

Amended Assembly 5/2 amended (p. 476) & Dir Pass 4/19 (p. 1492)

Revised 4/27 1977
amended per 4730 & Dir pass 5/17 (p. 2585)

SENATE FILE 112

By COMMITTEE ON HUMAN RESOURCES

Passed Senate, Date 2-8-77 (p. 476)

Passed House, Date 5-19-77 (p. 2427)

Vote: Ayes 41 Nays 4

Vote: Ayes 84 Nays 1

Approved July 10, 1977 (p. 2508)

Revised Senate 5-20-77 (p. 1790)

17-0

A BILL FOR

1 An Act requiring that each judicial district in this state
 2 develop and maintain a community-based correctional
 3 program, providing for the administration, support and
 4 content of those programs, and repealing sections
 5 two hundred seventeen point twenty-four (217.24) through
 6 two hundred seventeen point twenty-nine (217.29) of
 7 the Code.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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See Human Resources 3/3 Amend (3642) & Do Pass 4/19 (p. 1492)
" Budget 4/27 **1977**
amend per 4230 & do pass 5/17 (p. 2355)

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1 Section 1. As used in this Act, unless the context
2 otherwise requires:

3 1. "Community-based correctional program" means
4 correctional programs and services designed to supervise and
5 assist individuals who are charged with or have been convicted
6 of a felony, an aggravated misdemeanor or a serious
7 misdemeanor, or who are on probation or parole in lieu of
8 or as a result of a sentence of incarceration imposed upon
9 conviction of any of these offenses.

10 2. "Director" means the director of a judicial district
11 department of correctional services.

12 3. "District board" means the board of directors of a
13 judicial district department of correctional services.

14 4. "District department" means a judicial district
15 department of correctional services, established as required
16 by section two (2) of this Act.

17 Sec. 2. NEW SECTION. DISTRICT DEPARTMENTS ESTABLISHED.
18 There shall be established in each judicial district in this
19 state a public agency to be known as the "_____ judicial
20 district department of correctional services." Each district
21 department shall furnish or contract for those services
22 necessary to provide a community-based correctional program
23 which meets the needs of that judicial district. The district
24 department shall be under the direction of a board of
25 directors, selected as provided in section three (3) of this
26 Act, and shall be administered by a director employed by the
27 board.

28 Sec. 3. NEW SECTION. BOARD OF DIRECTORS--EXECUTIVE
29 COMMITTEE--EXPENSES REIMBURSED.

30 1. The board of directors of each district department
31 shall consist of one member of the board of supervisors of
32 each county in the judicial district, who shall be designated
33 annually by the respective boards of supervisors at the
34 organizational meetings held under section three hundred
35 thirty-one point thirteen (331.13) of the Code. Within thirty

1 ~~department's~~ community-based correctional program.

2 ~~2. Employ~~ a director having the qualifications required
3 by ~~section~~ six (6) of this Act to head the district
4 ~~department's~~ community-based correctional program and, within
5 a ~~range~~ established by the state department of social services,
6 fix ~~the~~ compensation of and have control over the director
7 and ~~the~~ district department's staff.

8 ~~3. Designate~~ one of the counties in the judicial district
9 to ~~serve as~~ the district department's administrative agent
10 and ~~to provide~~, in that capacity, all accounting, personnel,
11 ~~facilities~~ management and supportive services needed by the
12 ~~district~~ department, on such terms as may be mutually agreeable
13 in ~~regard to~~ reimbursement of the county for the added expense
14 it ~~incurs as~~ a result of being so designated.

15 ~~4. File~~ with the board of supervisors of each county in
16 the ~~district~~ and with the state department of social services,
17 within ~~thirty~~ days after the close of each fiscal year, a
18 report ~~covering~~ the district board's proceedings and a state-
19 ment ~~of~~ receipts and expenditures during the preceding fiscal
20 year.

21 ~~5. Arrange~~ for, by contract or on such alternative basis
22 as ~~may be~~ mutually acceptable, and equip suitable quarters
23 at ~~one or more~~ sites in the district as may be necessary for
24 the ~~district~~ department's community-based correctional program,
25 provided that the board shall to the greatest extent feasible
26 utilize ~~existing~~ facilities and shall keep capital expenditures
27 for ~~acquisition~~, renovation and repair of facilities to a
28 minimum.

29 ~~6. Have~~ authority to accept property by gift, devise,
30 bequest or otherwise and to sell or exchange any property
31 so accepted and apply the proceeds thereof, or the property
32 received in exchange therefor, to the purposes enumerated
33 in ~~subsection~~ five (5) of this section.

34 ~~7. Recruit~~, promote, accept and use local financial support
35 for ~~the~~ district department's community-based correctional

1 days after the members of the district board have been so
2 designated for the year, the district board shall organize
3 by election of a chairperson, a vice chairperson and members
4 of the executive committee as required by subsection two (2)
5 of this section. The district board shall meet at least once
6 each quarter during the calendar year.

7 2. Each district board shall have an executive committee
8 consisting of the chairperson and vice chairperson and at
9 least one but not more than five other members of the district
10 board. The executive committee shall meet with the director
11 as often as its members deem necessary to conduct the business
12 of the district department. The executive committee may
13 exercise all of the powers and discharge all of the duties
14 of the district board, as prescribed by this Act, except those
15 specifically withheld from the executive committee by action
16 of the district board.

17 3. The members of the district board and of the executive
18 committee shall be reimbursed from funds of the district
19 department for travel and other expenses necessarily incurred
20 in attending meetings of those bodies, or while otherwise
21 engaged on business of the district department.

22 4. Each member of the district board shall have one vote
23 on the board. However, upon the request of any member, the
24 vote on any matter before the board shall be taken by weighted
25 vote. In each such case, the vote of the representative of
26 the least populous county in the judicial district shall have
27 a weight of one unit, and the vote of each of the other members
28 shall have a weight which bears the same proportion to one
29 unit as the population of the county that member represents
30 bears to the population of the least populous county in the
31 district.

32 Sec. 4. NEW SECTION. DUTIES OF THE BOARD. The district
33 board shall:

34 1. Have authority to adopt bylaws and rules for the conduct
35 of its own business and for the government of the district

1 program from private sources such as community service funds,
2 business, industrial and private foundations, voluntary
3 agencies and other lawful sources.

4 8. Accept and expend state and federal funds available
5 directly to the district department for all or any part of
6 the cost of its community-based correctional program.

7 9. Arrange, by contract or on such alternative basis as
8 may be mutually acceptable, for utilization of existing local
9 treatment and service resources, including but not limited
10 to employment, job training, general, special or remedial
11 education; psychiatric and marriage counseling; and alcohol
12 and drug abuse treatment and counseling. It is the intent
13 of this Act that a district board shall approve the development
14 and maintenance of such resources by its own staff only if
15 the resources to be so developed and maintained are otherwise
16 unavailable to the district department within reasonable
17 proximity to the community where these services are needed
18 in connection with the community-based correctional program.

19 Sec. 5. NEW SECTION. FUNCTIONS OF COUNTIES DESIGNATED
20 ADMINISTRATIVE AGENTS.

21 1. The county designated under section four (4), subsection
22 three (3) of this Act as administrative agent for each district
23 department shall submit that district department's budget
24 and supporting information to the state department of social
25 services in accordance with the provisions of chapter eight
26 (8) of the Code. The state department shall incorporate the
27 budgets of each of the district departments into its own
28 budget request, to be processed as prescribed by the uniform
29 budget, accounting and administrative procedures established
30 by the state comptroller.

31 2. For all administrative purposes, including but not
32 limited to negotiations regarding the terms and conditions
33 of employment, all employees of each district department shall
34 be considered employees of the county designated by the
35 district board as the administrative agent for that district

1 department.

2 Sec. 6. NEW SECTION. DUTIES OF DIRECTOR. The director
3 employed by the district board under section four (4),
4 subsection two (2) of this Act shall be qualified in the
5 administration of correctional programs. The director shall:

6 1. Perform the duties and have the responsibilities
7 delegated by the district board or specified by the state
8 department of social services pursuant to this Act.

9 2. Manage the district department's community-based
10 correctional program, in accordance with the policies of the
11 district board and the state department of social services.

12 3. Employ, with approval of the district board, and
13 supervise the employees of the district department.

14 4. Assist the county serving as administrative agent for
15 the district department to prepare all budgets and fiscal
16 documents, and certify for payment all expenses and payrolls
17 lawfully incurred by the district department.

18 5. Act as secretary to the district board, prepare its
19 agenda and record its proceedings.

20 6. Develop and submit to the district board a plan for
21 the establishment, implementation and operation of a community-
22 based correctional program in that judicial district, which
23 program conforms to the guidelines drawn up by the state
24 department of social services under this Act.

25 7. Negotiate and, upon approval by the district board,
26 implement contracts or other arrangements for utilization
27 of local treatment and service resources authorized by section
28 four (4), subsection nine (9) of this Act.

29 Sec. 7. NEW SECTION. ASSISTANCE BY STATE DEPARTMENT.

30 The state department of social services shall provide
31 assistance and support to the respective judicial districts
32 to aid them in complying with this Act, and shall promulgate
33 rules establishing guidelines in accordance with and in
34 furtherance of the purposes of this Act. The guidelines so
35 adopted shall include, but need not be limited to, requirements

1 that each district department:

2 1. Provide pre-trial release, pre-sentence investigations,
3 probation services, and residential treatment centers
4 throughout the district, as necessary.

