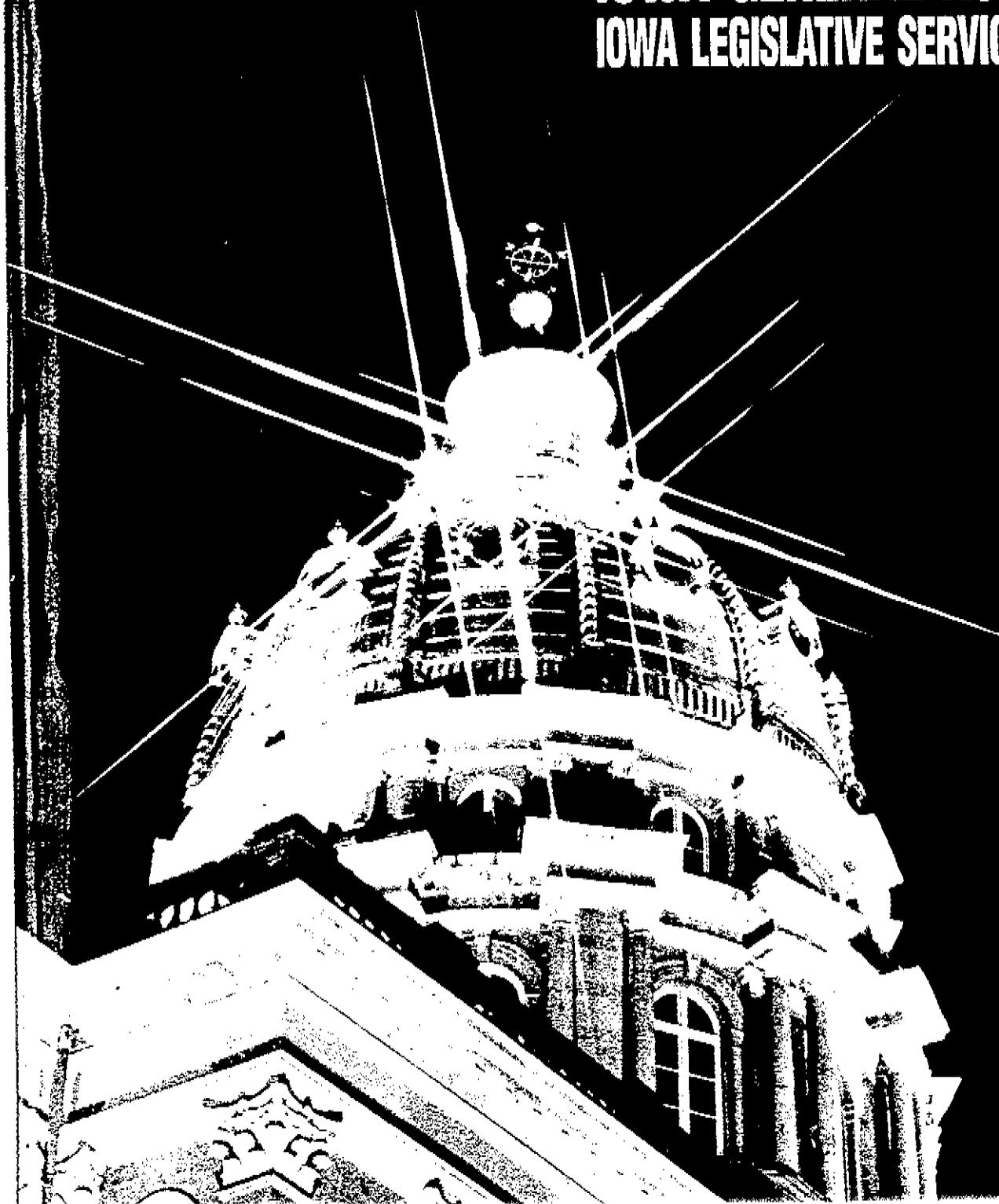


# 1999 SUMMARY OF LEGISLATION

IOWA GENERAL ASSEMBLY  
IOWA LEGISLATIVE SERVICE BUREAU



**SUMMARY OF LEGISLATION ENACTED IN THE YEAR 1999 BY THE FIRST  
REGULAR SESSION OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY AND  
SIGNED BY THE GOVERNOR**

**Prepared by the Legislative Service Bureau**

**PURPOSE**

This summary of legislation enacted by the 1999 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

**HOW TO FIND A SUMMARY**

If you know the original file number of a particular bill, you may refer to the chart on pages v and vii to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 1999 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

**EFFECTIVE DATE**

The effective date of the legislative enactments is July 1, 1999, unless otherwise specified in an individual summary.

**FISCAL YEAR**

For purposes of this summary of legislation, "fiscal year 1999-2000," and "FY 2000," for example, both describe the fiscal year beginning July 1, 1999, and ending June 30, 2000.

**VETOED BILLS**

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

**Legislative Service Bureau  
State Capitol Building  
Des Moines, Iowa 50319  
(515) 281-3566  
<http://www.legis.state.ia.us>**



**Printed on Recycled Paper**

## TABLE OF CONTENTS

### Location of Summaries by File Number:

Senate Files .....	v
House Files .....	vii

### Subject Areas:

Agriculture .....	1
Alcohol Regulation & Substance Abuse .....	7
Appropriations .....	9
Business, Banking & Insurance .....	37
Children & Youth .....	53
Civil Law, Procedure & Court Administration .....	61
Criminal Law, Procedure & Corrections .....	71
Economic Development .....	85
Education .....	91
Elections, Ethics & Campaign Finance .....	99
Energy & Public Utilities .....	103
Environmental Protection .....	107
Gaming .....	111
Health & Safety .....	113
Human Services .....	121
Labor & Employment .....	127
Local Government .....	131
Natural Resources & Outdoor Recreation .....	145
State Government .....	149
Taxation .....	161
Transportation .....	173

### Appendices:

Chapter Numbers of the 1999 Iowa Acts and Joint Resolutions .....	183
Sections Amended, Added or Repealed .....	185
Iowa Acts Amended .....	219
Iowa Administrative Code Amended .....	220
Proposed Constitutional Amendments .....	221
1999 Senate Committees .....	223
1999 House of Representatives Committees .....	225

## LOCATION OF SUMMARIES BY FILE NUMBER

### Senate Files

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
SF 8	Business, Banking & Insurance	SF 277	Health & Safety
SF 9	Taxation	SF 280	Economic Development
SF 41	Local Government	SF 281	State Government
SF 47	Business, Banking & Insurance	SF 282	State Government
SF 51	Natural Resources & Outdoor Recreation	SF 283	Appropriations
SF 53	Local Government	SF 287	Children & Youth
SF 55	Education	SF 294	Criminal Law, Procedure & Corrections
SF 67	Natural Resources & Outdoor Recreation	SF 303	Civil Law, Procedure & Court Administration
SF 68	Economic Development	SF 305	Taxation
SF 70	Labor & Employment	SF 308	Taxation
SF 76	Transportation	SF 309	Criminal Law, Procedure & Corrections
SF 92	Human Services	SF 323	State Government
SF 95	Business, Banking & Insurance	SF 335	State Government
SF 99	State Government	SF 337	Local Government
SF 101	Criminal Law, Procedure & Corrections	SF 352	Transportation
SF 102	State Government	SF 361	Appropriations
SF 106	State Government	SF 366	Appropriations
SF 114	Transportation	SF 367	Civil Law, Procedure & Court Administration
SF 115	Labor & Employment	SF 392	Local Government
SF 136	Taxation	SF 393	Local Government
SF 146	Labor & Employment	SF 395	Criminal Law, Procedure & Corrections
SF 149	Transportation	SF 398	Transportation
SF 150	Civil Law, Procedure & Court Administration	SF 404	Business, Banking & Insurance
SF 160	Environmental Protection	SF 405	Business, Banking & Insurance
SF 173	Education	SF 406	Business, Banking & Insurance
SF 176	Taxation	SF 407	Transportation
SF 186	Local Government	SF 410	Business, Banking & Insurance
SF 189	Criminal Law, Procedure & Corrections	SF 413	Business, Banking & Insurance
SF 190	Local Government	SF 424	Appropriations
SF 192	Transportation	SF 429	Civil Law, Procedure & Court Administration
SF 193	Children & Youth	SF 436	Agriculture
SF 194	Human Services	SF 437	Civil Law, Procedure & Court Administration
SF 203	Transportation	SF 439	Local Government
SF 210	State Government	SF 448	Local Government
SF 211	Human Services	SF 451	Criminal Law, Procedure & Corrections
SF 216	Civil Law, Procedure & Court Administration	SF 457	Education
SF 221	Human Services	SF 458	Taxation
SF 224	Energy & Public Utilities	SF 459	Education
SF 230	Taxation	SF 460	Appropriations
SF 231	Taxation	SF 462	State Government
SF 233	Business, Banking & Insurance	SF 464	Appropriations
SF 248	Health & Safety	SF 465	Economic Development
SF 249	Business, Banking & Insurance	SF 468	Appropriations
SF 254	State Government	SF 469	Taxation
SF 264	Natural Resources & Outdoor Recreation	SF 470	Elections, Ethics & Campaign Finance
SF 265	Natural Resources & Outdoor Recreation	SF 473	Taxation
SF 275	Children & Youth	SF 482	Health & Safety
SF 276	Business, Banking & Insurance		

### Senate Joint Resolutions

Number	Major Subject
SJR 1	State Government
SJR 2	State Government

## LOCATION OF SUMMARIES BY FILE NUMBER

## House Files

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
HF 38	Civil Law, Procedure & Court Administration	HF 498	Criminal Law, Procedure & Corrections
HF 100	Local Government	HF 501	Criminal Law, Procedure & Corrections
HF 115	Local Government	HF 518	State Government
HF 136	Criminal Law, Procedure & Corrections	HF 521	Labor & Employment
HF 144	Education	HF 531	Environmental Protection
HF 146	Education	HF 532	Education
HF 147	Education	HF 570	Agriculture
HF 164	Civil Law, Procedure & Court Administration	HF 571	Business, Banking & Insurance
HF 165	Criminal Law, Procedure & Corrections	HF 573	Criminal Law, Procedure & Corrections
HF 172	Children & Youth	HF 584	Civil Law, Procedure & Court Administration
HF 182	Criminal Law, Procedure & Corrections	HF 588	Energy & Public Utilities
HF 199	Taxation	HF 624	Business, Banking & Insurance
HF 200	Transportation	HF 633	Civil Law, Procedure & Court Administration
HF 208	Agriculture	HF 634	Transportation
HF 209	Criminal Law, Procedure & Corrections	HF 636	Environmental Protection
HF 210	Business, Banking & Insurance	HF 647	Civil Law, Procedure & Court Administration
HF 218	Local Government	HF 651	Transportation
HF 222	Civil Law, Procedure & Court Administration	HF 659	Criminal Law, Procedure & Corrections
HF 224	Local Government	HF 660	Civil Law, Procedure & Court Administration
HF 242	State Government	HF 661	Criminal Law, Procedure & Corrections
HF 255	Civil Law, Procedure & Court Administration	HF 662	Civil Law, Procedure & Court Administration
HF 281	Criminal Law, Procedure & Corrections	HF 663	Civil Law, Procedure & Court Administration
HF 293	Agriculture	HF 664	Human Services
HF 296	Criminal Law, Procedure & Corrections	HF 675	Education
HF 299	Transportation	HF 676	Economic Development
HF 308	State Government	HF 679	Elections, Ethics & Campaign Finance
HF 311	Children & Youth	HF 688	State Government
HF 312	Agriculture	HF 689	State Government
HF 313	Criminal Law, Procedure & Corrections	HF 700	Energy & Public Utilities
HF 322	Agriculture	HF 705	Criminal Law, Procedure & Corrections
HF 330	Business, Banking & Insurance	HF 708	Health & Safety
HF 332	Appropriations	HF 713	Civil Law, Procedure & Court Administration
HF 337	Economic Development	HF 714	Civil Law, Procedure & Court Administration
HF 339	Environmental Protection	HF 721	Agriculture
HF 343	Agriculture	HF 733	Economic Development
HF 345	Business, Banking & Insurance	HF 737	Appropriations
HF 347	Environmental Protection	HF 741	Health & Safety
HF 349	Environmental Protection	HF 743	Education
HF 375	Business, Banking & Insurance	HF 744	Taxation
HF 379	Health & Safety	HF 745	Appropriations
HF 386	Criminal Law, Procedure & Corrections	HF 746	Appropriations
HF 387	Taxation	HF 748	Taxation
HF 395	Criminal Law, Procedure & Corrections	HF 755	Taxation
HF 402	State Government	HF 757	Taxation
HF 403	Children & Youth	HF 758	Local Government
HF 412	Agriculture	HF 760	Human Services
HF 414	Natural Resources & Outdoor Recreation	HF 761	Children & Youth
HF 417	State Government	HF 762	Appropriations
HF 418	Taxation	HF 766	Education
HF 442	Environmental Protection	HF 767	Economic Development
HF 443	Business, Banking & Insurance	HF 769	Taxation
HF 445	Business, Banking & Insurance	HF 770	Taxation
HF 448	Civil Law, Procedure & Court Administration	HF 772	Appropriations
HF 458	Business, Banking & Insurance	HF 773	Human Services
HF 472	Local Government	HF 776	Taxation
HF 474	Local Government	HF 777	Business, Banking & Insurance
HF 476	Local Government	HF 779	Agriculture
HF 489	Environmental Protection	HF 781	Appropriations
HF 497	Health & Safety	HF 782	Appropriations

**House Joint Resolutions**

<b>Number</b>	<b>Major Subject</b>
HJR 13	State Government
HJR 15	State Government

## AGRICULTURE

- SENATE FILE 436 - Livestock Marketing Practices — Packers
- HOUSE FILE 208 - Southern Iowa Development and Conservation Authority
- HOUSE FILE 293 - Iowa Sheep and Wool Promotion Board Assessments
- HOUSE FILE 312 - Grain Industry Regulation
- HOUSE FILE 322 - Production of Agricultural Commodities
- HOUSE FILE 343 - Costs of Drainage Improvements in Railroad Rights-of-Way
- HOUSE FILE 412 - Leopold Center Advisory Board Membership
- HOUSE FILE 570 - Marketing of Turkeys and Turkey Products — Council — Producer Assessment
- HOUSE FILE 721 - Iowa Egg Council — Membership and Administration
- HOUSE FILE 779 - Linked Investment Programs

### RELATED LEGISLATION

- SENATE FILE 41 - County Agricultural Extension Council — Duties and Meetings  
*SEE LOCAL GOVERNMENT.* This Act requires each county agricultural extension council to meet at least twice during a calendar year, and strikes a requirement that the council publish the date, time and place of election of its members, because the county commissioner of elections is required to publish similar information and a sample ballot before elections. Other January dates are changed to reference the budget certification date, March 15.
- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. This Act specifies the method for calculating the livestock production tax credit for cow-calf operations effective beginning with the 1997 tax year. This provision applies retroactively to January 1, 1997, for tax years beginning on or after that date.
- SENATE FILE 146 - Regulation of Worker and Public Safety and Protection  
*SEE LABOR & EMPLOYMENT.* This Act makes a number of changes to Code provisions administered by the Labor Services Division of the Department of Workforce Development, including eliminating a requirement that farm labor contractors who contract with persons engaged in the production of seed or feed grains obtain a minimum bond of \$20,000 on the person's behalf. The Act preserves the provision making both the producer and the farm labor contractor liable for the wages to employees.
- SENATE FILE 230 - Internal Revenue Code References and Income Tax Provisions  
*SEE TAXATION.* This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 1998 applicable for Iowa income tax purposes. The Act extends the net operating loss carryback period to five years for net operating losses from farming businesses arising in taxable years beginning after December 31, 1997. The Act takes effect May 6, 1999, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.
- HOUSE FILE 242 - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act provides a uniform bond amount for each place of business of a dealer in biological products, amends the definition of "distribute" within the chapter pertaining to bulk dry animal nutrient products, conforms the usage of the term "board of supervisors" within provisions relating to the detachment and attachment of areas to rural water districts, amends animal feeding operation provisions to specify which persons are restricted from constructing or expanding animal feeding operations structures, and amends the exemption to certification of confinement site manure applicators to specify that it applies to persons who are acting under the instructions and control of a certified confinement site manure applicator.

- HOUSE FILE 339** - Agricultural Drainage Wells — Closing Deadline  
*SEE ENVIRONMENTAL PROTECTION.* This Act extends the deadline for closing agricultural drainage wells located in designated agricultural drainage well areas from December 31, 1999, to December 31, 2001.
- HOUSE FILE 476** - Eminent Domain and Condemnation Proceedings  
*SEE LOCAL GOVERNMENT.* This Act makes several changes to the law relating to the power of eminent domain and the procedures by which the State of Iowa and other entities and persons are allowed to condemn private property. The Act contains a number of provisions relating to the condemnation of agricultural land.
- HOUSE FILE 531** - Manure Applicator Certification — Deadline Extension  
*SEE ENVIRONMENTAL PROTECTION.* This Act delays the date by which manure applicators must be certified by the Department of Natural Resources. The Act takes effect on April 28, 1999.
- HOUSE FILE 573** - Controlled Substances — Methamphetamine — Penalties  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act makes various changes to methamphetamine or controlled substance-related crimes. The Act amends Code Chapter 189, which applies to a number of chapters regulating agricultural-related products and activities. The Act provides that Code Section 189.16, relating to possession or control of an article which is adulterated or which is improperly labeled, does not apply to the possession or control of grain or mining materials by persons in the respective grain trade or mining industry, or to a controlled substance as provided in Code Chapter 124. The Act also increases the penalty applicable to tampering with anhydrous ammonia equipment and illegal possession of anhydrous ammonia, from a simple misdemeanor to a serious misdemeanor.
- HOUSE FILE 651** - Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers  
*SEE TRANSPORTATION.* This Act makes several changes relating to the transportation of implements of husbandry on the highways of this state, including modification of the definition of an "implement of husbandry" and imposition of size, weight and load restrictions for certain implements of husbandry operated on highways.
- HOUSE FILE 676** - Iowa Agricultural Industry Finance Act — Miscellaneous Provisions  
*SEE ECONOMIC DEVELOPMENT.* This Act makes several changes to the Iowa Agricultural Industry Finance Act, relating to ownership in the corporation by agricultural producers.
- HOUSE FILE 746** - Appropriations — Agriculture and Natural Resources  
*SEE APPROPRIATIONS.* This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship, the Department of Natural Resources, and Iowa State University of Science and Technology.
- HOUSE FILE 772** - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act creates new Code Section 161C.7, relating to watershed protection. The Department of Agriculture and Land Stewardship is directed to establish a Watershed Protection Task Force, and to implement and administer a Watershed Protection Program. The Act creates a Watershed Protection Account within the Water Protection Fund to be used for purposes of the program. The Act also makes several changes relating to county fairs, including modifying the method of providing state aid to county fairs and providing revenue bonding authority to societies conducting county fairs which meet certain requirements, with an option for a county to issue a standby tax levy to back such bonds.

**AGRICULTURE****SENATE FILE 436 - Livestock Marketing Practices — Packers**

BY COMMITTEE ON AGRICULTURE. This Act regulates practices engaged in by meatpackers ("packers") when purchasing livestock.

The Act provides for price reporting, by requiring a packer to file purchase reports with the Department of Agriculture and Land Stewardship that include information relating to the purchase of livestock as required by the department. A packer must file purchase reports at times determined practicable by the department, but not later than two business days following the event being reported. The information required to be reported may include, but is not limited to, livestock purchased, committed for delivery, or slaughtered. The information may also include the volume of daily purchases and the weight, grade and price paid for livestock, including all premiums, discounts or adjustments. If livestock is purchased pursuant to contract, the department may require that information in the purchase report be categorized by the type of contract. The purchase reports must allow the department to compare prices paid under contract with cash market prices. The Act also requires a packer to post a notice that includes information relating to the purchase of livestock as required by the department. The information contained in the purchase notice must include a summary of information required to be filed in purchase reports.

The Act also prohibits a packer from including in a contract for the purchase of livestock a provision making information contained in the contract confidential. If a contract executed on or after April 29, 1999, contains such a provision, the Act voids the provision. A packer who includes a confidentiality provision in a contract with a livestock seller is guilty of a fraudulent practice.

The Act requires that the department, in consultation with the Attorney General, adopt rules necessary in order to administer the Act. The department may establish different rules according to the species of livestock governing purchase reporting and purchase notice requirements.

The Act provides for enforcement by the Attorney General, including authorizing the Attorney General to seek injunctive relief or subpoenas and enforce civil penalties. The Act provides that a packer who fails to file a timely, accurate or complete purchase report is subject to a civil penalty of not more than \$5,000 for each offense. A packer who fails to post a timely, accurate or complete purchase notice is subject to a civil penalty of not more than \$1,000 for each offense.

The Act provides for the repeal of provisions relating to purchase reporting and purchase notice posting if the federal government implements a statute or regulation that is substantially similar to or more stringent than state requirements and penalties.

The Act takes effect April 29, 1999. However, provisions providing for purchase reporting and purchase notice posting take effect on July 1, 2000.

**HOUSE FILE 208 - Southern Iowa Development and Conservation Authority**

BY ARNOLD, DOLECHECK, REYNOLDS, KREIMAN, AND DAVIS. This Act establishes a Southern Iowa Development and Conservation Authority that includes the counties of Appanoose, Clarke, Davis, Decatur, Jefferson, Lucas, Monroe, Van Buren, Wappelo, and Wayne. Each county is entitled to a voting member on the authority, but membership or participation in projects of the authority is not required. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resources, rural development, and infrastructure problems of counties in the most fragile areas of the southern Iowa drift plain. The Act requires the authority to cooperate with various local, state and federal entities in carrying out its duties. The authority of the Department of Natural Resources to acquire, develop and manage public lands within the counties represented by the Southern Iowa Development and Conservation Authority is not affected by this legislation.

The Act creates a Southern Iowa Development and Conservation Fund, which is to be administered by the authority. The proceeds of the fund shall be used for planning, development and implementation of development and conservation activities or measures in the member counties.

**HOUSE FILE 293 - Iowa Sheep and Wool Promotion Board Assessments**

BY BOGGESS. This Act amends Code Chapter 182, which provides for the assessment (commonly referred to as a checkoff) of sheep and wool imposed on the first purchaser. The Act provides for the imposition of the assessment on sales of sheep, regardless of whether the sheep are sold for slaughter. According to the Act, the assessment is imposed when the sheep are sold at a concentration point, which includes a public market. However, the Act also provides for the imposition of the assessment when the sheep are not sold at a concentration point, such as a private sale. The Act also amends the chapter in order to enhance its readability.

**HOUSE FILE 312 - Grain Industry Regulation**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapters 203 and 203C, providing for the regulation of grain dealers and warehouse operators required to be licensed by the Department of Agriculture and Land Stewardship, and providing for the Grain Depositors and Sellers Indemnity Fund as established in Code Chapter 203D.

The Act increases the amount of grain a person may purchase during a calendar year for resale, milling or processing, from less than 500 to less than 1,000 bushels, without being regulated as a grain dealer. The Act requires that persons who are not licensed grain dealers must notify a producer if the person purchases 50,000 or more bushels of grain in the previous 12 months. The notice must warn the producer that the grain is not covered by the Grain Depositors and Sellers Indemnity Fund.

The Act eliminates references to "registered feed," which is no longer regulated.

The Act amends a provision requiring a grain dealer to file and maintain a bond with the department. The Act prohibits cancellation of the bond by the issuer without providing the department with 90 days' notice. The Act permits the department to authorize the cancellation of the original bond if an adequate replacement bond is filed with the department.

The Act requires the department to establish, by rule, civil penalties that may be administratively or judicially assessed against a grain dealer or warehouse operator for a violation of the chapters regulating those persons. The amount of the civil penalty cannot exceed \$1,500. The Act provides procedures for administratively assessing the civil penalties. The amount of the civil penalty cannot exceed the amount recommended by the Grain Industry Peer Review Panel as established by the Act. The Act provides that moneys collected in civil penalties by the department or the Attorney General must be deposited in the General Fund of the State.

The Act establishes a Grain Industry Peer Review Panel to assist the department in establishing and assessing civil penalties. The Act requires the Secretary of Agriculture to appoint members to the panel who represent grain dealers, warehouse operators and grain producers. The Act provides procedures for the operation of the panel and reimbursement of member expenses. The Act provides that the panel may propose a schedule of penalties for minor and serious violations, and may review cases of persons required to be licensed as grain dealers or warehouse operators and who are subject to civil penalties.

The Act increases, from six months to one year from the date of delivery to the warehouse, the amount of time allowed before a warehouse receipt must be issued for grain held in open storage (i.e., unpurchased grain).

Finally, the Act provides that incidental warehouse operators must have sufficient quantity and quality of grain to cover obligations to depositors.

**HOUSE FILE 322 - Production of Agricultural Commodities**

BY COMMITTEE ON AGRICULTURE. This Act provides for the production and purchasing of agricultural commodities, by regulating the ownership of facilities used in livestock production and contracting for the production of agricultural commodities.

Code Section 9H.2 prohibits a processor from owning, controlling or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter. Code Section 9H.1 defines "feedlot" to mean a lot, yard, corral, or other area in which hogs or cattle fed for slaughter are confined. This Act provides that a "feedlot" also includes a building.

The Act regulates the relationship between a contractor and a contract producer under new Code Chapter 8E. A contractor is a person who contracts with an agricultural producer to produce a commodity on property held by the agricultural producer. The agricultural producer is referred to as a contract producer. The contract is referred to as a production contract. A commodity means crops, raw milk and livestock.

The Act provides that a contractor is prohibited from enforcing a provision in a production contract if the provision provides that information contained in the production contract is confidential. A provision contained in a production contract is void if the provision states that information contained in the production contract is confidential. The Attorney General is responsible for enforcing the chapter, and is authorized to apply to district court to obtain injunctions or subpoenas. A person who enforces a confidentiality provision is guilty of a fraudulent practice.

The Act establishes a new Code Chapter 579B, which creates a lien upon commodities produced at the contract producer's contract operation under a production contract in favor of the contract producer. The chapter is based on existing Code Chapter 579A, which allows a custom cattle feedlot operator to file a lien on cattle produced at a custom cattle feedlot. The lien under new Code Chapter 579B is created when a production contract is executed in writing or orally.

The Act provides that the lien is on the commodity. However, if the commodity is sold, the lien is on the cash proceeds from the sale. If the commodity is processed, the lien is on any property of the contractor that is subject to a security interest under the Uniform Commercial Code (Code Chapter 554). The lien continues for one year after the commodity is no longer under the authority of the contract producer.

The Act requires the contract producer to file a lien statement with the Secretary of State within 45 days after the date that the livestock arrive at the contract facility or the crop is first planted.

Generally, the lien is superior to and has priority over conflicting liens or security interest in the commodity. A contract producer may provide for the enforcement of the lien in the same manner as provided for other security interests under the Uniform Commercial Code.

The Act also amends Code Chapter 579A, which establishes a lien on cattle maintained at a custom cattle feedlot in favor of the custom cattle feedlot operator. Generally, the amendments are consistent with provisions contained in new Code Chapter 579B. The Act amends the definition of "feedlot" in Code Chapter 579A to include buildings in which cattle are confined and fed. The Act provides that a lien may be created by the personal representative of the custom cattle feedlot. The Act provides that the lien may be created pursuant to a written or oral agreement.

Finally, the Act provides that a waiver of a right created under Code Chapter 579A or 579B is void and unenforceable. The Act provides that a custom cattle feedlot operator may file and enforce a lien under one chapter or another, but not both.

The Act takes effect May 24, 1999.

#### **HOUSE FILE 343 - Costs of Drainage Improvements in Railroad Rights-of-Way**

BY MERTZ AND KLEMM. This Act amends Code Chapter 468, which provides that when a board of supervisors requires the construction of a drainage improvement across a railroad right-of-way within a levee or drainage district, the railroad company must construct the improvement after receiving a notice from the county. Code Section 468.112 provides that if the railroad company does not construct the improvement, the board may order the construction and charge the costs to the railroad company. The Act provides that in a collection proceeding brought by the county to collect the moneys on behalf of the district, the court may award the prevailing county reasonable attorney fees incurred by the county, to be paid by the railroad company and taxed as part of the costs of the action.

#### **HOUSE FILE 412 - Leopold Center Advisory Board Membership**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Section 266.39, which establishes the Leopold Center for Sustainable Agriculture in the Iowa Agricultural and Home Economics Experiment Station at Iowa State University of Science and Technology. The center is responsible for conducting and sponsoring research to identify and reduce negative environmental and socioeconomic impacts of agricultural practices. The Code section also establishes an advisory board responsible for advising the center's director in the development of a budget and on the policies and procedures of the center. This Act increases the membership of the board to 17 to include four representatives of agricultural organizations. The Act provides for reimbursing the members for necessary and actual expenses.

#### **HOUSE FILE 570 - Marketing of Turkeys and Turkey Products — Council — Producer Assessment**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 184A, which provides for the establishment of the Iowa Turkey Marketing Council, the imposition of an assessment (commonly referred to as a checkoff) on turkeys sold to processors, and the use of those moneys.

Currently, turkey producers are subject to a checkoff based on the weight of the bird. The rate is to be not more than 1 cent for each turkey weighing less than 10 pounds live weight and not more than 2 cents for each turkey weighing 10 or more pounds live weight. This Act authorizes the council to establish different rates with a 3-cent maximum. Currently, producers raising more than 200 turkeys are subject to the assessment. The Act provides that producers raising more than 5,000 turkeys are subject to the assessment.

Currently, turkey producers must vote in a referendum to establish the council and checkoff. In addition, the producers must continue the council and the checkoff every five years by voting in a referendum. The Act rewrites procedures for establishing the council and instituting the checkoff, and abolishing the council and terminating the checkoff, based on provisions in Code Chapter 184 governing the Iowa Egg Council. The Act rewrites provisions necessary to conduct a referendum required to continue the council and assessment. The procedures for conducting this referendum are based on the procedures for establishing or abolishing the council and assessment.

Currently, a producer may apply for a refund of checkoff moneys. This Act provides that the council must provide for a refund according to rules adopted by the council.

Currently, the council is composed, in part, of five representatives nominated by the Iowa Turkey Federation and appointed by the Department of Agriculture and Land Stewardship. This Act provides for direct appointment to the council by the federation's board of directors. The Act provides that members of the council appointed to the council serve at the pleasure of the board.

The Act rewrites and reorganizes a number of provisions in the chapter in order to enhance its readability and conform its provisions with practice or to chapters providing checkoffs for other commodities. Many of the changes are nonsubstantive. For example, the Act replaces the term "fee" with the term "assessment." The Act eliminates language regarding officers of the council. It moves and consolidates provisions. The Act also includes a number of substantive provisions. The Act includes provisions expressly setting forth the powers of the council, and procedures for the conduct of its meetings. The Act forbids the council from expending moneys in the turkey council account in a manner inconsistent with the administration of the chapter, including supporting political campaigns or candidates.

The Act takes effect May 20, 1999.

#### **HOUSE FILE 721 - Iowa Egg Council — Membership and Administration**

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 184, which establishes the Iowa Egg Council. The Act eliminates a number of requirements relating to the administration of the council. It eliminates a provision prohibiting a member of the council from serving more than two complete consecutive terms. It eliminates a requirement that the chairperson or other officer of the council serve a one-year term. The Act provides for the powers and duties of the council. It authorizes the council to become a member of organizations involving egg consumption and utilization and authorizes the council to fund research and education programs. The Act rewrites a provision prohibiting the council from selling eggs or egg machinery. It amends a provision that prohibits a member of the council from being a salaried employee of an organization or agency receiving moneys from the council. The Act provides that the prohibition applies to voting members of the council. Finally, the Act eliminates a provision providing that council expenses and bond premiums must be paid from assessments.

The Act takes effect May 10, 1999.

#### **HOUSE FILE 779 - Linked Investment Programs**

BY COMMITTEE ON APPROPRIATIONS. This Act amends provisions in Code Chapter 12 that allow the Treasurer of State to invest up to \$68 million, or 10 percent of the balance, of the State Pooled Money Fund in certificates of deposit in eligible lending institutions. The state receives a lower interest rate as part of an agreement in which the lending institution loans moneys to eligible persons, under programs specified in the chapter, at a reduced rate of interest. Persons eligible to receive these loans include rural small businesses; persons involved in producing, processing or marketing horticultural or nontraditional crops; and businesses owned by minorities, women or disabled persons.

The Act provides that the gross income earned by the borrower's business of producing, processing or marketing horticultural or nontraditional crops cannot be more than \$300,000 for the borrower's last tax year.

The Act increases the amount that the Treasurer of State may invest to \$108 million, but provides that the additional moneys must be used to support two new programs: \$20 million must be invested in order to support a program for traditional livestock producers and at least \$20 million must be loaned to support a program for value-added agricultural projects.

In order to qualify as a traditional livestock producer, the borrower must hold a legal interest in a livestock operation in which cattle or swine are raised, own the livestock, be a resident of this state, not be subject to a legal action involving environmental violation or be classified as a habitual violator of environmental regulations, have a gross income earned from farming operations of more than \$50,000 but not more than \$300,000, and earn at least 50 percent of the income from livestock production. A program loan cannot be for more than \$100,000.

In order to receive a loan for a value-added agricultural project, a borrower must meet eligibility requirements established by the Treasurer of State. The purpose of providing the loans is to stimulate existing businesses, or encourage the establishment of new businesses, that add value through the processing of agricultural commodities. Another purpose is to encourage the production of agricultural commodities, if a shortage in production exists. A program loan cannot be for more than \$250,000.

The Department of Economic Development and the Department of Agriculture and Land Stewardship are required to conduct a review of programs under Code Chapter 12, and submit a report to the General Assembly on or before February 1, 2000.

The Act takes effect on May 24, 1999.

## ALCOHOL REGULATION AND SUBSTANCE ABUSE

## RELATED LEGISLATION

- SENATE FILE 150** - Judicial Administration  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act makes several changes governing the duties and responsibilities of clerks of the district court and makes other changes concerning the administration of the judicial system. The Act permits the clerk of the district court to send copies of an order discharging a patient from a substance abuse or mental illness facility by regular, rather than certified, mail. The Act also provides for an appeal when a magistrate has made a determination that a respondent is seriously mentally impaired or a chronic substance abuser.
- SENATE FILE 192** - Open Containers in Motor Vehicles  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act changes the current Code provision relating to open containers in motor vehicles by prohibiting both the driver of and passengers in a motor vehicle, regardless of intent, from possessing an open or unsealed receptacle containing an alcoholic beverage in the passenger area of the motor vehicle. A violation of the Act is a simple misdemeanor punishable by a scheduled fine of \$50.
- SENATE FILE 203** - Transportation — Miscellaneous Provisions  
**SEE TRANSPORTATION.** This Act amends Code Section 321J.13, which regulates administrative revocations of driver's licenses under the Code chapter dealing with operating while intoxicated violations. The provision restores a provision regarding the reopening of revocation hearings that was stricken in 1997 legislation. It provides that a person may reopen a revocation hearing by filing a petition stating there is new evidence requiring rescission of the revocation.
- SENATE FILE 283** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes funding for various substance abuse programs.
- SENATE FILE 361** - Appropriations — Substance Abuse and Sexual Abuse  
**SEE APPROPRIATIONS.** This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse and sexual abuse, and for programs for at-risk youth. The Act appropriates moneys to the Iowa Department of Public Health to establish a Model Substance Abuse Prevention Program. The Act also requires the Iowa Department of Public Health to incorporate methamphetamine education in various programs administered by the department.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
**SEE HEALTH & SAFETY.** This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act eliminates the specific list of entities eligible for licensure as substance abuse treatment facilities.
- HOUSE FILE 760** - Appropriations — Human Services  
**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services for FY 1999-2000, and includes provisions related to human services and health care. The Act transfers \$950,000 from the Iowa Department of Public Health to the Medical Assistance (Medicaid) Program for continuation of the Integrated Substance Abuse Managed Care System.

## APPROPRIATIONS

- SENATE FILE 283 - Federal Block Grant Appropriations
- SENATE FILE 361 - Appropriations — Substance Abuse and Sexual Abuse
- SENATE FILE 366 - Appropriations — Supplemental Funding for Embedded Chips Replacement
- SENATE FILE 424 - Appropriations — Transportation
- SENATE FILE 460 - Appropriations — Administration and Regulation
- SENATE FILE 464 - Appropriations — Education
- SENATE FILE 468 - Appropriations — Justice System
- HOUSE FILE 332 - Appropriations — Energy Conservation Programs Funding
- HOUSE FILE 737 - Appropriations — Health and Human Rights
- HOUSE FILE 745 - Appropriations — Economic Development
- HOUSE FILE 746 - Appropriations — Agriculture and Natural Resources
- HOUSE FILE 760 - Appropriations — Human Services
- HOUSE FILE 762 - Appropriations — State Government Technology and Operations
- HOUSE FILE 772 - Appropriations — Infrastructure and Capital Projects
- HOUSE FILE 781 - Compensation for Public Employees
- HOUSE FILE 782 - Miscellaneous Supplemental and Other Appropriations and Provisions

### RELATED LEGISLATION

- SENATE FILE 76 - Transportation — Reversion, Nonreversion, and Appropriation of Certain Funds  
*SEE TRANSPORTATION.* This Act relates to appropriations to the state Department of Transportation (IDOT). It authorizes IDOT to encumber up to 50 percent of unused operational appropriations to IDOT from the Road Use Tax Fund and the Primary Road Fund, makes an appropriation from the Road Use Tax Fund to IDOT for FY 1999-2000 to support the county issuance of driver's licenses, specifies that money transferred from lottery revenues to the Railway Finance Authority for a community assistance grant in 1994 Iowa Acts, Chapter 1199, shall not revert, but shall be transferred to the Railroad Revolving Loan Fund, and permits IDOT to use moneys in the Railroad Revolving Loan Fund to erect close-clearance warning devices along railroad rights-of-way when necessary.
- SENATE FILE 439 - Iowa Community Empowerment — Miscellaneous Provisions  
*SEE CHILDREN & YOUTH.* This Act relates to the Iowa Community Empowerment Act, the Iowa Empowerment Board, and related provisions. The Act allocates funding appropriated in S.F. 464, relating to education appropriations, and amends funding distribution provisions in H.F. 760 (see Human Services), relating to human services appropriations.
- SENATE FILE 465 - Accelerated Career Education Program  
*SEE ECONOMIC DEVELOPMENT.* This Act provides that a community college may enter into an agreement with certain employers to establish an Accelerated Career Education Program. The Governor item vetoed a provision of the Act that would have established a method of allocation of any moneys appropriated by the General Assembly for program capital costs. The Act takes effect May 24, 1999.
- HOUSE FILE 147 - Funding for School Districts With Decreasing or Increasing Enrollments  
*SEE EDUCATION.* This Act provides additional funding for certain school districts experiencing either decreasing or increasing enrollments. The Act extends the budget guarantee provision for the budget year commencing July 1, 1999, and authorizes the Department of Management to provide additional state aid to enable a district to receive 100 percent of its regular program district cost for the base year for the school budget year. The Act also appropriates up to \$4 million for FY 1999-2000 from the General Fund of the State to the Department of Education for on-time funding for school districts.

- HOUSE FILE 743** - Education Block Grants — Early Intervention and School Improvement Technology  
*SEE EDUCATION.* This Act establishes an Iowa Early Intervention Block Grant Program within the Department of Education and appropriates for the program, from the General Fund of the State, \$10 million for FY 1999-2000, \$20 million for FY 2000-2001, and \$30 million for FY 2001-2002. The Act also provides for a School Improvement Technology Block Grant Program by appropriating \$30 million annually for FY 2002-2003 and FY 2003-2004, effectively extending the current School Improvement Technology Program for two years. However, the new School Improvement Technology Block Grant Program authorizes school districts to use up to two-thirds of the moneys received under the new technology program for purposes permitted under the Iowa Early Intervention Block Grant Program.
- HOUSE FILE 779** - Linked Investment Programs  
*SEE AGRICULTURE.* This Act amends provisions in Code Chapter 12 that allow the Treasurer of State to invest up to \$68 million or 10 percent of the balance of the State Pooled Money Fund in certificates of deposit in eligible lending institutions. The state receives a lower interest rate as part of an agreement in which the lending institution loans moneys to eligible persons, under programs specified in the chapter, at a reduced rate of interest. The Act increases the amount that the Treasurer of State may invest to \$108 million, but provides that the additional moneys must be used to support a program for traditional livestock producers and a program for value-added agricultural projects. The Act takes effect May 24, 1999.

## APPROPRIATIONS

### **SENATE FILE 283 - Federal Block Grant Appropriations**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, from the following federal block grants: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Drug Control and System Improvement, Stop Violence Against Women, Local Law Enforcement, Residential Substance Abuse Treatment for State Prisoners, Community Services, Community Development, Low-Income Home Energy Assistance, Social Services, and Child Care and Development. See H.F. 760 (Human Services) for appropriations of the federal Temporary Assistance for Needy Families (TANF) Block Grant and supplementation of the Social Services Block Grant.

The Act requires that moneys be distributed in accordance with the applicable federal requirements. The Act establishes a procedure if more or less federal funding is received than predicted. In addition, the Act appropriates other federal grants, receipts and funds, and other nonstate grants, receipts and funds available in whole and in part for the state fiscal year beginning July 1, 1999, and ending June 30, 2000.

The Act provides that if the Governor determines that federal low-income home energy assistance funds are insufficient, the Iowa Utilities Board is to issue an order prohibiting disconnection of service from November 1 through April 1, if the household income falls at or below 150 percent of the federal poverty level.

### **SENATE FILE 361 - Appropriations — Substance Abuse and Sexual Abuse**

BY COMMITTEE ON APPROPRIATIONS. This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse, and sexual abuse, and for programs for at-risk youth.

This Act appropriates moneys to the Department of Public Safety for the Division of Narcotics Enforcement to employ six narcotics enforcement agents and for the Division of Criminal Investigation to permit two criminalists within the division to focus on methamphetamine testing. The Act appropriates moneys to the department for the establishment of a clandestine methamphetamine laboratory emergency response team and specifies the members of the response team.

The Act appropriates moneys to the Department of Corrections for establishing a Youth Leadership Model Program to help at-risk youth in judicial district departments of correctional services selected by the department. Federal moneys are also transferred to the Department of Corrections for establishing two pilot program drug courts.

The Act appropriates moneys to the Department of Human Services for the State Training School at Eldora for treatment for substance abusers and sexual predators.

The Act appropriates moneys to the Iowa Department of Public Health for additional methamphetamine treatment and for development of a Model Substance Abuse Prevention Program based upon the North High School Program in Des Moines.

The Act appropriates moneys to the Governor's Alliance on Substance Abuse for a youth leadership conference on mentoring.

The Act transfers moneys from the Health Insurance Surplus Account to the Department of Personnel for development of a Labor Management Substance Abuse Education Program, with an emphasis on methamphetamine abuse.

The Act directs the Cooperative Extension Service, in association with the Institute for Social and Behavioral Research, to develop a Strengthening Families Program to assist communities providing programs for families with children between 10 and 14 years of age for prevention of substance abuse, especially methamphetamine abuse. The Act establishes a Strengthening Families Program Fund to provide matching funds to selected communities in the program. The program is to be funded, in part, through the Department of Education using state moneys appropriated for use by communities.

The Act requires that the Iowa Department of Public Health include a methamphetamine education program component in the nutrition and health-related education services it administers under the federal Special Supplemental Food Program for Women, Infants, and Children; that grant proposals submitted to the Family Development and Self-Sufficiency Council by public or private organizations for provision of family development services to families at risk of long-term welfare dependency must include methamphetamine education as part of the services; and that school districts which receive school-based youth services grants or grants for elementary schools demonstrating the greatest need for at-risk programs must provide activities and materials designed to encourage children's self-esteem, provide role modeling and mentoring techniques in social competence and social skills, and discourage inappropriate drug use.

**SENATE FILE 366 - Appropriations — Supplemental Funding for Embedded Chips Replacement**

BY COMMITTEE ON APPROPRIATIONS. This Act makes a supplemental appropriation for FY 1998-1999 from the state's Infrastructure Fund to the Division of Information Technology Services of the Department of General Services. The supplemental appropriation of approximately \$2.4 million is to be used to make state government technology and equipment Y2K compliant by providing for the replacement of embedded chips that are not compliant with requirements associated with the century date change.

This Act takes effect April 21, 1999.

**SENATE FILE 424 - Appropriations — Transportation**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for FY 1999-2000 from the General Fund of the State, the Road Use Tax Fund, and the Primary Road Fund to the state Department of Transportation (IDOT).

Appropriations from the General Fund include appropriations for railroad lines, airport engineering studies, the Iowa Civil Air Patrol, and planning and programming.

Appropriations from the Road Use Tax Fund include appropriations for license plate production costs, salaries, operations, unemployment and workers' compensation, a system providing toll-free telephone road and weather reports, and indirect cost recoveries.

Appropriations from the Primary Road Fund include appropriations for salaries, operations, planning and programming, project development, maintenance, equipment, the merit system, unemployment and workers' compensation, disposal of hazardous wastes at field locations, indirect costs, wastewater handling, roof replacement at field facilities, field garages, compliance with the federal Americans With Disabilities Act at IDOT facilities, and for remodeling of the IDOT administration building at Ames.

The Act amends Code Section 321.11 to prohibit IDOT from selling personal information contained in the department's records which is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph. The prohibition applies whether or not an individual has elected to prohibit disclosure of the information to the general public. Collection of fees for copies of records or other incidental services provided by the department is not prohibited.

The Act amends a provision in 1998 Iowa Acts, Chapter 1212, to provide that an appropriation from the Road Use Tax Fund to the department for improvements to a scale facility in Fremont County shall not revert to the Road Use Tax Fund until August 31, 2002, and shall remain available for the designated purpose until June 30, 2002. This provision takes effect April 27, 1999.

The Act also directs IDOT to conduct three studies. The studies shall cover the hours of service for drivers of vehicles operated for hire and designed to transport more than six persons, the possible dangers of Adopt-a-Highway Program activities, and state provision of commercial truck parking.

**SENATE FILE 460 - Appropriations — Administration and Regulation**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and appropriates \$110.3 million for FY 1999-2000, which includes \$88.8 million from the State General Fund and \$21.5 million of other funds, to the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, Office of Governor including the Lieutenant Governor and Terrace Hill, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Public Employees' Retirement System, Department of Revenue and Finance, Secretary of State, Office of State-Federal Relations, and the Treasurer of State. The Act also appropriates funding for the state's membership on the Commission on Uniform State Laws, the National Conference of State Legislatures, the American Legislative Exchange Council, the Council of State Governments, the National Conference of Insurance Legislators, and the National Governor's Association. The Act also appropriates moneys for a State Strategic Plan, a Health Insurance Reform Program, a Health Insurance Oversight Program, the Official Register, and a Student Citizenship Program.

The Act makes a supplemental appropriation for FY 1998-1999 to the Department of General Services for rent and lease costs and to the Office of Governor for transition costs and for an administrative assistant for the First Lady of Iowa.

Provisions of this Act taking effect upon enactment, May 6, 1999, appropriate moneys for technology upgrades in the Office of Governor, for the Iowa Strategic Plan to the Department of Management, for office furnishings to the Treasurer of State, for the supplemental appropriations for rental and lease costs to the Department of General Services, and for transition costs to the Office of Governor.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

A provision requiring state agencies funded by the Act to eliminate vacant unfunded positions from the table of organization of the state agencies within 60 days after the vacancy occurs.

