

CHAPTER 59

SALES AND USE TAX EXEMPTION ON RURAL WATER DISTRICT BUILDING MATERIALS, SUPPLIES, OR EQUIPMENT

S.F. 9

AN ACT relating to the exemption of the sales and use tax on building materials, supplies, or equipment of certain rural water districts, and providing retroactive applicability and effective dates.

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

Section 1. Section 422.45, Code 1999, is amended by adding the following new subsection: **NEW SUBSECTION. 7B.** The gross receipts from the sale of building materials, supplies, or equipment sold to rural water districts organized under chapter 504A as provided in chapter 357A and used for the construction of facilities of a rural water district.

Sec. 2. **APPLICABILITY AND EFFECTIVE DATES.**

1. This Act applies retroactively to July 1, 1998, for sales made or uses occurring on or after that date.

2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 1999

CHAPTER 60

DRUG AND ALCOHOL TESTING — PRIVATE SECTOR EMPLOYMENT

S.F. 115

AN ACT relating to alcohol testing of private sector employees and prospective employees and providing an effective date.

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

Section 1. Section 730.5, subsection 7, paragraph b, Code 1999, is amended to read as follows:

b. Sample collection for testing of current employees, except for the collection of a sample for alcohol testing conducted pursuant to paragraph "f", subparagraph (2), shall be performed so that the specimen is split into two components at the time of collection in the presence of the individual from whom the sample or specimen is collected. The second portion of the specimen or sample shall be of sufficient quantity to permit a second, independent confirmatory test as provided in paragraph "i". If the specimen is urine, the sample shall be split such that the primary sample contains at least thirty milliliters and the secondary sample contains at least fifteen milliliters. Both portions of the sample shall be forwarded to the laboratory conducting the initial confirmatory testing. In addition to any requirements for storage of the initial sample that may be imposed upon the laboratory as a condition for certification or approval, the laboratory shall store the second portion of any sample until receipt of a confirmed negative test result or for a period of at least forty-five calendar days following the completion of the initial confirmatory testing, if the first portion yielded a confirmed positive test result.

Sec. 2. Section 730.5, subsection 7, paragraph c, subparagraph (1), Code 1999, is amended to read as follows:

(1) ~~Samples, except for samples collected for alcohol testing conducted pursuant to paragraph "f", subparagraph (2), shall be labeled so as to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided, and samples shall be handled and tracked in a manner such that control and accountability are maintained from initial collection to each stage in handling, testing, and storage, through final disposition.~~

Sec. 3. Section 730.5, subsection 7, paragraph f, Code 1999, is amended to read as follows:

f. ~~Drug or alcohol testing shall include confirmation of any initial positive test results. For drug or alcohol testing, confirmation shall be by use of a different chemical process than was used in the initial screen for drugs or alcohol. The confirmatory drug or alcohol test shall be a chromatographic technique such as gas chromatography or mass spectrometry, or another comparably reliable analytical method.~~ An employer may take adverse employment action, including refusal to hire a prospective employee, based on a confirmed positive drug or alcohol test.

(1) ~~For drug or alcohol testing, except for alcohol testing conducted pursuant to subparagraph (2), confirmation shall be by use of a different chemical process than was used in the initial screen for drugs or alcohol. The confirmatory drug or alcohol test shall be a chromatographic technique such as gas chromatography/mass spectrometry, or another comparably reliable analytical method.~~

(2) ~~Notwithstanding any provision of this section to the contrary, alcohol testing, including initial and confirmatory testing, may be conducted pursuant to requirements established by the employer's written policy. The written policy shall include requirements governing evidential breath testing devices, alcohol screening devices, and the qualifications for personnel administering initial and confirmatory testing, which shall be consistent with regulations adopted as of January 1, 1999, by the United States department of transportation governing alcohol testing required to be conducted pursuant to the federal Omnibus Transportation Employee Testing Act of 1991.~~

Sec. 4. Section 730.5, subsection 7, paragraph g, Code 1999, is amended to read as follows:

g. A medical review officer shall, prior to the results being reported to an employer, review and interpret any confirmed positive test results, including both quantitative and qualitative test results, to ensure that the chain of custody is complete and sufficient on its face and that any information provided by the individual pursuant to paragraph "c", subparagraph (2), is considered. ~~However, this paragraph shall not apply to alcohol testing conducted pursuant to paragraph "f", subparagraph (2).~~

Sec. 5. Section 730.5, subsection 9, paragraph c, subparagraph (2), Code 1999, is amended to read as follows:

(2) If an employer does not have an employee assistance program, the employer must maintain a resource file of ~~employee assistance services providers~~, alcohol and other drug abuse programs certified by the Iowa department of public health, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems. The employer shall provide all employees information about the existence of the resource file and a summary of the information contained within the resource file. The summary should contain, but need not be limited to, all information necessary to access the services listed in the resource file. ~~In addition, the employer shall post in conspicuous places a listing of multiple employee assistance providers in the area.~~

Sec. 6. Section 730.5, subsection 9, paragraph g, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer pursuant to this section ~~but less than the concentration level in section 321J.2 for operating while under the influence of alcohol~~, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the preceding eighteen months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the employer's substance abuse prevention policy pursuant to this section, the written policy shall provide for the rehabilitation of the employee pursuant to subsection 10, paragraph "a", subparagraph (1), and the apportionment of the costs of rehabilitation as provided by this paragraph.

Sec. 7. Section 730.5, subsection 9, paragraph h, Code 1999, is amended to read as follows:

h. In order to conduct drug or alcohol testing under this section, an employer shall require supervisory personnel of the employer involved with drug or alcohol testing under this section to attend a minimum of two hours of initial training and to attend, on an annual basis thereafter, a minimum of one hour of subsequent training. The training shall include, but is not limited to, information concerning the recognition of evidence of employee alcohol and other drug abuse, the documentation and corroboration of employee alcohol and other drug abuse, and the referral of employees who abuse alcohol or other drugs to the employee assistance program or to the resource file ~~of employee assistance services providers maintained by the employer pursuant to paragraph "c", subparagraph (2).~~

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 1999

CHAPTER 61

COMMITMENT OF SEXUALLY VIOLENT PREDATORS

S.F. 216

AN ACT relating to the commitment of sexually violent predators, by changing the deadline for filing a petition by the attorney general; providing for waiver or continuance of the probable cause hearing; granting greater enforcement power to the prosecuting attorney; extending the time to hold a trial; establishing supervised release for sexually violent persons who have been rehabilitated; providing for the preservation of certain child abuse reports; providing the department of justice with access to such reports; and providing an effective date.

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

Section 1. Section 229A.2, Code 1999, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. "Appropriate secure facility" means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.