5 2. Locate community-based correctional program services
6 in or near municipalities providing a substantial number of
7 treatment and service resources.

8 3. Follow practices and procedures which maximize the
9 availability of federal funding for the district department's
10 community-based correctional program.

11 4. Provide for gathering and evaluating performance data
12 relative to the district department's community-based
13 correctional program.

14 5. Maintain personnel and fiscal records on a uniform
15 basis.

16 Sec. 8. NEW SECTION. STATE FUNDS ALLOCATED. The state
17 department of social services shall provide for the allocation
18 among judicial districts in the state of any state funds
19 appropriated for the establishment, operation, support and
20 evaluation of community-based correctional programs and
21 services. However, no state funds shall be allocated under
22 this section to any judicial district unless the state
23 department has reviewed and approved that district department's
24 community-based correctional program for compliance with the
25 requirements of this Act and the guidelines adopted under
26 section seven (7) of this Act.

27 Sec. 9. NEW SECTION. REPORT OF REVIEW--SANCTION. Upon
28 completion of a review of a district community-based
29 correctional program, made under section eight (8) of this
30 Act, the state department of social services shall submit
31 its findings to the district board in writing. If the state
32 department concludes that the district department's community-
33 based correctional program fails to meet any of the
34 requirements of this Act and of the guidelines adopted under
35 section seven (7) of this Act, it shall also request in writing

1 a response to this finding from the district board. If no
2 response is received within sixty days after the date of that
3 request, or if the response is unsatisfactory, the state
4 department may call a public hearing on the matter. If after
5 the hearing, the state department is not satisfied that the
6 district's community-based correctional program will
7 expeditiously be brought into compliance with the requirements
8 of this Act and of the guidelines adopted under section seven
9 (7) of this Act, it may assume responsibility for
10 administration of the district's community-based correctional
11 program on an interim basis.

12 Sec. 10. NEW SECTION. POST-INSTITUTIONAL PROGRAMS AND
13 SERVICES. Persons participating in post-institutional services
14 offered under a district's community-based correctional program
15 shall remain under the jurisdiction of the state department
16 of social services' division of corrections. The state
17 department shall maintain adequate personnel to provide post-
18 institutional residential services, parole services, and
19 supervision of persons transferred into the state under the
20 interstate compact for supervision of parolees and
21 probationers.

22 Sec. 11. Sections two hundred seventeen point twenty-four
23 (217.24) through two hundred seventeen point twenty-nine
24 (217.29), Code 1977, are repealed.

25 Sec. 12. Any person who on the effective date of this
26 Act is employed in the state classified service in any capacity
27 in parole, probation or pre-trial services, and who is
28 thereafter transferred to a position in a district department's
29 community-based correctional program as a result of reduction
30 in force by the state department of social services' bureau
31 of community correctional services, shall be entitled to the
32 continued benefits enumerated in this section until that
33 person becomes eligible for the benefits available under the
34 personnel program of the county designated as administrative
35 agent of that district department. The state employee benefits

1 to which this section is applicable are:

2 1. Continuation, at the employee's option, in the state
3 retirement program.

4 2. Eligibility for a health insurance program.

5 3. Continuation of life insurance coverage.

6 4. Continuation of disability insurance coverage.

7 5. Carry-over of accrued vacation and sick leave.

8 Sec. 13.

9 1. This Act is effective July 1, 1977, however the
10 community-based correctional programs functioning in each
11 judicial district on that date may continue to function, as
12 though sections two hundred seventeen point twenty-four
13 (217:24) through two hundred seventeen point twenty-nine
14 (217.29), Code 1977 had not been repealed, until March 31,
15 1978 or until such earlier time as the commissioner of social
16 services certifies that the district department established
17 under this Act is ready to begin functioning and the governor
18 issues an executive order transferring responsibility for
19 the community-based correctional program in that judicial
20 district to the district department so established.

21 2. If the effective date of this Act is earlier than the
22 effective date of chapter one thousand two hundred forty-five
23 (1245), Acts of the Sixty-sixth General Assembly, 1976 Session,
24 the phrase "an aggravated misdemeanor or a serious misdemeanor"
25 in section one (1), subsection one (1), of this Act shall
26 be construed to mean an indictable misdemeanor for the period
27 until said chapter one thousand two hundred forty-five (1245)
28 takes effect.

29 EXPLANATION

30 This bill requires each of the eight judicial districts
31 in the state to maintain a community-based correctional program
32 offering pre-trial release, probation services, pre-sentence
33 investigations and residential treatment. The program will
34 be conducted in each district by a separate department with
35 a policy-making board consisting of one of the elected county

1 supervisors from each county in the district. The board may
2 delegate all or any part of its responsibilities to a smaller
3 number of its members who constitute an executive committee
4 of the district board.

5 Funding for the community-based correctional program will
6 come primarily from the state, although the district boards
7 have the right to use other funds available, including federal
8 funds. It is contemplated that some employees presently with
9 the Department of Social Services' Bureau of Community
10 Correctional Service will be transferred to the new district
11 departments, and appropriate transitional provisions to protect
12 their rights and interests are included in the bill.

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S-3704

1779

1 Amend Senate File 112, as follows:

2 1. Page 1, line 11, by striking the words "or
3 parole".

4 2. Page 1, by inserting after line 20 the following
5 new subsections:

6 "6. 'Project' means a locally functioning part
7 of a community-based correctional program, officed
8 and operating in a physical location separate from
9 the offices of the district department.

10 "7. 'Project advisory committee' means a committee
11 of no more than seven persons which shall act in an
12 advisory capacity to the director on matters pertaining
13 to the planning, operation and other pertinent
14 functions of each project in the judicial district.

15 The members of the project advisory committee for
16 each such project shall be initially appointed by
17 the director from among the general public. No member
18 of the project advisory committee shall hold public
19 office or public employment during membership on such
20 committee. The terms of the initial members of the
21 project advisory committee shall be staggered to
22 permit the terms of just over half of the members
23 to expire in two years and those of the remaining
24 members to expire in one year. Subsequent appointments
25 to the project advisory committee shall be by vote
26 of a majority of the whole project advisory committee
27 for two-year terms."

28 3. Page 1, by striking lines 34 and 35 and
29 inserting in lieu thereof the following:

30 "1. The board of directors of each district
31 department shall be composed as follows:"

32 4. Page 2, by striking lines 1 through 35 and
33 inserting in lieu thereof the following:

34 "a. One member shall be chosen from and by the
35 board of supervisors of each county in the judicial
36 district and shall be so designated annually by the
37 respective boards of supervisors at the organiza-
38 tional meetings held under section three hundred
39 thirty-one point thirteen (331.13) of the Code.

40 "b. One member shall be chosen from each of the
41 project advisory committees within the judicial
42 district, which person shall be designated annually,
43 no later than January fifteenth by and from the project
44 advisory committee.

45 "c. A number of members equal to the number of
46 authorized board members from project advisory
47 committees shall be appointed by the judges of the
48 judicial district no later than January fifteenth
49 of each year.

50 Within thirty days after the members of the district

1 board have been so designated for the year, the
2 district board shall organize by election of a
3 chairperson, a vice chairperson and members of the
4 executive committee as required by subsection two
5 (2) of this section. The district board shall meet
6 at least quarterly during the calendar year but may
7 meet more frequently upon the call of the chairperson
8 or upon a call signed by a majority, determined by
9 weighted vote computed as in subsection four (4) of
10 this section hereinafter, of the members of the board.

11 2. Each district board shall have an executive
12 committee consisting of the chairperson and vice
13 chairperson and at least one but no more than five
14 other members of the district board. Either the
15 chairperson or the vice chairperson shall be a
16 supervisor, and the remaining representation on the
17 executive committee shall be divided as equally as
18 possible among supervisor members, project advisory
19 committee members, and judicially-appointed members.
20 The executive committee may exercise all of the powers
21 and discharge all of the duties of the district board,
22 as prescribed by this Act, except those specifically
23 withheld from the executive committee by action of
24 the district board.

25 3. The members of the district board and of the
26 executive committee shall be reimbursed from funds
27 of the district department for travel and other
28 expenses necessarily incurred in attending meetings
29 of those bodies, or while otherwise engaged on business
30 of the district department.

31 4. Each member of the district board shall have
32 one vote on the board. However, upon the request
33 of any supervisory members, the vote on any matter
34 before the board shall be taken by weighted vote.
35 In each such case, the vote of the supervisor
36 representative of the least populous county in the
37 judicial district shall have a weight of one unit,
38 and the vote of each of the other supervisor members
39 shall have a weight which bears the same proportion
40 to one unit as the population of the county that
41 supervisor member represents bears to the population
42 of the least populous county in the district. In
43 the event of weighted vote, the vote of each member
44 appointed from a project advisory committee and each
45 judicially appointed member shall have a weight of
46 one unit."

47 5. Page 3, by striking line 1.