**SENATE FILE 464 - Appropriations — Education**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. This year's Act appropriates over \$918 million and provides 17,348.98 full-time equivalent positions (FTEs), which is approximately \$22.1 million over, and 8.44 FTEs under, the Governor's recommendations. This year's education appropriations Act exceeds the appropriations made in last year's Act (1998 Iowa Acts, Chapter 1215) by approximately 2.39 percent.

*COLLEGE STUDENT AID COMMISSION.* The Act includes appropriations for general administrative purposes, forgivable loans to Iowa students attending the University of Osteopathic Medicine and Health Sciences, an initiative directing primary care physicians to areas of the state experiencing physician shortages, student aid programs, the National Guard Educational Assistance Program, and the Chiropractic Graduate Student Forgivable Loan Program, and increases the standing appropriations and maximum grant amounts for Iowa Tuition Grants and Vocational-Technical Tuition Grants. Compared to FY 1999, the commission receives an increase of 6.44 percent. The Act increases the standing appropriation for tuition grants by 6.72 percent, scholarships by 5 percent, and Vocational-Technical Tuition Grants by 10.61 percent.

*Vocational-Technical Tuition Grants.* The Act increases the maximum amount of a tuition grant to a qualified full-time student from \$3,650 to \$3,900. The Act also authorizes the commission to issue grants to qualified part-time students equal to the grant amount received by a full-time student, but prorated in a manner consistent with the federal Pell Grant Program. Currently, the grant amount issued to part-time students is equal to the amount paid to a full-time student times the number of hours in which the part-time student is enrolled, divided by 12 semester hours.

*State Student Loan Program Accounts.* Current Code language provides that the General Assembly appropriates moneys from the loan reserve account to the commission for state student loan program operating costs. The Act strikes this provision in response to a change in federal law that prohibits the state from asserting control over the loan reserve account of the state student loan program, which is currently funded with federal moneys. The Act authorizes the commission to establish a loan reserve account and an agency operating account for the deposit of moneys provided for the state student loan program by the United States and the State of Iowa or any of their agencies, departments or instrumentalities, as well as any funds accruing to the program which are not required for current administrative expenses. The Act permits the commission to expend moneys in the loan reserve and agency operating accounts as authorized by the federal Higher Education Act of 1965. The Act strikes a subsection that permits the commission to exceed the FTEs authorized and expend moneys in the loan reserve account in excess of the amounts appropriated by the General Assembly in order to maintain loan guarantee operations.

*Chiropractic Graduate Student Forgivable Loan Program.* The Act requires Chiropractic Graduate Student Forgivable Loan recipients to practice in an underserved area. The Act defines "underserved area" as a geographical area included on the Iowa Governor's Health Practitioner Shortage Area List, compiled by the Center for Rural Health and Primary Care of the Iowa Department of Public Health.

*National Guard Educational Assistance Program.* The Act repeals the Code language creating the National Guard Tuition Aid Program, but creates a new National Guard Educational Assistance Program that expands on the original program. The differences between the old and new programs are as follows:

- The new program provides an eligible National Guard member with a maximum level of educational assistance equal to up to 100 percent, rather than up to 50 percent, of the resident tuition rate at regents universities.
- Depending upon the tuition charged by the institution the individual elects to attend, the new program may fund more than tuition by providing for an eligible National Guard member to receive "educational assistance," which is defined by the Act to mean the same as "cost of attendance" as defined by the federal Higher Education Act of 1965, as amended. Under the federal Act, "cost of attendance" includes but is not limited to tuition and fees, including the rental or purchase of equipment; room and board; books, materials, supplies, transportation, and miscellaneous personal expenses; dependent care during the time the person is in class; costs associated with employment in a cooperative program; and loan origination fees.
- Under the new program, if the amount appropriated for the program is insufficient to provide educational assistance to all eligible National Guard members, the Adjutant General is authorized to determine the amount of educational assistance each eligible guard member receives. However, that amount shall not be less than 50 percent of the resident tuition rate established for regents universities. The Adjutant General is prohibited from determining educational assistance amounts based upon a National Guard member's unit, the location at which drills are attended, or whether the eligible individual is a member of the Iowa Army or Air National Guard.

The Act strikes the Code provision appropriating \$90,000 to the commission for the National Guard Tuition Aid Program, but appropriates \$833,900 from the State General Fund for FY 1999-2000 for the National Guard Educational Assistance Program.

In addition, the moneys allocated for the National Guard Tuition Aid Program in FY 1998-1999 are allowed to carry over to FY 1999-2000 for the National Guard Educational Assistance Program. The provisions related to the carryover of program funds take effect May 25, 1999.

*Teacher Shortage Forgivable Loan Program.* The Act creates a Teacher Shortage Forgivable Loan Program and funds it with an appropriation from the General Fund of the State in the amount of \$250,000. The program replaces the Industrial Technology Forgivable Loan Program created in last year's education appropriations Act. However, because industrial technology is a designated shortage area, students who received loans under last year's program will still qualify for loan forgiveness under the new program.

An individual is eligible for the new program if the individual is a resident of this state and enrolled as a sophomore, junior, senior, or graduate student in an approved practitioner preparation program in a designated area in which teacher shortages are anticipated.

The Act requires the Director of Education to annually designate the professional areas in which teacher shortages are anticipated. The maximum practitioner shortage forgivable loan amount is \$3,000 annually, or the amount of the student's established financial need, whichever is less. An individual's total loan amount, including principal and interest, shall be reduced by 20 percent for each year in which the individual remains an Iowa resident employed in Iowa by a school district, or by an accredited nonpublic school, as a practitioner in the teacher shortage area for which the loan was approved.

The Act also repeals a section providing for the administration of the Industrial Technology Forgivable Loan Program and directs the commission to use any moneys remaining from that program's FY 1998-1999 appropriation for the new program. This provision takes effect May 25, 1999.

*DEPARTMENT OF CULTURAL AFFAIRS.* The Act funds the Arts, Historical and Administration Divisions, historic sites, the Local Arts Comprehensive Educational Strategies (LACES) Program, and Community Cultural Grants. The department's total appropriation is increased by 2.06 percent over FY 1999.

The department is directed to coordinate activities with the Tourism Division of the Department of Economic Development to promote attendance at the State Historical Building and at this state's historic sites.

The Act establishes, but does not fund, a Country Schools Historical Resource Preservation Grant Program to be administered by the Historical Division for the preservation of one- and two-room buildings once used as country schools.

*DEPARTMENT OF EDUCATION.* The Act appropriates moneys for purposes of the department's general administration, vocational education administration, the Board of Educational Examiners for administrative purposes and for implementation of a multi-level voluntary para-educator licensing system, the Division of Vocational Rehabilitation Services, independent living, the State Library, the regional library system, the Public Broadcasting Division, vocational education to secondary schools, school food service, the Iowa Empowerment Fund, textbooks of nonpublic school pupils, the Vocational Agriculture Youth Organization and other youth activities, national board certification, employability skills assessment reimbursements, the Beginning Teacher Induction Program, and community colleges. The department's total appropriation, including grants and state aid to school districts and public libraries, is increased by 6.74 percent over FY 1999.

*Vocational Rehabilitation Services Division.* From the funds appropriated to the division, up to \$2 million is to be used to provide services to persons without regard to an order of selection. The Act also does the following with regard to the division:

- Directs the division to seek federal waivers in order to accept assessments of clients performed by area education agencies (AEAs) or any other governmental subdivision, and to improve and increase the availability of supported employment services to Iowans.
- Permits the division to collect more than the amount needed to match federal funds in an effort to qualify for additional federal funds when such funds become available.
- Directs the division to seek funds with which it may match federal vocational rehabilitation funds.
- Requires the division to accept client assessments performed by other agencies in order to reduce duplication of effort.
- Authorizes the division to exceed the FTE limit established in the Act and fill not more than four additional FTEs if the division receives federal funding to pay the costs of additional employees.

*State Library, Regional Libraries, and Enrich Iowa.* The Act directs the State Library to cap reimbursement of the regents universities for participation in the Access Plus Program during FY 1999-2000 at the total amount of reimbursement paid for their participation during FY 1998-1999.

The Division of Libraries and Information Services is directed to submit a list of current regional library employees and their salaries to the Department of Management by August 1, 1999. The department will use the list to calculate the annual salary increase need. The amount calculated must be included in the regional library budget request submitted to the Governor for FY 2000-2001. In statutory language, the Act permits regional library employees to be considered state employees in order to be eligible to receive employee health and dental insurance as provided by the Department of Personnel. If a regional library elects to participate in a state employee health and dental insurance program, the regional library is responsible for paying the costs from funds appropriated to the regional libraries by the General Assembly.

The Act also directs the Division of Libraries and Information Services to distribute \$700,000, allocated to the State Library for a one-year Enrich Iowa Pilot Program, to public libraries in the state that are in compliance with performance measures adopted by rule by the Commission of Libraries. Effective May 25, 1999, the commission is directed to adopt emergency rules to adopt the performance measures currently only referred to in rule.

*Employability Skills Assessment Reimbursements.* The Act appropriates \$185,000 from the General Fund of the State to the department for the reimbursement of school district claims for the costs of acquiring, administering and scoring assessment tools that assess the employability skills of students. In addition, the Act reallocates \$165,000 in Extended School Year Grant moneys remaining from an FY 1998-1999 appropriation for claim reimbursements. To be eligible for a reimbursement, a school district must use employability skills assessment tools identified by the Director of Education, and submit a claim on forms provided by the department by July 15, 2000. A school district that submits a claim for reimbursement must develop and integrate specific employability skills goals and activities into the district's Comprehensive School Improvement Plan.

*Beginning Teacher Induction Program.* The Act appropriates \$300,000 to, and provides for the establishment of, a Beginning Teacher Induction Program to promote excellence in teaching, build a supportive environment in school districts, increase the retention of promising beginning teachers, and promote the personal and professional well-being of teachers. School district participation is voluntary. A teacher serving as a mentor under the program is eligible for an award of \$500 per semester of participation. Uses for grant moneys received by a district include implementation of an induction plan, the provision of a stipend for a district facilitator, and for the payment of awards to mentors and the costs of the employer's share of contributions to federal social security and the Iowa Public Employees' Retirement System or a pension and annuity retirement system.

The Act directs AEAs to prepare and distribute model induction plans to school districts. Districts may use, alter or revise the plans. A participating school district must appoint a district facilitator whose duties include overseeing the development of a plan for meeting program goals. To be eligible for a grant, the district must adopt a plan and written procedures for a mentor program which shall, at a minimum, address the mentor selection and training processes; the timetable for plan implementation; placement; minimum contact and release time; measurement of results; workshops; and dissolving mentoring partnerships. The board of directors must submit the plan and a cost proposal to the department.

A school district receiving a grant must submit an assessment of the program's results to the department, and the department must annually submit the statewide results of the program to the chairpersons and ranking members of the Senate and House Education Committees. The Act permits the department to adopt emergency rules to implement the program.

*Board of Educational Examiners.* The Act permits the Board of Educational Examiners to use for its own purposes during FY 1999, up to 85 percent of any funds received resulting from any increase in licensing fees it approves and implements after July 1, 1997. This provision takes effect May 25, 1999.

*Extended School Year Grant Program.* The Act extends the date by which the department must distribute Extended School Year Grant moneys from October 15, 1998, to October 15, 1999. Effective May 25, 1999, from moneys remaining at the end of this fiscal year from the FY 1998-1999 appropriation to the department for Extended School Year Grants, the Act directs the department to reallocate \$735,000 as follows:

- \$200,000 to the Board of Educational Examiners for a one-year pilot program study to assess the performance of teacher education graduates.
- \$100,000 to the Division of Libraries and Information Services for promotion of the next decennial federal census.
- \$100,000 to the department for the Reading Recovery Center.
- \$120,000 to the department for support of the Family Resource Center Demonstration Program.
- \$165,000 to the department for reimbursement of school district claims for employability skills assessment tools.
- \$50,000 to the Department of Cultural Affairs for the Local Arts Comprehensive Educational Strategies Program.

*Interim Committee Requests.* The Legislative Council is requested to establish an interim study committee to review the issues concerning making regional library staff state employees, and to establish an interim task force to identify and study options for restructuring the community college governance system.

*Phase III.* The Act allocates Phase III moneys for FY 1999-2000 to the department for the Geography Alliance, the New Iowa Schools Development Corporation, the Iowa Public Broadcasting Division for overnight transmitter feeds, for participation in the National Assessment of Education Progress, and for the Mathematics and Science Coalition.

*STATE BOARD OF REGENTS.* The Act appropriates moneys to the state board for board operations, tuition replacement, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, the State University of Iowa, Iowa State University of Science and Technology, the University of Northern Iowa, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and the tuition and transportation costs for students residing in the Iowa Braille and Sight Saving School and the Iowa School for the Deaf. The total appropriation for the board and its institutions is increased 0.93 percent over FY 1999.

New programs funded under the Act include the School of Public Health and Public Health Initiative at the University of Iowa, the Center for Excellence in Fundamental Plant Science at Iowa State University, and the Masters in Social Work at the University of Northern Iowa.

*University of Iowa Hospitals and Clinics and Telemedicine.* The Act directs the University of Iowa Hospitals and Clinics to make reasonable efforts to extend the use of home telemedicine and other technologies to reduce the frequency of visits to the hospital required by indigent patients. The University of Iowa Hospitals and Clinics are further required to submit a report to the General Assembly and the Legislative Fiscal Bureau describing their use of these technologies to accomplish the purpose described.

*Regents Study.* The State Board of Regents is required to complete a study of the number and type of undergraduate and graduate degree programs offered at the satellite locations of all regents universities and at the satellite locations of all accredited private postsecondary institutions. By January 15, 2000, the state board shall submit the results of the study in a report to the chairpersons and ranking members of the Senate and House Joint Appropriations Subcommittee on Education, the Legislative Fiscal Bureau, the Secretary of the Senate, and the Chief Clerk of the House of Representatives.

The Act directs the Department of Human Services to transfer to the State University of Iowa, for the purposes of the Creative Employment Options Program, the same amount of moneys in FY 1999-2000 as was transferred in FY 1997-1998.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision appropriating federal Stafford Loan Program moneys deposited in the College Student Aid Commission's Loan Reserve Account to the commission for the loan program's operating costs.
2. A provision directing the Department of Revenue and Finance to deposit interest earned on the Pub. L. No. 105-33 Recall Account into the Fund 61 Default Reduction Account and appropriating the moneys deposited in the account to the College Student Aid Commission for purposes of issuing emergency loans to assist needy students in avoiding default on a guaranteed student or parental loan.
3. A statutory provision prohibiting the College Student Aid Commission from expending interest moneys earned on its accounts unless the General Assembly specifically appropriates the interest moneys for use by the commission.
4. A provision directing the Division of Vocational Rehabilitation Services to enter into a Chapter 28E agreement with the Creative Employment Options Program at the University of Iowa to enable the division to count as a local match the state funds appropriated to the university for purposes of the program.
5. A provision directing the Cooperative Extension Service in Agriculture and Home Economics at Iowa State University to conduct a study identifying all educational materials, seminars and assistance offered by the extension service which are duplicative, either directly or in subject area, of educational materials, seminars and assistance offered by the Department of Human Services.

**SENATE FILE 468 - Appropriations — Justice System**

**BY COMMITTEE ON APPROPRIATIONS.** This Act appropriates moneys for FY 1999-2000 to the Department of Justice, Office of Consumer Advocate, Board of Parole, Department of Corrections, including correctional facilities and the judicial district departments of correctional services, Judicial Branch, State Public Defender, Iowa Law Enforcement Academy, Department of Public Defense, and the Department of Public Safety, and contains related statutory provisions. Under the Act, the total appropriations to the justice system of \$459.2 million reflect an increase in appropriations from the General Fund of the State of approximately \$31 million from the FY 1999 appropriations. In addition, the Act makes a supplemental appropriation of about \$1.59 million to the Department of Corrections for FY 1999, effective May 21, 1999.

*DEPARTMENT OF JUSTICE.* The Act appropriates \$13.9 million to the Department of Justice, which represents an increase of \$676,000 compared to the estimated FY 1999 appropriations. These appropriations include amounts for the Office of the Attorney General, the Prosecuting Attorneys Training Program, for victim assistance grants to care providers providing services to crime victims of domestic abuse or rape and sexual assault, and for the Governor's Alliance on Substance Abuse (GASA) Prosecuting Attorneys Program. The Act also provides an appropriation to the Office of the Attorney General to provide grants for legal services for persons in poverty. The appropriation for legal services for persons in poverty represents an increase of \$100,000 from the FY 1999 appropriation. In addition, the Act authorizes the Executive Council to disburse up to \$250,000 from the civil reparations trust fund for legal services for grants for persons in poverty.

*DEPARTMENT OF CORRECTIONS.* The Act increases the General Fund appropriation to the Department of Corrections by \$18.5 million to \$235.5 million, representing an 8.6 percent increase from the estimated FY 1999 appropriation. Of the amounts appropriated, \$13.2 million of the increase goes to institutions, while \$3.3 million of the increase goes to community-based corrections.

The Act transfers \$1.5 million from the FY 1999 ending balance of the Prison Infrastructure Fund to the department for use in FY 2000 to provide for one-time start-up costs at the Mitchellville women's prison and the Fort Dodge correctional facility.

The Act directs the department to continue to operate the correctional farms at the same or greater level as existed on January 1, 1999, and to explore providing increased job opportunities for inmates at the farms by encouraging labor-intensive farming and gardening activities.

The Act also prohibits the department from placing inmates in a private prison located in Iowa without approval of the General Assembly.

The Act further directs the department to submit a report to the General Assembly by January 10, 2000, concerning the medical treatment of inmates at the Fort Madison correctional facility.

The Act permits the department to expend, for physical plant improvements at the Mt. Pleasant correctional facility, funds transferred to the department in FY 1999 from the Prison Infrastructure Fund for perimeter fencing at the Mt. Pleasant correctional facility.

*INDIGENT DEFENSE.* The Act appropriates \$33.8 million for indigent defense and the State Public Defender's Office, which represents a decrease of \$211,000 from the FY 1999 appropriation.

*JUDICIAL BRANCH.* The Act appropriates \$109.5 million to the Judicial Branch, which represents an increase of \$2.1 million compared to the estimated FY 1999 appropriations. The Act provides funding for three additional Court of Appeals judges, and staff, and authorizes four additional district court judges. The Act also provides that the maximum deposit amount for the Enhanced Court Collections Fund for FY 2000 shall be increased to \$5 million instead of \$4 million. The Act also directs the Judicial Branch to conduct a study on the method of allocating district court judges and district associate judges and to submit a report with findings and recommendations to the General Assembly by January 1, 2000.

*LAW ENFORCEMENT ACADEMY.* The Act appropriates \$1.3 million to the Law Enforcement Academy, which represents no change from the estimated FY 1999 appropriation.

*BOARD OF PAROLE.* The Act provides for an appropriation of \$1 million and 18 full-time equivalent (FTE) positions to the Board of Parole.

*DEPARTMENT OF PUBLIC DEFENSE.* The Act provides for an appropriation of \$5.6 million and 250 FTE positions to the Department of Public Defense. This appropriation represents an increase of \$423,000 compared to the estimated FY 1999 appropriation.

*DEPARTMENT OF PUBLIC SAFETY.* The Act appropriates \$58.6 million to the Department of Public Safety, which represents an additional \$9.4 million compared to the estimated FY 1999 appropriation. (S.F. 361 also appropriates money to the department for additional personnel in dealing with methamphetamine use.) The Act eliminates the Highway Safety Patrol Fund as a mechanism for funding the Iowa State Patrol. The Act also requires the department to conduct a study concerning the feasibility of providing members of the Iowa State Patrol with cellular or other similar wireless telephones.

*MISCELLANEOUS.* The Act continues funding to the Emergency Management Division of the Department of Public Defense for FY 2000 for the wireless E911 service implementation.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision stating the General Assembly's intent that the Department of Corrections timely fill all correctional positions authorized for correctional facilities.
2. Provisions stating the General Assembly's intent that the Department of Corrections, in submitting its proposed budget for FY 2001, exclude requests for positions, and moneys for those positions, which would be included solely to provide additional moneys to operate the department; and requiring the department to submit a report to the General Assembly by January 31, 2000, listing positions authorized, but unfilled, during the period from July 1, 1999, to January 1, 2000.
3. A provision directing that Department of Corrections rules require approval for disbursements from the Inmate Telephone Rebate Fund by a committee consisting of the Director of Corrections, a deputy director of the department, and the Citizens' Aide, or designee.

**HOUSE FILE 332 - Appropriations — Energy Conservation Programs Funding**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for FY 1999-2000 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons, and to the Department of Natural Resources for the State Energy Program and for administration of petroleum overcharge programs.

**HOUSE FILE 737 - Appropriations — Health and Human Rights**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs. The Act additionally appropriates amounts deposited in the Gambling Treatment Fund, and specified amounts of revenue received by the state Racing and Gaming Commission, to the Iowa Department of Public Health.

*CIVIL RIGHTS COMMISSION.* The Act appropriates funds to the Iowa State Civil Rights Commission, and authorizes the commission to exceed its designated staffing level to hire additional staff to process employment and housing complaints if the anticipated amount of funding from the federal Equal Employment Opportunity Commission and the federal Department of Housing and Urban Development exceeds \$715,000 for FY 1999-2000.

*DEPARTMENT OF ELDER AFFAIRS.* The Act appropriates funds to the Department of Elder Affairs. Regarding appropriations for aging programs and services, the Act specifies authorized programs, directs that program funds not be used by the department for administrative purposes, and provides that funds appropriated may be used to supplement federal funds under federal regulations. The Act provides that the Iowa chapters of the Alzheimer's Association and the Case Management Program for Frail Elders will collaborate and cooperate fully to assist families in maintaining family members with Alzheimer's disease in the community for the longest period of time.

The Act additionally provides that the department in its discretion may grant an exception for a limited period of time or modify applicable requirements, relating to compliance by persons regulated by the department or applicants for assisted living certification, with any part of Code Chapter 104A concerning the conversion of buildings existing on July 1, 1998, to accessibility for persons with disabilities.

*DEPARTMENT OF PUBLIC HEALTH.* The Act appropriates funds to the Iowa Department of Public Health. Funds are appropriated for addictive disorders, relating to reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling. The department is directed to continue coordination with substance abuse treatment and prevention providers regardless of funding source, and together with the Commission on Substance Abuse shall continue coordination of delivery of substance abuse services to uninsured and court-ordered substance abuse patients in all counties of the state.

The Act appropriates funds for adult wellness, relating to maintaining or improving the health status of adults with target populations between the ages of 18 to 60. The Act provides that not more than \$140,000 of the funds appropriated shall be used to continue existing mid-level nurse practitioners demonstration projects in specified counties.

The Act appropriates funds for child and adolescent wellness, relating to promoting the optimum health status for children and adolescents from birth through 21 years of age. Programs receiving allocations include the Statewide Perinatal Program, the Physician Care for Children Program, a renewable grant regarding primary and preventive health care for children, the continuation of existing infant mortality and morbidity prevention pilot projects, and the continuation of multidisciplinary research into the cause of individual infant deaths in the state.

The Act appropriates funds for chronic conditions, relating to serving individuals identified as having chronic conditions or special health care needs. Programs receiving allocations include the Chronic Renal Disease Program, with the funds used for reimbursement of insurance premiums, travel, and prescription and nonprescription drugs; the Birth Defects and Genetics Counseling Program, with allocations for regional genetic counseling services; and under the Iowa Specialized Child Health Care Services, allocations for mobile and regional child health specialty clinics, and muscular dystrophy and related genetic disease programs.

The Act appropriates funds for community capacity, relating to strengthening the health care delivery system at the local level. Funds are allocated to local boards of health to ensure that core public health functions are maintained and to support essential services in communities, for the Office of Rural Health to provide technical health care delivery assistance to rural areas, and for primary care provider recruitment and retention endeavors.

The Act appropriates funds for elderly wellness. Funds are allocated for optimizing the health of persons over 55 years of age; for environmental hazards, relating to reducing the public's exposure to chemical and other hazards in the environment; for infectious diseases, relating to reducing the incidence and prevalence of communicable diseases; and for injuries, relating to providing support and protection to victims of abuse or injury, and for the prevention of abuse or injury.

The Act appropriates funds for public protection, relating to protecting the health and safety of the public through the establishment of standards and the enforcement of regulations. Funds are allocated for the operation of the state boards of Dental, Medical, Nursing, and Pharmacy Examiners, and the Bureau of Professional Licensure, with the Act limiting the budgets for professional licensure boards to 85 percent of the average annual fees collected the previous two fiscal years. The budgets may be exceeded for certain unanticipated litigation costs. The Act authorizes the department to retain fees collected from specified programs to support the administration of the programs, including any new or increased fees implemented pursuant to legislation enacted during the 1999 Legislative Session, and authorizes the department to retain and expend from fees collected by the state boards of Dental, Pharmacy, Medical, and Nursing Examiners specified amounts for expenses relating to the relocation of licensure boards.

The Act appropriates funds for resource management, relating to establishing and sustaining the ability of the department to deliver services to the public, and provides that the State University of Iowa shall not receive indirect costs from funds appropriated to the department. The Act also provides that a local health care provider or nonprofit health care organization which seeks grants administered by the department must provide documentation regarding coordination of services with local entities providing similar services, and provides that the department will prepare a compliance report regarding coordination by January 1, 2000. The Act requires the department to apply for available federal funds for sexual abstinence education programs in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

*DEPARTMENT OF HUMAN RIGHTS.* The Act appropriates funds to the divisions of the Department of Human Rights. The Act also directs the department to conduct a study of the status of persons of Asian Pacific descent in the state and submit a report of findings by January 1, 2000.

*COMMISSION OF VETERANS AFFAIRS.* The Act appropriates funds to the Commission of Veterans Affairs, and provides for the creation of a Veterans License Fee Fund in the State Treasury, under the control of the commission, to contain fees credited by the Treasurer of State from the sale of special veteran license plates pursuant to Code Section 321.34.

*GAMBLING TREATMENT FUND APPROPRIATIONS.* The Act appropriates funds deposited in the Gambling Treatment Fund to the Iowa Department of Public Health, and provides for the allocation of \$525,000 of the funds for the Addictive Disorders Program and the transfer of \$20,000 of the funds to the Office of the Auditor of State to perform an audit of the Gambling Treatment Program.

*OTHER PROVISIONS.* The Act provides for an independent administrator of the Division of Persons With Disabilities of the Department of Human Rights. The Act also provides that members appointed to the Commission on Community Action Agencies serve out the entire term of appointment even if a member experiences a change in qualification status after appointment. The Act additionally provides that an amount of the tax revenue received by the state Racing and Gaming Commission pursuant to Code Section 99D.15 equal to 0.3 percent of the gross sum wagered by the pari-mutuel method is appropriated to the Iowa Department of Public Health to fund the position of deputy state medical examiner, contingent upon the enactment of legislation transferring the office of the State Medical Examiner from the Department of Public Safety to the Iowa Department of Public Health (see H.F. 782, Section 6). The Act further provides for a supplemental appropriation of \$42,000 to the Board of Dental Examiners for FY 1998-1999 to pay the necessary expenses and the administrative costs of the Dental Hygiene Committee created in Code Section 153.33A. The Act extends the Vital Records Modernization Project until June 30, 2000, and permits until that date the continued collection of increased fees for birth, marriage, death, and other vital records which are

part of the project. The Act contains a provision requesting the Legislative Council to establish an interim study committee to evaluate and review whether community action agencies are maximizing opportunities to match funding for Community Service Block Grants received by the Division of Community Action Agencies of the Department of Human Rights. Finally, the Act requests the Legislative Council to establish an interim study committee to evaluate courses required for persons who have committed an "operating a motor vehicle while intoxicated" offense.

The provisions of the Act regarding the extension of the Vital Records Modernization Project, and the supplemental appropriation for the Board of Dental Examiners, take effect May 18, 1999.

**HOUSE FILE 745 - Appropriations — Economic Development**

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Economic Development, the State University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board.

The Act makes a number of appropriations from the General Fund of the State to the following:

- The Department of Economic Development and the Department of Workforce Development for the administration of those departments and for specific programs.
- Iowa State University for funding and maintaining existing small business development centers, the Iowa State University Research Park, and the Institute for Physical Research and Technology.
- The State University of Iowa for the University of Iowa Research Park and the Advanced Drug Development Program at the Oakdale Research Park.
- The University of Northern Iowa for the Metal Casting Institute and the Institute of Decision Making.
- The Public Employment Relations Board.

The Act requires the ISCC Liquidation Corporation to submit a report relating to the activities of the corporation during the previous year.

The Act provides for the transfer of unobligated and unencumbered moneys from the Economic Development Deaf Interpreters Revolving Fund to the Rural Community 2000 Program Revolving Fund. The Act strikes the Economic Development Deaf Interpreters Revolving Fund from the Code. These provisions take effect April 26, 1999.

The Act reduces the standing limited appropriation for the School to Career Program employer refunds from \$500,000 to \$100,000 for FY 1999-2000.

The Act provides that a state agency shall disburse public moneys used for grants, loans, tax incentives, or other financial assistance for economic development without discrimination.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

A provision stating the General Assembly's intent that the Volunteer Office of the Governor shall not receive moneys under the economic development appropriations bill in fiscal years following FY 1999-2000.

**HOUSE FILE 746 - Appropriations — Agriculture and Natural Resources**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship, the Department of Natural Resources, and Iowa State University. The Act also provides direction to state agencies, makes Code changes, and provides immediate effective dates.

**APPROPRIATIONS.** The Act makes appropriations from the General Fund of the State to a number of agencies. The Act appropriates moneys to the Department of Agriculture and Land Stewardship and the Department of Natural Resources to support administration of those departments. The Act also provides moneys for specific programs administered by those departments. For the Department of Agriculture and Land Stewardship, moneys are appropriated in order to support the State 4-H Foundation, support livestock market reporting, administer the Farmers' Market Coupon Program, support the eradication of gypsy moth infestations, support training of commercial pesticide applicators, and support soil conservation cost-share programs. For the Department of Natural Resources, moneys are appropriated for the administration of programs to provide safe drinking water and clean air and for the regulation of confinement feeding operations.

The Act appropriates moneys from the General Fund to support a number of programs related to animal health and industry, including programs administered by the Department of Agriculture and Land Stewardship to support the racing horse and dog

breeding industries in the state; a program administered by the Department of Natural Resources to maintain and develop boating facilities and access to public waters; a program administered by the Department of Natural Resources and the U.S. Department of Agriculture for the control of wild animals; and programs administered by Iowa State University for the eradication of pseudorabies in swine and Johne's disease in cattle.

The Act also appropriates moneys to the university from the General Fund in order to support the Iowa Concern Hotline in providing stress counseling to farm families. The Act appropriates moneys from the General Fund to the Department of Natural Resources for the purpose of supporting sick leave retirement payouts for FY 1998-1999. The Act also provides that moneys appropriated from the General Fund during FY 1998-1999 to Iowa State University for purposes of conducting studies regarding groundwater and surface water contamination shall remain available for the next fiscal year. These appropriations provisions take effect May 26, 1999.

The Act makes appropriations from other funds and accounts. The Act makes an appropriation from moneys transferred to the state Fish and Game Protection Fund to support snowmobile programs and enforce state navigation laws administered by the Department of Natural Resources. Moneys are also appropriated from the state Fish and Game Protection Fund to the department for the purpose of supporting sick leave retirement payouts for FY 1998-1999.

The Act appropriates moneys from the Agricultural Management Account of the Groundwater Protection Fund to the Department of Agriculture and Land Stewardship to support a program to assist the Iowa Junior Angus Association, to the Department of Natural Resources to contract with persons to process manure management plans, and to the State Fire Marshal for training volunteer fire fighters.

An appropriation is made from the Unassigned Revenue Fund administered by the Iowa Comprehensive Underground Storage Tank Fund Board to the Department of Natural Resources for administration and expenses of the department's Underground Storage Tank Section.

The Act appropriates moneys from the Hazardous Substance Remedial Fund to the Department of Natural Resources for deposit in the Land Recycling Fund for purposes of supporting land reclamation projects (commonly referred to as "brownfield" projects).

*DIRECTION TO STATE AGENCIES.* The Department of Agriculture and Land Stewardship and the Department of Natural Resources must notify the chairpersons, vice chairpersons, and ranking members of the Joint Appropriations Subcommittee on Agriculture and Natural Resources for the previous fiscal quarter of any transfer of moneys for full-time equivalent positions (FTEs) made by either department that is not authorized in the Act.

The Department of Agriculture and Land Stewardship must publicize the availability of farm programs to women and minority persons.

The Department of Natural Resources may use additional funds for two additional FTEs to reduce the department's floodplain permit backlog.

The Department of Natural Resources may use additional moneys available to the department from stormwater discharge permit fees for staffing positions of a federal Total Maximum Daily Load Program.

*CODE CHANGES.* The Department of Natural Resources must deposit a portion of the moneys it receives from selling trees and shrubs into a Forestry Management and Enhancement Fund created by the Act. The purpose of the fund is to support additional professional forester and forestry technicians.

The Act directs the Department of Natural Resources to conduct a public hearing regarding the sale of timber grown in state parks and preserves, and prohibits the department from imposing a fee upon a person for entering a state park or preserve.

*EFFECTIVE DATES.* The following take effect May 26, 1999:

- Provisions that relate to sick leave payout by the Department of Natural Resources.
- A provision that supports a hotline for farm families by Iowa State University.
- A provision that continues support for water contamination studies conducted by Iowa State University.
- A provision that prohibits the Department of Natural Resources from charging a fee for entering a state park or state preserve.

**HOUSE FILE 760 - Appropriations — Human Services**

BY COMMITTEE ON APPROPRIATIONS. This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care.

**SOCIAL SERVICES BLOCK GRANT SUPPLEMENTATION.** The Act appropriates the unallocated federal FY 1998-1999 Temporary Assistance for Needy Families (TANF) funds to replace an unanticipated decrease in federal Social Services Block Grant (SSBG) funds and allocates these funds to maintain the current level of funding. This provision takes effect upon enactment, May 21, 1999.

**EARLY CHILDHOOD.** The Act designates the uses for the appropriation made in FY 1998-1999 of \$3.8 million annually for four years from previously unallocated TANF funds for community-based programs developed by community empowerment areas. The Act provides that DHS may transfer federal TANF funds to the Child Care and Development Block Grant and then allocate funding to community empowerment areas based upon criteria in the Act. Moneys not distributed or which otherwise remain unobligated or unexpended at the end of the fiscal year revert to the fund for federal grants. The Act provides a funding formula for distribution of the moneys. In S.F. 439 (see Children & Youth), this Act was amended to allow any designated community empowerment area to receive their funding allocation.

**FAMILY INVESTMENT PROGRAM.** The Act provides an appropriation for the Family Investment Program (FIP). With the passage of federal welfare reform, the federal funding for this program is provided in the form of an annual block grant to the state. The federal block grant is called Temporary Assistance for Needy Families or TANF. Consequently, the Act includes FIP and FIP-related program appropriations from the General Fund of the State and from the fund created for receipt of federal funds.

These appropriations are directed to the Job Opportunities and Basic Skills (JOBS) Program, which provides for work and training activities for FIP participants, administrative costs, supplementation of the federal SSBG, state child care assistance, emergency assistance to prevent homelessness, Food Stamp Employment and Training Program, Family Development and Self-Sufficiency Grant Program, and increasing participation in vocational and postsecondary training. Other allocations are directed to family support programs, child and family services, pregnancy prevention grants, technology needs, and other department purposes and programs.

The Act provides that notwithstanding the 1998 appropriation for the costs associated with the development of the X-PERT computer system, the moneys remaining unexpended or unobligated at the close of the fiscal year are to carry over to FY 1999-2000 for the purposes of reviewing and decreasing the error rate of the food stamp program (\$350,000), welfare reform system improvements (\$7,445), a technology initiative for a buy-in option under Medicaid for persons with disabilities (\$212,846), and for county billing system improvements (\$129,709). This provision relating to the X-PERT computer system takes effect upon enactment, May 21, 1999.

**EMERGENCY ASSISTANCE.** The Act maintains the previous level of funding for the Emergency Assistance Program. The Act continues the maximum grant level of \$500 per family in any 12-month period. The Act requires DHS to continue the process for retaining and redistributing refunds or rent deposits returned to the state under the Emergency Assistance Program. This provision relating to refunds of utility and rent deposits for emergency assistance recipients takes effect upon enactment, May 21, 1999. The Act continues the allocation to the Community Voice Mail Program and adds a requirement for the submission of semiannual reports to DHS regarding participation in the program.

**MEDICAL ASSISTANCE (Medicaid).** Overall, the Act increases the appropriation for medical assistance (MA) in comparison with the FY 1998-1999 appropriation, but does not increase the number of FTE (full-time equivalent) positions. The increase is mainly due to the decrease in federal financial participation, an increase in provider reimbursement levels, an increase to transfer funding of 41 group foster care beds from the children and family services budget, and an increase due to the cost-of-living adjustment for the Supplemental Security Income subsidy.

The Act does all of the following:

- Continues the authorization for DHS to transfer funds appropriated for MA to a separate account for expenditures required to provide case management services under MA for mental health, mental retardation and developmental disabilities services that are jointly funded by the state and county, pending final settlement of the expenditures.
- Provides for expenditure of not more than \$60,000 to continue the previously established AIDS/HIV Health Insurance Premium Payment Program.
- Transfers \$950,000 from the Iowa Department of Public Health to the MA Program for continuation of the Integrated Substance Abuse Managed Care System.

- Directs DHS to aggressively implement the Medical Assistance waiver for home and community-based services for persons with physical disabilities to further develop the Personal Assistance Services Program. The waiver is limited to persons with physical disabilities who reside in a medical institution at the time of applying for assistance. The range in number of persons served at any one time under the waiver is 35 to 100 persons, and of those served, a maximum of 10 persons with physical disabilities who are at imminent risk of placement in a medical institution must be approved for waiver services.
- Directs DHS, in consultation with the Iowa Department of Public Health and the state Department of Education, to continue to utilize the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) funding under MA, to the extent possible, to implement the screening component of the EPSDT Program through the school system, utilizing maternal and child health centers, the Public Health Nursing Program, or school nurses.
- Directs DHS to continue the case study for outcome-based performance standards for programs serving persons with mental retardation or other developmental disabilities.
- Directs DHS to continue a Medical Assistance waiver for home and community-based services to allow children with mental retardation, who would otherwise require ICF/MR care, to be served in out-of-home settings of up to eight beds. If the waiver is not approved, the amount appropriated may be transferred to the appropriation for child and family services to be used for group foster care maintenance and services.
- Provides that moneys appropriated in FY 1998-1999 for developing a county billing system, which remain unencumbered or unobligated at the end of that fiscal year, do not revert but shall remain available in FY 1999-2000 for the purpose designated. This provision takes effect upon enactment, May 21, 1999.
- Authorizes DHS to add not more than five FTEs in addition to those authorized in the Act for outstationing of eligibility determination staff, if funding is available through nonstate and nonfederal sources to provide matching funds for federal funds. If the funding is provided by a provider of medical assistance services, the FTE is to be outstationed at the provider's location.
- Provides that the nonfederal share of moneys refunded to DHS from the managed mental health and substance abuse care plan is to be credited to the MA appropriation and that up to \$350,000 of the refunded moneys may be transferred to be used as matching funds for a children's mental health grant managed by the Division of Mental Health and Developmental Disabilities.
- Directs DHS to work with county representatives in aggressively taking the steps necessary to implement the rehabilitation option for services to persons with chronic mental illness under the MA Program through use of county funding as a match for federal funding.
- Permits DHS to use up to \$207,000 to implement, along with an advisory committee, a disease-specific pharmaceutical case management study, beginning January 1, 2000, to measure the effects of case management for MA recipients identified by DHS as high risk for medication-related problems. The State University of Iowa Colleges of Medicine and Pharmacy are to perform an evaluation of the study at no cost to the state and are to submit a final report of findings and recommendations to the General Assembly by December 15, 2002. The Act directs DHS to submit a progress report by December 15, 2001, and a final report by December 15, 2002. DHS is granted emergency rulemaking authority to implement this provision.
- Provides that if allowed under federal law and regulation, \$65,000 of the penalties collected for violations by health care facilities which receive MA reimbursements shall not be deposited in the General Fund of the State, but are appropriated and shall be used to continue to fund the recruitment and retention strategies to provide additional training and support for certified nurse aides, employed by nursing facilities, as a means of reducing staff turnover.
- Directs DHS to evaluate the feasibility and fiscal impact of implementing 12-month continuous eligibility for children eligible for MA. The Act provides that if in keeping with federal law, DHS may implement such eligibility on a less than statewide basis.
- Directs DHS to develop a process for enrollment that eliminates the face-to-face interview for children eligible for MA only and authorizes emergency rulemaking for this provision.
- Authorizes emergency rulemaking to implement a provision, which allows DHS to disregard resources, other than monthly income, in determining eligibility for children under the MA Program.

*HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.* The Act provides a very slight decrease in the appropriation as compared with FY 1998-1999 for the Health Insurance Premium Payment Program.

**CHILDREN'S HEALTH INSURANCE PROGRAM.** The Act appropriates \$10.25 million to DHS for maintenance of the state Children's Health Insurance Program and receipt of federal financial participation. The Act authorizes DHS to transfer funds appropriated for medical assistance to be used to expand health care coverage to children under MA. The Act provides that any moneys appropriated for the program in FY 1998-1999, which are unencumbered or unobligated at the close of that fiscal year, are not to revert but are to remain available for the program. This provision relating to reversion of moneys appropriated in the prior fiscal year takes effect upon enactment, May 21, 1999.

**MEDICAL CONTRACTS.** The Act provides an increase in the appropriation compared with FY 1998-1999 and provides all of the following:

- Directs DHS to expand the drug prior authorization requirement to reduce the costs to the MA Program for prescription drugs and provides emergency rulemaking authority to DHS.
- Directs DHS to ensure that the meetings of the Drug Utilization Commission are conducted in compliance with the open meetings law and that membership terms are limited for physician and pharmacist members.
- Directs DHS to include in the request for proposal (RFP) for any managed care contract for mental health or substance abuse services entered into on or after July 1, 1999, provision for coverage of dual diagnosis mental health and substance abuse treatment. The Act also directs DHS, to the extent possible, to amend any existing contract to provide for such coverage.
- Provides that \$10,750 of the moneys appropriated in FY 1998-1999 for medical contracts, which are unobligated or unencumbered at the close of that fiscal year, are not to revert but are to remain available for the same purpose. This provision takes effect upon enactment, May 21, 1999.

**STATE SUPPLEMENTARY ASSISTANCE (SSA).** This appropriation is an increase in the appropriation compared with FY 1998-1999 and is to maintain the federal maintenance of effort requirement for the program. The increase is mainly due to an increase in the maximum reimbursement rate for residential care facilities and in-home health care. The Act directs DHS to increase the personal needs allowance of residential care facility residents at the same percentage and at the same time the federal Social Security income and benefits are increased. The Act authorizes DHS to take necessary actions to ensure that federal requirements are met and authorizes it to transfer moneys from the MA Program if it projects that the amount appropriated for SSA is insufficient and the funds proposed to be transferred are in excess of the funds necessary for the MA Program. The Act also authorizes DHS to use up to \$75,000 for a rent subsidy program for certain adults who are receiving assistance under a Medical Assistance home and community-based services waiver and were discharged from a medical institution in which they have resided or were at risk of institutional placement.

**CHILD CARE ASSISTANCE.** This appropriation maintains the current level of funding for the program, but is a decrease in comparison with the FY 1998-1999 appropriation due to the transfer of funding for protective child care to the child and family services budget line item. The appropriation provides funding for state child care assistance and child day care resource and referral services. The Act maintains the current prioritized waiting list and requires DHS to use moneys deposited in the Child Day Care Credit Fund for state child care assistance.

**CHILD SUPPORT RECOVERY.** This appropriation is a decrease in the appropriation compared with FY 1998-1999 and an increase of 11 FTE positions. The decrease is mainly due to a replacement of General Fund moneys with federal funds. Previously, DHS transferred federal child support incentives from the Child Support Recovery Unit (CSRU) to FIP. Revised federal legislation now prohibits this transfer of incentives. Therefore, this appropriation is decreased to offset the federal incentives that remain credited to the CSRU. The Act requires CSRU to continue to work with the Judicial Branch to determine the feasibility of a pilot project using a court-appointed referee for determination of child support awards, if initiated by the Judicial Branch. The Act directs DHS to expend not more than \$50,000 to continue the child support public awareness campaign located in the Office of the Attorney General, requires DHS to continue the community service pilot project for absent parents who are ordered to perform community service for failure to pay child support, and provides that surcharges paid by obligors and received by CSRU as a result of referral of support delinquency by CSRU to any private collection agency are appropriated to DHS to pay the costs of any contracts with the collection agencies.

**JUVENILE INSTITUTIONS.** The Act provides for an increase in the funding for the Iowa Juvenile Home at Toledo. The Act specifies legislative intent that the juvenile home be used for females only beginning July 1, 2001, and directs that \$50,000 be used for assistance in making this transition. The appropriation for the State Training School at Eldora is a slight decrease compared with the FY 1998-1999 appropriation, mainly due to the delay until October 1999 in the opening of a new cottage at the school for which funding was provided in the previous fiscal year. The Act provides that the moneys so appropriated in the previous fiscal year are not to revert but are to remain available for this purpose. This provision related to the nonreversion of moneys appropriated to the training school takes effect upon enactment, May 21, 1999. The Act provides \$40,000 for aftercare

services for persons placed at the training school. The Act continues the limitation on the population levels to the population guidelines established in 1990 as adjusted for additional beds developed at the institutions and provides for use of funds appropriated for grants for adolescent pregnancy prevention services.

*CHILD AND FAMILY SERVICES — COURT-ORDERED SERVICES PROVIDED TO JUVENILES — PROTECTIVE CHILD CARE.* This appropriation is an increase compared with the FY 1998-1999 appropriation due to the inclusion of the court-ordered juvenile services and the protective child care program budgets, in this budget line item; an increase for the caseload for subsidized adoption, which is projected to rapidly increase during FY 1999-2000; an increase for increased child abuse assessments; an increase for subsidized guardianships; an increase for adoption recruitment; an increase for school-based supervision; an increase in rehabilitative treatment and support services provider rates; and an increase for additional group foster care beds. The Act provides for continuation of the funding cap for group foster care and provides that if annualization of a region's current expenditures indicates that the region is at risk of exceeding its overall expenditure target by more than 5 percent, DHS and Juvenile Court Services are to examine current group foster care placements to identify children who may be appropriate for termination from the program. Dispositional hearings are to be set for those so identified. This provision relating to the expenditure target is effective upon enactment, May 21, 1999. The Act limits the amount that may be expended under the appropriation for psychiatric medical institutions for children (PMICs) and prohibits amending the current managed mental health care contract to include PMICs.

The Act allocates funding for 50 highly structured juvenile program beds (informally known as "boot camp" beds), and provides that if the number of beds is not utilized, the remaining funds may be used for group foster care. The Act provides that the statutory requirements relating to the funding cap for foster care, which apply to the juvenile court, are to continue to instead apply to the Juvenile Court Services staff. The Act provides that the additional funding provided for group foster care compared with the previous fiscal year is to be used for the cost of 41 group foster care beds and that it is the intent of the General Assembly that the additional funding allow for the availability of at least 20 additional beds for placement of females. The Act directs DHS to continue the goal that not more than 15 percent of children placed in federally funded foster care be placed for more than 24 months.

