the establishment and administration of the Iowa Egg Council and the assessment of an excise tax on eggs used to support the council's activities, by eliminating the ceiling on the assessment amount which may be established by the council.
  
- SENATE FILE 2400 - Powers and Duties of County Treasurers  
*SEE LOCAL GOVERNMENT.* This Act makes a number of changes to the powers and duties of county treasurers relating to property taxation, including special assessment installment payments, taxation of modular homes, and notice of delinquent taxes and tax sales.
  
- S.J.R. 2004 - Proposed Constitutional Amendments — State Expenditures and Taxes  
*SEE STATE GOVERNMENT.* This Joint Resolution proposes two amendments which relate to state budgets within a new Article XIII to the Constitution of the State of Iowa. One amendment establishes a State General Fund expenditure limitation. The other amendment provides that any bill which enacts, amends or repeals the state income tax or the state sales and use taxes, and which causes, in the aggregate, an increase in state tax revenues, as determined by the General Assembly, must be adopted by three-fifths of the whole membership of each house of the General Assembly. This amendment also requires a three-fifths majority vote of each house of the General Assembly in

order to enact a new state tax to be imposed by the state. The Joint Resolution will be referred to the next General Assembly for consideration. If the next General Assembly adopts this Joint Resolution, the amendments will be submitted to the voters for ratification.

- HOUSE FILE 721** - New Jobs and Income Program — Insurance Premium Tax Credit  
**SEE ECONOMIC DEVELOPMENT.** This Act authorizes an eligible business under the New Jobs and Income Program to claim an insurance premium tax credit of up to a maximum of 10 percent of the new investment directly related to new jobs created by the location or expansion of an eligible business under the program. A similar insurance premium tax credit is allowed for a business that adds new jobs as a result of a training program handled by a community college.
- HOUSE FILE 2049** - County Contracts for Public Improvements and Redemption of Parcels at Property Tax Sales  
**SEE LOCAL GOVERNMENT.** This Act allows a county to redeem on behalf of a delinquent taxpayer a parcel sold at tax sale, if the taxpayer shows that the taxpayer is unable to contribute to the public revenue, in the same manner that a county may suspend the taxes due of a person otherwise deemed unable to contribute to the public revenue.
- The Act also increases the contract price for a public improvement requiring a contractor's bond from \$5,000 to \$15,000.
- HOUSE FILE 2119** - Iowa Educational Savings Plan Trust  
**SEE EDUCATION.** This Act provides for the establishment of an Iowa Educational Savings Plan Trust. The Act provides that the Iowa Educational Savings Plan Trust constitutes a qualified state tuition program exempt from federal income taxation pursuant to Section 529 of the Internal Revenue Code. The Act adds provisions concerning state income taxation, providing a deduction for the amount of the annual contribution to the trust, investment income earned on contributions, and for gifts, grants and donations made to the endowment fund component of the trust.
- HOUSE FILE 2282** - School Infrastructure Funding  
**SEE EDUCATION.** This Act provides for the imposition of a local sales and services tax by a county or a school district to be utilized for school infrastructure purposes, separate and distinct from any other local sales and services tax otherwise imposed by a city or county. The tax is subject to a 1 percent maximum rate, for up to a 10-year duration, and is imposed county-wide.
- HOUSE FILE 2492** - Drainage District Repairs and Improvements — Period for Financing  
**SEE AGRICULTURE.** This Act provides that drainage repairs and improvements may be financed by an assessment payable by landowners over a number of years provided that the installments may be collected in not more than 20 installments. Prior law limited installments to fewer than 10.
- HOUSE FILE 2494** - Regulation of Animal Feeding Operations and Related Provisions  
**SEE AGRICULTURE.** This Act amends a number of provisions which apply to the regulation of animal feeding operations, including provisions regarding the Manure Storage Indemnity Fund and fees and appropriations used to support the fund.
- HOUSE FILE 2538** - Enterprise Zones — Eligible Housing Businesses and Related Matters  
**SEE ECONOMIC DEVELOPMENT.** This Act amends the Enterprise Zone Program legislation enacted during the 1997 legislative session by creating housing-related incentives and assistance for eligible businesses. The Act provides that an approved eligible housing business shall receive a sales, services and use tax refund and a 10 percent new investment income tax credit. As an alternative to using a new jobs credit from withholding, an eligible business under the Enterprise Zone Program that is not an eligible housing business may establish a housing assistance program in the form of down payment assistance and rental assistance for employees in new jobs who buy or rent housing located within the enterprise zone. The program shall be funded through a credit from withholding based on the wages paid to the employees participating in the housing program.
- HOUSE FILE 2542** - Bulk Dry Animal Nutrient Products  
**SEE AGRICULTURE.** This Act creates a new Code Chapter 200A titled the "Bulk Dry Animal Nutrient Products Law." The Act regulates certain bulk dry animal manure for use as a fertilizer or soil conditioner and especially the distribution of the manure. The provisions of the Act are administered by the Department of Agriculture and Land Stewardship. The Act imposes a fee upon persons licensed to distribute the product. The Act also imposes a fee for the inspection of the product by the department.

- HOUSE FILE 2545** - County Mental Health, Mental Retardation, and Developmental Disabilities Service Funding  
*SEE LOCAL GOVERNMENT.* This Act relates to county mental health, mental retardation and developmental disabilities service funding and planning by providing for distribution of an FY 1999-2000 appropriation for allowed growth in expenditures, based upon a variety of factors. The Act establishes various funding pools within the Property Tax Relief Fund.
- HOUSE FILE 2560** - Aircraft Registration Fees and Sales Tax Exemptions  
*SEE STATE GOVERNMENT.* This Act provides that an aircraft dealer who rents or leases the aircraft or uses the aircraft for any purpose but resale forfeits a sales and use tax exemption unless the aircraft is kept in the inventory of the dealer for sale at all times and the aircraft will be immediately taken from the renter or lessee when a buyer is found. This Act also exempts from the sales and use taxes the sales or rentals of tangible personal property that is permanently attached to aircraft used in air carrier operations and services on such aircraft and such tangible personal property.

## TAXATION

### **SENATE FILE 2288 - Sales and Use Taxes and Exemptions Relating to Computers, Machinery, and Equipment**

**BY COMMITTEE ON WAYS AND MEANS.** This Act amends the statute on sales and use taxes imposed on optional service or warranty contracts involving computer software maintenance or support services and amends the statute that exempts sales of certain industrial machinery, equipment, computers, fuel, and electricity from tax. The Act provides that if there is no separately stated fee for services on an optional service contract or warranty contract, the sales tax is imposed on 50 percent of the gross receipts from the sale of the contract. It also expands the exemption allowed to sales of fuel and electricity used in computers, machinery and equipment. The Act provides that sales of vehicles subject to registration are not exempt machinery or equipment sales unless the vehicles are directly and primarily used in recycling or reprocessing waste products. The Act defines "receipt or producing of raw materials" to confine the phrase to activities performed on tangible personal property only.

The Act also exempts from state sales tax machinery and equipment used in activities subsequent to extraction of materials through mining or quarrying by adding a business engaged in that activity to the definition of "manufacturer."

Provisions of the Act relating to the fuel and electricity exemption, to sales of vehicles subject to registration, and to the definition of "receipt or producing of raw materials" are retroactively effective to July 1, 1997. The remaining sections of the Act take effect July 1, 1998.

### **SENATE FILE 2357 - 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 1997 applicable for Iowa income tax purposes and makes other changes related to Iowa income tax.

Iowa Code Sections 15.335, 15A.9, 422.10, and 422.33 are amended to update the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 1997 changes to the federal research activities credits. These amendments apply retroactively to January 1, 1997, for tax years beginning on or after that date.

Iowa Code Section 422.3 is amended to update the reference in the Iowa Code to the Internal Revenue Code to January 1, 1998, to include the federal income tax revisions made by Congress in the 1997 calendar year, making those revisions applicable for Iowa income tax purposes. These amendments apply retroactively to January 1, 1997, for tax years beginning on or after that date.

Iowa Code Section 422.6 is amended to exempt preneed funeral trusts electing special tax treatment for federal tax purposes, and beneficiaries of such trusts, from Iowa income tax on the income accruing to such trusts. This amendment applies retroactively to tax years ending after August 5, 1997.

Iowa Code Sections 422.9 and 422.35 are amended to revise the carryback and carryforward periods for net operating losses and casualty losses to conform with the federal changes in the carryback and carryforward periods for these losses in the federal Taxpayer Relief Act of 1997. The carryback is now up to two years and the carryforward is up to 20 years. These amendments apply retroactively to losses arising in taxable years beginning after August 5, 1997.

Iowa Code Section 422.73 is amended to authorize refunds beyond the state's three-year statute of limitations for refund if a taxpayer qualifies for refund for federal tax purposes as a result of retroactive application of a provision of the federal Taxpayer Relief Act of 1997. This amendment applies retroactively to January 1, 1977, for tax years beginning on or after that date.

The Act takes effect April 13, 1998.

### **SENATE FILE 2364 - Food and Beverage Sales and Use Tax Exemption**

**BY COMMITTEE ON WAYS AND MEANS.** This Act provides an exemption from the sales and use taxes of the sales of food and beverages by nonprofit organizations not subject to federal income tax if their primary purpose is the promotion of a food or beverage product for human consumption produced, grown or raised in the state.

Refunds of sales or use taxes paid shall be allowed, but only in the aggregate of \$25,000, and only if applied for by October 1, 1998. If the amount of claims exceeds \$25,000, the claimants will receive a proportionate amount of their claims.

The Act takes effect April 14, 1998, and applies retroactively to July 1, 1988.

**SENATE FILE 2365 - Sales and Use Taxes and Exemptions Associated With Providing Water**

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Chapter 357A, which provides for the organization and management of rural water districts. Code Section 357A.15 provides that facilities constructed or acquired by a rural water district organized under that chapter are not subject to taxes imposed by the state. This Act amends that section by providing that a rural water district organized under Code Chapter 504A shall receive a refund of sales or use taxes upon submitting an application to the Department of Revenue and Finance for such refund of taxes imposed upon the gross receipts of all sales of building materials, supplies or equipment sold to a person constructing facilities for the rural water district to the same extent as a rural water district organized under Code Chapter 357A.

The Act also exempts from the sales and use tax the gross receipts from the sale of electricity to water companies assessed for property tax which is used solely for the purpose of pumping water from a river or well.

**SENATE FILE 2407 - Excise Tax on Motor Fuel Containing Ethanol**

BY COMMITTEE ON WAYS AND MEANS. This Act extends the one cent tax reduction granted for ethanol to June 30, 2007. A tax rate of 20 cents per gallon is imposed on all motor fuel used by vehicles except ethanol, which is taxed at a rate of 19 cents per gallon.

**SENATE FILE 2416 - Utilities — Property Tax Replacement and Statewide Property Tax**

BY COMMITTEE ON WAYS AND MEANS. This Act generally replaces the current central property tax assessment procedures utilized by the Director of Revenue and Finance in valuing property of entities involved primarily in the production, delivery and transmission of electricity and natural gas within this state, with excise taxes on electricity and natural gas, and a statewide property tax on certain property of such entities. The Act generally takes effect January 1, 1999, and is applicable to property tax assessment years beginning on or after January 1, 1999, and to replacement tax years beginning on or after January 1, 1999. A provision of the Act that creates a task force to study the effects of the replacement tax takes effect May 14, 1998.

The Act creates a new Code Chapter 437A, the purpose of which as stated in the chapter is to replace property taxes imposed on electric and natural gas companies, electric cooperatives and municipal utilities with a system of taxation that will enable such entities to effectively compete in a competitive marketplace, while preserving revenue neutrality and debt capacity for local governments and taxpayers.

This Act imposes a replacement tax on the delivery of electricity to a consumer within this state. The replacement delivery tax is an amount equal to the number of kilowatt-hours delivered to consumers by the taxpayer within each electric competitive service area during the tax year multiplied by the electric replacement delivery tax rate for each competitive service area plus, if applicable, the number of kilowatt-hours delivered to consumers by the taxpayer within each electric competitive service area during the tax year multiplied by the electric transfer replacement tax rate for each electric competitive service area. The tax rate is to be calculated by the Director of Revenue and Finance.

The Act provides that the replacement tax includes electric generation, transmission and delivery tax components. The Act provides for municipal electric transfer replacement tax rates which are to be calculated annually by the city council of each city located within an electric competitive service area served by a municipal utility as of January 1, 1998. The Act also provides for the recalculation of the electric replacement delivery tax as a result of an increase or decrease in the number of taxable kilowatt-hours of electricity reported with respect to any electric competitive service area.

The Act imposes a replacement tax on the delivery of natural gas to a consumer within this state. The replacement delivery tax is an amount equal to the number of therms delivered to consumers by the taxpayer within each natural gas competitive service area during the tax year multiplied by the natural gas delivery tax rate for each competitive service area plus, if applicable, the number of therms of natural gas delivered to consumers by the taxpayer within each natural gas competitive service area during the tax year multiplied by the municipal natural gas transfer replacement tax rate for each natural gas competitive service area. The tax rate is to be calculated by the Director of Revenue and Finance.

The Act provides for municipal natural gas transfer replacement tax rates which are to be calculated annually by the city council of each city located within a natural gas competitive service area served by a municipal utility as of January 1, 1998. The Act also provides for the recalculation of the natural gas replacement delivery tax as a result of an increase or decrease in the number of taxable therms of natural gas reported with respect to any natural gas competitive service area.

This Act sets forth the filing requirements, including the information to be included on the tax return. The Act requires a taxpayer to remit to the county treasurer of each county to which replacement tax is allocated, one-half of the replacement tax due on or before September 30 with the remainder to be remitted on or before the following March 31.

The Act establishes a three-year statute of limitations for the Director of Revenue and Finance to examine and assess additional tax, if the return is found to be incorrect. The Act provides that if a return is not filed, or when filed is incorrect and after notice from the director a corrected return is not filed, the director is authorized to estimate the tax due.

The Act establishes a lien on the property of a taxpayer if any replacement tax, together with any costs which accrue, goes unpaid. The Act provides that such lien is prior to and superior over all subsequent liens.

The Act provides for correction of errors, refunds or credits of replacement tax paid, and for the confidentiality of information provided on a return by a taxpayer. The Act provides that claims for refund or credit are to be filed with the Director of Revenue and Finance and must be filed within three years after the replacement tax payment upon which a refund or credit is claimed became due, or one year after the replacement tax payment was made, whichever time is later. Claims for refund or credit of municipal transfer replacement tax are to be filed with the appropriate city's chief financial officer.

The Act provides for the allocation of all replacement tax revenue by the Director of Revenue and Finance. The Act provides that all replacement taxes owed by a taxpayer are to be allocated among the local taxing districts in which such taxpayer's property is located in accordance with a general allocation formula determined by the Department of Management on the basis of general property tax equivalents. Effective May 14, 1998, the Act also directs the Department of Management, in consultation with the Department of Revenue and Finance, to initiate and coordinate the establishment of a task force to study the effects of the replacement tax on local taxing districts and taxpayers.

The Act imposes an annual statewide property tax of three cents per \$1,000 of assessed value on all property that is primarily and directly used in the production, generation, transmission, or delivery of electricity or natural gas owned or leased to a person subject to taxation under new Code Chapter 437A.

The Act establishes reporting requirements for all electric companies, natural gas companies, electric cooperatives, municipal utilities, and any other person subject to the replacement taxes established in new Code Chapter 437A for property added or disposed of by such entities. The Act provides a mechanism for the adjustment and reevaluation of the value of the property of such entities.

The Act provides that all revenue from the statewide property tax is to be deposited in the General Fund of the State, with 50 percent of such revenue being available to the Department of Management for salaries, support, services, and equipment to administer the replacement tax, and 50 percent of such revenue being available to the Department of Revenue and Finance for salaries, support, services, and equipment to administer and enforce the replacement tax and the statewide property tax.

The Act provides that the replacement tax imposed under new Code Chapter 437A is to be reflected in the charges of utilities subject to rate regulation. The board is authorized to determine the amount of replacement tax properly included in retail rates subject to the board's jurisdiction. The Utilities Board, in consultation with the Department of Revenue and Finance, is to initiate and coordinate a replacement tax study committee to study the effects of the replacement tax on both restructuring and the development of competition in the natural gas and electric industries in this state.

The Act requires all taxpayers to file a report with the Department of Revenue and Finance within 90 days of the effective date of the Act, January 1, 1999, including data necessary to compute the replacement tax.

#### **HOUSE FILE 2153 - State Tax Status of Certain Public Retirement System Contributions**

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that, beginning January 1, 1999, the required financial contribution by employee members covered under the Public Safety Peace Officers' Retirement, Accident, and Disability System, the Iowa Public Employees' Retirement System, and the Statewide Fire and Police Retirement System shall be considered employer contributions, and not part of the employee's salary, for state income tax purposes. Prior law provided, as of January 1, 1995, that these employee contributions for these systems are considered employer contributions for federal income tax purposes only.

The Act also provides that member contributions to a pension and annuity retirement system for teachers established pursuant to Code Chapter 294 are considered employer contributions for state income tax purposes, beginning January 1, 1999, or on the January 1 following submission of an application for qualification to the Internal Revenue Service, whichever is later.

This Act takes effect January 1, 1999, and applies to tax years beginning on or after that date.

#### **HOUSE FILE 2374 - Sales and Use Tax Exemption for Organ Procurement Organizations**

BY COMMITTEE ON WAYS AND MEANS. This Act exempts from the state sales and use taxes the gross receipts from the sale of tangible personal property or from services performed for statewide nonprofit organ procurement organizations. An organ



procurement organization is an entity that performs or coordinates the performance of retrieving, preserving or transplanting organs; maintains a system of locating prospective recipients; and is registered with the United Network for Organ Sharing.

**HOUSE FILE 2513 - Taxation — Miscellaneous Provisions**  
BY COMMITTEE ON WAYS AND MEANS.

Division I - Capital Gains

Division I of this Act eliminates, for individual income tax purposes, the taxation of certain qualifying net capital gains, including gains from the sale of certain livestock and timber and business real property. Prior law allowed only a 45 percent deduction. This Division also eliminates the material participation requirement from sales of businesses to lineal descendants for purposes of the taxation of net capital gains from these sales.

This Division provides for complete exemption from the state individual income tax of capital gains from each capital asset when it is part of a sale of the taxpayer's business if the sale is made to a lineal descendant of the taxpayer.

This Division takes effect May 6, 1998, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.

Division II - Pension Income Exclusion

Division II of the Act increases the amount of the exemption allowed under the individual income tax for pension and deferred compensation income. The exemption is increased from \$3,000 to \$5,000 for separate filers, except spouses filing separately, and from \$6,000 to \$10,000 for joint filers. Spouses filing separately may receive an exclusion of up to \$10,000 of pension and deferred compensation income received between them. This Division takes effect May 6, 1998, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.

Division III - Personal Exemption Credit

Division III of the Act doubles the amounts of the personal exemption credits for single filers, heads of household and joint filers under the state individual income tax. This Division applies retroactively to January 1, 1998, for tax years beginning on or after that date.

Division IV - Tuition Tax Credit

Division IV of the Act increases the tuition and textbook tax credit from 10 percent to 25 percent of the first \$1,000 paid by the taxpayer for tuition and textbooks for each dependent attending an accredited elementary or secondary school. This Division also expands the definitions of "tuition" and "textbooks" to include those expenses, materials or charges relating to extracurricular activities. The credit is a nonrefundable credit that is applied against the taxpayer's state individual income tax.

This Division applies retroactively to January 1, 1998, for tax years beginning on or after that date.

Division V - Sales Tax Exemption for Hospitals

Division V of the Act exempts sales and services made to nonprofit hospitals from the state sales and use taxes if the hospital is licensed under Code Chapter 135B by the Department of Inspections and Appeals and the property and services are used in the operation of the hospital.

Division VI - Additional Homestead Credit and Rent Reimbursement

Division VI of the Act changes the law that grants a mobile home tax credit, additional homestead credit, and reimbursement for rent constituting property taxes paid for certain low-income persons based upon household incomes. Under current law, the maximum credit and reimbursement is granted to those with household incomes of \$6,000 or less, with no credit or reimbursement granted to those with household incomes of \$14,000 or more. This Division increases these figures to \$8,500 or less and \$16,500 or more, respectively, and adjusts these figures for inflation on an annual basis.

This Division applies to claims for credits or reimbursements filed on or after January 1, 1999.

**HOUSE FILE 2541 - Use Tax Exemption for Vehicles Used in Interstate Commerce**

BY COMMITTEE ON WAYS AND MEANS. Current law allows a use tax exemption for commercial vehicles used substantially in interstate commerce. To be used "substantially in interstate commerce," at least 25 percent of the miles operated by the

vehicle must be in states other than Iowa. This Act provides that if this 25 percent minimum requirement is met for each year of the first four-year period of operation, the exemption continues until the vehicle is sold or transferred.

This Act also provides that if the exemption requirements are not met or the exemption is revoked, the tax is imposed on the lesser of the book value or market value at the time the requirements are not met or the exemption is revoked.

**HOUSE FILE 2550 - Services Tax Exemption for Massage Therapy**

BY COMMITTEE ON WAYS AND MEANS. This Act exempts from the state sales and services tax services provided by massage therapists licensed under Code Chapter 152C.

## TRANSPORTATION

- SENATE FILE 2022 - Revitalize Iowa's Sound Economy Fund — Transfer of Funds
- SENATE FILE 2023 - Special Motor Vehicle Registration Plates
- SENATE FILE 2081 - Implements of Husbandry
- SENATE FILE 2085 - Responsibilities of Department of Transportation
- SENATE FILE 2113 - Driver and Motor Vehicle Licensing, Reporting, and Registration
- SENATE FILE 2192 - Motor Vehicle Damage Disclosure Statements
- SENATE FILE 2218 - Raw Milk Transporter Permits
- SENATE FILE 2257 - Transportation — Miscellaneous Provisions
- HOUSE FILE 2353 - Motor Vehicles Exempt From Registration Fees — Distinguishing Registration Plates Exemption
- HOUSE FILE 2392 - Nonresident Motor Vehicle Dealers — Display of New Motor Trucks at Qualified Events
- HOUSE FILE 2394 - Penalties for Homicide by Vehicle
- HOUSE FILE 2412 - Incompetency of Motor Vehicle Operators — Optometrists' Reports
- HOUSE FILE 2424 - County Issuance of Motor Vehicle Licenses
- HOUSE FILE 2514 - Motor Vehicle Operation, Motor Carriers, and Transportation of Hazardous Materials
- HOUSE FILE 2528 - Graduated Drivers' Licenses

### RELATED LEGISLATION

- SENATE FILE 2136 - 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 by making a change pertaining to owner and operator liability for injury or damage caused by all-terrain vehicles or snowmobiles.
- SENATE FILE 2267 - Department of Transportation Records — Release to Governmental Employees  
*SEE STATE GOVERNMENT.* This Act provides for the release of information by the state Department of Transportation based on vehicle registration numbers to certain government employees and provides for the conditions governing release of the information by a law enforcement agency to any person.
- SENATE FILE 2294 - Payment of Snowmobile and All-Terrain Vehicle Fees  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides that a snowmobile and all-terrain vehicle dealer shall pay all title fees on behalf of a purchaser of a snowmobile or all-terrain vehicle.
- SENATE FILE 2407 - Excise Tax on Motor Fuel Containing Ethanol  
*SEE TAXATION.* This Act extends the one cent tax reduction granted for ethanol to June 30, 2007. A tax rate of 20 cents per gallon is imposed on all motor fuel used by vehicles except ethanol, which is taxed at a rate of 19 cents per gallon.
- SENATE FILE 2410 - Human Services Appropriations and Related Provisions  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services and includes provisions for the fee charged for reinstatement of motor vehicle licenses to be allocated to local juvenile justice programs.
- SENATE FILE 2415 - Iowa Agricultural Industry Finance Act and Related Provisions  
*SEE ECONOMIC DEVELOPMENT.* This Act amends Code Section 423.24 by allocating use tax moneys on motor vehicles, trailers and motor vehicle accessories and equipment, previously transferred to the Iowa Comprehensive Petroleum Underground Storage Tank Marketability Fund to the Department of Economic Development for purposes of financing of enterprises owned by agricultural producers which produce, process and market high value agricultural products.

- HOUSE FILE 2135** - Mid-America Port Commission Agreement  
*SEE ECONOMIC DEVELOPMENT.* This Act provides that the Mid-America Port Commission Agreement is entered into and enacted into law with the State of Illinois and the State of Missouri if those states join the agreement in substantially the same form. The agreement provides that the Mid-America Port Commission shall be governed by a nine-member port commission and provides a list of certain powers and duties the port commission shall have related to the operation of the port commission. The Act provides that the Iowa counties of Lee, Henry and Des Moines shall be included in the jurisdiction of the agreement.
- HOUSE FILE 2339** - Underground Storage Tanks — No Further Action Fund  
*SEE ENVIRONMENTAL PROTECTION.* This Act creates a "No Further Action Fund" under the control of and administered by the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board. Moneys in the fund may be used for reimbursement for corrective action under certain conditions. Moneys remaining in the fund on June 30, 2006, which are not held in reserve for a claim, and any moneys remaining on June 30, 2008, are credited to the Road Use Tax Fund.
- HOUSE FILE 2395** - Supplemental and Other Appropriations and Miscellaneous Provisions  
*SEE APPROPRIATIONS.* This Act relates to various public expenditure and regulatory matters by making supplemental appropriations for FY 1997-1998, appropriations for subsequent fiscal years, and various statutory changes. The Act creates a Railroad Revolving Loan Fund to be administered by the state Department of Transportation.
- HOUSE FILE 2454** - Motor Vehicle Proof of Financial Responsibility  
*SEE BUSINESS, BANKING & INSURANCE.* This Act amends provisions relating to the motor vehicle mandatory financial provisions passed during the 1997 Legislative Session. The Act corrects certain inconsistencies and clarifies provisions relating to mandatory financial liability coverage requirements and the enforcement of those requirements. The Act takes effect April 17, 1998, and is retroactively applicable to July 1, 1997.
- HOUSE FILE 2482** - Crimes Relating to Railroad Property  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act establishes criminal offenses of criminal trespass upon the property owned, leased or operated by a railway corporation; stowing away in or on a train or train component; and railway vandalism.
- HOUSE FILE 2499** - Appropriations — Transportation  
*SEE APPROPRIATIONS.* This Act makes appropriations from the General Fund of the State and the Road Use Tax Fund to the state Department of Transportation, and from the Primary Road Fund to the Department of Public Safety, and from the Motorcycle Rider Education Fund to a mobile motorcycle education program, and contains related statutory provisions.
- HOUSE FILE 2541** - Use Tax Exemption for Vehicles Used in Interstate Commerce  
*SEE TAXATION.* This Act exempts a commercial vehicle from use tax until the vehicle is sold or transferred if for each of the first four years of operation 25 percent of the miles operated are in interstate commerce.
- HOUSE FILE 2560** - Aircraft Registration Fees and Sales Tax Exemptions  
*SEE STATE GOVERNMENT.* This Act provides for changes to aircraft registration fees and exempts sales, services and use taxes on purchases of aircraft if such aircraft is used by a dealer in certain rental and leasing agreements.

