

Sec. 16. Section 514H.1, unnumbered paragraph 1, Code 1993, is amended to read as follows: As used in this ~~chapter~~ subchapter, unless the context otherwise requires:

Sec. 17. Section 514H.9, Code 1993, is amended to read as follows:

514H.9 PRESUMED ALLOWANCE OF COST-CONTAINMENT PROCEDURES.

A cost-containment restriction otherwise imposed by state law does not apply to a basic benefit coverage policy or subscription contract unless the commissioner finds after actuarial review that the restricted cost-containment measure is ~~not~~ cost-effective, and its exclusion is not in the best interests of affordable health care coverage.

Sec. 18. Section 514H.12, subsection 2, paragraph b, Code 1993, is amended to read as follows:

b. The employer, ~~employs twenty-five or fewer on~~ at least fifty percent of the employer's working days during the preceding year employed not less than two and not more than twenty-five full-time equivalent employees.

Sec. 19. EMERGENCY RULES. Pursuant to section 11* of this Act, the commissioner of insurance shall adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 20. CODE EDITOR TRANSFERS.

1. The Code editor shall transfer sections 514H.1 through 514H.12 to be a new subchapter II of chapter 513B comprising new sections 513B.31 through 513B.43.
2. The Code editor shall designate sections 513B.1 through 513B.29 as new subchapter I.
3. The Code editor shall correct all internal citations and references consistent with the transfer of the Code sections as provided in this section.

Approved May 3, 1993

CHAPTER 81

STRUCTURED FINES AND CIVIL PENALTIES — PILOT PROGRAM

S.F. 372

AN ACT relating to the structured fines pilot program, establishing a civil penalty and surcharge, providing for the distribution of fines, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 1992 Iowa Acts, chapter 1202, section 1, unnumbered paragraph 2, is amended to read as follows:

The department of human rights, division of criminal and juvenile justice planning is authorized to participate in a federal discretionary grant program to test the structured fines concept in counties and judicial districts also wishing to participate in the pilot program. Sections 2 through 5 of this Act shall apply only within those counties and judicial districts agreeing with the department of human rights, division of criminal and juvenile justice planning to participate in this pilot program from enactment of this Act through June 30, ~~1993~~ 1995.

Sec. 2. 1992 Iowa Acts, chapter 1202, section 2, is amended to read as follows:

SEC. 2. PAYMENT IN INSTALLMENTS OR ON A FIXED FUTURE DATE — INSTALLMENT FEE AND INTEREST — STRUCTURED CIVIL PENALTY.

1. If the district court orders a structured fine, structured civil penalty, or structured civil penalty surcharge imposed pursuant to this chapter ~~909~~, the criminal penalty surcharge for

*Section 15 probably intended

a structured fine imposed pursuant to chapter 911, indigent defense fees assessed as restitution pursuant to chapter 910 for a case in which a structured fine or structured civil penalty was imposed, or court costs assessed pursuant to chapter 602 for a case in which a structured fine or structured civil penalty was imposed, to be paid in installments or at a fixed date in the future, the court shall do all of the following:

1 a. Impose a time payment fee in the amount of ten dollars.

2 b. Impose interest charges on the unsatisfied judgment from the date of sentencing at the rate provided in section 535.3 for court judgments.

2. Notwithstanding any other provision of law to the contrary, when a deferred judgment or deferred sentence is entered by the court pursuant to chapter 907, the court may impose a structured civil penalty that is calculated in the same manner as a structured fine. The structured civil penalty shall be subject to a structured civil penalty surcharge equal to the criminal penalty surcharge under section 911.2. The structured civil penalty shall be disbursed in the manner provided for in section 4, subsection 2, of this Act and the structured civil penalty surcharge shall be disbursed in the manner provided for in section 4, subsection 2, of this Act.

Sec. 3. 1992 Iowa Acts, chapter 1202, section 3, is amended to read as follows:

SEC. 3. NO MINIMUM FINE. Notwithstanding any other provisions of law, a ~~criminal~~ structured fine imposed pursuant to 1992 Iowa Acts, chapter 1202 and this Act in a county participating in the structured fines pilot program shall not be required to be imposed in any minimum amount.