The Act authorizes DHS to continue decategorization of child welfare services; authorizes the use of funding for emergency family assistance in certain circumstances; limits funding for shelter care services; authorizes funding to develop and maintain a computer system for adoption and foster care information; continues funding for improving DHS staffing of foster care and adoption services; provides funding for implementation of a subsidized guardianship program; provides for adoption by DHS of administrative rules, in consultation with child welfare services providers, to implement outcome-based child welfare services pilot projects; directs DHS to continue to make adoption presubsidy and adoption subsidy payments available at the beginning of the month for the current month; provides funding for clinical assessment services; provides funding for protective child day care assistance; provides funding for court-ordered services provided to juveniles (The portion of this provision relating to determination of allocation of this funding takes effect upon enactment, May 21, 1999.); directs that to the extent possible, school-based supervision personnel shall be prepared with training or experience relating to gender-specific programming; provides that available funds received for the federal disproportionate share program not be deposited in the General Fund of the State but be available for any shortfall in the federal financial participation amount due to changes in federal Title IV-E funding; provides for use of up to \$550,000 to implement recommendations from the child welfare services work group and up to \$50,000 to support the costs of the work group; provides funding for day treatment and aftercare services to juvenile females; and directs DHS to maximize the capacity to draw federal funding under the federal Title IV-E Program.

*CONNER DECREE.* The Act appropriates \$46,000 to DHS to be used to provide training in accordance with the federal consent decree issued in 1994 regarding placement of persons with mental retardation in the least-restrictive setting.

*COMMUNITY-BASED PROGRAMS — ADOLESCENT PREGNANCY PREVENTION.* The General Fund appropriation, when combined with TANF and SSBG funds, is a very slight decrease compared with the appropriation in FY 1998-1999. The Act provides that funds are to be used to provide adolescent pregnancy prevention grants that are broad-based, focus on abstinence, and are targeted to middle schools. The Act provides that it is the intent of the General Assembly that DHS and the Iowa Department of Public Health continue to identify existing abstinence education or community-based programs that comply with the requirements of federal law to match federal abstinence education funds. The Act also appropriates funds for child abuse prevention grants.

*MENTAL HEALTH INSTITUTES.* This appropriation provides for a decrease in the overall appropriation, and in the allocations to the individual institutes at Cherokee, Clarinda, Independence, and Mount Pleasant, compared with the appropriation and allocations for FY 1998-1999. The Act requires the Independence Mental Health Institute to continue the 30-bed psychiatric medical institution for children (PMIC) facility under the net state budgeting approach and in a manner which does not expend state funds in excess of the funds appropriated or make counties responsible for the costs. The Act designates the revenues

attributable to PMIC beds that are to be deposited in the institute's account. The Act directs the Mount Pleasant Mental Health Institute to continue the dual diagnosis unit to provide psychiatric treatment and substance abuse treatment simultaneously on a net budgeting basis, designates the revenues attributable to dual diagnosis which are to be deposited in the institute's account, provides that the cost of treating a dual diagnosis patient are to be charged one-half to the patient's county of residence and one-half to the state, and specifies payment provisions relating to county payment of dual diagnosis treatment. The Act authorizes DHS to reallocate funds as necessary to best fulfill the needs of the institutes under the appropriation and requires DHS to provide persons being discharged from an institute with assistance in obtaining federal benefits under federal Supplementary Security Income.

**STATE HOSPITAL-SCHOOLS.** This appropriation is a decrease in the appropriation compared with the previous fiscal year. The Act directs DHS to continue operating the hospital-schools at Glenwood and Woodward with a net General Fund appropriation. The Act requires that the county receivables billed but not yet received are included in the schools' FY 1999-2000 year-end balances if the billables are received within 120 days of the original billing date, and allows the hospital-schools to draw upon the General Fund of the State in an amount equal to the receivables amount which is not received. The Act provides that, subject to the approval of DHS, revenues attributable to the state hospital-schools for FY 1999-2000 are to be deposited into each school's account, and designates the funding sources that are to be so deposited. The Act provides that for the purposes of allocating salary adjustment funds moneys appropriated in another Act, the state hospital-schools shall be considered to be funded entirely with state moneys; provides that up to \$500,000 of a state hospital-school's revenues that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used in the succeeding fiscal year; requires each state hospital-school to submit a status report in October 1999; and authorizes DHS to reallocate the appropriation for the state hospital-schools as necessary to best fulfill the schools' needs. The Act authorizes DHS to continue to bill for the hospital-schools' services utilizing a scope of services approach used for private providers of ICF/MR services, in a manner which does not shift costs between the Medical Assistance Program, counties, or other sources of funding and authorizes the schools to expand the time-limited assessment and respite services. The Act provides that up to \$500,000 of the schools' revenues generated by moneys appropriated to the schools in FY 1998-1999 that remain unencumbered or unobligated at the close of that fiscal year are to remain available for expenditure by the hospital-schools in the succeeding fiscal year. This provision relating to FY 1998-1999 revenues at the state hospital-schools takes effect upon enactment, May 21, 1999.

**MENTAL ILLNESS SPECIAL SERVICES.** This appropriation maintains the current level of funding, requires DHS and the Iowa Finance Authority to develop methods to finance community-based facilities, provides that the funds appropriated are for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless, and provides that the funds may be used to match federal grant funds.

**FAMILY SUPPORT SUBSIDY PROGRAM, SPECIAL NEEDS GRANTS AND STATE CASES.** The appropriation for the Family Support Subsidy Program provides an increase compared with FY 1998-1999 to provide for a cost-of-living adjustment and to continue the Children-at-Home Program in the current counties and to provide for two additional pilot county sites. The special needs grants appropriation maintains the current level of funding for the program. The appropriation for state cases provides an increase compared with FY 1998-1999. The state cases appropriation also allocates funds for payment of the state's share of the costs of the reimbursement increase provided in the reimbursement section of the Act for sheltered work, work activity, supported employment, supported work training, supported community living services, and adult residential services paid by the state or county under a state or county purchase of social services contract.

**REIMBURSEMENT — DISABILITIES SERVICES.** This appropriation provides \$2 million for reimbursement increases for sheltered work, work activity, supported employment, job placement, enclave, adult day care, transportation, community supervised apartment living arrangements, and adult residential services paid by a county under a state purchase of service or county contract. The Act requires that the FY 1998-1999 county expenditures are to be used as a basis for the distribution of the FY 1999-2000 appropriation and requires counties receiving funds under this appropriation to increase reimbursements to providers which are receiving reimbursements below the provider's cost or to increase service staff compensation. Counties are to include a progress report describing the county's usage of the distributed moneys in the county's expenditure report submitted by December 1, 1999, and a final report submitted by December 1, 2000. The Act provides that it is the intent of the General Assembly that any amount not utilized be recovered in FY 2000-2001 by reducing the county's social services block grant local purchase allocation in an equivalent amount.

**MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND.** This appropriation maintains the current level of services. The Act provides that moneys are distributed to counties according to a population and poverty formula; 50 percent of the moneys from the fund must be used for contemporary services according to rules adopted by DHS; funding continues for the Iowa Compass Disability Services Information and Referral Program; federal Social Services Block Grant funds distributed to counties for local purchase of services are to be expended by counties in accordance with the county's approved county management plan, and a county without an approved plan is prohibited from receiving funds until the plan is approved;

and the Act specifies that a county is eligible for funding through the Community Mental Health and Developmental Disabilities Services Fund if the county meets the requirements for receiving property tax relief funds and allowed growth funds.

**PERSONAL ASSISTANCE.** The appropriation maintains the current level of funding to continue the Personal Assistance Services Program, a pilot program for adult persons with physical disabilities in an urban and a rural area. The Act prohibits the pilot project and any federal home and community-based waiver developed under the MA Program from being implemented in a manner that would require additional county or state costs for assistance provided. The Act also includes intent language placing priority on new applicants with education and employment needs and providing that current applicants who may receive similar services under other programs are to be assisted in attaining eligibility for those programs. The Act also provides that funds remaining for the pilot project at the close of the fiscal year do not revert to the General Fund but remain available to provide personal assistance payments until the close of the succeeding fiscal year.

**FIELD OPERATIONS, GENERAL ADMINISTRATION AND VOLUNTEERS.** The appropriation for field operations is a decrease compared with the appropriation for FY 1998-1999. The appropriation for general administration is a decrease compared with FY 1998-1999 due to an adjustment for vacant funded FTE positions, elimination of funding for the X-PERT technology initiative, movement of specific FTEs to the FIP budget unit, and movement of postage for FIP to the FIP budget unit and for MA to the MA budget unit. The Act allocates \$57,000 for the Prevention of Disabilities Policy Council, transfers \$129,971 to the State University of Iowa for the university-affiliated program for the support of Iowa Creative Employment Options (CEO), and provides that DHS shall not implement savings reductions for general administration which reduce service funding for disability rehabilitation programs or statewide-supported employment programs or reduce drawdown of federal funding. The appropriation for volunteers maintains the current level of funding.

**SEXUALLY VIOLENT PREDATORS.** This appropriation for FY 1999-2000 is an increase compared with the FY 1998-1999 appropriation to DHS for costs associated with commitment and treatment of sexually violent predators. The FY 1998-1999 line item provides for a supplemental appropriation for that fiscal year and provides that any of these moneys which remain unencumbered at the close of the fiscal year shall not revert to the General Fund of the State. This provision providing an FY 1998-1999 appropriation for costs associated with treatment and commitment of sexually violent predators takes effect upon enactment, May 21, 1999.

**REACTIVE ATTACHMENT DISORDER — TRAINING.** This is a new appropriation providing \$60,000 to provide training and education to therapists and others who provide services through DHS to children with reactive attachment disorder. The Act provides that moneys that remain unencumbered or unobligated at the close of the fiscal year are not to revert to the General Fund of the State. The Act defines "reactive attachment disorder."

**MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.** The Act does all of the following:

- Provides a 2 percent increase in the reimbursement rate for skilled nursing facilities.
- Provides for a 2 percent increase in the dispensing fee for pharmacists.
- Requires the reimbursement rate to hospitals for inpatient and outpatient services to increase by 2 percent over the rate in effect on June 30, 1999, requires DHS to continue the outpatient reimbursement system utilizing ambulatory patient groups implemented in FY 1994-1995, and requires DHS to continue the revised MA payment policy for reimbursement for costs of screening and treatment provided in the hospital emergency room, pursuant to the prospective payment methodology developed by DHS for payment of outpatient services under the MA Program, which results in an increased reimbursement.
- Provides that rural health clinics, hospices and acute mental hospitals reimbursement rates are to be increased in accordance with increases under the federal MA Program or as supported by Medicare-audited costs, resulting in an increased reimbursement.
- Provides that reimbursement rates for home health agencies are limited to a 2 percent increase over the rate in effect on June 30, 1999.
- Provides that federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs of services. (Section 51 of the Act codifies this requirement.)
- Provides that reimbursement for dental services shall be increased by 2 percent over the rates in effect on June 30, 1999.
- Provides that reimbursement rates for community mental health centers shall be increased by 5 percent over the rates in effect on June 30, 1999.

- Provides that unless otherwise specified in the Act, all noninstitutional MA provider reimbursements shall be increased by 2 percent over the rates in effect on June 30, 1999.
- Provides that the maximum reimbursement rate for nursing facilities is established at the 70<sup>th</sup> percentile based upon the June 30, 1999, unaudited compilation of costs and statistical data, with the provision that a facility which does not have a current cost report on file as of June 30, 1999, shall continue to receive the per diem rate in effect for that facility on June 30, 1999, until the facility's costs are above that rate or until June 30, 2000, whichever is earlier, and requires facilities to submit semiannual cost reports beginning July 1, 1999, or after, based on the closing date of the facility's fiscal year. The Act provides that to the extent funds are available within the amount projected for reimbursement of nursing facilities with the appropriation for Medical Assistance, and within the appropriation for MA as a whole, DHS shall adjust the maximum MA reimbursement for nursing facilities to the 70<sup>th</sup> percentile as calculated from the December 31, 1999, unaudited compilation of cost and statistical data for only those nursing facilities that provide additional written documentation in a cost report which demonstrates increased expenditures for direct care in the form of wages during a cost-reporting period in that fiscal year. The additional documentation must be submitted by June 30, 2000, for the facility to be eligible for the increased reimbursement. To the extent possible, the additional documentation is to be obtained from the expanded cost report information provided in the Act and any adjustment takes effect January 1, 2000. The Act also directs DHS to adopt emergency rules requiring all nursing facilities to submit an MA cost report on or after July 1, 1999, that initially incorporates additional documentation including baseline information by describing the status of the facility with reference to information requested as of July 1, 1999, and, subsequently, includes additional documentation which describes the status of the facility for the period of the cost report. The information is to include staffing costs and the starting and average hourly wage for each class of employee.
- Establishes the maximum reimbursement rate for residential care facilities at not less than \$23.83 per day for the period July 1, 1999, through December 31, 1999, and not less than \$24.26 per day for the period January 1, 2000, through June 30, 2000. The flat reimbursement rate for facilities not filing cost reports is established at not less than \$17.05 per day for the period July 1, 1999, through December 31, 1999, and \$17.36 per day for the period January 1, 2000, through June 30, 2000. The Act establishes the in-home, health-related care programs reimbursement rates at not less than \$458.20 per month for the period July 1, 1999, through December 31, 1999, and not less than \$466.49 per month for the period January 1, 2000, through June 30, 2000.
- Specifies the daily reimbursement rate for family foster care providers, which reflects 70 percent of the U.S. Department of Agriculture regional cost of raising a child.
- Provides that the maximum reimbursement rate for adoption and independent living services providers is to be increased by 2 percent over the rates in effect during FY 1998-1999 and requires that all other reimbursement rates for social service providers are to remain the same as those in effect during FY 1998-1999, unless a specified exception applies.
- Provides that the group foster care reimbursement rate for children placed outside the state is to be calculated in the same manner as is used for in-state providers, unless the Director of Human Services determines that care cannot be provided within the state and the rate must be based on the actual number of days in a calendar month.
- Provides that the reimbursement rates for shelter care providers be calculated using a cost report, and establishes the maximum rate at \$79.70 per day. If the provider's cost report justifies the maximum rate, but DHS would reimburse the provider at less than that rate, DHS is to readjust the rate to the maximum rate.
- Provides that the reimbursement rate for intermediate care facilities for persons with mental retardation is to be calculated at the 80<sup>th</sup> percentile.
- Directs DHS to establish the child day care provider rates based on the reimbursement survey completed in December 1996, and to set rates in a manner so as to provide incentives for nonregistered providers to become registered providers.
- Increases the maximum reimbursement rate for psychiatric medical institutions for children (PMICs) to \$145.74 per day, based on per day rates for actual costs on June 30, 1999.

**MOTOR VEHICLE LICENSE REINSTATEMENT PENALTY — DEPOSIT AND APPROPRIATION.** The Act requires that civil penalty moneys collected by the Iowa Department of Transportation (IDOT) at the time IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges, are to be deposited with DHS, and are appropriated for juvenile detention homes. The Act also provides that, notwithstanding the law regarding deposit of these moneys, the moneys collected beginning July 1, 1998, and ending June 30, 1999, are to be deposited to the credit of DHS and are appropriated to be used for juvenile detention homes. This provision relating to moneys collected beginning July 1, 1998, and ending June 30, 1999, takes effect upon enactment, May 21, 1999.

**TRANSFER AUTHORITY.** The Act permits DHS to transfer funding between the following appropriations, provided the combined funding is not changed: Family Investment Program (FIP), Emergency Assistance Program, child day care assistance, child and family services, field operations, general administration, and MH/MR/DD/BI community services (local purchase).

**FRAUD AND RECOUPMENT ACTIVITIES.** The Act permits DHS to expend funds recovered through fraud and recoupment investigations to perform additional fraud investigations as long as the additional investigations are anticipated to recover moneys in excess of both the costs of performing the investigations and the amount recovered in FY 1999-2000. The Act limits the number of additional investigative staff to 5 FTEs.

**CHILD SUPPORT INCENTIVES.** The Act makes changes in the Code of Iowa specifying that the state share of federal child support recovery incentives shall be credited to the child support recovery unit (CSRU) budget unit. The CSRU budget unit is in turn decreased by an amount equal to the state share of federal incentives, and the appropriation to the FIP budget unit is increased by a like amount. This provision takes effect upon enactment, May 21, 1999.

**FINANCIAL ASSISTANCE SERVICES.** The Act authorizes DHS to continue the financial assistance services pilot projects in eight counties, which allows DHS to alter policies, procedures and practices to waive administrative rules, involving financial assistance services, which are based on state law. In addition, DHS may alter provisions based on federal law if federal approval is obtained. The programs or services affected include FIP, the PROMISE JOBS Program, Medical Assistance (Medicaid), food stamps, child care assistance, refugee cash assistance, emergency assistance, and child support recovery. DHS is directed to adopt emergency rules to establish the framework for the pilot projects.

**REVIEW OF HUMAN SERVICES PROVIDER REIMBURSEMENTS AND ADMINISTRATIVE RULES.** The Act requests that the Legislative Council authorize a task force to review provider reimbursement methods for Medical Assistance (Medicaid), State Supplementary Assistance, social services, and other DHS services. The task force is to consider previous studies, funding options appropriate to individual needs, options for implementation of the resource-based relative value system methodology to determine medical provider reimbursement under the MA Program, implementation of waivers, state plan changes and other approaches allowed by the federal government, the option of resource-based reimbursement, review of nursing facility cost reports, options for using tobacco settlement proceeds, and other methods to improve reimbursement equity. The Act also requests the Legislative Council to authorize an independent review of DHS administrative rules and their impact on services and staff, utilizing support from foundation or other private funding.

**HUMAN SERVICES RESTRUCTURING.** The Act requests the Legislative Council to establish a human services restructuring task force. The duties of the task force would include review of the community empowerment initiative, the county management provisions for MH/MR/DD services and the adult mental health and developmental disabilities funding decategorization, child welfare funding decategorization and the service bundling proposal developed by the child welfare work group, and other proposals for improving local management of essential public services. The task force would report findings and recommendations in a report submitted prior to the convening of the General Assembly in 2000.

**CHILD PROTECTION EVALUATION.** The Act extends the completion date for the independent evaluation of the child protection system required under 1997 Iowa Acts, to July 1, 2000.

**ADOPTION SPECIAL SERVICES.** The Act requires DHS to review various adoption services, including the addition of respite care and the continuation of special services to foster children following the filing of an adoption petition and following issuance of the final adoption decree. The Act requires DHS to submit recommendations to the General Assembly by December 15, 1999.

**OTHER STATUTORY PROVISIONS.** The Act makes all of the following statutory changes:

- Establishes a High Quality Child Care Providers Program, which provides for designation of child care providers as gold seal quality child care providers. Such a designation includes annual recognition and, subject to availability of funding, receipt of a one-time cash award by the provider.
- Provides for the disregard of resources of the family, other than monthly income, in determining eligibility for Medical Assistance.
- Provides that rural health clinics and federally qualified health centers are to receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to MA recipients.
- Codifies the creation of the HAWK-I Trust Fund in Code Section 514I.11. This provision establishes the trust fund under the authority of DHS and provides that all appropriations and other revenues of the state Children's Health Insurance Program are to be deposited in the fund. The provision specifies that the moneys in the fund are not considered revenue of the state but are funds of the program. The provision also provides that the trust fund is separate

from the General Fund of the State, that the moneys in the fund do not revert to the General Fund of the State, are not to be transferred, used, obligated, appropriated, or otherwise encumbered except as provided under the program, and that interest on moneys in the fund are to be credited to the fund.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A requirement in the FIP appropriation that DHS consult with its welfare reform advisory group in recommending categories of FIP families to be eligible for the hardship exemption from the lifetime limit on receiving assistance funded under TANF.
2. A requirement in the TANF allocation that DHS report quarterly any changes in allocation of TANF moneys.
3. A requirement in the FIP allocation that DHS continue to conduct an evaluation of the welfare reform program and child well-being programs to measure effectiveness.
4. A requirement in a FIP allocation for reporting regarding pilot projects for parental obligations.
5. A FIP allocation of \$100,000 for a pilot project of FIP diversion directed to persons adjudicated to receive child welfare services who become age 18 and may be at risk of becoming eligible for government benefits.
6. A directive for DHS to convene representatives of provider groups to identify ways to improve Medical Assistance home and community-based services waiver programs.
7. A requirement for DHS to report on its evaluation of the feasibility and fiscal impact of implementing 12 months of continuous eligibility for children who are eligible for the MA Program.
8. A directive for the Healthy and Well Kids in Iowa (HAWK-I) Board to study the costs of providing family coverage under the program.
9. The requirement for DHS to report the cost-effectiveness of any positions added and the requirement that DHS report any positions added to CSRU that are in addition to those authorized with the appropriation.
10. A requirement for DHS to report on transfers authorized by the Act from the child and family services appropriation.
11. The requirements for DHS to report quarterly regarding the number of children placed in group foster care, status of expenditures, actions to maximize drawing of federal funding under Title IV-E of the federal Social Security Act, and related information.
12. A requirement for DHS to report exceptions granted to extend eligibility for intensive tracking and other programs involving delinquent youth beyond age 18.
13. A requirement that each district planning group submit an annual report for compilation.
14. A requirement for DHS to work with judicial branch entities in compiling a report concerning expenditures for court-ordered services for juveniles.
15. A requirement for DHS to evaluate the recidivism rates in public and private treatment programs for juveniles and to submit a report.
16. A directive for DHS, in cooperation with the Department of Corrections, to develop a proposal to provide the option of treatment at the Mount Pleasant Mental Health Institute or another existing state-owned facility, rather than incarceration of an individual who is convicted of methamphetamine use.
17. A directive for the state mental health institutes to continue the net budgeting accounting approach and to submit status reports.
18. A requirement that the FY 1999-2000 reports of the state hospital-schools include a listing of items for which depreciation reimbursement funds would have been utilized if the funds had been retained by the institution.
19. A directive for the Glenwood State Hospital-School to unbundle pharmaceutical costs from the per diem charges for services during FY 1999-2000 and for county billings to be reduced in an amount equivalent to pharmaceutical costs separately charged to MA as a result of the unbundling.
20. A requirement for DHS to make regular reports concerning special needs grants with the Family Support Subsidy Program.

21. A directive for DHS to issue an RFP for developmental disabilities basic support and advocacy grants.
22. A directive for DHS to reimburse counties for increased costs associated with county reimbursement connected with county assumption of responsibilities due to the resignation, retirement or dismissal of state-funded FTE positions at local DHS offices.
23. The requirements that moneys appropriated to DHS for FTE positions within the field operations or general administration budget items are to be used only for salaries and support, and that DHS submit a quarterly report beginning July 1, 1999, to the Legislative Fiscal Bureau detailing funded FTE positions.
24. A directive for new nursing facility cost report information to be compiled by DHS and submitted to the General Assembly and any legislative committee designated to consider human services reimbursement rates and methodologies.
25. A requirement that of the FTEs authorized in the Act, for the state-county assistance team, 1 FTE was to work with the state-county assistance team, 1 FTE was to work with the state-county management committee, 1 FTE was to work with the county single entry-point process or coordinators, and 4 FTEs were to provide technical assistance for community empowerment areas.
26. The requirement for DHS to coordinate efforts in cooperation with the Iowa Department of Economic Development to develop new jobs in the area in which a state institution is to be closed or reduced in size. Additionally, a directive for DHS to take other actions to utilize any closed unit or other facilities and services of an institution.
27. A requirement for DHS to report any laws or administrative rules waived under an authorization to operate a pilot program or programs to streamline financial assistance services.
28. A requirement that the State-County Management Committee review services and funding for persons with brain injury and for persons with autism.

#### **HOUSE FILE 762 - Appropriations — State Government Technology and Operations**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to state government technology operations by making appropriations to a number of entities concerned with technology.

The Act makes appropriations for FY 1999-2000 from the General Fund of the State for debt service for the Iowa Communications Network, for subsidization of operations of the network as a result of charging authorized users' video rates which generate less revenue than necessary to cover associated costs of the network, for support functions related to the network provided by the Public Broadcasting Division of the Department of Education, for information technology services provided by the Department of General Services to other state agencies, and for the support of specified full-time equivalent positions.

The Act allocates moneys in the Reversion Technology Initiatives Account for FY 1999-2000 in a priority order for specific projects. This provision takes effect May 26, 1999.

The Act expresses the General Assembly's intent to create an information technology department effective July 1, 2000. The mission of the intended department is to foster the intelligent application of information technology to improve the lives of Iowans. The Act creates a transition team, effective May 26, 1999, to develop a written proposal for submission to the General Assembly concerning the creation of the information technology department. Effective July 1, 1999, the Act appropriates \$200,000 to the Department of General Services for the activities of the transition team, including the costs associated with any consultant retained by the transition team to assist in its duties.

The Act moves the responsibility for providing telecommunications cabling necessary to provide state communications from the Department of General Services to the Iowa Telecommunications and Technology Commission. The Act also provides for the transfer of personnel and funding associated with providing telecommunications cabling, as well as for the transfer of existing funds in the Telecommunications and Electric Cabling Revolving Fund in the Department of General Services.

The Act creates an IowaAccess Revolving Fund, moneys from which are to be used by the Division of Information Technology Services of the Department of General Services to maintain, develop, operate, and expand the IowaAccess Network.

Code Section 22.3A is amended to provide that the amount a government body may charge to a person for access to a public record shall not be more than that required to recover direct publication costs incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. Currently, that limit applies to access to data processing software which is provided to a person solely for the purpose of accessing a public record. The Act also changes references in that section involving "reproduction of a public record" to "accessing a public record."

The Act provides that the minimum fee for a certified abstract of a person's operating record is \$5.50. Currently, that minimum fee would apply to all abstracts provided by the department. The Act also provides that an additional access fee may be charged for each abstract supplied through electronic data transfer.

The Act directs the IowaAccess Advisory Council, by no later than October 15, 1999, to develop and make a written recommendation to the Legislative Oversight Committee of the Legislative Council concerning the establishment of a permanent governing board for IowaAccess and the implementation of a fee-for-service-based model of operation for the IowaAccess Network.

The Act provides funding of \$1 million for IowaAccess. The funding is provided by the transfer to the Division of Information Technology Services of the first \$1 million collected by the Iowa Department of Transportation for transactions involving the furnishing of a certified abstract of a vehicle operating record.

The Act provides that certain appropriations made from the Reversion Technology Initiatives Account for FY 1998-1999 are not to revert but will be used for the purposes for which appropriated for FY 1999-2000. This provision takes effect May 26, 1999.

The Act provides for monthly reports by state agencies, the Judicial Branch, and the Computer Support Bureau with regard to the progress of implementing century date change programming.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

A requirement that by no later than July 1, 1999, the staff of the Iowa Telecommunications and Technology Commission establish budget units and accounts using the state budget system and the Iowa finance and accounting system.

**HOUSE FILE 772 - Appropriations — Infrastructure and Capital Projects**

**BY COMMITTEE ON APPROPRIATIONS.** This Act makes appropriations from the Rebuild Iowa Infrastructure Fund and to the Iowa Resources Enhancement and Protection Fund principally for fiscal years during the period beginning July 1, 1999, and ending June 30, 2001, for various capital and other projects. These appropriations include capital projects for the departments of Cultural Affairs, Corrections, General Services, Economic Development, Public Defense, Public Safety, Natural Resources, Transportation, and Agriculture and Land Stewardship, and for the Commission of Veterans Affairs, the Judicial Branch, the Legislative Council, the State Fair Foundation, the State Board of Regents, and the Office of Treasurer of State. The Act makes a supplemental appropriation, effective May 24, 1999, for FY 1998-1999 to the Department of General Services for renovations, maintenance and utility upgrades at the state hospital-schools and at the state mental health institute at Independence.

**STATUTORY CHANGES.** The Act amends Code Section 8.6 to provide that the Director of the Department of Management shall compile all capital project budgeting requests of all state agencies and prepare a capital project priority plan for submission with other budget documents with the Governor's budget message, rather than submitting the compilation and plan in a report to the Legislative Capital Projects Committee.

This Act establishes, in new Code Sections 15.371 through 15.373, the Community Attraction and Tourism Development Program. The Act provides that the program will assist communities in the development and creation of multiple-purpose attraction and tourism facilities. Only a political subdivision of the state may submit an application for financial assistance under the program. The Act provides that the Department of Economic Development shall consider certain criteria in reviewing the applications, including the projected employment impact of a project, the projected attraction and tourism opportunities generated by a project, and the projected economic impact of a project. The Act also establishes the Community Attraction and Tourism Development Fund for use in funding program projects.

The Act also amends Code Section 161A.80, relating to the Blufflands Protection Revolving Fund, to provide that the Department of Natural Resources shall join with the Department of Agriculture and Land Stewardship in adopting rules to administer the disbursement of funds from the revolving fund. This provision takes effect May 24, 1999.

The Act creates new Code Section 161C.7, relating to watershed protection. The Department of Agriculture and Land Stewardship is directed to establish a Watershed Protection Task Force to study the condition of watershed protection in the state and make recommendations to the department regarding soil conservation, water quality protection, flood control, and other natural resource conservation issues. The department is also directed to implement and administer a Watershed Protection Program. The program shall target for assistance those watersheds on a prioritized list established by the department in consultation with the Department of Natural Resources. The Act creates a Watershed Protection Account within the Water Protection Fund to be used for purposes of the program.

Code Section 174.3 is amended to provide that a county ordinance shall not impair the authority of a society conducting a county fair.

Code Sections 174.10 through 174.12, relating to state aid for county and local fairs, are amended by the Act. Code Sections 174.10 and 174.12 are amended to provide that moneys appropriated for such aid are to be paid to the Office of Treasurer of State rather than directly to the societies conducting the fairs. The Association of Iowa Fairs is designated as the administrative agent for such funds. Currently, the Iowa State Fair Foundation acts as the administrative agent. The Act increases the amount that is withheld from a society's state aid payment, unless the society meets certain requirements, from \$500 to \$1,000.

Code Section 174.11, providing a formula for the amount allowed in state aid to an eligible society conducting a fair, is repealed.

New Code Section 174.17 provides that a county fair society that conducts a county fair which has annual attendance of at least 150,000 and annual gate admission revenues of at least \$400,000 may issue bonds which are payable from revenue generated by the operations of the county fair and the use and rental of the real and personal property owned or leased by the county fair society. After 10 days' notice of the proposal to issue bonds, including the amount of the bond issue, purpose, maximum rate of interest, and the right to petition for an election, the county fair society may take action to issue the bonds. If a petition signed by 3 percent of the registered voters of the county requesting an election is filed before the date fixed for taking action on issuance of the bond, a special election shall be called and the bond issue is not approved unless the vote in favor of the proposal is equal to at least 60 percent of the vote cast.

To further secure the payment of any bonds issued, the county board of supervisors may provide for the assessment of an annual levy of a standby tax upon all taxable property within the county. The revenues from the standby tax shall be deposited in a special fund and shall be expended only for the payment of the principal and interest on the bonds when the receipts of pledged revenues are insufficient to pay the principal and interest on the bonds due.

The Act amends Code Section 414.1 to allow the City of Des Moines, for the purpose of preserving the view of the state capitol building, to regulate the height and size of buildings and other structures. Such regulations are to be made in accordance with a comprehensive plan and in consultation with the Capitol Planning Commission.

The Act also amends a provision in Code Section 452A.79 relating to the manner in which revenues from the excise tax on motor fuel used in watercraft may be used. Currently, such funds may be appropriated to the Department of Natural Resources for use in its recreational boating program, including the dredging and renovation of natural lakes. The Act removes the qualification that a lake, to be dredged or renovated, must be a natural lake.

*1998 IOWA ACTS AMENDED.* The Act amends 1998 Iowa Acts, Chapter 1219, Section 6, subsection 1, relating to an appropriation from the Rebuild Iowa Infrastructure Fund to the Department of General Services, effective May 24, 1999. The Act expands the authority of the department to purchase certain property for renovation of state-owned facilities. It also authorizes the department to use a portion of the appropriation for completion of an infrastructure assessment.

The Act also amends 1998 Iowa Acts, Chapter 1219, Section 10, subsection 4, relating to an appropriation from the Rebuild Iowa Infrastructure Fund to the Department of Natural Resources for lake dredging, effective May 24, 1999. The Act allows the department to use up to \$100,000 of a Lake Rehabilitation Pilot Program allocation for a diagnostic feasibility study of Clear Lake and modifies the local matching funds requirement.

*INTERIM STUDIES.* The Act requests the Legislative Council to establish an interim committee to study the financing mechanisms for K-12 school buildings, and an interim committee to study issues relating to the sale, use, and health and environmental effects of oxygenate enhancers contained in motor vehicle fuel.

**THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. FY 2000-2001 funding for Historical Site Preservation Grants, the Physical Infrastructure Assistance Program, Accelerated Career Education Program capital projects, design and construction of an Iowa Hall of Pride, a pursuit driving training track, capital projects at regents universities, vertical infrastructure improvements at commercial air service airports, county fair infrastructure improvements, the Alternative Drainage System Assistance Fund, financial incentives for soil conservation practices, recreational grants, lake dredging, capital projects from marine fuel tax receipts, water quality monitoring stations, a tree-planting program, and the Iowa Resources Enhancement and Protection Fund.
2. A directive to the Department of Economic Development to adopt certain rules for awarding financial assistance for advanced research and commercialization projects.

3. A prohibition on the use of recreational trail funds appropriated to the state Department of Transportation for involuntary condemnation of land for recreational trail projects or recreational trail projects on land acquired by involuntary condemnation after May 24, 1999.
4. A provision establishing a Community Attraction and Tourism Development Program Review Committee to review applications for Community Attraction and Tourism Development Fund assistance.

#### **HOUSE FILE 781 - Compensation for Public Employees**

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates \$52.8 million for the fiscal year beginning July 1, 1999, to fund salary adjustments for certain state elected officers, state appointed, nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, and noncontract employees. The salary rates and ranges of state nonelected officers, justices and judges are increased by approximately 3 percent. The salaries of judicial magistrates are increased by approximately 10 percent. The maximum salary levels of all pay plans for other state employees, excluding employees of the State Board of Regents, are increased by 3 percent for the pay periods beginning June 25, 1999, and these employees may receive a step increase or the equivalent of a step increase. For merit system and merit supervisory employees of the State Board of Regents, salary increases shall be similar to contract-covered employees and faculty members and professional and technical employees, and salary increases shall be comparable to contract-covered employees in the University of Northern Iowa faculty bargaining unit.

The Attorney General, Auditor of State, Secretary of State, and the Treasurer of State are given 3 percent annual salary increases.

This Act specifies that sworn peace officers in the Department of Public Safety, not covered by a collective bargaining agreement, receive the same per diem meal allowance as covered sworn peace officers.

This Act provides \$133,800 to fund a model administrator/coordinator to maintain the state's salary model in conjunction with the Legislative Fiscal Bureau and provide state employee salary and benefit information.

This Act establishes a state employee health flexible spending account and authorizes the Department of Personnel to bill for administrative costs.

Senior judges and their spouses are given extended medical insurance coverage until the judge reaches 78 years of age.

Effective May 17, 1999, and retroactively applicable to January 1, 1999, the Act exempts from the state premium tax benefits acquired by the Department of Personnel on behalf of state employees.

#### **HOUSE FILE 782 - Miscellaneous Supplemental and Other Appropriations and Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to various public expenditures and regulatory matters by making appropriations and various statutory changes.

##### Division I — MH/MR/DD Allowed Growth

Division I of the Act makes an appropriation for the county mental health, mental retardation and developmental disabilities services growth factor adjustment for FY 2000-2001. Under Code Section 331.438, the allowed growth factor amount is to be established in a statute that is enacted during the fiscal year that begins two years in advance of the fiscal year to which the adjustment applies. The appropriation is allocated for distribution to counties and to various funding pools for specified purposes.

##### Division II — Lottery Proceeds

Division II amends Code Section 99E.10, relating to lottery revenues, to provide for transfer of the revenues to the General Fund of the State. Under previous law, the lottery revenue remaining after payment of expenses is transferred to the CLEAN Fund. The Act repeals Code Section 99E.34, providing for expenditures from the CLEAN Fund for the 10-year period ending June 30, 2000.

##### Division III — State Medical Examiner

Division III relates to the State Medical Examiner by amending Code Chapter 691 to provide that this position is established for administrative purposes within the Iowa Department of Public Health, instead of under the control of the Commissioner of Public Safety. New Code Section 691.6A creates the position of deputy state medical examiner. New Code Section 691.6B creates an Interagency Coordinating Council to advise the State Medical Examiner regarding the needs and interests of the departments of Public Safety and Public Health. New Code Section 691.6C creates a State Medical Examiner Advisory Council. Code Section 691.7 provides for acceptance of federal or private grants for the office by the Director of Public Health. The State Medical Examiner is to conduct a study of the office in consultation with the advisory council. Appropriations to the

Department of Public Safety as of the division's effective date of May 27, 1999, are transferred to the Iowa Department of Public Health.

Division IV — FY 1999-2000 Appropriations and Related Provisions

Division IV contains an appropriation for an increase in the standing appropriation to the Special Olympics Fund from \$20,000 to \$30,000.

The Division amends the statute relating to the Innovations Fund to allow for approval of projects that result in savings to the General Fund of the State, rather than to a requesting agency, and provides for an appropriation to repay the loan for such projects.

The Division provides that revenues from the statewide property tax imposed pursuant to the electricity and natural gas replacement tax Code chapter are to be available to the departments of Management and Revenue and Finance as appropriated by the General Assembly. The Division also contains the specific appropriations for those departments for FY 1999-2000 of \$75,000.

The Division increases by one the full-time equivalent position authorization for the Institute of Decision Making at the University of Northern Iowa.

The Division also makes an \$80,000 appropriation to the Iowa Law Enforcement Academy for the Drug Abuse Resistance Education (D.A.R.E.) Program.

Division V — Supplemental Appropriations for FY 1998-1999

Division V is effective May 27, 1999, and provides that:

1. Moneys are appropriated for international trade operations from moneys previously appropriated for a China-Des Moines trade and cultural center that was never built.
2. Moneys remaining from a previous appropriation for state reengineering projects are not to revert but will remain available for the purposes designated.
3. Moneys are reallocated from unused FY 1998-1999 appropriations for Extended School Year Grants to a school violence crisis intervention task force and for Internet filter services.
4. Supplemental appropriations for FY 1998-1999 are made to the Department of Education for the Geography Alliance and to the State Board of Regents for use at the University of Northern Iowa's Waste Reduction Center for the Environmental Auditor Training Program, and to the Department of Human Services for implementing Linn County's runaway treatment plan.

Division VI — Miscellaneous

Division VI does the following:

1. Amends Code Section 232.2, as amended by S.F. 193 (see Children & Youth), as it relates to expanding the requirements placed on guardians ad litem for children in juvenile cases, by making attendance at Department of Human Services staff meetings or case conferences, and at meetings with medical or mental health providers, service providers, organizations, or educational institutions, discretionary. In addition, the order appointing a guardian ad litem does not have to specify the duty of the guardian ad litem to interview relevant people and inspect and copy relevant documents and records.
2. Amends Code Chapter 137F, relating to exemptions from inspection requirements under the definition of a "food establishment," and to exempt wild morel mushrooms, aged cheese, whole muscle red meats, and certain jams, jellies and preserves from inspections pursuant to the state Food Code.
3. Provides for the suspension or revocation of the driver's license or operating privilege of a child if the child commits an assault upon an employee of a school with intent to inflict serious injury, carries a dangerous weapon on school grounds, or carries or transports a firearm on school grounds.
4. Permits a single individual to form a professional limited liability company.
5. Directs the General Assembly to enact legislation by March 1, 2000, to address alternative high school program funding and also directs the School Finance Interim Study Committee to study and make recommendations for such funding.

6. Repeals the exemption from the regulation of home food establishments for those establishments having gross annual sales of prepared food of \$1,000 or less if the preparer of the food identifies, by name and address, the person preparing the food.
7. Provides that under the Healthy and Well Kids in Iowa (HAWK-I) Program, the HAWK-I Board does not have to, but may, include in its outreach efforts a comprehensive statewide media campaign; solicitation of cooperation from programs, agencies, and other persons likely to have contact with eligible children; and the development of community plans for outreach and marketing. In addition, the Division repeals the requirement that the administrative contractor for the HAWK-I Program perform outreach activities based upon the outreach plan approved by the HAWK-I Board.

Division VII — Corrective Amendments

Division VII contains corrective amendments to bills that were enacted during the 1999 Legislative Session.

**BUSINESS, BANKING AND INSURANCE**

- SENATE FILE 8 - Health Insurance Coverage of Diabetes
- SENATE FILE 47 - Priority of Funding Agreement Claims Against Insurer Assets
- SENATE FILE 95 - Proof of Motor Vehicle Financial Liability Coverage — Parking Lots
- SENATE FILE 233 - Records of Financial Institutions — Preservation
- SENATE FILE 249 - Operation and Regulation of Insurance Companies
- SENATE FILE 276 - Health Care Service and Treatment Coverage
- SENATE FILE 404 - Real Estate Licensees and Clients — Payment for Services
- SENATE FILE 405 - Year 2000 Liability Limitation — VETOED BY THE GOVERNOR
- SENATE FILE 406 - Entities and Subject Matter Regulated by Insurance Division
- SENATE FILE 410 - Viatical Settlement Contracts — Sale as Investments
- SENATE FILE 413 - Safe Deposit Box Access — Death of Owner or Lessee
- HOUSE FILE 210 - Business Opportunity Promotions — Excluded Transactions
- HOUSE FILE 330 - Bank Holding Company Acquisitions — State Bank Loans
- HOUSE FILE 345 - Demand Deposit Accounts With Lines of Credit — Fees
- HOUSE FILE 375 - Open-End Credit and Credit Card Disclosures — Reports Eliminated
- HOUSE FILE 443 - Consumer Credit Transactions — Fees and Charges
- HOUSE FILE 445 - Rights of Dissenting Shareholders of Banks
- HOUSE FILE 458 - Auctioneer's Role in Public Sale or Auction of Real Property
- HOUSE FILE 571 - Deposit of Public Funds — Depository Standards
- HOUSE FILE 624 - Electronic Commerce Security
- HOUSE FILE 777 - Sale of Certain Insurance Products by Motor Vehicle Rental Companies

**RELATED LEGISLATION**

- SENATE FILE 68 - Mid-America Port Commission — Counties Included  
*SEE ECONOMIC DEVELOPMENT.* This Act includes Jefferson, Van Buren and Wapello Counties in the jurisdiction of the Mid-America Port Commission.
- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act, which amends various provisions of state and local tax law, does the following:
- Provides that limited liability companies may join the filing of a composite return. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
  - Provides that the 30- or 60-day appeal period, as applicable for the income taxes, sales and use taxes, death taxes, cigarette and tobacco taxes, and the environmental protection charge, commences on the date of the notice.
  - Removes the provision that imposes the Iowa corporate income tax upon a corporation whose legal domicile is in Iowa, and instead imposes it on all corporations doing business in Iowa.
  - Provides that an Iowa-based corporation, whose only activity outside Iowa is the ownership of intangible assets, and which has acquired a business situs outside Iowa, may apportion its income to determine the portion which is subject to Iowa income tax. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
  - Makes the exemption from Iowa sales tax for services performed on tangible property delivered into interstate commerce, the same as the exemption from Iowa sales tax on tangible personal property delivered to a point outside of Iowa.

- Requires the Department of Economic Development to submit a report to the General Assembly on the phaseout of the machinery, equipment and computer property tax, including estimated economic impact and recommendations for modification of the reimbursement formula.

Provisions of the Act that do not specify an effective or applicability date take effect May 20, 1999.

- SENATE FILE 149** - Motor Vehicle Warranty Claims — Service or Warranty Facilities  
**SEE TRANSPORTATION.** This Act prohibits a motor vehicle manufacturer, distributor or importer of motor vehicles, or an agent thereof, from reducing compensation or disallowing a claim for warranty parts, repairs or service supplied by a motor vehicle dealer if 12 months or more have passed since the claim was submitted. Violators are guilty of a simple misdemeanor. The Act also provides that an additional motor vehicle dealership includes a facility providing manufacturer-authorized or distributor-authorized service or warranty work for motor vehicles of a line-make in a community in which the same line-make is represented.
- SENATE FILE 221** - Public Assistance — Family Investment Program — Individual Development Accounts  
**SEE HUMAN SERVICES.** This Act allows funding available in the Self-Employment Loan Program account of the Strategic Investment Fund administered by the Department of Economic Development to be used as matching funding for individual development accounts held by low-income Iowans. These accounts are held in banks and other financial institutions.
- SENATE FILE 224** - Utilities — Cost of Board Proceedings — Competitive Utility Services  
**SEE ENERGY & PUBLIC UTILITIES.** This Act amends provisions related to proceedings before the Utilities Board, the provision of competitive utility services, and the allocation of costs incurred by the Utilities Board and the Office of Consumer Advocate to participants in certain proceedings before the Utilities Board. The Act takes effect April 14, 1999.
- SENATE FILE 230** - Internal Revenue Code References and Income Tax Provisions  
**SEE TAXATION.** This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 1998 applicable for Iowa income tax purposes. The Act takes effect May 6, 1999, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.
- SENATE FILE 280** - Financial Institutions Investments in Iowa Agricultural Industry Finance Corporations  
**SEE ECONOMIC DEVELOPMENT.** This Act allows financial institutions to meet requirements for participation in local community and rural development projects by investment in Iowa agricultural industry finance corporations formed pursuant to Code Chapter 15E.
- SENATE FILE 335** - Real Estate Transfers — Mortgage Releases  
**SEE STATE GOVERNMENT.** This Act provides that, under certain circumstances, a duly authorized officer or employee of the Title Guaranty Division in the Iowa Finance Authority may execute and record a certificate of release in each county in which a mortgage is recorded.
- SENATE FILE 429** - Mechanics' Liens  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act amends sections of Code Chapter 572, regarding mechanics' liens, by providing that if written demand on a claimant for acknowledgment of satisfaction of a mechanic's lien is personally served and the claimant neglects to acknowledge satisfaction for 30 days after the demand, the claimant shall forfeit and pay damages; providing notice procedures; creating an action to challenge a mechanic's lien which may be commenced in either district court or small claims court; and providing for the awarding of reasonable attorney fees or actual damages in certain circumstances.
- SENATE FILE 437** - Notification of Mechanics' Liens  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act amends Code Section 572.33, regarding mechanics' liens on labor and materials furnished to a subcontractor.
- SENATE FILE 473** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act amends various provisions of state tax law relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, and collection of taxes and debts owed to or collected by the state.

