

# Senate Amendment 5033

## Amendment Text

PAG LIN

1 1 Amend [Senate File 2136](#) as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 "Section 1. Section [19A.3](#), subsection 13, Code  
1 5 Supplement 1997, is amended to read as follows:  
1 6 13. Members of the Iowa

~~highway safety~~

- ~~state~~

1 7 patrol and other peace officers employed by the  
1 8 department of public safety. The commissioner of  
1 9 public safety shall adopt rules not inconsistent with  
1 10 the objectives of this chapter for the persons  
1 11 described in this subsection.  
1 12 Sec. 2. Section [29A.79](#), unnumbered paragraph 2,  
1 13 Code 1997, is amended to read as follows:  
1 14 The Iowa national guard shall be requested to  
1 15 provide the emergency helicopter ambulance service  
1 16 from its available staffed helicopters when the plan  
1 17 is implemented on order of the governor at the request  
1 18 of the Iowa

~~highway safety~~

- ~~state~~ patrol, or the

1 19 administrative heads of the hospitals located in Iowa,  
1 20 unless the Iowa national guard does not have a staffed  
1 21 helicopter available or is in active service under the  
1 22 armed forces of the United States.  
1 23 Sec. 3. Section [80.4](#), Code 1997, is amended to  
1 24 read as follows:  
1 25 80.4

~~HIGHWAY~~

- ~~IOWA STATE PATROL.~~

1 26 The Iowa

~~highway safety~~

- ~~state~~ patrol is established

1 27 in the department of public safety. The patrol shall  
1 28 be under the direction of the commissioner of public  
1 29 safety.  
1 30 Sec. 4. Section [80.6](#), Code 1997, is amended to  
1 31 read as follows:  
1 32 80.6 IMPERSONATING OFFICER UNIFORM.  
1 33 Any person who impersonates a member of the Iowa  
1 34

~~safety~~

- ~~state~~ patrol or other officer or employee of

1 35 the department, or wears a uniform likely to be  
1 36 confused with the official uniform of any such  
1 37 officer, with intent to deceive anyone, shall be  
1 38 guilty of a simple misdemeanor.  
1 39 Sec. 5. Section [80.8](#), unnumbered paragraphs 2 and  
1 40 3, Code 1997, are amended to read as follows:  
1 41 The commissioner may delegate to the members of the  
1 42 Iowa

~~highway safety~~

- state patrol such additional  
1 43 duties in the enforcement of this chapter as the  
1 44 commissioner may deem proper and incidental to the  
1 45 duties now imposed upon them by law.  
1 46 The salaries of all members and employees of the  
1 47 department and the expenses of the department shall be  
1 48 provided for by the legislative appropriation  
1 49 therefor. The compensation of the members of the  
1 50

~~highway~~

- Iowa state patrol shall be fixed according to  
2 1 grades as to rank and length of service by the  
2 2 commissioner with the approval of the governor. The  
2 3 members of the

~~highway~~

- Iowa state patrol shall be paid  
2 4 additional compensation in accordance with the  
2 5 following formula: When members of the

~~highway~~

- Iowa  
2 6 state patrol have served for a period of five years  
2 7 their compensation then being paid shall be increased  
2 8 by the sum of twenty-five dollars per month beginning  
2 9 with the month succeeding the foregoing described  
2 10 five-year period; when members thereof have served for  
2 11 a period of ten years their compensation then being  
2 12 paid shall be increased by the sum of twenty-five  
2 13 dollars per month beginning with the month succeeding  
2 14 the foregoing described ten-year period, such sums  
2 15 being in addition to the increase provided herein to  
2 16 be paid after five years of service; when members  
2 17 thereof have served for a period of fifteen years  
2 18 their compensation then being paid shall be increased  
2 19 by the sum of twenty-five dollars per month beginning  
2 20 with the month succeeding the foregoing described  
2 21 fifteen-year period, such sums being in addition to  
2 22 the increases previously provided for herein; when  
2 23 members thereof have served for a period of twenty  
2 24 years their compensation then being paid shall be  
2 25 increased by the sum of twenty-five dollars per month  
2 26 beginning with the month succeeding the foregoing  
2 27 described twenty-year period, such sums being in  
2 28 addition to the increases previously provided for  
2 29 herein. While on active duty each member shall also  
2 30 receive a flat daily sum as fixed by the commissioner  
2 31 with the approval of the governor for meals while away  
2 32 from the office to which the member has been assigned  
2 33 and within the member's district.  
2 34 Sec. 6. Section [80.9](#), subsection 2, paragraph h,  
2 35 Code 1997, is amended to read as follows:  
2 36 h. To maintain a vehicle theft unit in the Iowa  
2 37