48 6. Page 3, line 12, by inserting after the period
49 the words "For purposes of collective bargaining under
50 chapter twenty (20) of the Code, employees of the

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district board who are not exempt from chapter twenty
(20) of the Code shall be employees of the state,
and the employees of all of the district boards shall
be included within one collective bargaining unit."

7. Page 3, line 18, by striking the words
"reimbursement of" and inserting in lieu thereof the
words "advancement of funds to".

8. Page 4, line 13, by inserting after the word
"acceptable," the words "and with approval of the
director of the division of adult corrections of the
department of social services or that director's
designee".

9. Page 4, line 35, by inserting after the period
the words "Funds appropriated pursuant to the budget
requests of the respective district departments shall
be allocated on a quarterly basis, and the state
comptroller shall authorize advancement of the funds
so allocated to each district department's
administrative agent at the beginning of each fiscal
quarter."

10. Page 5, lines 1 and 2, by striking the words
"included but not limited to" and inserting in lieu
thereof the words "other than".

11. Page 7, by inserting after line 30 the
following sections:

"Sec. ____ . Section two hundred forty-seven point
twenty-four (247.24), Code 1977, is amended to read
as follows:

**247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE
[OFFICER] OFFICERS.** Any agent or investigator appointed
or employed by the chief parole agent or by the
director of a judicial district department of
correctional services for the purpose of making
investigations and of apprehending and returning
persons granted a parole or probation under the
jurisdiction of the chief parole agent or of the
director of judicial district department of
correctional services to any institution, shall, while
engaged in such duty or work, have all the powers
of peace officers.

Sec. ____ . Section seven hundred eighty-nine A
point one (789A.1), subsection two (2), Code 1977,
is amended to read as follows:

2. By record entry at time of or after sentencing,
the court may suspend the sentence and place the
defendant on probation upon such terms and conditions

47 as it may require including commitment to an alternate
48 jail facility or a community correctional residential
49 treatment facility for a specific number of days to
50 be followed by a term of probation as specified in

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1 section seven hundred eighty-nine A point two (789A.2)
2 of the Code. A person so committed who has probation
3 revoked shall be given credit for such time served."

4 12. Page 7, by inserting before line 31 the
5 following sections:

6 "Sec. ____ . Chapter one thousand two hundred forty-
7 five (1245), Acts of the Sixty-sixth General Assembly,
8 1976 Session, chapter three (3), section one hundred
9 two (102), is amended to read as follows:

10 SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION.

11 Upon a plea of guilty, a verdict of guilty, or a
12 special verdict upon which a judgment of conviction
13 of any public offense may be rendered, the court shall
14 receive from the state, from the judicial district
15 department of correctional services, and from the
16 defendant any information which may be offered which
17 is relevant to the question of sentencing. The court
18 may consider information from other sources, and,
19 if the offense is a felony, shall order that a
20 presentence investigation be made. If the offense
21 is not a felony, the court may, in its discretion,
22 order that a presentence investigation be made whenever
23 the maximum period of confinement which may be imposed
24 is in excess of thirty days.

25 The court may withhold execution of any judgment
26 or sentence for such time as shall be reasonably
27 necessary for an investigation with respect to
28 deferment of judgment or suspension of sentence and
29 probation. The investigation shall be made by the
30 [probation and parole service, or by another appropriate
31 agency as determined by the court] *judicial district*
32 *department of correctional services.*

33 Sec. ____ . Chapter one thousand two hundred forty-
34 five (1245), Acts of the Sixty-sixth General Assembly,
35 1976 Session, chapter three (3), section five hundred
36 one (501), is amended to read as follows:

37 SECTION 501. NEW SECTION. PROBATION [AND PAROLE]
38 SERVICE. Pursuant to designation by the court, [parole
39 and] probation service shall be provided by [the
40 department of social services or by a local agency
41 established under chapter two hundred seventeen (217)
42 of the Code] *the judicial district department of*

43 *correctional services.* [Parole and probation] *Probation*
44 *officers* shall perform the duties assigned to them
45 by law and by the director of the [agency by which
46 they are employed] *judicial district department of*
47 *correctional services.*
48 Sec. ____ . Chapter one thousand two hundred forty-
49 five (1245), Acts of the Sixty-sixth General Assembly,
50 1976 Session, chapter three (3), section five hundred

Page 5

1 two (502), is amended to read as follows:
2 SEC. 502. NEW SECTION. PAROLE OFFICERS AND
3 PROBATION OFFICERS. Parole *officers* and probation
4 *officers*, while performing their duties as such, are
5 *peace officers* and have all the powers and authority
6 of *peace officers*. Parole *officers* and probation
7 *officers* shall investigate all persons referred to
8 them for investigation by the chief parole officer
9 or by any court to which they may be assigned or by
10 the director of a *judicial district department of*
11 *correctional services.* They shall furnish to each
12 person released under their supervision a written
13 statement of conditions. They shall keep informed
14 of each person's conduct and condition and shall use
15 all suitable methods to aid and encourage [him or her]
16 the person to bring about improvement in his or her
17 conduct or condition. Parole *officers* and probation
18 *officers* shall keep records of their work, shall make
19 reports as required by the court, and shall perform
20 other such duties as may be assigned to them by the
21 chief parole officer or the court or the director
22 of a *judicial district department of correctional*
23 *services.* They shall coordinate their work with that
24 of other social welfare agencies which offer services
25 of a corrective nature operating in the area to which
26 they are assigned.

27 Sec. ____ . Chapter one thousand two hundred forty-
28 five (1245), Acts of the Sixty-sixth General Assembly,
29 1976 Session, chapter three (3), section seven hundred
30 one (701), is amended to read as follows:

31 SECTION 701. NEW SECTION. PROBATION. Probation
32 is the procedure under which a defendant, against whom
33 a judgment of conviction of a public offense may be
34 entered, is released by the court subject to
35 supervision by [probation and parole] *a resident of*
36 *this state or by the judicial district department*
37 *of correctional services.*

38 Sec. ____ . Chapter one thousand two hundred forty-

39 five (1245), Acts of the Sixty-sixth General Assembly,
 40 1976 Session, chapter three (3), section seven hundred
 41 two (702), subsection one (1), unnumbered paragraph
 42 one (1) and subsection two (2), are amended to read
 43 as follows:

44 With the consent of the defendant, the court may
 45 defer judgment and place the defendant on probation
 46 upon such conditions as it may require, or defer
 47 sentence and [place] assign the defendant [as provided
 48 in section seven hundred nine (709) of this division]
 49 to the judicial district department of correctional
 50 services. Upon a showing that such person is not

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1 cooperating with the program or is not responding
 2 to it, the court may withdraw the person from the
 3 program and impose any sentence authorized by law.
 4 Before taking such action, the court shall give the
 5 person an opportunity to be heard on any matter
 6 relevant to the proposed action. Upon fulfillment
 7 of the conditions of probation, the defendant shall
 8 be discharged without entry of judgment. Upon
 9 violation of the conditions of probation, the court
 10 may proceed as provided in division eight (VIII) of
 11 this chapter.

12 2. By record entry at the time of or after
 13 sentencing, the court may suspend the sentence and
 14 place the defendant on probation upon such terms and
 15 conditions as it may require including commitment
 16 to an alternate jail facility or a community
 17 correctional residential treatment facility for a
 18 specific number of days to be followed by a term of
 19 probation as specified in section seven hundred six
 20 (706) of this chapter. A person so committed who
 21 has probation revoked shall be given credit for such
 22 time served.

23 Sec.— . Chapter one thousand two hundred forty-
 24 five (1245), Acts of the Sixty-sixth General Assembly,
 25 1976 Session, chapter three (3), section seven hundred
 26 six (706), unnumbered paragraph two (2), is amended
 27 to read as follows:

28 [If the person is ordered placed under the custody,
 29 care and supervision of the probation and parole
 30 service, the term of probation shall be determined
 31 by the board of parole and the probation of the
 32 defendant shall be supervised by the probation and
 33 parole service.] The length of the probation shall
 34 not be less than one year and shall not be less than

two years if the offense is a felony. However, the
 court may subsequently reduce the length of the
 probation if the court determines that the purposes
 of probation have been fulfilled [, as provided in
 section seven hundred eight (708) of this division].
 The purposes of probation are to provide maximum
 opportunity for the rehabilitation of the defendant
 and to protect the community from further offenses
 by the defendant and others.

Sec.— . Chapter one thousand two hundred forty-
 five (1245), Acts of the Sixty-sixth General Assembly,
 1976 Session, chapter three (3), section seven hundred
 seven (707), is amended to read as follows:

SEC. 707. NEW SECTION. SUPERVISION DURING
 PROBATIONARY PERIOD. A person released on probation
 shall be assigned to a [parole] probation officer.

Page 7

1 Both the person and his or her [parole] probation officer
 2 shall be furnished with the conditions of the person's
 3 probation and the regulations which the person will
 4 be required to observe, in writing. The [parole]
 5 probation officer shall explain these conditions and
 6 regulations to the person, and shall supervise, assist,
 7 and counsel the person during the term of his or her
 8 probation.