## TRANSPORTATION

### **SENATE FILE 2022 - Revitalize Iowa's Sound Economy Fund — Transfer of Funds**

BY COMMITTEE ON TRANSPORTATION. This Act authorizes the state Transportation Commission to transfer moneys temporarily from the Revitalize Iowa's Sound Economy (RISE) Fund to the Primary Road Fund if the commission receives a letter from the Director of Transportation certifying that federal transportation funding is not available. Moneys must be repaid to the RISE Fund within three months of any transfer. The commission must ensure that moneys will be available to meet contract obligations on approved RISE projects.

The Act takes effect February 3, 1998.

### **SENATE FILE 2023 - Special Motor Vehicle Registration Plates**

BY RITTMER, KIBBIE AND DRAKE. This Act allows the surviving spouse of a person who was issued ex-prisoner of war motor vehicle registration plates to apply for and use such plates even if the surviving spouse has not continued to use the plates originally issued to the ex-prisoner of war.

The Act also allows certain persons who received an honorable discharge due to a medical disqualification to apply for and use retired United States armed forces plates.

The Act also permits emergency medical personnel to apply for and use special registration plates designating that the person is a current member of a medical services agency.

### **SENATE FILE 2081 - Implements of Husbandry**

BY COMMITTEE ON AGRICULTURE. The Act amends Code Section 321.453, which provides that Code provisions regulating the size, weight and load of vehicles, and requiring permits for the movement of certain vehicles, do not apply in some cases to implements of husbandry. Currently, an implement of husbandry may be moved between a retail seller and a farm purchaser within a 100-mile radius from the retail seller's place of business. This Act eliminates the 100-mile condition. It also provides that an implement of husbandry may be moved between any site and the site of an agricultural exposition or fair.

### **SENATE FILE 2085 - Responsibilities of Department of Transportation**

BY COMMITTEE ON TRANSPORTATION. This Act relates to the responsibilities of the state Department of Transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of five-year plans for city street construction programs.

The Act eliminates a requirement that the director or the department approve or adopt rules relating to the approval of certain equipment installed on motor vehicles, including audible or visual signaling devices; reflective devices on garbage collection vehicles; sirens, whistles and bells; safety glass; brakes on all-terrain vehicles and snowmobiles; and seat belts. It allows a "persons with disabilities parking space" located on a paved surface to be painted with or without a blue background, allows the international symbol of accessibility to be painted in yellow or white paint, rather than only yellow paint, and removes a reference to nonskid paint.

This Act provides that persons with disabilities who use a wheelchair may request from the state Department of Transportation a parking cone bearing the words "wheelchair parking space." The Act expands the eligibility for a parking cone to include all persons who use wheelchairs, not just persons who operate a vehicle with a wheelchair lift. The parking cone is used to block another parking space to allow persons using a wheelchair to enter or exit a vehicle.

This Act also strikes a requirement that cities of over 5,000 population, which receive funds from the Road Use Tax Fund, annually file five-year plans for street construction and reconstruction with the state Department of Transportation.

### **SENATE FILE 2113 - Driver and Motor Vehicle Licensing, Reporting, and Registration**

BY COMMITTEE ON TRANSPORTATION. This Act changes the terminology for a license for an operator of a motor vehicle from "motor vehicle license" to "driver's license."

The Act allows a person's liability insurance information to be made available by the state Department of Transportation to all other persons involved in an accident, upon the request of any person involved in the accident, or the person's attorney or insurance company.

The Act changes the purpose for department inspections of specially constructed and reconstructed vehicles. Instead of determining whether the vehicle is in a safe operating condition, the Act requires the inspection to be made to determine whether the vehicle meets the definition of a specially constructed or reconstructed vehicle.

**SENATE FILE 2192 - Motor Vehicle Damage Disclosure Statements**

BY COMMITTEE ON TRANSPORTATION. This Act provides changes relating to the threshold for damage disclosure statements. Under prior law, a transferor of a motor vehicle was not required to provide a damage disclosure statement to the transferee if the damage from a single accident did not exceed \$3,000, and the transferor was not required to include the cost to repair or replace an inflatable restraint system when calculating the threshold damage amount.

The Act changes the threshold damage amount from \$3,000 to \$5,000. The Act further provides that when calculating the threshold damage amount, the transferor does not need to include the cost to repair or replace tires, lights, batteries, windshields, windows, or a sound system, in addition to excluding the costs associated with the inflatable restraint system.

**SENATE FILE 2218 - Raw Milk Transporter Permits**

BY ZIEMAN. This Act authorizes the issuance of a permit by the state Department of Transportation or local authorities to allow the motor truck of a raw milk transporter to exceed the gross weight restriction or gross weight restriction on an axle. The issuing authority may set limits on each permit and establish a route. The motor truck transporting raw milk may not exceed an overall gross weight of 80,000 pounds or exceed 20,000 pounds on each axle. The annual permit fee is established at \$25.

**SENATE FILE 2257 - Transportation --- Miscellaneous Provisions**

BY COMMITTEE ON TRANSPORTATION. This Act relates to the regulation of motor vehicle operation on the roads and streets of this state.

This Act eliminates the state functional classification system for roads and streets in the state but does not eliminate the farm-to-market road system. The federal system for classification of roads and streets in the state is not affected by the Act. Jurisdictional control of roads and streets in the state remains subject to Code Section 306.4, which is not amended by this Act. The Act eliminates the functional classification board in each county and creates a Statewide Farm-to-Market Review Board appointed by the Iowa County Engineers Association. The review board is required to receive all farm-to-market road system modifications proposed by any county, review the proposals, and submit modifications approved by the board to the state Department of Transportation.

The Act authorizes the department to grant easements across land under its jurisdiction if the easements will not adversely affect the highway system.

The Act also authorizes the use of the publication name on newspaper receptacles attached to a mailbox or mailbox support that is adjacent to a primary highway.

The Act provides that official records or certified copies of such records of the department, including driving records, shall be received into evidence in any court or administrative proceeding in the same manner and with the same force and effect as if the Director of Transportation or the director's designee had testified in person.

The Act expands the purposes for which implements of husbandry may be moved on roads and highways in daylight hours for distances not exceeding 100 miles.

The Act strikes from the Code a provision restricting the height of motorcycle handlebars.

The Act allows maintenance vehicles operated by a highway authority to stop or park on the main traveled way of a roadway when necessary to the function being performed and when early warning devices are properly displayed. The Act also allows a single truck operating on the highways to have cargo extend three feet beyond the front bumper and four feet beyond the rear bumper. In addition, the Act also permits an unladen cargo carrying device to extend up to 24 inches beyond the rear of the truck.

The Act requires that the \$200 civil penalty assessed against a driver whose operating privileges have been revoked for an operating while intoxicated (OWI) offense be paid and that proof that an ignition interlock device has been installed in the vehicle be presented before the driver can obtain a temporary restricted license.

The Act also requires that in order to obtain a driver's license after certain suspensions, a person must first present proof to the department that the ignition interlock device has been removed.

The Act prohibits any person who has been convicted of a fraudulent practice in selling, bartering or otherwise dealing in motor vehicles, in this state or any other state, from being an owner, salesperson or dealer representative of a licensed motor vehicle dealer. Under current Code Section 322.6, the department may deny an application for a motor vehicle dealer license based on such a conviction. The prohibition would apply for five years following such a conviction.

The Act permits motor vehicle dealerships to move to another location within the dealership's community and to add another line-make of vehicles if the dealership's facility can accommodate an additional line-make.

The Act eliminates certain Code provisions relating to prorating motor vehicle and vehicle dealer license fees, as part of the transition from single-year to multiyear licensing.

The Act changes Code reference to governmental airport "sufficiency ratings" to "airport sufficiency reports."

Finally, the Act increases the fine for improperly passing a school bus from \$25 to \$100.

**HOUSE FILE 2353 - Motor Vehicles Exempt From Registration Fees — Distinguishing Registration Plates Exemption**  
BY COMMITTEE ON TRANSPORTATION. This Act relates to the ability of the Department of General Services or the state Department of Transportation to order the issuance of regular registration plates for certain exempted government vehicles. The Act adds vehicles used by persons in the Department of Economic Development who regularly are assigned duties relating to existing industry expansion or business attraction to the list of exempted vehicles. An exempted vehicle without this dispensation is issued a registration plate bearing the word "official."

**HOUSE FILE 2392 - Nonresident Motor Vehicle Dealers — Display of New Motor Trucks at Qualified Events**  
BY COMMITTEE ON WAYS AND MEANS. This Act permits nonresident motor vehicle dealers to display motor trucks in this state at a qualified event. A qualified event is one that does not allow the sale of motor vehicles, is not open to the public, promotes the trucking industry, and is conducted within the area of the dealer's contractual responsibility. No temporary permit will be issued to a nonresident motor vehicle dealer unless the dealer's state provides reciprocity to a motor vehicle dealer licensed in Iowa. Permits may be issued for a period not to exceed 14 days upon payment of a \$10 fee.

The Act takes effect April 6, 1998.

**HOUSE FILE 2394 - Penalties for Homicide by Vehicle**

BY LARSON. This Act allows for the suspension of a person's driver's license if the person is charged with homicide by vehicle under Code Section 707.6A, subsection 1 or 2. The state Department of Transportation, upon receiving notice from the clerk of court that an indictment or information has been filed charging a person with homicide by vehicle, shall notify the person that their license will be suspended effective 10 days from the issuance of the suspension notice. If a person is not convicted of the charge, the department shall rescind the suspension and reinstate the person's license. Financial responsibility requirements do not attach to those licenses which are reinstated as a result of the rescission of the suspension. If a person is convicted of homicide by vehicle, the suspension will automatically terminate in favor of revocation of the person's license.

The Act also establishes that a person shall serve 100 percent of the maximum term of their sentence if the person is convicted of homicide by vehicle under Code Section 707.6A, subsection 1 or 2, and is also convicted of failing to stop and remain at the scene under Code Section 321.261, subsection 3.

**HOUSE FILE 2412 - Incompetency of Motor Vehicle Operators — Optometrists' Reports**

BY COMMITTEE ON TRANSPORTATION. This Act extends to optometrists the same authority and immunity extended to physicians respecting reports to the state Department of Transportation concerning the identity of a person whom the optometrist has diagnosed as having a condition rendering the person incompetent to operate a motor vehicle. The optometrist is to make reasonable efforts to notify the subject of the report. The optometrist is immune from any civil or criminal liability which might otherwise be incurred as a result of the report. The optometrist has no duty to report the information to third parties. The report to the department is to be kept confidential.

**HOUSE FILE 2424 - County Issuance of Motor Vehicle Licenses**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act expands the system of issuance of motor vehicle licenses by county treasurers from six counties (Adams, Cass, Fremont, Mills, Montgomery, and Page), to include up to an additional 42 counties. Prior provisions related to county issuance are repealed in conjunction with the creation of the new Code chapter. The six counties currently authorized to issue licenses are authorized to continue issuance, or may choose voluntary termination of issuance under the provisions of the Act.

Initial participation in expanded county issuance is limited to 42 additional counties. Counties served by permanent state Department of Transportation (DOT) sites are not eligible. Eligible counties which are interested must file with DOT written authorization from both the county treasurer and the board of supervisors prior to participation in license issuance. In the event that more than 42 counties indicate an interest in county issuance, preference will be given to counties that have both filed the appropriate authorizations and have been approved as part of "clusters."

The system of county issuance shall be implemented through the use of "clusters," groups of four to six contiguous counties that serve a population area comparable to that served by each DOT itinerant (traveling) license issuance team. Each cluster will replace a DOT itinerant team, but a proposed cluster need not contain the exact counties served by an existing itinerant team. Clusters must execute an agreement pursuant to Code Chapter 28E among participating counties.

Counties wishing to issue licenses should propose clusters, preferably combinations that will not cause DOT service difficulties (when remaining itinerant teams are scheduled and assigned) to counties surrounding the cluster. The department may oppose a proposed cluster if subsequent DOT service to such counties would be exceptionally difficult or result in a substantial reduction of annual service availability to such counties. A proposed cluster that is opposed because of service difficulties to neighboring counties can elect to offer service to the county posing the service difficulty to DOT. Clusters affected by the termination or voluntary discontinuance of county issuance by a participating county have a similar option of providing service in the terminated county, or replacing the terminated county with another contiguous county. Clusters that cannot resolve such problems will revert to service from DOT. The department and each of the issuing counties must execute a Code Chapter 28E agreement.

Commercial driver's license (CDL) issuance in a county must meet federal standards, and the state must certify that issuance of CDLs within the state is in compliance with the federal requirements. Counties must comply with the federal CDL standards and other provisions under Iowa law relating to CDL issuance. A county that observes these standards shall be certified as part of statewide compliance with federal standards. A county which fails to correct deficiencies in CDL issuance may have its privileges relating to CDL issuance terminated. Other counties in the cluster may then provide CDL services for the terminated county, but DOT has no obligation to offer such services within the terminated county.

An initial eight-week training session, follow-up training on-site, and continuing training are addressed by the Act. The department may not segregate department employees and county personnel in different training sessions. New county personnel must complete initial training before conducting licensing activity. New county treasurers must use best efforts to complete initial training as soon as possible; the issuance program within a county may be placed on probation if a new treasurer does not make reasonable efforts to begin training within three months of entering office.

Prior to implementation of a new digitized photolicensing agreement, the Act provides for an "opt-out period." Digitized photolicensing equipment is the combination of machines and materials that results in the on-site production of the driver's license. Due to the high costs of the equipment, participation in county issuance is timed to coincide with such equipment contract periods. A county can "opt out" or terminate participation in county issuance only during such specified opt-out periods prior to implementation of a new contract. It may do so by written notification to DOT during the time period set by DOT. A county that wishes to continue participation must indicate in writing to DOT that it wishes to continue. The time period for making such indications may be set at a time sufficiently in advance of the request for proposals (RFP) associated with the digitized photolicensing equipment so that DOT may accurately estimate how many counties will be participating in county issuance and how many sets of equipment will therefore be needed. The initial RFP for digitized photolicensing equipment shall be prepared by DOT in conjunction with the Auditor of State, and the responses presented to the General Assembly no later than January 2, 1999. If the General Assembly takes no action on the issue prior to March 1, 1999, DOT shall proceed with implementation of county issuance as detailed in this Act.

Issuing counties may retain \$3.75 of the license fee for each issuance or renewal of a motor vehicle license or nonoperator identification card. Counties do not retain any fees for issuance of persons with disabilities identification devices (formerly known as handicapped permits). The DOT must purchase all equipment for issuance, including the digitized photolicensing equipment. The Act sets limitations on the number of sets of equipment allotted to each county and excludes DOT purchase of general office equipment, such as computers or fax machines that are not dedicated solely or primarily to issuance activities, and of office furniture.

The department shall retain all supervisory authority over issuance activities. County treasurers are agents of DOT when performing licensing functions. Approximate supervisor allocation and technical support, equal access for county treasurers to DOT computer databases, and DOT authority to adopt rules to implement the chapter are also addressed by the Act. The department and county treasurers must use good faith efforts in implementing the provisions of the chapter. Department employees who are displaced by implementation of county issuance shall be dealt with according to the provisions of their collective bargaining agreement.

With the enactment of S.F. 2113 (see Transportation), the Act directs the Code Editor to change all references to "motor vehicle license" contained in Code Chapter 321M and in this Act to "driver's license."



**HOUSE FILE 2514 - Motor Vehicle Operation, Motor Carriers, and Transportation of Hazardous Materials**

BY COMMITTEE ON TRANSPORTATION. This Act amends provisions relating to the transportation of hazardous materials to comply with changes in federal regulations by eliminating exemptions for small cargo tank motor vehicles transporting gasoline in intrastate commerce and for motor vehicles registered for a maximum gross weight of five tons or less. This provision takes effect October 1, 1998, but is contingent upon adoption of new federal regulations.

The Act limits fees paid by persons transporting hazardous waste off site to \$2 for each ton transported, up to 2,500 tons. Under prior law, a fee of \$2 was assessed for every ton of waste transported off-site. In addition, the Act limits fees for hazardous waste destroyed on-site to \$2 for each ton destroyed, up to 500 tons. Prior law assessed a \$2 fee for every ton of waste destroyed on-site.

The Act establishes that rubbish vehicles issued special permits under Code Section 321.473 that violate the weight restrictions of such permits must pay a fine which is based upon the difference between the actual weight of the vehicle and load, and the maximum weight allowed by the special permit.

The Act defines how distance in feet between axles is measured for purposes of the maximum gross weight tables.

The Act specifies that vehicles transporting raw materials to or from construction sites may have a 10 percent tolerance on weight restrictions only for travel on highways that are not on the interstate system and that follow a route of travel approved by the state Department of Transportation or the appropriate local authority. The Act also specifies that vehicles transporting materials to or from a construction project or commercial plant site may proceed on a route of travel approved by the department or local authority using the maximum gross weight table for interstate highways, or they may travel without department or local authority approval using the maximum gross weight table provided for livestock or construction vehicles.

The Act allows motor trucks to travel with parking or running lights on, without activating headlights.

The Act limits the ability of local authorities to impose laws on motor carriers that are more restrictive than certain Code sections.

The Act requires a court appearance for certain traffic violations that involve damages in excess of \$1,000. Current law requires court appearances if damages are greater than \$500.

The Act establishes the Judicial Department as the provider of public electronic access to the clerk's records of convictions and forfeiture of bail through the Iowa Court Information System. The department is authorized to collect a fee from vendors requesting records, which is the greater of \$3,000 per month or the actual direct cost of providing such records.

The Act increases the scheduled fine to \$100 for operators who violate an out-of-service order.

**HOUSE FILE 2528 - Graduated Driver's Licenses**

BY COMMITTEE ON TRANSPORTATION. This Act establishes a graduated driver's license for teenaged drivers, makes other changes related to teenaged drivers, and makes penalties applicable. The Act takes effect January 1, 1999, and applies to the issuance of any individual type of driver's permit or license and operation of a motor vehicle under that permit or license to a person who meets the minimum age qualification for that particular permit or license on or after January 1, 1999.

**PERMITS AND LICENSES TO PERSONS UNDER AGE 18 - GENERAL PROVISIONS.** New Code Section 321.180B is created to control the issuance of all permits and licenses to persons under age 18. The new Code section directly regulates the issuance of instruction permits to persons between the ages of 14 and 18, intermediate licenses to persons 16 or 17 years of age, and full driver's licenses to persons 17 years of age. The new Code section generally requires the consent of a parent or guardian each time any type of license or permit is issued to a person under 18 years of age. The new Code section also references the following Code sections:

**Restricted Licenses.** Code Section 321.178, which continues to regulate the issuance of restricted licenses to persons between the ages of 16 and 18, who have not completed an approved driver's education course, to allow the persons to travel to and from work or to transport dependents to and from temporary care facilities.

**Motorized Bicycle Licenses.** Code Section 321.189, which continues to regulate the issuance of a motorized bicycle driver's license to persons 14 years of age and older.

**School Licenses.** Code Section 321.194, which allows issuance of a school license for motor vehicle operation between the hours of 6 a.m. and 10 p.m. only if all of the following conditions are met:

- The person is age 14 or older.
- The person has not had the person's driving privileges suspended, revoked or barred under Code Chapter 321 or 321J during the six-month period immediately proceeding the date of application for the school license.
- The person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for the six-month period immediately preceding the date of application for the school license.
- The person has successfully completed an approved driver education course, unless hardship is demonstrated to the satisfaction of the department.

If a school license has been revoked for two or more serious violations, a new license cannot be issued for one year. Driving under the school license between schools of enrollment for courses and extracurricular activities is limited to within the school district. A school principal, with the superintendent's authorization, may also certify special need to allow issuance of a school license.

**INSTRUCTION PERMITS - Instruction Permits for Ages 14-18.** New Code Section 321.180B regulates the issuance of instruction permits to persons between the ages of 14 and 18. Currently, a permittee 14 or 15 years of age driving a motor vehicle must be accompanied by a person who is a parent or guardian, an immediate family member at least 21 years of age, an approved driver education instructor or one in approved training, or a person at least 25 years of age with the written permission of the person's parent or guardian. The new Code section applies the qualifications currently applicable to drivers accompanying 14-year-olds or 15-year-olds to drivers accompanying 16-year-olds or 17-year-olds. The new Code section also prohibits a permittee from operating a motor vehicle if the number of passengers exceeds the number of passenger safety belts in the motor vehicle.

**Instruction Permits for Ages 18 and Older.** The Act requires that a person with an instruction permit who is 18 years of age or older be accompanied by an immediate family member at least 21 years of age, an approved driver education instructor or one in approved training, or a person at least 25 years of age. Only one motorcycle instruction permittee may be supervised by an accompanying person at any one time.

**Motorcycle Instruction Permits.** The Act also provides that whereas other instruction permits are valid for two years and are renewable, motorcycle instruction permits issued are not renewable.

**INTERMEDIATE LICENSES.** The new Code section also regulates the issuance of intermediate licenses. An intermediate license may only be issued if all of the following conditions are met:

- The person is age 16 or 17.
- The person has possessed an instruction permit for at least six months.
- The person has the consent of a parent or guardian.
- The person presents an affidavit showing at least 20 hours of qualified street or highway driving of which two hours were conducted after sunset and before sunrise.
- The person has not had the person's driving privileges suspended, revoked or barred under Code Chapter 321 or 321J during the six-month period immediately preceding the date of application for the intermediate license.
- The person has been accident and conviction free continuously for the six-month period immediately preceding the date of application for the intermediate license.
- The person is physically and mentally competent to operate a motor vehicle.
- The person has satisfactorily completed an approved driver education course.

A driver issued an intermediate license may drive without an accompanying person between the hours of 5 a.m. and 12:30 a.m., but, between the hours of 12:30 a.m. and 5 a.m., must be accompanied by a person who, unless the driver possesses a waiver for school-related extracurricular activities or for work, is a parent or guardian, an immediate family member at least 21 years of age, an approved driver education instructor or one in approved training, or a person at least 25 years of age with the written permission of the person's parent or guardian. Passengers cannot exceed the number of passenger seat belts in the motor vehicle operated by the person with the intermediate license.

**DISTINCTIVE FEATURES ON PERMITS AND INTERMEDIATE LICENSES.** The Act provides that instruction permits must be color bar coded and that intermediate licenses must be color bar coded and must contain the words "intermediate license" printed on the face of the licenses.

**REMEDIAL DRIVER IMPROVEMENT ACTION OR SUSPENSION OF INSTRUCTION PERMIT OR INTERMEDIATE LICENSE.** The new Code section provides that upon conviction of a moving traffic violation or involvement in a motor vehicle accident, a person possessing an instruction permit or intermediate license shall be subject to remedial driver improvement action or suspension of the permit or license. In addition, the person possessing an instruction permit shall not be issued an intermediate

license until the person has completed the remedial driver improvement action and has been accident and conviction free for six months. A person possessing an intermediate license shall not be issued a full driver's license until the person has been accident and conviction free for 12 months.

**FULL DRIVER'S LICENSES.** The new Code section also provides that a full (unrestricted) driver's license may be issued if all of the following conditions are met:

- The person is age 17.
- The person has possessed an intermediate license for at least 12 months.
- The person presents an affidavit showing at least 10 hours of qualified street or highway driving of which two hours were conducted after sunset and before sunrise.
- The person has not had the person's driving privileges suspended, revoked or barred under Code Chapter 321 or 321J during the 12-month period immediately preceding the date of application for the full driver's license.
- The person has been accident and conviction free for the 12-month period immediately preceding the date of application for the full driver's license.

**MOTORCYCLE EDUCATION.** The Act provides that the motorcycle education requirements currently applicable to persons under 18 years of age applying for a driver's license valid for the operation of a motorcycle will apply to persons under 18 years of age applying for either an intermediate or a full driver's license valid for the operation of a motorcycle.

**MOTORCYCLE RIDER EDUCATION FUND.** The current Code provision establishing the Motorcycle Rider Education Fund is moved from current Code Section 321.189 to the new Code section.

**DRIVER EDUCATION COURSES.** The Act allows, unless requested by a parent, guardian or instructor, the excusal from a field test demonstrating a student's ability to operate a motor vehicle for persons successfully completing an approved driver education course. The Act also allows the state Department of Transportation to certify persons to provide street or highway driving instruction and field tests other than persons qualified as classroom driver education instructors. Additionally, persons are now allowed to teach classroom or laboratory driver's education with either an elementary or secondary level teaching license.

**PENALTIES AND FINANCIAL RESPONSIBILITY.** A suspension issued for a violation of new Code Section 321.180B does not carry the civil penalty of \$50 applicable to other suspensions under Code Chapter 321. The Act further provides that a person who has violated new Code Section 321.180B and whose driver's license or operating privileges have been suspended or revoked is not required to maintain proof of financial responsibility under Code Chapter 321A. The Act applies a \$20 scheduled fine to operating a motor vehicle in violation of the conditions or restrictions of Code Section 321.180B.

**PROBATION PERIOD AFTER RESTORATION OF DRIVING PRIVILEGES.** The Act requires a probation period for any person whose driver's license or operating privileges have been suspended, revoked or barred under Code Chapter 321 for a moving traffic violation, or suspended or revoked for a violation in another state, or suspended, revoked or barred under Code Chapter 321J relating to operating a motor vehicle while intoxicated (OWI). If the person is convicted of a moving traffic violation during the probation period, the department is authorized to suspend the driver's license or operating privileges of the person for an additional period equal to the original period of suspension, revocation or bar, or for one year, whichever is shorter.