- HOUSE FILE 242** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act does the following: Deletes language in the Department of Economic Development chapter relating to coordination of the Job Training Partnership Program with the Self-Employment Program; amends the Workers' Compensation Liability Insurance chapter to specify that financial statements are to be provided to and are subject to examination and rules of the Commissioner of Insurance; amends child abuse record check provisions to specify that if the Department of Human Services determines that an applicant for employment with a health care facility has a record of founded child abuse, the department is to notify the licensee that an evaluation will be conducted to determine whether the person's employment is warranted; prescribes a uniform bond amount for each place of business of a dealer in biological products; amends animal feeding operation provisions to specify which persons are restricted from constructing or expanding animal feeding operations structures; amends Uniform Partnership Act provisions to specify that in the case of a merger, certain obligations incurred prior and subsequent to the merger are to be satisfied out of the assets of the surviving entity; deletes an exception to the former limitation on state bank offices, along with an internal reference to a former restriction on the retention of former bank offices by a resulting bank of a merger or consolidation.
- HOUSE FILE 281** - Bail Enforcement Limitations — Exempt Agents  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act entitles an individual who works as a bail enforcement agent exclusively for one employer, in connection with the bail bond business of that employer, to operate as a bail enforcement agent, although not individually licensed.
- HOUSE FILE 311** - Foster Care-Related Damages — State Liability  
*SEE CHILDREN & YOUTH.* This Act relates to state compensation of claims for damages involving individuals providing foster family home, guardian or conservator services for children.
- HOUSE FILE 312** - Grain Industry Regulation  
*SEE AGRICULTURE.* This Act amends provisions regulating grain dealers and warehouse operators licensed by the Department of Agriculture and Land Stewardship, by increasing the amount of grain that a person may purchase without being considered a grain dealer, eliminating references to "registered feed," providing for the cancellation of bonds, requiring the department to establish civil penalties for violations by grain dealers or warehouse operators, establishing a Grain Industry Peer Review Panel to assist the department in establishing and assessing civil penalties, increasing the time allowed for the issuance of warehouse receipts for grain held in open storage, and requiring incidental warehouse operators to have grain to cover obligations to depositors.
- HOUSE FILE 322** - Production of Agricultural Commodities  
*SEE AGRICULTURE.* This Act provides for the production and purchasing of agricultural commodities by regulating contracts for the production of agricultural commodities. The Act establishes a new Code Chapter 579B, which creates a lien upon commodities produced at the contract producer's contract operation under a production contract in favor of the contract producer. The Act also amends Code Chapter 579A, which establishes a lien on cattle maintained at a custom cattle feedlot in favor of the custom cattle feedlot operator. The Act takes effect May 24, 1999.
- HOUSE FILE 448** - Electronic Mail Transmissions — Advertisements  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act prohibits a person from using an interactive computer service to initiate the sending of certain bulk electronic mail, frequently referred to as "spamming." The Act provides for recovery of civil damages by individual computer users and interactive computer services, and for prosecution by the Attorney General.
- HOUSE FILE 498** - Fraudulent Retail Sales Receipts and Universal Price Code Labels  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act defines certain acts related to the creation, possession or use of fraudulent retail sales receipts or universal price code labels (UPCs) as fraudulent practices under the Code when knowingly done with intent to defraud another person engaged in the business of retailing.

- HOUSE FILE 584** - Estates and Trusts — Determination and Distribution of Principal and Income  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act enacts the Uniform Principal and Interest Act, as revised by the National Conference of Commissioners on Uniform State Laws in 1997.
- HOUSE FILE 588** - Telecommunications — Service Changes  
*SEE ENERGY & PUBLIC UTILITIES.* This Act creates new Code Section 476.103 and new Code Chapter 714D, relating to unauthorized provision of or changes in telecommunications services, and to fraudulent acts associated with the lease, sale or advertisement of telecommunications service or with the solicitation of authority to provide or execute a change of telecommunications service or provider.
- HOUSE FILE 660** - Property Exempt From Execution  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes exempt from execution certain retirement benefits and any public assistance benefits of the debtor. The Act takes effect May 17, 1999.
- HOUSE FILE 663** - Probate — Iowa Trust Code  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act creates a new division in Code Chapter 663, regarding trusts. The provisions of the new division are known as the Iowa Trust Code. The Act takes effect July 1, 2000.
- HOUSE FILE 676** - Iowa Agricultural Industry Finance Act — Miscellaneous Provisions  
*SEE ECONOMIC DEVELOPMENT.* This Act makes several changes to the Iowa Agricultural Industry Finance Act relating to ownership in the corporation by agricultural producers.
- HOUSE FILE 700** - Unpaid Charges for City Water, Sewage, and Solid Waste Services  
*SEE ENERGY & PUBLIC UTILITIES.* This Act amends provisions relating to city utility or enterprise service accounts that become delinquent. The Act provides for withholding service from a delinquent account holder and eliminates the lien on residential rental property for unpaid rates or charges associated with water service to such property under certain circumstances.
- HOUSE FILE 748** - State Sales, Services, and Use Tax Exemption for Internet Access  
*SEE TAXATION.* This Act exempts from the state sales tax access charges paid to a provider for access to the Internet.
- HOUSE FILE 760** - Appropriations — Human Services  
*SEE APPROPRIATIONS.* This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act provides for expenditure of not more than \$60,000 to continue the previously established AIDS/HIV Health Insurance Premium Payment Program; provides a very slight decrease in the appropriation as compared with FY 1998-1999 for the Health Insurance Premium Payment Program; appropriates \$10.25 million to DHS for maintenance of the state Children's Health Insurance Program and receipt of federal financial participation; authorizes DHS to transfer funds appropriated for medical assistance (MA) to be used to expand health care coverage to children under the MA Program; and codifies the creation of the HAWK-I Trust Fund in Code Section 514I.11.
- HOUSE FILE 773** - Child Support Enforcement — Miscellaneous Provisions  
*SEE HUMAN SERVICES.* This Act includes a provision which specifies the means by which the Child Support Recovery Unit may pay financial institutions for the costs associated with conducting data matches, including the costs of automation programming development necessary to conduct data matches.
- HOUSE FILE 779** - Linked Investment Programs  
*SEE AGRICULTURE.* This Act amends provisions in Code Chapter 12 that allow the Treasurer of State to invest up to \$68 million or 10 percent of the balance of the State Pooled Money Fund in certificates of deposit in eligible lending institutions. The state receives a lower interest rate as part of an agreement in which the lending institution loans moneys to eligible persons, under programs specified in the chapter, at a reduced rate of interest. The Act increases the amount that the Treasurer of State may invest to \$108 million, but provides that the additional moneys must be used to support a program for traditional livestock producers and a program for value-added agricultural projects. The Act takes effect May 24, 1999.

## BUSINESS, BANKING AND INSURANCE

### **SENATE FILE 8 - Health Insurance Coverage of Diabetes**

BY JENSEN. This Act requires that a policy or contract providing for third-party payment or prepayment of health or medical expenses must provide coverage for the costs associated with certain equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus when prescribed by certain licensed physicians. The Act is applicable to third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after July 1, 1999.

### **SENATE FILE 47 - Priority of Funding Agreement Claims Against Insurer Assets**

BY COMMITTEE ON COMMERCE. This Act provides that a funding agreement issued by a life insurance company is a class 2 claim for purposes of the distribution of claims from the assets of an insurer under Code Chapter 507C, relating to the supervision, rehabilitation and liquidation of an insurer. The issuance of funding agreements by life insurance companies was specifically authorized during the 1998 Regular Session. Under the 1998 legislation, funding agreements were classified as a class 3 claim under Code Section 507C.42. Class 3 claims under that section are certain claims of the federal government. Class 2 claims are claims under insurance policies.

The Act takes effect February 10, 1999, and applies retroactively to July 1, 1998, the effective date of the 1998 legislation.

### **SENATE FILE 95 - Proof of Motor Vehicle Financial Liability Coverage — Parking Lots**

BY COMMITTEE ON TRANSPORTATION. This Act provides that it is to be conclusively presumed that a motor vehicle, driven upon a parking lot available to the public without charge or which is available to customers or invitees of a business or facility without charge, was driven on the highways of this state in order to enter the parking lot and is subject to the state's mandatory proof of financial responsibility requirements.

### **SENATE FILE 233 - Records of Financial Institutions — Preservation**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to the preservation and admissibility of records of banks, credit unions and savings and loan associations. Each type of financial institution is subject to substantially the same amendments with respect to the admissibility and effect of certain copies or reproductions.

The Act provides that a printout or other tangible output readable by sight which is shown to accurately reflect data contained in a record which is a promissory note, negotiable instrument or letter of credit, which contains a signature made or created by electronic or digital means such that it is stored by a computer or similar device, is deemed to be an original of such record for purposes of presenting the record for payment, acceptance or honor, or for purposes of a judicial proceeding involving a claim based upon such record.

With respect to banks and credit unions, the Act provides that a copy of a record is deemed to be an original and shall be treated as an original record in a judicial or administrative proceeding for purposes of admissibility in evidence. Language already exists concerning savings and loan associations regarding a copy of a record being deemed to be an original and treated as an original record in a judicial or administrative proceeding for purposes of admissibility in evidence.

### **SENATE FILE 249 - Operation and Regulation of Insurance Companies**

BY COMMITTEE ON COMMERCE. This Act amends provisions relating to the regulation of insurance companies by the Insurance Division of the Department of Commerce. The Insurance Commissioner heads the division.

Code Section 505.17 is amended to provide that information, records and documents utilized for the purpose of, or in the course of, investigation, regulation or examination of an insurer or insurance holding company, received by the division from some other governmental entity which treats such information, records and documents as confidential, are confidential, cannot be disclosed by the division, and are not subject to subpoena. Such information, records and documents do not constitute a public record under Code Chapter 22.

Code Chapter 508B regulates conversion from mutual companies to stock companies. Code Section 508B.1 is amended by providing that the definition of a "reorganized company" includes, in addition to a mutual company which has been converted into a domestic stock life insurance company, a mutual company which has been converted and merged and a mutual company which has been converted and consolidated into such a stock company.

Code Section 508B.6 is amended by eliminating the requirement that a plan of conversion from a mutual life insurance company to a stock life insurance company be approved by the division prior to being submitted to the policyholders for approval.

Code Section 508B.12 is amended to provide that at any time prior to the conversion of a mutual company into a domestic stock life insurance company, the mutual company's board of directors may amend the conversion plan. An amendment to the conversion plan is subject to the prior approval of the division. Currently, a board of directors may amend such plan at any time before approval of the plan.

Code Section 508B.13 is amended to provide that a person, other than the reorganized company, an employee benefit plan or employee benefit trust sponsored by the reorganized company, or as otherwise specifically provided for in the plan of conversion, cannot directly or indirectly acquire or offer to acquire the beneficial ownership of more than 5 percent of any class of voting security of the reorganized company. In addition, the Act provides that a person, other than the reorganized company or other than an employee benefit plan or employee benefit trust sponsored by the reorganized company, who acquires 5 or more percent of any class of voting security of the reorganized company prior to the conversion or as specifically provided for in the plan of conversion, cannot directly or indirectly acquire or offer to acquire the beneficial ownership of additional voting securities of the reorganized company, unless the acquisition is approved by the commissioner as not being contrary to the interests of the policyholders of the reorganized company or its life insurance company subsidiary and by the board of directors of the reorganized company. Currently, a person is prohibited from acquiring or offering to acquire the beneficial ownership of a reorganized company unless the acquisition is made pursuant to a plan approved by the commissioner, made pursuant to the plan of conversion, or made after the initial public offering from a broker or dealer of registered securities with the Securities and Exchange Commission at the quoted price on the date of purchase.

Code Section 508B.14 is amended to provide that the commissioner's order approving or disapproving a plan of conversion is to be considered final agency action under Code Chapter 17A, the Iowa Administrative Procedure Act.

Code Sections 511.28 and 515.74 provide for the mailing of notice or process to the commissioner on behalf of a foreign insurance company. Notice or process received by the commissioner prior to 10 a.m. is to be forwarded the same working day, and notice or process received after 10 a.m. is to be forwarded the next working day. Currently, the time for determining when service or process is forwarded is 12 noon.

Code Section 513B.13 is amended to direct the board of the Iowa Small Employer Health Reinsurance Program to review the program on an ongoing basis and make recommendations as to the continued cost-effectiveness of the program.

Code Section 513C.7, relating to the availability of coverage to an individual under a basic or standard health benefit plan, is amended to exclude from the guarantee of coverage an individual who is covered, or is eligible for coverage, under a health benefit plan, provided by an employer, as a spouse or dependent of an employee. The section is also amended to exclude from qualifying coverage periods of coverage under medical assistance provided pursuant to Code Chapter 249A and Medicare coverage provided pursuant to Title XVIII of the federal Social Security Act.

Code Section 514B.4 is amended to provide that if a health maintenance organization (HMO) is accredited by the National Committee on Quality Assurance, or another accreditation entity approved by the commissioner, an external peer review established under rules adopted of the commissioner shall not be applicable. However, at the discretion of the commissioner, an on-site inspection of the HMO may be conducted.

Code Section 515.26 is amended to eliminate the requirement that a director of a domestic stock property and casualty insurance company own stock in such company as a prerequisite to becoming and remaining a director.

Code Section 515.35 is amended to provide that cash used to collateralize a loan of stocks or obligations held by an insurance company may be reinvested in either individual securities or a pooled fund comprised of individual securities. If the reinvestment is made in individual securities, such securities must mature in less than 90 days. If the reinvestment is made in a pooled fund comprised of securities, the average maturity of such securities must be less than 90 days. Individual securities and securities comprising a pooled fund must be investment grade.

Code Section 518.2 is amended to provide that articles of incorporation of a county mutual insurance association and any amendments to such articles which are submitted to the commissioner must be approved by the commissioner and certified by the Attorney General.

Code Section 518.17, relating to reinsurance, is amended to add language currently contained in Code Section 518.25, which relates to reinsurance. Similar language is struck from Code Section 518.25.

New Code Section 518A.1A is created and provides that an entity seeking to organize as, or convert to, a state mutual association must submit a plan of organization to the commissioner for approval.

Code Section 518A.8 is amended by striking language that requires a state mutual insurance association to submit its articles of incorporation, bylaws and policy form to the commissioner, and inserting language relating to the submission and approval of such association's articles of incorporation, which is the same as that provided for county mutual insurance associations in Code Section 518.2, as amended in this Act.

Code Section 518A.37 is amended to provide that a state mutual insurance association must maintain a surplus, the greater of \$100,000 or 0.1 percent of the gross property risk in force. Currently, such associations must maintain a surplus of \$100,000. Additionally, the Act eliminates a provision regarding reinsurance. Similar reinsurance language is incorporated in the amendment to Code Section 518A.44.

Code Section 518A.44, relating to limitations on risks applicable to a state mutual insurance association, is eliminated and replaced by language relating to reinsurance. The new language provides that a state mutual insurance association may reinsure a part or all of its risks. The Act requires reinsurance sufficient to protect the financial stability of the state mutual association. Reinsurance coverage obtained by an association cannot expose the association to a loss of more than 15 percent from surplus in any calendar year. The commissioner is authorized to require additional reinsurance if necessary to protect the policyholders of the association.

The Act repeals several sections pertaining to state mutual insurance associations, including sections relating to advance assessments for losses and expenses, authorization for state mutual insurance associations to issue policies of fixed premiums, special assessments associated with damages paid for hail losses, and receivership of state mutual insurance associations (such receivership would be governed by Code Chapter 507C, relating to insurers supervision, rehabilitation and liquidation).

#### **SENATE FILE 276 - Health Care Service and Treatment Coverage**

**BY COMMITTEE ON HUMAN RESOURCES.** This Act creates several new Code sections and a new Code chapter relating to the provision of, and evaluation of, health care services provided to covered individuals in this state.

The Act provides for continuation of coverage by a carrier, organized delivery system, or plan established pursuant to Code Chapter 509A for public employees, of costs associated with a health care provider providing continued care to a covered person who is in the second or third trimester of pregnancy. Such coverage is to continue through postpartum care if the carrier, organized delivery system, or plan terminates its contract with the health care provider. The Act provides that a covered person who makes an involuntarily change in health plans may request that the new health plan cover services of the covered person's physician specialist, who is not a participating health care provider under the new health plan, if the covered person is in the second or third trimester of pregnancy. Such coverage shall continue through postpartum care related to the child birth and delivery. A carrier, organized delivery system, or plan which terminates the contract of a participating health care provider for cause is not liable for health care services provided to a covered person following the date of termination.

The Act provides that a carrier, an organized delivery system, or a plan shall not prohibit a participating provider from, or penalize a participating provider for, discussing treatment options with a covered individual, notwithstanding the carrier's, organized delivery system's, or plan's position on such treatment option; or advocating on behalf of a covered individual within a review or grievance process established by the carrier, organized delivery system, or plan, or established by a person contracting with the carrier, organized delivery system, or plan.

The Act provides that a carrier, an organized delivery system, or a plan which provides coverage for emergency services is responsible for charges for emergency services, as defined in the Act, provided to a covered individual, including services furnished outside the provider network. Coverage for emergency services is subject to the terms and conditions of the health care benefit plan or contract. Prior authorization for emergency services shall not be required and all services necessary to evaluate and stabilize the covered individual shall be considered covered emergency services.

The Act provides that if a carrier, an organized delivery system, or a plan terminates its contract with a participating health care provider, a covered individual undergoing a specified course of treatment for a terminal illness or a related condition, and with the recommendation of the covered individual's treating physician licensed under Code Chapter 148, 150 or 150A, may continue to receive treatment from the covered individual's physician for the terminal illness or a related condition, for a period of up to 90 days following the termination. Payment for covered benefits and the benefit level shall be according to the terms and conditions of the contract.

New Code Section 514F.4, created by the Act, provides that a third-party payor, which provides health care benefits to a covered individual residing in this state, shall not conduct utilization review, either directly or indirectly, under a contract with a third party who does not meet the requirements established for accreditation by the Utilization Review Accreditation Commission, National Committee on Quality Assurance, or another national accreditation entity recognized and approved by the Commissioner of Insurance. The new Code section does not apply to any utilization review performed solely under contract with the

federal government for review of patients eligible for services under Title XVIII of the federal Social Security Act (Medicare), the Civilian Health and Medical Program of the uniformed services, or any other federal employee health benefit plan.

The Act provides that a carrier, an organized delivery system, or a plan that limits coverage for experimental medical treatment, drugs or devices shall develop and implement a procedure to evaluate experimental medical treatments and shall submit a description of the procedure to the Division of Insurance. The procedure shall be in writing and must describe the process used to determine whether the carrier, organized delivery system, or plan will provide coverage for new medical technologies and new uses of existing technologies. The procedure, at a minimum, shall require a review of information from appropriate government regulatory agencies and published scientific literature concerning new medical technologies and new uses of existing technologies.

The Act creates new Code Chapter 514J, relating to an external review process, to provide an appeal process for an individual receiving health care coverage who is denied covered health care services or treatment. The new Code chapter includes all of the following:

- The intent of the General Assembly to provide a mechanism for the appeal of a denial of coverage based on medical necessity.
- A provision permitting an enrollee or the enrollee's treating health care provider to file a written request for external review of a denial of coverage. The request must be filed within 60 days of the receipt of the denial of coverage and accompanied by a \$25 filing fee. The fee may be waived by the commissioner for good cause. The filing fee is to be refunded to the enrollee if the enrollee prevails in the external review process.
- Eligibility requirements for the certification of the external review request. The commissioner shall have two business days from receipt of the request for external review to certify the request. The commissioner must certify the request if the enrollee was covered by the carrier or organized delivery system at the time the service or treatment was proposed, the enrollee has been denied coverage based on a determination that the proposed service or treatment does not meet the definition of medical necessity as defined in the enrollee's evidence of coverage, the enrollee or the enrollee's treatment provider has exhausted all internal appeal mechanisms, and the written request for external review was filed within 60 days of receipt of the coverage denial.
- Provisions relating to independent review entities. Independent review entities that may perform external review are to meet certain criteria and be certified by the commissioner, and may include medical peer review organizations and nationally recognized health experts or institutions.
- An external review process. The Act provides that the carrier or organized delivery system, within three business days of receipt of an eligible request for external review, shall select an independent review entity from the list certified by the commissioner; notify the enrollee and the enrollee's treatment provider of the independent review entity, and of the enrollee's and the enrollee's treatment provider's right to submit additional information; provide any information submitted to the carrier or organized delivery system by the enrollee or the enrollee's treating health care provider in support of the request for coverage of a service or treatment; and provide any other relevant documents used by the carrier or organized delivery system in determining whether the proposed service or treatment should have been provided. The independent review entity is to submit its decision as soon as possible, but not more than 30 days from the independent review entity's receipt of the request for review.
- A requirement that an expedited review be conducted within 72 hours if the enrollee's treating health care provider states that delay would pose an imminent or serious threat to the enrollee.
- A requirement that all reasonable fees and costs of the independent review entity be paid by the carrier or organized delivery system.
- A provision directing each carrier and organized delivery system to file, with the commissioner, an annual report including the number of external reviews requested, the number of external review requests certified by the commissioner, and the number of coverage decisions upheld by an independent review entity.
- Immunity for an independent review entity from liability for damages arising out of a determination, unless the determination is made in bad faith or involves gross negligence.
- That the standard of review to be used by an independent review entity is whether the health care service or treatment denied by the carrier or organized delivery system was medically necessary as evidenced by the enrollee's evidence of coverage, and consistent with clinical standards of medical practice.
- That the review decision by the independent review entity is binding upon the carrier and the organized delivery system and that the findings of fact by the independent review entity are conclusive and binding on appeal and in any subsequent proceeding or action involving the same facts. The enrollee or the enrollee's treating health care provider may appeal the independent review entity's decision in Polk County District Court or the district court in the county in which the enrollee resides. A petition for judicial review must be filed within 15 business days after issuance of the review decision.

The Act requires a health maintenance organization, an organized delivery system, or an insurer using a preferred provider arrangement to provide enrollees at the time of enrollment, and prospective enrollees upon request, written information as specified by rule of the commissioner and Director of Public Health. The Act enumerates information that must be included by rule, but to which the rules are not limited. The Act also requires the commissioner and the Director of Public Health to publish an annual consumer guide to provide key information relating to plan differences.

The Act provides that new Code Chapter 514J, relating to the external review process, takes effect January 1, 2000.

**SENATE FILE 404 - Real Estate Licensees and Clients — Payment for Services**

BY COMMITTEE ON COMMERCE. This Act relates to the relationship between a real estate licensee and a client, and the payment of a commission, portion of a commission, or other valuable consideration to certain persons.

This Act amends Code Section 543B.34 and provides that the Real Estate Commission may suspend or revoke a real estate license if the licensee is found to be guilty of paying a commission, or other valuable consideration for performing any acts of a real estate broker or salesperson, to another licensed person knowing that such person will pay a portion or all of such commission or consideration to a person who is not licensed by the Real Estate Commission.

The Act creates new Code Section 543B.60A to provide that a licensee shall not require that a person, party, client, or customer negotiate a listing or purchase agreement or contract of real estate through a particular broker or group of brokers, salesperson or group of salespersons, or agent or group of agents; pay a commission, or portion of a commission, or other valuable consideration to a person or other licensee; request a referral fee after a bona fide offer to purchase is accepted; or request a referral fee after a bona fide listing agreement has been signed. A licensee who violates this section is subject to license suspension or revocation. Additionally, a person found guilty of a first offense is guilty of a simple misdemeanor.

**SENATE FILE 405 - Year 2000 Liability Limitation — VETOED BY THE GOVERNOR**

BY COMMITTEE ON COMMERCE. This bill would have limited the liability, for a claim based upon a year 2000 problem, of financial institutions, public utilities, and other persons, except for persons who have manufactured or produced for sale or modified for resale any information technology.

The bill defined "year 2000 problem" as an event, circumstance, disruption, or other problem that prevents information technology from accurately processing, calculating, comparing, or sequencing date or time data or information from, into or between the 20<sup>th</sup> and 21<sup>st</sup> centuries; from, into or between the years 1999 and 2000; or with respect to leap year calculations. The bill also provided that a year 2000 problem includes an inability of a financial institution to perform its intended or requested functions because of a problem that is the result of a year 2000 problem encountered by a third party, including, but not limited to, the failure of a governmental entity to provide data or information, transportation delays, energy failure, or communications failure.

The bill would have established an affirmative defense for financial institutions and public utilities, and a "reasonable efforts" defense for all defendants.

The bill would have limited certain adverse actions that would directly or indirectly affect real or personal property, including a foreclosure proceeding, default or other adverse action against a person due to a failure of payment or performance caused by a year 2000 problem.

**SENATE FILE 406 - Entities and Subject Matter Regulated by Insurance Division**

BY COMMITTEE ON COMMERCE. This Act amends a number of provisions regulating entities under the authority of the Insurance Division of the Department of Commerce, including securities, business opportunities, cemetery merchandise, and residential service contracts.

Code Section 502.202 exempts certain entities from registration and filing requirements of the Securities Law. The Act exempts cooperatives organized under Code Chapter 501.

Code Section 502.302 imposes a registration fee upon investment advisers and investment adviser representatives. The Act provides that in the case of a sole proprietorship, an investment adviser representative is not required to pay a fee if the person is also the investment adviser.

Code Section 502.304 provides for the denial, revocation or suspension of registration as a broker-dealer or agent. The section permits the division to institute a revocation or suspension proceeding following withdrawal from registration within one year after withdrawal. The Act provides that the disciplinary action may be based on any action that could have supported disciplinary action prior to the withdrawal.

Code Section 502.304 is amended to provide that a person directly or indirectly controlling a broker-dealer or agent is subject to the same penalties as the broker-dealer or agent guilty of committing a violation, unless the person proves that the person did not know the facts creating the violation and was not grossly negligent in failing to know the facts.

Code Section 502.305 requires that a person registered as an investment adviser representative between January 1, 1999, and December 31, 2000, is not required to pass an examination in order to be registered. The Act reduces that period to December 31, 1999.

Code Section 502.503 is amended to provide that a person who aids and abets in an effort to commit fraud is liable to the same extent as the person who commits the fraud.

Code Section 502.504 provides time limits for rights of action brought under the chapter. The Act provides that the section does not apply to actions filed by the division necessary to enjoin the act or practice and to enforce compliance with Code Chapter 502 or a rule or order adopted or issued pursuant to the chapter.

Code Section 502.604 provides that the district court may enjoin an act or practice and enforce compliance with Code Chapter 502 or rules adopted under that chapter. The Act provides that the court may grant an asset freeze, accounting, writ of attachment, writ of general or special execution, or other equitable or ancillary relief. The Act also provides that the court may order the division to take charge and control of a party's property, including but not limited to managing rents and profits, collecting debts, and acquiring and disposing of property.

Code Section 523A.6 provides that the seller of funeral services or funeral merchandise must comply with Code Chapter 555A (regulating door-to-door sales). This Act provides that the provisions of Code Chapter 555A apply to prepaid contracts for the sale of funeral services or merchandise.

Code Section 523B.2 provides that it is unlawful to offer or sell a business opportunity in this state unless the business opportunity is registered or exempt from registration under Code Chapter 523B. The section permits the division to issue an order suspending or revoking the registration if the administrator finds that the seller does not have a minimum net worth of \$25,000. The Act increases the net worth requirement to \$50,000.

Code Section 523C.6 requires a service company to maintain a minimum net worth, and defines "net worth" as the excess of all assets over all liabilities including required reserves computed in accordance with generally accepted accounting principles. The Act eliminates this definition.

Code Section 523C.8 prohibits a service company from paying a commission or other consideration as an inducement or compensation for the issuance, purchase or acquisition of a residential service contract. The Act permits the division to adopt rules identifying types of fees, payments or reimbursements that would not be determined to constitute an inducement or compensation.

Code Section 523E.6 requires the seller of cemetery merchandise to comply with Code Chapter 555A. Code Section 523E.1 provides that certain requirements, relating to placing funds in trust from the sale of cemetery merchandise, do not apply to payments for merchandise delivered to the purchaser. The Act eliminates a number of conditions required for delivery.

Code Section 523I.6 provides for the powers and duties of perpetual care cemeteries. The Act requires the cemetery to provide services necessary for the installation or burial of vaults or other similar merchandise sold by the cemetery.

#### **SENATE FILE 410 - Viatical Settlement Contracts — Sale as Investments**

BY COMMITTEE ON COMMERCE. This Act provides specific authority for the regulation of viatical settlement contracts when they are sold as investments.

Code Section 502.102 is amended to provide a definition of "viatical settlement contract." The Code section is amended to provide that, with respect to a viatical settlement contract, "issuer" means a person involved in creating, transferring or selling to an investor any interest in such a contract, including but not limited to fractional or pooled interests, but does not include an agent or a broker-dealer. The Code section is also amended to define a viatical settlement contract as a security.

Code Section 502.202 is amended to establish new exemptions for certain sales of viatical settlement contracts, including sales to licensed insurance companies, an isolated assignment to a family member or other individual, an assignment to a financial institution as collateral, or the acceleration of benefits under the terms of the policy or contract.

#### **SENATE FILE 413 - Safe Deposit Box Access — Death of Owner or Lessee**

BY COMMITTEE ON COMMERCE. This Act establishes requirements for the opening of a safe deposit box of a deceased owner or lessee of such safe deposit box. The Act requires a state bank or credit union to permit a person named in and authorized by a court order to open, examine and remove the contents contained in a safe deposit box. If a court order is not

delivered to the state bank or credit union, the Act authorizes certain other persons to have access to the safe deposit box, including a co-owner or co-lessee of the safe deposit box; a person designated in the safe deposit box agreement or lease to have access to the safe deposit box upon the death of the lessee; an executor or administrator of the estate of a deceased owner or lessee upon delivery to the state bank or credit union of a certified copy of letters of appointment; a person named as an executor in a purported will; and a trustee of a trust created by the deceased owner or lessee upon proof of the validity of the trust, that the trustee is the duly authorized and acting trustee under the trust, that the trust property includes property in the safe deposit box, and that to the knowledge of the trustee, the trust has not been revoked.

The Act provides that if the state bank or credit union has knowledge of the death of the owner or lessee of the safe deposit box, and if a person authorized access to the safe deposit box does not request such access within the 30-day period immediately following the date of death of the owner or lessee of a safe deposit box, the safe deposit box may be opened by or in the presence of two employees of the state bank or credit union. If the safe deposit box is opened, the bank or credit union employees present at such opening must remove any purported will of the deceased owner or lessee; unseal, copy and retain in the records of the state bank a copy of a purported will removed from the safe deposit box, place an additional copy back in the safe deposit box, and reseal the safe deposit box; and send the original of a purported will by registered or certified mail or personally deliver such will to the district court in the county of the last known residence of the deceased owner or lessee. If the residence is unknown or last known and not in this state, the purported will shall be sent by registered or certified mail or personally delivered to the district court in the county where the safe deposit box is located.

The Act also provides that a state bank or credit union has no duty to inquire about the death of the owner or lessee of a safe deposit box and has no duty to open or cause to be opened a safe deposit box of a deceased owner or lessee. Upon compliance with the requirements established, the state bank or credit union is not liable to any person as a result of the opening of the safe deposit box, removal and delivery of the purported will, or retention of the unopened safe deposit box and contents.

#### **HOUSE FILE 210 - Business Opportunity Promotions — Excluded Transactions**

BY COMMITTEE ON JUDICIARY. This Act excludes certain business transactions from the definition of "business opportunity" under the Business Opportunity Law in Code Chapter 523B. These transactions include the following:

- The offer or sale of a business opportunity to an ongoing business where the seller provides a line of goods or services to the purchaser.
- The offer or sale of a business opportunity that involves a marketing plan made in conjunction with the licensing of a federally registered trademark or federally registered service mark provided the seller has a minimum net worth of \$1 million.
- The offer or sale of a business opportunity by an executor, administrator, sheriff, receiver, trustee in bankruptcy, guardian, or conservator, or a judicial offer or sale of a business opportunity.
- The offer or sale of an ongoing business, operated by the seller, which is to be sold in its entirety.
- The renewal or extension of a business opportunity contract or agreement entered into under Code Chapter 523B or prior to July 1, 1981.

The Act takes effect April 29, 1999, and applies retroactively to July 1, 1998.

#### **HOUSE FILE 330 - Bank Holding Company Acquisitions — State Bank Loans**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends provisions relating to the regulation and operation of banks in this state. Code Section 524.544 is amended to require a person that would become a bank holding company upon the acquisition of a state bank to make written application to the Superintendent of Banking for a certificate of approval for the proposed acquisition. Currently, such person would not have to make an application to the superintendent in the same manner as any other person proposing to make an acquisition when the person would not become a bank holding company.

Code Section 524.904 is amended to permit additional amounts of a loan or extension of credit to one borrower to be secured by existing permissible methods.

#### **HOUSE FILE 345 - Demand Deposit Accounts With Lines of Credit — Fees**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends Code Section 537.2501 to provide that in addition to other permissible charges under the Consumer Credit Code, a creditor may charge a reasonable annual account maintenance fee, payable in advance, for the privilege of maintaining a demand deposit account with a line of credit that may be accessed by the account holder writing a check.

#### **HOUSE FILE 375 - Open-End Credit and Credit Card Disclosures — Reports Eliminated**

BY ALONS. This Act repeals Code Section 12.27, which requires the Treasurer of State to adopt rules to implement the filing of information relating to open-end credit accounts and credit cards.

The Act also repeals Code Section 535.15, which requires a financial institution that accepts an application for open-end credit from a person who resides in this state to annually disclose for each type of open-end account granted the annual percentage rate charged on the open-end credit account; the amount of fee charged or assessed, if any, by the person as a condition for granting or opening the open-end credit account and the frequency the fee is assessed; and a description of when the finance charge begins to accrue against charges made on the open-end credit account. The Code section also requires a person who accepts an application for a credit card from a person who resides in this state to annually disclose for each type of credit card granted the annual percentage rate charged on the credit card; the amount of the fee charged or assessed, if any, by the person as a condition for issuing the credit card and the frequency by which the fee is assessed; and a description of when the finance charge begins to accrue against charges made on the credit card. The Code section requires a person who is obligated to disclose the above information to file a written report disclosing the information with the Treasurer of State by July 1 of each year.

#### **HOUSE FILE 443 - Consumer Credit Transactions --- Fees and Charges**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends Code Chapters 535 and 537 with respect to permissible fees and charges that may be assessed and collected with regard to certain consumer credit transactions, and with respect to crediting payments to consumer credit accounts. Code Section 535.10 is amended to provide that the parties to a home equity line of credit which is not a consumer credit transaction may contract for a delinquency charge under terms no more favorable than those permitted for open-end credit under Code Section 537.2502. The Act provides that a delinquency charge associated with an interest-bearing transaction may be contracted for in an amount not exceeding 5 percent of the unpaid amount of the installment due, up to a maximum of \$15.

The Act also provides for crediting payments to a consumer account as of the date of receipt of the payment, unless such payment does not conform to specific requirements established by the creditor for making payments. If the creditor accepts a payment that does not conform to such requirements, the payment must be credited within two days of receipt of that payment.

#### **HOUSE FILE 445 - Rights of Dissenting Shareholders of Banks**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act establishes certain shareholders' rights with respect to determining the value of shares held by a shareholder who is dissenting to a proposed merger plan by a state bank or to a plan which will result in a state bank becoming a national bank.

The Act provides that in determining the fair value of the shareholder's shares, due consideration shall be given to valuation issues acknowledged and authorized by the Internal Revenue Code, including discounts for minority interests and discounts for lack of marketability.

The Act provides that prior to giving notice of a meeting at which a shareholder would be entitled to assert dissenter's rights, the state bank may seek a declaratory judgment to establish the fair value of shares held by the shareholders. The Act provides the manner in which such value is to be determined and provides for the assessment of court costs, appraiser's fees, and the fees and expenses of the attorney appointed to represent minority shareholders against the bank.

The Act provides that the judgment in the action shall not determine fair value for a share to be less than the stockholders' equity in the bank in its last statement of condition divided by the number of shares outstanding. The fair value determined shall be disclosed to the shareholders in the notice to shareholders of the meeting to approve the transaction that gives rise to dissenters' rights. If the proposed transaction is approved by the shareholders, upon consummation of the proposed transaction, the fair value shall be paid to all shareholders entitled to payment for their shares upon receipt of such shareholders' share certificates.

A corrective amendment to this Act is included in H.F. 782 (see Appropriations).

#### **HOUSE FILE 458 - Auctioneer's Role in Public Sale or Auction of Real Property**

BY DIX. This Act provides that an auctioneer must include in an advertisement for an auction of real property, in addition to other required information, the name and address of the real estate broker or attorney who is providing brokerage services for the transaction and who is also responsible for closing the sale of the property.

#### **HOUSE FILE 571 - Deposit of Public Funds --- Depository Standards**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act amends Code Chapter 12C, relating to the deposit of public funds and the conditions that must be met by a financial institution to be eligible to receive such deposits. The Act subjects a savings and loan association, a savings bank, and any branch of a savings and loan association or savings bank, to substantially the same requirements as a bank. Currently such financial institutions are treated in the same manner as a credit union.

The Act takes effect May 11, 1999. Corrective amendments to this Act are made in H.F. 782 (see Appropriations).

**HOUSE FILE 624 - Electronic Commerce Security**

BY JACOBS. This Act creates new Code Chapter 554C, relating to electronic commerce security. The purpose of the chapter is to facilitate and promote the use of electronic commerce by providing for the reliable, secure and standardized use, storage and transmission of electronic records. The Act provides that the chapter must be construed consistent with what is commercially reasonable under the circumstances and to effectuate the purposes by eliminating certain barriers; facilitating the electronic filing of documents with state and local government agencies; minimizing the incidence of forged electronic records; establishing uniformity of regulations and standards; and promoting public confidence in the integrity, reliability and legality of electronic records and electronic commerce.

The Act provides that parties may depart from certain requirements of the Act by executing an agreement. However, parties may not depart from certain provisions protecting against fraud. The Act provides that its provisions are not to be construed to require a person to engage in electronic commerce.

The Act provides that information cannot be denied legal effect solely on the grounds that it is in the form of an electronic record or an electronic signature. The Act provides that where a rule of law requires information or a signature to be written, or in writing, an electronic record satisfies that rule of law. This requirement does not apply to the construction of a rule of law that would be inconsistent with its purpose. The Act sets out specific exceptions when an electronic record or electronic signature is inadequate, including the execution of wills, negotiable instruments, deeds, mortgages, and consumer transactions.

The Act provides that in any legal proceeding, the rules of evidence do not deny the admissibility of an electronic record or electronic signature into evidence based on the sole ground that it is an electronic record or electronic signature or is not in its original form. The Act provides that information in the form of an electronic record must be given due evidential weight by the trier of fact.

The Act provides that when a rule of law requires the retention of records, the records may be retained in an electronic format as long as its authenticity can be verified. The Act provides for securing electronic records by utilizing a qualified security procedure that detects changes in the information's content. The Act provides for secure electronic signatures. It provides that an electronic signature shall be considered to be a secure electronic signature if executed utilizing a qualified security procedure. The electronic signature must be authenticated by ensuring that it is unique to the signer, created by the signer, and linked to the electronic record.

The Act provides for a rebuttable presumption when resolving a civil dispute involving a secure electronic record. The Act provides for a rebuttable presumption relating to alterations of an electronic record and the legitimacy of an electronic signature. The effect of the presumption is to place on the party challenging the integrity of a secure electronic record or challenging the genuineness of a secure electronic signature both the burden of going forward with evidence to rebut the presumption and the burden of persuading the trier of fact that the falsity of the presumed fact is more probable than the truth of its existence.

The Act provides that a secure electronic signature is attributable to the person to whom it correlates. The attribution may apply, whether or not authorized, when the signature resulted from the acts of a person who obtained from a source under the control of the alleged signer the information needed to create the signature and the appearance that it came from the person to whom it correlates, access occurred under circumstances constituting a failure to exercise reasonable care, and the recipient reasonably relied, to the recipient's detriment, on the apparent source of the electronic record. Consumer transactions are excluded from this provision.

The Act provides that a security procedure may be certified by the Commissioner of Insurance if the technology utilized by the security procedure is completely open and fully disclosed to the public, the certification is in accordance with the rules adopted by the commissioner, and the certification complies with requirements relating to its trustworthiness.

The Act prohibits a person from publishing or making available a certificate if that person knows that the certification authority listed in the certificate has not issued the certificate, the subscriber listed in the certificate has not accepted the certificate, or the certificate has been revoked or suspended. The Act prohibits a person from knowingly creating, publishing, altering, or otherwise using a certificate for a fraudulent or other unlawful purpose. A person convicted of violating this section is guilty of a serious misdemeanor. A person convicted of a second or subsequent violation is guilty of a class "D" felony. The Act prohibits a person from knowingly misrepresenting the person's identity or authorization in requesting or accepting a certificate or in requesting suspension or revocation of a certificate. A person convicted of violating this section is guilty of a serious misdemeanor. A person convicted of a second or subsequent violation is guilty of a class "D" felony. In addition, a person who suffers a loss resulting from the violation has a civil cause of action.

The Act provides that a certification authority may issue a certificate to a prospective subscriber for purposes of verifying digital signatures. The certificate authority must maintain a trustworthy system for performing its services. The Act provides that a

certificate authority must disclose to parties relying upon a certification its certification practice statement, its certification authority certificate, and a notice of a revocation or suspension of its certification authority certificate.

The Act provides that a certification authority may issue a certificate to a prospective subscriber for purposes of verifying digital signatures. The Act provides that by issuing a certificate, a certification authority represents to any person who reasonably relies on the certificate or a digital signature verifiable by the public key listed in the certificate, that the certification authority has issued the certificate in accordance with any applicable certification practice statement. The statement shall provide that the certification authority has complied with all applicable requirements of the Act and that all information in the certificate is accurate. The Act provides for the suspension or revocation of a certificate by the certification authority that issues a certificate.

The Act provides that if a subscriber generates the key pair whose public key is to be listed in a certificate issued by a certification authority and accepted by the subscriber, the subscriber must generate that key pair and maintain and store the private key using a trustworthy system.

The Act provides that by accepting a certificate issued by a certification authority, the subscriber identified in the certificate assumes a duty to persons who reasonably rely on the certificate to exercise reasonable care to retain control of the private key corresponding to the public key listed in the certificate and to prevent its disclosure to an unauthorized person. However, this provision does not apply to consumer transactions.

The Act provides that each government agency must determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons.

The Act provides that the Commissioner of Insurance, in consultation with the Office of the Attorney General and the Division of Information Technology Services of the Department of General Services, must adopt rules setting forth standards, procedures and policies for the use of electronic records and electronic signatures by government agencies. Rules adopted by the commissioner or a government agency relating to the use of electronic records or electronic signatures must be drafted in a manner designed to encourage and promote consistency and interoperability with similar requirements adopted by government agencies of other states and the federal government. The commissioner must adopt rules by July 1, 2000.

The Act provides that it is the intent of the General Assembly that if the National Conference of Commissioners on Uniform State Laws proposes a Uniform Electronic Commerce Act, the General Assembly shall consider the proposed uniform Act during the session in which it is submitted to the states for consideration or during the next regular session.

#### **HOUSE FILE 777 - Sale of Certain Insurance Products by Motor Vehicle Rental Companies**

**BY COMMITTEE ON WAYS AND MEANS.** This Act provides for the limited licensure of vehicle rental companies that offer and sell certain types of insurance with the rental of vehicles.

The Act provides that a signed, written application for a limited license must be filed with the Commissioner of Insurance. The Act provides that, among other things, the application shall list all intended rental locations of the applicant. The Act provides that the commissioner may revoke or suspend a limited license or impose other penalties for a violation of the provisions of this new Code Chapter 522A, relating to the limited licensure of vehicle companies.

The Act provides that a limited licensee may offer or sell insurance issued by an insurance carrier authorized to do business in this state and only in connection with and incidental to the rental of a vehicle. The Act provides that a limited licensee may offer or sell certain personal accident insurance, certain liability insurance, certain personal effects insurance, and roadside assistance and emergency sickness insurance protection programs.

The Act provides that insurance shall only be sold by a limited licensee if the rental period does not exceed 90 days, certain information is provided and disclosed to prospective renters, evidence of coverage in the rental agreement is disclosed to every renter who elects to purchase such coverage, and a fee, compensation or commission is not paid to an employee by a rental company based solely on the sale of insurance.

The Act provides that a counter employee of a rental company must successfully pass an examination covering the insurance products offered for sale by the rental company. The Act provides that the examination shall be approved and administered by the Insurance Division of the Department of Commerce or an approved vendor. The Act provides that a counter employee shall file an application with the commissioner for an individual license. The Act provides that an individual license, authorization and certification shall expire when the counter employee's employment terminates with the rental company.

The Act provides that a limited licensee shall not be required to treat moneys collected from renters purchasing insurance when renting vehicles as moneys received in a fiduciary capacity. The Act prohibits a limited licensee or a counter employee from

advertising, representing or otherwise holding themselves out as a licensed insurer, insurance agent or insurance broker. The Act requires limited licensees to maintain certain records regarding counter employees and sales records. The Act prohibits illegal sales practices as defined in the Code and the Administrative Code.

The Act provides that a limited license issued under new Code Chapter 522A shall be for a term of three years. The Act provides that the fee for a counter employee license shall be \$50. The Act provides that combined fees shall not exceed \$1,000 in any calendar year.

The Act provides that a vendor qualifies to administer examinations to counter employees if the vendor has at least two years' teaching experience relating to the topic of insurance products.

## CHILDREN AND YOUTH

- SENATE FILE 193 - Guardians Ad Litem for Children in Juvenile Court
- SENATE FILE 275 - Children's Centers — Certification or Licensing Standards
- SENATE FILE 287 - Foster Care Placements and Plans — Child Abuse Information — Decategorization Plans
- SENATE FILE 439 - Iowa Community Empowerment — Miscellaneous Provisions
- HOUSE FILE 172 - Adoption Procedures
- HOUSE FILE 311 - Foster Care-Related Damages — State Liability
- HOUSE FILE 403 - Fingerprinting and Criminal Disposition Report Procedures
- HOUSE FILE 761 - Child Care — Miscellaneous Provisions

## RELATED LEGISLATION

- SENATE FILE 101 - Contraband in Prisons and Detention Facilities  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act amends Code Sections 719.7 and 719.8, regarding the furnishing of controlled substances and intoxicating beverages at a detention facility.
- SENATE FILE 216 - Commitment of Sexually Violent Predators  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that certain child abuse records shall not be expunged for a period of 30 years and shall be made available to the Department of Justice for the purpose of committing sexually violent predators.
- SENATE FILE 221 - Public Assistance — Family Investment Program — Individual Development Accounts  
*SEE HUMAN SERVICES.* This Act allows the Department of Human Services to require Family Investment Program applicants to commit to a signed, written statement of the initial steps the applicants will take to achieve self-sufficiency.
- SENATE FILE 248 - Acquired Immune Deficiency Syndrome — Miscellaneous Provisions  
*SEE HEALTH & SAFETY.* This Act replaces the statute pertaining to acquired immune deficiency syndrome (AIDS), currently divided into subchapters, with a new chapter that combines the subchapters and makes changes to the chapter. The provisions relating to HIV-related testing of minors are amended to eliminate the provision that if a person who personally applies for services, screening or treatment is a minor, the fact that the minor sought services or is receiving services, screening or treatment is not to be reported or disclosed except for statistical purposes. The Act retains the provision that confirmed positive HIV test results are to be reported to a minor's legal guardian.
- SENATE FILE 283 - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and for the state fiscal year beginning July 1, 1999. The Act includes funding for various programs involving children and families, including Child Care and Development, Maternal and Child Health Services, Community Services, and Social Services Block Grants.
- SENATE FILE 294 - Sex Offender Registration — Risk Assessments — Dissemination of Information  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act amends Code Chapter 692A, regarding the sex offender registry, by making changes relating to lifetime registration for certain sex offenders, the performance of risk assessments, and the procedures for dissemination of registry information to agencies and the public.
- SENATE FILE 361 - Appropriations — Substance Abuse and Sexual Abuse  
*SEE APPROPRIATIONS.* This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse, and sexual abuse, and for programs for at-risk youth. The Act provides for various education programs, such as the Strengthening Families Program, designed to assist youth and families in resisting the desire to engage in inappropriate drug use.