When probation is granted, the court shall order
 said person committed to the custody, care, and
 supervision:

1. Of any suitable resident of this state; or
2. Of [any local agency established under chapter
 two hundred seventeen (217) of the Code; or] the
 judicial district department of correctional services.
3. Of the probation and parole service. The chief
 parole officer may also accept the custody, care and
 supervision of any person granted probation or parole
 from a sentence to a term in a county jail.]

Jurisdiction of these persons shall remain with the
 sentencing court. [The chief parole officer shall
 not, however, accept the custody, care and supervision
 of any person who in the chief probation officer's
 judgment could not be properly supervised.]

In each case wherein the court shall order said
 person committed to the custody, care, and supervision
 of the [probation and parole service] judicial district
 department of correctional services, the clerk of
 the district shall at once furnish the [chief parole
 officer] director of the judicial district department

31 of correctional services with certified copies of
 32 the indictment or information, the minutes of testimony
 33 attached thereto, the judgment entry if judgment is
 34 not deferred, and the original mittimus. The county
 35 attorney shall at once advise the [chief parole officer]
 36 director, by letter, that the defendant has been
 37 placed under the supervision of the [probation and
 38 parole service] *judicial district department of*
 39 *correctional services* and give [to the chief parole
 40 officer] *him or her* a detailed statement of the facts
 41 and circumstances surrounding the crime committed
 42 and the record and history of the defendant as may
 43 be known to the county attorney. If the defendant
 44 is confined in the county jail at the time of sentence,
 45 the court may order the defendant held until
 46 arrangements are made by the [probation and parole
 47 service] *judicial district department of correctional*
 48 *services* for the defendant's employment and he or
 49 she has signed the necessary probation papers. If
 50 the defendant is not confined in the county jail at

Page 8

1 the time of sentence, the court may order the defendant
 2 to remain in the county wherein the defendant has
 3 been convicted and sentenced and report to the sheriff
 4 as to his or her whereabouts.

5 Sec. — . Chapter one thousand two hundred forty-
 6 five (1245), Acts of the Sixty-sixth General Assembly,
 7 1976 Session, chapter three (3), section seven hundred
 8 ten (710), is amended to read as follows:

9 SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION

10 When the court has determined that any person ordered
 11 to participate in a locally administered correctional
 12 program, pursuant to section seven hundred two (702),
 13 subsection one (1) of this division, has successfully
 14 completed such program, the court shall order such
 15 person to be released on probation. [The provisions
 16 of sections six hundred three (603) through six hundred
 17 eight (608), inclusive, of this chapter, shall apply
 18 to such release.]

19 Sec. — . Chapter one thousand two hundred forty-
 20 five (1245), Acts of the Sixty-sixth General Assembly,
 21 1976 Session, chapter three (3), section eight hundred
 22 ten (810), is amended to read as follows:

23 SEC. 810. NEW SECTION. VIOLATION OF PROBATION.

24 A [parole] *probation* officer or [other agency charged
 25 with the supervision of a probationer as authorized
 26 by sections one hundred seven (107) and five hundred
 27 one (501) of this chapter] *the judicial district*

department of correctional services having probable
 cause to believe that any person released on probation
 has violated the conditions of his or her probation
 shall proceed by arrest or summons as in the case
 of a parole violation. The functions of the magistrate
 and the board of parole shall be performed by the
 judge or magistrate who would have had jurisdiction
 to try the original offense. Where the [parole]
 probation officer proceeds by arrest, any magistrate
 may receive the complaint, issue an arrest warrant,
 or conduct the initial appearance, probable cause
 hearing, and probation revocation hearing, or any
 of them, may at the discretion of the court be merged
 into a single hearing, when it appears that the alleged
 violator will not be prejudiced thereby. If the
 violation is established, the court may continue the
 probation with or without an alteration of the
 conditions of probation, or may revoke the probation
 and may require the defendant to serve the sentence
 imposed, or any lesser sentence, and, if imposition
 of sentence was deferred, may impose any sentence
 which might originally have been imposed.

Sec. — . Chapter one thousand two hundred forty-

Page 9

Sec (1245), Acts of the Sixty-sixth General Assembly,
 1976 Session, chapter three (3), sections five hundred
 four (504) and seven hundred nine (709) are repealed."

12. Page 8, by inserting after line 17 the
 following section:

"Sec. — . Item twelve (12) of this amendment
 is effective on the date set forth in chapter one
 thousand two hundred forty-five (1245), Acts of the
 Sixty-sixth General Assembly, 1976 Session, chapter
 four (4), section five hundred twenty-nine (529)."

14. Page 8, by inserting after line 17 the
 following:

"Sec. 13. Section nineteen A point three (19A.3),
 subsection eight (8), Code 1977, is amended to read
 as follows:

A. Patients or inmates employed in state
 institutions or persons on parole employed in work
 experience positions in state government for a period
 of time not to exceed one year.

Sec. 14. In addition to funds appropriated for
 the Riverview release center at Newton by House File
 four hundred sixty-four (464), as approved by the
 Sixty-seventh General Assembly, 1977 Session, there
 is appropriated to the department of social services

25 for the Riverview release center at Newton, for the
 26 fiscal year beginning July 1, 1977 and ending June
 27 30, 1978, the sum of one hundred fifty thousand
 28 (150,000) dollars, or so much thereof as is necessary.
 29 Funds appropriated by this section shall be available
 30 to the division of adult corrections for the purpose
 31 of establishing work adjustment and training positions
 32 for inmates housed at the Riverview release center
 33 at Newton in order to prepare the inmates vocationally
 34 for similar positions for a period not exceeding one
 35 year in the department of transportation and other
 36 state agencies. *This pilot project shall be known*
 37 *as the inmate employment program.*

38 The division of adult corrections shall evaluate
 39 the program established by this section and report
 40 to the house and senate committees on budget prior
 41 to February 28, 1978 as to progress of the program
 42 and recommendations in regard to it."

43 15. Page 8, by inserting before line 18 the
 44 following:

45 "Sec. ____ . Section two hundred forty-seven A point
 46 two (247A.2), Code 1977, is amended to read as follows:
 47 247A.2 PROGRAM. The department of social services
 48 shall establish a work release program under which
 49 inmates sentenced to an institution under the
 50 jurisdiction of the department may be granted the

Page 10

1 privilege of leaving actual confinement during
 2 necessary and reasonable hours for the purpose of
 3 working at gainful employment [in this state.] Under
 4 appropriate conditions the program may also include
 5 release for the purpose of seeking employment and
 6 attendance at an educational institution. In the
 7 case of inmates who have children in their homes under
 8 the age of eighteen years, the program may include
 9 child care and housekeeping in their homes."

10 16. Page 8, by inserting before line 18 the follow-
 11 ing:

12 "Sec. ____ . Chapter eighty-five (85), Code 1977,
 13 is amended by adding the following new section:

14 **NEW SECTION. INMATES OF STATE PENAL OR CORREC-**
 15 **TIONAL FACILITIES.** The department of social services
 16 may elect to include as an employee for purposes of
 17 this chapter any person confined as an inmate at the
 18 riverview release center and who is participating
 19 in the inmate employment program. If an inmate in
 20 the performance of work sustains an injury arising
 21 out of and in the course of the work, the inmate shall

be awarded and paid compensation at the rates provided
 in this chapter. If death results from such injury,
 death benefits shall be awarded and paid to the
 dependents of the inmate. If any such person is
 awarded weekly compensation under the provisions of
 this section and is still committed to a penal
 institution, the person's compensation benefits under
 section eighty-five point thirty-three (85.33) of
 the Code or section eighty-five point thirty four
 (85.34), subsection one (1), of the Code shall be
 paid to the department and held in trust for the
 inmate for so long as the inmate shall remain so
 committed. However, the department shall deduct from
 the benefits awarded the cost of maintaining the
 inmate not to exceed the level the inmate was paying
 under the inmate employment program. Weekly
 compensation benefits awarded pursuant to section
 eighty-five point thirty-four (85.34), subsection
 two (2), of the Code shall be held in trust and paid
 to such person as provided in this chapter upon final
 discharge or parole, whichever occurs first. In the
 event such person is recommitted to a penal institution
 prior to receiving in full weekly benefits pursuant
 to section eighty-five point thirty-three (85.33)
 of the Code or section eighty-five point thirty-four
 (85.34), subsection one (1), of the Code such benefits
 shall again be paid to the department for so long
 as the person shall remain so recommitted. Also,
 weekly benefits under section eighty-five point thirty-

four (85.34), subsection two (2), of the Code shall
 be suspended and again held in trust until such person
 is again released by final discharge or parole,
 whichever first occurs. However, the industrial
 commissioner may, if the industrial commissioner finds
 that dependents of the person awarded weekly
 compensation pursuant to section eighty-five point
 thirty-three (85.33) of the Code or section eighty-
 five point thirty-four (85.34), subsections one (1),
 and two (2), of the Code would require welfare aid
 as a result of terminating the compensation, order
 such weekly compensation to be paid to a responsible
 person for the use of dependents.
 For the purposes of this section:
 1. "Department" means the department of social
 services.
 2. "Penal institution" means any reformatory,
 state penitentiary, release center, or other state

40 SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION.

41 When the court has determined that any person ordered
42 to participate in a locally administered correctional
43 program, pursuant to section seven hundred two (702),
44 subsection one (1) of this division, has successfully
45 completed such program, the court shall order such
46 person to be released on probation. The provisions
47 of sections six hundred three (603) through six hundred
48 eight (608), inclusive, of this chapter, shall apply
49 to such release.