~~highway safety~~

- state patrol to investigate and assist  
2 38 in the examination and identification of stolen,  
2 39 altered, or forfeited vehicles.  
2 40 Sec. 7. Section [80.15](#), Code 1997, is amended to  
2 41 read as follows:  
2 42 80.15 EXAMINATION OATH PROBATION  
2 43 DISCIPLINE DISMISSAL.  
2 44 An applicant for membership in the department of

2 45 public safety, except clerical workers and special  
2 46 agents appointed under section 80.7, shall not be  
2 47 appointed as a member until the applicant has passed a  
2 48 satisfactory physical and mental examination. In  
2 49 addition, the applicant must be a citizen of the  
2 50 United States and be not less than twenty-two years of  
3 1 age. The mental examination shall be conducted under  
3 2 the direction or supervision of the commissioner of  
3 3 public safety and may be oral or written or both.  
3 4 Each applicant shall take an oath on becoming a member  
3 5 of the force, to uphold the laws and Constitution of  
3 6 the United States and of the state of Iowa. During  
3 7 the period of twelve months after appointment, any  
3 8 member of the department of public safety, except  
3 9 members of the present Iowa

~~highway safety~~

~~state~~

3 10 patrol who have served more than six months, is  
3 11 subject to dismissal at the will of the commissioner.  
3 12 After the twelve months' service, a member of the  
3 13 department, who was appointed after having passed the  
3 14 examinations, is not subject to dismissal, suspension,  
3 15 disciplinary demotion, or other disciplinary action  
3 16 resulting in the loss of pay unless charges have been  
3 17 filed with the department of inspections and appeals  
3 18 and a hearing held by the employment appeal board  
3 19 created by section 10A.601, if requested by the  
3 20 member, at which the member has an opportunity to  
3 21 present a defense to the charges. The decision of the  
3 22 appeal board is final, subject to the right of  
3 23 judicial review in accordance with the terms of the  
3 24 Iowa administrative procedure Act. However, these  
3 25 procedures as to dismissal, suspension, demotion, or  
3 26 other discipline do not apply to a member who is  
3 27 covered by a collective bargaining agreement which  
3 28 provides otherwise nor to the demotion of a division  
3 29 head to the rank which the division head held at the  
3 30 time of appointment as division head, if any. A  
3 31 division head who is demoted has the right to return  
3 32 to the rank which the division head held at the time  
3 33 of appointment as division head, if any. All rules,  
3 34 except employment provisions negotiated pursuant to  
3 35 chapter 20, regarding the enlistment, appointment, and  
3 36 employment affecting the personnel of the department  
3 37 shall be established by the commissioner in  
3 38 consultation with the director of the department of  
3 39 personnel, subject to approval by the governor.  
3 40 Sec. 8. Section [80.17](#), subsection 4, Code 1997, is  
3 41 amended to read as follows:  
3 42 4. Division of

~~highway safety and uniformed force~~

~~the Iowa state patrol.~~

3 43 the Iowa state patrol.  
3 44 Sec. 9. Section [85.61](#), subsection 11, unnumbered  
3 45 paragraph 1, Code Supplement 1997, is amended to read  
3 46 as follows:  
3 47 "Worker" or "employee" means a person who has  
3 48 entered into the employment of, or works under  
3 49 contract of service, express or implied, or  
3 50 apprenticeship, for an employer; an executive officer  
4 1 elected or appointed and empowered under and in  
4 2 accordance with the charter and bylaws of a  
4 3 corporation, including a person holding an official  
4 4 position, or standing in a representative capacity of  
4 5 the employer; an official elected or appointed by the

4 6 state, or a county, school district, area education  
4 7 agency, municipal corporation, or city under any form  
4 8 of government; a member of the Iowa

