

exclusively by smokers even though the office may be visited by nonsmokers, ~~lobbies and malls which encompass floor space of three hundred or less square feet~~, a room used primarily as the residence of students or other persons at an educational facility, a sleeping room in a motel or hotel, or each resident's room in a health care facility. The person in custody or control of the facility shall provide a sufficient number of rooms in which smoking is not permitted to accommodate all persons who desire such rooms.

Sec. 2. Section 98A.2, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A facility inspected by the department of inspections and appeals shall be inspected by the department for compliance with sections 98A.3 and 98A.4.

Sec. 3. Section 98A.6, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Enforcement of this chapter shall be implemented in an equitable manner throughout the state. For the purpose of equitable and uniform implementation, application, and enforcement of state and local laws and regulations, the provisions of this chapter shall supersede any local law or regulation which is inconsistent with or conflicts with the provisions of this chapter.

Sec. 4. Section 805.8, subsection 11, Code 1989, is amended to read as follows:

11. SMOKING VIOLATIONS. For violations of section 98A.6, the scheduled fine is ~~ten~~ twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. The complainant shall not be charged a filing fee.

Approved April 24, 1990

CHAPTER 1190

SCHOOL FINANCE TECHNICAL AMENDMENTS

H.F. 2068

AN ACT providing technical changes to the financing of education programs of school districts and providing a retroactive effective date.

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

Section 1. Section 257.2, subsection 3, Code Supplement 1989, is amended to read as follows:

3. "Budget adjustment" is means an adjustment to the regular program ~~budget district cost~~ of a school district for school districts in which the regular program ~~budget district cost~~ for a year would be less than its ~~the~~ regular program ~~budget district cost~~ for the previous year.

Sec. 2. Section 257.7, subsection 1, Code Supplement 1989, is amended to read as follows:

1. BUDGETS. School districts are subject to chapter 24. The authorized expenditures of a school district during a base year shall not exceed the lesser of the budget for that year certified under section 24.17 plus any allowable amendments permitted in this section, or the authorized budget, which is the sum of the combined district cost for that year, the actual miscellaneous income received for that year, and the actual unspent balance from the preceding year.

Sec. 3. Section 257.9, subsection 1, unnumbered paragraph 1, and paragraphs a and b, Code Supplement 1989, are amended to read as follows:

REGULAR PROGRAM STATE COST PER PUPIL FOR 1991-1992. For the budget year beginning July 1, 1991, for the regular program state cost per pupil, the department of management shall add together the state total of the district costs of all school districts the sum of the products of each district's regular program district cost per pupil for the base year, as regular program district cost is defined in per pupil would have been calculated under section 442.9, Code 1989, multiplied by its budget enrollment as budget enrollment would have been calculated under section 442.4, Code 1989, for the base year, plus the total sum of the amounts added to the district cost of school districts pursuant to section 442.21, Code 1989, plus the amount included in the districts' budgets in the state for the fiscal year beginning July 1, 1986, for the additional portion of the livestock tax credit pursuant to section 442.2, subsection 2, as it appeared in the 1987 Code and plus the difference between the following amounts:

- a. The general allocation of the school district as determined under section 405A.2, Code 1989.
- b. The foundation property tax rate multiplied by the total actual value of all personal property assessed for valuation in the school district as of January 1, 1973, excluding livestock.

Sec. 4. Section 257.10, subsection 1, Code Supplement 1989, is amended to read as follows:

1. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR 1991-1992. For the budget year beginning July 1, 1991, in order to determine the regular program district cost per pupil for a district, the department of management shall divide the product of the regular program district cost per pupil of the district for the base year, as defined in regular program district cost per pupil would have been calculated under section 442.9, Code 1989, multiplied by its budget enrollment for the base year as budget enrollment would have been calculated under section 442.4, Code 1989, plus the amount added to district cost pursuant to section 442.21, Code 1989, for each school district, by the budget enrollment of the school district for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, as if section 257.6, subsection 4, had been in effect for that budget year. The regular program district cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus the allowable growth amount calculated for regular program state cost per pupil, except that if the regular program district cost per pupil for the budget year calculated under this subsection in any school district exceeds one hundred ten percent of the regular program state cost per pupil for the budget year, the department of management shall reduce the regular program district cost per pupil of that district for the budget year to an amount equal to one hundred ten percent of the regular program state cost per pupil for the budget year, and if the regular program district cost per pupil for the budget year calculated under this subsection in any school district is less than the regular program state cost per pupil for the budget year, the department of management shall increase the regular program district cost per pupil shall be increased of that district to an amount equal to the regular program state cost per pupil for the budget year.

Sec. 5. Section 257.10, subsection 6, Code Supplement 1989, is amended to read as follows:

6. REGULAR PROGRAM DISTRICT COST. Regular program district cost for a school district for a budget year is equal to the regular program district cost per pupil for the budget year multiplied by the weighted budget enrollment for the budget year.

Sec. 6. Section 257.10, subsection 8, Code Supplement 1989, is amended to read as follows:

8. COMBINED DISTRICT COST. Combined district cost is the sum of the regular program district cost per pupil multiplied by the weighted enrollment and the special education support services district cost, plus the additional district cost allocated to the district to fund media services and educational services provided through the area education agency.

A school district may increase its combined district cost for the budget year to the extent that an excess tax levy is authorized by the school budget review committee.