50 Sec. Chapter one thousand two hundred forty—

Page 6

1 five (1245), Acts of the Sixty—sixth General Assembly, -
2 1976 Session, chapter three (3), section eight hundred
3 ten (810), is amended to read as follows:

4 SEC. 810. NEW SECTION. VIOLATION OF PROBATION.

5 A parole probation officer or other agency charged
6 with the supervision of a probationer as authorized
7 by sections one hundred seven (107) and five hundred
8 one (501) of this chapter the judicial district
9 department of correctional services having probable
10 cause to believe that any person released on probation
11 has violated the conditions of his or her probation
12 shall proceed by arrest or summons as in the case
13 of a parole violation. The functions of the magistrate
14 and the board of parole shall be performed by the
15 judge or magistrate who would have had jurisdiction
16 to try the original offense. Where the parole-
17 probation officer proceeds by arrest, any magistrate
18 may receive the complaint, issue an arrest warrant,
19 or conduct the initial appearance, probable cause
20 hearing, and probation revocation hearing, or any
21 of them, may at the discretion of the court be merged
22 into a single hearing, when it appears that the alleged
23 violator will not be prejudiced thereby. If the
24 violation is established, the court may continue the
25 probation with or without an alteration of the
26 conditions of probation, or may revoke the probation
27 and may require the defendant to serve the sentence
28 imposed, or any lesser sentence, and, if imposition
29 of sentence was deferred, may impose any sentence
30 which might originally have been imposed.

31 Sec. Chapter one thousand two hundred forty—
32 five (1245), Acts of the Sixty—sixth General Assembly,
33 1976 Session, chapter three (3), sections five hundred
34 four (504) and seven hundred nine (709) are repealed.”

35 4. Page 8, by inserting after line 17 the following

36 section:

37 “Sec. . Item three (3) of this amendment is
38 effective on the date set forth in chapter one thousand
39 two hundred forty—five (1245), Acts of the Sixty—sixth
40 General Assembly, 1976 Session, chapter four (4),
41 section five hundred twenty—nine (529).”

42 5. Page 8, line 19, by striking the word “This”
43 and inserting in lieu thereof the words “Unless
44 otherwise specifically provided, this”.

45 6. Page 9, by inserting after line 3 the following
46 section:

47 “Sec. . This Act shall be codified within the
48 Iowa Corrections Code.”

49 7. By renumbering sections and correcting internal
50 references as necessary.

Amendment H—4281 was adopted.

Garrison of Black Hawk moved that the bill be read a last time
now and placed upon its passage which motion prevailed and the
bill was read a last time.

On the question “Shall the bill pass?” (S.F. 112)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bra	Binneboese	Brandt	Branstad
Brown	Byerly	Clark, J.H.	Conlon
Cobb	Crawford	Cusack	Daggett
Conner	Den Herder	Dieleman	Doyle
Denton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilman	Griffie	Halvorson	Hansen
Harbo	Harvey	Higgins	Hines
Hoffmann	Horn	Howell	Hullinger
Hunk	Jesse	Jochum	Junker
Kane	Krewson	Lageschulte	Lipsky
Leurgan	Menke	Millen	Miller, K.D.
Miller, O.L.	Monroe	Newhard	Nielsen
Mohead	O'Halloran	Oxley	Patchett
Patch	Pellett	Pelton	Perkins
Perry	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spr	Stromer	Svoboda	Thompson
Vady	Walter	Welden	Wells
West	Wulff	Wyckoff	Mr. Speaker

and inserting in lieu thereof the following:
"roads and secondary access roads."

WELDEN of Hardin
VARLEY of Adair

Amend Senate File 213, as amended, passed, and reprinted by the Senate, page 3, line 30, by striking the words "from Polk county" and inserting in lieu thereof the words "~~from Polk county~~ whose home residences are located within twenty-five miles of the hatchhouse by the nearest traveled route".

SPEAR of Lee

Amend Senate File 145, as passed by the Senate and reprinted, as follows:

Page 1, line 16, by inserting after the word "the" the words "comparative values of the"

Page 1, line 23, by inserting after the word "the" the words "comparative values of the".

MONROE of Des Moines

4047

Amend the Committee on Human Resources amendment 642 to Senate File 112 as follows:

Page 1, by striking lines 5 through 10 and inserting in lieu thereof the following:

"Local program unit" means a unit of the district department serving a multi-county geographic area.

"Local program unit advisory committee" means committee which shall act in an advisory capacity.

Page 1, line 13, by striking the word "project" and inserting in lieu thereof the words "local program unit".

Page 1, line 14, by striking the word "project" and inserting in lieu thereof the words "local program unit".

Page 1, line 15, by striking the word "project" and inserting in lieu thereof the words "local program unit".

- 19 5. Page 1, line 17, by striking the word "project"
20 and inserting in lieu thereof the words "local program
21 unit".
- 22 6. Page 1, line 20, by striking the word "project"
23 and inserting in lieu thereof the words "local program
24 unit".
- 25 7. Page 1, line 24, by striking the word "project"
26 and inserting in lieu thereof the words "local program
27 unit".
- 28 8. Page 1, line 25, by striking the word "project"
29 and inserting in lieu thereof the words "local program
30 unit".
- 31 9. Page 1, line 26, by inserting after the period
32 the words "In each judicial district there shall be
33 at least one and no more than four local program unit
34 advisory committees. The number of local program
35 unit advisory committees shall be determined by the
36 number of local program units necessary to provide
37 optimum services by the district department on a
38 geographic basis."
- 39 10. Page 1, line 40, by striking the word "project"
40 and inserting in lieu thereof the words "local program
41 unit".
- 42 11. Page 1, line 42, by striking the word "project"
43 and inserting in lieu thereof the words "local program
44 unit".
- 45 12. Page 1, by striking lines 44 through 48.
- 46 13. Page 2, by striking lines 17 and 18 and insert-
47 ing in lieu thereof the words "possible among
48 supervisor members and local program unit advisory
49 committee members."
- 50 14. Page 2, by striking lines 43 and 44 and insert-

Page 2

- 1 ing in lieu thereof the words "appointed from a local
2 program unit advisory committee shall have a weight
3 of".

Withdrawn 5/19 (p-2414)

GARRISON of Black Hawk
MILLER of Buchanan
BAKER of Buena Vista

H-4050

- 1 Amend Senate File 167 as follows:
2 1. Page 27, by inserting after line 15 the
3 following:
4 "Sec. . Section three hundred twenty-one point

49 specific number of days to be followed by a term of
50 probation as specified in section seven hundred six

Page 4

1 (706) of this chapter. A person so committed who
2 has probation revoked shall be given credit for such
3 time served.

4 Sec. Chapter one thousand two hundred forty
5 five (1245), Acts of the Sixty-sixth General Assembly,
6 1976 Session, chapter three (3), section seven hundred
7 six (706), unnumbered paragraph two (2), is amended
8 to read as follows:

9 ~~If the person is ordered placed under the custody,~~
10 ~~care and supervision of the probation and parole~~
11 ~~service, the term of probation shall be determined~~
12 ~~by the board of parole and the probation of the~~
13 ~~defendant shall be supervised by the probation and~~
14 ~~parole service. The length of the probation shall~~
15 ~~not be less than one year and shall not be less than~~
16 ~~two years if the offense is a felony. However, the~~
17 ~~court may subsequently reduce the length of the~~
18 ~~probation if the court determines that the purposes~~
19 ~~of probation have been fulfilled; as provided in~~
20 ~~section seven hundred eight (708) of this division:~~
21 The purposes of probation are to provide maximum
22 opportunity for the rehabilitation of the defendant
23 and to protect the community from further offenses
24 by the defendant and others.

25 Sec. Chapter one thousand two hundred forty-
26 five (1245), Acts of the Sixty-sixth General Assembly,
27 1976 Session, chapter three (3), section seven hundred
28 seven (707), is amended to read as follows:

29 SEC. 707. NEW SECTION. SUPERVISION DURING
30 PROBATIONARY PERIOD. A person released on probation
31 shall be assigned to a parole probation officer.
32 Both the person and his or her parole probation officer
33 shall be furnished with the conditions of the person's
34 probation and the regulations which the person will
35 be required to observe, in writing. The parole
36 probation officer shall explain these conditions and
37 regulations to the person, and shall supervise, assist,
38 and counsel the person during the term of his or her
39 probation.