**LEGISLATIVE STUDY.** The Act requests the Legislative Council to establish a study of driver's education.

## CHAPTER NUMBERS OF THE 1998 IOWA ACTS

## Senate Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
187	1199	2189	1033	2337	1095
316	1124	2192	1034	2338	1064
347	1125	2200	1166	2339	1132
466	1136	2201	1093	2340	1038
490	1200	2218	1103	2341	1041
492	1158	2220	1019	2345	1190
518	1164	2225	1188	2348	1096
530	1101	2235	1115	2350	1039
540	1113	2254	1116	2351	1097
2015	1072	2257	1075	2353	1133
2022	1001	2259	1117	2356	1055
2023	1079	2261	1104	2357	1078
2029	1002	2267	1035	2359	1191
2037	1114	2268	1167	2364	1091
2038	1185	2269	1053	2365	1161
2052	1165	2277	1159	2366	1216
2061	1186	2279	1014	2367	1020
2072	1102	2280	1221	2368	1148
2073	1009	2284	1168	2371	1056
2075	1010	2285	1015	2372	1137
2081	1003	2288	1063	2373	1021
2082	1004	2292	1169	2374	1149
2085	1080	2294	1076	2376	1134
2090	1016	2295	1220	2377	1197
2094	1005	2296	1225	2378	1150
2109	1126	2301	1036	2380	1151
2112	1051	2308	1077	2381	1219
2113	1073	2310	1054	2383	1135
2119	1030	2311	1201	2385	1192
2121	1006	2312	1127	2391	1138
2136	1074	2313	1170	2397	1057
2153	1052	2316	1189	2398	1171
2161	1187	2319	1037	2399	1098
2162	1031	2321	1105	2400	1107
2170	1081	2324	1040	2404	1152
2174	1032	2325	1106	2406	1206
2182	1008	2329	1128	2407	1108
2183	1017	2330	1147	2410	1218
2184	1018	2331	1131	2413	1193
2185	1082	2332	1205	2415	1207
2186	1083	2333	1160	2416	1194
2188	1146	2335	1094	2418	1224

## Senate Joint Resolutions

File No.	Acts Chapter
9	1229
2004	1228

## CHAPTER NUMBERS OF THE 1998 IOWA ACTS

## House Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
58	1022	2282	1130	2473	1122
299	1011	2290	1203	2476	1089
382	1099	2292	1043	2478	1062
530	1042	2317	1025	2480	1157
667	1202	2324	1026	2482	1067
677	1070	2331	1013	2487	1204
681	1109	2335	1110	2490	1068
721	1084	2336	1111	2492	1048
2002	1007	2337	1071	2494	1209
2049	1153	2339	1065	2495	1123
2119	1172	2340	1027	2496	1183
2120	1129	2348	1155	2498	1217
2135	1092	2353	1028	2499	1212
2136	1173	2369	1087	2502	1049
2146	1023	2374	1156	2513	1177
2153	1174	2382	1208	2514	1178
2162	1100	2392	1058	2516	1050
2164	1175	2394	1088	2517	1196
2166	1162	2395	1223	2523	1069
2168	1085	2400	1142	2527	1090
2169	1118	2402	1059	2528	1112
2175	1139	2412	1029	2532	1198
2189	1012	2424	1143	2533	1215
2210	1211	2429	1044	2538	1179
2211	1086	2435	1045	2539	1222
2218	1210	2438	1046	2541	1154
2246	1024	2443	1060	2542	1145
2262	1140	2454	1121	2545	1213
2269	1195	2456	1047	2546	1180
2271	1119	2465	1061	2550	1163
2272	1176	2468	1066	2553	1214
2275	1141	2471	1184	2558	1181
2281	1120	2472	1144	2560	1182

## House Joint Resolutions

File No.	Acts Chapter
2003	1226
2004	1227

## 1998 SECTIONS AMENDED, ADDED OR REPEALED

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
1C.11	New section	HF 2146.1	J
2B.1	Subsection 3 amended	HF 2271.13	J
2B.1	Subsection 3 amended	SF 518.1	J
2B.5	Subsection 2 amended	SF 2235.1	E
2B.10	Subsection 3 stricken	SF 2235.2	E
4.1	Subsection 5 amended	HF 2456.1	J
7A.4	Subsections 5 & 6 stricken	HF 2271.7	J
7C.4A	Section amended	SF 2052.1	J
7C.5	Section amended	SF 2052.2	J
7C.6	Unnumbered paragraph 1 amended	SF 2052.3	J
7C.7	Subsection 1 amended	SF 2052.4	J
7D.10A	New section	HF 2494.1	J
7E.5	Subsection 1, paragraphs c & m amended	SF 2183.1	J
7I.1	New section	SF 2406.2	E
7I.2	New section	SF 2406.3	E
7I.3	New section	SF 2406.4	E
7I.4	New section	SF 2406.5	E
7I.5	New section	SF 2406.6	E
7I.6	New section	SF 2406.7	E
7I.7	New section	SF 2406.8	E
7I.8	New section	SF 2406.9	E
8.23	Unnumbered paragraph 2 amended	HF 2456.2	J
8.44	Unnumbered paragraph 2 amended	HF 2456.3	J
8A.2	Section repealed	SF 2406.19	6/30/98
8D.2	Subsection 5 amended	HF 2456.4	J
8D.9	Subsection 1 amended	HF 2456.5	J
8D.13*	Subsection 2, paragraph c amended	HF 2456.6	J
8D.13*	Subsection 5, unnumbered paragraph 1 amended	HF 2456.7	J
8D.13*	Subsection 17 amended	HF 2456.8	J
10.1	New section	HF 2335.101	E
10.2	New section	HF 2335.102	E
10.3	New section	HF 2335.103	E
10.4	New section	HF 2335.104	E
10.5	New section	HF 2335.105	E
10.6	New section	HF 2335.106	E
10.7	New section	HF 2335.107	E
10.8	New section	HF 2335.108	E
10.8A	New section	HF 2335.109	E
10.9	New section	HF 2335.110	E
10.10	New section	HF 2335.111	E
10.11	New section	HF 2335.112	E
10.12	New section	HF 2335.113	E
10.13	New section	HF 2335.114	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
10A.104	Subsection 5 amended	HF 667.1	7/1/99
10A.104	Subsection 9 amended	HF 2166.1	1/1/99
10A.106	Section amended	HF 667.2	7/1/99
10A.201	Section repealed	HF 667.45	7/1/99
10A.202	Section repealed	HF 667.45	7/1/99
10A.801	New section	HF 667.3	7/1/99
10B.1	New section	HF 2335.201	E
10B.2	New section	HF 2335.202	E
10B.3	New section	HF 2335.203	E
10B.4	New section	HF 2335.204	E
10B.5	New section	HF 2335.205	E
10B.6	New section	HF 2335.206	E
11.5A	Section amended	HF 2456.9	J
11.5B	Subsection 11 amended	HF 2456.10	J
12D.1	New section	HF 2119.1	J
12D.2	New section	HF 2119.2	J
12D.3	New section	HF 2119.3	J
12D.4	New section	HF 2119.4	J
12D.5	New section	HF 2119.5	J
12D.6	New section	HF 2119.6	J
12D.7	New section	HF 2119.7	J
12D.8	New section	HF 2119.8	J
12D.9	New section	HF 2119.9	J
12D.10	New section	HF 2119.10	J
12D.11	New section	HF 2119.11	J
13.14	Section amended	HF 2478.6	J
13.31	Subsections 2 & 5 amended	HF 2527.58	1/1/99
15.108*	Subsection 3, paragraph a, new subparagraph (5)	HF 2164.1	J
15.108*	Subsection 3, paragraph b, subparagraph (3) amended	HF 2164.2	J
15.241	Section amended	HF 2435.1**	J
15.241	Subsection 1, unnumbered paragraph 4 amended	HF 2395.16	J
15.282	Section amended	HF 2164.3	J
15.286A	Section amended	HF 2164.4	J
15.308	Section repealed	HF 2164.14	J
15.327	Subsection 1 amended	HF 2164.5	J
15.333A	New section	HF 721.1	J
15.335*	Unnumbered paragraph 1 amended	SF 2357.1	R 1/1/97
15.353*	Subsection 5, paragraph b amended	HF 2162.1	J
15.361	New section	SF 2296.15	E
15.362	New section	SF 2296.16	E
15.363	New section	SF 2296.17	E
15.364	New section	SF 2296.18	E
15.365	New section	SF 2296.19	E
15.366	New section	SF 2296.20	E
15.367	New section	SF 2296.21	E
15A.8	New section	SF 2296.22	J
15A.9*	Subsection 8, unnumbered paragraph 2 amended	SF 2357.2	R 1/1/97

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
15E.83	Section amended	SF 2296.23	J
15E.85	Section amended	SF 2296.24	J
15E.86	Section repealed	SF 2296.39	J
15E.87	Section amended	SF 2296.25	J
15E.134	Subsection 8 amended	HF 2168.1	J
15E.182*	Subsection 1, paragraph b amended	HF 2162.2	J
15E.182*	Subsection 3, paragraph e amended	HF 2162.3	J
15E.183*	Subsection 2 amended	HF 2162.4	J
15E.184*	Section amended	HF 2162.5	J
15E.192*	Subsection 1 amended	HF 2164.6	J
15E.193*	Subsection 1, paragraph a amended	HF 2164.7	J
15E.193*	Subsection 1, paragraph b amended	HF 2164.8	J
15E.193*	Subsection 1, paragraph d amended	HF 2164.9	J
15E.193A	New section	HF 2164.10	J
15E.193A	New section	HF 2538.1	J
15E.195*	Subsection 1 amended	HF 2164.11***	J
15E.195*	New subsection 1A	HF 2164.12	J
15E.195*	Section amended	HF 2395.17	J
15E.195*	Section amended	HF 2538.2***	J
15E.196*	Subsection 1 amended	HF 2538.3	J
15E.196*	Subsection 5 amended	HF 2164.13	J
15E.201	New section	SF 2415.2	J
15E.202	New section	SF 2415.3	J
15E.203	New section	SF 2415.4	J
15E.204	New section	SF 2415.5	J
15E.205	New section	SF 2415.6	J
15E.206	New section	SF 2415.7	J
15E.207	New section	SF 2415.8	J
15E.208	New section	SF 2415.9	J
15E.210	New section	SF 2415.10	J
15E.211	New section	SF 2415.11	J
15E.212	New section	SF 2415.12	J
16.5A	New section	SF 2296.33	J
16.5B	New section	SF 2296.34	J
16.161	Section amended	SF 530.1	E
16.161	New unnumbered paragraph	SF 530.2	E
17A.2	Subsection 1 amended	HF 2456.11	J
17A.2	New subsection 9A	HF 667.4	7/1/99
17A.2	Subsection 10, unnumbered paragraph 1 amended	HF 667.5	7/1/99
17A.2	Subsection 10, paragraph b amended	HF 667.6	7/1/99
17A.3	Subsection 1, new paragraph c, paragraphs relettered	HF 667.7	7/1/99
17A.4	Subsection 1, paragraph b amended	HF 667.8	7/1/99
17A.4	Subsection 1, paragraph c stricken	HF 667.9	7/1/99
17A.4A	New section	HF 667.10	7/1/99
17A.7	Section amended	HF 667.11	7/1/99

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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
17A.8	Subsection 9 amended	HF 667.12	7/1/99
17A.9	Section rewritten	HF 667.13	7/1/99
17A.10A	New section	HF 667.14	7/1/99
17A.11	Section rewritten	HF 667.15	7/1/99
17A.12	Subsection 3 rewritten	HF 667.16	7/1/99
17A.15	Subsection 3 amended	HF 667.17	7/1/99
17A.16	Subsection 1 amended	HF 667.18	7/1/99
17A.17	Section amended	HF 667.19	7/1/99
17A.18	Subsection 3 amended	HF 667.20	7/1/99
17A.18A	New section	HF 667.21	7/1/99
17A.19	Subsection 1 amended	HF 667.22	7/1/99
17A.19	Subsection 5 amended	HF 667.23	7/1/99
17A.19	Subsection 8 rewritten	HF 667.24	7/1/99
17A.23	New unnumbered paragraph	HF 667.25	7/1/99
17A.31	Section repealed	HF 667.45	7/1/99
17A.32	Section repealed	HF 667.45	7/1/99
17A.33	Section amended	HF 667.26	7/1/99
18.1	Subsection 2 amended	SF 518.2	J
18.1	New subsection 7	SF 518.3	J
18.3	Subsections 4 & 7 amended	SF 518.4	J
18.3	New subsection 10	HF 2271.14	J
18.3	New subsections 10, 11, & 12	SF 518.5	J
18.6	Subsections 2, 3, 4, & 9 amended	SF 518.6	J
18.6	Subsection 12 stricken	HF 2271.15	J
18.6	Subsection 12 stricken	SF 518.7	J
18.6	Subsection 13 amended	SF 2185.1	J
18.6	New subsections 15 & 16	HF 2348.6	J
18.8	Unnumbered paragraph 1 amended	SF 518.8	J
18.8*	Unnumbered paragraph 5 amended	SF 518.9	J
18.12	Subsection 8, paragraph a amended	SF 2356.1	J
18.12	Subsection 8, new paragraph c	SF 518.10	J
18.12	Subsection 9 amended	HF 2271.16	J
18.12	Subsection 9 amended	SF 518.11	J
18.12	Subsection 12 stricken	HF 2271.17	J
18.12	Subsection 12 stricken	SF 518.12	J
18.12	New subsection 19A	HF 2498.35	VETO
18.16	Subsection 2 amended	HF 2271.18	J
18.16	Subsection 2 amended	SF 518.13	J
18.16A	New section	SF 2356.2	J
18.16B	New section	SF 2356.3	J
18.18	Subsection 1, paragraphs a, b, & c amended	HF 2271.19	J
18.18	Subsection 1, paragraphs a, b, & c amended	SF 518.14	J
18.18	Subsection 5 amended	HF 2271.20	J
18.18	Subsection 5 amended	SF 518.15	J
18.18	Subsection 8 stricken	SF 518.16	J
18.19	New section	SF 518.17	J
18.20	Unnumbered paragraph 1 amended	HF 2271.21	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
18.20	Unnumbered paragraph 1 amended	SF 518.18	J
18.22	New subsection 4	SF 2185.2	J
18.24	New section	SF 2381.15	VETO
18.28	Unnumbered paragraph 2 stricken	HF 2271.22	J
18.28	Unnumbered paragraph 2 stricken	SF 518.19	J
18.32	Section amended	SF 518.20	J
18.33	Section amended	SF 518.21	J
18.36	Section amended	SF 518.22	J
18.37	Section amended	SF 518.23	J
18.38	Section amended	SF 518.24	J
18.41	Section repealed	HF 2271.26	J
18.41	Section repealed	SF 518.41	J
18.43	Section amended	SF 518.25	J
18.44	Unnumbered paragraph 1 amended	SF 518.26	J
18.45	Section amended	SF 518.27	J
18.46	Section amended	HF 2271.23	J
18.46	Section amended	SF 518.28	J
18.48	Section amended	SF 518.29	J
18.49	Section amended	SF 518.30	J
18.50	Section amended	SF 518.31	J
18.51	Section amended	SF 518.32	J
18.52	Section repealed	SF 518.41	J
18.55	Section repealed	HF 2271.26	J
18.55	Section repealed	SF 518.41	J
18.56	Section repealed	HF 2271.26	J
18.56	Section repealed	SF 518.41	J
18.59	Subsection 1 amended	SF 518.33	J
18.60	Section amended	SF 518.34	J
18.63	Unnumbered paragraph 1 amended	SF 518.35	J
18.76	Section repealed	HF 2271.26	J
18.76	Section repealed	SF 518.41	J
18.77	Section repealed	SF 518.41	J
18.78	Section repealed	HF 2271.26	J
18.78	Section repealed	SF 518.41	J
18.79	Section repealed	HF 2271.26	J
18.79	Section repealed	SF 518.41	J
18.82	Section amended	SF 518.36	J
18.115	Section amended	HF 2271.24	J
18.115	Section amended	SF 518.37	J
18.117	Section amended	SF 518.38	J
18.118	Section repealed	SF 518.41	J
18.138	Section amended	SF 2113.9	J
18.181	New section	SF 2418.11	VETO
18.182	New section	SF 2418.12	VETO
18.183	New section	SF 2418.13	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
18.184	New section	SF 2418.14	J
18.185	New section	SF 2418.15	J
18.186	New section	SF 2418.16	J
19A.1A	New subsection 4	HF 667.27	7/1/99
19A.3*	Subsection 13 amended	SF 2136.1	J
19A.9*	Subsection 24 stricken	HF 2271.27	J
19A.12C	New section	SF 2350.1	J
20.4	Subsection 7 amended	HF 2456.12	J
20.6	Subsection 4 amended	HF 667.28	7/1/99
20.31	New section	HF 2478.7	J
22.2	Subsection 1 amended	SF 2418.17	J
22.3A	Subsection 2, paragraph a amended	SF 2418.18	J
22.7*	Section amended	SF 2113.9	J
22.7*	Subsection 2 amended	HF 2527.59	1/1/99
22.7*	Subsection 20 stricken	HF 2478.8	J
22.7*	New subsection 38	HF 2478.9	J
25B.2	Subsection 3 stricken	HF 8.1	VETO
25B.3	Subsection 1 amended	HF 8.2	VETO
25B.5A	New section	HF 8.3	VETO
28E.41	New section	SF 2405.1	VETO
28K.1	New section	HF 2135.1	E
28K.2	New section	HF 2135.2	E
28K.3	New section	HF 2135.3	E
28K.4	New section	HF 2135.4	E
28K.5	New section	HF 2135.5	E
29.2A	New section	HF 2496.106	J
29A.79	Unnumbered paragraph 2 amended	SF 2136.2	J
34A.2	Subsection 2 amended	SF 530.3	E
34A.2	Subsection 3 stricken	SF 530.4	E
34A.2A	New section	SF 530.5	E
34A.3	Subsection 1 amended	SF 530.6	E
34A.6	Subsection 3 amended	SF 530.7	E
34A.7	Subsection 6 amended	SF 530.8	E
34A.7A	New section	SF 530.9	E
34A.15	Subsection 1, unnumbered paragraph 1 amended	SF 530.10	E
34A.15	Subsection 1, new paragraph k	SF 530.11	E
34A.15	Subsection 2 rewritten	SF 530.12	E
34A.15	New subsection 2A	SF 530.13	E
34A.20	Subsection 2 amended	SF 530.14	E
39.2	Subsection 1, unnumbered paragraph 1 amended	HF 2495.1	J
39.5*	Section repealed	HF 2495.17	E
43.18	Subsection 9 amended	SF 2153.1	J
43.67	Subsection 9 amended	SF 2153.2	J
44.3	Subsection 2, paragraph i amended	SF 2153.3	J
44.4*	Subsection 3 amended	HF 2495.2	J
44.9	Subsection 6 amended	HF 2495.3	J
45.3	Subsection 9 amended	SF 2153.4	J

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
46.5A	Section amended	HF 2456.13	J
47.7*	Subsections 1 & 2 amended	HF 2498.34	J
48A.2	Subsection 3 amended	SF 2038.1	J
48A.6	Subsection 2 amended	SF 2038.2	J
48A.7	Section amended	HF 2424.12	J
48A.9	Subsection 4 amended	HF 2424.13	J
48A.10	Section amended	SF 2038.3	J
48A.14	Subsection 1, paragraph f amended	SF 2038.4	J
48A.18	New subsection 5	HF 2424.14	J
48A.21	Section amended	HF 2424.15	J
48A.27*	Subsection 1 amended	HF 2424.16	J
48A.27*	Subsection 2, paragraph a, subparagraph (4) amended	HF 2424.17	J
48A.30	Subsection 1, paragraph c amended	SF 2038.5	J
49.12	Section amended	HF 2495.4	J
49.30*	Unnumbered paragraph 1 amended	HF 2162.6	J
49.47*	Section amended	HF 2162.7	J
49.51	Unnumbered paragraph 2 stricken	HF 2271.1	J
49.53	Unnumbered paragraph 1 amended	HF 2495.5	J
49.77	Subsection 4, new unnumbered paragraph	HF 2495.6	J
49.94*	Unnumbered paragraph 1 amended	HF 2162.8	J
49.95*	Section amended	HF 2162.9	J
49.97*	Unnumbered paragraph 1 amended	HF 2162.10	J
50.19	Unnumbered paragraph 1 amended	HF 2271.29	J
52.9	Unnumbered paragraph 2 amended	HF 2495.7	J
52.9	Unnumbered paragraph 3 amended	HF 2495.8	J
52.10*	Section amended	HF 2162.11	J
52.35*	Subsections 1 & 2 amended	HF 2495.9	J
52.38*	Section amended	HF 2495.10	J
53.19*	Unnumbered paragraph 3 amended	HF 2495.11	J
68B.2	Subsection 25 amended	HF 2456.14	J
68B.39	Section amended	HF 2456.15	J
69.2	Subsection 7 amended	HF 2395.18	E
80.4	Section amended	SF 2136.3	J
80.6	Section amended	SF 2136.4	J
80.8	Unnumbered paragraphs 2 & 3 amended	SF 2136.5	J
80.9	Subsection 2, paragraph h amended	SF 2136.6	J
80.15	Section amended	SF 2136.7	J
80.17	Subsection 4 amended	SF 2136.8	J
80.36	Section amended	HF 2496.107	J
80A.1	New subsections 0A, 0B, 0C, & 1A	SF 2374.1	J
80A.2	New subsection 9	SF 2331.1	J
80A.3	Section amended	SF 2374.2	J
80A.3A	New section	SF 2374.3	J
80A.5	Section amended	SF 2374.4	J
80A.6	Section amended	SF 2374.5	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
80A.7	Section amended	SF 2374.6	J
80A.9	Section amended	SF 2374.7	J
80A.10	Section amended	SF 2374.8	J
80A.10A	Section amended	SF 2374.9	J
80A.16	Section amended	SF 2374.10	J
80A.16A	New section	SF 2374.11	J
80B.17	New section	SF 316.1	J
84A.1	Subsections 2 & 3 amended	HF 2465.1	J
84A.5	Section amended	HF 2465.11	J
84A.5	Subsections 4 & 5 amended	HF 2465.2	J
84A.5	New subsection 9	SF 2313.19	J
85.3	Section amended	HF 2465.11	J
85.21	Section amended	HF 2465.11	J
85.22	Section amended	HF 2465.11	J
85.26	Section amended	HF 2465.11	J
85.26	Subsection 2 amended	HF 2465.3	J
85.27	Section amended	HF 2465.11	J
85.34*	Section amended	HF 2465.11	J
85.34*	Subsection 1 amended	HF 2465.4	J
85.34*	Subsection 2, paragraph r amended	SF 2333.1	J
85.35	Section amended	HF 2465.11	J
85.43	Section amended	HF 2465.11	J
85.45	Section amended	HF 2465.11	J
85.47	Section amended	HF 2465.11	J
85.48	Section amended	HF 2465.11	J
85.49	Section amended	HF 2465.11	J
85.53	Section amended	HF 2465.11	J
85.55	Section amended	HF 2465.11	J
85.59	Section amended	HF 2465.11	J
85.61*	Section amended	HF 2465.11	J
85.61*	Subsection 2, unnumbered paragraph 2 amended	HF 2443.1	J
85.61*	Subsection 11, unnumbered paragraph 1 amended	SF 2136.9	J
85.61*	Subsection 11, unnumbered paragraph 5 amended	HF 2443.2	J
85.62	Section amended	HF 2465.11	J
85.65	Section amended	SF 540.1	A E
85.65A	New section	SF 540.2	E
85.65A	Section repealed	SF 540.2	7/1/03
85.66	Section amended	HF 2465.11	J
85.66	Section amended	SF 540.3	E
85.67	Section amended	HF 2465.11	J
85.67	Section amended	SF 540.4	E
85.68	Section amended	SF 540.5	E
85.70	Section amended	HF 2465.11	J
85A.7	Section amended	HF 2465.11	J
85A.15	Section amended	HF 2465.11	J
85A.19	Section amended	HF 2465.11	J
85A.20	Section amended	HF 2465.11	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
85A.21	Section amended	HF 2465.11	J
85A.22	Section amended	HF 2465.11	J
85A.24	Section amended	HF 2465.11	J
85A.25	Section amended	HF 2465.11	J
85A.27	Section amended	HF 2465.11	J
85B.4	Section rewritten	SF 2333.2	J
85B.5	Section amended	HF 2465.11	J
85B.5	Unnumbered paragraph 1 amended	SF 2333.3	J
85B.8	Unnumbered paragraph 1 amended	SF 2333.4	J
85B.8	Subsection 1 amended	SF 2333.5	J
85B.9	Section rewritten	SF 2333.6	J
85B.9A	New section	SF 2333.7	J
85B.10	Section amended	SF 2333.8	J
85B.11	Section amended	SF 2333.9	J
85B.12	Section amended	SF 2333.10	J
85B.13	Section amended	HF 2465.11	J
85B.15	Section amended	HF 2465.11	J
86.1	Section amended	HF 2465.11	J
86.2	Section amended	HF 2465.11	J
86.3	Section amended	HF 2465.11	J
86.4	Section amended	HF 2465.11	J
86.9	Unnumbered paragraph 1 amended	HF 2465.5	J
86.10	Section amended	HF 2465.11	J
86.11	Section amended	HF 2465.6	J
86.11	Section amended	HF 2465.11	J
86.12	Section amended	HF 2465.11	J
86.13	Section amended	HF 2465.11	J
86.13	Unnumbered paragraph 1 amended	HF 2465.7	J
86.17	Section amended	HF 2465.11	J
86.17	Subsection 1 amended	HF 667.29	7/1/99
86.19	Section amended	HF 2465.11	J
86.24	Section amended	HF 2465.11	J
86.26	Section amended	HF 2465.11	J
86.27	Section amended	HF 2465.11	J
86.29	Section amended	HF 2465.11	J
86.38	Section amended	HF 2465.11	J
86.39	Section amended	HF 2465.11	J
86.41	Section amended	HF 2465.11	J
86.42	Section amended	HF 2465.11	J
86.43	Section amended	HF 2465.11	J
86.44	Section amended	HF 2465.11	J
86.44	Unnumbered paragraph 2 amended	HF 2465.8	J
87.1	Section amended	HF 2465.11	J
87.5	Section amended	HF 2465.11	J
87.6	Section amended	HF 2465.11	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
87.7	Section amended	HF 2465.11	J
87.11	Section amended	HF 2465.11	J
87.16	Section amended	HF 2465.11	J
87.17	Section amended	HF 2465.11	J
87.19	Section amended	HF 2465.11	J
87.20	Section amended	HF 2465.11	J
87.22*	Section amended	HF 2465.11	J
88.6	Subsection 5 amended	SF 2321.1	J
88.6	New subsection 8	SF 2321.2	J
88.16	New subsection 4	SF 2321.3	J
88A.1	Subsection 2 amended	SF 2383.2	1/1/99
88A.1	New subsections 8A, 9A, & 9B	SF 2383.1	1/1/99
88A.10	New subsection 3	SF 2383.3	1/1/99
88A.15	New section	SF 2383.4	1/1/99
88A.16	New section	SF 2383.5	1/1/99
88A.17	New section	SF 2383.6	1/1/99
89.4	New subsection 4	HF 2539.21	E
91.12	Section amended	SF 2321.4	J
91B.1	Subsection 3 amended	HF 58.1	J
96.6	Subsection 2 amended	SF 492.1	J
96.6	Subsection 4 amended	HF 2465.9	J
96.7	Subsection 12, paragraph d amended	SF 2112.1	6/30/98
96.13	Subsection 3, paragraph b amended	SF 2136.10	J
97.51	Subsection 8 amended	HF 2496.8	J
97A.1	Subsection 13 amended	SF 2136.11	J
97A.3	Section amended	HF 2496.82	J
97A.3	Subsection 1 amended	HF 2162.12	J
97A.4	Unnumbered paragraph 2 amended	SF 2136.12	J
97A.6	Subsection 2, paragraph d, subparagraph (4) amended	HF 2496.1	J
97A.6	Subsection 2, paragraph d, new subparagraph (5)	HF 2496.2	J
97A.6	Subsection 4 amended	HF 2496.3	J
97A.6	Subsection 6, paragraph b amended	HF 2496.4	J
97A.6	Subsection 6, new paragraph c	HF 2496.5	J
97A.6	Subsection 7, paragraph a, unnumbered paragraph 1 amended	HF 2496.6	1/1/98
97A.6	Subsection 8, paragraph b amended	SF 2136.13	J
97A.6	Subsection 9, paragraph c amended	SF 2136.14	J
97A.6	Subsection 12, paragraph a amended	SF 2136.15	J
97A.6	Subsection 14, paragraph a, unnumbered paragraph 4 amended	SF 2136.16	J
97A.8	Subsection 1, paragraph i amended	HF 2153.1	A 1/1/99
97B.1	Section amended	HF 2496.82	J
97B.8	Unnumbered paragraph 1 amended	HF 2496.9	J
97B.9	New subsection 4	HF 2496.10	J
97B.10	Section amended	HF 2496.11	J
97B.11	Unnumbered paragraph 1 amended	HF 2496.12	J
97B.11A	Section amended	HF 2153.2	A 1/1/99
97B.12	Section repealed	HF 2496.75	J
97B.13	Section amended	HF 2496.13	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
97B.17	Unnumbered paragraph 1 amended	HF 2496.14	J
97B.19	Section amended	HF 2496.15	J
97B.20	Section repealed	HF 2496.75	J
97B.25	Section amended	HF 2496.16	J
97B.40	Section amended	HF 2496.17	J
97B.41	Subsection 6 amended	HF 2496.18	J
97B.41	Subsection 8 rewritten	HF 2496.19	A 1/1/99
97B.41	Subsection 14 amended	HF 2496.20	J
97B.41	Subsection 19 amended	HF 2496.21	J
97B.41	Subsection 21 amended	HF 2496.22	J
97B.41	Subsection 23, paragraph a amended	HF 2496.23	J
97B.41	Subsect. 25, para. b, subpara. (17), unnumbered para. 2 amended	HF 2496.24	J
97B.41	Section renumbered	HF 2496.82	J
97B.42*	Unnumbered paragraphs 6 & 7 amended	SF 2308.1	J
97B.42A	Section rewritten	HF 2496.25	J
97B.42B	Section amended	HF 2496.82	J
97B.43	Section amended	HF 2496.82	J
97B.43	Unnumbered paragraph 2 amended	HF 2496.26	J
97B.45	Subsections 1, 2, & 3 amended	HF 2496.27	A 1/1/99
97B.45	Subsection 4 amended	HF 2496.27	J
97B.46	Subsection 2 stricken	HF 2496.28	J
97B.46	Subsection 3 amended	HF 2496.29	J
97B.48	Subsection 3 amended	HF 2496.30	J
97B.48	New subsections 4 & 5	HF 2496.31	J
97B.48A	Subsection 1, unnumbered paragraph 1 amended	HF 2496.32	J
97B.48A	Subsection 3 amended	HF 2496.33	J
97B.48A	Subsection 4 amended	HF 2496.34	J
97B.49*	Section repealed	HF 2496.76	J
97B.49A	New section	HF 2496.35	J
97B.49B	New section	HF 2496.36**	J
97B.49B	New section, subsection 3, paragraph b, subparagraph (6) amended	HF 2395.19	J
97B.49C	New section	HF 2496.37	J
97B.49D	New section	HF 2496.38	J
97B.49E	New section	HF 2496.39	J
97B.49F	New section	HF 2496.40	J
97B.49G	New section	HF 2496.41	J
97B.49H	New section	HF 2496.42	C
97B.49I	New section	HF 2496.44	J
97B.50	Section amended	HF 2496.45	A 1/1/99
97B.50A	New section	HF 2496.46	VETO
97B.51	Subsection 2 amended	HF 2496.47	J
97B.51	Subsection 3 amended	HF 2496.48	J
97B.51	Subsection 5 amended	HF 2496.49	J
97B.52	Subsection 1, paragraphs b & c amended	HF 2496.50	J
97B.52	Subsection 2 amended	HF 2496.51	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
97B.52	Subsection 3, paragraph b amended	HF 2496.52	J
97B.52	Subsection 4 stricken	HF 2496.53	J
97B.52	Subsection 5 amended	HF 2496.54	J
97B.52A	Subsection 1 amended	HF 2496.55	J
97B.52A	Subsection 3 amended	HF 2496.56	J
97B.53	Subsection 1 amended	HF 2496.57	7/1/99
97B.53	Subsection 2 amended	HF 2496.58	J
97B.53	Subsection 3 amended	HF 2496.59	J
97B.53	Subsection 6 amended	HF 2496.60	J
97B.66	Section amended	HF 2496.82	J
97B.68	Section amended	HF 2496.82	J
97B.70	Subsection 3 amended	HF 2496.61	J
97B.70	Subsection 4 amended	HF 2496.62	J
97B.72	Section amended	HF 2496.63	J
97B.72	Section amended	HF 2496.82	J
97B.72A	Section amended	HF 2496.64	J
97B.72A	Section amended	HF 2496.82	J
97B.73	Section amended	HF 2496.65	J
97B.73A	Section amended	HF 2496.66	J
97B.73A	Section amended	HF 2496.82	J
97B.74	Section amended	HF 2496.67	J
97B.74	Section amended	HF 2496.82	J
97B.80*	Section amended	HF 2496.68	J
97B.81	New section	HF 2496.69	J
97D.1	Subsection 1, new paragraph f	HF 2496.108	J
97D.3	Subsection 2 amended	HF 2496.70	J
99B.7	Subsection 1, paragraph d amended	HF 2532.1	J
99B.7	Subsection 1, paragraph q, unnumbered paragraph 1 amended	HF 2532.2	J
99D.11	Subsection 7 amended	SF 2320.1	VETO
99D.25A*	Subsections 6, 7, & 8 amended	SF 2121.1**	E
99D.25A*	Subsection 7 amended	HF 2498.10	J
99E.9	Subsection 3, paragraph g amended	SF 2376.1	J
99E.10*	Subsection 1, paragraph a amended	SF 2280.10	J
99E.18	Subsection 4 amended	SF 2376.2	J
99E.18	New subsection 5	SF 2320.2	VETO
99F.4A	Subsection 2 amended	SF 2320.3	VETO
99F.4A	New subsection 8	SF 2320.4	VETO
99F.4A	New subsection 9	SF 2320.5	VETO
99F.5A	New section	SF 2320.6	VETO
99F.5B	New section	SF 2320.7	VETO
99F.7	Subsection 1 amended	SF 2320.8	VETO
99F.9	Subsection 5 amended	SF 2320.9	VETO
99F.9	New subsection 7	SF 2320.10	VETO
99F.11	Subsection 3 amended	SF 2280.11	J
100.32	Section repealed	SF 2182.4	J
100.35	Unnumbered paragraph 1 amended	HF 2166.2	1/1/99
100.39	Unnumbered paragraph 1 amended	SF 2182.1	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
101.2	Section rewritten	SF 2182.2	J
101.12	Section amended	SF 2182.3	J
101A.10	Section amended	SF 2136.17	J
123.48	Section amended	SF 2113.9	J
123.50*	Subsection 1 amended	HF 2487.1	J
123.50*	Subsection 3, paragraphs a, b, & c amended	HF 2487.2	J
124.401*	Subsection 1, paragraph d amended	SF 2391.24	J
124.401*	Subsection 5 amended	SF 2391.25	J
124B.3	Subsection 2, paragraph "a" amended	SF 2113.9	J
125.75B	New section	HF 2558.21	J
135.11*	Subsections 11 & 13 amended	SF 2269.1	J
135.11*	Subsection 15 amended	SF 2280.12	J
135.11*	Subsection 24 amended	HF 2369.1	J
135.11*	Subsection 24 amended	HF 2527.60	1/1/99
135.24	Subsection 1 amended	HF 2340.1	J
135.24	Subsection 2, paragraphs a & b amended	HF 2340.2	J
135.24	Subsection 2, new paragraph c	HF 2340.3	J
135.24	Subsection 3, paragraph b amended	HF 2340.4	J
135.24	Subsection 4 amended	HF 2340.5	J
135.24	Subsection 5 amended	HF 2340.6	J
135.83*	Section amended	HF 2162.13	J
135.105A*	Subsections 3 & 4 amended	HF 2162.14	J
135.106*	Subsection 3 amended	SF 2406.10	E
135.107*	Subsection 4 amended	HF 2162.15	J
135B.20	Subsection 4 amended	HF 2162.16	J
135C.2	Subsection 5, paragraph f stricken	HF 2271.12	J
135C.6*	Subsection 1 amended	HF 2558.11	J
135C.6*	Subsection 8 amended	HF 2558.14	J
135C.20A	New section	HF 2275.1	J
135C.33*	Subsection 1 amended	HF 2275.2	J
135C.33*	New subsection 5	HF 2275.2**	J
135C.33*	New subsection 5 amended	HF 2395.20	J
135C.33*	New subsection 6	HF 2395.21	J
135C.47	Section repealed	HF 2275.3	J
135H.6	Subsection 5 amended	SF 2410.66	J
135J.2	Unnumbered paragraph 2 amended	HF 2162.17	J
135L.2*	Subsection 2, paragraph a amended	HF 2456.16	J
135L.3*	Subsection 3, paragraph j amended	HF 2456.17	J
137A.	Chapter repealed	HF 2166.29	1/1/99
137B.	Chapter repealed	HF 2166.29	1/1/99
137C.6	Unnumbered paragraph 2 amended	HF 2166.3	1/1/99
137C.35	Unnumbered paragraph 1 amended	HF 2166.4	1/1/99
137D.9	New section	HF 2166.5	1/1/99
137E.	Chapter repealed	HF 2166.29	1/1/99
137E.12	Section amended	HF 667.30	7/1/99