- SENATE FILE 367** - Child-Custody Jurisdiction and Enforcement  
**SEE CIVIL LAW, PROCEDURES & COURT ADMINISTRATION.** This Act, the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA), updates the Uniform Child Custody Jurisdiction Act (UCCJA). The revisions of the jurisdictional aspect of the UCCJA may include those relating to home state priority, emergency jurisdiction, exclusive continuing jurisdiction, specification of custody issues covered, the role of best interests, remedies, and enforcement.
- HOUSE FILE 38** - Adoption Information Form  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act eliminates references to a no longer existing federal requirement that an adoption information form, completed by the petitioner, containing data specified under federal regulations, be attached to an adoption petition and attached to a certified copy of the adoption decree.
- HOUSE FILE 136** - Sex Offender Registry — Offenses Covered  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act amends the Sex Offender Registry Code chapter by making changes to definitions and prohibiting a criminal or juvenile justice agency from initiating public notification of certain offenders on the sex offender registry.
- HOUSE FILE 255** - Child Custody Orders — Visitation Between Siblings  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act provides that if parents have more than one minor child and the court awards physical custody of one or more of the children to each parent, the custody order must include a provision directing the parents to allow visitation between the children. The requirement is to be included upon application by either parent and if reasonable and in the best interest of the children.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
**SEE HEALTH & SAFETY.** This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act provides the department and boards with access to dependent adult and child abuse records; makes changes and updates regarding the Council on Chemically Exposed Infants and Children; provides that funds transferred to the Iowa Department of Public Health from the state Department of Transportation from revenues derived from the "Love Our Kids" license plates shall not revert to the General Fund of the State; and requires the Iowa Department of Public Health and the Department of Human Services to review and make recommendations to the General Assembly regarding implementation of an affidavit process to overcome paternity established by operation of law when the established father and mother of the child are or were married to each other at the time of conception or birth of the child, and to simultaneously establish paternity of the biological father.
- HOUSE FILE 633** - Child Visitation Rights — Murder of Other Parent  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act prohibits a child from visiting a parent convicted of first degree murder of the child's other parent, unless visitation is in the best interest of the child. The Act specifies considerations for the court in determining the best interest of the child.
- HOUSE FILE 741** - Psychiatric Medical Institutions for Children — Authorization Requirements  
**SEE HEALTH & SAFETY.** This Act relates to the authorization requirements for psychiatric medical institutions for children that are licensed by the Department of Inspections and Appeals. The Act takes effect April 22, 1999.
- HOUSE FILE 760** - Appropriations — Human Services  
**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act provides that DHS may transfer federal TANF funds to the Child Care and Development Block Grant and then allocate funding to community empowerment areas based upon criteria in the Act; directs DHS, in consultation with the Iowa Department of Public Health and the state Department of Education, to continue to utilize the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) funding under the Medical Assistance (Medicaid) (MA) Program, to the extent possible, to implement the screening component of the EPSDT program through the school system, utilizing maternal and child health centers, the Public Health Nursing Program, or school nurses; directs DHS to

evaluate the feasibility and fiscal impact of implementing 12-month continuous eligibility for children eligible for MA; directs DHS to develop a process for enrollment that eliminates the face-to-face interview for children eligible for MA only; authorizes emergency rulemaking to implement a provision that allows DHS to disregard resources, other than monthly income, in determining eligibility for children under the MA program; appropriates \$10.25 million to DHS for maintenance of the state Children's Health Insurance Program and receipt of financial participation (and codifies the trust fund for this program, known as the Healthy and Well Kids in Iowa [HAWK-I] Program); provides an appropriation that maintains the current level of funding for state child care assistance and child day care resource and referral services and relocates the appropriation for protective child care to the budget line item for child and family services; appropriates funding for court-ordered services provided to juveniles and for child support enforcement; provides a new appropriation of \$60,000 to provide training and education to therapists and others who provide services to children with reactive attachment disorder; extends the completion date for the independent evaluation of the child protection system required under 1997 Iowa Acts, to July 1, 2000; and establishes a High Quality Child Day Care Providers Program to provide for designation of child day care providers as gold seal quality child day care providers.

**HOUSE FILE 773****- Child Support Enforcement — Miscellaneous Provisions**

**SEE HUMAN SERVICES.** This Act relates to child support enforcement, including subsidies provided to permanent guardians of children, income withholding orders procedures, and payments to financial institutions for conducting data matches.

**HOUSE FILE 782****- Miscellaneous Supplemental and Other Appropriations and Provisions**

**SEE APPROPRIATIONS.** Division V of this Act amends S.F. 193, as it relates to expanding the requirements placed on guardians ad litem for children in juvenile cases by making the attendance at Department of Human Services staff meetings or case conferences, and at meetings with medical or mental health providers, service providers, organizations, or educational institutions, discretionary. In addition, the order appointing a guardian ad litem does not have to specify the duty of the guardian ad litem to interview relevant people and inspect and copy relevant documents and records. The Division also provides for the suspension or revocation of a child's driver's license or operating privilege if the child commits an assault upon an employee of a school with intent to inflict serious injury, carries a dangerous weapon on school grounds, or carries or transports a firearm on school grounds.

## CHILDREN AND YOUTH

### **SENATE FILE 193 - Guardians Ad Litem for Children in Juvenile Court**

BY COMMITTEE ON JUDICIARY. This Act makes changes in the duties applicable to a guardian ad litem appointed to represent a child's interests in juvenile court.

The Act includes interviewing the child's parents within the duties of a guardian ad litem, if the parents' counsel authorizes the interview. Existing law does not require the guardian ad litem to first obtain authorization from the parents' counsel to conduct the interview.

Under the Act, the guardian ad litem is not required to interview the child if it is determined that the child is of an age that is not appropriate for the interview. Current law requires the guardian ad litem to interview the child without regard to age.

If a child is placed outside the home, the Act includes visitation of each new placement ordered by the court within the duties of the guardian ad litem. In addition, the Act includes within the duties of the guardian ad litem attendance at any meeting held by the Department of Human Services, educational institutions, service providers, or health care providers which are important to the child's case. However, Division VI of H.F. 782 (see Appropriations) makes attendance by the guardian ad litem discretionary, rather than mandatory.

Under the Act, the court is required to list the guardian ad litem's duties in the order that appoints the guardian ad litem. However, Division VI of H.F. 782 (see Appropriations) strikes that provision. The Act further provides that the order appointing the guardian ad litem shall also direct that the guardian ad litem shall have access to any relevant information in the child's case.

### **SENATE FILE 275 - Children's Centers — Certification or Licensing Standards**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to services for children by requiring the Department of Human Services to establish certification or licensing standards for children's centers. New Code Chapter 237C requires the Department of Human Services to work with various other departments and community-based service providers and to review other applicable standards in establishing the standards. The standards are not to include program standards.

As defined by the Act, "children's center" is a privately funded facility that is designed to serve seven or more children who are not under the authority or custody of the Department of Human Services, juvenile court, or another governmental agency. A center provides one or more services such as child care, child care for children with a chronic illness, respite care, family support services, medical equipment, therapeutic day programming, housing, and education enrichment.

### **SENATE FILE 287 - Foster Care Placements and Plans — Child Abuse Information — Decategorization Plans**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child welfare provisions involving voluntary foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and decategorization plans.

The Act amends Juvenile Justice Code provisions for voluntary foster care placements of children with mental retardation or other developmental disability. The Act limits court supervision of these voluntary placements to foster family care placements. This change is contingent upon federal approval of a medical assistance (Medicaid) home and community-based services waiver. The waiver provisions allow children with mental retardation who would otherwise require treatment in an intermediate care facility for persons with mental retardation (ICFMR) to instead be served in out-of-home settings of eight beds or less which meet standards established by the Department of Human Services.

The Act amends provisions governing access to confidential child abuse information by expanding the list of persons with access to disposition data for founded cases of child abuse. Access is provided to individuals requesting information on a specific case of child abuse which resulted in a child fatality or near fatality. The access is required under federal law as a condition of receiving a grant for certain child abuse and neglect prevention and treatment programs.

The Act makes changes in the submission dates for annual group foster care and child welfare funding decategorization plans.

### **SENATE FILE 439 - Iowa Community Empowerment — Miscellaneous Provisions**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Iowa Community Empowerment Act, an initiative originally enacted in 1998 to empower individuals and their communities to achieve desired results for improving quality of life. The initiative's primary focus is for the state and communities to work together to improve the efficiency and effectiveness of education, health and human services provided to families with children age birth through five years. The Act states the purpose of the initiative and provides an initial set of desired results. In addition, the roles of communities and the state in achieving the purpose and desired results are explained.

The Act adds additional voting members to the Iowa Empowerment Board. The number of citizen members appointed by the Governor is increased from eight to 12. The Governor's appointments are to be selected from individuals nominated by community empowerment area boards. The nominations are to reflect the education, health, human services, business, faith, and public interests represented on the community boards. Each of these interests is to be represented by at least one citizen member. The four additional members of the Iowa Empowerment Board are to be appointed from community empowerment area board nominees in a manner so that each congressional district is represented by at least two citizen members appointed by the Governor. These appointments are to be made within 60 calendar days of the effective date of the Act, May 27, 1999.

The Act amends requirements for technical assistance to establish the state system for technical assistance using local staff of education, health and human services agencies represented on the board, other local staff of state agencies, and individuals involved with local community empowerment areas.

The Act establishes a Community Empowerment Office as part of the Department of Management. The Act authorizes the Governor to appoint a community empowerment facilitator, subject to confirmation by the Senate, and provides for other staffing to be designated. Existing law authorizes staffing services to be provided by the state agencies represented on the board and by other state agencies. The facilitator is to provide primary staffing to the Iowa board and to perform various communication and coordination functions at the state and local levels.

The Act amends the duties of the Iowa Empowerment Board to correspond with the statement of purpose contained in the Act. The Iowa Empowerment Board is directed to implement a process involving community empowerment areas in identifying desired results for improving the quality of life in this state. The process is to allow for consideration of updates, additions and deletions on a regular basis. The identified desired results are to be submitted to the Governor and General Assembly.

The Act directs the Iowa Empowerment Board to develop guidelines for recommended coverage and to take other actions to assist community empowerment area boards in acquiring necessary insurance or liability coverage at a reasonable cost.

The Act provides that the Iowa Empowerment Board is to develop and annually update a five-year plan for consolidating, blending and redistributing state-administered funding, directed to children from birth through age five through community empowerment areas, and a 10-year plan for similar purposes directed to other age groups. Legislative intent is stated that various state-funded programs located in community empowerment areas are to fully cooperate with the boards for those areas by designated fiscal years. Annual reports concerning the status of that cooperation are to be submitted to the state and compiled for the Iowa Empowerment Board, Governor and General Assembly.

The Act strikes and rewrites the Iowa Code requirements for representation on the community empowerment area boards. The Act replaces the extensive listing of possible members in current law with required membership of representatives of education, health, human services, business, faith, and public interests. A majority of the board members must be elected officials and members of the public who are not employed by a provider of services to or for the board. If a disagreement arises within a community empowerment area concerning the board membership or decisions that cannot be resolved locally, state or regional technical assistance may be requested to assist in the resolution.

The Act designates community empowerment boards as a unit of local government for purposes of Code Chapter 670, which provides for the tort liability of local governments. In implementing a formal organizational structure, a community empowerment board may utilize recommended guidelines and bylaws which are to be developed by the Iowa Empowerment Board. The community empowerment boards are made subject to Code Chapter 21, relating to open meetings, and Code Chapter 22, relating to public records.

The Act expands the requirement for a community empowerment board to designate a public agency to be the board's fiscal agent, to allow a community action agency or a nonprofit corporation to be the agent.

The Act requires the Iowa Empowerment Board to identify core functions for home visitation, parent support and preschool services provided under School Ready Children Grants.

The Act amends School Ready Children Grant requirements so that the Iowa Empowerment Board determines a community's readiness, rather than the community's degree of readiness, in awarding a grant.

The Act removes the restriction that only designated community empowerment areas that were awarded School Ready Children Grants could also be eligible for another funding stream: Early Childhood Program Grants. A corresponding amendment is made in the FY 1999-2000 distribution requirements for these grant moneys in H.F. 760 (see Appropriations), which provides human services appropriations. The change allows any designated community empowerment area to access that area's formula amount of the \$3.8 million appropriated for that fiscal year.

The Act allows community empowerment areas to utilize up to 3 percent, not to exceed \$60,000, of School Ready Children Grant funding for administrative costs or other implementation expenses.

Existing law relating to the duties of a community empowerment area board requires the board to coordinate planning and budgeting activities with the governing board of any child welfare decategorization project in the community empowerment area. The Act provides a corresponding provision to apply similar requirements for such governing boards under Code Section 232.188, relating to child welfare funding decategorization.

The Act directs the Iowa Empowerment Board to develop a recommended funding distribution formula for School Ready Children Grants to initially be applicable to FY 2001-2002. The formula is to include general population and child population factors, plus a base amount. The recommended formula is to be submitted to the Governor and General Assembly by December 15, 1999. The Act adjusts the duration of School Ready Children Grants (originally to be three years) to allow for uniform application of the funding allocation formula. The Act prescribes the adjustment of School Ready Children Grant moneys and grant durations in FY 1999-2000 to place new and existing grants on the same cycle. The appropriations Act for education, S.F. 464, includes an increase in the appropriations for these grants of \$5.2 million for a total of \$10.4 million. Of that amount, \$200,000 is allocated for the Iowa Empowerment Office and for technical assistance. If unobligated grant funding can be identified, the Iowa Empowerment Board may use the funding to provide partial assistance to those areas with excessive liability insurance costs.

The Act directs the Code Editor to transfer Code Chapter 7I, as amended by the Act and any other enactment during the 1999 Legislative Session, to or near Code Chapter 28L. Under the organizational structure of the Iowa Code, Code Chapter 28 and the succeeding lettered chapters constitute the "Joint Governmental Activity" subtitle of the "State Sovereignty and Management" title.

Certain provisions take effect July 1, 1999, but the majority of the Act takes effect upon enactment, May 27, 1999.

#### **HOUSE FILE 172 - Adoption Procedures**

**BY COMMITTEE ON JUDICIARY.** This Act makes changes relating to adoption investigations, reports and counseling. The Act specifies the individuals who may perform a background information investigation and report, requires that the report be filed with the court prior to the adoption hearing, and requires that a copy of the report be provided to the adoption petitioner within 30 days after the filing of the adoption petition.

The Act strikes existing language pertaining to the official immigration documentation necessary in the adoption of a child whose country of origin is other than the United States, and substitutes language that allows the state to accept documentation from the country of origin demonstrating a legal release or approval for adoption.

The Act amends language pertaining to the offering of three hours of counseling prior to a decision to release custody, and specifies by whom the counseling may be offered, requires written acknowledgment of the offering and the acceptance or refusal of counseling by the biological parents, and provides that, when practicable, the person who provides counseling is to provide an affidavit certifying that counseling was provided.

#### **HOUSE FILE 311 - Foster Care-Related Damages — State Liability**

**BY COMMITTEE ON HUMAN RESOURCES.** This Act relates to state compensation for claims for damages involving individuals providing foster home, guardian or conservator services.

Code Section 237.13, establishing the Foster Home Insurance Fund administered by the Department of Human Services, is amended in a number of ways, including the following:

- The Act provides compensation for valid claims for property damage at replacement cost.
- The Act repeals a subsection exempting the fund from liability for any claim for which compensation is provided by, or is available from, any other source, including the child's own funds.
- The Act repeals a provision specifying that the fund is not liable for the liability of a foster parent due solely to the foster parent's failure to obtain automobile or homeowner's insurance.
- The Act exempts the fund from liability for the first \$100 for all claims involving occurrences in a single foster home during the course of a fiscal year. Prior law exempted the fund for the first \$75 for each occurrence. The Act changes the annual limitation on all claims to apply to the fiscal year rather than the calendar year. The Act includes a transition provision relating to the foster home's per claim liability and overall liability, due to the change from the calendar year to the state fiscal year. Under the transition provisions, the limit in effect for claims during the calendar year beginning January 1, 1999, applies through June 30, 1999, and the provision takes effect upon enactment, April 23, 1999.

**HOUSE FILE 403 - Fingerprinting and Criminal Disposition Report Procedures**

BY COMMITTEE ON JUDICIARY. This Act provides for the mandatory fingerprinting of a juvenile who has been taken into custody and charged with an offense greater than a simple misdemeanor. The Act further provides for the mandatory fingerprinting of all persons arrested for any misdemeanor greater than a simple misdemeanor and provides that fingerprints may be taken of persons other than a juvenile charged with a simple misdemeanor that carries a penalty enhancement. The Act requires fingerprinting if a person other than a juvenile is convicted of a simple misdemeanor that carries a penalty enhancement. The Act and existing law exempt the fingerprinting of persons arrested for serious misdemeanor violations under Code Chapter 321 or 321A, which mostly include traffic charges.

Current law requires that a disposition report on every arrest or criminal charge be submitted to the Department of Public Safety for the purpose of generating crime statistics. The arresting law enforcement agency completes a portion of the report and existing law requires the report to be forwarded to the county attorney for completion. The Act provides that a law enforcement agency taking a juvenile into custody may provide a juvenile court officer with the disposition report for completion of the report. In addition, the Act provides that the juvenile court officer who received the disposition report must complete and submit the report to the department if a formal charge is not filed. If a charge is filed, the disposition report must be forwarded to either the clerk of the district court or the juvenile court so the report may be finished and submitted to the department when the case is completed.

**HOUSE FILE 761 - Child Care — Miscellaneous Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act makes numerous changes to child care provisions administered by the Department of Human Services (DHS).

The Act makes terminology changes throughout the Iowa Code. The term "child day care" is changed to "child care" and references to family and group "day care" homes are changed to "child care" homes.

The Act amends the definitions in Iowa Code Chapter 237A, relating to child care. With the amendments, child care provided by a relative and care provided in the child's home are now defined as child care. Additions are made to the list of activities that are exempt from regulation as child care.

The Act amends various statutes and directs DHS to revise administrative rules and other provisions relating to the two major funding streams for public funding of child care assistance: State Child Care Assistance, which is targeted to low-income families, and Family Investment Program (FIP) assistance provided to families participating in that program. The purpose of the changes is to provide assistance in a manner that is "seamless" to those receiving it. In order to implement the change, a major element is eliminated in the process used to determine the grant amount in the FIP Program. This element disregarded a certain amount of FIP participant-earned income as a means of assistance for child care expenditures. Instead, the eligibility criteria, payment methodology, and payment rates for the two major funding streams will be uniform. Persons who are receiving, on June 30, 1999, transitional child care benefits after leaving the FIP Program may continue to receive the services until their eligibility expires or they no longer meet program requirements. The provisions requiring rules changes and continuing eligibility for transitional child care assistance take effect upon enactment, May 27, 1999.

The Act expands an existing pilot project which provides registration levels for child care home providers to other counties, in addition to the initial two counties. The Act requires DHS to implement the pilot project in at least one county in each of the five DHS regions, and DHS may implement the project in an additional county in each region. The department is to report implementation information to the Governor and General Assembly.

The Act makes a number of changes to child care regulatory provisions. The Act repeals provisions for involvement of child care center and home provider staff in employee record check evaluations. Parents are to be notified at the time an employee or other person associated with a child care provider is found to have committed child abuse. In addition, parents are to be notified at the time of an initial action to suspend or revoke a registration or license. The Act authorizes the department to reduce a previously issued license to a provisional license and to develop a proposal for consideration by the General Assembly for levying civil penalties for regulation infractions. The Act authorizes county attorneys to file injunctions to restrain persons from providing child care in violation of state law.

The Act directs the departments of Education, Human Services and Public Health to jointly establish a leadership council to develop a proposal for implementation of a statewide child care provider training and development system. The council is directed to submit an initial proposal to the three departments in December 1999. This part of the Act takes effect upon enactment, May 27, 1999.

## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

- SENATE FILE 150 - Judicial Administration
- SENATE FILE 216 - Commitment of Sexually Violent Predators
- SENATE FILE 303 - Nonstatutory Liens — Confirmation of Notice to Affected Parties
- SENATE FILE 367 - Child-Custody Jurisdiction and Enforcement
- SENATE FILE 429 - Mechanics' Liens
- SENATE FILE 437 - Notification of Mechanics' Liens
- HOUSE FILE 38 - Adoption Information Form
- HOUSE FILE 164 - Open Meetings Violations — Attorney Fees
- HOUSE FILE 222 - Crime Victim Rights
- HOUSE FILE 255 - Child Custody Orders — Visitation Between Siblings
- HOUSE FILE 448 - Electronic Mail Transmissions — Advertisements
- HOUSE FILE 584 - Estates and Trusts — Determination and Distribution of Principal and Income
- HOUSE FILE 633 - Child Visitation Rights — Murder of Other Parent
- HOUSE FILE 647 - Associate Juvenile and Probate Judges
- HOUSE FILE 660 - Property Exempt From Execution
- HOUSE FILE 662 - Estates and Trusts — Miscellaneous Issues
- HOUSE FILE 663 - Probate — Iowa Trust Code
- HOUSE FILE 713 - Domestic Abuse Protective Orders
- HOUSE FILE 714 - Name Change — Marriage Licenses

### RELATED LEGISLATION

- SENATE FILE 67 - Illegal Taking of Swans or Cranes — Damages  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act authorizes the imposition of a civil penalty of \$1,500 for each crane or swan illegally taken.
- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. The Act changes the civil penalty for failure to keep records, selling cigarettes without a valid permit, making a false or incomplete report, or failing to abide by rules of the Department of Revenue and Finance.
- SENATE FILE 193 - Guardians Ad Litem for Children in Juvenile Court  
*SEE CHILDREN & YOUTH.* This Act makes changes in the duties applicable to a guardian ad litem appointed to represent a child's interests in juvenile court.
- SENATE FILE 248 - Acquired Immune Deficiency Syndrome — Miscellaneous Provisions  
*SEE HEALTH & SAFETY.* This Act replaces the statute pertaining to acquired immune deficiency syndrome (AIDS), currently divided into subchapters, with a new chapter that combines the subchapters and makes changes to the chapter. The Act contains the specific civil penalty of \$1,000 for a care provider who intentionally or recklessly makes an unauthorized disclosure of medical information.
- SENATE FILE 287 - Foster Care Placements and Plans — Child Abuse Information — Decategorization Plans  
*SEE CHILDREN & YOUTH.* This Act relates to child welfare provisions and affects voluntary court-ordered foster care placements of children with mental retardation or other developmental disability.
- SENATE FILE 335 - Real Estate Transfers — Mortgage Releases  
*SEE STATE GOVERNMENT.* This Act provides that a duly authorized officer or employee of the Title Guaranty Division in the Iowa Finance Authority may execute and record a certificate of release in each county in which a mortgage is recorded under certain circumstances. The Act also

provides that in addition to any other remedy provided by law, if the division wrongfully or erroneously records a certificate of release, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release. In addition, if a mortgagee, or a mortgagee's personal representative or assignee, upon full performance of the conditions of the mortgage, fails to discharge such mortgage within 30 days after a request for discharge, the mortgagee is liable to the mortgagor and the mortgagor's heirs or assigns, for all actual damages caused by such failure, including reasonable attorney fees.

- SENATE FILE 337** - Landlord and Tenant Relations — Abandoned and Valueless Property  
**SEE LOCAL GOVERNMENT.** This Act provides for the transfer of title of a valueless abandoned mobile home to a mobile home park owner or a third party for removal or other disposition and establishes requirements relating to giving notice between a landlord and tenant. The Act takes effect on May 26, 1999.
- SENATE FILE 405** - Year 2000 Liability Limitation — **VETOED BY THE GOVERNOR**  
**SEE BUSINESS, BANKING & INSURANCE.** This bill would have limited the liability of financial institutions, public utilities, and other persons, except for persons who have manufactured or produced for sale or modified for resale any information technology, for a claim based upon a year 2000 problem.
- SENATE FILE 436** - Livestock Marketing Practices — Packers  
**SEE AGRICULTURE.** This Act regulates practices engaged in by meatpackers ("packers") when purchasing livestock and directs the Department of Agriculture and Land Stewardship to consult with the Attorney General when adopting rules necessary to administer the Act. The Act provides for enforcement by the Attorney General, authorizing the Attorney General to seek injunctive relief or subpoenas and enforce civil penalties. Effective July 1, 2000, a packer who fails to file a timely, accurate or complete purchase report is subject to a civil penalty of not more than \$5,000 for each offense; and a packer who fails to post a timely, accurate or complete purchase notice is subject to a civil penalty of not more than \$1,000 for each offense.
- SENATE FILE 451** - Indigent Defense  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act makes changes pertaining to the payment of costs of indigent persons in criminal, juvenile, postconviction, contempt, and certain other civil actions. The duties and authority of the State Public Defender are also expanded under the Act.
- SENATE FILE 468** - Appropriations — Justice System  
**SEE APPROPRIATIONS.** This Act appropriates moneys for FY 1999-2000 to the Department of Justice, Office of Consumer Advocate, Board of Parole, Department of Corrections, including correctional facilities and the judicial district departments of correctional services, Judicial Branch, State Public Defender, Iowa Law Enforcement Academy, Department of Public Defense, and the Department of Public Safety, and contains related statutory provisions. The total appropriations to the justice system of \$459.2 million reflect an increase of approximately \$31 million from the FY 1999 appropriations. The Act provides funding for three additional Court of Appeals judges, and staff, and authorizes four additional district court judges. The maximum deposit amount for the Enhanced Court Collections Fund for FY 2000 is increased to \$5 million instead of \$4 million. The Judicial Branch is directed to conduct a study on the method of allocating district court judges and district associate judges and to submit a report with findings and recommendations to the General Assembly by January 1, 2000.
- SENATE FILE 473** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act amends various provisions of state tax law and provides that persons being prosecuted for tax violations such as sales, withholding, motor fuel, and use tax arising out of operation of a business may be prosecuted where the business operates rather than in each person's county of residence. In addition, the Act provides that venue for drug tax stamp violation is either in the county of the person's residence or the county in which the drugs were located.
- SENATE FILE 482** - Tobacco Product Manufacturers — Settlement Agreement  
**SEE HEALTH & SAFETY.** This Act provides for enactment of the model statute included in the Master Settlement Agreement (MSA), entered into on November 23, 1998, by 46 states and Brown

and Williamson Tobacco Corporation, Lorillard Tobacco Company, Phillip Morris Incorporated, Commonwealth Tobacco, R.J. Reynolds Tobacco Company, and Liggett and Myers, among others. One portion of the MSA is a model statute each state is encouraged to enact as a precautionary measure in being awarded the maximum amount of payment due the state. The Act takes effect May 20, 1999.

- HOUSE FILE 172** - Adoption Procedures  
*SEE CHILDREN & YOUTH.* This Act makes changes relating to adoption investigations, reports and counseling.
- HOUSE FILE 281** - Bail Enforcement Limitations — Exempt Agents  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act entitles an individual who works as a bail enforcement agent exclusively for one employer, in connection with the bail bond business of that employer, to operate as a bail enforcement agent, although not individually licensed.
- HOUSE FILE 322** - Production of Agricultural Commodities  
*SEE AGRICULTURE.* This Act provides for the production and purchasing of agricultural commodities by regulating contracts for the production of agricultural commodities. In part, the Act prohibits enforcement of a provision in a contract for the production of a commodity if the provision requires that information contained in the contract be kept confidential. The Act establishes a new Code Chapter 579B, which creates a lien upon commodities produced at the contract producer's contract operation under a production contract in favor of the contract producer. The Act also amends Code Chapter 579A, which establishes a lien on cattle maintained at a custom cattle feedlot in favor of the custom cattle feedlot operator. Generally, the amendments are consistent with provisions contained in new Code Chapter 579B. The Act takes effect May 24, 1999.
- HOUSE FILE 387** - Taxpayer Communications — Confidentiality  
*SEE TAXATION.* This Act creates the privilege of confidentiality for state tax purposes for those individuals authorized to practice before the Internal Revenue Service and provide state tax advice.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
*SEE HEALTH & SAFETY.* This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act defines "court of competent jurisdiction" for the purposes of inspection of an original certificate of birth, based upon an adoption. The Act also adds biological parent to the list of persons entitled to be informed of which court issued an adoption order and directs the department to establish a voluntary adoption registry through which adult adoptees, their siblings, and biological parents could register to reveal the identity of each other. The registry would only reveal information to those persons who have mutually consented to participate. The State Registrar is to establish a filing fee to support the costs associated with the registry.
- HOUSE FILE 588** - Telecommunications — Service Changes  
*SEE ENERGY & PUBLIC UTILITIES.* This Act creates new Code Section 476.103 and new Code Chapter 714D, relating to unauthorized provision of or changes in telecommunications services, and to fraudulent acts associated with the lease, sale or advertisement of telecommunications service, or with the solicitation of authority to provide or execute a change of telecommunications service or provider.
- HOUSE FILE 624** - Electronic Commerce Security  
*SEE BUSINESS, BANKING & INSURANCE.* This Act creates new Code Chapter 554C, relating to electronic commerce security. The Act prohibits a person from knowingly creating, publishing, altering, or otherwise using a certificate for a fraudulent or other unlawful purpose. The Act also prohibits a person from knowingly misrepresenting the person's identity or authorization in requesting or accepting a certificate or in requesting suspension or revocation of a certificate. A person who suffers a loss resulting from the violation has a civil cause of action.
- HOUSE FILE 659** - Identity Theft  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act creates the new crime of identity theft. The Act establishes a civil remedy for the victims of identity theft against the perpe-

trator, in addition to any criminal sanctions that may be imposed. A victim of identity theft may sue the perpetrator of an identity theft for \$1,000 or up to three times the amount of actual damages, whichever is greater, and for reasonable attorney fees and court costs.

**HOUSE FILE 700**

- Unpaid Charges for City Water, Sewage, and Solid Waste Services  
**SEE ENERGY & PUBLIC UTILITIES.** This Act amends provisions relating to city utility or enterprise service accounts that become delinquent. The Act provides for withholding service from a delinquent account holder and eliminates the lien on residential rental property for unpaid rates or charges associated with water service to such property under certain circumstances.

**HOUSE FILE 761**

- Child Care — Miscellaneous Provisions  
**SEE CHILDREN & YOUTH.** This Act makes numerous changes to child care provisions administered by the Department of Human Services and includes authority for county attorneys to file injunctions to restrain persons from providing child care in violation of state law.

**HOUSE FILE 773**

- Child Support Enforcement — Miscellaneous Provisions  
**SEE HUMAN SERVICES.** This Act relates to child support enforcement, including subsidies provided to permanent guardians of children, income withholding orders procedures, and payments to financial institutions for conducting data matches.

**HOUSE FILE 781**

- Compensation for Public Employees  
**SEE APPROPRIATIONS.** This Act appropriates \$52,800,000 for the fiscal year beginning July 1, 1999, to fund salary adjustments for certain state elected officers; state appointed, nonelected officers; justices; judges; magistrates; employees subject to collective bargaining agreements; and noncontract employees.

## CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

### **SENATE FILE 150 - Judicial Administration**

BY COMMITTEE ON JUDICIARY. This Act makes several changes governing the duties and responsibilities of clerks of the district court and makes other changes concerning the administration of the judicial system.

Code Sections 125.85 and 229.16 are amended to permit the clerk of the district court to send copies of an order discharging a patient from a substance abuse or mental illness facility by regular, rather than certified, mail.

Code Section 229.21 is amended to provide for an appeal when a magistrate has made a determination that a respondent is seriously mentally impaired or a chronic substance abuser.

Code Section 321A.12 is amended to provide that the clerk of the district court need notify the state Department of Transportation of an unsatisfied civil judgment relating to vehicle financial responsibility only upon written request of the judgment creditor when the judgment obligee fails to satisfy the judgment within 60 days of the judgment.

Code Section 602.5104 is amended to permit the Court of Appeals by its own order to meet at a location other than Des Moines.

New subsection 6 to Code Section 602.8103 gives the clerk of the district court the authority to set off any moneys held by the clerk which are owed to a person against any sum owed to the clerk by that person.

Code Sections 622A.3 and 622A.4 are amended to authorize out of the revolving fund for jury and witness fees and mileage, the payment of interpreter fees in civil cases when a person requiring assistance is indigent and unable to secure an interpreter. The jury and witness revolving fund shall be repaid from the collection of court costs representing interpreter fees paid from the fund.

Code Section 624.37 is amended to eliminate the ability of a prevailing party to acknowledge satisfaction of a judgment by entering it on the court's record or docket. The ability of a prevailing party to acknowledge satisfaction by executing an instrument referring to it, which is duly acknowledged and filed where the judgment is a lien, is retained.

Code Section 631.12 is amended to delete the requirement that a small claims judgment be entered on a space on the original notice first filed.

Code Section 633.29, providing for the creation by the clerk of court of a book known as the probate record, is repealed. Code Sections 633.48 and 633.51 are amended to delete references to the probate record while retaining the requirement of the clerk to file the certified copy received.

Code Section 811.9 is amended to permit the clerk of the district court to enter conviction and judgment when a defendant fails to appear when charged by a uniform citation and complaint.

### **SENATE FILE 216 - Commitment of Sexually Violent Predators**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 229A, regarding sexually violent predators, and Code Sections 235A.15 and 235A.18, regarding child abuse recordkeeping.

Existing law requires an agency, through the use of a multidisciplinary committee, to give notice to the Attorney General if it appears a person over whom the agency has jurisdiction may meet the definition of a "sexually violent predator" and is within 90 days of being released. If the Attorney General receives such notice, the Attorney General's review committee currently has 75 days to determine if a petition should be filed to civilly commit the person as a sexually violent predator. This Act removes the 75-day filing requirement placed upon the Attorney General after receiving notice that a person may meet the definition of a "sexually violent predator."

The Act also provides the Attorney General or the prosecuting attorney with full investigative powers, before the filing of a petition alleging a person is a sexually violent predator, such as issuing subpoenas and taking depositions during the prosecutor's review process.

In addition, current law requires that if a petition to commit a person as a sexually violent predator is filed, the person accused must have a probable cause hearing within 72 hours to determine if enough evidence exists to proceed with the commitment. The Act provides that the probable cause hearing may be waived or continued beyond the 72-hour limit if good cause is shown and the person is not prejudiced.

After the probable cause hearing or after it is waived, a trial must currently be held within 60 days to determine if a person is a sexually violent predator. The Act changes the time period within which the trial must be held from 60 days to 90 days.

After a person has been civilly committed as a sexually violent predator, if the Director of Human Services determines that the person will not likely commit another offense, the director may petition the court for the person's release. If a court or jury agrees with the director, the court is authorized to release that person. The Act establishes a supervised release program for persons who have been released from a sexually violent predator commitment. The Department of Human Services is responsible for and shall prepare a supervision plan, if the court determines supervised release is necessary. However, an agency that is familiar with supervising offenders' release into the community shall be responsible for such supervision.

The Act also provides the Attorney General with access to certain child abuse records for the purpose of determining whether to file a petition alleging a person is a sexually violent predator or for purposes of committing such a person. In addition, the Act provides that all founded child abuse records that are sealed shall still be made available to the Attorney General for purposes of the prosecutor's review committee's review of records or for committing sexually violent predators. Such sealed data is to be expunged 30 years after sealing, rather than the eight-year period prescribed for other records.

The Act takes effect April 26, 1999.

#### **SENATE FILE 303 - Nonstatutory Liens — Confirmation of Notice to Affected Parties**

BY COMMITTEE ON JUDICIARY. This Act requires that, before the clerk of the district court permits the filing of a nonstatutory lien, the clerk must confirm that the required notices have been given to the necessary parties.

#### **SENATE FILE 367 - Child-Custody Jurisdiction and Enforcement**

BY COMMITTEE ON JUDICIARY. This Act, the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA), updates the Uniform Child Custody Jurisdiction Act (UCCJA).

The UCCJA was adopted as law in all 50 states, the District of Columbia and the Virgin Islands. However, in the subsequent 30-year period, federal enactments and litigation have produced inconsistency in application of various provisions of the Act.

In 1980, the federal government enacted the Parental Kidnapping Prevention Act (PKPA), 28 U.S.C. § 1738A, to address the interstate custody jurisdictional problems that continued to exist after the adoption of the UCCJA. The PKPA mandates that state authorities give full faith and credit to other states' custody determinations, so long as those determinations are made in conformity with the provisions of the PKPA. The PKPA provisions regarding bases for jurisdiction, restrictions on modifications, preclusion of simultaneous proceedings, and notice requirements are similar to those in the UCCJA. There are, however, some significant differences. Inconsistency of interpretation of the UCCJA and the technicalities of applying the PKPA also resulted in a loss of uniformity among the states.

The revisions of the jurisdictional aspects of the UCCJA may be summarized as follows:

*Home State Priority.* The PKPA prioritizes "home state" jurisdiction by requiring that full faith and credit shall not be given to a child custody determination by a state that exercises initial jurisdiction as a "significant connection state" when there is also a "home state." The UCCJA, however, specifically authorizes a court to accept any of four independent bases of jurisdiction, without prioritization of the four. Under the UCCJA, a court may enforce a significant connection custody determination even if it would deny enforcement of such a custody determination under the PKPA. The UCCJEA reconciles the two statutes by prioritizing "home state" jurisdiction.

*Emergency Jurisdiction.* The language of the UCCJA does not specify that emergency jurisdiction may be exercised only to protect the child on a temporary basis until the court with appropriate jurisdiction issues a permanent order. Also, the emergency jurisdiction provisions of the UCCJA predated the widespread enactment of state domestic violence statutes. The UCCJEA contains a separate section on emergency jurisdiction that resolves problems created by these omissions.

*Exclusive Continuing Jurisdiction for the State That Entered the Decree.* The UCCJA does not clearly enunciate that the decree-granting state retains exclusive continuing jurisdiction to modify a decree. The UCCJA also provides no guidance on when a court must determine whether a state has relinquished continuing jurisdiction.

The UCCJEA addresses these issues:

*Specification of What Custody Proceedings Are Covered.* The definition of "custody proceeding" in the UCCJA does not specify whether the UCCJA applies to neglect, abuse, dependency, wardship, guardianship, termination of parental rights, or protection from domestic violence proceedings. The UCCJEA includes a definition that, with the exception of adoption, includes virtually all cases that can involve custody of or visitation with a child as a "custody determination."

*Role of "Best Interests."* The jurisdictional scheme of the UCCJA was designed to promote the best interests of the children, when custody was at issue, by discouraging parental abduction and providing that, in general, the state with the closest

connections to, and the most evidence regarding, a child should decide that child's custody. The UCCJEA eliminates the term "best interests" to distinguish between the jurisdictional standards and the substantive standards relating to custody and visitation of children.

*Other Changes.* This Act makes a number of additional amendments to the UCCJA. Many of these changes harmonize the provisions of this Act with those of the federal Uniform Interstate Family Support Act.

One of the major purposes of the revision of the UCCJA is to provide a remedy for interstate visitation and custody cases. There is currently no uniform method of enforcing custody and visitation orders validly entered in another state. In spite of the fact that both the UCCJA and the PKPA direct the enforcement of visitation and custody orders entered in accordance with mandated jurisdictional prerequisites and due process, neither Act provides enforcement procedures or remedies.

This Act provides several methods of enforcement of a custody determination. It provides a simple procedure for registering a custody determination in another state that will allow a party to know in advance whether that state will recognize the party's custody determination. This Act also provides a swift remedy along the lines of habeas corpus. The scope of the enforcing court's inquiry is limited to the issue of whether the decree court had jurisdiction and complied with due process in rendering the original custody decree. No further inquiry is necessary because neither the Act nor the PKPA allows an enforcing court to modify a custody determination.

The enforcing court will also be able to utilize an extraordinary remedy. If the enforcing court is concerned that the parent who has physical custody of the child will flee or harm the child, it may issue a warrant to take physical possession of the child.

Finally, the Act provides a role for public authorities, such as prosecutors, in the enforcement process. This Act does not authorize public authorities to be involved in the action leading up to the custody determination, except when requested by the court, when there is a violation of the Hague Convention on the civil aspects of international child abduction, or when the person holding the child has violated a criminal statute. This Act does not mandate that public authorities be involved in all cases.

#### **SENATE FILE 429 - Mechanics' Liens**

**BY COMMITTEE ON JUDICIARY.** This Act provides that if demand on a claimant for acknowledgment of satisfaction of a mechanic's lien is made in writing and personally served on the claimant and the claimant neglects to acknowledge satisfaction for 30 days after the demand, the claimant shall forfeit and pay damages. The Act provides procedures for creating constructive notice of the forfeiture and cancellation of a mechanic's lien upon the failure to acknowledge satisfaction of the lien and upon the failure to commence an action to enforce the lien within 30 days after a demand to commence action is served.

The Act creates an action to challenge a mechanic's lien that may be commenced in either district court or small claims court. The Act provides that any permissible claim or counterclaim meeting subject matter and jurisdictional requirements may be joined with the action. The Act provides for the recording in the mechanic's lien book of the proper amount of the lien or the cancellation of the lien when the court makes such findings. The Act provides that, in an action to enforce a mechanic's lien, if the plaintiff furnished labor or materials directly to the defendant, the prevailing plaintiff may be awarded reasonable attorney fees.

The Act also provides that, in an action to challenge a mechanic's lien filed on an owner-occupied dwelling, the prevailing party may be awarded reasonable attorney fees and actual damages. If the mechanic's lien was filed in bad faith or the supporting affidavit was materially false, the court shall award the owner reasonable attorney fees plus an amount not less than \$500 or the amount of the lien, whichever is less.

#### **SENATE FILE 437 - Notification of Mechanics' Liens**

**BY COMMITTEE ON JUDICIARY.** This Act amends Code Section 572.33, regarding mechanics' liens on labor and materials furnished to a subcontractor. To be entitled to a lien under the chapter, as amended by the Act, the person supplying labor or materials to a subcontractor must notify the principal contractor of the name, address and telephone number of the supplier and the name of the subcontractor within 30 days of first furnishing the materials, and support the lien claim with a certified statement attesting to the 30-day notification, in addition to all other requirements under the chapter. The notice is required only once per project and covers all materials furnished by the same supplier to the same contractor on the construction project. A principal contractor is not prohibited from requesting information about payments made towards the labor or materials furnished.

The section does not apply to mechanics' liens on single-family or two-family residential dwellings.

#### **HOUSE FILE 38 - Adoption Information Form**

**BY KREIMAN.** This Act eliminates references to a no longer existing federal requirement that an adoption information form completed by the petitioner containing data specified under federal regulations be attached to an adoption petition and attached to a certified copy of the adoption decree.

**HOUSE FILE 164 - Open Meetings Violations — Attorney Fees**

BY COMMITTEE ON JUDICIARY. This Act provides that a court may award both trial and appellate attorney fees to a party who establishes that a governmental body has violated the Open Meetings Law of Code Chapter 21. In 1998, the Iowa Supreme Court determined, based on prior law, that only trial, but not appellate, attorney fees could be awarded if a violation of Code Chapter 21 was established.

**HOUSE FILE 222 - Crime Victim Rights**

BY COMMITTEE ON JUDICIARY. This Act amends the victim compensation and the victim restitution subchapters of the Code chapter on victim rights. Code Section 915.84 is amended to provide that the two-year time limitation for applying for crime victim compensation may be waived by the Department of Justice if good cause is shown. Code Section 915.86 is amended to raise the limitation on reimbursable medical expenses from \$10,500 to \$15,000. Code Section 915.100 is amended to specify that the restitution right described in subsection 2, paragraph "c," of that section refers to the right of restitution contained in Code Section 910.3B (Restitution for Death of Victim).

**HOUSE FILE 255 - Child Custody Orders — Visitation Between Siblings**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides that a custody order include a provision which requires custodial parents with more than one child who are both awarded custody of a child to allow visitation between the children. The provision is to be included upon application of either parent if it is reasonable and in the best interest of the children.

**HOUSE FILE 448 - Electronic Mail Transmissions — Advertisements**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act prohibits a person from using an interactive computer service to initiate the sending of certain bulk electronic mail, frequently referred to as "spamming." The Act applies to a person who sends bulk electronic mail that includes any of the following prohibited acts: uses the name of a third party in the return address field without permission of the third party; misrepresents any information in identifying the point of origin of the transmission path of the electronic mail; does not contain information identifying the point of origin or the transmission path of the electronic mail message; with respect to an unsolicited advertisement, does not, at a minimum, provide an electronic mail address readily identifiable in the advertisement to which the recipient may send a request for declining such electronic mail; or demonstrates a pattern of sending unsolicited advertisements to a recipient who has sent the person a request for declining such electronic mail following a reasonable time, which in no event shall be more than five business days after the receipt by the person of such request.

The Act provides for the recovery of civil damages by a person who is injured as a result of a violation. A recipient of such electronic mail is entitled to receive actual damages, or in lieu of such actual damages, the greater of \$10 for each bulk electronic mail message transmitted to the recipient by the violator, or \$500. However, if the injured person is an interactive computer service, such service may recover actual damages, or in lieu of such actual damages, the greater of \$10 for each bulk electronic mail message transmitted by the violator, or \$25,000.

The Act also provides for enforcement of the Act by the Attorney General, and provides that a violation of the Act constitutes a consumer fraud. All powers conferred upon the Attorney General for prosecuting consumer fraud laws are also conferred upon the Attorney General to enforce this Act.

**HOUSE FILE 584 - Estates and Trusts — Determination and Distribution of Principal and Income**

BY COMMITTEE ON JUDICIARY. This Act enacts the Uniform Principal and Interest Act, as revised by the National Conference of Commissioners on Uniform State Laws in 1997. Certain technical changes have been made to adjust the format of the uniform Act so that it complies with the general style of the Iowa Code.

The new Code chapter created by the Act is divided into subchapters, the nature and contents of which are as follows:

- Subchapter 1 contains the short title of the Act, relevant definitions, and general principles regarding fiduciary duties and the powers of the trustee.
- Subchapter 2 addresses distribution issues at the end of a trust.
- Subchapter 3 addresses apportionment issues at the beginning and the end of income interest.
- Subchapter 4 contains three parts addressing allocation of receipts during the administration of a trust. Part 1 pertains to allocation of receipts from entities. Part 2 addresses receipts that are not normally apportioned but are allocated wholly to principal or income. Part 3 addresses receipts that are normally apportioned between principal and income.
- Subchapter 5 addresses the issue of disbursements during the administration of a trust, including disbursements from principal and from income, in general, as well as certain transfers and the payment of taxes.

The Act contains an applicability provision, making the Act applicable to trusts and estates on or after July 1, 2000, except as provided in the will, the terms of the trust, or in particular sections of the Act. This chapter prevails over any other applicable Code provision.

Code Section 633.103, regarding specified allocations to principal and income, is repealed. Code Section 633.252, regarding collection of rents by the trustee, is appropriately amended.

#### **HOUSE FILE 633 - Child Visitation Rights — Murder of Other Parent**

BY COMMITTEE ON HUMAN RESOURCES. This Act prohibits the court from enforcing an existing visitation order when the order was obtained prior to a parent's conviction for first degree murder of the child's other parent, unless enforcement is in the best interest of the child. The Act also prohibits the issuing of an order by the court that awards visitation rights to a child's parent convicted of murder in the first degree of the other parent of the child, unless the court finds that such visitation is in the best interest of the child. The Act also specifies considerations for the court in determining the best interest of the child. Until an order is issued under the circumstances specified in the Act, the Act provides that the child is prohibited from visiting the convicted parent.

#### **HOUSE FILE 647 - Associate Juvenile and Probate Judges**

BY COMMITTEE ON JUDICIARY. This Act deals with the appointment, qualifications and retention of full-time associate juvenile judges and full-time associate probate judges.

Code Chapter 46, governing the terms of and retention elections of judges, is amended to include full-time associate juvenile and probate judges. The amendments provide that these judges shall be treated the same as district associate judges in regard to terms in office and retention elections.

Code Section 602.1501 is amended to provide that the General Assembly shall set the salary for full-time associate juvenile and probate judges.

Code Section 602.6104 is amended to provide that the jurisdiction of the district court can be exercised by full-time associate juvenile and probate judges.

New Code Section 602.7103A retains the current law, found in Code Section 602.7103, subsection 1, governing the appointment, qualifications and removal of associate juvenile judges, but limits its application to part-time associate juvenile judges.