~~highway safety~~

4 9 state patrol; a conservation officer; and a  
4 10 proprietor, limited liability company member, or  
4 11 partner who elects to be covered pursuant to section  
4 12 85.1A, except as specified in this chapter.  
4 13 Sec. 10. Section [97A.1](#), subsection 13, Code 1997,  
4 14 is amended to read as follows:  
4 15 13. "Peace officer" or "peace officers" shall mean  
4 16 all members of the divisions of

~~highway safety and~~

4 17

~~uniformed force~~

~~the Iowa state patrol~~ and criminal  
4 18 investigation and bureau of identification in the  
4 19 department of public safety, except clerical workers,  
4 20 including but not limited to gaming enforcement  
4 21 officers employed by the division of criminal  
4 22 investigation for excursion boat gambling enforcement  
4 23 activities, who have passed a satisfactory physical  
4 24 and mental examination and have been duly appointed as  
4 25 members of the state department of public safety in  
4 26 accordance with section 80.15, and the division of  
4 27 drug law enforcement, and arson investigators and fire  
4 28 prevention inspector peace officers in the department  
4 29 of public safety, except clerical workers, employees  
4 30 of the division of capitol police, except clerical  
4 31 workers, and the division of beer and liquor law  
4 32 enforcement of the department of public safety, except  
4 33 clerical workers.  
4 34 Sec. 11. Section [97A.4](#), unnumbered paragraph 2,  
4 35 Code 1997, is amended to read as follows:  
4 36 Any member of the system who has been employed  
4 37 continuously prior to the passage of this chapter in  
4 38 the division of

~~highway safety, uniformed force, and~~

4 39

~~radio communications~~

~~the Iowa state patrol~~ or the  
4 40 division of criminal investigation and bureau of  
4 41 identification in the department of public safety, or  
4 42 as a member of the Iowa

~~highway safety~~

~~state~~ patrol,  
4 43 or as a peace officer or a member of the uniformed  
4 44 force in any department or division whose functions  
4 45 were transferred to, merged, or consolidated in the  
4 46 department of public safety at the time such  
4 47 department was created, shall receive credit for such  
4 48 service in determining retirement and disability  
4 49 benefits provided for in this chapter. Arson  
4 50 investigators who have contributed to this system  
5 1 prior to July 1, 1978 shall receive credit for such  
5 2 service in determining retirement and disability  
5 3 benefits.  
5 4 Sec. 12. Section [97A.6](#), subsection 8, paragraph b,

5 5 Code 1997, is amended to read as follows:  
5 6 b. In lieu of the payment specified in paragraph  
5 7 "a," a beneficiary meeting the qualifications of  
5 8 paragraph "c" may elect to receive a monthly pension  
5 9 equal to one-twelfth of forty percent of the average  
5 10 final compensation of the member, but not less than an  
5 11 amount equal to twenty percent of the monthly earnable  
5 12 compensation paid to an active member having the rank  
5 13 of senior patrol officer of the Iowa

~~highway safety~~

5 14 state patrol if the member was in service at the time  
5 15 of death. For a member not in service at the time of  
5 16 death, the pension shall be reduced as provided in  
5 17 subsection 1, paragraph "b".

5 18 For a member not in service at the time of death,  
5 19 the pension shall be paid commencing when the member  
5 20 would have attained the age of fifty-five except that  
5 21 if there is a child of the member, the pension shall  
5 22 be paid commencing with the member's death until the  
5 23 children reach the age of eighteen, or twenty-two if  
5 24 applicable. The pension shall resume commencing when  
5 25 the member would have attained the age of fifty-five.

5 26 For a member in service at the time of death, the  
5 27 pension shall be paid commencing with the member's  
5 28 death. In addition to the pension, there shall also  
5 29 be paid for each child of a member, a monthly pension  
5 30 equal to six percent of the monthly earnable  
5 31 compensation payable to an active member having the  
5 32 rank of senior patrol officer of the Iowa

~~highway~~

5 33

~~safety~~

- state patrol.

5 34 For the purpose of this chapter, a senior patrol  
5 35 officer is a person who has completed ten years of  
5 36 service in the Iowa

~~highway safety~~

- state patrol.