**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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
137F.1	New section	HF 2166.6	1/1/99
137F.2	New section	HF 2166.7	1/1/99
137F.3	New section	HF 2166.8	1/1/99
137F.4	New section	HF 2166.9	1/1/99
137F.5	New section	HF 2166.10	1/1/99
137F.6	New section	HF 2166.11	1/1/99
137F.7	New section	HF 2166.12	1/1/99
137F.8	New section	HF 2166.13	1/1/99
137F.9	New section	HF 2166.14	1/1/99
137F.10	New section	HF 2166.15	1/1/99
137F.11	New section	HF 2166.16	1/1/99
137F.12	New section	HF 2166.17	1/1/99
137F.13	New section	HF 2166.18	1/1/99
137F.14	New section	HF 2166.19	1/1/99
137F.15	New section	HF 2166.20	1/1/99
137F.16	New section	HF 2166.21	1/1/99
137F.17	New section	HF 2166.22	1/1/99
137F.18	New section	HF 2166.23	1/1/99
137F.19	New section	HF 2166.24	1/1/99
139.9	Subsection 2 amended	SF 2341.1	A E
141.4	Unnumbered paragraph 2 amended	SF 2161.1	J
141.6	Subsection 3 amended	SF 2161.2	J
141.8	Subsections 1, 4, & 6 amended	SF 2161.3	J
141.10	Subsection 1, paragraph d amended	SF 2161.4	J
141.22	Subsection 4 amended	SF 2161.5	J
141.23	Subsection 1, paragraph i amended	HF 2369.2	J
142C.15	Subsection 4, paragraphs b & c amended	SF 2285.1	J
142C.17	New section	SF 2285.2	J
144A.3	Subsection 4 amended	SF 2186.1	J
144B.3	Subsection 4 amended	SF 2186.2	J
144C.	Chapter repealed	HF 2271.5	2/28/99
147.1	Unnumbered paragraph 1 amended	SF 2269.2	J
147.1	Subsections 3 & 6 amended	SF 2269.3	J
147.2	Section amended	HF 2516.1	E
147.3	Section amended	SF 2269.4	J
147.6	Section amended	SF 2269.5	J
147.7	Section amended	SF 2269.6	J
147.9	Section amended	SF 2269.7	J
147.12	Unnumbered paragraph 1 amended	SF 2269.8	J
147.13	New subsections 19 & 20	SF 2269.9	J
147.14	Subsection I amended	SF 2029.1	J
147.14	New subsection 1A	SF 2029.2	J
147.14	Subsection 4 amended	SF 2075.1	J
147.14	New subsections 17 & 18	SF 2269.10	J
147.30	Section amended	SF 2269.11	J
147.34	Section amended	SF 2269.12	J
147.41	Subsection 2 amended	SF 2269.13	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
147.44	Section amended	SF 2269.14	J
147.46	Subsection 1 amended	SF 2269.15	J
147.52	Section amended	SF 2269.16	J
147.72	Section amended	SF 2269.17	J
147.73	Subsection 1 amended	SF 2269.18	J
147.74	New subsection 19A	SF 2269.19	J
147.80	New subsections 25A & 25B	SF 2269.20	J
147.83	Section amended	SF 2269.21	J
147.86	Section amended	SF 2269.22	J
147.87	Section amended	SF 2269.23	J
147.88	Section amended	SF 2269.24	J
147.90	Section amended	SF 2269.25	J
147.92	Section amended	SF 2269.26	J
147.93	Section amended	SF 2269.27	J
147.111	Section amended	SF 2269.28	J
147A.2	Section amended	HF 2162.18	J
147A.24	Subsection 1, paragraphs i & j amended	HF 2162.19	J
148.7	Subsection 3 amended	HF 667.31	7/1/99
152C.1	Subsection 1 amended	SF 2269.29	J
152C.1	Subsection 2 stricken	SF 2269.30	J
152C.2	Section repealed	SF 2269.43	J
152C.3	Subsection 1 amended	SF 2269.31	J
152C.3	Subsection 2, paragraph a amended	SF 2269.32	J
152C.3	Subsection 3 stricken	SF 2269.33	J
152C.4	Section amended	SF 2269.34	J
152C.7	Section amended	SF 2269.35	J
152D.1	Subsection 1 amended	SF 2269.36	J
152D.1	Subsection 2 stricken	SF 2269.37	J
152D.3	Subsection 1, paragraphs a & b amended	SF 2269.38	J
152D.5	Unnumbered paragraph 1 amended	SF 2269.39	J
152D.6	Section amended	SF 2269.40	J
152D.7	Section repealed	SF 2269.43	J
153.33A	New section	SF 2075.2	J
154D.3	Subsection 5 stricken	HF 2516.2	E
154D.4	Section amended	HF 2516.3	E
154D.6	New section	HF 2516.4	E
155A.13	Subsection 4, paragraph d amended	HF 2162.20	J
159.6	Subsection 7 stricken	SF 2174.1	J
159.6	Subsection 9 amended	SF 2174.2	J
159.12	Section repealed	SF 2174.10	J
159.18	Section repealed	SF 2174.10	J
159.20	Subsection 5 amended	SF 2174.3	J
159.27	Section transferred	HF 2494.50	J
159.34	Section repealed	SF 2174.10	J
160.11	Section repealed	SF 2174.10	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
160.16	Section repealed	SF 2174.10	J
161A.5	Subsection 3, unnumbered paragraph 1 amended	SF 2153.5	J
161A.35	Subsection 2 amended	SF 2400.1	J
161A.73	Subsection 2, paragraph b amended	SF 2324.1	J
161A.80	New section	SF 2381.17	J
163.6	New section	SF 2371.1	J
163.30*	Subsection 5, unnumbered paragraph 3 amended	SF 2371.2	J
166D.5	Subsection 2, unnumbered paragraph 1 amended	SF 2371.3	J
166D.7	Subsection 1, paragraph a amended	SF 2371.4	J
166D.8	Subsection 1 amended	SF 2371.5	J
166D.8	Subsection 2, paragraphs a & c amended	SF 2371.6	J
166D.9*	Subsection 4, unnumbered paragraph 2 amended	SF 2371.7	J
166D.10*	Subsection 1, paragraph c amended	SF 2371.8	J
166D.10*	Subsection 2, unnumbered paragraph 1 amended	SF 2371.9	J
166D.10*	Subsection 6 amended	SF 2371.10	J
166D.12	Subsection 4, paragraph a amended	SF 2371.11	J
166D.13	Subsection 1 amended	SF 2371.12	J
169.5	Subsection 9, paragraph c amended	HF 667.32	7/1/99
169.14	Subsection 3 amended	HF 667.33	7/1/99
169A.1	New subsections 0A, 1A, 2A, & 2B	HF 2382.1	J
169A.10	Section amended	HF 2382.2	J
169A.14	Section amended	HF 2382.3	J
169C.4*	Subsection 1, paragraphs a & b amended	HF 2162.21	J
169C.4*	Subsection 3 amended	HF 2162.22	J
171.	Chapter repealed	SF 2174.9	J
172.5	Section repealed	SF 2174.10	J
172A.6	Unnumbered paragraph 1 amended	HF 2166.25	1/1/99
172A.6	Unnumbered paragraph 1 amended	SF 2174.4	J
172B.1	Section amended	SF 2113.9	J
172B.1	Subsection 1 amended	SF 2136.18	J
172B.3	Section amended	SF 2113.9	J
172B.5	Section amended	SF 2113.9	J
173.1	Subsection 2 amended	SF 2037.1	J
173.2	Subsections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14 stricken	SF 2037.2	J
173.3	Section amended	SF 2174.5	J
173.4	Section amended	SF 2037.3	J
173.5	Subsection 2 amended	SF 2037.4	J
173.6	Unnumbered paragraph 2 amended	SF 2037.5	J
174.15	Section amended	SF 2381.16	J
176A.9	Subsection 4 amended	SF 2200.1	J
176A.9	Subsection 6 rewritten	SF 2200.2	J
176A.14*	Subsection 5 amended	SF 2400.2	J
180.	Chapter repealed	SF 2174.9	J
183.	Chapter repealed	SF 2174.9	J
185C.21	Subsection 2 amended	SF 2119.1	J
185C.26	Section amended	SF 2119.2	J
189A.3	Unnumbered paragraph 1 amended	HF 2166.26	1/1/99

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
190.2	Unnumbered paragraph 1 amended	SF 2174.6	J
190A.	Chapter repealed	SF 2174.9	J
190B.	Chapter repealed	SF 2332.17	E
190C.1	New section	SF 2332.1	E
190C.2	New section	SF 2332.2	E
190C.3	New section	SF 2332.3	E
190C.4	New section	SF 2332.4	E
190C.5	New section	SF 2332.5	E
190C.6	New section	SF 2332.6	E
190C.12	New section	SF 2332.7	E
190C.13	New section	SF 2332.8	E
190C.14	New section	SF 2332.9	E
190C.15	New section	SF 2332.10	E
190C.21	New section	SF 2332.11	E
190C.22	New section	SF 2332.12	E
190C.23	New section	SF 2332.13	E
190C.24	New section	SF 2332.14	E
190C.25	New section	SF 2332.15	E
190C.26	New section	SF 2332.16	E
196A.1	Subsections 3 & 5 amended	SF 2340.1	J
196A.1	New subsection 4A	SF 2340.2	J
196A.4	Subsection 3 amended	SF 2340.3	J
196A.4A	Unnumbered paragraph 1 amended	SF 2340.4	J
196A.4C	Section amended	SF 2340.5	J
196A.5	Unnumbered paragraph 1 amended	SF 2340.6	J
196A.5B	Subsections 1 & 3 amended	SF 2340.7	J
196A.11	Section amended	SF 2340.8	J
196A.12	Unnumbered paragraph 1 amended	SF 2340.9	J
196A.12	New subsection 5	SF 2340.10	J
196A.13	Section amended	SF 2340.11	J
196A.19	Unnumbered paragraph 2 amended	SF 2340.12	J
196A.25	Section repealed	SF 2340.14	J
196A.	Chapter transferred	SF 2174.11	J
196A.	Chapter transferred	SF 2340.13	J
198.3	Subsection 3 amended	HF 2438.1	J
198.4	Subsection 1, unnumbered paragraph 1 rewritten	HF 2438.2	J
198.9	Subsection 3, unnumbered paragraph 3 stricken	SF 2174.7	J
200.14	Subsection 1, unnumbered paragraph 3 amended	SF 2082.1**	E
200.14	Subsection 1A amended	HF 2395.22	E
200.18	Subsection 2 amended	SF 2082.2	E
200A.1	New section	HF 2542.1	J
200A.2	New section	HF 2542.2	J
200A.3	New section	HF 2542.3	J
200A.4	New section	HF 2542.4	J
200A.5	New section	HF 2542.5	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
200A.6	New section	HF 2542.6	J
200A.7	New section	HF 2542.7	J
200A.8	New section	HF 2542.8	J
200A.9	New section	HF 2542.9	J
200A.10	New section	HF 2542.10	J
200A.11	New section	HF 2542.11	J
200A.12	New section	HF 2542.12	J
200A.13	New section	HF 2542.13	J
200A.14	New section	HF 2542.14	J
200A.15	New section	HF 2542.15	J
203C.10	Unnumbered paragraph 2 amended	HF 667.34	7/1/99
204.1	Subsections 4, 8, & 9 amended	HF 2494.2	J
204.2	Subsections 2, 3, & 5 amended	HF 2494.3	J
204.3	Section amended	HF 2494.4	J
204.3A	New section	HF 2494.5	J
204.4	Subsections 1 & 2 amended	HF 2494.6	J
204.4A	New section	HF 2494.7	J
204.5	Section amended	HF 2494.8	J
204.	Chapter transferred	HF 2494.50	J
207.14	Subsection 2, unnumbered paragraph 2 amended	HF 667.35	7/1/99
213.4	Section repealed	SF 2174.10	J
213.5	Section repealed	SF 2174.10	J
213.6	Section repealed	SF 2174.10	J
216.15	Subsection 3, paragraph a amended	HF 667.36	7/1/99
216.15B	Section amended	HF 2478.10	J
216.17	Subsection 6 amended	HF 667.37	7/1/99
216A.73	Section amended	HF 2465.11	J
216A.136	Unnumbered paragraph 1 amended	HF 2456.18	J
216A.138*	Subsection 2 amended	HF 2456.19	J
216B.3	Subsection 17 amended	SF 2185.3	J
216E.1	New section	HF 530.1	J
216E.2	New section	HF 530.2	J
216E.3	New section	HF 530.3	J
216E.4	New section	HF 530.4	J
216E.5	New section	HF 530.5	J
216E.6	New section	HF 530.6	J
216E.7	New section	HF 530.7	J
217.3	Subsection 4 amended	HF 2348.7	J
217.9A	Section repealed	SF 2406.19	6/30/98
217.11	New subsection 9A	SF 2072.1	J
217.12	Subsection 3, new paragraph g	SF 2410.67	J
217.41	Section repealed	SF 2410.63	J
218.99*	Section amended	HF 2162.23	J
222.1	Unnumbered paragraph 1 amended	HF 2348.8	J
222.16	New unnumbered paragraph	SF 2038.6	J
222.31	New subsection 3	SF 2038.7	J
222.45	Section amended	SF 2038.8	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
222.68	Section amended	SF 2410.68	J
222.73	Subsection 5 amended	HF 2348.9	J
222.75	Section amended	SF 2410.69	J
222.78	Section amended	SF 2410.70	J
225C.4	Subsection 1, paragraph n amended	HF 2456.20	J
225C.6	Subsection 1 amended	HF 2558.15	J
225C.21	Section amended	HF 2558.12	J
225C.38	Subsection 1, paragraph c amended	SF 2410.71	J
225C.48	Subsection 5 stricken	SF 2410.72	E
226.1	Section amended	HF 2348.10	J
229.2A	New section	HF 2558.22	J
229.21	Subsection 3 amended	HF 2558.23	J
229.27	Subsection 4 stricken	HF 2558.24	J
229.42*	Unnumbered paragraph 4 amended	SF 2410.73	J
229A.1	New section	SF 2398.1	J
229A.2	New section	SF 2398.2	J
229A.3	New section	SF 2398.3	J
229A.4	New section	SF 2398.4	J
229A.5	New section	SF 2398.5	J
229A.6	New section	SF 2398.6	J
229A.7	New section	SF 2398.7	J
229A.8	New section	SF 2398.8	J
229A.9	New section	SF 2398.9	J
229A.10	New section	SF 2398.10	J
229A.11	New section	SF 2398.11	J
229A.12	New section	SF 2398.12**	J
229A.12	New section amended	HF 2558.26	J
229A.13	New section	SF 2398.13	J
229A.15	New section	SF 2398.14	J
229A.16	New section	SF 2398.15	J
229A.17	New section	SF 2398.16	J
229A.18	New section	SF 2398.17	J
230.1	Unnumbered paragraph 1 amended	HF 2558.6	7/1/99
230.1	Subsections 1 & 2 amended	HF 2558.7	7/1/99
230.20	Subsection 7 amended	HF 2348.11	J
230.22	Section amended	SF 2410.74	J
230A.1	Section amended	HF 2558.1	J
230A.3	Section amended	HF 2558.2**	J
230A.3	New subsection 3 stricken	HF 2558.5	7/1/01
230A.12	Unnumbered paragraph 1 amended	HF 2558.3	J
232.2*	Subsection 4, new paragraph h	SF 2345.1	J
232.2*	Subsection 6A amended	SF 2220.1	J
232.2*	Subsection 9 amended	HF 2456.21	J
232.2*	Subsection 21, unnumbered paragraph 1 amended	SF 2345.2	J
232.2*	Subsection 21, new paragraph f	SF 2345.3	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      **VEETO** - Entire bill section vetoed      **\*\*\*** - Bill section repealed by subsequent bill  
**J** - Effective July 1, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
232.19*	Subsection 1, paragraph c amended	HF 2162.24	J
232.28*	Subsections 10 & 11 stricken	HF 2527.61	1/1/99
232.28A*	Subsection 1, paragraph d amended	HF 2527.62	1/1/99
232.28A*	Section repealed	HF 2527.81	1/1/99
232.28A*	Section transferred	SF 2329.2	1/1/99
232.52*	Section amended	SF 2113.9	J
232.54*	Subsection 7 amended	HF 2162.25	J
232.78	Subsection 1, new paragraph d	SF 2345.4	J
232.78	New subsection 1A	SF 2345.5	J
232.78	Subsection 5 amended	SF 2345.6	J
232.91*	New subsection 3	SF 2345.7	J
232.95	Subsection 2, paragraph a, unnumbered paragraph 2 amended	SF 2345.8	J
232.96	Subsection 10 amended	SF 2345.9	J
232.99	New subsection 2A	SF 2345.10	J
232.102*	Subsection 1, paragraph a amended	SF 2345.11	J
232.102*	Subsection 5, unnumbered paragraph 2 amended	SF 2345.12	J
232.102*	Subsection 7 amended	SF 2345.13	J
232.102*	New subsection 7A	SF 2345.14	J
232.102*	Subsection 8, paragraph c amended	SF 2345.15	J
232.102*	Subsection 9, paragraph a, unnumbered paragraph 1 amended	SF 2345.16	J
232.102*	New subsections 10 & 11	SF 2345.17	J
232.104	Subsection 1 amended	SF 2345.18	J
232.104	Subsection 6 amended	SF 2345.19	J
232.111	New subsection 1A	SF 2345.20	J
232.111	Subsection 3, new paragraph e, paragraph relettered	SF 2345.21	J
232.112	Subsection 1 amended	SF 2345.22	J
232.116	Subsection 2, unnumbered paragraph 1 amended	SF 2345.23	J
232.117	Subsection 3, paragraph c amended	SF 2345.24	J
232.117	Subsection 4 amended	SF 2345.25	J
232.119	Subsection 4 amended	SF 2345.26	J
232.120	New section	SF 2345.27	J
232.143	Subsection 1 amended	HF 2456.22	J
232.147*	Subsections 2 & 9 amended	HF 2527.63	1/1/99
232.148*	Subsection 5, paragraph b amended	HF 2162.26	J
232.163*	Subsection 2 amended	HF 2162.27	J
232.188	Subsection 7 amended	SF 2406.11	E
232.189	Unnumbered paragraph 1 amended	SF 2345.28	J
232.190	Section amended	SF 2280.13	6/30/98
232.195*	Section amended	HF 2162.28	J
232.196*	Section amended	HF 2162.29	J
232A.1	Section repealed	HF 2456.67	J
232A.2	Section amended	HF 2456.23	J
232A.3	Section amended	HF 2456.24	J
232A.4	Section repealed	HF 2527.80	1/1/99
234.12A	New section	HF 2468.1**	J
234.12A	New section amended	SF 2410.75	J
235A.15*	Subsection 2, paragraph d, subparagraph (5) amended	SF 2235.3	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
235A.15*	Subsection 2, paragraph e, subparagraph (3) amended	HF 2527.64	1/1/99
235B.3	Subsection 2, paragraph e, subparagraph (6) amended	HF 2558.13	J
235B.6*	Subsection 2, paragraph e, subparagraph (3) amended	HF 2527.65	1/1/99
235C.2	Subsection 8 amended	HF 2162.30	J
236.10*	Section amended	SF 2313.1	J
236.14	Subsection 2, unnumbered paragraph 3 amended	HF 2527.66	1/1/99
237.3*	Subsection 8 amended	HF 2456.25	J
237.8	Subsection 2, paragraphs a & b amended	SF 2345.29	J
237.18	Subsection 6, unnumbered paragraph 2 amended	HF 2456.26	J
237A.3A*	Subsection 3, paragraph d amended	SF 2312.1	E
237A.3A*	Subsection 13, paragraph a amended	SF 2312.2	E
237A.5*	New subsection 7	SF 2312.3	E
239B.2*	Subsection 6 amended	SF 2410.50	J
239B.4*	New subsection 2A	SF 2410.51	J
239B.8*	Subsection 2, new paragraph i	SF 2410.52	J
239B.9*	Subsection 1 amended	SF 2410.55	J
239B.9*	Subsection 2, paragraphs a & b amended	SF 2410.56	J
239B.9*	Subsection 2, paragraph c, subparagraph (1) amended	SF 2410.57	J
239B.9*	Subsection 2, paragraph g amended	SF 2410.58	J
239B.9*	Subsection 3, paragraph a amended	SF 2410.59	J
239B.9*	Subsections 4, 5, & 6 amended	SF 2410.60	J
239B.11*	Subsection 2 amended	SF 2410.76	J
239B.23*	Section repealed	SF 2410.82	J
249A.3*	Subsection 1, paragraph g, subparagraph (2) amended	SF 2410.77	J
249A.4*	New subsection 15	HF 2558.4	J
249A.18	New section	HF 2523.1	J
252.16*	Subsection 8 amended	HF 2558.8	J
252.27	Unnumbered paragraph 2 amended	HF 667.38	7/1/99
252A.3A*	Subsection 3, paragraph a amended	SF 2313.28	J
252A.3A*	Subsection 9, paragraph a, subparagraph (1) amended	SF 2313.29	J
252A.3A*	Subsection 11, paragraph a amended	SF 2313.30	J
252A.3A*	Subsection 12, paragraph a, subparagraph (2) amended	SF 2313.31	J
252B.1*	Subsection 2 amended	HF 2162.31	J
252B.3*	New subsection 5	SF 2313.41	J
252B.5*	Subsection 11 amended	SF 2313.34	J
252B.7A*	Subsection 1, paragraph d, unnumbered paragraph 1 amended	SF 2313.43	J
252B.9*	Subsection 1, paragraph h amended	SF 2313.23	J
252B.9*	Subsection 2, paragraph a amended	SF 2313.2	J
252B.9*	Subsection 3, paragraph c amended	SF 2313.20	J
252B.9*	Subsection 3, paragraph d rewritten	SF 2313.24	J
252B.9*	Subsection 3, paragraph f amended	SF 2313.25	J
252B.9*	Subsection 3, new paragraph i	SF 2313.26	J
252B.9A	New section	SF 2313.27	J
252B.13A*	Section amended	SF 2313.3	J
252B.14*	Section amended	SF 2313.4	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252B.15	Section amended	SF 2313.5	J
252B.16	Subsection 3 amended	SF 2313.6	J
252B.20*	Subsection 2, paragraph b amended	SF 2313.46	J
252B.20*	Subsections 3, 10, & 11 amended	SF 2313.47	J
252B.24	New section	SF 2313.15	J
252D.1*	Section amended	SF 2313.7	J
252D.17*	Subsections 5, 6, & 8 amended	SF 2313.8	J
252D.18	Subsection 1, new paragraph d	SF 2313.44	J
252D.18A*	Subsection 4 amended	SF 2313.9	J
252D.20	Section amended	SF 2313.10	J
252E.2*	Subsection 2 amended	SF 2313.32	J
252G.3*	Subsections 1 & 2 amended	SF 2313.21	J
252G.5	Section amended	SF 2313.22	J
252H.2*	New subsection 6A	SF 2313.35	J
252H.3*	Subsection 1 amended	SF 2313.36	J
252H.8*	Subsection 4, new paragraph h	SF 2313.37	J
252H.9*	Subsection 3, new paragraph g	SF 2313.38	J
252H.16	Subsection 1 amended	SF 2313.39	J
252I.1*	Subsection 1 amended	SF 2313.33	J
255.26	Unnumbered paragraph 1 amended	HF 2162.32	J
255A.13	Section amended	HF 2162.33	J
256.7	Subsection 6 amended	HF 667.39	7/1/99
256.7	New subsection 21	HF 2272.1	J
256.9	Subsection 29 stricken	HF 2533.23	12/31/98
256.12	Subsection 2, unnumbered paragraph 1 amended	SF 2348.1	J
256.16	Section amended	SF 2366.2	VETO
256.16	Unnumbered paragraph 1 amended	HF 2533.24	VETO
256.17A	New section	SF 2366.3**	VETO
256.17A	New section repealed	HF 2533.56	E
256.22	New section	SF 2366.4**	IV
256.22	New section, subsection 1, unnumbered paragraph 1 amended	HF 2533.25	VETO
256.22	New section, subsections 2 & 5 amended	HF 2533.26	VETO
256.22	New section, new subsection 6	HF 2533.27	J
256.24	New section	HF 2533.28	VETO
256.44	New section	SF 2366.5**	J
256.44	New section, subsection 3 amended	HF 2533.29	VETO
256.45	Unnumbered paragraphs 1, 3, & 4 amended	SF 2366.6	J
256E.1	New section	SF 2366.7	VETO
256E.2	New section	SF 2366.8	VETO
256E.3	New section	SF 2366.9	VETO
256E.4	New section	SF 2366.10	VETO
256E.5	New section	SF 2366.11	VETO
256E.6	New section	SF 2366.12	VETO
256F.1	New section	SF 2366.13	VETO
256F.2	New section	SF 2366.14	VETO
256F.3	New section	SF 2366.15	VETO
256F.4	New section	SF 2366.16	VETO