Sec. 7. Section 257.11, subsection 3, Code Supplement 1989, is amended to read as follows:

3. WHOLE GRADE SHARING. For the budget years beginning July 1, 1991, and July 1, 1992, in districts that have executed whole grade sharing agreements under sections 282.10 through 282.12, the school budget review committee shall assign ~~an additional~~ a weighting equal to one plus an additional portion of one times the percent of the pupil's school day in which a pupil attends classes in another district or an area school, attends classes taught by a teacher who is employed jointly under section 280.15, or attends classes taught by a teacher who is employed by another district. The assignment of additional weighting to a school district shall continue for a period of five years. If the school district reorganizes during that five-year period, the assignment of the additional weighting shall be transferred to the reorganized district until the expiration of the five-year period. If a school district was receiving additional weighting for whole grade sharing under section 442.39, subsection 2, Code 1989, the district shall continue to be assigned additional weighting for whole grade sharing by the school budget review committee under this subsection so that the district is assigned the additional weighting for whole grade sharing for a total period of five years.

Sec. 8. Section 257.14, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

For the budget year beginning July 1, 1991 for a school district, the department of management shall use ~~the~~ as the district's base year regular program district cost the product of the district's regular program district cost for that budget year of a school district calculated pursuant to chapter 442, Code 1989, plus per pupil calculated as regular program district cost per pupil would have been calculated for the budget year under section 442.9, Code 1989, multiplied by the district's budget enrollment as budget enrollment would have been calculated under section 442.4, Code 1989, for the budget year, and shall add to that amount the amount added to district cost pursuant to section 442.21, Code 1989, as the district's base year regular program district cost.

Sec. 9. Section 257.29, unnumbered paragraphs 1 and 2, Code Supplement 1989, are amended to read as follows:

An educational improvement program is established to provide additional funding for school districts in which the regular program district cost per pupil for a budget year is one hundred ten percent of the regular program state cost per pupil for the budget year and which have approved the use of the instructional support program established in section 257.18. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the regular program district cost of the district that will be used. The hearing shall be held in the manner provided in section 257.18 for the instructional support program. Following the hearing, the board may direct the county commissioner of elections to submit the question to the qualified electors of the school district at the next following regular school election or a special election held not later than the following February 1. If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and shall certify the results of the election to the department of management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program.

The educational improvement program shall provide additional revenues each fiscal year equal to a specified percent of the regular program district cost of the district, as determined by the board but not more than the maximum percent authorized by the electors if an election has been held. Certification of a district's participation for a budget year, the method of funding, and the amount to be raised shall be made to the department of management not later than March 15 of the base year.

Sec. 10. 1989 Iowa Acts, chapter 135, section 95, is amended to read as follows:

SEC. 95. Section 291.13, Code 1989, is amended to read as follows:

291.13 GENERAL AND SCHOOLHOUSE FUNDS.

The money ~~collected by~~ received from the regular and voter-approved physical plant and equipment levies ~~or, the levy for public educational and recreational activities imposed under chapter 300,~~ the proceeds of the sale of bonds authorized by law ~~or, and~~ the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness shall be deposited in the schoolhouse fund and, except when authorized by the electors, ~~may shall~~ be used only for the purpose for which originally authorized or certified. The money ~~collected by~~ received from the district management levy shall be deposited in a subfund of the general fund of the school district. All other moneys received for any other purpose shall be deposited in the general fund of the school district. The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.

Sec. 11. 1989 Iowa Acts, chapter 135, section 125, is amended to read as follows:

SEC. 125. If the electors of a school district have approved, prior to March 15, 1991, the schoolhouse tax levy to provide for the lease-purchase of school buildings or other authorized school district tax levy, the tax levy so approved shall continue in effect until the expiration of the period for which it was approved. For the duration of that schoolhouse tax levy, a school district may anticipate the collection of the tax by loan agreement as provided in section 297.36.

Sec. 12. 1989 Iowa Acts, chapter 135, section 127, is amended to read as follows:

SEC. 127. Notwithstanding the election requirements of section 442.14, subsection 2, if the board of directors of a school district held an election prior to February 15, 1989, for approval to raise an additional enrichment amount ~~for commencing with the school year beginning July 1, 1990~~ 1989, and the proposition failed, the board may resubmit ~~the~~ a proposition for approval to raise an additional enrichment amount commencing with the school year beginning July 1, 1990, at an election held not later than July 1, 1989.

Sec. 13.

Section 12 of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to May 5, 1989.

Approved April 24, 1990

CHAPTER 1191

SOLID WASTE DISPOSAL

H.F. 2534

AN ACT relating to waste disposal, providing a retroactive applicability date, and providing an effective date.

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

Section 1. **NEW SECTION. 455B.305A LOCAL APPROVAL OF SANITARY LANDFILL AND INFECTIOUS WASTE INCINERATOR PROJECTS.**

1. Prior to the siting of a proposed, new sanitary landfill or infectious waste incinerator, a city, county, or private agency, with the exception of a private agency disposing of waste which the agency generates on property owned by the agency as of January 1, 1990, shall submit a request for local siting approval to the city council or county board of supervisors which governs the city or county in which the proposed site is to be located. The city council or county board of supervisors shall approve or disapprove the site for each sanitary landfill or infectious waste incinerator.