5 37 Notwithstanding section 97A.6, subsection 8, Code  
5 38 1985, effective July 1, 1990, for a member's surviving  
5 39 spouse who, prior to July 1, 1986, elected to receive  
5 40 pension benefits under this paragraph, the monthly  
5 41 pension benefit shall be equal to the higher of one-  
5 42 twelfth of forty percent of the average final  
5 43 compensation of the member, or the amount the  
5 44 surviving spouse was receiving on July 1, 1990.

5 45 Sec. 13. Section [97A.6](#), subsection 9, paragraph c,  
5 46 Code 1997, is amended to read as follows:

5 47 c. In addition to the benefits for the surviving  
5 48 spouse enumerated in this subsection, there shall also  
5 49 be paid for each child of a member a monthly pension  
5 50 equal to six percent of the monthly earnable  
6 1 compensation payable to an active member having the  
6 2 rank of senior patrol officer of the Iowa

~~highway~~

6 3

~~safety~~

- state patrol.

6 4 Sec. 14. Section [97A.6](#), subsection 12, paragraph  
6 5 a, Code 1997, is amended to read as follows:  
6 6 a. To the member's surviving spouse, equal to one-  
6 7 half the amount received by the deceased beneficiary,  
6 8 but in no instance less than an amount equal to  
6 9 twenty-five percent of the monthly earnable  
6 10 compensation paid to an active member having the rank  
6 11 of senior patrol officer of the Iowa

~~highway safety~~

6 12 state patrol, and in addition a monthly pension equal  
6 13 to the monthly pension payable under subsection 9,  
6 14 paragraph "c", of this section for each child under  
6 15 eighteen years of age or twenty-two years of age if  
6 16 applicable; or

6 17 Sec. 15. Section [97A.6](#), subsection 14, paragraph  
6 18 a, unnumbered paragraph 4, Code 1997, is amended to  
6 19 read as follows:

6 20 As of the first of July of each year, the monthly  
6 21 pension payable to each surviving child under the  
6 22 provisions of subsections 8, 9 and 12 of this section  
6 23 shall be adjusted to equal six percent of the monthly  
6 24 earnable compensation payable on that July 1 to an  
6 25 active member having the rank of senior patrol officer  
6 26 of the Iowa

~~highway safety~~

~~state~~ patrol.

6 27 Sec. 16. Section [101A.10](#), Code 1997, is amended to  
6 28 read as follows:

6 29 101A.10 PERSONS AND AGENCIES EXEMPT.

6 30 This chapter shall not apply to the transportation  
6 31 and use of explosive materials by the regular military  
6 32 or naval forces of the United States, the duly  
6 33 organized militia of this state, representatives of  
6 34 the state fire marshal, the Iowa

~~highway safety~~

~~state~~

6 35 patrol, division of criminal investigation and bureau  
6 36 of identification, local police departments, sheriffs  
6 37 departments, and fire departments acting in their  
6 38 official capacity; nor shall this chapter apply to the  
6 39 transportation and use of explosive materials by any  
6 40 peace officer to enforce provisions of this chapter  
6 41 when the peace officer is acting pursuant to such  
6 42 authority, however, other agencies of the state or any  
6 43 of its political subdivisions desiring to purchase,  
6 44 possess, transport, or use explosive materials for  
6 45 construction or other purposes shall be required to  
6 46 obtain user's permits.

6 47 Sec. 17. Section [172B.1](#), subsection 1, Code 1997,  
6 48 is amended to read as follows:

6 49 1. "Law enforcement officer" means

~~a~~  
~~an Iowa~~ state

6 50

~~highway safety~~

~~patrol~~ officer, a sheriff, or other

7 1 peace officer so designated by this state or by a  
7 2 county or municipality.

7 3 Sec. 18. Section [307.12](#), subsection 13, Code 1997,  
7 4 is amended to read as follows:

7 5 13. Adopt, after consultation with the department

7 6 of natural resources and the department of public  
7 7 safety, rules relating to enforcement of the rules  
7 8 regarding transportation of hazardous wastes adopted  
7 9 by the department of natural resources. The  
7 10 department and the division of the

~~highway safety~~

- Iowa

7 11 state patrol of the department of public safety shall  
7 12 carry out the enforcement of the rules.