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
256F.5	New section	SF 2366.17	VETO
256F.	New chapter repealed	SF 2366.17	VETO
257.1	Subsection 2, unnumbered paragraph 3 amended	SF 2366.18	VETO
257.3	Subsection 1, new unnumbered paragraph	SF 2416.27	A 1/1/99
257.8	Subsection 1 amended	SF 2094.1	7/1/99
257.13	New section	SF 2366.19	VETO
257.14*	Section amended	SF 2366.20	VETO
257.14*	Subsection 2 stricken	HF 2162.34***	J
257.20	Subsection 2, paragraph a amended	SF 2366.21	VETO
257A.	Chapter repealed	HF 2533.57	12/31/98
257B.1A	Section rewritten	HF 2533.30	J
260A.1*	Subsection 2 amended	HF 2395.23	J
260A.1*	Subsection 4 amended	HF 2162.35	J
260C.14*	Subsection 17 stricken	SF 2308.2	J
260C.14*	Subsection 18 amended	SF 2308.3	J
260C.19B	New section	SF 2185.4	J
260C.28	Subsection 3 amended	HF 2533.31	J
261.2	Subsection 14 amended	HF 2456.27	J
261.2	New subsection 15	HF 2533.32	VETO
261.12*	Subsection 1, paragraph b amended	HF 2533.33	J
261.17*	New subsection 1A	HF 2533.34	J
261.17*	Subsection 6, new paragraph c	HF 2533.35	J
261.24	New section	HF 2533.36	12/31/98
261.25*	Subsections 1 & 3 amended	HF 2533.37	J
261.25*	New subsection 3A	HF 2533.38	J
261.110	New section	SF 2170.1	J
261.111	New section	HF 2533.39	J
261.111	New section	SF 2170.2	J
261.112	New section	HF 2533.40	J
261.112	New section	SF 2170.3	J
261.113	New section	SF 2170.4	J
261.114	New section	SF 2170.5	J
261.115	New section	SF 2170.6	J
261.116	New section	SF 2170.7	J
262.25B	New section	SF 2185.5	J
272.1	New subsection 4A	SF 2366.22	J
272.12	New section	SF 2366.23	J
272C.1	Subsection 6, paragraph ab amended	SF 2269.41	J
272C.1	Subsection 6, new paragraph ac	SF 2269.42	J
272C.4*	Subsection 2 stricken	HF 2271.8	J
275.18	New unnumbered paragraph	HF 2495.12	J
277.4*	Unnumbered paragraph 3 amended	SF 2153.6	J
279.14	Section amended	SF 2366.24**	J
279.14	New subsection 2 rewritten	HF 2533.41	J
279.14A	New section	SF 2366.25**	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
279.14A	New section, subsection 1 amended	HF 2533.42	J
279.19	Unnumbered paragraph 1 amended	SF 2366.26	A J
279.19	New unnumbered paragraph	HF 2533.43	J
279.46	Section amended	SF 2366.27	R 1/1/98
279.51*	Subsection 1, unnumbered paragraph 1 amended	HF 2395.24	J
279.51*	Subsection 1, paragraph b amended	HF 2395.25	J
279.51*	Subsection 1, paragraphs c & e amended	SF 2353.1	J
279.51*	Subsection 4 amended	HF 2533.44	J
279.59	New section	SF 2366.28	VETO
279.59	New section repealed	SF 2366.31	VETO
279.60	New section	SF 2366.29**	VETO
279.60	New section, subsection 5 amended	HF 2533.45	VETO
279.60	New section repealed	SF 2366.31	VETO
279.61	New section	SF 2366.30	VETO
279.61	New section repealed	SF 2366.31	VETO
279.62	New section	SF 2366.31	VETO
279.62	New section repealed	SF 2366.31	VETO
280.17	Section amended	HF 2162.36	J
280.18	Unnumbered paragraph 2 amended	SF 2366.32	J
280.21	Section amended	HF 2269.1	J
280.26	New section	HF 2269.2	J
294.10A	Section amended	HF 2153.3	A 1/1/99
294.12	New unnumbered paragraph	HF 2496.109	J
294A.5	Section amended	SF 2366.33	J
294A.6	Unnumbered paragraph 1 amended	SF 2366.34	J
294A.19	Unnumbered paragraph 2 amended	HF 2533.46	J
294A.25*	Subsection 1 amended	SF 2366.35	J
294A.25*	Subsection 5 rewritten	HF 2533.47	VETO
294A.25*	Subsection 6 amended	HF 2533.48	VETO
294A.25*	New subsections 6A & 10A	HF 2533.52	VETO
294A.25*	Subsection 7 amended	SF 2366.36	J
294A.25*	Subsection 9 rewritten	HF 2533.49	VETO
294A.25*	Subsection 10 amended	HF 2533.50	J
294A.25*	Subsection 11 amended	HF 2533.51	J
294A.25*	New subsection 12	HF 2533.52	IV
297.22*	Subsection 3 amended	HF 2162.37	J
303.1	Subsection 2, new paragraph e	HF 2533.53	J
303.2	Subsection 2, paragraph d amended	SF 2183.2	J
303.3A	New section	HF 2533.54	J
303C.	Chapter repealed	HF 2533.57	12/31/98
304.3	Subsections 2 & 8 amended	SF 2183.3	J
304.6	Section amended	SF 2183.4	J
304.10	Section amended	SF 2183.5	J
304A.10	Section amended	HF 2533.55	J
306.1	Section repealed	SF 2257.17	J
306.3	Section rewritten	SF 2257.1	J
306.5	Section rewritten	SF 2257.2	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
306.6	Section rewritten	SF 2257.3	J
306.6A	New section	SF 2257.4	J
306.7	Section repealed	SF 2257.17	J
306.8	Section rewritten	SF 2257.5	J
306.9	Unnumbered paragraph 3 amended	SF 2257.6	J
306.43	Section repealed	SF 2257.17	J
306.45	New section	SF 2257.18	J
306C.11*	New subsection 1A	SF 2257.19	J
307.12	Subsection 13 amended	SF 2136.19	J
307.21	Subsection 4, paragraph b, subparagraph (4) amended	SF 2185.6	J
307.25*	Subsection 4 amended	HF 2162.38	J
307.27*	Subsection 7 amended	HF 2162.39	J
307.27*	Subsection 8 stricken	HF 2162.40	J
307.49	Section amended	HF 2499.5	J
307A.2	Subsection 11 amended	SF 2257.7	J
308.2	Section amended	SF 187.1	A 12/15/98
308.9	Subsection 1 amended	SF 2257.8	J
309.3	Section amended	SF 2257.9	J
309.11	Section repealed	SF 2257.17	J
309.55	Section amended	SF 2400.3	J
310.10	Section amended	SF 2257.10	J
311.17	Section amended	SF 2400.4	J
311.18	Section amended	SF 2400.5	J
311.19	Unnumbered paragraph 1 amended	SF 2400.6	J
312.2*	Section amended	SF 2113.9	J
312.2	Subsection 10 stricken	SF 2257.11	J
312.2	Subsection 13 amended	HF 2499.6	J
312.11	Section amended	SF 2257.12	J
312.12	Section repealed	SF 2085.11	J
312.15	Section amended	SF 2085.1	J
313.2	Unnumbered paragraph 1 amended	SF 2257.13	J
314.17	New section	HF 2499.7	J
315.3	Subsection 3 amended	SF 2022.1	E
317.18	Section amended	SF 2257.14	J
317.19	Unnumbered paragraph 1 amended	SF 2257.15	J
317.21	Subsection 1 amended	SF 2400.7	J
321.1*	Subsection 11, paragraph b amended	SF 2113.1	J
321.1*	New subsection 20A	SF 2113.2	J
321.1*	Subsection 21 amended	SF 2113.3	J
321.1*	Subsection 32, paragraph b amended	SF 2257.20	J
321.1*	Subsection 43 stricken	SF 2113.4	J
321.1A	Section amended	SF 2113.9	J
321.2	Unnumbered paragraph 2 amended	SF 2136.20	J
321.10	New unnumbered paragraph	SF 2257.21	J
321.11*	Unnumbered paragraph 3 amended	SF 2267.1	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321.12*	Subsection 4 amended	SF 2391.1	E
321.19*	Subsection 1, unnumbered paragraph 2 amended	HF 2353.1	J
321.19*	Subsection 1, unnumbered paragraph 2 amended	SF 2136.21	J
321.20*	Section amended	SF 2113.9	J
321.20B*	Subsection 1, unnumbered paragraph 2 amended	HF 2162.41	J
321.20B*	Subsections 1, 2, & 3 amended	HF 2454.1	R 7/1/97
321.20B*	Subsections 4 & 5 rewritten	HF 2454.2	R 7/1/97
321.20B*	Subsections 6 & 7 amended	HF 2454.3	R 7/1/97
321.20B*	New subsection 6A	HF 2454.4	R 7/1/97
321.23*	Subsection 1 amended	SF 2113.5	J
321.34*	Subsection 8A, unnumbered paragraph 2 amended	SF 2023.1	J
321.34*	New subsection 10A	SF 2023.3	J
321.34*	Subsection 19 amended	SF 2023.2	J
321.44A*	Section amended	HF 2162.42***	J
321.44A*	Section amended	SF 2400.8	J
321.46	Section amended	SF 2113.9	J
321.57*	Unnumbered paragraph 1 amended	HF 2454.5	R 7/1/97
321.64	Section repealed	SF 2257.32	J
321.69*	Subsections 2 & 3 amended	SF 2192.1	J
321.71	Subsection 7 amended	HF 2162.43	J
321.89	Subsection 1, paragraph c amended	SF 2136.22	J
321.151	Section amended	HF 2424.18	J
321.152	New unnumbered paragraph	HF 2424.19	J
321.153	New unnumbered paragraph	HF 2424.20	J
321.174	Section amended	SF 2113.9	J
321.174A*	Section amended	SF 2113.9	J
321.176	Section amended	SF 2113.11	J
321.177	Section amended	SF 2113.9	J
321.177	Subsection 1 amended	HF 2528.1	1/1/99
321.178	Subsection 1 amended	HF 2528.2	1/1/99
321.179*	Section amended	SF 2113.10	J
321.179*	Section amended	SF 2113.11	J
321.179*	Subsection 1, unnumbered paragraph 1 amended	HF 2162.44	J
321.179*	Section repealed	HF 2424.22	J
321.180	Section amended	SF 2113.9	J
321.180	Subsection 1 amended	HF 2528.3	1/1/99
321.180	New subsection 5	HF 2528.4	1/1/99
321.180A	Section amended	SF 2113.9	J
321.180B	New section	HF 2528.5	1/1/99
321.181	Section amended	SF 2113.9	J
321.182	Section amended	SF 2113.9	J
321.182	Section amended	SF 2113.10	J
321.184	Section amended	SF 2113.9	J
321.186	Section amended	SF 2113.9	J
321.186	Unnumbered paragraph 4 amended	HF 2412.1	J
321.186A	Section amended	SF 2113.9	J
321.187	Section amended	SF 2113.10	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321.188	Section amended	SF 2113.9	J
321.188	Section amended	SF 2113.10	J
321.189*	Section amended	SF 2113.9	J
321.189*	Subsection 6 amended	HF 2528.6	1/1/99
321.189*	Subsections 7 & 9 stricken	HF 2528.7	1/1/99
321.189A*	Section amended	SF 2113.10	J
321.190*	Section amended	SF 2113.9	J
321.191	Section amended	SF 2113.9	J
321.191	Section amended	SF 2113.10	J
321.193	Section amended	SF 2113.9	J
321.194	Section amended	HF 2528.8	1/1/99
321.194	Section amended	SF 2113.9	J
321.195	Section amended	SF 2113.9	J
321.195	Section amended	SF 2113.10	J
321.196	Section amended	SF 2113.9	J
321.196	Unnumbered paragraph 1 amended	HF 2528.9	1/1/99
321.198	Section amended	SF 2113.9	J
321.199	Section amended	SF 2113.9	J
321.201	Section amended	SF 2113.9	J
321.205	Section amended	SF 2113.9	J
321.206	Section amended	SF 2113.9	J
321.208	Section amended	SF 2113.9	J
321.208A*	Section amended	HF 2514.1	J
321.210A	Section amended	SF 2113.9	J
321.210B*	Section amended	SF 2113.9	J
321.210C	New section	HF 2394.1	J
321.210C	New section	HF 2528.10	1/1/99
321.211	Section amended	SF 2113.9	J
321.212	Section amended	SF 2113.9	J
321.213	Section amended	SF 2113.9	J
321.213A	Section amended	SF 2113.9	J
321.215	Section amended	SF 2113.9	J
321.216	Section amended	SF 2113.9	J
321.216A	Section amended	SF 2113.9	J
321.216A	Section amended	SF 2113.10	J
321.216B*	Section amended	SF 2113.9	J
321.216B*	Section amended	HF 2162.45	J
321.218*	Section amended	SF 2113.9	J
321.218A*	Section amended	HF 2528.11	1/1/99
321.218A*	Section amended	SF 2113.9	J
321.220	Section amended	SF 2113.9	J
321.223	Section amended	SF 2113.9	J
321.228	Subsection 2 amended	HF 2514.2	J
321.231*	Subsection 4 amended	SF 2085.2	J
321.231*	Subsection 5 amended	HF 2162.46	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      **YETO** - Entire bill section vetoed      **\*\*\*** - Bill section repealed by subsequent bill  
**J** - Effective July 1, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321.234A	Section amended	SF 2113.9	J
321.247	Section amended	SF 2113.9	J
321.261	Section amended	SF 2113.9	J
321.263	Section amended	SF 2113.9	J
321.265	Section amended	SF 2113.6	J
321.266*	Subsections 1 & 4 amended	SF 2136.23	J
321.271	Unnumbered paragraph 1 amended	SF 2113.7	J
321.274	Section repealed	HF 2514.16	J
321.275	Subsection 7 stricken	HF 2514.3	J
321.275	Subsection 7 stricken	SF 2257.22	J
321.284	Section amended	HF 2162.47	J
321.284	Section amended	HF 2487.3	J
321.354	Subsection 2, unnumbered paragraph 2 amended	SF 2257.23	J
321.380	Section amended	SF 2136.24	J
321.383*	Subsection 3, unnumbered paragraph 1 amended	SF 2085.3	J
321.395	Section amended	HF 2514.4	J
321.433	Section amended	SF 2085.4	J
321.444*	Subsection 2 amended	SF 2085.5	J
321.445*	Subsection 1 amended	SF 2085.6	J
321.445*	Subsection 2, paragraph a amended	SF 2085.7	J
321.450	Unnumbered paragraphs 1 & 3 amended	HF 2514.5	C 10/1/98
321.453	Section amended	SF 2081.1**	J
321.453	Section amended	HF 2395.26	J
321.457	Subsection 2, paragraph a amended	SF 2257.24	J
321.457	Subsection 3 amended	SF 2136.25	J
321.463*	Subsection 3 amended	SF 2218.2	J
321.463*	Subsection 5, new paragraph d	HF 2514.6	J
321.463*	Subsections 7 & 8 amended	HF 2514.7	J
321.473	Unnumbered paragraph 3 amended	HF 2514.8	J
321.477	Section amended	HF 2496.110	J
321.485	Section amended	SF 2113.9	J
321.491*	Section amended	SF 2113.9	J
321.491*	Unnumbered paragraph 2 amended	HF 2514.9	J
321.492*	Section amended	SF 2113.9	J
321.492*	Unnumbered paragraph 1 amended	SF 2113.8	J
321.492*	Unnumbered paragraph 2 amended	HF 2162.48	J
321.555*	Section amended	SF 2113.9	J
321.556	Section amended	SF 2113.9	J
321A.1	Section amended	SF 2113.9	J
321A.17	Section amended	SF 2113.9	J
321A.17	Subsection 5 amended	HF 2528.12	1/1/99
321A.17	New subsection 7	HF 2394.2	J
321A.32*	Section amended	SF 2113.9	J
321A.32A*	Section amended	SF 2113.9	J
321A.33*	Section amended	HF 2162.49	J
321E.29A	New section	SF 2218.1	J
321E.34*	Section amended	SF 2113.9	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321F.4A	Section repealed	SF 2257.32	J
321G.9	Section amended	SF 2113.9	J
321G.12	Section amended	SF 2085.8	J
321G.15*	Section amended	SF 2294.1	J
321G.18	Section amended	SF 2136.26	J
321G.20	Section amended	SF 2113.9	J
321G.24	Section amended	SF 2113.9	J
321H.4A	Section repealed	SF 2257.32	J
321I.3	Subsection 2 amended	SF 2316.1	J
321I.5	Subsection 2, paragraph f amended	SF 2316.2	J
321I.5	New subsection 3	SF 2316.3	J
321I.6	Section amended	SF 2316.4	J
321I.11	Subsection 1, paragraph g amended	SF 2316.5	J
321I.12	Subsection 1, paragraph a, new subparagraph (4)	SF 2316.6	J
321J.1	Section amended	SF 2113.9	J
321J.1	New subsection 3A	SF 2391.10	J
321J.1	Subsection 7, paragraph a amended	SF 2136.27	J
321J.2*	Section amended	SF 2113.9	J
321J.2*	Subsection 1 amended	SF 2391.11	J
321J.2*	Subsection 3, paragraph a, unnumbered paragraph 1 amended	SF 2391.2	E
321J.2*	Subsection 3, paragraph a, subparagraph (1) amended	SF 2391.3	E
321J.2*	Subsection 3, paragraph a, subparagraph (3) amended	HF 2162.50	J
321J.2*	Subsections 7 & 8 amended	SF 2391.12	J
321J.2*	Subsection 10 amended	SF 2391.13	J
321J.2A	Section amended	SF 2113.9	J
321J.3*	Subsection 3 amended	HF 2456.28	J
321J.4*	Section amended	SF 2113.9	J
321J.4*	Subsection 9, new unnumbered paragraph	SF 2391.4	R 7/1/97
321J.4B*	Section amended	SF 2113.9	J
321J.6	Subsection 1, unnumbered paragraph 1 amended	SF 2391.14	J
321J.6	Subsection 1, paragraphs d & f amended	SF 2391.15	J
321J.6	Subsection 3 amended	SF 2391.16	J
321J.8	Section amended	SF 2113.9	J
321J.8	Subsection 2 amended	SF 2391.17	J
321J.9*	Section amended	SF 2113.9	J
321J.10	Subsection 4 amended	SF 2391.18	J
321J.11	Unnumbered paragraph 1 amended	SF 2391.19	J
321J.12*	Section amended	SF 2113.9	J
321J.12*	Subsections 1, 3, 4, & 6 amended	SF 2391.20	J
321J.13*	Section amended	SF 2113.9	J
321J.13*	Subsection 2 amended	SF 2391.21	J
321J.15	Section amended	SF 2391.22	J
321J.17*	Section amended	SF 2113.9	J
321J.17*	Subsection 1 amended	HF 2527.67	1/1/99
321J.17*	Subsection 1 amended	SF 2257.25	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321J.18	Section amended	SF 2391.23	J
321J.20*	Section amended	SF 2113.9	J
321J.20*	New subsection 7	SF 2391.5	R 7/1/97
321J.21*	Section amended	SF 2113.9	J
321J.24*	Subsection 9 amended	HF 2456.29	J
321J.25*	Section amended	SF 2113.9	J
321L.2A*	Section amended	SF 2085.9	J
321L.3*	Section amended	SF 2113.9	J
321L.5*	Subsection 5 amended	SF 2085.10	J
321M.1	New section	HF 2424.1	J
321M.2	New section	HF 2424.2	J
321M.3	New section	HF 2424.3	J
321M.4	New section	HF 2424.4	J
321M.5	New section	HF 2424.5	J
321M.6	New section	HF 2424.6	J
321M.7	New section	HF 2424.7	J
321M.8	New section	HF 2424.8	J
321M.9	New section	HF 2424.9	J
321M.10	New section	HF 2424.10	J
321M.11	New section	HF 2424.11	J
322.3*	New subsection 12	SF 2257.26	J
322.5	New subsection 4	HF 2392.1	E
322.7A	Section repealed	SF 2257.32	J
322.27A	New section	HF 2454.6	R 7/1/97
322A.11	New subsection 4	SF 2257.27	J
322B.2	Subsections 3 & 4 stricken	SF 2109.1	J
322B.2	Subsections 5 & 7 amended	SF 2109.2	J
322B.3	Subsection 2, unnumbered paragraph 2 stricken	SF 2257.28	J
322B.3	Subsection 3 amended	SF 2109.3	J
322B.3	New subsection 5	SF 2109.4	J
322B.4	Subsection 2 stricken	SF 2109.5	J
322B.6	Unnumbered paragraph 1 amended	SF 2109.6	J
322B.6	Subsections 2 & 3 amended	SF 2109.7	J
322B.6	Subsection 6 stricken	SF 2109.8	J
322B.8	Section amended	SF 2109.9	J
322C.4*	Subsection 2, unnumbered paragraph 2 stricken	SF 2257.29	J
325A.2*	Section amended	HF 2514.10	J
327C.2*	Section amended	HF 2162.51	J
327D.1*	Section amended	HF 2162.52	J
327H.20A	New section	HF 2395.39	J
328.12	Subsection 11 amended	SF 2257.30	J
328.21	Unnumbered paragraph 1 amended	HF 2560.1	J
328.21	Subsection 1 amended	HF 2560.2	J
328.21	Subsection 2 amended	HF 2560.3	J
328.22	Section repealed	HF 2560.7	J
328.26	Section amended	HF 2560.4	J
330A.8	Subsection 16 amended	HF 2496.111	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
331.302	Subsection 15 amended	HF 2472.1	J
331.304A	New section	HF 2494.9	E
331.307	Subsection 1 amended	HF 2472.2	J
331.321	Subsection 1, paragraph j stricken	SF 2257.16	J
331.324	Section amended	HF 2465.11	J
331.341	Subsection 4 amended	HF 2049.1	J
331.382	Subsection 5 amended	HF 2166.27	1/1/99
331.432	Section amended	HF 2545.1	E
331.438*	Subsection 1, new paragraph aa	HF 2545.4	J
331.438*	Subsection 2, paragraph b, subparagraphs (1) & (2) amended	HF 2545.5**	J
331.438*	Subsection 2, paragraph b rewritten	HF 2545.10	A 7/1/00
331.439*	Subsection 3, paragraph b amended	HF 2162.53	J
331.439*	Subsection 7 amended	HF 2162.54	J
331.439*	Subsection 8 rewritten	HF 2558.18	E
331.502	Subsection 10 amended	SF 2400.9	J
331.507	Subsection 3 stricken	SF 2174.8	J
331.557A	New section	HF 2424.21	J
331.602*	Subsection 11 amended	SF 187.2	A 12/15/98
331.605	Subsection 2, paragraph a amended	SF 187.3	A 12/15/98
331.605	Subsection 3 amended	SF 187.4	A 12/15/98
331.605	Subsection 5, paragraph b stricken	SF 2367.1	J
331.605	Subsection 6 amended	SF 2367.2	J
331.653*	Subsection 65A amended	HF 2527.68	1/1/99
331.657	Subsection 3 amended	SF 2372.1	J
331.756*	Subsection 32 amended	HF 2166.28	1/1/99
331.756*	Subsection 83A amended	HF 2527.69	1/1/99
331.802	Subsection 2 amended	HF 2246.1	J
331.903	New subsection 6	HF 2496.112	J
331.907	Subsection 1 amended	SF 2136.28	J
331.909	Subsection 2 amended	HF 2527.70	1/1/99
335.30A*	Section amended	SF 2400.10	R 1/1/98
341A.11	Unnumbered paragraph 1 amended	SF 316.2	J
352.13	Section repealed	SF 2174.10	J
356.7*	Subsection 1 amended	SF 2254.1	J
356.50	New section	SF 2331.2	J
357A.11	Subsection 11 amended	SF 2268.1	J
357A.15	New unnumbered paragraph	SF 2365.1	J
357A.24	New section	SF 2268.2	J
357B.2	Section amended	HF 2495.13	J
357G.9	Section amended	HF 2495.14	E
357H.1*	Section amended	SF 2284.1	J
357H.6*	Section amended	SF 2284.2	J
357H.8*	Section amended	SF 2284.3	J
357H.9*	Section amended	SF 2284.4	J
358.5	Unnumbered paragraph 1 amended	HF 2175.1	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
358.26	New section	HF 2175.2	J
358.27	New section	HF 2175.3	J
358.28	New section	HF 2175.4	J
358.29	New section	HF 2175.5	J
362.10	Section amended	HF 2496.113	J
364.2	Subsection 4, paragraph a amended	HF 2495.15	J
364.2	Subsection 4, paragraph a amended	SF 2368.1	R 1/1/98
364.3	Subsection 6 amended	HF 2472.3	J
364.22	Subsection 1, unnumbered paragraph 1 amended	HF 2472.4	J
368.19	New unnumbered paragraph	HF 2495.16	J
368.22	New subsections 4, 5, & 6	HF 667.40	7/1/99
376.4*	Unnumbered paragraph 4 amended	SF 2153.7	J
384.47	Subsection 1 amended	SF 2400.11	J
384.60*	Subsection 1, paragraph b amended	SF 2400.12	J
384.60*	Subsection 2 amended	SF 2400.13	J
384.65	Subsection 4 amended	SF 2400.14	J
384.84*	New subsection 8	SF 2400.15	J
400.1*	Section amended	HF 2162.55	J
400.8	Subsection 3 amended	SF 316.3	J
403.22*	Subsection 1, unnumbered paragraph 3 amended	HF 2162.56	J
405A.4	Subsection 2 amended	HF 2545.6	J
411.3	Section amended	HF 2496.82	J
411.6	Subsection 2, paragraph d, subparagraph (3) amended	HF 2496.86	J
411.6	Subsection 2, paragraph d, new subparagraph (4)	HF 2496.87	J
411.6	Subsection 4 amended	HF 2496.88	J
411.6	Subsection 6, paragraph b amended	HF 2496.89	J
411.6	Subsection 6, new paragraph c	HF 2496.90	J
411.6	Subsection 7, paragraph a, unnumbered paragraph 1 amended	HF 2496.91	1/1/98
411.6	Subsection 10 amended	HF 2496.92	J
411.8	Subsection 1, paragraph i amended	HF 2153.4	A 1/1/99
411.9	Section amended	HF 2496.93	J
411.15	Section amended	HF 2496.94	J
411.22	Subsection 1, unnumbered paragraph 1 amended	HF 2496.95	J
411.22	Subsection 3 amended	HF 2496.96	J
411.24	New section	HF 2496.97	J
411.30	Section amended	HF 2496.82	J
411.36	Subsection 1, paragraph c amended	HF 2496.98	J
414.28A*	Section amended	SF 2400.16	R 1/1/98
421.17*	Subsection 20, unnumbered paragraph 2 amended	HF 667.41	7/1/99
421.17*	Subsection 25, paragraph f amended	HF 2456.30	J
421.17*	Subsection 29, paragraph g, new unnumbered paragraph	SF 2235.4	J
421.17*	Subsection 29, paragraph i amended	SF 2235.5	J
421.17*	Subsection 29, new paragraph k	SF 2235.6	J
421.40	Unnumbered paragraph 3 amended	SF 518.39	J
422.3*	Subsection 4 amended	SF 2357.3	R 1/1/97
422.6*	Unnumbered paragraph 1 amended	SF 2357.4	R 8/5/97
422.7*	Subsection 12A, unnumbered paragraph 3 amended	HF 2162.57	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
422.7*	Subsection 21, unnumbered paragraph 1 amended	HF 2513.1	R 1/1/98
422.7*	Subsection 21, paragraph a amended	HF 2513.2	R 1/1/98
422.7*	Subsection 21, unnumbered paragraph 2 rewritten	HF 2513.3	R 1/1/98
422.7*	Subsections 29, 30, & 31 stricken	HF 2153.5	A 1/1/99
422.7*	Subsection 34 amended	HF 2513.5	R 1/1/98
422.7*	New subsections 35, 36, & 37	HF 2119.12	A 7/1/98
422.9*	Subsection 3, paragraphs a, b, & c amended	SF 2357.5	R 8/5/97
422.10*	Unnumbered paragraph 1 amended	SF 2357.6	R 1/1/97
422.12	Subsection 1, paragraphs a & b amended	HF 2513.7	R 1/1/98
422.12	Subsection 2 amended	HF 2513.9	R 1/1/98
422.16A*	Section amended	SF 2296.26	J
422.33*	Subsection 5, unnumbered paragraph 1 amended	SF 2357.7	R 1/1/97
422.35*	Subsection 11, paragraphs a, b, & c amended	SF 2357.8	R 8/5/97
422.35*	New subsection 14	HF 2119.13	A 7/1/98
422.43*	Subsection 6, new unnumbered paragraph	SF 2288.1	J
422.43	Subsection 11 amended	HF 2550.1	J
422.45*	Subsection 27, paragraph b amended	SF 2288.2	R 7-1-97
422.45*	Subsection 27, paragraph c, new subparagraph (4)	SF 2288.3	R 7-1-97
422.45*	Subsection 27, paragraph d, subparagraph (4) amended	SF 2288.4	J
422.45*	Subsection 27, paragraph d, new subparagraph (6)	SF 2288.5	R 7-1-97
422.45*	New subsection 33A	SF 2365.2	J
422.45*	New subsection 38B	HF 2560.5	J
422.45*	New subsection 38C	HF 2560.6	J
422.45*	New subsection 52	HF 2374.1	J
422.45	New subsection 52	HF 2513.11	J
422.45*	New subsection 52	SF 2364.1	R 7/1/88
422.73	New subsection 3	SF 2357.9	R 1/1/77
422.75	Section amended	HF 2271.28	J
422.120*	Subsection 1, paragraph a amended	HF 2162.58	J
422E.1	New section	HF 2282.1	E
422E.2	New section	HF 2282.2	E
422E.3	New section	HF 2282.3	E
422E.4	New section	HF 2282.4	E
422E.5	New section	HF 2282.5	E
423.4*	Subsection 10, new unnumbered paragraph	HF 2541.1	J
423.24*	New unnumbered paragraph	SF 2415.13	J
423.24*	Subsection 1, unnumbered paragraph 1 amended	SF 2415.14	J
423.24*	Subsection 1, paragraph a, subparagraph (2) amended	SF 2415.15	J
423.24*	Subsection 1, paragraph c stricken	SF 2415.16	J
423.24*	Subsection 2 amended	SF 2415.17	J
423.24A	New section	SF 2415.18	J
425.23	Subsection 1 amended	HF 2513.12	A 1/1/99
425.23	Subsection 3, paragraph a amended	HF 2513.13	A 1/1/99
425.23	New subsection 4	HF 2513.14	A 1/1/99
426B.2*	Subsection 3 amended	HF 2162.59	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, 1998	IV - Part of bill section vetoed	* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
426B.2*	New subsection 4	HF 2545.7	J
426B.3*	Subsection 1 amended	HF 2162.60	J
426B.5	New section, subsections 1 & 3	HF 2545.8	J
426B.5	New section, subsection 2	HF 2545.8	E
427.1*	Subsection 2 amended	SF 2416.28	A 1/1/99
428.24	Section amended	SF 2416.29	A 1/1/99
428.26	Section amended	SF 2416.30	A 1/1/99
428.28	Section amended	SF 2416.31	A 1/1/99
428.37	Section repealed	SF 2416.39	A 1/1/99
432.13	New section	HF 2517.1	E
432.13	New section	SF 2397.1	J
435.1*	Subsection 1 amended	SF 2400.17	R 1/1/98
435.1*	Subsection 4 amended	SF 2400.18	R 1/1/98
435.22	Unnumbered paragraph 1 amended	SF 2400.19	R 1/1/98
435.22	Subsection 2 amended	HF 2513.15	A 1/1/99
435.26	Subsection 1, paragraph a amended	SF 2400.20	R 1/1/98
435.26	New subsection 3	SF 2400.21	J
435.27	Subsection 1 amended	SF 2400.22	R 1/1/98
435.29	Section amended	SF 2400.23	R 1/1/98
435.34	New section	SF 2400.24	R 1/1/98
435.35	Section amended	SF 2400.25	R 1/1/98
437.1	Section rewritten	SF 2416.32	A 1/1/99
437.3	Section amended	SF 2416.33	A 1/1/99
437.14	Section repealed	SF 2416.39	A 1/1/99
437A.1	New section	SF 2416.2	A 1/1/99
437A.2	New section	SF 2416.3	A 1/1/99
437A.3	New section	SF 2416.4	A 1/1/99
437A.4	New section	SF 2416.5	A 1/1/99
437A.5	New section	SF 2416.6	A 1/1/99
437A.6	New section	SF 2416.7	A 1/1/99
437A.7	New section	SF 2416.8	A 1/1/99
437A.8	New section	SF 2416.9	A 1/1/99
437A.9	New section	SF 2416.10	A 1/1/99
437A.10	New section	SF 2416.11	A 1/1/99
437A.11	New section	SF 2416.12	A 1/1/99
437A.12	New section	SF 2416.13	A 1/1/99
437A.13	New section	SF 2416.14	A 1/1/99
437A.14	New section	SF 2416.15	A 1/1/99
437A.15	New section	SF 2416.16	Varied
437A.16	New section	SF 2416.17	A 1/1/99
437A.17	New section	SF 2416.18	A 1/1/99
437A.18	New section	SF 2416.19	A 1/1/99
437A.19	New section	SF 2416.20	A 1/1/99
437A.20	New section	SF 2416.21	A 1/1/99
437A.21	New section	SF 2416.22	A 1/1/99
437A.22	New section	SF 2416.23	A 1/1/99
437A.23	New section	SF 2416.24	A 1/1/99