Sec. 4. 1992 Iowa Acts, chapter 1202, section 4, is amended to read as follows:

SEC. 4. DISTRIBUTION OF CERTAIN FEES UNDER THE STRUCTURED FINES PILOT PROGRAM.

1. Upon payment of the time payment fee, the clerk of the district court shall remit all such fees collected by the fifteenth day of the month following payment to the county treasurer for credit to the general fund of the county to be used to support the costs of the continued operation of the a structured fines pilot program in the county. Upon payment of interest charges, the clerk of the district court shall remit all such charges collected by the fifteenth day of the month following payment to the treasurer of state to be credited to the general fund of the state, ~~except as provided in subsection 2.~~

2. Notwithstanding any other provisions of ~~this Act~~ law, the clerk of the district court for a county participating in the a structured fines pilot program shall ~~annually remit ten by the fifteenth day of the month following payment fifteen percent of the first five hundred thousand dollars in~~ of all structured fines, criminal penalty surcharges collected on structured fines, structured civil penalties, structured civil penalty surcharges, indigent defense fees, and court costs; ~~time payment fees, and interest charges assessed for public offenses other than scheduled violations as defined in chapter 805, which are paid in installments or at a fixed date in the future collected in cases where a structured fine or structured civil penalty was imposed,~~ to the county treasurer for credit to the general fund of the county to be used to support the costs of operation of the structured fines pilot program in the county and the remaining ~~eighty-five percent to the treasurer of state for deposit in the general fund of the state.~~

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 1993

CHAPTER 82**COMMUNITY COLLEGES — APPROVAL AND ACCREDITATION
AND OTHER MATTERS***S.F. 376*

AN ACT relating to community college athletic programs, community college approval and accreditation standards, repealing provisions for certain studies related to community colleges, and providing for other related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.7, subsection 18, Code 1993, is amended by striking the subsection.

Sec. 2. Section 260C.22B, Code 1993, is amended by adding the following new subsection: NEW SUBSECTION. 4. Adopt the following interim annual approval process, which shall be in effect for community colleges until the implementation of section 260C.47.

a. For purposes of this section, "approval standards" shall include standards for administration, qualifications and assignment of personnel, curriculum, facilities and sites, requirements for awarding of diplomas and other evidence of educational achievement, guidance and counseling, support services for students with special needs, instruction, instructional materials, maintenance, and library.

b. The department of education shall supervise and evaluate the educational program in the several community colleges of the state for the purpose of the improvement and approval of such institutions.

c. The director of the department of education shall make recommendations and suggestions in writing to each community college if the department determines, after due investigation, that deficiencies exist.

d. The director of the department of education shall maintain a list of approved community colleges, and the director shall remove from the approved list for cause, after due investigation and notice, a community college which fails to comply with the approval standards. A community college which is removed from the approved list pursuant to this section is ineligible to receive state financial aid during the period of removal. The director shall allow a reasonable period of time, which shall be at least one year, for compliance with approval standards if a community college is making a good faith effort and substantial progress toward full compliance or if failure to comply is due to factors beyond the control of the board of directors of the merged area operating the institution. In allowing time for compliance, the director shall follow consistent policies, taking into account the circumstances of each case. The reasonable period of time for compliance may be, but need not be, given prior to the one-year notice requirement that is provided in this section.

e. The director of the department of education shall give a community college which is to be removed from the approved list at least one year's notice. The notice shall be given by registered or certified mail addressed to the superintendent of the community college and shall specify the reasons for removal. The notice shall also be sent by ordinary mail to each member of the board of directors of the community college, and to the news media which serve the merged area where the school is located; but any good faith error or failure to comply with this sentence shall not affect the validity of any action by the director. If, during the year, the community college remedies the reasons for removal and satisfies the director that it will thereafter comply with the laws and approval standards, the director shall continue the community college on the approved list and shall transmit to the community college notice of the action by registered or certified mail.

f. At any time during the year after notice is given, the board of directors of the community college may request a public hearing before the director of the department of education, by mailing a written request to the director by registered or certified mail. The director shall promptly set a time and place for the public hearing, which shall be either in Des Moines or in the affected merged area. At least thirty days' notice of the time and place of the hearing