7 13 Sec. 19. Section [321.2](#), unnumbered paragraph 2,  
7 14 Code 1997, is amended to read as follows:

7 15 The division of the

~~highway safety~~

- Iowa state

7 16 patrol of the department of public safety shall  
7 17 enforce the provisions of this chapter relating to  
7 18 traffic on the public highways of the state, including  
7 19 those relating to the safe and legal operation of  
7 20 passenger cars, motorcycles, motor trucks and buses,  
7 21 and to see that proper safety rules are observed.

7 22 Sec. 20. Section [321.19](#), subsection 1, unnumbered  
7 23 paragraph 2, Code Supplement 1997, is amended to read  
7 24 as follows:

7 25 The department shall furnish, on application, free  
7 26 of charge, distinguishing plates for vehicles thus  
7 27 exempted, which plates except plates on Iowa

~~highway~~

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7 28

~~safety~~

- state patrol vehicles shall bear the word

7 29 "official" and the department shall keep a separate  
7 30 record. Registration plates issued for Iowa

~~highway~~

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7 31

~~safety~~

- state patrol vehicles, except unmarked patrol

7 32 vehicles, shall bear two red stars on a yellow  
7 33 background, one before and one following the  
7 34 registration number on the plate, which registration  
7 35 number shall be the officer's badge number.  
7 36 Registration plates issued for a county sheriff's  
7 37 patrol vehicles shall display one seven-pointed gold  
7 38 star followed by the letter "S" and the call number of  
7 39 the vehicle. However, the director of general  
7 40 services or the director of transportation may order  
7 41 the issuance of regular registration plates for any  
7 42 exempted vehicle used by peace officers in the  
7 43 enforcement of the law, persons enforcing chapter 124  
7 44 and other laws relating to controlled substances,  
7 45 persons in the department of justice, the alcoholic  
7 46 beverages division of the department of commerce, the  
7 47 department of inspections and appeals, and the  
7 48 department of revenue and finance, who are regularly  
7 49 assigned to conduct investigations which cannot  
7 50 reasonably be conducted with a vehicle displaying  
8 1 "official" state registration plates, and persons in  
8 2 the lottery division of the department of revenue and  
8 3 finance whose regularly assigned duties relating to  
8 4 security or the carrying of lottery tickets cannot

8 5 reasonably be conducted with a vehicle displaying  
8 6 "official" registration plates. For purposes of sale  
8 7 of exempted vehicles, the exempted governmental body,  
8 8 upon the sale of the exempted vehicle, may issue for  
8 9 in-transit purposes a pasteboard card bearing the  
8 10 words "Vehicle in Transit", the name of the official  
8 11 body from which the vehicle was purchased, together  
8 12 with the date of the purchase plainly marked in at  
8 13 least one-inch letters, and other information required  
8 14 by the department. The in-transit card is valid for  
8 15 use only within forty-eight hours after the purchase  
8 16 date as indicated on the bill of sale which shall be  
8 17 carried by the driver.  
8 18 Sec. 21. Section [321.89](#), subsection 1, paragraph  
8 19 c, Code 1997, is amended to read as follows:  
8 20 c. "Police authority" means the Iowa

~~highway~~

8 21

~~safety~~

- ~~state~~ patrol, any law enforcement agency of a  
8 22 county or city, or any special security officer  
8 23 employed by the state board of regents under section  
8 24 262.13.  
8 25 Sec. 22. Section [321.266](#), subsections 1 and 4,  
8 26 Code Supplement 1997, are amended to read as follows:  
8 27 1. The driver of a vehicle involved in an accident  
8 28 resulting in injury to or death of any person shall  
8 29 immediately by the quickest means of communication  
8 30 give notice of such accident to the sheriff of the  
8 31 county in which said accident occurred, or the nearest  
8 32 office of the Iowa

~~highway safety~~

- ~~state~~ patrol, or to  
8 33 any other peace officer as near as practicable to the  
8 34 place where the accident occurred.  
8 35 4. Notwithstanding section 455B.386, a carrier  
8 36 transporting hazardous material upon a public highway  
8 37 in this state, in the case of an accident involving  
8 38 the transportation of the hazardous material, shall  
8 39 immediately notify the police radio broadcasting  
8 40 system established pursuant to section 693.1 or shall  
8 41 notify a peace officer of the county or city in which  
8 42 the accident occurs. When a local law enforcement  
8 43 agency is informed of the accident, the agency shall  
8 44 notify the Iowa