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
437A.24	New section	SF 2416.25	A 1/1/99
437A.25	New section	SF 2416.26	A 1/1/99
438.1	Section amended	SF 2416.34	A 1/1/99
438.2	Section amended	SF 2416.35	A 1/1/99
441.73*	Subsection 1 amended	SF 2416.36	A 1/1/99
445.5*	Subsection 1, unnumbered paragraph 1 amended	SF 2061.2	E
445.5*	Subsection 1, unnumbered paragraph 2 rewritten	SF 2061.3	E
445.6	New section	SF 2061.4	E
445.36	Subsection 2 amended	SF 2400.26	J
446.2	Section amended	SF 2400.27	J
446.9*	Subsection 4 amended	SF 2400.28	J
446.20	Subsection 2, unnumbered paragraph 2 amended	SF 2400.29	J
447.9*	New unnumbered paragraph	HF 2049.2	J
447.9*	Unnumbered paragraph 1 amended	SF 2400.30	J
452A.3	Subsections 1 & 2 amended	SF 2407.1	J
452A.52	Unnumbered paragraph 2 amended	HF 2162.61	J
452A.53*	Unnumbered paragraph 4 amended	HF 2162.62	J
452A.76	Unnumbered paragraph 1 amended	SF 2136.29	J
452A.79	Unnumbered paragraph 2 amended	SF 2381.18	J
453A.1	New subsections 1A, 15A, & 20A	HF 2120.2	J
453A.3*	Subsection 2 amended	HF 2162.63	J
453A.36A	New section	HF 2120.3	J
455A.11	Section amended	HF 2162.64	J
455B.104	Section amended	HF 2494.10	E
455B.110	Section amended	HF 2494.11	1/1/99
455B.161	New subsections 0A, 5A, 19A, & 21	HF 2494.12	J
455B.161	Subsection 17 amended	HF 2494.13	1/1/99
455B.161A	New section	HF 2494.14	E
455B.162	Unnumbered paragraph 1 amended	HF 2494.15	1/1/99
455B.162	Subsection 1 amended	HF 2494.16	1/1/99
455B.162	Subsection 2, paragraph a amended	HF 2494.17	J
455B.163	Section amended	HF 2494.18	1/1/99
455B.164	Section amended	HF 2494.19	1/1/99
455B.165	Subsections 2, 3, & 5 amended	HF 2494.20	1/1/99
455B.165	New subsections 3A, 6, & 7	HF 2494.21	1/1/99
455B.171*	New subsections 0A, 1A, 2A, 3A, 7A, 12A, 23A, 31A, & 32A	HF 2494.22	J
455B.173	Subsection 13 rewritten	HF 2494.23	1/1/99
455B.191	Subsection 7, unnumbered paragraph 2 amended	HF 2494.24	J
455B.200	New section	HF 2494.25	J
455B.200A	New section	HF 2494.26	1/1/99
455B.200B	New section	HF 2494.27	E
455B.201	Subsection 4 stricken	HF 2494.28	J
455B.202*	Section amended	HF 2494.29	E
455B.203	Subsection 1 amended	HF 2494.30	1/1/99
455B.203	Subsection 4, unnumbered paragraph 1 amended	HF 2494.31	1/1/99

**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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
455B.203	Subsection 5 amended	HF 2494.32	J
455B.203A	New section	HF 2494.33	1/1/99
455B.203B	New section	HF 2494.34	1/1/99
455B.204	Section amended	HF 2494.35	1/1/99
455B.205	New section	HF 2494.36	J
455B.206	New section	HF 2494.37	J
455B.261	New subsections 0A & 0B	HF 2292.1	J
455B.261	Subsections 10 & 11 amended	HF 2292.2	J
455B.265	New subsection 4	HF 2292.3	J
455B.269	Section amended	HF 2292.4	J
455B.304*	Subsection 15 amended	SF 2413.1	J
455B.310	Subsections 1, 2, 3, & 6 amended	SF 2413.2	J
455B.310	Subsection 3 amended	SF 2184.1	J
455B.424	Subsection 1 amended	HF 2514.11	J
455B.424	Subsection 2, paragraph b amended	HF 2514.12	J
455D.3	Subsection 3 amended	SF 2413.3	J
455D.11A*	Subsection 3 amended	HF 2546.1	J
455D.11A*	Subsection 5 amended	HF 2546.2	J
455D.11E	Section amended	HF 2546.3	J
455D.11F	Section amended	HF 2546.4	J
455D.11G	Section amended	HF 2546.5	J
455E.11	Subsect. 2, para. b, subpara. (3), subpara. subdivision (d) amended	SF 2295.22	J
455G.2	Subsection 4 amended	HF 2490.1	J
455G.2	New subsection 12A	HF 2490.2	J
455G.3	Subsection 3, paragraph c amended	HF 2490.3	J
455G.3	Subsection 3, new paragraph e	HF 2339.1	J
455G.3	Subsection 4 amended	HF 2490.4	J
455G.4	Subsection 3 amended	HF 2490.5	J
455G.6	New subsection 17	HF 2339.2	J
455G.8	Subsection 4 amended	HF 2490.6	J
455G.9	Subsection 1, para. a, subpara. (1), unnumbered para. 1 amended	HF 2339.3	J
455G.9	Subsection 1, paragraph a, subparagraph (3) amended	HF 2339.4	J
455G.9	Subsection 4 amended	HF 2339.5	J
455G.11	Subsections 1, 2, 3, 4, 5, & 6 amended	HF 2490.7	J
455G.11	Subsection 8 amended	HF 2490.8	J
455G.11	Subsection 10 stricken	HF 2490.9	J
455G.11	Subsection 11 amended	HF 2490.10	J
455G.11	New subsection 11	HF 2490.11	J
455G.13	Subsection 2, paragraph b amended	HF 2490.12	J
455G.13	Subsection 12 amended	HF 2490.13	J
455G.14	Section amended	HF 2490.14	J
455G.21	Subsection 2, paragraph a amended	HF 2339.6	J
455G.22	New section	HF 2339.7	J
455I.2*	Unnumbered paragraph 1 amended	HF 2136.1	J
455J.1	New section	HF 681.1	J
455J.2	New section	HF 681.2	J
455J.3	New section	HF 681.3	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
455J.4	New section	HF 681.4	J
455J.5	New section	HF 681.5	J
455J.6	New section	HF 681.6	J
455J.7	New section	HF 681.7	J
455J.8	New section	HF 681.8	J
455J.9	New section	HF 681.9	J
455J.10	New section	HF 681.10	J
455J.11	New section	HF 681.11	J
455J.12	New section	HF 681.12	J
455J.13	New section	HF 681.13	J
456A.13	Section amended	HF 2496.114	J
456B.13	Subsection 3 amended	HF 2317.1	J
461A.3A*	Subsection 2, unnumbered paragraph 1 amended	SF 2381.19	E
468.127	Unnumbered paragraph 2 amended	HF 2492.1	J
473.11	New subsection 7	HF 2210.2	J
476.6	Subsections 15 & 16 amended	HF 2331.1	J
476.6	New subsection 22	SF 2368.2	R 1/1/98
476.6	New subsections 22 & 23	SF 2416.37	A 1/1/99
476.77	Subsection 2 amended	SF 2351.1	E
476.97	Subsection 2 amended	SF 2380.1	J
476.97	Subsection 3, paragraph a, subparagraphs (1), (3), & (4) amended	SF 2380.2	J
476.97	Subsection 3, paragraph a, new subparagraph (1A)	SF 2380.3	J
476.98	Section amended	SF 2380.4	J
476.101	New subsection 9	SF 2380.5	J
479A.12	Section amended	SF 2201.1	J
480.3	Subsection 1, paragraph a amended	HF 2502.1	J
480.4	Subsection 1 amended	HF 2502.2	J
480A.1	New section	SF 2368.3	R 1/1/98
480A.2	New section	SF 2368.4	R 1/1/98
480A.3	New section	SF 2368.5	R 1/1/98
480A.4	New section	SF 2368.6	R 1/1/98
480A.5	New section	SF 2368.7	R 1/1/98
480A.6	New section	SF 2368.8	R 1/1/98
481A.93	Section amended	HF 2290.1	J
481A.130	Subsection 1, paragraph g rewritten	HF 2290.2	J
481A.130	Subsection 1, new paragraph h	HF 2290.3	J
481C.2*	Section amended	HF 2290.4	J
483A.1	Section rewritten	SF 187.5	A 12/15/98
483A.3	Section amended	SF 187.6	A 12/15/98
483A.5	Section amended	SF 187.7	A 12/15/98
483A.6	Section amended	SF 187.8	A 12/15/98
483A.7	Subsections 1 & 3 amended	SF 187.9	A 12/15/98
483A.8	Subsections 1 & 3 amended	SF 187.10**	A 12/15/98
483A.8	Subsection 3 amended	HF 2290.5	J
483A.8	Subsection 3 amended	HF 2395.29	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
483A.8	New subsection 4	HF 2290.6	E
483A.9	Section amended	SF 187.11	A 12/15/98
483A.10	Section rewritten	SF 187.12	A 12/15/98
483A.11	Section amended	SF 187.13	A 12/15/98
483A.12	Section amended	SF 187.14	A 12/15/98
483A.14	Section amended	SF 187.15	A 12/15/98
483A.15	Section rewritten	SF 187.16	A 12/15/98
483A.16	Section repealed	SF 187.26	A 12/15/98
483A.19	Section amended	SF 187.17	A 12/15/98
483A.22A	New section	SF 187.18	A 12/15/98
483A.24*	Subsection 2, paragraph b amended	SF 187.19	A 12/15/98
483A.24*	Subsections 3, 4, & 5 amended	SF 187.20	A 12/15/98
483A.32	Section amended	SF 347.1	J
483A.33	Section rewritten	SF 347.2	J
483A.34	Section rewritten	SF 347.3	J
484A.1	Subsection 2 rewritten	SF 187.21	A 12/15/98
484A.1	Subsection 3 stricken	SF 187.22	A 12/15/98
484A.2	Section amended	SF 187.23	A 12/15/98
484A.3	Section repealed	SF 187.26	A 12/15/98
484A.4	Unnumbered paragraph 1 amended	SF 187.24	A 12/15/98
484B.10	Subsection 2 amended	SF 187.25	A 12/15/98
486.101	New section	SF 2311.1	1/1/99
486.102	New section	SF 2311.2	1/1/99
486.103	New section	SF 2311.3	1/1/99
486.104	New section	SF 2311.4	1/1/99
486.105	New section	SF 2311.5	1/1/99
486.106	New section	SF 2311.6	1/1/99
486.107	New section	SF 2311.7	1/1/99
486.201	New section	SF 2311.8	1/1/99
486.202	New section	SF 2311.9	1/1/99
486.203	New section	SF 2311.10	1/1/99
486.204	New section	SF 2311.11	1/1/99
486.301	New section	SF 2311.12	1/1/99
486.302	New section	SF 2311.13	1/1/99
486.303	New section	SF 2311.14	1/1/99
486.304	New section	SF 2311.15	1/1/99
486.305	New section	SF 2311.16	1/1/99
486.306	New section	SF 2311.17	1/1/99
486.307	New section	SF 2311.18	1/1/99
486.308	New section	SF 2311.19	1/1/99
486.401	New section	SF 2311.20	1/1/99
486.402	New section	SF 2311.21	1/1/99
486.403	New section	SF 2311.22	1/1/99
486.404	New section	SF 2311.23	1/1/99
486.405	New section	SF 2311.24	1/1/99
486.406	New section	SF 2311.25	1/1/99
486.501	New section	SF 2311.26	1/1/99

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
486.502	New section	SF 2311.27	1/1/99
486.503	New section	SF 2311.28	1/1/99
486.504	New section	SF 2311.29	1/1/99
486.601	New section	SF 2311.30	1/1/99
486.602	New section	SF 2311.31	1/1/99
486.603	New section	SF 2311.32	1/1/99
486.701	New section	SF 2311.33	1/1/99
486.702	New section	SF 2311.34	1/1/99
486.703	New section	SF 2311.35	1/1/99
486.704	New section	SF 2311.36	1/1/99
486.705	New section	SF 2311.37	1/1/99
486.801	New section	SF 2311.38	1/1/99
486.802	New section	SF 2311.39	1/1/99
486.803	New section	SF 2311.40	1/1/99
486.804	New section	SF 2311.41	1/1/99
486.805	New section	SF 2311.42	1/1/99
486.806	New section	SF 2311.43	1/1/99
486.807	New section	SF 2311.44	1/1/99
486.901	New section	SF 2311.45	1/1/99
486.902	New section	SF 2311.46	1/1/99
486.903	New section	SF 2311.47	1/1/99
486.904	New section	SF 2311.48	1/1/99
486.905	New section	SF 2311.49	1/1/99
486.906	New section	SF 2311.50	1/1/99
486.907	New section	SF 2311.51	1/1/99
486.908	New section	SF 2311.52	1/1/99
486.1001	New section	SF 2311.53	1/1/99
486.1002	New section	SF 2311.54	1/1/99
486.1101	New section	SF 2311.55	1/1/99
486.1102	New section	SF 2311.56	1/1/99
486.1103	New section	SF 2311.57	1/1/99
486.1104	New section	SF 2311.58	1/1/99
486.1105	New section	SF 2311.59	1/1/99
486.1201	New section	SF 2311.60	1/1/99
486.1202	New section	SF 2311.61	1/1/99
486.1203	New section	SF 2311.62	1/1/99
486.1204	New section	SF 2311.63	1/1/99
486.1205	New section	SF 2311.64	1/1/99
486.1206	New section	SF 2311.65	1/1/99
486.1207	New section	SF 2311.66	1/1/99
486.1208	New section	SF 2311.67	1/1/99
486.1209	New section	SF 2311.68	1/1/99
486.1210	New section	SF 2311.69	1/1/99
486.1211	New section	SF 2311.70	1/1/99
486.1212	New section	SF 2311.71	1/1/99