40 When probation is granted, the court shall order
41 said person committed to the custody, care, and
42 supervision:

- 43 1. Of any suitable resident of this state; or
- 44 2. Of any local agency established under chapter-

45 ~~two hundred seventeen (217) of the Code; or the~~
46 ~~judicial district department of correctional services.~~
47 ~~3. Of the probation and parole service. The chief~~
48 ~~parole officer may also accept the custody, care and~~
49 ~~supervision of any person granted probation or parole~~
50 ~~from a sentence to a term in a county jail.~~

Page 5

1 Jurisdiction of these persons shall remain with the
2 sentencing court. ~~The chief parole officer shall~~
3 ~~not, however, accept the custody, care and supervision~~
4 ~~of any person who in the chief probation officer's~~
5 ~~judgment could not be properly supervised.~~
6 In each case wherein the court shall order said
7 person committed to the custody, care, and supervision
8 of the probation and parole service judicial district
9 department of correctional services, the clerk of
10 the district shall at once furnish the ~~chief parole~~
11 ~~officer~~ director of the judicial district department
12 of correctional services with certified copies of
13 the indictment or information, the minutes of testimony
14 attached thereto, the judgment entry if judgment is
15 not deferred, and the original mittimus. The county
16 attorney shall at once advise the ~~chief parole officer~~
17 ~~director~~, by letter, that the defendant has been
18 placed under the supervision of the probation and
19 parole service judicial district department of
20 correctional services and give ~~to the chief parole~~
21 ~~officer~~ him or her a detailed statement of the facts
22 and circumstances surrounding the crime committed
23 and the record and history of the defendant as may
24 be known to the county attorney. If the defendant
25 is confined in the county jail at the time of sentence,
26 the court may order the defendant held until
27 arrangements are made by the probation and parole
28 service judicial district department of correctional
29 services for the defendant's employment and he or
30 she has signed the necessary probation papers. If
31 the defendant is not confined in the county jail at
32 the time of sentence, the court may order the defendant
33 to remain in the county wherein the defendant has
34 been convicted and sentenced and report to the sheriff
35 as to his or her whereabouts.

36 Sec. Chapter one thousand two hundred forty-
37 five (1245), Acts of the Sixty-sixth General Assembly,
38 1976 Session, chapter three (3), section seven hundred
39 ten (710), is amended to read as follows:

2 is not a felony, the court may, in its discretion,
3 order that a presentence investigation be made whenever
4 the maximum period of confinement which may be imposed
5 is in excess of thirty days.

6 The court may withhold execution of any judgment
7 or sentence for such time as shall be reasonably
8 necessary for an investigation with respect to
9 deferment of judgment or suspension of sentence and
10 probation. The investigation shall be made by the
11 ~~probation and parole service, or by another appropriate~~
12 ~~agency as determined by the court~~ judicial district
13 department of correctional services.

14 Sec. Chapter one thousand two hundred forty-
15 five (1245), Acts of the Sixty-sixth General Assembly,
16 1976 Session, chapter three (3), section five hundred
17 one (501), is amended to read as follows:

18 SECTION 501. NEW SECTION. PROBATION AND PAROLE-
19 SERVICE. Pursuant to designation by the court, parole
20 and probation services shall be provided by the
21 ~~department of social services or by a local agency--~~
22 ~~established under chapter two hundred seventeen (217)~~
23 ~~of the Code~~ the judicial district department of
24 correctional services. Parole and probation Probation
25 officers shall perform the duties assigned to them
26 by law and by the director of the ~~agency by which~~
27 ~~they are employed~~ judicial district department of
28 correctional services.

29 Sec. Chapter one thousand two hundred forty-
30 five (1245), Acts of the Sixty-sixth General Assembly,
31 1976 Session, chapter three (3), section five hundred
32 two (502), is amended to read as follows:

33 SEC. 502. NEW SECTION. PAROLE OFFICERS AND
34 PROBATION OFFICERS. Parole officers and probation
35 officers, while performing their duties as such, are
36 peace officers and have all the powers and authority
37 of peace officers. Parole officers and probation
38 officers shall investigate all persons referred to
39 them for investigation by the chief parole officer
40 or by any court to which they may be assigned or by
41 the director of a judicial district department of
42 correctional services. They shall furnish to each
43 person released under their supervision a written
44 statement of conditions. They shall keep informed
45 of each person's conduct and condition and shall use
46 all suitable methods to aid and encourage ~~him or her~~
47 the person to bring about improvement in his or her
48 conduct or condition. Parole officers and probation
49 officers shall keep records of their work, shall make
50 reports as required by the court, and shall perform

Page 3

1 other such duties as may be assigned to them by the
2 chief parole officer or the court or the director
3 of a judicial district department of correctional
4 services. They shall coordinate their work with that
5 of other social welfare agencies which offer services.
6 of a corrective nature operating in the area to which
7 they are assigned.

8 Sec. Chapter one thousand two hundred forty-
9 five (1245), Acts of the Sixty-sixth General Assembly,
10 1976 Session, chapter three (3), section seven hundred
11 one (701), is amended to read as follows:

12 SECTION 701. NEW SECTION. PROBATION. Probation
13 is the procedure under which a defendant, against whom
14 a judgement of conviction of a public offense may be
15 entered, is released by the court subject to
16 supervision by ~~probation and parole a resident of~~
17 this state or by the judicial district department
18 of correctional services.

19 Sec. Chapter one thousand two hundred forty-
20 five (1245), Acts of the Sixty-sixth General Assembly,
21 1976 Session, chapter three (3), section seven hundred
22 two (702), subsection one (1), unnumbered paragraph
23 one (1) and subsection two (2), are amended to read
24 as follows:

25 With the consent of the defendant, the court may
26 defer judgment and place the defendant on probation
27 upon such conditions as it may require, or defer
28 sentence and ~~place assign~~ the defendant as provided
29 ~~in section seven hundred nine (700), of this division~~
30 to the judicial district department of correctional
31 services. Upon a showing that such person is not
32 cooperating with the program or is not responding
33 to it, the court may withdraw the person from the
34 program and impose any sentence authorized by law.
35 Before taking such action, the court shall give the
36 person an opportunity to be heard on any matter
37 relevant to the proposed action. Upon fulfillment
38 of the conditions of probation, the defendant shall
39 be discharged without entry of judgment. Upon
40 violation of the conditions of probation, the court
41 may proceed as provided in division eight (VIII) of
42 this chapter.

43 2. By record entry at the time of or after
44 sentencing, the court may suspend the sentence and
45 place the defendant on probation upon such terms and
46 conditions as it may require including commitment
47 to an alternate jail facility or a community
48 correctional residential treatment facility for a

Pavich	Pellett	Pelton
Rinas	Schneklath	Schroeder
Spear	Spencer	Stephens
Svoboda	Tauke	Tofte
Walter	Wells	West
Wulff	Wyckoff	Mr. Speaker

The nays were, 9:

Conlon	Daggett	Howell	Poncy
Scheelhaase	Small	Smalley	Thompson
Welden			

Absent or not voting, 7:

Chiodo	Connors	Egenes	Monroe
Newhard	Norland	Patchett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

The House resumed consideration of Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Jesse of Polk offered the following amendment H-4281 filed by him and Gentleman of Polk from the floor and moved its adoption:

H-4281

1 Amend Senate File 112, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 11, by striking the words "or
4 parole".

5 2. Page 7, by inserting after line 30 the following
6 sections:
7 "Sec. . . Section two hundred forty-seven point
8 twenty-four (247.24), Code 1977, is amended to read
9 as follows:
10 247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE
11 OFFICER-OFFICERS. Any agent or investigator appointed
12 or employed by the chief parole agent or by the
13 director of a judicial district department of
14 correctional services for the purpose of making
15 investigations and of apprehending and returning
16 persons granted a parole or probation under the
17 jurisdiction of the chief parole agent or of the
18 director of a judicial district department of
19 correctional services to any institution, shall, while
20 engaged in such duty or work, have all the powers
21 of peace officers.

22 Sec. . . Section seven hundred eighty-nine A
23 point one (789A.1), subsection two (2), Code 1977,
24 is amended to read as follows:

25 2. By record entry at time of or after sentencing,
26 the court may suspend the sentence and place the
27 defendant on probation upon such terms and conditions
28 as it may require including commitment to an alternate
29 jail facility or a community correctional residential
30 treatment facility for a specific number of days to
31 be followed by a term of probation as specified in
32 section seven hundred eighty-nine A point two (789A.2)
33 of the Code. A person so committed who has probation
34 revoked shall be given credit for such time served."

35 3. Page 7, by inserting before line 31 the
36 following sections:

37 "Sec. . . Chapter one thousand two hundred forty-
38 five (1245), Acts of the Sixty-sixth General Assembly,
39 1976 Session, chapter three (3), section one hundred
40 two (102), is amended to read as follows:
41 SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION.
42 Upon a plea of guilty, a verdict of guilty, or a
43 special verdict upon which a judgment of conviction
44 of any public offense may be rendered, the court shall
45 receive from the state, from the judicial district
46 department of correctional services, and from the
47 defendant any information which may be offered which
48 is relevant to the question of sentencing. The court
49 may consider information from other sources, and,
50 if the offense is a felony, shall order that a

Page 2

1 presentence investigation be made. If the offense

38 eighty-five point thirty-four (85.34), subsection
 39 two (2), of the Code shall be held in trust and paid
 40 to such person as provided in this chapter upon final
 41 discharge or parole, whichever occurs first. In the
 42 event such person is recommitted to a penal institution
 43 prior to receiving in full weekly benefits pursuant
 44 to section eighty-five point thirty-three (85.33)
 45 of the Code or section eighty-five point thirty-four
 46 (85.34), subsection one (1), of the Code such benefits
 47 shall again be paid to the department for so long
 48 as the person shall remain so recommitted. Also,
 49 weekly benefits under section eighty-five point thirty-
 50 four (85.34), subsection two (2), of the Code shall

Page 2

1 be suspended and again held in trust until such person
 2 is again released by final discharge or parole,
 3 whichever first occurs. However, the industrial
 4 commissioner may, if the industrial commissioner finds
 5 that dependents of the person awarded weekly
 6 compensation pursuant to section eighty-five point
 7 thirty-three (85.33) of the Code or section eighty-
 8 five point thirty-four (85.34), subsections one (1)
 9 and two (2), of the Code would require welfare aid
 10 as a result of terminating the compensation, order
 11 such weekly compensation to be paid to a responsible
 12 person for the use of dependents.
 13 For the purposes of this section:
 14 1. "Department" means the department of social
 15 services.
 16 2. "Penal institution" means any reformatory,
 17 state penitentiary, release center, or other state
 18 penal or correctional institution." "
 19 3. By renumbering the amendments as required.