~~highway safety~~

- ~~state~~ patrol and the  
8 45 state department of transportation office of motor  
8 46 vehicle enforcement. A person who violates a  
8 47 provision of this subsection is guilty of a serious  
8 48 misdemeanor.  
8 49 Sec. 23. Section [321.380](#), Code 1997, is amended to  
8 50 read as follows:  
9 1 321.380 ENFORCEMENT.  
9 2 It shall be the duty of all peace officers and of  
9 3 the

~~highway safety~~

- ~~Iowa state~~ patrol to enforce the  
9 4 provisions of sections 321.372 to 321.379.  
9 5 Sec. 24. Section [321.457](#), subsection 3, Code 1997,  
9 6 is amended to read as follows:

9 7 3. Fire fighting apparatus and vehicles operated  
9 8 during daylight hours when transporting poles, pipe,  
9 9 machinery, or other objects of a structural nature  
9 10 which cannot be readily disassembled when required for  
9 11 emergency repair of public service facilities or  
9 12 properties are not subject to the limitations on  
9 13 overall length of vehicles and combinations of  
9 14 vehicles imposed under this section. However, for  
9 15 operation during nighttime hours, these vehicles and  
9 16 the load being transported shall be equipped with a  
9 17 sufficient number of clearance lamps on both sides and  
9 18 marker lamps at the extreme ends of the projecting  
9 19 load to clearly mark the dimensions of the load. A  
9 20 member of the Iowa state

~~highway safety~~

- patrol shall

9 21 also be notified prior to the operation of the  
9 22 vehicle."

9 23 #2. Page 1, by inserting after line 7 the  
9 24 following:

9 25 "Sec. \_\_\_\_\_. Section [321J.1](#), subsection 7, paragraph  
9 26 a, Code 1997, is amended to read as follows:

9 27 a. A member of the

~~highway~~

- Iowa state patrol.

9 28 Sec. \_\_\_\_\_. Section [331.907](#), subsection 1, Code  
9 29 1997, is amended to read as follows:

9 30 1. The annual compensation of the auditor,  
9 31 treasurer, recorder, sheriff, county attorney, and  
9 32 supervisors shall be determined as provided in this  
9 33 section. The county compensation board annually shall  
9 34 review the compensation paid to comparable officers in  
9 35 other counties of this state, other states, private  
9 36 enterprise, and the federal government. In setting  
9 37 the salary of the county sheriff, the county  
9 38 compensation board shall consider setting the  
9 39 sheriff's salary so that it is comparable to salaries  
9 40 paid to professional law enforcement administrators  
9 41 and command officers of the Iowa

~~highway safety~~

- state

9 42 patrol, the division of criminal investigation of the  
9 43 department of public safety, and city police agencies  
9 44 in this state. The county compensation board shall  
9 45 prepare a compensation schedule for the elective  
9 46 county officers for the succeeding fiscal year. A  
9 47 recommended compensation schedule requires a majority  
9 48 vote of the membership of the county compensation  
9 49 board.

9 50 Sec. \_\_\_\_\_. Section [452A.76](#), unnumbered paragraph 1,  
10 1 Code 1997, is amended to read as follows:

10 2 Authority to enforce division III is given to the  
10 3 state department of transportation. Employees of the  
10 4 department of transportation designated enforcement  
10 5 employees have the power of peace officers in the  
10 6 performance of their duties; however, they shall not  
10 7 be considered members of the Iowa

~~highway safety~~

- state

10 8 patrol. The department of transportation shall  
10 9 furnish enforcement employees with necessary equipment  
10 10 and supplies in the same manner as provided in section  
10 11 80.18, including uniforms which are distinguishable in

10 12 color and design from those of the Iowa

~~highway safety~~

10 13 state patrol. Enforcement employees shall be  
10 14 furnished and shall conspicuously display badges of  
10 15 authority."

10 16 #3. By renumbering as necessary.

10 17

10 18

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10 20 COMMITTEE ON [JUDICIARY](#)

10 21 ANDY McKEAN, Chairperson

10 22 [SF 2136.301](#) 77

10 23 lh/cf/28