

if granted, shall be drafted by the agency so as to provide the narrowest exception possible to the provisions of the rule. The agency may place any condition on a waiver or a variance that the agency finds desirable to protect the public health, safety, and welfare. A waiver or variance shall not be permanent, unless the petitioner can show that a temporary waiver or variance would be impracticable. If a temporary waiver or variance is granted, there is no automatic right to renewal. At the sole discretion of the agency, a waiver or variance may be renewed if the agency finds all of the factors set out in subsection 2 remain valid.

4. A grant or denial of a waiver or variance petition shall be indexed, filed, and available for public inspection as provided in section 17A.3. The administrative code editor and the administrative rules coordinator shall devise a mechanism to identify rules for which a petition for a waiver or variance has been granted or denied and make this information available to the public.

5. Semiannually, each agency which permits the granting of petitions for waivers or variances shall prepare a report of these actions identifying the rules for which a waiver or variance has been granted or denied, the number of times a waiver or variance was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the agencies' actions on the waiver or variance request. To the extent practicable, this report shall detail the extent to which the granting of a waiver or variance has established a precedent for additional waivers or variances and the extent to which the granting of a waiver or variance has affected the general applicability of the rule itself. Copies of this report shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.

6. For purposes of this section, "a waiver or variance" means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

Approved May 9, 2000

CHAPTER 1177

PROBATION AND PAROLE ADMINISTRATION

H.F. 2519

AN ACT relating to probation and parole by extending the repeal of the sixth judicial district pilot project concerning probation revocation hearings and by establishing the position of vice chairperson of the board of parole, and providing an effective date.

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

Section 1. Section 904A.1, Code 1999, is amended to read as follows:

904A.1 BOARD OF PAROLE.

The board of parole is created to consist of five members. Each member, except the chairperson and the vice chairperson, shall be compensated on a day-to-day basis. Each member shall serve a term of four years beginning and ending as provided by section 69.19, except for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. The chairperson and vice chairperson of the board shall be a full-time, salaried ~~member~~ members of the board. A majority of the members of the board constitutes a quorum to transact business.

Sec. 2. NEW SECTION. 904A.4C VICE CHAIRPERSON OF THE BOARD OF PAROLE.

The vice chairperson of the board of parole shall be appointed from the membership of the board of parole by the governor. The vice chairperson shall serve at the pleasure of the governor and shall have such responsibilities and duties as are determined by the chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office, until such time as a new chairperson is appointed by the governor.

Sec. 3. Section 904A.6, Code 1999, is amended to read as follows:

904A.6 SALARIES AND EXPENSES.

Each member, except the chairperson and the vice chairperson, of the board shall be paid per diem as determined by the general assembly. The chairperson and vice chairperson of the board shall be paid a salary as determined by the general assembly. Each member of the board and all employees are entitled to receive, in addition to their per diem or salary, their necessary maintenance and travel expenses while engaged in official business.

Sec. 4. 1998 Iowa Acts, chapter 1197, section 13, is amended to read as follows:

SEC. 13. EFFECTIVE DATES — REPEALS.

1. This division and Division I of this Act, being deemed of immediate importance, take effect upon enactment.

2. Division I of this Act is repealed June 30, ~~2000~~ 2002.

3. Division II of this Act takes effect July 1, ~~2000~~ 2002.

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

Approved May 9, 2000

CHAPTER 1178

PURCHASE OR CONDEMNATION OF PROPERTY BY UTILITIES

S.F. 2327

AN ACT relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.

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

Section 1. Section 6B.2A, subsection 3, as enacted by 2000 Iowa Acts, House File 2528,¹ section 3, is amended to read as follows:

3. If the acquiring agency is a person required to obtain a franchise under chapter 478, compliance with section 478.2 shall satisfy the ~~notice~~ requirements of this section. If the acquiring agency is a person required to obtain a permit under chapter 479, compliance with section 479.5 shall satisfy the ~~notice~~ requirements of this section.

Approved May 10, 2000

¹ Chapter 1179 herein