**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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
486.1213	New section	SF 2311.72	1/1/99
486.1214	New section	SF 2311.73	1/1/99
486.1301	New section	SF 2311.74	1/1/99
486.1302	New section	SF 2311.75	1/1/99
486.	Chapter repealed	SF 2311.78	1/1/01
486.*	Chapter repealed	SF 2311.78	1/1/01
487.909*	Section amended	HF 2162.65	J
487.1201	New section	SF 2399.1	J
487.1202	New section	SF 2399.2	J
487.1203	New section	SF 2399.3	J
487.1204	New section	SF 2399.4	J
487.1205	New section	SF 2399.5	J
487.1206	New section	SF 2399.6	J
490.1110*	Subsection 2 amended	HF 2162.66	J
499.22*	Section amended	HF 2162.67	J
501.101	Subsection 1 amended	SF 2404.1	E
501.101	Subsection 2, paragraph b amended	SF 2404.2	E
501.101	Subsection 4 amended	SF 2404.3	E
501.101	Subsection 6, new paragraph c	SF 2404.4	E
501.101	New subsections 6A & 7A	SF 2404.6	E
501.101	Subsections 7, 8, & 9 amended	SF 2404.5	E
501.102	Subsection 2 amended	SF 2404.7	E
501.103*	Subsections 1, 2, & 5 amended	SF 2404.8	E
501.105	Subsection 2 amended	SF 2404.9	E
501.106	Subsection 2, unnumbered paragraph 1 amended	SF 2404.10	E
501.106	New subsections 5 & 6	SF 2404.11	E
501.107	Section repealed	SF 2404.68	E
501.202	Subsection 1, paragraph a amended	SF 2404.12	E
501.202	Subsection 2, paragraph d amended	SF 2404.13	E
501.306	Section amended	SF 2404.14	E
501.403	Subsection 2, paragraph e amended	SF 2404.15	E
501.403	Subsection 3 amended	SF 2404.16	E
501.404*	Subsection 1, paragraph b amended	SF 2404.17	E
501.407	Unnumbered paragraph 1 amended	SF 2404.18	E
501.407	Subsections 1 & 3 amended	SF 2404.19	E
501.408*	Section repealed	SF 2404.68	E
501.411	New section	SF 2404.20	E
501.412	New section	SF 2404.21	E
501.413	New section	SF 2404.22	E
501.414	New section	SF 2404.23	E
501.415	New section	SF 2404.24	E
501.416	New section	SF 2404.25	E
501.417	New section	SF 2404.26	E
501.418	New section	SF 2404.27	E
501.419	New section	SF 2404.28	E
501.501*	Section amended	SF 2404.29	E
501.502*	Subsection 2, paragraph a amended	SF 2404.30	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
501.502*	Subsection 4 amended	SF 2404.31	E
501.502*	Subsection 5, unnumbered paragraph 1 amended	SF 2404.32	E
501.503	Subsections 1 & 4 amended	SF 2404.33	E
501.602	Section repealed	SF 2404.68	E
501.603	Subsection 2 amended	SF 2404.34	E
501.604*	Section repealed	SF 2404.68	E
501.611	New section	SF 2404.35	E
501.612	New section	SF 2404.36	E
501.613	New section	SF 2404.37	E
501.614	New section	SF 2404.38	E
501.615	New section	SF 2404.39	E
501.616	New section	SF 2404.40	E
501.617	New section	SF 2404.41	E
501.618	New section	SF 2404.42	E
501.619	New section	SF 2404.43	E
501.701	New section	SF 2404.44	E
501.702	New section	SF 2404.45	E
501.703	New section	SF 2404.46	E
501.704	New section	SF 2404.47	E
501.711	New section	SF 2404.48	E
501.712	New section	SF 2404.49	E
501.713	New section	SF 2404.50	E
501.801	New section	SF 2404.51	E
501.802	New section	SF 2404.52	E
501.803	New section	SF 2404.53	E
501.804	New section	SF 2404.54	E
501.805	New section	SF 2404.55	E
501.805A	New section	SF 2404.56	E
501.806	New section	SF 2404.57	E
501.807	New section	SF 2404.58	E
501.811	New section	SF 2404.59	E
501.812	New section	SF 2404.60	E
501.813	New section	SF 2404.61	E
501.814	New section	SF 2404.62	E
501.821	New section	SF 2404.63	E
501.822	New section	SF 2404.64	E
501.823	New section	SF 2404.65	E
501.824	New section	SF 2404.66	E
501.831	New section	SF 2404.67	E
502.102*	New subsections 5A, 9A, & 9B	SF 2325.1	1/1/99
502.102*	Subsection 14 amended	SF 2325.2	1/1/99
502.202*	Subsection 16 stricken	HF 2271.2	J
502.301	Subsection 3 rewritten	SF 2325.3	1/1/99
502.301	New subsections 4, 5, & 6	SF 2325.4	1/1/99
502.302*	Section amended	SF 2325.5	1/1/99

**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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
502.303*	Section amended	SF 2325.6	1/1/99
502.304*	Subsection 1, unnumbered paragraph 1 amended	SF 2325.7	1/1/99
502.304*	Subsection 1, paragraphs e, h, & j amended	SF 2325.8	1/1/99
502.304*	Subsection 1, paragraph m, subparagraph (2) amended	SF 2325.9	1/1/99
502.304*	Subsection 3 amended	SF 2325.10	1/1/99
502.304*	Subsection 4, paragraph a amended	SF 2325.11	1/1/99
502.304*	Subsection 5 amended	SF 2325.12	1/1/99
502.305	New section	SF 2325.13	1/1/99
502.406*	Subsections 1 & 2 amended	SF 2325.14	1/1/99
502.408	New section	SF 2325.15	1/1/99
502.501*	Subsection 1, paragraph c amended	SF 2325.16	1/1/99
502.502A	New section	SF 2325.17	1/1/99
502.503	Subsection 1, unnumbered paragraph 1 amended	SF 2325.18	1/1/99
502.503	Subsection 1, paragraph a amended	SF 2325.19	1/1/99
502.602*	Section amended	SF 2325.20	1/1/99
502.608*	Subsection 2 amended	SF 2325.21	1/1/99
502.610	New subsection 5	SF 2325.22	1/1/99
505.8*	Subsection 5, paragraphs a, b, c, & c stricken	HF 2271.3	J
505.13	Subsection 2 stricken	HF 2271.4	J
505.21	Subsection 4 stricken	HF 2498.38	J
507C.32	Section amended	SF 2397.2	J
508.5	Subsection 1 amended	SF 2397.3	J
508.31A	New section	SF 2397.4	J
508A.1	Unnumbered paragraph 1 amended	SF 2397.5	J
508C.3	Subsection 3, new paragraph i	SF 2397.6	J
508C.5	Subsection 13 amended	SF 2397.7	J
509A.13A	Subsection 1, paragraph b, subparagraph (2) amended	HF 2496.71	R 7/1/94
511.8	Subsection 19, unnumbered paragraph 1 amended	SF 2279.1	J
513B.2*	Subsection 8, new paragraph 1	SF 2397.8	J
513B.7*	Subsections 2 & 3 amended	HF 2162.68	J
513B.10*	Subsection 4, paragraph b, unnumbered paragraph 1 amended	HF 2162.69	J
514E.1*	Subsection 1 amended	HF 2162.70	J
514E.7*	Subsection 4, paragraph b, unnumbered paragraph 1 amended	HF 2162.71	J
514H.	Chapter repealed	HF 2517.15	E
514I.1	New section	HF 2517.2	E
514I.2	New section	HF 2517.3	E
514I.3	New section	HF 2517.4	E
514I.3A	New section	HF 2517.5	E
514I.4	New section	HF 2517.6	E
514I.5	New section	HF 2517.7	E
514I.6	New section	HF 2517.8	E
514I.7	New section	HF 2517.9**	E
514I.7	New section, subsection 2, paragraph e amended	HF 2395.34	E
514I.8	New section	HF 2517.10	E
514I.9	New section	HF 2517.11	E
515.8	Subsection 1 amended	SF 2397.9	J
515.10	Section repealed	SF 2397.13	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
515.22	Section repealed	SF 2397.13	J
515.35*	Subsection 4, paragraph i amended	SF 2279.2	J
515.52	Section repealed	SF 2397.13	J
515.53	Section repealed	SF 2397.13	J
515.54	Section repealed	SF 2397.13	J
515.55	Section repealed	SF 2397.13	J
515.56	Section repealed	SF 2397.13	J
515.57	Section repealed	SF 2397.13	J
515.58	Section repealed	SF 2397.13	J
515.59	Section repealed	SF 2397.13	J
515.60	Section repealed	SF 2397.13	J
515.61	Section repealed	SF 2397.13	J
515A.15B	New section	SF 2397.10	J
515B.5*	Section amended	HF 2465.11	J
515E.6	Section repealed	SF 2397.13	J
515E.7	Section amended	SF 2397.11	J
516A.5	New section	SF 2397.12	J
523A.1	Subsection 1, unnumbered paragraph 4 amended	SF 2316.7	J
523A.5	Subsection 2, new paragraph d	SF 2316.8	J
523A.8	Subsection 1, paragraph j amended	SF 2316.9	J
523A.14	Section amended	SF 2316.10	J
523B.1	Subsection 3, paragraph b stricken	SF 2316.11	J
523B.2	Subsection 4 amended	SF 2316.12	J
523B.2	Subsection 8, paragraph c, subparagraph (13) amended	SF 2316.13	J
523B.2	Subsection 10, paragraph a, new subparagraph (9)	SF 2316.14	J
523B.3	Subsection 1 amended	SF 2316.15	J
523B.3	Subsection 2, paragraph a amended	SF 2316.16	J
523B.4	Section repealed	SF 2316.31	J
523B.7	Subsection 1, paragraph a amended	SF 2316.17	J
523B.8	Subsection 4 amended	SF 2316.18	J
523B.11	Subsection 1 amended	SF 2316.19	J
523B.12	New subsection 4	SF 2316.20	J
523C.7	New subsection 5	SF 2316.21	J
523E.8	Subsection 1, paragraph j amended	SF 2316.22	J
523E.14	Section amended	SF 2316.23	J
523G.10	Section repealed	HF 2271.6	J
523G.11	Section repealed	HF 2271.6	J
523I.6	Subsection 1, paragraph e amended	SF 2316.24	J
524.912	Section amended	SF 2301.1	J
524.1002	Subsection 5 amended	SF 2301.2	J
524.1202	Subsections 2 & 3 amended	SF 2189.1	J
524.1206	New section	SF 2301.3	J
524.1213*	Subsection 3, paragraph d amended	SF 2189.2	J
524.1213*	Subsection 12 stricken	SF 2189.3	J
524.1405	Subsection 2, paragraph f amended	SF 2301.4	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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
524.1409	Section amended	SF 2301.5	J
524.1410	Unnumbered paragraph 1 amended	SF 2301.6	J
524.1411	Unnumbered paragraph 1 amended	SF 2301.7	J
524.1411	Subsection 1 amended	SF 2301.8	J
524.1412	Unnumbered paragraph 1 amended	SF 2301.9	J
524.1412	Subsection 1 amended	SF 2301.10	J
524.1413	Section amended	SF 2301.11	J
524.1415	Section amended	SF 2301.12	J
524.1416	Section amended	SF 2301.13	J
524.1417	Section amended	SF 2301.14	J
524.1418	Section amended	SF 2301.15	J
524.1601	Subsection 1, paragraph d amended	SF 2301.16	J
529.1	Subsections 2, 9, & 11 amended	SF 2136.30	J
529.2	Subsection 6, paragraph b amended	SF 2136.31	J
535.11	Subsection 4 amended	HF 2162.72	J
535B.7	Subsection 2, unnumbered paragraph 1 amended	HF 667.42	7/1/99
537.1302	Section amended	SF 2162.1	J
537.2202*	Subsection 3 stricken	HF 2162.73	J
537.2402*	Subsection 3 stricken	HF 2162.74	J
537.7103*	Subsection 4, paragraph b amended	SF 2188.1	J
537B.2	Subsection 2 amended	HF 2162.75	J
541A.3	Subsection 5 amended	SF 2410.78	R 1/1/98
542B.2	Subsection 5 rewritten	SF 2319.1	J
542B.10*	Section repealed	HF 2271.11	J
542B.14	Subsection 1, paragraph a, new subparagraph (4)	SF 2310.1	J
542C.3*	Subsection 3, unnumbered paragraph 2 stricken	HF 2271.9	J
544A.4*	Section repealed	HF 2271.11	J
544B.6*	Section repealed	HF 2271.11	J
544B.19	Section amended	HF 2271.10	J
552.1	Subsection 3, new paragraph f	HF 2429.1	J
556.13*	Subsection 3 amended	HF 2162.76	J
558.41	New unnumbered paragraph	HF 2281.2	J
558.46	New section	HF 2281.1	J
562A.27A	Subsection 3, paragraph a amended	HF 2527.71	1/1/99
562B.25A	Subsection 3, paragraph a amended	HF 2527.72	1/1/99
566A.1	Subsection 1 amended	SF 2316.25	J
566A.2C	Subsection 2 amended	SF 2316.26	J
566A.2C	New subsection 5	SF 2316.27	J
566A.3	Unnumbered paragraph 3 amended	SF 2316.28	J
566A.12	Subsection 4, paragraph b amended	SF 2316.29	J
566A.12	Subsection 5 amended	SF 2316.30	J
572.1	Subsection 2 amended	HF 2400.1	J
572.2	Section amended	HF 2400.2	J
572.14	Subsection 2 amended	HF 2400.3	J
572.33	Section amended	HF 2400.4	J
595.2	Section amended	HF 382.1	J
595.3	Subsection 2 amended	HF 382.2	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
595.4*	Unnumbered paragraphs 2 & 3 amended	SF 2367.3	J
595.20	New section	HF 382.3	J
598.19A	Subsection 1 amended	HF 677.1	J
598.22*	Unnumbered paragraph 1 amended	SF 2313.11	J
598.22*	Unnumbered paragraph 3 amended	SF 2313.12	J
598.22A*	New subsection 4	SF 2313.42	J
598.22B*	Section amended	SF 2313.16	J
598.26	Subsection 1 amended	SF 2313.13	J
598.35*	Subsection 6 amended	SF 2261.1	J
598.41A	New section	HF 677.2	J
600.8	Subsection 2, paragraph b amended	SF 2345.30	J
600.12A	New section	SF 2338.1**	E
600.12A	New section amended	SF 2345.31	J
600.15	Section amended	SF 2338.2	J
600B.41A*	Subsection 3, paragraph e, subparagraph (1) amended	SF 2136.32	J
602.1101	Subsection 5 amended	HF 2456.31	J
602.1101	Subsection 6 stricken	HF 2456.32	J
602.1102	Section amended	HF 2456.33	J
602.1201	Section amended	HF 2456.34	J
602.1202	Section amended	HF 2456.35	J
602.1203	Section amended	HF 2456.36	J
602.1204	Section amended	HF 2456.37	J
602.1207	Section amended	HF 2456.38	J
602.1208	Subsection 2 amended	HF 2456.39	J
602.1209	Subsections 1, 2, 3, 6, 7, & 8 amended	HF 2456.40	J
602.1214	Subsections 3 & 5 amended	HF 2456.41	J
602.1215	Subsections 3 & 4 amended	HF 2456.42	J
602.1217	Subsections 3 & 4 amended	HF 2456.43	J
602.1218	Section amended	HF 2456.44	J
602.1301	Section amended	HF 2456.45	J
602.1302	Section amended	HF 2456.46	J
602.1304*	Subsection 2, paragraph c amended	HF 2456.47	J
602.1401	Subsections 1, 2, & 3 amended	HF 2456.48	J
602.1402	Section amended	HF 2456.49	J
602.1502	Subsection 1 amended	HF 2456.50	J
602.1510	Section amended	HF 2456.51	J
602.1610	Subsection 2 amended	HF 2456.52	J
602.1611	Subsection 3 amended	HF 2496.72	J
602.1611	New subsection 4	HF 2496.100	E
602.2101	Section amended	HF 2456.53	J
602.2103	Section amended	HF 2456.54	J
602.2104	Section amended	HF 2456.55	J
602.2106	Subsections 1, 2, & 3 amended	HF 2456.56	J
602.4101	Subsection 1 amended	HF 2471.1	C 7/1/99
602.4102	Subsections 3 & 5 amended	SF 2235.7	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, 1998	IV - Part of bill section vetoed	* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
602.4201	Section amended	SF 2235.8	E
602.4202	Section amended	SF 2235.9	E
602.4303	Subsection 2 stricken	SF 2235.10	E
602.4304	Subsection 1 amended	SF 2235.11	J
602.5102	Subsection 1 amended	HF 2471.2	C 7/1/99
602.5205	Subsection 2 amended	HF 2456.57	J
602.6110*	Subsection 1 amended	HF 2162.77	J
602.6111	New subsection 4	SF 2313.17	J
602.6301	Section amended	HF 2456.58	J
602.6301	Section amended	SF 2235.12	J
602.6304	New subsection 2A	SF 2235.13	J
602.6403	Subsection 1 amended	SF 2235.14	J
602.6403	New subsection 2A	SF 2235.15	J
602.7203	Section amended	HF 2456.59	J
602.8102*	Section amended	SF 2113.10	J
602.8102*	Subsection 15 amended	SF 2038.9	J
602.8102*	New subsection 47B	SF 2313.18	J
602.8102*	New subsection 47C	SF 2313.14	J
602.8102*	New subsection 126A	SF 2235.16	J
602.8102*	New subsection 135A	HF 2337.1	J
602.8107*	Subsection 4, unnumbered paragraph 2 amended	SF 2254.2	J
602.8107*	Subsection 5 amended	HF 2456.60	J
602.8108	Subsection 3, paragraph b amended	HF 2527.73	1/1/99
602.8108	Subsection 4, paragraph a amended	HF 2456.61	J
602.8108	Subsection 5 amended	HF 2499.8	J
602.8108A*	Subsection 1 amended	HF 2499.9	J
602.9107	Subsection 1 amended	HF 2496.101	J
602.9107B	New section	HF 2496.102	J
602.9206	Unnumbered paragraph 1 amended	HF 2456.62	J
602.9206	Unnumbered paragraph 2 amended	HF 667.43	7/1/99
602.11101	Subsection 5, unnumbered paragraph 2 amended	HF 2456.63	J
602.11101	Subsection 6 amended	HF 2456.64	J
602.11107	Subsection 1 amended	HF 2456.65	J
602.11115	Section amended	HF 2496.82	J
602.11115	Subsection 2 amended	HF 2496.73	J
602.11116	New section	HF 2496.103	E
610.1	New unnumbered paragraph	SF 2330.1	E
610A.1	Subsection 1, new paragraphs e & f	SF 2330.2	E
610A.1	New subsection 3	SF 2330.3	E
610A.2	Subsections 1 & 2 amended	SF 2330.4	E
610A.3	Section amended	SF 2330.5	E
614.1*	Subsection 2A, paragraph b, subparagraph (1) amended	HF 2162.78	J
622.69	Unnumbered paragraph 2 amended	HF 2527.74	1/1/99
626C.1	New section	SF 2378.1	J
626C.2	New section	SF 2378.2	J
626C.3	New section	SF 2378.3	J
626C.4	New section	SF 2378.4	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
626C.5	New section	SF 2378.5	J
626C.6	New section	SF 2378.6	J
626C.7	New section	SF 2378.7	J
633.63	Subsection 3 amended	HF 2169.1	J
633.556*	Subsection 1 amended	SF 2038.10	J
633.556*	Subsection 3 amended	HF 2162.79	J
633.679	Section amended	SF 2038.11	J
633.681	Section amended	HF 2169.2	J
648.6	New section	SF 2400.31	J
648.22A	New section	SF 2400.32	J
654A.11	Subsection 3, paragraph b amended	HF 2473.1	J
654A.13	Section rewritten	HF 2478.11	J
654B.4	Subsection 3 amended	HF 2473.2	J
654B.8	Subsection 2, paragraph a amended	HF 2473.3	J
654C.5	Subsection 2 amended	HF 2473.4	J
657.2	Subsection 8 stricken	SF 2015.1	J
657.11	Subsections 2, 3, 5, 6, 7, & 8 amended	HF 2494.38	E
657.11	Subsection 4, unnumbered paragraph l amended	HF 2494.39	E
669.2*	Subsection 4, unnumbered paragraph l amended	HF 2211.1	J
669.14	New subsection 14	SF 2366.37	J
669.21	Section amended	HF 2211.2	J
669.22	Section amended	HF 2211.3	J
670.4	New subsections 14 & 15	SF 2277.1	J
670A.1	New section	HF 2336.1	J
670A.2	New section	HF 2336.2	J
673.3*	Unnumbered paragraph 4 amended	HF 2162.80	J
679.12	Section rewritten	HF 2478.12	J
679C.1	New section	HF 2478.1	J
679C.2	New section	HF 2478.2	J
679C.3	New section	HF 2478.3	J
679C.4	New section	HF 2478.4	J
679C.5	New section	HF 2478.5	J
684A.6	Section amended	SF 2235.17	E
692.2	Subsection 1, paragraph b, new subparagraph (6)	SF 2373.1	J
692.17	Unnumbered paragraph l amended	SF 2373.2	J
692.22	New section	SF 2373.3	J
692A.1*	Subsection 3, paragraphs a & b stricken	SF 2292.1	J
692A.1*	Subsection 3, new paragraph i, paragraphs relettered	SF 2292.3	J
692A.1*	Subsection 3, paragraph m amended	SF 2292.2	J
692A.1*	New subsections 4A & 8	SF 2292.5	J
692A.1*	Subsection 6 amended	SF 2292.4	J
692A.2	Section amended	SF 2292.6	J
692A.3	Subsections 2, 3, & 4 amended	SF 2292.7	J
692A.4	Subsection 2 amended	SF 2292.8	J
692A.5*	Subsection 1, paragraph a amended	SF 2292.9	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
692A.5*	Subsection 2, unnumbered paragraph 2 amended	SF 2292.10	J
692A.7	Subsection 1 amended	SF 2292.11	J
692A.9	Section amended	SF 2292.12	J
692A.13	Subsection 3 amended	SF 2292.13	J
692A.13	Subsections 6 & 7 rewritten	SF 2292.14	J
692A.13	Subsection 8 amended	SF 2292.15	J
692A.13	New subsection 9	HF 2395.31	J
692A.16	New section	SF 2292.16	J
706A.2	Subsection 3 amended	SF 2136.33	J
706A.3	Subsection 8, paragraph b amended	SF 2136.34	J
706B.2	Subsection 1, unnumbered paragraph 1 amended	SF 2136.35	J
706B.2	Subsection 2 amended	SF 2136.36	J
707.6A*	Section amended	SF 2113.9	J
707.8A	New section	SF 2073.1	J
708.2	Subsection 2 amended	HF 2324.1	J
708.2A*	Subsection 6, paragraph b amended	SF 2385.1	J
708.3A	Subsection 3 amended	HF 2324.2	J
708.11	Subsection 3, paragraph b, subparagraph (1) amended	SF 2373.4	J
709.10	Section repealed	HF 2527.80	1/1/99
709.16	Section amended	SF 2335.1	J
709.17	Section repealed	HF 2527.80	1/1/99
709B.1	New subsections 1A, 1B, & 9A	HF 2369.3	J
709B.1	Subsections 8 & 9 amended	HF 2369.4	J
709B.2	Section amended	HF 2369.5	J
709B.3	Subsections 1, 4, 5, 6, 14, & 15 amended	HF 2369.6	J
709B.	Chapter repealed	HF 2527.82	1/1/99
709B.	Chapter transferred	SF 2329.2	1/1/99
709C.1	New section	HF 2369.7	J
713.3	Section amended	HF 2402.1	J
714.16	Subsection 4, paragraphs b & c rewritten	SF 490.1	J
714.16	Subsection 6 amended	SF 490.2	J
714.16	New subsection 15	SF 490.3	J
714.16A	Subsection 1 amended	SF 490.4	J
714C.1	New section	SF 466.1	J
714C.2	New section	SF 466.2	J
714C.3	New section	SF 466.3	J
714C.4	New section	SF 466.4	J
714C.5	New section	SF 466.5	J
714C.6	New section	SF 466.6	J
714C.7	New section	SF 466.7	J
716.7	Subsection 2, new paragraph e	HF 2482.1	J
716.7	New subsections 5 & 6	HF 2482.2	J
716.9	New section	HF 2482.3	J
716.10	New section	HF 2482.4	J
724.4	Subsection 4, new paragraph k	SF 2331.3	J
724.6	Subsection 2 amended	HF 2496.74	J
730.5	Section rewritten	HF 299.1	4/16/98

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
730.5	Subsection 3, paragraph f amended	HF 2162.81	J
730.5	Subsection 7, paragraph a amended	SF 2391.32	E
730.5	Subsection 9, paragraph a amended	SF 2391.33	E
804.7B	New section	HF 2262.1	J
804.21	Subsection 3 amended	SF 2235.18	J
804.22	Unnumbered paragraph l amended	SF 2235.19	J
804.22	New unnumbered paragraph	SF 2235.20	J
804.28	Section amended	HF 2211.4	J
805.6	Subsection 1, paragraph c, subparagraph (2) amended	HF 2514.13	J
805.6	Subsection 3 amended	HF 2456.66	J
805.8*	Section amended	SF 2113.9	J
805.8*	Subsection 2, paragraph c amended	HF 2162.82	J
805.8*	Subsection 2, paragraph f amended	HF 2528.13	1/1/99
805.8*	Subsection 2, paragraph k amended	SF 2257.31	J
805.8*	Subsection 2, paragraph p stricken	HF 2162.83	J
805.8*	Subsection 2, paragraph q amended	HF 2162.84	J
805.8*	Subsection 2, paragraph v amended	HF 2162.85	J
805.8*	Subsection 2, paragraph z amended	HF 2514.14	J
805.8*	Subsection 2, paragraph ah amended	HF 2454.7	R 7/1/97
805.8*	Subsection 10 amended	HF 2487.4***	J
805.8*	Subsection 10 amended	HF 2487.5	1/1/99
805.8*	Subsection 11, paragraph b, subparagraph (2) amended	HF 2162.86	J
805.8*	New subsection 13	SF 2320.11	VETO
805.9	Section amended	SF 2113.9	J
805.10	Subsection 1 amended	HF 2514.15	J
805.16*	Section amended	SF 2113.9	J
808.3	Section amended	SF 2259.1	J
808B.9	Section repealed	HF 2480.1	J
809.17	Section amended	HF 2527.75	1/1/99
809A.1	Subsection 1 stricken	SF 2136.37	J
809A.1	Subsection 4 amended	SF 2136.38	J
809A.4	Subsection 2, paragraph b amended	HF 2162.87	J
809A.4	Subsection 5 amended	SF 2136.39	J
809A.4	Subsection 6, paragraph a, unnumbered paragraph l amended	SF 2136.40	J
809A.18	Subsection 1 amended	SF 2136.41	J
811.1*	Subsection 2 amended	SF 2391.27	J
811.8	Subsection 3 amended	SF 2374.12	J
811.12	New section	SF 2374.13	J
815.11	Section amended	SF 2398.18	J
822.5	Section amended	SF 2339.1	J
822.5	Subsection 2 amended	SF 2090.1	A E
901.4	Section amended	SF 2292.17	J
901.4	Section amended	SF 2337.1	J
901.5	Section amended	SF 2113.9	J
901.5	New subsections 11 & 12	SF 2391.26	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, 1998      IV - Part of bill section vetoed      \* - 1997 Code Supplement