New Code Section 602.7103B provides for the appointment and resignation of full-time associate juvenile judges in the same manner as district associate judges. The section provides that the applicable district judges shall appoint a full-time associate juvenile judge from nominees submitted to them by the county magistrate appointing commission. New Code Section 602.7103C provides for the qualifications of these judges and establishes that they shall serve terms, and be subject to retention elections, as provided in Code Chapter 46.

New Code Sections 633.20A, 633.20B and 633.20C provide for associate probate judges in the same manner as the Act provides for associate juvenile judges. Code Section 633.20A provides for the appointment, qualifications and removal of part-time associate probate judges. Code Sections 633.20B and 633.20C provide for the appointment, resignation, qualifications, and terms of full-time associate probate judges in the same manner as the Act provides for full-time associate juvenile judges.

The Act also provides that associate juvenile and probate judges who are full-time as of July 1, 1999, can remain in their positions without going through the appointment process established by this Act and further provides that they shall be subject to a retention election in the year 2000 and every four years thereafter.

#### **HOUSE FILE 660 - Property Exempt From Execution**

BY COMMITTEE ON JUDICIARY. This Act makes exempt from execution certain retirement benefits and any public assistance benefits of the debtor.

The Act takes effect May 17, 1999.

#### **HOUSE FILE 662 - Estates and Trusts — Miscellaneous Issues**

BY COMMITTEE ON JUDICIARY. This Act addresses the Probate Code. The Act limits the warranty a trustee makes regarding the trustor's condition at the time of creation of the trust. The trustee warrants that to the trustee's knowledge, the trustor had no infirmity or disability when the trust was created, rather than the previous warranty that made no reference to the trustee's knowledge. The Act releases certain testamentary trusts from the jurisdiction of the court and exempts certain property transferred from a testamentary trust from certain statutory fees to prohibit a trust from being charged fees after the related estate

has already paid court costs. The Act provides that the beneficiary designation by the owner of a custodial independent retirement account controls the distribution of the benefits and the account is not a part of the testamentary disposition of a deceased owner subject to the terms of the will of the owner unless the designated beneficiary of the account is the estate of the owner. The Act requires that a request for a hearing on a notice of disallowance of a claim against an estate must be mailed not only to the personal representative, but also to any attorney of record. The Act strikes language regarding a disclaimer made by a beneficiary, to make it consistent with the antilapse provisions of Code Sections 633.273 and 633.274.

#### **HOUSE FILE 663 - Probate — Iowa Trust Code**

BY COMMITTEE ON JUDICIARY. This Act creates a new division in Code Chapter 663, regarding trusts. The provisions of the new division are known as the Iowa Trust Code.

Part 1 contains general provisions, including definitions, rules regarding applicability of the division, and nonapplicability to trusts referenced in certain other chapters of the Code. Part 1 also contains a provision addressing the scope of the Trust Code.

Part 2 contains three subparts. Subpart 1 addresses general rules for the creation and validity of trusts. Subpart 2 addresses modification and termination of trusts. Subpart 3 contains provisions related to spendthrift protection.

Part 3 contains provisions relating to revocable trusts, including provisions addressing the creation, modification and revocation of such trusts.

Part 4 addresses trust administration in seven subparts. Subpart 1 contains provisions relating to the office of trustee, including action by cotrustees, filling vacancies, reimbursement for expenditures, and compensation of trustees. Subpart 2 contains provisions related to the fiduciary duties of trustees. Subpart 3 is the Uniform Prudent Investor Act. Subpart 4 addresses the powers of trustees. Subpart 5 contains provisions related to the liability of trustees to beneficiaries. Subpart 6 addresses the rights of third parties. Subpart 7 addresses rules of trust construction.

Part 5 addresses rules pertaining to charitable trusts.

Part 6 addresses judicial proceedings in three subparts. Subpart 1 addresses issues of jurisdiction and venue. Subpart 2 addresses the judicial proceedings, including judicial intervention and petitions. Subpart 3 addresses settlement agreements and representation of various interests.

Code Section 633.123, the Model Prudent Person Investment Act, is repealed, because part 4, subpart 3, of this Act replaces it with the Uniform Prudent Investor Act. Several corresponding changes are made in various other Code sections.

The Act takes effect July 1, 2000.

#### **HOUSE FILE 713 - Domestic Abuse Protective Orders**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 236, relating to protective orders for domestic abuse.

The Act permits the court to grant an unlimited number of extensions of a protective order if the court finds, after a hearing at which the defendant has the opportunity to be heard, that the defendant still poses a threat to the safety of the victim, the victim's family, or persons residing with the victim.

The allows a person who is protected by a permanent foreign protective order to register the order with the district court in any county where the person may be present, rather than just the county where the person resides.

#### **HOUSE FILE 714 - Name Change — Marriage Licenses**

BY COMMITTEE ON JUDICIARY. This Act amends Code Section 595.5, relating to the form of name change that a party may choose following marriage. Current Code language permits a party who requests a name change on a marriage license application to adopt only the surname of the other party, a hyphenated surname, or a surname mutually agreed upon by both parties. A person wishing to change to any other form of a name after marriage requires the filing of a formal change of name petition under Code Chapter 674. This Act eliminates the need for a formal change of name action in such cases and provides that a party may indicate on an application for a marriage license the adoption of any name to be used after marriage. A name affixed to the marriage license becomes the legal name of the requesting party after marriage.

The Act also allows a person seeking a name change under Code Chapter 674 to attach certain documents in lieu of the certified copy of the birth certificate currently required to be submitted to the court with the petition for a name change. If the certified copy of a birth certificate is not available, the petitioner is required to state the reason for the unavailability in the petition and is to provide an alternative form of identification, which may be a document provided by the U.S. Immigration and Naturalization Service.

## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

- SENATE FILE 101 - Contraband in Prisons and Detention Facilities
- SENATE FILE 189 - Misdemeanor Classifications and Penalties — OWI Revocations
- SENATE FILE 192 - Open Containers in Motor Vehicles
- SENATE FILE 294 - Sex Offender Registration — Risk Assessments — Dissemination of Information
- SENATE FILE 309 - Interception of Communications
- SENATE FILE 395 - Department of Corrections — Miscellaneous Provisions
- SENATE FILE 451 - Indigent Defense
- HOUSE FILE 136 - Sex Offender Registry — Offenses Covered
- HOUSE FILE 165 - Manufacture of Controlled Substance — Personal Use
- HOUSE FILE 182 - Serious Injury — Definition
- HOUSE FILE 209 - Eluding a Law Enforcement Vehicle
- HOUSE FILE 281 - Bail Enforcement Limitations — Exempt Agents
- HOUSE FILE 296 - Felony Stalking — Bail
- HOUSE FILE 313 - Disarming a Peace Officer
- HOUSE FILE 386 - Assaults on Jailers or Correctional Staff
- HOUSE FILE 395 - Vehicular Homicide — Bail on Appeal
- HOUSE FILE 498 - Fraudulent Retail Sales Receipts and Universal Price Code Labels
- HOUSE FILE 501 - Felony Penalties and Definitions — Assault and Willful Injury
- HOUSE FILE 573 - Controlled Substances — Methamphetamine — Penalties
- HOUSE FILE 659 - Identity Theft
- HOUSE FILE 661 - Sexual Abuse — Miscellaneous Provisions
- HOUSE FILE 705 - Accommodation Offenses — Marijuana

### RELATED LEGISLATION

- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. The Act makes it unlawful to willfully inspect income, franchise and sales tax returns for any reason other than as authorized by the Director of Revenue and Finance. The penalty is a serious misdemeanor.
- SENATE FILE 193 - Guardians Ad Litem for Children in Juvenile Court  
*SEE CHILDREN & YOUTH.* This Act makes changes in the duties applicable to a guardian ad litem appointed to represent a child's interest in juvenile court.
- SENATE FILE 203 - Transportation — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act amends Code Section 322.14, providing penalties for violations of Code Chapter 322, which regulates motor vehicle manufacturers, distributors and dealers. The Act provides that violations for which a penalty is not specifically provided are simple misdemeanors, rather than serious misdemeanors.
- SENATE FILE 216 - Commitment of Sexually Violent Predators  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes procedural changes to Code Chapter 229A, regarding sexually violent predators. The Act also provides that certain child abuse records shall not be expunged for a period of 30 years and shall be made available to the Department of Justice for the purpose of committing sexually violent predators.
- SENATE FILE 248 - Acquired Immune Deficiency Syndrome — Miscellaneous Provisions  
*SEE HEALTH & SAFETY.* This Act replaces the statute pertaining to acquired immune deficiency syndrome (AIDS), currently divided into subchapters, with a new chapter that combines the

subchapters and makes changes to the chapter. The Act establishes civil and criminal remedies for violations of confidentiality and other provisions of the Act. The penalty for violation of a confidentiality requirement relating to the Partner Notification Program is reduced from a class "D" felony to an aggravated misdemeanor.

- SENATE FILE 283** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes funding for various programs involving corrections, including the Drug Control and System Improvement and Residential Substance Abuse Treatment for State Prisoners Grant Programs.
- SENATE FILE 361** - Appropriations — Substance Abuse and Sexual Abuse  
**SEE APPROPRIATIONS.** This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse, and sexual abuse, and for programs for at-risk youth. The Act appropriates moneys to the Department of Public Safety to employ additional narcotics enforcement agents and criminalists, and establishes a clandestine methamphetamine laboratory emergency response team. The Act also appropriates moneys to the Department of Corrections to establish a Youth Leadership Model Program and to establish two pilot program drug courts.
- SENATE FILE 404** - Real Estate Licensees and Clients — Payment for Services  
**SEE BUSINESS, BANKING & INSURANCE.** This Act provides that a real estate licensee shall not require that a person, party, client, or customer negotiate a listing or purchase agreement or contract of real estate through a particular broker or group of brokers, salesperson or group of salespersons, or agent or group of agents; pay a commission, or portion of a commission, or other valuable consideration to a person or other licensee; request a referral fee after a bona fide offer to purchase is accepted; or request a referral fee after a bona fide listing agreement has been signed. A licensee who violates these provisions is subject to license suspension or revocation. A person found guilty of a first offense is guilty of a simple misdemeanor.
- SENATE FILE 436** - Livestock Marketing Practices — Packers  
**SEE AGRICULTURE.** This Act regulates practices engaged in by meatpackers ("packers") when purchasing livestock and directs the Department of Agriculture and Land Stewardship to consult with the Attorney General when adopting rules necessary to administer the Act. The Act provides for enforcement by the Attorney General, authorizing the Attorney General to seek injunctive relief or subpoenas and enforce civil penalties. Effective April 29, 1999, a packer who includes a confidentiality provision in a contract with a livestock seller is guilty of a fraudulent practice.
- SENATE FILE 468** - Appropriations — Justice System  
**SEE APPROPRIATIONS.** This Act appropriates moneys for FY 1999-2000 to the Department of Justice, Office of Consumer Advocate, Board of Parole, Department of Corrections, including correctional facilities and the judicial district departments of correctional services, Judicial Branch, State Public Defender, Iowa Law Enforcement Academy, Department of Public Defense, and the Department of Public Safety, and contains related statutory provisions. Under the Act, the total appropriations to the justice system of \$459.2 million reflect an increase of approximately \$31 million from the FY 1999 appropriations. In addition, the Act makes a supplemental appropriation of about \$1.59 million to the Department of Corrections for FY 1999. The Act transfers \$1.5 million from the FY 1999 ending balance of the Prison Infrastructure Fund to the Department of Corrections for use in FY 2000 for one-time start-up costs at the Mitchellville women's prison and the Fort Dodge Correctional Facility. The Act prohibits the department from placing inmates in a private prison located in Iowa without approval of the General Assembly.
- HOUSE FILE 242** - Substantive Code Corrections  
**SEE STATE GOVERNMENT.** This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act changes the term "serious bodily injury" to the defined term "serious injury," in provisions relating to reporting of certain wounds that appear to have been received as the result of a criminal offense; changes a limitation on the ability of certain persons who received citations for failure to

provide proof of financial liability coverage, but who actually had liability coverage in force at the time of the citation, to seek to have the citation dismissed; corrects references pertaining to the availability of suspended or deferred sentences in the domestic abuse assault provisions; conforms, in provisions relating to the powers and duties of the Director of the Department of Corrections, language relating to the provision of "habilitative services and treatment," as defined; conforms to existing practice provisions relating to the performance of medical examination and treatment in the Victim Rights chapter; conforms language in HIV-related testing provisions to prior Code changes; conforms language relating to transportation of domestic abuse victims to medical care, and language relating to Attorney General actions to recover moneys and property from convicted felons, to the provisions cited, and repeals a provision identical to a provision in the Victim Rights chapter.

- HOUSE FILE 308** - Department of Inspections and Appeals Investigators — Status  
**SEE STATE GOVERNMENT.** This Act grants peace officer status for Department of Inspections and Appeals investigators while investigating cases involving state or federal benefit assistance programs.
- HOUSE FILE 322** - Production of Agricultural Commodities  
**SEE AGRICULTURE.** This Act provides for the production and purchasing of agricultural commodities by regulating the ownership of facilities used in livestock production and contracting for the production of agricultural commodities. The Act provides that a contractor is prohibited from enforcing a provision in a production contract if the provision provides that information contained in the production contract is confidential. The Attorney General is authorized to apply to district court in order to obtain injunctions or subpoenas. A person who enforces a confidentiality provision is guilty of a fraudulent practice. The Act takes effect May 24, 1999.
- HOUSE FILE 403** - Fingerprinting and Criminal Disposition Report Procedures  
**SEE CHILDREN & YOUTH.** This Act provides for the mandatory fingerprinting of criminal offenders and juveniles charged with certain offenses. The Act further provides that a juvenile court officer may complete a disposition report that is to be provided to the Department of Public Safety for the purpose of compiling crime statistics.
- HOUSE FILE 448** - Electronic Mail Transmissions — Advertisements  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act prohibits a person from using an interactive computer service to initiate the sending of certain bulk electronic mail, frequently referred to as "spamming." The Act provides for recovery of civil damages by individual computer users and interactive computer services, and for prosecution by the Attorney General.
- HOUSE FILE 588** - Telecommunications — Service Changes  
**SEE ENERGY & PUBLIC UTILITIES.** This Act creates new Code Section 476.103 and new Code Chapter 714D, relating to unauthorized provision of, or changes in, telecommunications services, and to fraudulent acts associated with the lease, sale or advertisement of telecommunications service, or with the solicitation of authority to provide or execute a change of telecommunications service or provider.
- HOUSE FILE 624** - Electronic Commerce Security  
**SEE BUSINESS, BANKING & INSURANCE.** This Act creates new Code Chapter 554C, relating to electronic commerce security. The Act prohibits a person from knowingly creating, publishing, altering, or otherwise using a certificate for a fraudulent or other unlawful purpose, and establishes criminal penalties.
- HOUSE FILE 633** - Child Visitation Rights — Murder of Other Parent  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act prohibits the court from issuing or enforcing a visitation order when a child's parent is convicted of first-degree murder of the child's other parent, unless visitation is in the best interest of the child. The Act specifies considerations for the court in determining the best interest of the child. Until an order is issued under the circumstances specified in the Act, the Act provides that the child is prohibited from visiting the convicted parent.
- HOUSE FILE 651** - Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers  
**SEE TRANSPORTATION.** This Act makes several changes relating to regulation of implements of husbandry. The Act provides that an attempt to fraudulently alter or deface the year of manufacture

or other product identification number on a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, is a class "D" felony, which is punishable by imprisonment not to exceed five years and a fine of at least \$750, but not more than \$7,500. The Act also provides that removing, defacing, covering, altering, or destroying a product identification number on a fence-line feeder, grain cart, or tank wagon to conceal or misrepresent the identity or year of manufacture of the vehicle is a fraudulent practice. Such an act is punishable in varying degrees, ranging from a simple misdemeanor to a class "C" felony according to the amount of money or value of property involved.

**HOUSE FILE 713****- Domestic Abuse Protective Orders**

**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act amends Code Chapter 236, relating to protective orders for domestic abuse, by permitting the court to grant an unlimited number of extensions of a protective order if the court finds the defendant still poses a threat to the safety of the victim, the victim's family, or persons residing with the victim; and allowing a person protected by a permanent foreign protective order to register the order with the district court in any county where the person may be present, rather than just the county where the person resides.

**HOUSE FILE 760****- Appropriations — Human Services**

**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act increases the appropriation for FY 1999-2000, compared with the FY 1998-1999 appropriation, to DHS for costs associated with commitment and treatment of sexually violent predators. The Act includes a supplemental appropriation for FY 1998-1999 and provides that any of these moneys which remain unencumbered at the close of the fiscal year shall not revert to the General Fund of the State. This provision for a FY 1998-1999 supplemental appropriation for costs associated with treatment and commitment of sexually violent predators takes effect upon enactment, May 21, 1999.

## CRIMINAL LAW, PROCEDURE AND CORRECTIONS

### **SENATE FILE 101 - Contraband in Prisons and Detention Facilities**

BY COMMITTEE ON JUDICIARY. This Act establishes the offense of possessing contraband. The Act strikes current Code Section 719.7, regarding furnishing intoxicating beverages to inmates, and amends Code Section 719.8, regarding furnishing controlled substances to inmates. "Contraband" is defined as items such as controlled substances, intoxicating beverages, weapons, explosives, knives or other cutting devices, or other items which may be fashioned to cause death or injury, or items which may be used to facilitate an escape.

Possessing contraband is committed when a person without legal authorization to do so attempts to bring contraband into, or makes or possesses contraband within, a detention or correctional facility, including a secure facility for the detention or custody of juveniles. If the contraband is a weapon or other item that may be fashioned to cause death or injury, the person commits a class "C" felony. Any other contraband subjects the person to a class "D" felony.

The Act authorizes the x-raying of a person under the control of the Department of Corrections by a physician or licensed x-ray technician to determine if the person possesses contraband.

The Act also requires a person to report a violation of Code Section 719.7, or an attempt to possess contraband or the possession of contraband, to an official or officer at a correctional facility. Failure to report is an aggravated misdemeanor.

The Act further provides that the establishment of the offense of possessing contraband does not limit the authority of facility administrators to adopt rules regarding the definition of contraband, and the introduction, possession or making of substances, objects or other items.

The Act amends Code Section 719.8 by combining a portion of Code Section 719.7 into Code Section 719.8. The amended Code Section 719.8 prohibits the furnishing of a controlled substance or an intoxicating beverage to an inmate at a detention facility.

Class "C" felonies are punishable by confinement for no more than 10 years and a fine of at least \$1,000, but not more than \$10,000.

Class "D" felonies are punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.

### **SENATE FILE 189 - Misdemeanor Classifications and Penalties — OWI Revocations**

BY COMMITTEE ON JUDICIARY. This Act makes changes in the penalties for simple misdemeanors when a specific penalty is not provided in the Code, and reclassifies certain serious misdemeanors currently in the Code. The Act permits the court, upon a defendant's conviction of a simple misdemeanor, to order a fine of at least \$50, but not more than \$500, and provides discretion to the court to sentence a person to jail for up to 30 days in addition to a fine or in lieu of imposing a fine. Currently, a simple misdemeanor is punishable by a fine of at least \$50, but not more than \$100, or by a sentence not to exceed 30 days in jail.

The Act reclassifies from serious to simple misdemeanors the following offenses: certain driving under suspension offenses, use of fireworks, persons under legal age purchasing or in possession of alcohol (second or subsequent offense), polygraph examinations by employers, certain offenses regarding interference with official acts, and interference with traffic-control or railroad signs or signals. The Act imposes a mandatory minimum fine of \$250 for any offense that is reclassified from a serious to simple misdemeanor.

The Act increases the maximum fine for violation of a city or county ordinance from \$100 to \$200.

The Act provides discretion to the court to impose a jail sentence in addition to ordering a mandatory fine for persons who commit the offense of driving under suspension or revocation, or driving while barred under Code Section 321J.21. Under current law, persons who violate Code Section 321J.21 may only be assessed a mandatory \$1,000 fine. A person whose driver's license has been suspended, revoked or barred, and is subsequently convicted under Code Section 321J.21, frequently has seen their driving privileges suspended, revoked or barred due to a previous operating while intoxicated conviction.

The Act also changes the threshold dollar limit for persons to qualify for serious and simple misdemeanor penalties with respect to acts that constitute theft, fraudulent practice, computer damage, computer theft, criminal trespass, and criminal mischief. Under the Act, a person who commits such an act commits a simple misdemeanor if the value of the property is no more than \$200, a serious misdemeanor if the value exceeds \$200. Under current law, if the value of the property is no more than \$100, the person commits a simple misdemeanor. If the value of the property exceeds \$100, the person commits a serious misdemeanor.

**SENATE FILE 192 - Open Containers in Motor Vehicles**

BY COMMITTEE ON JUDICIARY. This Act changes the current Code provision relating to open containers in motor vehicles by prohibiting both the driver of and passengers in a motor vehicle, regardless of intent, from possessing an open or unsealed receptacle containing an alcoholic beverage in the passenger area of the motor vehicle. "Passenger area" is defined as the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while seated in the motor vehicle, including the glove compartment.

Current law prohibits the driver of a motor vehicle from knowingly possessing an open alcoholic beverage container within the immediate reach of the driver with the intent to consume the alcoholic beverage while the motor vehicle is upon a street or highway.

The Act also provides that an unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of a motor vehicle if the vehicle does not have a trunk. The current provision allows transportation of an open or unsealed receptacle in the trunk of a motor vehicle.

The Act excludes from its provisions passengers in the passenger area of a motor vehicle being operated for the transportation of persons for compensation and passengers in the living quarters of a motor home, mobile home, travel trailer, or fifth-wheel travel trailer. The Act also prohibits the state Department of Transportation from including a passenger's conviction for a violation of the Act on the passenger's driving record or from considering the conviction in a proceeding for suspension, revocation, barring, or denying of the passenger's driver's license or upon application for renewal of driving privileges.

A violation of the Act is a simple misdemeanor punishable by a scheduled fine of \$50.

**SENATE FILE 294 - Sex Offender Registration — Risk Assessments — Dissemination of Information**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 692A, regarding the sex offender registry.

The Act adds a list of offenses that require lifetime registration by the offender upon a conviction. These offenses include sexual abuse in the first and second degree; certain offenses constituting sexual abuse in the third degree; certain offenses constituting lascivious acts with a child; assault with the intent to commit sexual abuse; and burglary in the first degree, kidnapping or murder if a sexual abuse as defined in Code Section 709.1 is committed during the offense. The Act also requires lifetime registration if an offender has previously been convicted of one or more offenses that would have required registration or if an offender has been convicted of an offense in another state that would qualify the offender as a sexually violent predator in this state. Current law requires lifetime registration if the offender is required to register for a second time under Code Chapter 692A.

The Act requires the Attorney General to prosecute and defend any legal proceeding brought by or against an employee of a judicial district department of correctional services in the performance of an assessment of risk.

The Act also requires the Department of Public Safety to submit registry data to the National Sex Offender Registry.

The Act restricts the release of registry information to the public if a registrant is in the federal Witness Protection Program.

The Act transfers provisions relating to risk assessment and public notification currently contained in Code Section 692A.13, subsection 6, to new Code Section 692A.13A, and makes changes regarding the performance of those risk assessments and the dissemination of registry information. The Department of Public Safety is responsible for disclosing the assessment of risk information to a criminal or juvenile justice agency. The juvenile court must share information with other departments to develop methods and procedures for the assessment of risk for juveniles who qualify for the registry. In addition, juvenile court officers shall conduct risk assessments for juveniles under the jurisdiction of the juvenile court.

The Act establishes the procedures for dissemination of registry information to the public based upon the results of the risk assessment. If an offender is classified as "low-risk," the public may contact a law enforcement agency to obtain information about an offender or may obtain information from a web page established by a law enforcement agency. The Act establishes the requirements for disseminating registry information over the Internet. If an offender is classified as "moderate-risk" or "high-risk," information may be disseminated through press releases and fliers to various public and private agencies and organizations. In addition, if an offender is classified as "high-risk," information may also be disseminated to neighborhood associations.

The Act requires a registrant who is a nonresident of a county and who is a student or an employee to register also in the county where the person is attending school or working.

**SENATE FILE 309 - Interception of Communications**

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 808B, regarding the interception of communications.

The Act provides that law enforcement authorities may intercept an electronic communication if prior court approval is obtained. Existing law permits the interception only of wire or oral communications. An electronic communication is,

generally, any alphanumeric transmission by a pager. A wire, oral or electronic communication may be intercepted when drug-related or money laundering offenses are suspected.

The Act also addresses the use by law enforcement authorities of a pen register or a trap and trace device. A pen register is a device used to identify any telephone number dialed from a certain telephone number. A trap and trace device is used to identify the telephone number of any incoming call to a certain telephone number. The Act provides that a pen register or trap and trace device shall not be installed unless prior court authorization is obtained. However, a pen register or trap and trace device may be used without a court order if it relates to the operation, protection or maintenance of telephone service, or if consent is obtained from the person using the service.

The Act also establishes a procedure for obtaining authorization from the court to use a pen register or trap and trace device. The applicant must provide information under oath and in writing to the court, that the information likely to be obtained is relevant to an ongoing criminal investigation. The court must find that relevant information to an ongoing criminal investigation is likely to be obtained from the use of a pen register or trap and trace device.

The Act also establishes a procedure for obtaining an emergency order to use a pen register or trap and trace device. The applicant may telephone the court to obtain an oral order authorizing the use of a pen register or trap and trace device if an emergency situation exists that may lead to the immediate death or serious injury of a person. An emergency order may only be in effect for 48 hours.

The Act provides that the court may also, upon the request of law enforcement, order a common communications carrier, landlord or any other person to assist law enforcement in the installation and use of a pen register or trap and trace device. Any person assisting law enforcement shall be compensated for the services provided and shall not be held liable for compliance with the statute or with a court order issued pursuant to the statute.

Any authorized order issued pursuant to this Act is effective for only 60 days. However, the court may authorize an extension of its order for up to an additional 60 days.

#### **SENATE FILE 395 - Department of Corrections — Miscellaneous Provisions**

**BY COMMITTEE ON JUDICIARY.** This Act makes several changes related to the Department of Corrections.

Code Section 8.62 is amended to permit agencies to purchase goods and services from Iowa Prison Industries from moneys appropriated to the agencies for operational expenses that would otherwise revert to the General Fund of the State at the end of the fiscal year. Previously, agencies could use up to 50 percent of this nonreversion money for employee training or technology only. In addition, the Act strikes the provision that would have repealed this section on September 1, 1999.

Code Section 719.4 is amended to provide that a person convicted of a felony or misdemeanor who intentionally attempts to escape from a detention facility, correctional facility or institution commits a class "D" felony or a serious misdemeanor, respectively. Previously, these particular criminal penalties only applied to a person who intentionally escaped.

Code Section 903A.5, concerning the crediting of time served by inmates, is amended. The Act provides that, unless the inmate was confined in a correctional facility, the sheriff of the county in which an inmate is confined shall certify the number of days served by the inmate to the records administrator at the Iowa Medical and Classification Center and to the applicable clerk of the district court. The records administrator, or designee, is required to apply jail credit as ordered by the court or as otherwise authorized, and shall then forward a copy of the number of days served to the applicable clerk of the district court. The Act also provides that an inmate who has committed an offense while confined shall not receive jail credit for that offense.

Code Section 904.703 is amended to specifically provide that agreements by the Department of Corrections with the state or its political subdivisions for the purpose of providing services through an inmate work program can be made through a Chapter 28E agreement. Specific authority to enter into a Chapter 28E agreement with a county board of supervisors or conservation board to provide inmate services for environmental maintenance, such as weed control, is eliminated.

Code Section 904.809, subsection 5, governing deductions from moneys earned by inmates who work for a private sector employer, is amended. The Act provides that an inmate employed by a private sector employer shall surrender the inmate's earnings, less all tax deductions, to the Department of Corrections. The employer is also to provide the employed inmate with withholding statements and any other information necessary for the filing of the inmate's tax returns. The deductions, which are to be made by the Department of Corrections from the balance of an inmate's earnings, are modified. From the inmate's gross payroll earnings, 20 percent shall go to the inmate's general account, tax obligations shall be paid, and 5 percent shall go to the Victim Compensation Fund. From the balance remaining after these deductions are made, amounts shall be deducted for the support of the inmate's dependents and for payment of court-ordered restitution, and any remaining balance shall be deposited,

beginning July 1, 2000, in the General Fund of the State, representing the cost of the inmate's incarceration. The Act further requires that of the amount to be deposited in the inmate's general account, deductions shall be made for any other legal or administrative financial obligations of the inmate.

Code Section 905.7 is amended to eliminate the specific requirement that standards adopted by the Department of Corrections governing the appointment of parole and probation officers require a battery of psychological tests to determine suitability.

Code Section 907.3 is amended to eliminate reference to a sentence of a specific number of days for probation.

The Act also requires the Department of Corrections, in consultation with the Division of Labor Services of the Department of Workforce Development, to study inmate worker safety issues and to submit a report to the General Assembly by January 1, 2000.

#### **SENATE FILE 451 - Indigent Defense**

**BY COMMITTEE ON JUDICIARY.** This Act makes changes pertaining to the payment of costs for the defense of indigent persons in criminal, juvenile, postconviction, contempt, and certain other civil actions. The duties and authority of the State Public Defender are amended to add postconviction relief, contempt actions, and civil commitments of sexually violent predators to the kinds of cases that are to be handled by that office. The State Public Defender is authorized to appoint or remove for cause assistant local public defenders, secretaries and investigators. Existing law only permits the appointment or removal of the managing local public defender.

The Act provides for a county to negotiate the rate of compensation with noncontract attorneys or attorneys who are not public defenders representing indigents in certain court-appointed cases under Code Chapters 125, 222 and 229. Under current law, compensation for representing indigents in certain court-appointed cases is set in accordance with Code Section 815.7.

The Act also provides that the court is not required to certify indigent defense costs under Code Chapter 232 before the costs are submitted to the state.

The Act makes changes pertaining to the payment of costs for the defense of indigent persons in criminal, juvenile, postconviction, contempt, and certain other civil actions. The Act establishes the hourly rates for representation by noncontract, court-appointed attorneys of class "A" felons at \$60 per hour and of class "B" felons at \$55 per hour. For all other offenses, the rate is \$50 per hour. The Act provides that the State Public Defender shall establish the fee limitations for various categories of cases. The State Public Defender is given the direct authority to approve or reduce claims made for payment of indigent defense costs. The Act adds procedures that permit the State Public Defender to set and exceed limitations on indigent defense costs submitted for payment by court-appointed attorneys. The Act establishes an Indigent Defense Advisory Commission within the Department of Inspections and Appeals to advise the Legislature and the State Public Defender regarding compensation of court-appointed attorneys.

References that make the appointment of counsel on appeals subject to Supreme Court Rules are eliminated. Instead, the Act substitutes a procedure that provides for the appointment of the State Appellate Defender, unless the appellate defender has a conflict of interest or a temporary overload of cases. In the latter two situations, the Act provides for the appointment of an attorney who has entered into a contract with the State Public Defender to handle appeals. If no contract attorney is available, the court may appoint a noncontract attorney on a rotational or equalization basis, considering the experience of the attorney and the difficulty of the case. The appointment must, however, include specific findings that no contract attorney was available. Noncontract attorneys will be paid directly through the State Public Defender's Office and are to submit such reports and information relating to their fees and expenses as are required by the State Public Defender.

The Act also changes the procedures for determination of an individual's indigence and consequent eligibility for court-appointed counsel at state expense. The requirement that the State Public Defender's Office make an initial determination of indigence prior to the initial arraignment or other initial court appearance is eliminated and all references to determinations of indigency are transferred to Code Chapter 815. A person is indigent and entitled to court-appointed counsel if the person has an income level at or below 125 percent of poverty level. This is below the current 150 percent of poverty level ceiling. In determining eligibility, the court is to consider not only the person's income, but also assets subject to execution and any other property that may be applied to the satisfaction of judgments. Those persons whose income falls above the new threshold are not entitled to court-appointed counsel unless the court makes a written determination that not appointing counsel on the pending charges would cause the person substantial hardship. Like the original determination of eligibility, the determination of substantial hardship is based not only on the person's income, but also on assets subject to execution and any other property which may be applied to the satisfaction of judgments. A person who receives court-appointed counsel and is employed is required to execute an assignment of wages, and the court shall enter an order for assignment of income on forms prescribed by the State Public Defender. If a person is not able to pay the costs of court-appointed counsel when the costs are due, the court may provide for payment on an installment basis.

**HOUSE FILE 136 - Sex Offender Registry — Offenses Covered**

BY COMMITTEE ON JUDICIARY. This Act amends the Sex Offender Registry Code chapter by making changes to the list of offenses that require registration. The Act adds kidnapping and false imprisonment to the list of offenses included in the definition of "criminal offense against a minor." Thus, if an offender is convicted of either kidnapping or false imprisonment of a minor, the offender must register pursuant to the Sex Offender Registry law. However, the Act provides an exception for kidnapping in the third degree or false imprisonment committed by the minor's parent.

The Act also strikes the offense of false imprisonment from the definition of "sexually violent offense" in order to comply with the mandatory guidelines of the federal Jacob Wetterling Act. This offense is now contained within the definition of "criminal offense against a minor," which requires registration if the offense is against a minor but not an adult.

An offender convicted of an offense requiring registration pursuant to the Sex Offender Registry chapter is required to register the person's name, telephone number and home address with the county sheriff for a period of 10 years commencing after placement on probation and parole or another form of release from custody.

If an offender is convicted of kidnapping or false imprisonment and the offense did not also involve sexual abuse, a criminal or juvenile justice agency shall not initiate public notification that the offender is a registered sex offender.

The Act takes effect April 14, 1999.

**HOUSE FILE 165 - Manufacture of Controlled Substance — Personal Use**

BY COMMITTEE ON JUDICIARY. This Act, by striking an existing exemption within the Uniform Controlled Substances Act, includes under the definition of "manufacture" a person who prepares or compounds a controlled substance for the person's own use.

The Act takes effect April 29, 1999.

**HOUSE FILE 182 - Serious Injury — Definition**

BY COMMITTEE ON JUDICIARY. This Act amends the definition of "serious injury" in the Criminal Code. Any injury to a child that requires surgical repair using a general anesthetic is now defined as a serious injury.

**HOUSE FILE 209 - Eluding a Law Enforcement Vehicle**

BY COMMITTEE ON JUDICIARY. This Act changes the penalty for the crime of eluding or attempting to elude a pursuing law enforcement vehicle by creating three levels of offenses. First, if a driver of a motor vehicle is eluding a law enforcement vehicle, the driver commits a serious misdemeanor. Second, if a driver of a motor vehicle is eluding a law enforcement vehicle at speeds in excess of 25 miles per hour over the speed limit, the Act changes the criminal penalty for eluding or attempting to elude from a serious to an aggravated misdemeanor. Third, a driver of a motor vehicle commits a class "D" felony if the driver eludes or attempts to elude a pursuing law enforcement vehicle at speeds in excess of 25 miles per hour over the speed limit, and if any of the following occurs: the driver is participating in the commission of a felony, the driver commits an operating while intoxicated or a drug offense, or a person other than the driver incurs bodily injury. The Act changes the criminal penalty for eluding while participating in a felony from an aggravated misdemeanor to a class "D" felony.

A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500. An aggravated misdemeanor is punishable by confinement for not more than two years and a fine of at least \$500, but not more than \$5,000. A serious misdemeanor is punishable by confinement for not more than one year or a fine of at least \$250, but not more than \$1,500, or both fine and imprisonment.

**HOUSE FILE 281 - Bail Enforcement Limitations — Exempt Agents**

BY COMMITTEE ON STATE GOVERNMENT. This Act entitles an individual who works as a bail enforcement agent exclusively for one employer, in connection with the bail bond business of that employer, to operate as a bail enforcement agent, although not individually licensed. The addition is consistent with Code Section 80A.2, subsection 3, which exempts from licensing a person "employed full or part-time by one employer in connection with the affairs of the employer."

**HOUSE FILE 296 - Felony Stalking — Bail**

BY COMMITTEE ON JUDICIARY. This Act restricts a person's ability to post a bond upon a conviction of, or when appealing, any felony stalking charge. The Act provides that a person who pleads to, or is convicted at trial of, any felony stalking charge is presumed to be ineligible for bond and must remain in jail. However, the Act also provides the court with discretion to determine whether a person is eligible for bond on a felony stalking charge depending on whether the allowance of bond may result in failure to appear or may jeopardize the safety of others.

Current law generally permits a person awaiting sentencing, after a plea of guilty or a conviction at trial, to post bond and remain out of jail until a sentence has been imposed. If the person is sentenced to jail or prison, and appeals the case, current law ordinarily allows a person to post an appeal bond and remain free pending the final decision by the reviewing court on appeal.

#### **HOUSE FILE 313 - Disarming a Peace Officer**

BY COMMITTEE ON JUDICIARY. This Act creates the new criminal offense of disarming a peace officer of a dangerous weapon. If a person knowingly or intentionally removes or attempts to remove a weapon from the control of an officer who is on duty, the person is guilty of a class "D" felony. If a person discharges the weapon during the commission of the offense, the person is guilty of a class "C" felony.

A class "D" felony is punishable by imprisonment not to exceed five years and a fine of at least \$750, but not more than \$7,500. A class "C" felony is punishable by imprisonment not to exceed 10 years and a fine of at least \$1,000, but not more than \$10,000.

#### **HOUSE FILE 386 - Assaults on Jailers or Correctional Staff**

BY COMMITTEE ON JUDICIARY. This Act amends Code Section 708.3A, relating to an assault on a peace officer, fire fighter or health care provider. The Act adds "jailer" and "correctional staff" to the list of occupations covered under Code Section 708.3A, and increases the penalty for an assault on a jailer and correctional staff. A "jailer" is defined as a person who is employed at a county jail or other facility used to confine persons who commit criminal offenses, but who is not a peace officer. "Correctional staff" is defined as a person who is employed at a correctional institution, community-based correctional facility, or a facility managed by the Department of Corrections, but who is not a peace officer.

Under the Act, if a person assaults a jailer or correctional staff with the intent to inflict serious injury or uses a dangerous weapon in connection with an assault, that person commits a class "D" felony. If a person assaults a jailer or correctional staff and causes bodily injury, that person commits an aggravated misdemeanor and, if the person commits any other type of assault, that person commits a serious misdemeanor.

Under current law, a conviction for assault on a jailer or correctional staff would carry the same penalties as an assault on a person. The penalties for assault on a person range from a simple misdemeanor to an aggravated misdemeanor.

A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500, but not more than \$5,000. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250, but not more than \$1,500. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of at least \$50, but not more than \$500.

#### **HOUSE FILE 395 - Vehicular Homicide — Bail on Appeal**

BY COMMITTEE ON JUDICIARY. This Act provides that certain defendants convicted of vehicular manslaughter are not bailable on appeal of their convictions. These defendants are persons convicted of a class "C" felony for unintentionally causing the death of another by driving a motor vehicle recklessly or by eluding or attempting to elude a pursuing law enforcement vehicle if the death directly or indirectly results from the violation. The Act does not prohibit such defendants from being admitted to bail pending sentencing.

#### **HOUSE FILE 498 - Fraudulent Retail Sales Receipts and Universal Price Code Labels**

BY COMMITTEE ON JUDICIARY. This Act defines certain acts related to the creation, possession or use of fraudulent retail sales receipts or universal price code labels (also known as UPCs) as fraudulent practices under the Code when knowingly done with intent to defraud another person engaged in the business of retailing.

Fraudulent practices are penalized within the Code according to five degrees, depending upon the amount of moneys or value of property at issue. At one end of the range, fraudulent practice in the first degree involves moneys or property valued in excess of \$10,000, and is punished as a class "C" felony. A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000, but not more than \$10,000. At the other end of the range, fraudulent practice in the fifth degree involves moneys or property not valued in excess of \$100, and is punished as a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of at least \$50, but not more than \$500.

#### **HOUSE FILE 501 - Felony Penalties and Definitions — Assault and Willful Injury**

BY COMMITTEE ON JUDICIARY. This Act imposes a mandatory fine for criminal offenses categorized as class "C" and "D" felonies. The Act establishes in Code Section 902.9 the mandatory minimum fine for a class "C" felony at \$1,000 and for a class "D" felony at \$750. Current law generally does not impose a mandatory fine upon a conviction for a felony. However, under current law, if the court imposes a fine for a class "C" or a class "D" felony, the fine must be at least \$500.

The Act also amends Code sections related to the crime of assault. Code Section 708.2 is amended to add a class "D" felony where a person commits assault that results in a serious injury. "Serious injury" is defined in Code Section 702.18 as a disabling mental illness, bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, or any injury to a child which requires surgical repair and necessitates the use of general anesthesia, and includes, but is not limited to, skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

Code Section 708.4 is amended to add a class "D" felony to the offense of willful injury, where the person intends to cause serious injury and actually causes a bodily injury that is less than a serious injury. The Act also amends Code Section 702.11 to exclude this new class "D" felony from the definition of "forcible felony," and makes certain editorial changes.

Currently, a class "C" felony is punishable by imprisonment not to exceed 10 years and a fine of at least \$1,000, but not more than \$10,000. A class "D" felony is punishable by imprisonment not to exceed five years and a fine of at least \$750, but not more than \$7,500.

#### **HOUSE FILE 573 - Controlled Substances — Methamphetamine — Penalties**

**BY COMMITTEE ON JUDICIARY.** This Act makes various changes to methamphetamine or controlled substance-related crimes.

*PRECURSORS TO METHAMPHETAMINE.* The Act amends Code Section 124.401, subsection 4, by expanding the list of materials that a person may not possess if the person intends to use them to manufacture any controlled substance. The materials added in this Act are commonly used in the production of methamphetamine. A person violating this provision commits a class "D" felony.

*POSSESSION OF CONTROLLED SUBSTANCES AND METHAMPHETAMINE.* The Act amends Code Section 124.401, subsection 5, which relates to misdemeanor possession of a controlled substance. The Act provides that the court shall impose a minimum two-day jail sentence, which may be suspended, and shall place the person on probation and impose random drug tests as a condition of probation. If the controlled substance is methamphetamine, the court may require intensive probation in addition to random drug testing as a condition of probation.

*CONSPIRACY TO MANUFACTURE OR DELIVER TO MINORS.* The Act creates new Code Section 124.401D and makes changes in the penalties applicable to a person 18 years of age or older for the crimes of conspiring to manufacture for delivery, delivery of, and possession with intent to deliver, or conspiracy to deliver, methamphetamine to a person under 18 years of age. The Act provides that a felony committed under the new section is punishable by a sentence for an indeterminate term not to exceed 99 years. The court may reduce the person's maximum sentence by one-third if it is the person's first offense under Code Section 124.401D, mitigating circumstances are found to exist, and the person pleads guilty. After a finding by the court that mitigating circumstances exist, the court may further reduce the remaining maximum sentence if the defendant cooperates in the prosecution of other persons. However, the Act provides that a person sentenced under new Code Section 124.401D must serve a mandatory minimum sentence of 10 years of confinement before the person is eligible for parole even if the sentence is reduced by mitigating circumstances or the court finds the person cooperated with the prosecution of others. If a person commits a second or subsequent offense of conspiracy to manufacture or deliver to a minor, the person commits a class "A" felony.

The Act also provides that the Board of Parole is not required to annually review the status of a person sentenced to 99 years in prison.

*REOPENING OF A SENTENCE.* The Act provides for the reopening of a person's 99-year sentence if the person chooses to cooperate with the prosecution of another person. If the county attorney's office that prosecuted the person files a motion to reopen a person's sentence and the court finds the person cooperated with the prosecution of another person, the court may reduce the person's maximum sentence. Only a person sentenced to an indeterminate term not to exceed 99 years is eligible for the reopening of a sentence.

*MANUFACTURE OR DELIVERY OF SMALL AMOUNTS OF METHAMPHETAMINE.* The Act creates new Code Section 124.401E, applying certain penalties for the manufacturing or delivery of methamphetamine. If a person is convicted of delivery or possessing with intent to deliver five grams or less of methamphetamine on a first offense, the court has the discretion to sentence the person to complete a drug court program, if a drug court has been established, or to assign the person to a community-based correctional facility for a period of up to one year. If a person is convicted of manufacturing five grams or less of methamphetamine, the court may also sentence the person to complete a drug court program or assign the person to a community-based correctional facility for a period of up to one year. If a person is convicted of delivery of or possession with intent to deliver methamphetamine for a second or subsequent offense, the person shall serve a mandatory prison sentence under Code Sections 124.401 and 124.413, and such sentence is determined by the amount of methamphetamine involved in the delivery.

**ADULTERATED OR IMPROPERLY LABELED ARTICLES.** The Act amends Code Chapter 189, which applies to a number of chapters regulating the safety and effectiveness of commodities and products, including agricultural products. Code Section 189.16 provides that a person in possession or having control of an article which is adulterated or which is improperly labeled as required in those chapters is presumed to know that the article is adulterated or mislabeled. It provides that a person's possession of the article is prima facie evidence of an intent to violate the law. The Act provides that the section does not apply to the possession or control of grain or mining materials by persons in the respective trade or industry, or to a controlled substance regulated under Code Chapter 124. The Act also makes a number of changes in Code Section 189.16 in order to enhance its readability.

**ANHYDROUS AMMONIA TAMPERING.** The Act increases the penalty applicable to tampering with anhydrous ammonia equipment and illegal possession of anhydrous ammonia from a simple misdemeanor to a serious misdemeanor.

**BAIL RESTRICTIONS.** The Act restricts a person's ability to post a bond upon a conviction, or when appealing most felony convictions, under Code Sections 124.401 and 124.401D, for manufacturing, distributing or possessing with intent to manufacture or distribute a controlled substance. However, a person convicted of a first offense felony violation of Code Section 124.401, subsection 1, paragraph "c," is not subject to any bail restrictions. Current law generally permits a person awaiting sentencing or appealing a conviction to post a bond and remain free pending the final decision in the case.

**GENERAL CRIMINAL PENALTIES.** A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of at least \$50, but not more than \$500. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250, but not more than \$1,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$750, but not more than \$5,000. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500. A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000, but not more than \$10,000. A class "B" felony is punishable by confinement for no more than 25 years. A class "A" felony is punishable by confinement for life without the possibility of parole.

#### **HOUSE FILE 659 - Identity Theft**

**BY COMMITTEE ON JUDICIARY.** This Act creates the new crime of identity theft. A person who obtains identification information of another, such as a name, birth date, driver's license number, or social security number, with the intent to obtain a benefit fraudulently, and who uses or attempts to use that information to obtain credit, property or services with a value exceeding \$1,000, commits a class "D" felony. If the value of the credit, property or services does not exceed \$1,000, but the other elements of the crime are established, the person commits an aggravated misdemeanor.

The Act also establishes a civil remedy for the victims of identity theft against the perpetrator, in addition to any criminal sanctions that may be imposed. A victim of identity theft may sue the perpetrator of an identity theft for \$1,000 or up to three times the amount of actual damages, whichever is greater, and for reasonable attorney fees and court costs.

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500, but not more than \$5,000. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.

#### **HOUSE FILE 661 - Sexual Abuse — Miscellaneous Provisions**

**BY COMMITTEE ON JUDICIARY.** This Act amends Code Chapter 709, regarding sexual abuse. The Act substitutes the word "person" for the phrase "other participant" and similar words.

The Act also amends Code Section 709.4, regarding sexual abuse in the third degree, which is a class "C" felony punishable by up to 10 years in prison and a fine of not less than \$1,000 or more than \$10,000. First, the Act deletes the requirement that in order for the perpetrator to be guilty of sexual assault in the third degree, a controlled substance, including but not limited to flunitrazepam, must have been consumed or administered without the participant's knowledge. Second, the Act provides that a sex act performed while the victim is mentally or physically incapacitated or helpless to resist constitutes criminal sexual abuse. A related definitional Code section regarding incapacitation is added to Code Chapter 709, including definitions for "mentally incapacitated," "physically incapacitated," and "physically helpless."