Amendment H-4278 was adopted.

On motion by Brunow of Appanoose, amendment H-4230, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H-4265 filed by him:

H-4265

1 Amend Senate File 112 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 8, by inserting before line 18 the
 4 following:

Sec. . Section two hundred forty-seven A point
 two (247A.2), Code 1977, is amended to read as follows:
 247A.2 PROGRAM. The department of social services
 shall establish a work release program under which
 inmates sentenced to an institution under the
 jurisdiction of the department may be granted the
 privilege of leaving actual confinement during
 necessary and reasonable hours for the purpose of
 working at gainful employment in this state. Under
 appropriate conditions the program may also include
 release for the purpose of seeking employment and
 attendance at an educational institution. In the
 case of inmates who have children in their homes under
 the age of eighteen years, the program may include
 child care and housekeeping in their homes."
 2. Title page, line 4, by inserting after the
 word "programs," the words "extending the work release
 program,".

1. Renumber sections as required.

Miss of Story rose on a point of order that amendment
 H-4265 was not germane.

The Speaker ruled the point not well taken and amendment
 H-4265 germane.

On motion by Schroeder of Pottawattamie, amendment
 H-4265 was adopted.

Mr. Simon of Black Hawk asked and received unanimous consent
 that action on Senate File 112 be deferred.

MOTION TO RECONSIDER PREVAILED

(Conference Committee Report to Senate File 162)

Schroeder of Pottawattamie called up for consideration the
 motion to reconsider Senate File 162, filed on May 18, 1977, and
 asked to reconsider the vote by which the conference committee
 acted on Senate File 162, a bill for an act making an
 appropriation to the judicial department, failed to be adopted by
 the House on May 18, 1977.

Mr. Simon—record roll call was requested.

Brunow of Appanoose offered amendment H-4230 filed by the committee on budget on May 17, 1977 and found on pages 2355 and 2356 of the House Journal.

Brunow of Appanoose offered the following amendment H-4278, to the committee amendment H-4230, filed by him and Hansen of O'Brien from the floor and moved its adoption:

H-4278

1 Amend the amendment, H-4230, to Senate File 112
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 28, by inserting after the period
5 the words "This pilot project shall be known as the
6 inmate employment program."

7 2. Page 1, by inserting after line 33 the following
8 new section:

9 "2. Page 8, by inserting before line 18 the follow-
10 ing:

11 "Sec. . Chapter eighty-five (85), Code 1977,
12 is amended by adding the following new section:

13 **NEW SECTION. INMATES OF STATE PENAL OR CORREC-**
14 **TIONAL FACILITIES.** The department of social services

15 may elect to include as an employee for purposes of

16 this chapter any person confined as an inmate at the

17 riverview release center and who is participating

18 in the inmate employment program. If an inmate in

19 the performance of work sustains an injury arising

20 out of and in the course of the work, the inmate shall

21 be awarded and paid compensation at the rates provided

22 in this chapter. If death results from such injury,

23 death benefits shall be awarded and paid to the

24 dependents of the inmate. If any such person is

25 awarded weekly compensation under the provisions of

26 this section and is still committed to a penal

27 institution, the person's compensation benefits under

28 section eighty-five point thirty-three (85.33) of

29 the Code or section eighty-five point thirty-four

30 (85.34), subsection one (1), of the Code shall be

31 paid to the department and held in trust for the

32 inmate for so long as the inmate shall remain so

33 committed. However, the department shall deduct from

34 the benefits awarded the cost of maintaining the

35 inmate not to exceed the level the inmate was paying

36 under the inmate employment program. Weekly

37 compensation benefits awarded pursuant to section

absent or Not Voting: Avenson, Koogler and Welden.

Senate File 112, a bill for an act requiring that each judicial district in this State develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Recommended AMEND AND DO PASS.

4230

Amend Senate File 112 as amended, passed, and reprinted by the Senate as follows:

1. Page 8, by inserting after line 17 the following:

"Sec. 13. Section nineteen A point three (19A.3), subsection eight (8), Code 1977, is amended to read as follows:

8. Patients or inmates employed in state institutions or persons on parole employed in work experience positions in state government for a period of time not to exceed one year.

Sec. 14. In addition to funds appropriated for the Riverview release center at Newton by House File four hundred sixty-four (464), as approved by the Sixty-seventh General Assembly, 1977 Session, there is appropriated to the department of social services for the Riverview release center at Newton, for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary. Funds appropriated by this section shall be available to the division of adult corrections for the purpose of establishing work adjustment and training positions for inmates housed at the Riverview release center at Newton in order to prepare the inmates vocationally for similar positions for a period not exceeding one year in the department of transportation and other state agencies.

The division of adult corrections shall evaluate the program established by this section and report to the house and senate committees on budget prior to February 28, 1978 as to progress of the program and recommendations in regard to it."

2. Title page, line 1, by inserting after the word "Act" the words "relating to correction programs by providing work adjustments and training positions

at the Riverview release center and".

3. Renumber sections as required by this amendment

H-4230 FILED May 17, 1977

COMMITTEE ON BUDGET

Amended by 4278 v
Accepted 5/19 (p. 2416)

26 of the district department for travel and other
27 expenses necessarily incurred in attending meetings
28 of those bodies, or while otherwise engaged on business
29 of the district department.

30 4. Each member of the district board shall have
31 one vote on the board. However, upon the request
32 of any supervisory member, the vote on any matter
33 before the board shall be taken by weighted vote.
34 In each such case, the vote of the supervisor
35 representative of the least populous county in the
36 judicial district shall have a weight of one unit,
37 and the vote of each of the other supervisor members
38 shall have a weight which bears the same proportion
39 to one unit as the population of the county that
40 supervisor member represents bears to the population
41 of the least populous county in the district. In
42 the event of weighted vote, the vote of each member
43 appointed from a project advisory committee and each
44 judicially appointed member shall have a weight of
45 one unit."

46 4. Page 3, by striking line 1.

47 5. Page 3, line 12, by inserting after the period
48 the words "For purposes of collective bargaining under
49 chapter twenty (20) of the Code, employees of the
50 district board who are not exempt from chapter twenty

Page 3

1 (20) of the Code shall be employees of the state,
2 and the employees of all of the district boards shall
3 be included within one collective bargaining unit."

4 6. Page 3, line 18, by striking the words
5 "reimbursement of" and inserting in lieu thereof the
6 words "advancement of funds to".

7 7. Page 4, line 13, by inserting after the word
8 "acceptable," the words "and with approval of the
9 director of the division of adult corrections of the
10 department of social services or that director's
11 designee".

12 8. Page 4, line 35, by inserting after the period
13 the words "Funds appropriated pursuant to the budget
14 requests of the respective district departments shall
15 be allocated on a quarterly basis, and the state
16 comptroller shall authorize advancement of the funds
17 so allocated to each district department's
18 administrative agent at the beginning of each fiscal
19 quarter."

20 9. Page 5, lines 1 and 2, by striking the words
21 "included but not limited to" and inserting in lieu
22 thereof the words "other than".

H-3642 FILED
APRIL 19, 1977

Adopted 5/19 (p. 2414)

COMMITTEE ON HUMAN RESOURCES

included but not limited to" and inserting in lieu
thereof the words "other than".

Aye: Higgins, Crawford, Baker, Brunow, Clark of
Gentleman, Hansen, Krewson, Lipsky, Schr

Nay: Anderson and Lonergan.

Absent or Not Voting: Walter, Cusack, Hargrave,
Schroeder.

Study Bill 246, a bill for an act relating to gra
Woodward Hospital—School.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Bake
Dyrland, Garrison, Gentleman, Hansen, H
Lonergan and Schroeder.

Nay: None.

Absent or Not Voting: Cusack, Miller of Buchan

Study Bill 249, a bill for an act relat
institutions.

Recommended DO PASS.

Aye: Higgins, Walter, Crawford, Anderson, Brun
Dyrland, Garrison, Gentleman, Hansen, Hargrave,
Schroeder.

Nay: None.

Absent or Not Voting: Baker, Cusack, Miller of
Buchanan

Senate File 35, a bill for an act to abolish
section one hundred twenty-three B F
C.

Recommended AMEND AND DO PASS.