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
901.10	Section amended	SF 2391.28	J
901A.2	Subsections 3 & 4 amended	SF 2398.19	J
901A.2	New subsection 4A	SF 2398.20	J
902.12	New unnumbered paragraph	HF 2394.3	J
902.12	New subsection 1A	HF 2002.1	E
903A.1	Section amended	HF 667.44	7/1/99
903A.2*	Section amended	HF 2162.88	J
903A.7*	Section amended	HF 2162.89	J
903B.1	New section	SF 2398.21	J
904.108*	Subsection 1, paragraph d amended	SF 2331.4	J
904.108*	Subsection 6 stricken	HF 2527.76	1/1/99
904.312B	New section	SF 2185.7	J
904.320	New section	SF 2331.5	J
904.507A	New section	HF 2211.5	J
904.602	Subsection 3 amended	HF 2527.77	1/1/99
904.602	New subsection 6A	HF 2527.78	1/1/99
904.703	Unnumbered paragraph 3 amended	HF 2211.6	J
904.809*	Subsection 5, paragraph a, subparagraph (3) amended	HF 2527.79	1/1/99
906.16*	Section amended	SF 2377.9	7/1/00
907.2*	Unnumbered paragraph 2 amended	SF 2377.4	7/1/00
907.3*	Subsection 1, paragraph g, subparagraph (1) amended	SF 2391.6	E
907.3*	Subsection 1, new paragraph k	SF 2391.29	J
907.3*	Subsection 2, paragraph c, subparagraph (1) amended	SF 2391.7	E
907.3*	Subsection 2, new paragraph e	SF 2391.30	J
907.3*	Subsection 3, paragraph c, unnumbered paragraph 1 amended	SF 2391.8	E
907.3*	Subsection 3, paragraph c, subparagraph (1) amended	SF 2391.9	E
907.3*	Subsection 3, new paragraph c	SF 2391.31	J
907.7*	Unnumbered paragraph 2 amended	SF 2377.5	7/1/00
907.8*	Unnumbered paragraph 3 amended	SF 2377.6	7/1/00
907.8A*	Subsection 1 rewritten	SF 2377.1***	E
907.8A*	Section repealed	SF 2377.10	7/1/00
907.9*	Subsections 1, 2, 3, & 4 amended	SF 2377.7	7/1/00
908.4*	Section amended	SF 2377.9	7/1/00
908.5*	Section amended	SF 2377.9	7/1/00
908.6*	Section amended	SF 2377.9	7/1/00
908.7*	Section amended	SF 2377.9	7/1/00
908.10*	Section amended	SF 2377.9	7/1/00
908.10A*	Section amended	SF 2377.9	7/1/00
908.11*	Subsections 2, 3, 4, 5, & 6 amended	SF 2377.8	7/1/00
908.11*	Subsections 4 & 5 amended	SF 2377.2***	E
908.11*	Subsection 6 rewritten	SF 2377.3***	E
910.9*	Unnumbered paragraph 3 amended	HF 2162.90	J
910A.11A	New section	SF 2373.5	J
910A.	Chapter repealed	HF 2527.82	1/1/99
910A.*	Chapter repealed	HF 2527.82	1/1/99
910A.	Chapter transferred	SF 2329.2	1/1/99
911.2	Unnumbered paragraph 1 amended	HF 2337.2	J
912.3	Subsection 4 amended	HF 2465.10	J

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
912.6	Section amended	SF 2329.1	J
912.	Chapter repealed	HF 2527.82	1/1/99
912.*	Chapter repealed	HF 2527.82	1/1/99
912.	Chapter transferred	SF 2329.2	1/1/99
915.1	New section	HF 2527.1	1/1/99
915.2	New section	HF 2527.2	1/1/99
915.3	New section	HF 2527.3	1/1/99
915.10	New section	HF 2527.5	1/1/99
915.11	New section	HF 2527.6	1/1/99
915.12	New section	HF 2527.7	1/1/99
915.13	New section	HF 2527.8	1/1/99
915.14	New section	HF 2527.9	1/1/99
915.15	New section	HF 2527.10	1/1/99
915.16	New section	HF 2527.11	1/1/99
915.17	New section	HF 2527.12	1/1/99
915.18	New section	HF 2527.13	1/1/99
915.19	New section	HF 2527.14	1/1/99
915.20	New section	HF 2527.15	1/1/99
915.20A	New section	HF 2527.16	1/1/99
915.21	New section	HF 2527.17	1/1/99
915.22	New section	HF 2527.18	1/1/99
915.23	New section	HF 2527.19	1/1/99
915.24	New section	HF 2527.21	1/1/99
915.25	New section	HF 2527.22	1/1/99
915.26	New section	HF 2527.23	1/1/99
915.27	New section	HF 2527.24	1/1/99
915.28	New section	HF 2527.25	1/1/99
915.29	New section	HF 2527.26	1/1/99
915.35	New section	HF 2527.28	1/1/99
915.36	New section	HF 2527.29	1/1/99
915.37	New section	HF 2527.30	1/1/99
915.38	New section	HF 2527.31	1/1/99
915.40	New section	HF 2527.33	1/1/99
915.41	New section	HF 2527.34	1/1/99
915.42	New section	HF 2527.35	1/1/99
915.43	New section	HF 2527.36	1/1/99
915.44	New section	HF 2527.37	1/1/99
915.50	New section	HF 2527.39	1/1/99
915.80	New section	HF 2527.41	1/1/99
915.81	New section	HF 2527.42	1/1/99
915.82	New section	HF 2527.43	1/1/99
915.83	New section	HF 2527.44	1/1/99
915.84	New section	HF 2527.45	1/1/99
915.85	New section	HF 2527.46	1/1/99
915.86	New section	HF 2527.47	1/1/99

**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, 1998      **IV** - Part of bill section vetoed      **\*** - 1997 Code Supplement



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
915.87	New section	HF 2527.48	1/1/99
915.88	New section	HF 2527.49	1/1/99
915.89	New section	HF 2527.50	1/1/99
915.90	New section	HF 2527.51	1/1/99
915.91	New section	HF 2527.52	1/1/99
915.92	New section	HF 2527.53	1/1/99
915.93	New section	HF 2527.54	1/1/99
915.94	New section	HF 2527.55	1/1/99
915.100	New section	HF 2527.57	1/1/99

### 1998 ACTS - Listed by Bill Number

<u>Bill/Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
SF 187.1	Section amended	HF 2395.29	J
SF 187.27	Section amended	HF 2395.30	J
SF 2081.1	Section amended	HF 2395.26	J
SF 2082.1	Section amended	HF 2395.22	E
SF 2121.1	Section amended	HF 2498.10	J
SF 2338.1	Section amended	SF 2345.31	J
SF 2366.1	Subsection 1, unnumbered paragraph 2 stricken	HF 2533.16	J
SF 2366.1	Subsection 1, unnumbered paragraph 3 stricken	HF 2533.16	VETO
SF 2366.3	Section repealed	HF 2533.56	E
SF 2366.4	Section amended	HF 2533.25	VETO
SF 2366.4	Section amended	HF 2533.26	VETO
SF 2366.4	Section amended	HF 2533.27	J
SF 2366.5	Section amended	HF 2533.29	VETO
SF 2366.24	Section amended	HF 2533.41	J
SF 2366.25	Section amended	HF 2533.42	J
SF 2366.29	Section amended	HF 2533.45	VETO
SF 2366.4	Section amended	HF 2533.58	J
SF 2377.1	Section repealed	SF 2377.13	6/30/00
SF 2377.2	Section repealed	SF 2377.13	6/30/00
SF 2377.3	Section repealed	SF 2377.13	6/30/00
SF 2398.12	Section amended	HF 2558.26	J
SF 2406.13	Section amended	HF 2395.32	E
SF 2410.83	Subsection 7 amended	HF 2395.33	E
HF 299.1	Section amended	SF 2391.32	E
HF 299.1	Section amended	SF 2391.33	E
HF 2162.34	Section repealed	HF 2395.35	J
HF 2162.42	Section repealed	HF 2395.35	J
HF 2164.11	Section repealed	HF 2395.37	J
HF 2275.2	Section amended	HF 2395.20	J
HF 2290.7	Section amended	HF 2395.28	J
HF 2435.1	Section amended	HF 2395.16	J
HF 2468.1	Section amended	SF 2410.75	J
HF 2487.4	Section repealed	HF 2487.6	12/31/98
HF 2496.36	Section amended	HF 2395.19	J

HF 2498.8	Subsection 5 amended	HF 2395.13	E
HF 2517.9	Section amended	HF 2395.34	E
HF 2558.2	Section amended	HF 2558.5	7/1/01

**1997 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
67.2	Section amended	HF 2189.1	E
84.6	Section amended	HF 2162.91	J
130.3	Section rewritten	HF 2162.92	R 7/1/97
137.7	Section rewritten	HF 2162.93	R 7/1/97
139.18	Section repealed	HF 2454.8	R 7/1/97
169.25	Section repealed	HF 2558.19	E
175.110	Section rewritten	HF 2162.94	R 7/1/97
176.32	Section rewritten	HF 2162.95	J
176.33	Section rewritten	HF 2162.96	J
176.37	Section rewritten	HF 2162.97	J
176.39	Section rewritten	HF 2162.98	J
203.9	Section amended	SF 2280.9	E
205.4	Subsection 1, paragraph i amended	HF 2539.22	VETO
205.22	Section amended	HF 2539.23	E
208.2	Unnumbered paragraph 3 stricken	SF 2410.64	E
208.17	Subsection 1, paragraph a, subparagraph (1) amended	SF 2410.65	E
209.2	Subsections 1 & 2 amended	SF 2418.22	E
210.2	Subsection 1, paragraph b amended	SF 2418.23	IV E
210.2	Subsection 1, new paragraph g	SF 2418.24	E
210.10	Subsection 1, unnumbered paragraph 1 amended	SF 2418.25	E
210.10	Subsection 1, paragraph e amended	SF 2418.26	E
210.10	Subsection 1, new paragraph g.	SF 2418.27	E
210.10	Subsection 2, unnumbered paragraph 1 amended	SF 2418.28	E
212.11	Subsection 1, paragraph b, subparagraph (2) amended	HF 2533.22	E
213.21	Subsection 3 stricken	SF 2295.21	1/1/99
215.1	Subsection 3, unnumbered paragraph 2 stricken	SF 2381.20	E
215.2	Subsections 6 & 7 amended	HF 2395.2	E
215.2	Subsection 8 amended	SF 2381.21	J
215.4	Subsection 4 amended	SF 2381.22	J
215.5	Section amended	SF 2381.23	J
215.11	Section amended	HF 2395.10	E
215.14	Section amended	SF 2381.24	E
215.16	Unnumbered paragraph 2 amended	SF 2381.25	J

**1996 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
1024.1	Section amended	HF 2189.1	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, 1998	IV - Part of bill section vetoed	* - 1997 Code Supplement

**1995 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
33.1	Section amended	HF 2189.1	E
185.46	Section repealed	HF 2498.31	J
195.37	Section amended	HF 2494.40	E
195.38	Section amended	HF 2494.41	E
215.29	Subsection 1 amended	SF 2415.19	J
220.27	Section repealed	HF 2424.23	J

**1994 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
1038.3	Section amended	HF 2189.1	E
1072.9	Section repealed	HF 2498.31	J

**1993 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
11.3	Section repealed	HF 2210.3	J
55.1	Section amended	SF 2280.9	E
151.3	Section stricken	HF 2498.30	J

**PROPOSED CONSTITUTIONAL AMENDMENTS**

<u>Portion of Iowa Constitution</u>	<u>Sen/Hse File#</u>	<u>Effective</u>
Article II, Section 5 rewritten	SJR 9.1	upon approval of voters
New Article XIII, new section 1	SJR 2004.1	upon approval of voters
New Article XIII, new sections 1, 2, 3, & 4	SJR 2004.2	upon approval of voters

## 1998 SENATE COMMITTEES STANDING COMMITTEES

### AGRICULTURE

**Rensink, Chair**  
**Gaskill, Vice Chair**  
**Judge, Ranking Member**

Angelo  
Bartz  
Behn  
Black  
Fraise  
Gettings  
Hedge  
Kibbie  
Rehberg  
Rife  
Vilsack  
Zieman

### APPROPRIATIONS

**McLaren, Chair**  
**Kramer, Vice Chair**  
**Flynn, Ranking Member**

Behn  
Black  
Borlaug  
Douglas  
Dvorsky  
Freeman  
Halvorson  
Hammond  
Harper  
Hedge  
Horn  
Jensen  
Lundby  
Maddox  
McCoy  
Neuhauser  
Rehberg  
Rensink  
Rife  
Rittmer  
Tinsman  
Vilsack

### BUSINESS & LABOR

#### RELATIONS

**Rife, Chair**  
**King, Vice Chair**  
**Dearden, Ranking Member**

Behn  
Freeman  
Gettings  
Horn  
Jensen  
Palmer  
Schuerer  
Zieman

### COMMERCE

**Jensen, Chair**  
**Schuerer, Vice Chair**  
**Deluhery, Ranking Member**  
Bartz  
Douglas

Flynn  
Gronstal  
Hansen  
King  
Lundby  
Maddox  
McCoy  
Palmer  
Redfern  
Rife

### EDUCATION

**Redfern, Chair**  
**Rehberg, Vice Chair**  
**Connolly, Ranking Member**

Angelo  
Boettger  
Dvorsky  
Fink  
Gaskill  
Kibbie  
Kramer  
Neuhauser  
Redwine  
Rensink  
Szymoniak  
Tinsman

### ETHICS

**Hedge, Chair**  
**Drake, Vice Chair**  
**Gettings, Ranking Member**  
McKean  
Neuhauser  
Szymoniak

### HUMAN RESOURCES

**Boettger, Chair**  
**Redwine, Vice Chair**  
**Szymoniak, Ranking Member**

Bartz  
Behn  
Dearden  
Dvorsky  
Hammond  
Harper  
Rensink  
Schuerer  
Tinsman  
Zieman

### JUDICIARY

**McKean, Chair**  
**Maddox, Vice Chair**  
**Neuhauser, Ranking Member**

Angelo  
Boettger  
Drake  
Fraise  
Halvorson  
Hammond  
Hansen  
Harper  
King

McKibben  
Redfern  
Tinsman

### LOCAL GOVERNMENT

**Zieman, Chair**  
**Behn, Vice Chair**  
**Fraise, Ranking Member**

Angelo  
Bartz  
Black  
Boettger  
Connolly  
Dearden  
Gaskill  
Hansen  
McKean  
Redwine

### NATURAL RESOURCES & ENVIRONMENT

**Bartz, Chair**  
**Angelo, Vice Chair**  
**Fink, Ranking Member**

Black  
Borlaug  
Dearden  
Deluhery  
Dvorsky  
Freeman  
Gaskill  
Hedge  
Judge  
McKibben  
Rehberg  
Zieman

### RULES &

#### ADMINISTRATION

**Iverson, Chair**  
**Kramer, Vice Chair**  
**Gronstal, Ranking Member**

Fink  
Jensen  
Judge  
Kibbie  
Lundby  
Maddox  
Redfern  
Rehberg

### SMALL BUSINESS, ECONOMIC

#### DEVELOPMENT & TOURISM

**Lundby, Chair**  
**Rittmer, Vice Chair**  
**Hansen, Ranking Member**  
Boettger  
Douglas  
Flynn  
Hammond

King  
McCoy  
Palmer  
Redwine  
Rensink  
Schuerer

### STATE GOVERNMENT

**Rittmer, Chair**  
**Borlaug, Vice Chair**  
**Kibbie, Ranking Member**

Deluhery  
Drake  
Fink  
Halvorson  
Harper  
King  
Lundby  
McKibben  
McLaren  
Rife  
Szymoniak  
Tinsman

### TRANSPORTATION

**Drake, Chair**  
**Borlaug, Vice Chair**  
**McCoy, Ranking Member**

Connolly  
Douglas  
Fraise  
Freeman  
Gettings  
Halvorson  
Jensen  
McKean  
McKibben  
Rittmer

### WAYS & MEANS

**Douglas, Chair**  
**McKibben, Vice Chair**  
**Palmer, Ranking Member**

Borlaug  
Connolly  
Deluhery  
Drake  
Freeman  
Hedge  
Judge  
Maddox  
McLaren  
Redfern  
Szymoniak  
Vilsack

## SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION &  
REGULATION

Lundby, Chair  
Bartz, Vice Chair  
McCoy, Ranking Member  
Gaskill  
Gettings

AGRICULTURE & NATURAL  
RESOURCES

Hedge, Chair  
Rensink, Vice Chair  
Black, Ranking Member  
Behn  
Dearden

ECONOMIC  
DEVELOPMENT

Borlaug, Chair  
Schuerer, Vice Chair

Harper, Ranking Member  
Fink  
Zieman

EDUCATION

Rebberg, Chair  
Redfern, Vice Chair  
Horn, Ranking Member  
Kibbie  
McLaren

HEALTH & HUMAN  
RIGHTS

Rittmer, Chair  
McKibben, Vice Chair  
Flynn, Ranking Member  
Kramer  
Palmer

HUMAN SERVICES

Tinsman, Chair  
Boettger, Vice Chair  
Hammond, Ranking Member  
Redwine  
Szymoniak

JUSTICE SYSTEM

Maddox, Chair  
Angelo, Vice Chair  
Dvorsky, Ranking Member  
Fraise  
McKean

OVERSIGHT &  
COMMUNICATIONS

Rife, Chair  
King, Vice Chair  
Neuhauser, Ranking Member

Deluhery  
Jensen

TRANSPORTATION,  
INFRASTRUCTURE &  
CAPITALS

Freeman, Chair  
Drake, Vice Chair  
Halvorson, Ranking Member  
Connolly  
Douglas

## 1998 HOUSE COMMITTEES

### STANDING COMMITTEES

#### ADMINISTRATION & RULES

**Rants, Chair**  
**Carroll, Vice Chair**  
**Connors, Ranking Member**  
 Barry  
 Blodgett  
 Corbett  
 Gipp  
 Jochem  
 Moreland  
 Myers  
 Schrader  
 Shoultz  
 Siegrist  
 Van Maanen

#### AGRICULTURE

**Eddie, Chair**  
**Meyer, Vice Chair**  
**Drees, Ranking Member**  
 Boggess  
 Frevert  
 Greig  
 Greiner  
 Hahn  
 Heaton  
 Huseman  
 Klemme  
 Koenigs  
 Kreiman  
 May  
 Mertz  
 Mundie  
 Rayhons  
 Reynolds-Knight  
 Scherzman  
 Teig  
 Welter

#### APPROPRIATIONS

**Millage, Chair**  
**Sukup, Vice Chair**  
**Murphy, Ranking Member**  
 Brand  
 Brauns  
 Brunkhorst  
 Cataldo  
 Churchill  
 Cormack  
 Garman  
 Gipp  
 Greiner  
 Grundberg  
 Houser  
 Huser  
 Jacobs  
 Koenigs  
 Kreiman  
 Meyer  
 Moreland  
 Nelson  
 Reynolds-Knight

Taylor  
 Warnstadt  
 Wise

#### COMMERCE & REGULATION

**Metcalf, Chair**  
**Van Fossen, Vice Chair**  
**Koenigs, Ranking Member**  
 Bradley  
 Brunkhorst  
 Cataldo  
 Chapman  
 Chiodo  
 Churchill  
 Dinkla  
 Dix  
 Doderer  
 Hansen  
 Holveck  
 Jacobs  
 Larson  
 Osterhaus  
 Rants  
 Sukup  
 Weigel  
 Wise

#### ECONOMIC DEVELOPMENT

**Larson, Chair**  
**Teig, Vice Chair**  
**Warnstadt, Ranking Member**  
 Barry  
 Boggess  
 Bradley  
 Bukta  
 Dolecheck  
 Dotzler  
 Drake  
 Heaton  
 Jenkins  
 Kinzer  
 Mascher  
 May  
 O'Brien  
 Rayhons  
 Scherzman  
 Thomson  
 Tyrrell  
 Weigel  
 Witt

#### EDUCATION

**Gries, Chair**  
**Thomson, Vice Chair**  
**Wise, Ranking Member**  
 Boddicker  
 Brand  
 Brunkhorst  
 Bukta  
 Cohoon  
 Dolecheck

Falck  
 Foege  
 Garman  
 Grundberg  
 Kinzer  
 Lord  
 Mascher  
 Metcalf  
 Rants  
 Thomas  
 Van Maanen  
 Veenstra  
 Warnstadt

#### ENVIRONMENTAL PROTECTION

**Hahn, Chair**  
**Bradley, Vice Chair**  
**Witt, Ranking Member**  
 Boggess  
 Burnett  
 Drake  
 Fallon  
 Foege  
 Gipp  
 Greiner  
 Gries  
 Holveck  
 Jenkins  
 Mascher  
 Meyer  
 Rants  
 Richardson  
 Shoultz  
 Teig  
 Thomas  
 Van Fossen

#### ETHICS

**Greig, Chair**  
**Lord, Vice Chair**  
**Chapman, Ranking Member**  
 Gries  
 Moreland  
 Weigel

#### HUMAN RESOURCES

**Boddicker, Chair**  
**Veenstra, Vice Chair**  
**Brand, Ranking Member**  
 Barry  
 Blodgett  
 Burnett  
 Carroll  
 Falck  
 Fallon  
 Foege  
 Ford  
 Houser  
 Kremer  
 Lamberti  
 Lord  
 Martin

Moreland  
 Murphy  
 Thomas  
 Thomson  
 Van Maanen  
 Vande Hoef  
 Witt

#### JUDICIARY

**Lamberti, Chair**  
**Kremer, Vice Chair**  
**Kreiman, Ranking Member**  
 Bell  
 Bernau  
 Boddicker  
 Chapman  
 Churchill  
 Dinkla  
 Doderer  
 Ford  
 Garman  
 Greiner  
 Grundberg  
 Holveck  
 Larson  
 Millage  
 Moreland  
 Shoultz  
 Sukup  
 Veenstra

#### LABOR & INDUSTRIAL RELATIONS

**Tyrrell, Chair**  
**Barry, Vice Chair**  
**Taylor, Ranking Member**  
 Bell  
 Boddicker  
 Connors  
 Dix  
 Dotzler  
 Falck  
 Holmes  
 Kinzer  
 Klemme  
 Kremer  
 Lamberti  
 Metcalf  
 Millage  
 Murphy  
 O'Brien  
 Sukup  
 Veenstra  
 Whitead

**LOCAL GOVERNMENT**

Vande Hoef, Chair  
 Arnold, Vice Chair  
 Fallon, Ranking Member  
 Brauns  
 Carroll  
 Connors  
 Dix  
 Houser  
 Huseman  
 Huser  
 Klemme  
 Martin  
 Mertz  
 Mundie  
 Myers  
 Reynolds-Knight  
 Richardson  
 Van Maanen  
 Weidman  
 Welter  
 Whitead

**NATURAL RESOURCES**

Klemme, Chair  
 Huseman, Vice Chair  
 O'Brien, Ranking Member  
 Arnold  
 Bell  
 Brauns  
 Cohoon

Cormack  
 Dolecheck  
 Dotzler  
 Drees  
 Eddie  
 Frevert  
 Greig  
 Hahn  
 Jochum  
 Mertz  
 Mundie  
 Rayhons  
 Tyrrell  
 Weidman

**STATE GOVERNMENT**

Martin, Chair  
 Drake, Vice Chair  
 Larkin, Ranking Member  
 Bernau  
 Bradley  
 Burnett  
 Cataldo  
 Chiodo  
 Churchill  
 Connors  
 Gipp  
 Hansen  
 Holmes  
 Houser

Jacobs  
 Jochum  
 Nelson  
 Taylor  
 Tyrrell  
 Van Fossen  
 Whitead

**TRANSPORTATION**

Welter, Chair  
 Heaton, Vice Chair  
 May, Ranking Member  
 Arnold  
 Blodgett  
 Brauns  
 Bukta  
 Carroll  
 Chiodo  
 Cohoon  
 Cormack  
 Drees  
 Eddie  
 Ford  
 Huser  
 Larkin  
 Nelson  
 Rayhons  
 Scherman  
 Vande Hoef  
 Weidman

**WAYS & MEANS**

Dinkla, Chair  
 Greig, Vice Chair  
 Bernau, Ranking Member  
 Blodgett  
 Chapman  
 Dix  
 Doderer  
 Drake  
 Frevert  
 Hansen  
 Holmes  
 Jenkins  
 Jochum  
 Lambert  
 Larkin  
 Larson  
 Lord  
 Myers  
 Osterhaus  
 Rants  
 Richardson  
 Shultz  
 Teig  
 Van Fossen  
 Weigel

**HOUSE APPROPRIATIONS SUBCOMMITTEES****ADMINISTRATION**

Brunkhorst, Chair  
 Holmes, Vice Chair  
 Cataldo, Ranking Member  
 Boxlicker  
 Chiodo  
 Klemme  
 O'Brien  
 Taylor  
 Tyrrell

**AGRICULTURE & NATURAL RESOURCES**

Greiner, Chair  
 Dolecheck, Vice Chair  
 Mertz, Ranking Member  
 Drake  
 Greig  
 Hahn  
 Koenigs  
 May  
 Thomas

**ECONOMIC DEVELOPMENT**

Churchill, Chair  
 Boggess, Vice Chair  
 Holveck, Ranking Member

Dotzler  
 Eddie  
 Reynolds-Knight  
 Teig  
 Van Fossen  
 Wise

**EDUCATION**

Grundberg, Chair  
 Dix, Vice Chair  
 Mascher, Ranking Member

Bary  
 Frevert  
 Gries  
 Rants  
 Scherman  
 Witt

**HEALTH & HUMAN RIGHTS**

Nelson, Chair  
 Lord, Vice Chair  
 Mundie, Ranking Member  
 Ford  
 Kinzer  
 Kremer  
 Martin  
 Thomson  
 Weigel

**HUMAN SERVICES**

Houser, Chair  
 Hansen, Vice Chair  
 Osterhaus, Ranking Member  
 Blodgett  
 Burnett  
 Carroll  
 Foege  
 Jochum  
 Veenstra

**JUSTICE SYSTEM**

Garman, Chair  
 Cormack, Vice Chair  
 Bell, Ranking Member  
 Heaton  
 Larkin  
 Myers  
 Richardson  
 Vande Hoef  
 Welter

**OVERSIGHT & COMMUNICATIONS**

Jacobs, Chair  
 Jenkins, Vice Chair  
 Falck, Ranking Member  
 Arnold  
 Huser

Kreiman  
 Meycr  
 Sukup  
 Whitead

**TRANSPORTATION, INFRASTRUCTURE & CAPITALS**

Brauns, Chair  
 Rayhons, Vice Chair  
 Cohoon, Ranking Member  
 Bradley  
 Bukta  
 Fallon  
 Huseman  
 Warnstadt  
 Weidman