#### **HOUSE FILE 705 - Accommodation Offenses — Marijuana**

**BY COMMITTEE ON JUDICIARY.** This Act amends Code Section 124.410, pertaining to the delivery of, or possession with the intent to deliver, small quantities of marijuana. The Code section currently provides that a person who delivers or possesses with the intent to deliver an ounce or less of marijuana, whether or not offered for sale, is guilty of a serious or aggravated misdemeanor depending on the number of prior offenses the person has committed.

The Act establishes that a person who delivers or possesses with the intent to deliver one-half ounce or less of marijuana, but does not offer the marijuana for sale, is guilty of a serious misdemeanor for the first and second offenses. A conviction for a first

offense is punishable by confinement for no more than six months in jail and a fine of not more than \$1,000. A conviction for a second offense is punishable by confinement for no more than one year and a fine of at least \$250, but not more than \$1,500. A third or subsequent offense is classified as an aggravated misdemeanor, punishable by confinement for no more than two years and a fine of at least \$500, but not more than \$5,000.

Existing law provides that a person who offers for sale any other amount of marijuana of 50 kilograms or less is guilty of a class "D" felony. As provided in H.F. 501, effective July 1, 1999, a class "D" felony is punishable by confinement for no more than five years and a fine of not less than \$750, but not more than \$7,500.

## ECONOMIC DEVELOPMENT

- SENATE FILE 68 - Mid-America Port Commission — Counties Included
- SENATE FILE 280 - Financial Institutions Investments in Iowa Agricultural Industry Finance Corporations
- SENATE FILE 465 - Accelerated Career Education Program
- HOUSE FILE 337 - Workforce Development Fund Account — Fees Paid by Community Colleges
- HOUSE FILE 676 - Iowa Agricultural Industry Finance Act — Miscellaneous Provisions
- HOUSE FILE 733 - Economic Development Tax Credits — Miscellaneous Provisions
- HOUSE FILE 767 - Certified Capital Companies — VETOED BY THE GOVERNOR

## RELATED LEGISLATION

- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. The Act requires the Department of Economic Development to submit a report to the General Assembly on the phaseout of the machinery, equipment and computer property tax, including estimated economic impact and recommendations for modification of the reimbursement formula.
- SENATE FILE 221 - Public Assistance — Family Investment Program — Individual Development Accounts  
*SEE HUMAN SERVICES.* This Act allows funding available in the Self-Employment Loan Program Account of the Strategic Investment Fund administered by the Department of Economic Development to be used as matching funding for individual development accounts held by low-income Iowans.
- SENATE FILE 230 - Internal Revenue Code References and Income Tax Provisions  
*SEE TAXATION.* This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 1998 applicable for Iowa income tax purposes. Iowa Code Sections 15.335, 15A.9, 422.10, and 422.33 are amended to update the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 1998 changes to the federal research activities credit. The Act takes effect May 6, 1999, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.
- SENATE FILE 283 - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes approximately \$30 million in funding for community development programs administered by the Department of Economic Development.
- HOUSE FILE 144 - Distribution of Certified School to Career Program Trust Moneys  
*SEE EDUCATION.* This Act affects the distribution of moneys held in trust for a participant in the Certified School to Career Program by allowing one-half of the trust moneys to be used to pay the participant's tuition or expenses in an apprenticeship program if that program has been approved under a provision of the federal regulations titled "Labor Standards for the Registration of Apprenticeship Programs."
- HOUSE FILE 210 - Business Opportunity Promotions — Excluded Transactions  
*SEE BUSINESS, BANKING & INSURANCE.* This Act excludes certain business transactions from the definition of "business opportunity" under the Business Opportunity Promotions Law in Code Chapter 523B. The Act takes effect April 29, 1999, and applies retroactively to July 1, 1998.
- HOUSE FILE 218 - Loess Hills Development and Conservation  
*SEE LOCAL GOVERNMENT.* This Act creates a Loess Hills Alliance under the general direction of the Loess Hills Development and Conservation Authority with the mission of creating a common vision for Iowa's Loess Hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region.

- HOUSE FILE 745** - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes a number of appropriations from the General Fund of the State to the Department of Economic Development for the administration of the department and for specific programs.
- HOUSE FILE 772** - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act establishes the Community Attraction and Tourism Development Program and Fund to provide assistance to political subdivisions in the state in the development and creation of multiple-purpose attraction and tourism facilities.
- HOUSE FILE 779** - Linked Investment Programs  
*SEE AGRICULTURE.* This Act amends provisions in Code Chapter 12 that allow the Treasurer of State to invest up to \$68 million or 10 percent of the balance of the State Pooled Money Fund in certificates of deposit in eligible lending institutions. The state receives a lower interest rate as part of an agreement in which the lending institution loans moneys to eligible persons, under programs specified in the chapter, at a reduced rate of interest. The Act increases the amount that the Treasurer of State may invest to \$108 million, but provides that the additional moneys must be used to support a program for traditional livestock producers and a program for value-added agricultural projects. The Act takes effect May 24, 1999.

## ECONOMIC DEVELOPMENT

### **SENATE FILE 68 - Mid-America Port Commission — Counties Included**

BY SHEARER, FRAISE, HEDGE, McLAREN, AND MILLER. The Mid-America Port Commission Agreement and the Mid-America Port Commission Act were passed by the General Assembly during the 1998 Legislative Session. The agreement is entered into and enacted into law with the states of Illinois and Missouri only if those states legally join the agreement in substantially the same form. Generally, the agreement would confer upon a Mid-America Port Commission the power to control the waterways, and related facilities and lands, common to the three states. Currently, the Iowa counties of Lee, Henry and Des Moines are included in the jurisdiction of the agreement. This Act adds Jefferson, Van Buren and Wapello Counties in the jurisdiction of the Mid-America Port Commission Agreement.

### **SENATE FILE 280 - Financial Institutions Investments in Iowa Agricultural Industry Finance Corporations**

BY COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM. This Act amends provisions relating to investments made by financial institutions such as banks. In 1998, the General Assembly enacted S.F. 2415 (1998 Iowa Acts, Ch. 1207), which allowed the formation of agricultural industry finance corporations for the purpose of encouraging local agricultural producer-led ventures to expand production and processing of high-value agricultural products.

Code Section 12C.6A requires that public funds of the state be deposited in a financial institution which demonstrates a commitment to serve the needs of the local community in which it is chartered to do business. This required commitment may be demonstrated by participation in local community and rural development and redevelopment projects, and in state and federal business and economic development programs. This Act provides that the financial institution's participation may include investment in an Iowa agricultural industry finance corporation.

### **SENATE FILE 465 - Accelerated Career Education Program**

BY COMMITTEE ON WAYS AND MEANS. This Act provides that a community college may enter into an agreement with certain employers in the community college's merged area to establish an Accelerated Career Education (ACE) Program. The Act provides that the program shall be developed by an employer, a community college, and any employee of an employer who represents a program job and, if a bargaining agreement is in place, a representative of the employee bargaining unit.

The Act provides that certain types of community college programs are eligible for designation as ACE programs. The Act provides that, after entering into the agreement, the community college and the employer must notify the Department of Revenue and Finance and the Department of Economic Development.

The Act provides that the agreement shall specify the type and amount of funding sources that will be used to pay for the program costs. Possible funding sources include cash or in-kind contributions by the employer, and tuition, fees or special charges fixed by the community college.

The Act provides that as part of the agreement, the employer shall agree to interview graduating participants in the program and provide future hiring preferences. Also as part of an agreement, if an employer has more than four sponsored participants in the program, the employer shall agree to offer a program job position to at least 25 percent of those participants who successfully complete the program. An agreement may allow for an employer to decline to satisfy job guarantee provisions of the Act if the employer experiences an economic downturn. The Act requires an agreement to provide for a wage level of no less than 200 percent of the federal poverty level for a family of two. Participants in the program must agree to interview with the employer. The Act also requires an agreement to provide for employer default procedures.

The Act requires that participants in the programs be included in the customer tracking system implemented by the Department of Workforce Development.

Moneys appropriated by the General Assembly for program capital costs shall be allocated according to rules adopted by the Department of Economic Development. In order to receive such moneys, a program agreement must be in place, the program capital cost requests must be approved by the Iowa Economic Development Board within 60 days of the receipt of the request, and employer contributions toward program capital costs shall be certified and agreed to in the agreement. The General Assembly, in H.F. 772 (see Appropriations), appropriates \$7,500,000 for FY 1999-2000 from the Rebuild Iowa Infrastructure Fund to the Department of Economic Development for purposes of the program.

The Act takes effect May 24, 1999.

### **THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. Provisions related to the use and allocation of tax credits from withholding as a funding source to pay for program costs.

2. A provision requiring the Department of Economic Development to administer the statewide allocations of program job credits, and collect data and submit a report related to the programs.
3. Provisions reducing the maximum amount of job training withholding to be transferred from all participating employers to the Workforce Development Fund Account each year.

**HOUSE FILE 337 - Workforce Development Fund Account — Fees Paid by Community Colleges**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act provides that fees received by the Department of Economic Development from community colleges, which are generated through the sale of certificates to fund new jobs training programs under Code Chapter 260E, are to be deposited and accumulate in the department's Job Training Fund and then transferred at the end of the fiscal year to the Workforce Development Fund Account. The Act provides that moneys in the Workforce Development Fund Account can be used to cover costs of the administration of workforce development programs and to support efforts by the community colleges to provide workforce services to Iowa employers.

**HOUSE FILE 676 - Iowa Agricultural Industry Finance Act — Miscellaneous Provisions**

BY COMMITTEE ON ECONOMIC DEVELOPMENT. This Act amends provisions in the Iowa Agricultural Industry Finance Act as enacted by the General Assembly in 1998. As provided in the Iowa Agricultural Industry Finance Act, an entity incorporated under Code Chapter 490 is an Iowa agricultural industry finance corporation if it complies with certain requirements. It provides that the Department of Economic Development may award an Iowa agricultural industry finance loan to an Iowa agricultural industry finance corporation that is repayable in 25 years.

Currently, a corporation is an Iowa agricultural industry finance corporation if at least 51 percent of the corporation's common stock and voting stock is held by agricultural producers. The Act provides that the status of an agricultural producer is determined at the time of the transfer of stock from the corporation to the shareholder in a manner and as provided in the corporation's articles of incorporation or bylaws.

Currently, an Iowa agricultural industry finance corporation must execute an agreement with an eligible recipient as a condition of providing financing. The eligible recipient must agree to become a shareholder in the corporation. If the eligible recipient is an agricultural producer, the agreement cannot be executed unless the agricultural producer holds voting common stock in the corporation equal to at least 5 percent of the financing provided to the agricultural producer pursuant to the agreement. The Act provides that the agreement must provide that the agricultural producer become a shareholder of voting common stock in the corporation. The Act does not otherwise change the 5 percent requirement.

**HOUSE FILE 733 - Economic Development Tax Credits — Miscellaneous Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Section 15.333, regarding the New Investment Tax Credit under the New Jobs and Income Program. A new investment, under the Act, includes the purchase price of real property and any buildings and structures located on the real property. The Act provides that if within five years of purchase the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings or other structures for which an investment tax credit was claimed, the income tax liability of the eligible business shall be increased by a varying percentage of the investment tax credit claimed.

The Act adds an insurance premium tax credit to the list of incentives and assistance available under the Enterprise Zone Program.

The Act requests that the Legislative Council establish an enterprise zone interim study committee to consider various issues relating to the Enterprise Zone Program.

**HOUSE FILE 767 - Certified Capital Companies — VETOED BY THE GOVERNOR**

BY COMMITTEE ON WAYS AND MEANS. This bill would have provided for the creation of certified capital companies to make qualified investments in qualified businesses.

The bill would have directed the Department of Economic Development to certify a person as a certified capital company if the person met all of the conditions listed within the bill. The department would have been able to certify an Iowa agricultural industry finance corporation as a certified capital company provided that certain other criteria were met.

The bill defined a "certified capital investment" as an investment in a certified capital company that is certified by the department and fully funds either the investor's equity interest in the certified capital company, a qualified debt instrument that a certified capital company issues, or both. The bill prohibited the department from certifying more than \$60 million in certified capital investments. The bill also would have prohibited the department from certifying any more than 25 percent of the total certified capital investments allowed for investments in an agricultural industry finance corporation that is a certified capital company.

The bill would have prohibited a certified investor from investing any more than \$10 million in certified capital investments prior to August 11, 2000.

The bill would have provided for the voluntary and involuntary decertification of a certified capital company and for the disqualification of a noncomplying investment pool. The bill would have required the department to file a report with the General Assembly every two years regarding certified capital companies and the department's assessment of the impact of certified capital companies.

The bill would have allowed a certified investor to earn a vested insurance premium tax credit equal to the total amount of the certified capital investment. The bill would have prohibited a claim for a tax credit that exceeded 10 percent of the total amount of the certified capital investment in any taxable year. Any excess credit could have been carried over to future years until depleted.

The bill would have provided for a recapture tax in the case of certain decertifications of a certified capital company or certain disqualifications of an investment pool. The bill would have allowed for the sale of a certified capital company tax credit.

## EDUCATION

- SENATE FILE 55 - Legalization of Sale of Property by Black Hawk and Buchanan Joint County System
- SENATE FILE 173 - Vocational Rehabilitation Services Eligibility
- SENATE FILE 457 - Iowa Educational Savings Plan Trust — Miscellaneous Provisions
- SENATE FILE 459 - School Finance — State Aid — Gifted and Talented Children Program Plans
- HOUSE FILE 144 - Distribution of Certified School to Career Program Trust Moneys
- HOUSE FILE 146 - School Finance — Allowable Growth
- HOUSE FILE 147 - Funding for School Districts With Decreasing or Increasing Enrollments
- HOUSE FILE 532 - Education Practitioner Preparation Programs
- HOUSE FILE 675 - School Breakfast Programming
- HOUSE FILE 743 - Education Block Grants — Early Intervention and School Improvement Technology
- HOUSE FILE 766 - National Board for Professional Teaching Standards Certification — Awards Pilot Project

## RELATED LEGISLATION

- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. The Act exempts from both the local option sales and services tax and the local option tax for school infrastructure purposes, effective May 20, 1999, sales of self-propelled building equipment, pile drivers, motorized scaffolding, and attachments customarily drawn by such items which are directly and primarily used by contractors, subcontractors and builders for construction work on real property. The Act also exempts from both the local option sales and services tax and the local option tax for school infrastructure purposes, effective April 1, 2000, the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where these items are subject to a franchise fee or user fee during the period such fee is imposed.
- SENATE FILE 203 - Transportation — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act makes changes in Code Chapter 321, relating to transportation of children to and from school in vehicles operated by a regional transit system. The Act also makes several changes relating to driver's education instructors and requests the Legislative Council to establish an interim study committee on driver's education curriculum.
- SENATE FILE 275 - Children's Centers — Certification or Licensing Standards  
*SEE CHILDREN & YOUTH.* This Act requires the Department of Human Services to adopt licensing or certification standards for a new facility category called "children's centers." Children's centers are privately funded facilities providing various types of services, including educational enrichment, to children who are not under the custody or authority of the Department of Human Services, juvenile court, or other governmental agency.
- SENATE FILE 393 - Joint County, City, Fire District, and School District Buildings — Agreements — Bond Issuance  
*SEE LOCAL GOVERNMENT.* This Act creates within Code Chapter 28E two new sections which allow for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, fire district, or school district and for joint issuance of bonds by two or more school districts or two or more fire districts for separate projects within the districts.
- SENATE FILE 439 - Iowa Community Empowerment — Miscellaneous Provisions  
*SEE CHILDREN & YOUTH.* This Act relates to the Iowa Community Empowerment Act, the Iowa Empowerment Board, and related provisions.
- SENATE FILE 464 - Appropriations — Education  
*SEE APPROPRIATIONS.* This Act appropriates moneys from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. This year's Act appropriates a total slightly more than \$918 million and provides 17,348.98 full-time equivalent positions (FTEs), which is approximately \$22.1 million over, and 8.44 FTEs under, the Governor's recommendations. This year's

education appropriations Act exceeds the appropriations made in last year's Act (1998 Iowa Acts, Chapter 1215) by approximately 2.39 percent. The Act contains various effective dates.

- SENATE FILE 465** - Accelerated Career Education Program  
*SEE ECONOMIC DEVELOPMENT.* This Act provides that a community college may enter into an agreement with certain employers to establish an Accelerated Career Education Program. The Act takes effect May 24, 1999.
- SENATE FILE 469** - Sales and Use Taxes — Miscellaneous Provisions  
*SEE TAXATION.* This Act amends the local option sales and services tax for school infrastructure purposes as it relates to the effective date of enactment and repeal, collection of the tax where physical presence of the retailer does not exist, refund of tax for construction contractors, and agreement between the school district where the tax is imposed and a county or another school district to split the revenues to be received by the school district. There are different effective dates for these changes.
- HOUSE FILE 242** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act makes changes relating to the investment of moneys and transfer of ownership rights in provisions pertaining to the Iowa Educational Savings Plan. The Act strikes an obsolete requirement relating to providing information regarding on-site review of waste management in product bidding and contract procedures for institutions under the Commission for the Blind and the State Board of Regents. It also eliminates an obsolete reference to a joint agreement regarding accreditation of community colleges between the Department of Education and the community colleges.
- HOUSE FILE 412** - Leopold Center Advisory Board Membership  
*SEE AGRICULTURE.* This Act increases the membership of the board responsible for advising the Director of the Leopold Center for Sustainable Agriculture at Iowa State University of Science and Technology.
- HOUSE FILE 689** - Iowa Freedom Trail Study  
*SEE STATE GOVERNMENT.* This Act directs the Department of Cultural Affairs to prepare a proposal, with cost estimates, to explore the establishment of an Iowa Freedom Trail Program designed to preserve and commemorate the Underground Railroad and educate the public on issues related to the Underground Railroad and the antislavery campaign in Iowa.
- HOUSE FILE 745** - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes an appropriation from the General Fund of the State to the state University of Iowa, the University of Northern Iowa, and Iowa State University.
- HOUSE FILE 746** - Appropriations — Agriculture and Natural Resources  
*SEE APPROPRIATIONS.* This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship, the Department of Natural Resources, and Iowa State University.
- HOUSE FILE 761** - Child Care — Miscellaneous Provisions  
*SEE CHILDREN & YOUTH.* This Act makes numerous changes to child care Code provisions and, effective May 27, 1999, directs the departments of Education, Human Services and Public Health to jointly establish a leadership council to develop a proposal for implementation of a statewide child care provider training and development system. The council is directed to submit an initial proposal to the three departments in December 1999.
- HOUSE FILE 772** - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act requests the Legislative Council to establish an interim study committee to study the financing mechanisms for K-12 school buildings.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
*SEE APPROPRIATIONS.* Division VI of this Act provides for the suspension or revocation of a child's driver's license or operating privilege if the child commits an assault upon an employee of the school with intent to inflict serious injury, carries a dangerous weapon on school grounds, or carries or transports a firearm on school grounds.

## EDUCATION

### **SENATE FILE 55 - Legalization of Sale of Property by Black Hawk and Buchanan Joint County System**

BY REHBERG. This Act legalizes all acts and proceedings taken in 1974 by the board of directors of the joint county system of Black Hawk and Buchanan Counties in connection with a transfer of property to the Independence Community School District. A legalizing Act was enacted in 1974 to put to rest doubts about the authority of the joint county system to transfer property to the community school district. However, the legal description of the property in the legislation was incorrect. This Act corrects the legal description of the property transferred and legalizes the quitclaim deed transferring the property that was recorded.

The Act takes effect April 15, 1999.

### **SENATE FILE 173 - Vocational Rehabilitation Services Eligibility**

BY COMMITTEE ON EDUCATION. This Act changes the term "individuals with severe disabilities," which occurs in the Vocational Rehabilitation Chapter of the Iowa Code, in response to a similar change in the phrasing of the federal Rehabilitation Act Amendments of 1998. The Act strikes the word "severe" and replaces it with the word "significant."

### **SENATE FILE 457 - Iowa Educational Savings Plan Trust — Miscellaneous Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act amends certain Code provisions relating to the Iowa Educational Savings Plan Trust.

The Act removes a previous limitation of \$200,000 on the amount of funds that can be transferred from the Unclaimed Property Trust Fund, established for the payment of trust administration and operation costs, and increases the limitation to \$400,000 for FY 1998-1999 and FY 1999-2000. For FY 2000-2001, and succeeding fiscal years, trust administration and operation costs will be appropriated annually from the General Fund of the State by the General Assembly.

The Act also changes the minimum trust contribution rate from the previous level of \$300 per beneficiary to \$50 per beneficiary. The Act provides that a beneficiary may be designated in a participation agreement up to age 18, which represents a one-year increase from the previously specified age of 17, and provides that a substitute beneficiary may be designated who is older than age 18, provided that the substitute beneficiary is not older than the original beneficiary when the substitution takes place.

The Act further provides that a participant's account balance will be refunded to the participant, other than endowment fund earnings and a penalty, if a balance remains in the account 30 days following the beneficiary's 30<sup>th</sup> birthday, which replaces provisions that specified a date by which payments under participation agreements were required to commence.

The Act additionally deletes refund provisions relating to cancellation of a participation agreement prior to two years from the agreement's original execution date, and different refund provisions relating to cancellation after two years from the original execution date, and replaces them with refund cancellation provisions that apply regardless of when cancellation occurs. The refund provisions under the Act are applicable regardless of when cancellation occurs and provide for the return of a participant's account balance, but not endowment fund investment income, less a refund penalty to be levied by the trust against any account earnings. A corresponding change regarding the term "account balance" is made concerning refunds for reasons specified in the Code relating to death, disability, incapacity, and the awarding of a scholarship, and termination of the program prior to payment of higher education costs.

The Act takes effect May 14, 1999, and applies retroactively to July 1, 1998.

### **SENATE FILE 459 - School Finance — State Aid — Gifted and Talented Children Program Plans**

BY COMMITTEE ON EDUCATION. This Act increases the regular program foundation base per pupil, for the portion of weighted enrollment that is additional enrollment because of special education, to 87.5 percent of the regular program state cost per pupil for the school budget year beginning July 1, 1999, and succeeding budget years. The Act also establishes that the regular program allowable growth will be increased by \$38 for the school budget year beginning July 1, 1999, with the proportion of a school district's budget which corresponds to the increase utilized exclusively for a school district's talented and gifted program.

The Act takes effect May 24, 1999, for the computation of state school aid for budget years beginning on or after July 1, 1999.

#### **THE GOVERNOR ITEM VETOED THE FOLLOWING:**

1. A provision that would have increased the regular program foundation base per pupil from 87.5 percent to 88 percent of the regular program state cost per pupil, including the portion of weighted enrollment that is additional enrollment because of special education, for the school budget year beginning July 1, 1999, and succeeding budget years.

2. A provision that would have increased the special education support services foundation base from 79 percent to 88 percent of the special education support services state cost per pupil for the school budget year beginning July 1, 1999, and succeeding budget years.
3. Provisions that would have restricted the availability of the regular program allowable growth increase of \$38 for the school budget year beginning July 1, 1999, such that only school districts which had requested and received approval to fund a gifted and talented program pursuant to the provisions of Code Section 257.46 for the school budget year beginning July 1, 1999, would have received the increase. School districts which did not request and receive approval to fund a gifted and talented program pursuant to the provisions of Code Section 257.46 for the school budget year beginning July 1, 1999, would have been eligible to submit a resolution requesting such funding for the school budget year beginning July 1, 2000, together with a proposed gifted and talented program plan and budget, to the Department of Education by October 1, 1999. A school district submitting a resolution, program plan, and budget would have been eligible to apply to the School Budget Review Committee for modified allowable growth.
4. A provision that, commencing with the school budget year beginning July 1, 2000, would have entitled a school district with additional enrollment, because of special education which had increased for the school budget year over the level previously determined for the base year, to on-time funding from the state. The amount of on-time funding would have equaled the school district's district cost per pupil for the budget year multiplied by the increase in additional enrollment because of special education. The Act had provided an appropriation of up to a maximum of \$13 million annually, beginning in FY 2000-2001, from the General Fund of the State to the Department of Education to pay on-time funding in the same manner as other state aid is paid under Code Section 257.16. The Act additionally provided for proration if the amount of on-time funding requested exceeded the amount appropriated.
5. A provision repealing 1989 Iowa Acts, Chapter 135, Section 135, which provides for the repeal of Code Chapter 257 effective July 1, 2001, and a provision establishing legislative review of Code Chapter 257 every five years.

#### **HOUSE FILE 144 - Distribution of Certified School to Career Program Trust Moneys**

BY HEATON. This Act affects the distribution of moneys held in trust for a participant in the Certified School to Career Program. A participant in a certified program is defined as an individual between the ages of 16 and 24 who is enrolled in a public or private secondary or postsecondary school and who initiated participation in a certified school to career program as part of their secondary school education. The participant's employer, as part of a certified program agreement between the participant and employer, agrees to pay the participant a base wage and an additional sum to be held in trust and applied toward the participant's postsecondary education, which is required for completion of the certified program.

If the participant does not complete the certified program prior to entering a postsecondary education program, one-half of the moneys being held in trust for the participant's postsecondary education must be paid to an Iowa postsecondary educational institution of the participant's choice to pay tuition or expenses of the participant. This Act expands the participant's options for payment of this half of the trust moneys by allowing the moneys to be used to pay the participant's tuition or expenses in an apprenticeship program of the participant's choice if that program has been approved under a provision of the federal regulations titled "Labor Standards for the Registration of Apprenticeship Programs."

#### **HOUSE FILE 146 - School Finance — Allowable Growth**

BY COMMITTEE ON EDUCATION. This Act sets the state percent of growth under the State School Foundation Program at 4 percent for the budget year beginning July 1, 2000. The Code provides that the state percent of growth for each subsequent budget year shall be established by statute, which shall be enacted within 30 days of submission in the year preceding the base year of the Governor's budget under Code Section 8.21.

The Act is applicable for computing state aid under the State School Foundation Program for the school budget year beginning July 1, 2000.

#### **HOUSE FILE 147 - Funding for School Districts With Decreasing or Increasing Enrollments**

BY COMMITTEE ON EDUCATION. This Act provides additional funding for certain school districts experiencing either decreasing or increasing enrollments.

The Act extends the budget guarantee provision, currently applicable to school districts pursuant to Code Section 257.14, to apply for the budget year commencing July 1, 1999. The Act additionally provides that if a school district's regular program district cost is less than its regular program district cost with the budget guarantee provision for the year preceding the budget year, the Department of Management shall provide additional state aid to reach the 100 percent level.

The Act also provides that for the school budget year beginning July 1, 1999, school districts experiencing increasing enrollment may submit a request to the School Budget Review Committee for on-time funding for new students. If approved, the funding would be in an amount of up to the product of the state cost per pupil for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. The Act makes an appropria-

tion from the General Fund of the State to the Department of Education of up to \$4 million for FY 1999-2000 for on-time funding, and provides for proration in the event that this amount is insufficient to fully fund all of the requests for on-time funding received by the School Budget Review Committee.

#### **HOUSE FILE 532 - Education Practitioner Preparation Programs**

**BY COMMITTEE ON EDUCATION.** This Act adds to the responsibilities of the State Board of Education relating to practitioner preparation programs and requires the Board of Educational Examiners to develop and implement a one-year pilot study to assess the performance of teacher education graduates.

The Act directs the State Board of Education to adopt rules requiring all higher education institutions providing practitioner preparation to administer a basic skills test to practitioner preparation program admission candidates and deny a candidate admission to the program if the candidate does not successfully pass the basic skills test.

The state board is also directed to adopt rules requiring those institutions providing practitioner preparation to include preparation in reading programs, such as Reading Recovery; integrate reading strategies into content area methods coursework; and incorporate program preparation in classroom management addressing high-risk behaviors, including behaviors related to substance abuse.

Current law requires that practitioner preparation students participate in 50 hours of field experiences observing and participating in teaching activities in school settings. At least 40 of the hours are to take place after the student's admission to the program. The Act changes the focus by striking the 40-hour requirement and replacing it with a requirement that 10 of the 50 hours occur prior to acceptance in the program.

Finally, the Act directs the Board of Educational Examiners to develop and implement a one-year pilot study to assess the performance of teacher education graduates in the areas of content and pedagogy using a standardized, national assessment. The purpose of the study is to measure an education graduate's knowledge in the graduate's chosen major field and the graduate's attainment of pedagogy, to establish baseline data, and to determine whether all students should be assessed prior to initial licensure. The board is directed to submit a report to the Senate and House Education Committees by January 15, 2001. To fund the study, S.F. 464 (see Appropriations) directs the Department of Education to reallocate \$200,000 to the board from remaining Extended School Year Grant Program funds.

#### **HOUSE FILE 675 - School Breakfast Programming**

**BY COMMITTEE ON EDUCATION.** This Act permits a school district to develop and, with the approval of the Department of Education, implement a plan that provides safe and reasonable student access to a school breakfast program at an alternative attendance center. Code Section 283A.2 was amended in 1994 Iowa Acts, Chapter 1193, with a delayed effective date of July 1, 2000. The Code provision, which is amended by this Act, would have required a school district to operate or provide for the operation of a school breakfast program at all of the attendance centers within the school district.

This Act requires each district plan to provide safe travel routes to and from the alternative breakfast site; minimize student travel time; provide for a reasonable relationship between the time by which a student must arrive at the site, the time breakfast is offered, and the daily school start time; and provide an alternative breakfast site facility adequate for the number of students participating in the breakfast program. The district is also required to notify the parents and guardians of students of the district's intention to develop and implement a plan.

Under current law, a school district that cannot meet the school breakfast program requirements by July 1, 1999, may apply to the Department of Education for a waiver by June 1, 1999. However, this provision is struck from the Code effective July 1, 2000. After that date, each school district will be required to provide a school breakfast program at each public school or, as provided under this Act, provide access to a school breakfast program at an alternative attendance center.

#### **HOUSE FILE 743 - Education Block Grants — Early Intervention and School Improvement Technology**

**BY COMMITTEE ON APPROPRIATIONS.** This Act establishes an Iowa Early Intervention Block Grant Program within the Department of Education and appropriates for the program, from the General Fund of the State, \$10 million for FY 1999-2000, \$20 million for FY 2000-2001, and \$30 million for FY 2001-2002. The Act also provides for a School Improvement Technology Block Grant Program by appropriating \$30 million annually for FY 2002-2003 and FY 2003-2004, effectively extending the current School Improvement Technology Program for two years. However, the new School Improvement Technology Block Grant Program authorizes school districts to use up to two-thirds of the moneys received under the new technology program for purposes permitted under the Iowa Early Intervention Block Grant Program. The programs include the following provisions:

##### ***THE IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM:***

**Goals.** The program's goals for kindergarten through grade three are to provide the resources needed to reduce class sizes in basic skills instruction to the state goal of 17 students to one teacher; provide direction and resources for early intervention

efforts by school districts to achieve a higher level of student success in the basic skills, especially reading skills; and increase communication and accountability regarding student performance.

*Duties of the Department of Education.* The department is directed to identify diagnostic assessment tools that can be used to assess and improve reading skills and student achievement in grades K-3, and to provide a list of those tools to teachers. In addition, the department, in collaboration with the area education agencies (AEAs), school districts, and institutions with approved practitioner preparation programs, is required to identify and serve as a clearinghouse on intensive, research-based strategies and programs for training teachers in both diagnosis and appropriate instruction interventions.

*School District Requirements.* A school district must develop a class size management strategy to work toward, or to maintain, class sizes in basic instruction for K-3 at the state goal of 17:1; integrate its specific early intervention program goals and activities into its comprehensive school improvement plan; report annually to its school community, the proportion of fourth grade students who are proficient in reading; and biannually inform parents of their child's performance on the diagnostic assessments and of any actions the school district intends to take to improve the child's reading skills. The district must also provide the parents with strategies to enable the parents to improve their child's skills.

*Allowable Expenditures.* A school district can expend program funds only to support efforts at the K-3 level to reduce class sizes to the state goal and to achieve a higher level of student success in basic skills instruction, especially reading. Moneys may be expended on programs, instructional support and materials, including but not limited to the following: additional licensed instructional staff; additional support for students such as before and after school programs, tutoring, and intensive summer programs; the acquisition and administration of diagnostic reading assessments; the implementation of research-based instructional intervention programs for students needing additional support; the implementation of all-day, everyday kindergarten programs; and the provision of professional development in best practices to classroom teachers.

*Program Allocation.* For the first two years of the program, moneys are allocated to school districts according to a formula in which 50 percent of the allocation is based upon K-3 per pupil enrollment and 50 percent is based upon the proportion of children in grades one through three who are eligible for free or reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966. In the third year, \$20 million is allocated to school districts on a per pupil basis, and \$10 million is allocated based on the proportion of children in grades one through three who are eligible for free or reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966.

#### **THE SCHOOL IMPROVEMENT TECHNOLOGY BLOCK GRANT PROGRAM:**

*Planning Requirements.* School districts are required to include a technology plan, developed by licensed professional staff of the district, as a component of the annual comprehensive school improvement plan submitted to the Department of Education. Prior to receiving school improvement technology funds, the Iowa Braille and Sight Saving School, the Iowa School for the Deaf, the Price Laboratory School, and the institutions under the control of the Department of Human Services must each submit to the Department of Education and, as appropriate, the State Board of Regents or the Department of Human Services, a technology plan that supports and improves student achievement, demonstrates how technology will be utilized to improve student achievement, and includes an evaluation component. An annual progress report must also be submitted.

*Allowable Block Grant Expenditures.* A school district must expend at least one-third of its school improvement technology moneys for the acquisition, lease, lease-purchase, installation, and maintenance of instructional technology equipment, including hardware and software, materials and supplies related to instructional technology, and staff development and training related to instructional technology, and shall establish priorities for the use of the funds. Funds received cannot be expended to increase staffing for school improvement technology.

*Program Allocation.* From the \$30 million appropriated annually, AEAs are allocated \$150,000, to be divided among the AEAs based upon each AEA's percentage of the total full-time equivalent elementary and secondary teachers employed in the school districts in this state. Moneys are distributed to school districts on a per pupil basis. The term "school district" is defined to include the Iowa Braille and Sight Saving School, the Iowa School for the Deaf, the Price Laboratory School at the University of Northern Iowa, and the following institutions under the control of the Department of Human Services: the State Training School, Iowa Juvenile Home, Glenwood State Hospital-School, Woodward State Hospital-School, and the mental health institutes in Cherokee and Independence. However, the amount of moneys allocated to the Glenwood State Hospital-School, Woodward State Hospital-School, and the mental health institutes at Cherokee and Independence are limited to a combined total of not more than \$20,000 for each fiscal year, to be distributed proportionately between the four institutions.

**FUTURE REPEAL OF CHAPTER.** The Code chapter establishing the two new programs, Chapter 256E, is repealed effective July 1, 2003.

**HOUSE FILE 766 - National Board for Professional Teaching Standards Certification — Awards Pilot Project**

BY COMMITTEE ON APPROPRIATIONS. This Act strikes from the Code the original National Board Certification Award provisions, and replaces those provisions with language establishing a National Board Certification Pilot Project to be administered by the Department of Education. Under the pilot project, a teacher who registers for or achieves National Board for Professional Teaching Standards Certification, is employed by a school district in Iowa, and receives a salary as a classroom teacher is eligible for one or all of the following:

- One-time initial and final reimbursement awards for the registration fee charged by the national board, if the teacher registers by June 30, 2002.
- Annual awards, the amount of which varies dependent upon the date by which a teacher registers for and achieves certification, and applies to the department with the necessary documentation of certification.

For teachers who achieve certification by May 1, 2000, including those who received awards during FY 1998-1999, the annual award amount is \$5,000 for up to 10 years. However, the department is prohibited from awarding more than \$50,000 in annual awards to any one individual during the individual's term of eligibility. All teachers who achieve certification by May 1, 2000, will have achieved certification upon their first attempt, effectively nullifying a provision in the Act that lowers the annual award amount for those teachers who do not achieve certification upon their first attempt.

Teachers who register for certification between January 1, 1999, and January 1, 2002, and achieve certification within three years from the date of initial score notification, are eligible to receive an annual award amount of \$2,500 for up to 10 years.

Reimbursement payments and annual awards will be prorated by the department if funds appropriated by the General Assembly are insufficient to pay the full award amounts. The Act also requires the department to prorate annual award amounts once the number of award recipients exceeds 1,100 individuals.

A teacher receiving an annual award may provide additional services to the school district of employment.

Senate File 464 (see Appropriations) appropriates \$1 million to the department for the pilot project, and permits the department to retain any moneys remaining at the end of the fiscal year for pilot project use in the subsequent fiscal year.

The Act also requires the department to conduct a study of the effects of the pilot project on teaching quality, professional development, the provision of additional services to school districts by teachers receiving annual awards, and teacher induction and retention in Iowa. The department must submit its findings and recommendations to the chairpersons and ranking members of the standing education committees and the Joint Subcommittee on Education Appropriations by December 1, 2002.

The department is authorized to adopt emergency rules to implement the Act.

**ELECTIONS, ETHICS AND CAMPAIGN FINANCE**

- SENATE FILE 470** - Campaign Finance  
**HOUSE FILE 679** - Elections — Sac and Fox Settlement Precinct

**RELATED LEGISLATION**

- SENATE FILE 41** - County Agricultural Extension Councils — Duties and Meetings  
*SEE LOCAL GOVERNMENT.* This Act strikes a requirement that each county agricultural extension council publish the date, time and place of election of its members. The same information, along with a sample ballot, is published by the county commissioner of elections before an election.
- H.J.R. 15** - Nullification of Administrative Rule — Preparation of Descriptions of Ballot Issues  
*SEE STATE GOVERNMENT.* This Joint Resolution nullifies an administrative rule of the Secretary of State's Office applicable to preparation of a summary describing a constitutional amendment or statewide public measure. The rule nullified requires that the words describing a proposed constitutional amendment or statewide public measure be prepared not less than 150 days before the election. The Joint Resolution takes effect April 26, 1999.

## ELECTIONS, ETHICS AND CAMPAIGN FINANCE

### SENATE FILE 470 - Campaign Finance

BY IVERSON. This Act replaces certain references in Code Chapter 56, the Campaign Disclosure — Income Tax Checkoff Act, with terminology related to “express advocacy,” to conform the provisions of the chapter to language contained in the U.S. Supreme Court’s decision in *Buckley v. Valeo* (1976). Definitions are added in relation to this change in terminology, including definitions for “express advocacy” and for “clearly identified.” The Act contains a severability clause.

The Act also creates a bipartisan campaign finance commission to review the campaign finance laws and submit proposed revisions to the next session of the current General Assembly, beginning in January 2000.

The Act takes effect May 18, 1999.

### HOUSE FILE 679 - Elections — Sac and Fox Settlement Precinct

BY COMMITTEE ON STATE GOVERNMENT. This Act requires the county commissioner of elections to redraw the boundaries of the Indian settlement precinct in Tama County to include land (contiguous to the settlement land) added to the settlement land held in trust by the Secretary of the Interior of the United States on behalf of the Sac and Fox Tribe of the Mississippi in Iowa.

## ENERGY AND PUBLIC UTILITIES

- SENATE FILE 224 - Utilities — Cost of Board Proceedings — Competitive Utility Services
- HOUSE FILE 588 - Telecommunications — Service Changes
- HOUSE FILE 700 - Unpaid Charges for City Water, Sewage, and Solid Waste Services

### RELATED LEGISLATION

- SENATE FILE 114 - All-Terrain Vehicles and Snowmobiles — Railroad Rights-of-Way — Utility Employees  
**SEE TRANSPORTATION.** This Act amends Code Section 321G.13, relating to the operation of all-terrain vehicles and snowmobiles, to provide that an employee of a utility who is authorized to enter upon a railroad right-of-way in the lawful performance of the employee's duties is excepted from the prohibition on operating all-terrain vehicles and snowmobiles on railroad rights-of-way. Currently, only law enforcement officers and railroad employees are excepted from the prohibition.
- SENATE FILE 136 - Tax Administration and Related Matters  
**SEE TAXATION.** This Act amends various provisions of state and local tax law. The Act provides that the sales tax exemption for providing transportation service does not apply to the transportation of electric energy, effective May 20, 1999, and does not apply to the transportation of natural gas, effective April 1, 2000. The Act exempts from both of the local option sales and services taxes, effective April 1, 2000, the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where these items are subject to a franchise fee or user fee during the period such fee is imposed. The Act provides that when a local option sales and services tax is imposed, effective April 1, 2000, a local excise tax shall also be imposed on the purchase price of natural gas, natural gas service, electricity, and electric service subject to the state use tax; and this excise tax shall be imposed on the same basis as the state use tax. The Act exempts from both of the local option sales and services taxes, effective April 1, 2000, the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where these items are subject to a franchise fee or user fee during the period such fee is imposed. Provisions that do not specify an effective or applicability date take effect May 20, 1999.
- SENATE FILE 160 - Pipelines — Construction — Land Restoration  
**SEE ENVIRONMENTAL PROTECTION.** This Act provides procedures relating to the restoration of land during and after construction on pipelines, interstate natural gas pipelines, and hazardous liquid pipelines. The Act takes effect June 1, 1999.
- SENATE FILE 190 - City Cable Communication Utilities — Requirements  
**SEE LOCAL GOVERNMENT.** This Act provides that a city which operates a cable communications system shall manage the right-of-way on a competitively neutral and nondiscriminatory basis.
- SENATE FILE 283 - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes approximately \$20 million in funding for the Low-Income Home Energy Assistance Program.
- SENATE FILE 392 - Telecommunications — City Utilities  
**SEE LOCAL GOVERNMENT.** This Act provides that a city utility includes telecommunications systems or services offered separately or combined with certain other city systems or services. The Act establishes certain restrictions and requirements on a municipal utility providing local exchange services. The Act takes effect April 26, 1999, and applies retroactively to July 1, 1993. City elections held after June 30, 1993, for the purpose of voting on the question of offering communications or telecommunications systems or services, are deemed to be valid for the purpose of offering such systems or services.
- HOUSE FILE 115 - City and City Utility Public Improvement Contracts — Early Completion Incentives  
**SEE LOCAL GOVERNMENT.** This Act authorizes a county, city, or governing board of a city utility to offer enhancement payments for early completion of a public improvement if the availability of enhancements is known to all potential bidders, the enhancements are competitively neutral,

the enhancements are considered separately at the public hearing on the award of contract, and the enhancements do not exceed 10 percent of the value of the contract.

**HOUSE FILE 332****- Appropriations — Energy Conservation Programs Funding**

**SEE APPROPRIATIONS.** This Act appropriates moneys for FY 1999-2000 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons, and to the Department of Natural Resources for the State Energy Program and for administration of petroleum overcharge programs.

## ENERGY AND PUBLIC UTILITIES

### **SENATE FILE 224 - Utilities — Cost of Board Proceedings — Competitive Utility Services**

BY COMMITTEE ON COMMERCE. This Act amends provisions related to proceedings before the Utilities Board, the provision of competitive utility services, and the allocation of costs, incurred by the Utilities Board and the Office of Consumer Advocate, to participants in certain proceedings before the Utilities Board.

New Code Sections 476.86 and 476.87 are created and provide for the certification of competitive natural gas providers and aggregators. A "competitive natural gas provider" is defined as a person who takes title to natural gas and sells for consumption to retail end users. A competitive natural gas provider does not include a rate-regulated gas utility or a municipal utility that provides natural gas service only within its incorporated area or within the municipal natural gas competitive service area.

The Act also provides for the allocation and assessment of costs incurred by the Office of Consumer Advocate directly attributable to the performance of the advocate's duties involving persons subject to direct assessment by the Utilities Division of the Department of Commerce.

The Act takes effect April 14, 1999.

### **HOUSE FILE 588 - Telecommunications — Service Changes**

BY COMMITTEE ON COMMERCE AND REGULATION. This Act creates new Code Section 476.103 and new Code Chapter 714D, relating to unauthorized provision of or changes in telecommunications services, and to fraudulent acts associated with the lease, sale or advertisement of telecommunications service, or with the solicitation of authority to provide or execute a change of telecommunications service or provider.

The Act authorizes the Utilities Board to adopt rules to protect consumers from unauthorized changes in telecommunications services. The board's rules must provide that a submitting service provider obtain verification of customer authorization of a change in service before submitting such change in service; the verification may be appropriate under the circumstances for all other changes in service; the verification must be in written, oral or electronic form, and the verification must be performed by a qualified third party; the verification must be retained for a reasonable time period as determined by the board; and a customer must be notified of any change in service. The rules must also address the potential liability, including assessment of damages, for an unauthorized change in service among the customer, previous service provider, executing service provider, and submitting service provider; the encouragement of service providers to resolve customer complaints without involvement of the board; the prompt reversal of unauthorized changes in service; and procedures for a customer, service provider, or the Consumer Advocate to submit to the board complaints of unauthorized changes in service.

The board, in addition to its authority to impose civil penalties under Code Section 476.51, may impose a civil penalty against a service provider who violates a provision of new Code Section 476.103, a rule adopted pursuant to the section, or an order lawfully issued by the board pursuant to the section. The amount of the civil penalty must not be more than \$10,000 per violation.

New Code Chapter 714D establishes prohibitions on the act, use or employment by a person of deception or unfair practices associated with the lease, sale or advertisement of telecommunications service, or in connection with the solicitation of authority to provide or execute a change of telecommunications service; the use of a sweepstakes box to solicit authority to provide or execute a change of a person's telecommunications service; the use of forms or documents which are to be used or intended to be used by another person to enter a sweepstakes, contest or drawing of any description, as written authority to provide or execute a change of a person's telecommunications service; and the soliciting or providing of a telecommunications service to another person through or in conjunction with a sweepstakes, contest or drawing without clearly, conspicuously and fully disclosing in all direct mail solicitations to the other person the fact that the sweepstakes, contest or drawing is intended to solicit authority to provide or execute a change of telecommunications service.

The Act also provides a consumer cause of action and for civil enforcement of the chapter by the Attorney General. The Act provides that the Attorney General may exercise the enforcement powers applicable to consumer fraud established in Code Section 714.16, with respect to a violation of new Code Chapter 714D. The remedies provided are in addition to any other remedies provided by law.

### **HOUSE FILE 700 - Unpaid Charges for City Water, Sewage, and Solid Waste Services**

BY COMMITTEE ON JUDICIARY. This Act amends provisions relating to city utility or city enterprise service accounts that become delinquent. The Act provides that if city utility or enterprise service is discontinued to a property or premises due to a delinquent account, service may be withheld from the same account holder at any new property or premises until the

delinquent amount has been paid. The Act eliminates the lien on residential rental property for unpaid rates or charges associated with water service if the landlord gives written notice to the city utility or enterprise that the property is residential rental property and that the tenant is liable for such rates or charges.