H-3667

Amend Senate File 35 as follows:
Page 1, by inserting after line 22 the fol
lowing:

31 3. Page 2, by striking lines 1 through 35 and
32 inserting in lieu thereof the following:
33 "a. One member shall be chosen from and by the
34 board of supervisors of each county in the judicial
35 district and shall be so designated annually by the
36 respective boards of supervisors at the organiza-
37 tional meetings held under section three hundred
38 thirty-one point thirteen (331.13) of the Code.
39 b. One member shall be chosen from each of the
40 project advisory committees within the judicial
41 district, which person shall be designated annually,
42 no later than January fifteenth by and from the project
43 advisory committee.
44 c. A number of members equal to the number of
45 authorized board members from project advisory
46 committees shall be appointed by the judges of the
47 judicial district no later than January fifteenth
48 of each year.
49 Within thirty days after the members of the district
50 board have been so designated for the year, the

Page 2

1 district board shall organize by election of a
2 chairperson, a vice chairperson and members of the
3 executive committee as required by subsection two
4 (2) of this section. The district board shall meet
5 at least quarterly during the calendar year but may
6 meet more frequently upon the call of the chairperson
7 or upon a call signed by a majority, determined by
8 weighted vote computed as in subsection four (4) of
9 this section hereinafter, of the members of the board.
10 2. Each district board shall have an executive
11 committee consisting of the chairperson and vice
12 chairperson and at least one but no more than five
13 other members of the district board. Either the
14 chairperson or the vice chairperson shall be a
15 supervisor, and the remaining representation on the
16 executive committee shall be divided as equally as
17 possible among supervisor members, project advisory
18 committee members, and judicially-appointed members.
19 The executive committee may exercise all of the powers
20 and discharge all of the duties of the district board,
21 as prescribed by this Act, except those specifically
22 withheld from the executive committee by action of
23 the district board.
24 3. The members of the district board and of the
25 executive committee shall be reimbursed from funds

Aye: Higgins, Walter, Crawford, Anderson, Baker, Brunow, Gordo, Garrison, Gentleman, Hansen, Hargrave, Krewson and Schroeder.

Nay: Dyrland.

Absent or Not Voting: Cusack, Miller of Buchanan, Newham

Senate File 112, a bill for an act requiring that each judicial district develop and maintain a community-based corrections program providing for the administration, support and content of those programs, repealing sections two hundred seventeen point twenty through two hundred seventeen point twenty-nine (217:29) of the

Recommended AMEND AND DO PASS.

H-3642

- 1 Amend Senate File 112 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 20 the following
- 4 new subsections:
- 5 "6. "Project" means a locally functioning part
- 6 of a community-based correctional program, offered
- 7 and operating in a physical location separate from
- 8 the offices of the district department.
- 9 7. "Project advisory committee" means a committee
- 10 of no more than seven persons which shall act in an
- 11 advisory capacity to the director on matters pertaining
- 12 to the planning, operation and other pertinent
- 13 functions of each project in the judicial district.
- 14 The members of the project advisory committee for
- 15 each such project shall be initially appointed by
- 16 the director from among the general public. No member
- 17 of the project advisory committee shall hold public
- 18 office or public employment during membership on such
- 19 committee. The terms of the initial members of the
- 20 project advisory committee shall be staggered to
- 21 permit the terms of just over half of the members
- 22 to expire in two years and those of the remaining
- 23 members to expire in one year. Subsequent appointments
- 24 to the project advisory committee shall be by vote
- 25 of a majority of the whole project advisory committee
- 26 for two-year terms."
- 27 2. Page 1, by striking lines 34 and 35 and
- 28 inserting in lieu thereof the following:
- 29 "1. The board of directors of each district
- 30 department shall be composed as follows:"

19 penal or correctional institution.”

20 17. Page 8, line 19, by striking the word “This”
21 and inserting in lieu thereof the words “Unless
22 otherwise specifically provided, this”.

23 18. Page 9, by inserting after line 3 the following
24 section:

25 “Sec. ____ . This Act shall be codified within the
26 Iowa Corrections Code.”

27 19. Title page, line 1, by inserting after the
28 word “Act” the words “relating to correction programs
29 by providing work adjustment and training positions
30 at the Riverview release center and”.

31 20. Title page, line 4, by inserting after the
32 word “programs,” the words “extending the word release
33 program,”.

34 21. Renumber sections as required.

The motion prevailed and the Senate concurred in the House amendment.

Senator Carr moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 112) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	Shaw	Van Gilst
--------	------	-----------

everything after
lieu thereof.

eighteen point
s amended to read

D. The directors of
services in
maintain a canteen
diction and control
rein of toilet
otions, and other
sary facilities,
dise therefor. Such
dities will be sold
cles offered
tors at such
er each such
r may establish
g for each
he receipts from
een."

ROBERT M. CARR

by striking lines
thereof the
naturity date of the
event of default, the
old interest could
the debt with the

PHILIP B. HILL
BERL E. PRIEBE

ite File 41 (S-3090),
e word "state"

MINNETTE F. DODERER

S-3090

Amend Senate File 7 as follows:

1. Page 1, line 11, inserting after the words, "and under an express written contract." the following sentence, "The detailed plans and specifications for such improvements shall be on file and open to public inspection in the office of the auditor of the county in which the work is to be done before advertisement for bids."
2. Page 1, line 27 by striking the word "one" and inserting in lieu thereof the word "five".
3. Page 1, line 28, by inserting after the word "repairs", the words "not exceeding two thousand dollars".
4. Page 1, lines 32 and 33, by striking the words "and section three hundred thirty-two point eight (\$32.8) of the Code".

COMMITTEE ON COUNTY GOVERNMENT
JAMES M. REDMOND, Chairperson

S-3100

Amend Senate File 112 as follows:

Section S-3100B

1. Page 2, line 34, by striking the words "Have authority to adopt" and inserting in lieu thereof the word "Adopt".

Section S-3100A

2. Page 3, line 1, by inserting after the word "program" the words "pursuant to the provisions of chapter seventeen A (17A) of the Code".

Section S-3100B (cont'd.)

3. Page 5, line 33, by inserting after the word "rules" the words "pursuant to chapter seventeen A (17A) of the Code".

adopted 2/28 (p. 470)

CALVIN O. HULTMAN

Reconsidered

A-w/o; B-adopted (p. 476)

Amend Senate File 112 as follows:

Division S-3101A

- 2 1. Page 2, by striking from line 34 the words
- 3 "Have authority to adopt" and inserting in lieu
- 4 thereof the word "Adopt".

Division S-3101B

- 5 2. Page 7, line 14, by striking the entire line.
- 6 3. Page 7, line 26, by striking the words "the
- 7 state classified service," and inserting in lieu thereof
- 8 the words "community corrections services".
- 9 4. Page 7, line 31, by inserting after the word
- 10 "services" the words "or through creation of this act".

Adopted 2/28 (p. 470)

Adopted 2/28 (p. 470)

ROBERT M. CARR
JOHN S. MURRAY

S-3102

- 1 Amend Senate File 156 as follows:
- 2 1. Page 3, line 28, by striking the figure
- 3 "207,900" and inserting in lieu thereof the figure
- 4 "210,000".
- 5 2. Page 4, line 5, by inserting after the word
- 6 "dollars" the words "except that in a county where
- 7 there are two definitely separate county extension
- 8 offices, each such society shall receive state aid
- 9 in such amount as it would be entitled to if it were
- 10 the only society in the county".

CALVIN O. HULTMAN
LOUIS P. CULVER

S-3103

- 1 Amend Senate File 112 as follows:
- 2 1. Page 1, by adding after line 2, the following
- 3 new subsection:
- 4 " — "Administrative agent" means the county
- 5 selected by the district board to perform accounting,
- 6 budgeting, personnel, facilities management, insurance,
- 7 payroll and other supportive services on the behalf of
- 8 the district board."
- 9 2. Page 5, by adding after line 1, the following
- 10 new subsection:
- 11 "3. The administrative agent shall perform only
- 12 those administrative functions assigned to it by the
- 13 district board and shall not perform any activity

especially directed to do so by the district

3. Re-numbering the subsections where necessary.

Adopted 2/28 (p. 473)

JOHN S. MURRAY

Amend Senate File 112 as follows:

1. Page 2, by striking from lines 5 and 6 the words "once each quarter" and inserting in lieu thereof the word "twice".

2. Page 2, line 6, by inserting after the word "year" the words "but may meet quarterly upon the call of the chairperson."

Adopted 2/25 (p. 474)

RICHARD R. RAMSEY

Amend Senate File 149 as follows:

1. Page 1, by inserting after line 20 the following new section:

"Sec. — Section five hundred ninety-eight point twenty-three (598.23), unnumbered paragraph three (3), Code 1977, is repealed."

Adopted 2/28 (p. 475)

CALVIN O. HULTMAN

Amend Senate File 112 as follows:

1. Page 2, line 23, by striking the words "However, upon the request of any member, the".

2. Page 2, by striking lines 24 through 31.

RICHARD R. RAMSEY

HOUSE AMENDMENT TO SENATE FILE 61

Amend Senate File 61, as passed by the Senate as follows:

1. Page 1, by inserting after line 9 the following:

"The taxes imposed under this Act shall be levied upon either of two conditions:
1. When universal compulsory military service is mandated by the United States Congress, or