## ENVIRONMENTAL PROTECTION

- SENATE FILE 160 - Pipelines — Construction — Land Restoration
- HOUSE FILE 339 - Agricultural Drainage Wells — Closing Deadline
- HOUSE FILE 347 - Baled Solid Waste Disposal
- HOUSE FILE 349 - Source Water Testing by Public Water Systems
- HOUSE FILE 442 - Underground Storage Tanks — Corrective Action Costs of Governmental Subdivisions
- HOUSE FILE 489 - Infectious Waste Regulation
- HOUSE FILE 531 - Manure Applicator Certification — Deadline Extension
- HOUSE FILE 636 - Federal Ozone Standards — State Implementation

### RELATED LEGISLATION

- HOUSE FILE 208 - Southern Iowa Development and Conservation Authority  
*SEE AGRICULTURE.* This Act establishes a Southern Iowa Development and Conservation Authority to develop and coordinate plans for projects related to the unique natural resources, rural development and infrastructure problems of counties in the most fragile areas of the southern Iowa drift plain.
- HOUSE FILE 242 - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act strikes an obsolete requirement relating to providing information regarding on-site review of waste management in product bidding and contract procedures for institutions under the Commission for the Blind and the State Board of Regents; specifies which persons are restricted from constructing or expanding animal feeding operations structures; amends the exemption to certification of confinement site manure applicators to specify that it applies to persons who are acting under the instructions and control of a certified confinement site manure applicator; deletes language relating to allocation of use tax revenues to the Iowa Petroleum Underground Storage Tank Program, since those revenues are no longer appropriated to that fund; transfers language pertaining to the Insurance Account to provisions relating to the now separate Underground Tank Insurance Fund; and changes references to the term "fund" as necessary to specify that the references are to the "Underground Storage Tank Insurance Fund" and not to the Iowa Comprehensive Petroleum Underground Storage Tank Fund.
- HOUSE FILE 332 - Appropriations — Energy Conservation Programs Funding  
*SEE APPROPRIATIONS.* This Act appropriates moneys for FY 1999-2000 from the Energy Conservation Trust, which receives deposits of settlements from oil overcharge refunds, to the Division of Community Action Agencies of the Department of Human Rights for energy conservation programs for low-income persons, and to the Department of Natural Resources for the State Energy Program and for administration of petroleum overcharge programs.
- HOUSE FILE 746 - Appropriations — Agriculture and Natural Resources  
*SEE APPROPRIATIONS.* This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship, the Department of Natural Resources, and Iowa State University.
- HOUSE FILE 772 - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act prohibits a retail dealer, on or after February 1, 2000, from offering for sale in this state a motor vehicle fuel that contains more than 2 percent of methyl tertiary butyl ether by volume. The Act requests the Legislative Council to establish an interim committee to study issues relating to the sale, use, and health and environmental effects of oxygenate enhancers contained in motor vehicle fuel.

## ENVIRONMENTAL PROTECTION

### **SENATE FILE 160 - Pipelines — Construction — Land Restoration**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act provides for procedures relating to the restoration of land during and after construction on pipelines, interstate natural gas pipelines, and hazardous liquid pipelines.

The Act requires the Utilities Board to establish standards for the restoration of agricultural lands during and after pipeline construction. The Act specifies a number of areas for which the board must adopt rules. However, the rules adopted shall not apply to land located within city boundaries unless the land is used for agricultural purposes. The Act allows county boards of supervisors to petition for additional rulemaking to establish standards for land restoration after pipeline construction within that county.

The Act requires that inspections for compliance with standards be conducted by licensed professional engineers. The inspector must inspect for violations of standards adopted by the board, standards of a land restoration plan, and standards of an independent agreement. The Act requires an inspector to adequately inspect and to be present on the site at certain times. If proper notice is given, construction shall not be delayed due to an inspector's failure to be present on the site. If a pipeline company or its contractor fails to comply with the law or rules, the land restoration plan, or an independent agreement, the county board of supervisors may petition the Utilities Board for an order requiring corrective action, and the county board of supervisors may file a complaint with the Utilities Board seeking imposition of civil penalties. An inspector may temporarily halt construction if construction is not in compliance.

The Act requires petitioners for a permit for pipeline construction to file, with the petition, a written land restoration plan showing how compliance will be accomplished. The Act allows for the application of provisions for protecting or restoring property that are different than those prescribed by law, rules, or in a land restoration plan, if the alternative provisions are contained in an agreement independently executed by the pipeline company and landowner, and if the alternative provisions are not inconsistent with state law or rule.

The Act specifies compensable losses, including loss or reduced yield of crops or forage, material applied by the landowner to restore land, loss of or damage to trees, the cost of moving or relocating livestock, erosion of land, and damage to farm equipment.

The Act provides a method for the reversion of a right-of-way to the owner of the tract of land from which the right-of-way was taken when the pipeline right-of-way is wholly abandoned for pipeline purposes. The Act provides notice requirements and the method of service of notice to effect a reversion on nonuse of a right-of-way. Upon reversion of the easement, the landowner may take possession of and remove, or require the removal of, any pipe or pipeline facility remaining on the property. The pipeline company is responsible for certain additional costs when the pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed.

The Act takes effect June 1, 1999.

### **HOUSE FILE 339 - Agricultural Drainage Wells — Closing Deadline**

BY MERTZ AND KLEMME. This Act amends Code Section 455I.3, which applies to agricultural drainage wells located in designated agricultural drainage well areas. These are locations in which there is an anaerobic lagoon or earthen manure storage basin required to obtain a construction permit by the Department of Natural Resources under Code Chapter 455B. The Code section requires the owner of land within the area to close agricultural drainage wells located on the land by December 31, 1999. This Act extends that date to December 31, 2001. Code Section 455I.6 provides that a person who violates the provisions of Code Section 455I.3 is subject to a civil penalty, which ranges from \$1,000 to \$15,000 depending on the number of times the person has been found guilty of violating the section.

### **HOUSE FILE 347 - Baled Solid Waste Disposal**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act eliminates the duty of the Department of Natural Resources to develop rules defining baled solid waste and providing for the safe and proper method of disposing of such waste.

### **HOUSE FILE 349 - Source Water Testing by Public Water Systems**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act eliminates the requirement that the Environmental Protection Commission develop rules requiring each public water system to test the source water of the supply for the presence of synthetic organic chemicals and pesticides every three years.

**HOUSE FILE 442 - Underground Storage Tanks — Corrective Action Costs of Governmental Subdivisions**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act provides that the remedial account of the Iowa Comprehensive Petroleum Underground Storage Tank Fund must cover 100 percent of the costs of a corrective action for a governmental subdivision in connection with an underground storage tank, if the governmental subdivision did not own or operate the tank and the contaminated property was acquired pursuant to eminent domain after the release occurred. The Act provides that a governmental subdivision is not a responsible party for a release when it acquires property pursuant to eminent domain in order to obtain benefits under the remedial account.

The Act provides that the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board may adopt rules for the reimbursement of reasonable expenses incurred by a governmental subdivision for treating, handling or disposing of petroleum-contaminated soil and groundwater encountered in a public right-of-way during installation, maintenance or repair of a public improvement. Such expenses and other related expenses incurred by the fund are a lien upon the property from which the release occurred.

**HOUSE FILE 489 - Infectious Waste Regulation**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act eliminates certain requirements relating to the regulation of infectious waste. The Act eliminates the requirement that the Department of Natural Resources institute an infectious waste management program in cooperation with the Iowa Department of Public Health, and eliminates timing and notification requirements relating to the adoption of rules regulating permits for infectious waste treatment and disposal facilities. The Act repeals Code Section 455B.502, which relates to requirements for regents universities operating infectious medical waste incinerators.

**HOUSE FILE 531 - Manure Applicator Certification — Deadline Extension**

BY COMMITTEE ON AGRICULTURE. In 1998, the General Assembly enacted H.F. 2484 (1998 Iowa Acts, Chapter 1209), which in part requires that persons applying manure must be certified by the Department of Natural Resources. The provision became effective on January 1, 1999. The Department of Natural Resources failed to timely adopt rules for certification as required under that Act. This Act delays the date by which manure applicators must be certified by the Department of Natural Resources.

The Act takes effect on April 28, 1999.

**HOUSE FILE 636 - Federal Ozone Standards — State Implementation**

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act provides for the legislative review and oversight of actions taken by the U.S. Environmental Protection Agency under the federal Clean Air Act regarding regulations relating to the transport of ozone.

The Act requires, if the General Assembly is in session, the Director of the Department of Natural Resources to notify the appropriate standing committees of the Senate and the House of Representatives and the Administrative Rules Review Committee of the issuance of a notice or request by the U.S. Environmental Protection Agency for the submission of a state implementation plan for Iowa related to ozone attainment. If the General Assembly is not in session, the director shall notify the Legislative Council and the Administrative Rules Review Committee. The Act also requires the director to provide a copy of the implementation plan to the committees or the Legislative Council and the Administrative Rules Review Committee. Following receipt of the plan, the committees must hold public hearings for comments on the plan. If the General Assembly is not in session, the Legislative Council may convene public hearings for comments on the plan.

The Act prohibits the department from implementing the plan through the use of emergency rules. Absent a recommendation or other act endorsing the plan by the General Assembly, or the Legislative Council if the General Assembly is not in session, the director shall not submit a plan that would impose emission controls more stringent than necessary to meet the national standards, unless certain requirements are met.

The Act repeals Chapter 12 of 1997 Iowa Acts, which relates to oversight of the same situation.

**GAMING****RELATED LEGISLATION**

- HOUSE FILE 737** - Appropriations — Health and Human Rights  
*SEE APPROPRIATIONS.* This Act appropriates funds deposited in the Gambling Treatment Fund to the Iowa Department of Public Health, and provides for the allocation of \$525,000 of the funds for the Addictive Disorders Program, the transfer of \$20,000 of the funds to the Office of the Auditor of State to perform an audit of the Gambling Treatment Program, and provides that tax revenue in an amount equal to 0.3 percent of the gross sum wagered by the pari-mutuel method and collected by the state Racing and Gaming Commission is appropriated to the Iowa Department of Public Health to fund the position of deputy state medical examiner.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
*SEE APPROPRIATIONS.* Division II of this Act amends Code Section 99E.10, relating to lottery revenues, to provide for transfer of the revenues to the General Fund of the State. Under previous law, the lottery revenue remaining after payment of expenses is transferred to the CLEAN Fund. The Act repeals Code Section 99E.34, providing for expenditures from the CLEAN Fund for the 10-year period ending June 30, 2000.

## HEALTH AND SAFETY

- SENATE FILE 248 - Acquired Immune Deficiency Syndrome — Miscellaneous Provisions
- SENATE FILE 277 - Physician Assistants and Advanced Registered Nurse Practitioners — Hospital Clinical Privileges
- SENATE FILE 482 - Tobacco Product Manufacturers — Settlement Agreement
- HOUSE FILE 379 - Health Care Facility Care Review Committees — Name Change
- HOUSE FILE 497 - Public Health — Miscellaneous Programs and Issues
- HOUSE FILE 708 - Quality Care Award for Health Care Facilities
- HOUSE FILE 741 - Psychiatric Medical Institutions for Children — Authorization Requirements

## RELATED LEGISLATION

- SENATE FILE 8 - Health Insurance Coverage of Diabetes  
*SEE BUSINESS, BANKING & INSURANCE.* This Act requires that a policy or contract providing for third-party payment or prepayment of health or medical expenses provide coverage for the costs associated with certain equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus when prescribed by certain licensed physicians.
- SENATE FILE 99 - Board of Nursing Examiners — Composition  
*SEE STATE GOVERNMENT.* This Act changes the composition requirements for nurses on the Iowa Board of Nursing Examiners.
- SENATE FILE 106 - Church Buildings — Accessibility Requirements  
*SEE STATE GOVERNMENT.* This Act provides that the provisions of the State Building Code concerning accessibility of persons with disabilities do not apply to buildings used as a place of worship. The Act takes effect on April 22, 1999.
- SENATE FILE 186 - County Enterprises  
*SEE LOCAL GOVERNMENT.* This Act allows counties to use revenue bonds to finance the construction and maintenance of county memorial hospitals and housing for the elderly or persons with physical disabilities.
- SENATE FILE 211 - Medicaid Eligibility — Persons With Disabilities  
*SEE HUMAN SERVICES.* This Act provides that under the optional categories to be covered under the Medical Assistance (Medicaid) Program, the highest priority is provision of coverage to persons with disabilities who are less than 65 years of age, with family net incomes of less than 250 percent of the federal poverty level, and who have earned income, but are eligible for medical assistance if such earnings are disregarded.
- SENATE FILE 231 - Sales and Use Tax Exemption for Hospices  
*SEE TAXATION.* This Act exempts sales and services provided to a freestanding nonprofit hospice facility that operates a hospice program if the sales and services are to be used in the program.
- SENATE FILE 254 - Emergency Management Services  
*SEE STATE GOVERNMENT.* This Act authorizes the Emergency Management Division of the Department of Public Defense to repair, calibrate or maintain radiological detection equipment for a fee, in competition with private business; requires local governments to file an approved comprehensive operations plan with the state effective July 1, 2000, to be eligible for state financial assistance for disaster-related expenses, serious needs or hazard mitigation; and requires the administrator of the division to report to the General Assembly by January 15, 2000, regarding state government preparedness to respond to nuclear, chemical or biological materials incidents and identify unmet needs for preparedness and response efforts.
- SENATE FILE 275 - Children's Centers — Certification or Licensing Standards  
*SEE CHILDREN & YOUTH.* This Act requires the Department of Human Services to adopt licensing or certification standards for a new facility category called "children's centers." Children's centers are privately funded facilities that provide various types of services to children who are not

under the custody or authority of the Department of Human Services, juvenile court, or other governmental agency.

- SENATE FILE 283** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes appropriations for maternal and child health, preventive health and health services, substance abuse, and other health-related programs.
- SENATE FILE 287** - Foster Care Placements and Plans — Child Abuse Information — Decategorization Plans  
**SEE CHILDREN & YOUTH.** This Act relates to child welfare provisions and affects voluntary court-ordered foster care placements of children with mental retardation or other developmental disability in facilities.
- SENATE FILE 323** - Audiologists and Speech Pathologists — Professional Designations  
**SEE STATE GOVERNMENT.** This Act prescribes the professional prefix or suffix that may be utilized by a speech pathologist or audiologist with an earned doctoral degree obtained beyond a bachelor's degree from an accredited school, college or university.
- SENATE FILE 361** - Appropriations — Substance Abuse and Sexual Abuse  
**SEE APPROPRIATIONS.** This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse, and sexual abuse, and for programs for at-risk youth. The Act appropriates moneys to the Iowa Department of Public Health to establish a Model Substance Abuse Prevention Program. The Act also requires the Iowa Department of Public Health to incorporate methamphetamine education into various programs administered by the department.
- SENATE FILE 439** - Iowa Community Empowerment — Miscellaneous Provisions  
**SEE CHILDREN & YOUTH.** This Act relates to the Iowa Community Empowerment Act, the Iowa Empowerment Board, and related provisions.
- HOUSE FILE 224** - Public Hospital and Health Care Facility Operations  
**SEE LOCAL GOVERNMENT.** This Act authorizes a city or county having a memorial or other public hospital to change the number of commissioners or trustees who supervise the administration of the hospital and, in some cases, the qualifications of the commissioners. The Act strikes a requirement that at least one trustee visit and examine the county hospital each month; and provides that a county hospital may deliver any health care service, assisted or independent living service, or other ancillary service to the public.
- HOUSE FILE 242** - Substantive Code Corrections  
**SEE STATE GOVERNMENT.** This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. The Act amends child abuse record check provisions to specify that if the Department of Human Services determines that an applicant for employment with a health care facility has a record of founded child abuse, the department is also to notify the licensee that an evaluation will be conducted to determine whether the person's employment is warranted; changes, in provisions relating to reporting of certain wounds that appear to have been received as the result of a criminal offense, the term "serious bodily injury" to the defined term "serious injury," which is referenced in the provisions; strikes an obsolete requirement relating to providing information regarding on-site review of waste management in product bidding and contract procedures for institutions under the Commission for the Blind and the State Board of Regents; corrects an internal reference in provisions relating to computation of tax deductions for medical expenses; deletes references to the former Community Health Management Information System; corrects references that pertain to the availability of suspended or deferred sentences in the domestic abuse assault provisions; conforms, in provisions relating to the powers and duties of the Director of the Department of Corrections, language relating to the provision of "habilitative services and treatment" to the term as defined within Code Section 904.108; conforms, in the Victim Rights chapter, provisions relating to the performance of medical examination and treatment to existing practice; amends HIV-related testing

provisions to conform to prior Code changes; and conforms language relating to transportation of domestic abuse victims to medical care to the provisions cited.

- HOUSE FILE 402** - Proposed Licensure of Midwives — Review  
**SEE STATE GOVERNMENT.** This Act provides for the establishment of a Scope of Practice Review Committee regarding the proposed licensure of certified professional midwives.
- HOUSE FILE 489** - Infectious Waste Regulation  
**SEE ENVIRONMENTAL PROTECTION.** This Act eliminates certain requirements relating to the regulation of infectious waste. The Act eliminates the requirement that the Department of Natural Resources institute an infectious waste management program in cooperation with the Iowa Department of Public Health.
- HOUSE FILE 664** - Mental Health, Mental Retardation, and Developmental Disabilities Services  
**SEE HUMAN SERVICES.** This Act addresses a number of provisions involving mental health, mental retardation and developmental disabilities (MH/MR/DD) services, including facility regulatory provisions.
- HOUSE FILE 760** - Appropriations — Human Services  
**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act directs DHS, in consultation with the Iowa Department of Public Health and the Department of Education, to continue the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program; provides that if allowed under federal law and regulation, \$65,000 of the penalties collected for violations by health care facilities which receive MA reimbursements shall not be deposited in the General Fund but shall be used to continue to fund the recruitment and retention strategies to provide additional training and support for certified nurse aides, employed by nursing facilities, as a means of reducing staff turnover; and directs DHS to implement a study, with an advisory committee, of disease-specific pharmaceutical case management; directs DHS to expand the drug prior authorization requirement for prescription drugs under the Medical Assistance program; directs DHS to ensure that meetings of the Drug Utilization Commission are conducted in compliance with the open meetings law and that physician and pharmacist membership terms are limited; and appropriates funding for the state Children's Health Insurance Program.
- HOUSE FILE 761** - Child Care — Miscellaneous Provisions  
**SEE CHILDREN & YOUTH.** This Act makes numerous changes to child care Code provisions and directs the departments of Education, Human Services and Public Health to jointly establish a leadership council to develop a proposal for implementation of a statewide child care provider training and development system. The council is directed to submit an initial proposal to the three departments in December 1999. This part of the Act takes effect upon enactment, May 27, 1999.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
**SEE APPROPRIATIONS.** Division III of this Act transfers the position of State Medical Examiner, for administrative purposes, to the Iowa Department of Public Health. The Division also creates the position of deputy state medical examiner, an Interagency Coordinating Council to advise the State Medical Examiner regarding the needs and interests of the departments of Public Safety and Public Health, and a State Medical Examiner Advisory Council. The Division also provides for acceptance of federal or private grants for the office by the Director of Public Health. Division VI of the Act amends Code Chapter 137F, relating to exemptions from inspection requirements under the definition of a "food establishment," and exempts certain food items from inspections pursuant to the state Food Code; repeals the exemption from the regulation of home food establishments for those establishments having gross annual sales of prepared food of \$1,000 or less if the preparer of the food identifies, by name and address, the person preparing the food; and provides that under the Healthy and Well Kids in Iowa (HAWK-I) Program the HAWK-I Board does not have to, but may, include in its outreach efforts a comprehensive statewide media campaign, solicitation of cooperation from programs, agencies, and other persons likely to have contact with eligible children, and the development of community plans for outreach and marketing. In addition, the Division repeals the requirement that the administrative contractor for the HAWK-I Program perform outreach activities based upon the outreach plan approved by the HAWK-I Board.

## HEALTH AND SAFETY

### SENATE FILE 248 - Acquired Immune Deficiency Syndrome — Miscellaneous Provisions

BY COMMITTEE ON HUMAN RESOURCES. This Act replaces the statute pertaining to acquired immune deficiency syndrome (AIDS), which is currently divided into subchapters, with a new chapter that combines the subchapters and makes changes to the chapter. Existing Code Chapter 141 is repealed.

The Act provides a new definition of "care provider," which encompasses any person providing health care services of any kind, including emergency medical assistance or treatment. The Act expands the definition of "legal guardian" to include an "attorney in fact," deletes the definition of "ARC" or "AIDS-related complex," and adds the definition of "sample" to include any specimen obtained for the purposes of conducting a human immunodeficiency virus (HIV)-related test.

The Act designates the Iowa Department of Public Health as the lead agency in the coordination and implementation of the state's AIDS prevention and intervention plan. The Act authorizes the department to adopt rules to implement and enforce the Act and continues the authorization for the department to coordinate efforts with local health officers to investigate sources of HIV infection and to use every appropriate means to prevent the spread of the disease. The Act also continues authorization for the department to conduct epidemiological blinded and nonblinded studies. The Act assigns several duties to the department, including broad responsibilities for testing, education and disease control.

The Act continues the requirement that testing and counseling be offered for specified groups. In addition, the Act requires that all pregnant women receive information about testing and treatment opportunities to reduce the possible transmission of HIV to a fetus, requires that all pregnant women with risk factors for HIV be strongly encouraged to be tested, and requires that upon request a pregnant woman be tested regardless of the absence of risk factors.

The Act requires that the department maintain a partner notification program for persons known to have tested positive for HIV infection. Persons with positive test results must receive posttest counseling and must be encouraged to refer for counseling and testing any person who may have sustained a significant exposure from a person with a positive test result. The Act continues the provision that a physician for an infected person may initiate partner notification when the infected person will not participate and will not warn an exposed third party. The Act deletes the current requirement that when a person who tests positive for HIV infection will not participate in partner notification prior to notification of a third party, the physician proposing to cause the notification must make reasonable efforts to inform, in writing, the person who tested positive.

The Act provides for the performance of voluntary testing, eliminates anonymous testing, and continues the reporting requirements for positive test results.

The Act replaces pretest counseling with the requirement that prior to undergoing an HIV-related test, information be made available to the subject of the test concerning testing and any means of obtaining additional information regarding HIV infection and risk reduction. The Act requires that upon informing the subject of positive test results, counseling must be initiated with emphasis given to the need for precautions to prevent transmitting the virus. The Act continues the provisions granting exceptions to counseling in instances of donation of body parts, patients unable to give consent, insurance exams, and testing of deceased persons involved in a documented significant exposure incident. The provisions relating to HIV-related testing of minors are amended to eliminate the provision that if a person who personally applies for services, screening or treatment is a minor, the fact that the minor sought services or is receiving services, screening or treatment is not to be reported or disclosed except for statistical purposes. The Act retains the provision that confirmed positive HIV test results are to be reported to a minor's legal guardian.

The Act provides a notification process under which care providers who have suffered a significant exposure to an individual in the course of providing assistance may obtain information concerning that individual's HIV status. The Act adds a provision that if a care provider in the course of providing care on the premises of a hospital or health facility sustains a significant exposure, the person to whom the care provider was exposed is deemed to have consented to an HIV-related test, upon the written request of the care provider. The sample and test results are identified by a number and no report otherwise required is to be made which identifies the subject of the test. If the results are positive, the subject of the test is to be informed and provided with counseling.

The Act provides for strict confidentiality of medical information relating to a patient's HIV status and contains specific provisions relating to when that information may be released and to whom.

The Act provides immunities for persons making reports pursuant to the Act and provides that health care providers do not have a duty to warn third parties regarding contact with a person who has positive HIV test results.

The Act establishes civil and criminal remedies for violations of confidentiality and other provisions of the Act. The penalty for violation of a confidentiality requirement relating to the partner notification program is reduced from a class "D" felony (which carries a maximum sentence of confinement of not more than five years and in addition may include a fine of at least \$500, but not more than \$7,500) to an aggravated misdemeanor (which carries a maximum sentence of imprisonment not to exceed two years and a fine of at least \$500, but not more than \$5,000). The Act contains the specific civil penalty of \$1,000 for a care provider who intentionally or recklessly makes an unauthorized disclosure of medical information.

The Act eliminates the provisions for accreditation of HIV testing laboratories.

The Act makes conforming changes necessitated by the enactment of new Code Chapter 141A and the repeal of Code Chapter 141.

**SENATE FILE 277 - Physician Assistants and Advanced Registered Nurse Practitioners — Hospital Clinical Privileges**  
BY COMMITTEE ON STATE GOVERNMENT. This Act provides that the rules adopted for hospitals by the Department of Inspections and Appeals with the advice and approval of the Hospital Licensing Board and the State Board of Health shall not deny clinical privileges to physician assistants and advanced registered nurse practitioners solely by reason of the license held or by reason of the professional education received by the practitioner.

**SENATE FILE 482 - Tobacco Product Manufacturers — Settlement Agreement**

BY IVERSON AND GRONSTAL. This Act provides for enactment of the model statute included in the Master Settlement Agreement (MSA), entered into on November 23, 1998, by 46 states and Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Phillip Morris Incorporated, Commonwealth Tobacco, R.J. Reynolds Tobacco Company, and Liggett and Myers, among others. One portion of the MSA is a model statute that each state is encouraged to enact as a precautionary measure in being awarded the maximum amount of payment due the state.

The model statute includes definitions and requirements of tobacco companies. Under the MSA, a tobacco company may reduce payments to the states if a participating manufacturer experiences a loss of market share. However, if a state enacts the model statute and such a market share loss occurs, that state's total settlement amount will not be reduced as would otherwise be the case; instead, a greater portion of the reduction of payments will be borne by those states that have not enacted the model statute.

Under the Act, a tobacco company either becomes a participating tobacco company or places moneys in an escrow account in the amounts and manner and for the reasons specified under the Act. The Act specifies the reasons for which moneys may be released from escrow, the penalties for not placing funds in escrow, including that the Attorney General may bring a civil action on behalf of the state against any tobacco manufacturer who fails to place the required funds in escrow, and that the court may impose a civil penalty if a tobacco manufacturer fails, in any year, to place the required funds in escrow.

The Act takes effect May 20, 1999.

**HOUSE FILE 379 - Health Care Facility Care Review Committees — Name Change**

BY COMMITTEE ON HUMAN RESOURCES. This Act changes the name of "care review committee" to "resident advocate committee" throughout the Code. Each health care facility is required to have a committee, whose members are appointed by the Director of Elder Affairs to review the needs of and care provided to residents of the facility.

**HOUSE FILE 497 - Public Health — Miscellaneous Programs and Issues**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards.

The Act eliminates the specific list of entities eligible for licensure as substance abuse treatment facilities.

The Act provides for requests for exceptions to embalming and disposition rules if the rules would conflict with the tenets and practices of a recognized religious denomination to which the deceased adhered or of which the deceased was a member.

The Act provides separate definitions for "brain injury" and "spinal cord injury," and expands the scope of the department's brain injury information registry by renaming it the Central Registry for Brain and Spinal Cord Injury and requiring hospitals to report the brain and spinal cord injuries of persons admitted as patients.

The Act changes Code references to the "Lead Abatement Program" to "Childhood Lead Poisoning Prevention Program" and eliminates the use of the term "abatement" for purposes of lead hazard surveillance. The Act eliminates a requirement that rules adopted by the State Fire Marshal for certain residential care facilities be no more restrictive than those adopted for those facilities under a demonstration waiver pilot project.

The Act modifies the membership composition of the department's technical advisory committee for operators of radiation machines, provides for the availability of emergency reserve funding to local boards of health, and defines "court of competent jurisdiction" for the purposes of inspection of an original certificate of birth, based upon an adoption.

The Act makes technical corrections and updates outdated references to the duties of the county registrar regarding fees associated with registering a certificate of birth. Fees would only be collected by the State Registrar.

The Act adds biological parent to the list of persons entitled to be informed of which court issued an adoption order and directs the department to establish a voluntary adoption registry through which adult adoptees, their siblings, and biological parents could register to reveal the identity of each other. The registry would only reveal information to those persons who have mutually consented to participate. The State Registrar is to establish a filing fee to support the costs associated with the registry.

The Act eliminates references to the Iowa Board of Medical Examiners in Code Chapter 147A (Emergency Medical Care — Trauma Care), including striking a requirement that any disciplinary actions relating to clinical issues be referred to the board. The Act also provides that investigators authorized by the department, rather than the board, have the powers of peace officers when enforcing the chapter.

The Act eliminates the prohibition on chiropractors from advertising or selling nutritional supplements, eliminates required oral exams and proficiency testing for licensing as a funeral director, provides the Board of Mortuary Science Examiners with the authority to establish practicums in mortuary science, and extends the license period for cosmetology salons and barber-shops from one year to two years.

The Act provides the department and professional licensure boards with access to dependent adult and child abuse records.

The Act makes changes and updates regarding the Council on Chemically Exposed Infants and Children and changes the status of the directors of Human Services, Human Rights, Education, and Corrections from nonvoting to voting members. The Act authorizes the Department of General Services and the Director of Transportation to allow department disease investigators to use unmarked state vehicles.

The Act provides that funds transferred to the Iowa Department of Public Health from the state Department of Transportation from revenues derived from the "Love Our Kids" license plates shall not revert to the General Fund of the State.

The Act provides that county claims for autopsy expenses shall be forwarded to the State Appeal Board and paid from a standing unlimited appropriation if funds are not appropriated to the department for payment of these claims.

The Act also requires the Iowa Department of Public Health and the Department of Human Services to review and make recommendations to the General Assembly regarding implementation of an affidavit process to overcome paternity established by operation of law when the established father and mother of the child are or were married to each other at the time of conception or birth of the child, and to simultaneously establish paternity of the biological father. The departments are required to submit a report of the review to the General Assembly and to the chairpersons of the Senate and House Human Resources Committees by December 15, 1999.

#### **HOUSE FILE 708 - Quality Care Award for Health Care Facilities**

BY COMMITTEE ON HUMAN RESOURCES. This Act establishes a Governor's Award for Quality Care to be awarded annually to a health care facility in the state that demonstrates the provision of quality care to its residents. The Act requires the Department of Inspections and Appeals to adopt rules, in consultation with the members of the Iowa Partners for Resident Care, establishing the criteria to determine quality care.

#### **HOUSE FILE 741 - Psychiatric Medical Institutions for Children — Authorization Requirements**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to the authorization requirements for psychiatric medical institutions for children (PMICs), which are licensed by the Department of Inspections and Appeals.

The Act amends various requirements relating to inspection and conditions for issuance of PMIC licenses. Prior law required approval of a license application by the Department of Human Services based upon the department's determination of need. The number of beds that may be approved was limited to 360 general beds and 70 beds specialized in substance abuse treatment. The Act combines these two categories into a general limitation of 430 beds that are reimbursed through the Medical Assistance (Medicaid) Program. The Act authorizes the Department of Human Services to approve conversion of general PMIC beds to substance abuse specialized beds within the general limitation.

The Act clarifies that the 30 beds the Department of Human Services is authorized to establish at the Independence Mental Health Institute are in addition to the other 430 beds.

Current law permits PMICs licensed prior to January 1, 1996, to add additional licensed beds without compliance with certain requirements, if the additional beds are not reimbursed under Iowa's Medical Assistance Program. The Act changes the date to provide this authorization to PMICs licensed prior to July 1, 1999.

The Act takes effect April 22, 1999.

## HUMAN SERVICES

- SENATE FILE 92 - Medical Assistance Debt — Notice Provisions
- SENATE FILE 211 - Medicaid Eligibility — Persons With Disabilities
- SENATE FILE 221 - Public Assistance — Family Investment Program — Individual Development Accounts
- HOUSE FILE 664 - Mental Health, Mental Retardation, and Developmental Disabilities Services
- HOUSE FILE 773 - Child Support Enforcement — Miscellaneous Provisions

### RELATED LEGISLATION

- SENATE FILE 193 - Guardians Ad Litem for Children in Juvenile Court  
*SEE CHILDREN & YOUTH.* This Act makes changes in the duties applicable to a guardian ad litem appointed to represent a child's interests in juvenile court.
- SENATE FILE 216 - Commitment of Sexually Violent Predators  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that if a person was committed as a sexually violent predator and is released with supervision, the Department of Human Services is responsible for preparing a plan for and paying the costs of such supervision.
- SENATE FILE 275 - Children's Centers — Certification or Licensing Standards  
*SEE CHILDREN & YOUTH.* This Act requires the Department of Human Services to adopt licensing or certification standards for a new facility category called "children's centers." Children's centers are privately funded facilities providing various types of services to children who are not under the custody or authority of the Department of Human Services, juvenile court, or other governmental agency.
- SENATE FILE 283 - Federal Block Grant Appropriations  
*SEE APPROPRIATIONS.* This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes appropriations for mental health, homeless programs, low-income home energy assistance, child day care, social services, and other programs with significant federal grant funding.
- SENATE FILE 287 - Foster Care Placements and Plans — Child Abuse Information — Decategorization Plans  
*SEE CHILDREN & YOUTH.* This Act relates to child welfare provisions involving voluntary court-ordered foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and child welfare funding decategorization plans.
- SENATE FILE 361 - Appropriations — Substance Abuse and Sexual Abuse  
*SEE APPROPRIATIONS.* This Act provides funding and establishes programs for enforcement, prevention, education, and treatment for substance abuse, especially methamphetamine abuse, and sexual abuse, and for programs for at-risk youth. The Act appropriates moneys to the Department of Human Services for treatment of substance abusers and sexual predators at the State Training School at Eldora.
- SENATE FILE 439 - Iowa Community Empowerment — Miscellaneous Provisions  
*SEE CHILDREN & YOUTH.* This Act relates to the Iowa Community Empowerment Act, the Iowa Empowerment Board, and related provisions.
- SENATE FILE 464 - Appropriations — Education  
*SEE APPROPRIATIONS.* This Act appropriates moneys from the General Fund of the State to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions. The Act directs the Department of Human Services to transfer to the state University of Iowa, for the purposes of the Creative Employment Options Program, the same amount of moneys in FY 1999-2000 as was transferred in FY 1997-1998.

- HOUSE FILE 308** - Department of Inspections and Appeals Investigators — Status  
*SEE STATE GOVERNMENT.* This Act grants peace officer status for Department of Inspections and Appeals investigators while investigating cases involving state or federal benefit assistance programs.
- HOUSE FILE 311** - Foster Care-Related Damages — State Liability  
*SEE CHILDREN & YOUTH.* This Act relates to state compensation for claims for damages involving individuals providing foster family home, guardian or conservator services for children.
- HOUSE FILE 379** - Health Care Facility Care Review Committees — Name Change  
*SEE HEALTH & SAFETY.* This Act changes the name of “care review committee” to “resident advocate committee” throughout the Code. Each health care facility is required to have a committee, whose members are appointed by the Director of Elder Affairs, to review the needs of and care provided to residents of the facility.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
*SEE HEALTH & SAFETY.* This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act requires the Iowa Department of Public Health and the Department of Human Services to review and make recommendations to the General Assembly regarding implementation of an affidavit process to overcome paternity established by operation of law when the established father and mother of the child are or were married to each other at the time of conception or birth of the child, and to simultaneously establish paternity of the biological father. The departments are required to submit a report of the review to the General Assembly and to the chairpersons of the Senate and House Human Resources Committees by December 15, 1999.
- HOUSE FILE 741** - Psychiatric Medical Institutions for Children — Authorization Requirements  
*SEE HEALTH & SAFETY.* This Act relates to the authorization requirements for psychiatric medical institutions for children (PMICs) licensed by the Department of Inspections and Appeals. The Act takes effect April 22, 1999.
- HOUSE FILE 760** - Appropriations — Human Services  
*SEE APPROPRIATIONS.* This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care.
- HOUSE FILE 761** - Child Care — Miscellaneous Provisions  
*SEE CHILDREN & YOUTH.* This Act makes numerous changes to child care provisions administered by the Department of Human Services.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
*SEE APPROPRIATIONS.* Division I of this Act makes an appropriation for county mental health, mental retardation, and developmental disabilities services growth factor adjustment for FY 2000-2001.

## HUMAN SERVICES

### **SENATE FILE 92 - Medical Assistance Debt — Notice Provisions**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the notice of debt provided to a transferee of assets when the transfer of assets results in the creation of a debt to the state in the amount of Medical Assistance (Medicaid) Program coverage provided to the transferor of assets. The Act provides that the Department of Human Services is to send the notice to the transferee by restricted certified mail. If the service of the notice by restricted certified mail is not successful, notice may then be served in accordance with the rules of civil procedure. Previously, the law provided for notice in accordance with the rules of civil procedure only.

### **SENATE FILE 211 - Medicaid Eligibility — Persons With Disabilities**

BY JENSEN. This Act provides that under the optional categories to be covered under the Medical Assistance (Medicaid) Program, the highest priority is provision of coverage to persons with disabilities who are less than 65 years of age, who have family net incomes of less than 250 percent of the federal poverty level, and who have earned income, but are eligible for medical assistance if such earnings are disregarded. For the purposes of determining eligibility, \$10,000 of available resources are disregarded as well as additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the Department of Human Services. If the net income of a person eligible under the Act exceeds 150 percent of the federal poverty level, the person must pay a premium based upon a sliding fee schedule and the premium must be commensurate with premiums charged for private group health insurance in the state. The Act is to be implemented no later than March 1, 2000.

### **SENATE FILE 221 - Public Assistance — Family Investment Program — Individual Development Accounts**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to welfare reform provisions involving the Family Investment Program (FIP) and individual development accounts.

The Act affects the program by authorizing the Department of Human Services (DHS) to require, as a condition of eligibility, a FIP applicant to commit to initial steps the applicant will take to achieve self-sufficiency in a signed, written statement. Failure to commit to the initial steps results in denial of eligibility. The statement may be required in addition to being incorporated within, or becoming part of, the family investment agreement. A FIP participant is required to comply with the provisions of the written statement.

The Act amends requirements relating to issuance of cash assistance to FIP-eligible families with a specified relative. Under prior law, the department was required to issue notice of its eligibility decision within 30 days. Under the Act, authorization for the notice must be issued within 30 days.

According to limited benefit plan provisions in law, a FIP participant who does not sign or fulfill the terms of a family investment agreement is subject to a limited benefit plan. Under the Act, the provisions of the signed, written statement committed to during the application period are included as terms of a participant's family investment agreement.

Code Chapter 541A relates to individual development accounts (IDAs), implemented by operating organizations to assist FIP participants and other low-income Iowans. The Act requires DHS to adopt rules for compliance with federal requirements for IDA programs as necessary to qualify for federal funding to be allocated to Iowa's IDA operating organizations. The rules do not apply the federal requirements to operating organizations that do not utilize federal funding for their accounts or to account holders who do not receive federal Temporary Assistance for Needy Families (TANF), the major funding stream for the FIP Program, or other federal funding.

The Act allows for funding for the Self-Employment Loan Program Account of the Strategic Investment Fund to be used to provide matching funds for IDAs. The Strategic Investment Fund is administered by the Department of Economic Development. The authorization is limited to FY 1999-2000. In addition, the Act authorizes DHS to contract with an experienced, nonprofit community development corporation to implement the funding provisions.

### **HOUSE FILE 664 - Mental Health, Mental Retardation, and Developmental Disabilities Services**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act addresses a number of provisions involving mental health, mental retardation, and developmental disabilities (MH/MR/DD) services.

**ADULT FUNDING DECATEGORIZATION.** The Act creates an adult mental health, mental retardation, and developmental disabilities services funding decategorization pilot project in the Department of Human Services (DHS) to involve three-county and multicounty areas. The counties involved were designated under a 1997 law authorizing a planning process for the concepts in the Act. The county and multicounty areas are Polk, Linn and Tama/Poweshiek. The purpose of the pilot project is

to improve outcomes for service consumers by allowing the pilot project counties to combine projected funding from all levels of government to meet individual needs in the community.

The Act provides various definitions, including a description of the target population to which the project is directed. Under the application of this definition, a "pilot project area" must fund or provide necessary services to persons who are residents of the area who are eligible under the area's service management plan, with certain exceptions. This plan is to be amended to address the service needs of those persons served by the funding sources in the pilot project.

The Act directs DHS to establish the pilot project. Specific project provisions are to be spelled out in contracts with the participating counties.

County responsibilities under the pilot project include fiscal, clinical and administrative functions; choosing an approach for administering services; providing data; and using any excess funding for specified purposes.

The project is to be implemented in two phases during the period of July 1, 2000, through December 31, 2003. Various funding sources are to be consolidated and distributed using a projected funding amount, based upon the pilot project areas' proportion of the statewide usage of the funding sources. The first phase amounts are to be determined by December 30, 1999. The second phase brings in state and federal funding for mental health services under the Medical Assistance (Medicaid) Program. However, implementation of this phase is subject to enactment of an implementation authorization.

The Act directs DHS and the participating areas to establish a risk pool for unanticipated costs. The risk pool is to be administered by an oversight committee that is also to provide general oversight of the pilot project. The Act specifies membership of the committee.

The pilot project areas are to work with DHS in developing outcomes and performance measures for the project. In addition, the oversight committee is to contract for an independent evaluation of the project. Annual reports and a final report are to be submitted concerning the pilot project and legislative intent is stated to use the final report to determine whether to terminate, revise or continue the project or to expand it statewide.

The Act provides an exemption from the application of state law or administrative rules that are in conflict with or apply to the funding sources for the pilot project. The Act directs DHS to amend its state plan for Medical Assistance and to apply for various federal waivers in order to implement the pilot project. In addition, the Act directs DHS to amend its contract for managed behavioral health care to provide funding for associated Medical Assistance-eligible persons in pilot project areas. The Act provides that the pilot project does not constitute provision of insurance and is not subject to regulation by the Insurance Commissioner.

*MH/DD COMMISSION.* The Act amends Code Chapter 225C to provide that the administrator of the Division of Mental Health and Developmental Disabilities recommends minimum standards for community mental health centers and related services and programs and evaluates compliance with the minimum standards. However, the Act specifies that the responsibility for approving, denying or revoking an accreditation is the duty of the Mental Health and Developmental Disabilities Commission. The Act includes similar provisions for supported community living services.

*STATE-COUNTY MANAGEMENT COMMITTEE.* The Act includes various changes relating to the State-County Management Committee, which addresses MH/MR/DD service issues. The Act increases the committee's membership from 12 to 15 voting members and sets terms at three years. A jointly appointed membership slot is eliminated. The membership of the committee is expanded by two members, to be appointed by the community services affiliate of the Iowa State Association of Counties, plus an additional service provider and a service consumer to be appointed by the Governor.

The committee is directed to create a task force to consider issues and options regarding statewide eligibility standards, identification of core or basic services to be made reasonably available statewide, and a number of other issues. The Act includes transition authority for the members' appointing authorities to stagger the terms of office of members so that at least five members' terms expire each year. The terms of the two members appointed by the community services affiliate are to commence July 1, 1999. This section of the Act takes effect June 30, 1999.

*COUNTY MANAGEMENT PLANS.* The Act amends provisions relating to the county management plans for MH/MR/DD services. The Act provides that the plans are to be defined in a policies and procedures manual submitted by a county for the fiscal year beginning July 1, 2000, and, as approved by the Director of Human Services, shall remain in effect subject to amendment. Amendments to the policies and procedures manual are subject to the director's approval in consultation with the State-County Management Committee. A county is also to submit, for informational purposes, an annual management plan review of data concerning the services provided under the management plan in the previous fiscal year. In addition, a county is

to submit, for informational purposes, a three-year strategic plan that is based upon the annual review. These changes take effect July 1, 2000, but the plans for that year are to be submitted by April 1, 2000.

*RCFMR.* The Act changes exemptions from required licensing of health care facilities. Prior law exempted up to 20 residential care facilities for persons with mental retardation (RCFMRs), each serving five persons or fewer, authorized by DHS to convert to operation in accordance with a federal home and community-based waiver for persons with mental retardation under the Medical Assistance Program. The Act expands the conversion authorization to 40 facilities.

**HOUSE FILE 773 - Child Support Enforcement — Miscellaneous Provisions**

BY COMMITTEE ON APPROPRIATIONS. This Act relates to child support enforcement activities of the Department of Human Services (DHS). The Act provides that in cases in which a child is placed with a permanent guardian, rather than in foster care, the subsidies paid to the guardian are to be considered the same as foster care payments. In these cases, the child is placed with a permanent guardian, the parental rights of the biological parents of the child are not terminated, and DHS pays a subsidy to the guardian and continues to collect child support from the parent to reimburse the state as it would if the child were placed in foster care.

The Act also provides that income withholding orders entered by the department's Child Support Recovery Unit are to include the name and address of the appropriate child support office, in lieu of any signature otherwise required. In this way, the appropriate child support office, rather than a specific individual, is provided as a contact for a parent, employer or other person who may require information about the order.

Finally, the Act specifies the means by which the Child Support Recovery Unit may pay financial institutions for the costs associated with conducting data matches, including costs of automation programming development necessary to conduct data matches.

## LABOR AND EMPLOYMENT

- SENATE FILE 70** - Unemployment Insurance — Employer Experience Transfer — Unemployment Trust Fund Expenditures
- SENATE FILE 115** - Drug and Alcohol Testing — Private Sector Employment
- SENATE FILE 146** - Regulation of Worker and Public Safety and Protection
- HOUSE FILE 521** - Employment Agency Licensure and Operation

### RELATED LEGISLATION

- SENATE FILE 281** - Workforce Development Department — Miscellaneous Provisions  
*SEE STATE GOVERNMENT.* This Act deals with the Department of Workforce Development by providing for the establishment of a Workforce Development Corporation, allowable expenses for members of the regional advisory boards to the Workforce Development Board, authority to charge fees for certain services provided by the department, and Iowa Conservation Corps employee rights.
- SENATE FILE 465** - Accelerated Career Education Program  
*SEE ECONOMIC DEVELOPMENT.* This Act provides that a community college may enter into an agreement with certain employers to establish an Accelerated Career Education Program. The Act takes effect May 24, 1999.
- HOUSE FILE 242** - Substantive Code Corrections  
*SEE STATE GOVERNMENT.* This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Language in the Department of Economic Development chapter relating to coordination of the Job Training Partnership Program with the Self-Employment Program is deleted. The Job Training Partnership Program is no longer under the Department of Economic Development. The Workers' Compensation Liability Insurance chapter is amended to specify that financial statements are to be provided to and are subject to examination and rules of the Commissioner of Insurance. Child abuse record check provisions are amended to specify that if the Department of Human Services determines that an applicant for employment with a health care facility has a record of founded child abuse, the department is also to notify the licensee that an evaluation will be conducted to determine whether the person's employment is warranted.
- HOUSE FILE 745** - Appropriations — Economic Development  
*SEE APPROPRIATIONS.* This Act makes an appropriation from the General Fund of the State to the Department of Workforce Development for the administration of the department and for specific programs.

## LABOR AND EMPLOYMENT

**SENATE FILE 70 - Unemployment Insurance — Employer Experience Transfer — Unemployment Trust Fund Expenditures**  
BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This Act concerns the operation of the state Unemployment Compensation Program.

The Act amends Code Section 96.7, subsection 2, to extend the length of time from 60 to 90 days for a successor employer, which purchases part of a business, to apply for a partial transfer of experience from the predecessor employer. This transfer of experience impacts the contribution rate assessed to the successor employer.

The Act further provides that, for the federal fiscal years beginning in 1999, 2000 and 2001, moneys credited to the Unemployment Trust Fund Account by the Secretary of the Treasury pursuant to Section 903 of the federal Social Security Act shall be used solely for the administration of the Unemployment Compensation Program in this state and can be used without a specific appropriation for that purpose. The Act notwithstanding any contrary provision in Code Section 96.9, subsection 4, which otherwise governs the use and expenditure of these federal Social Security Act moneys. This provision conforms to the requirements of the federal Balanced Budget Act of 1997, which deals with these fund transfers.

**SENATE FILE 115 - Drug and Alcohol Testing — Private Sector Employment**

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This Act makes changes governing alcohol testing of private sector employees and prospective employees.

The Act provides that an employer may conduct initial and confirmatory testing for alcohol pursuant to requirements established in the employer's written policy, which shall be consistent with the applicable regulations adopted as of January 1, 1999, by the U.S. Department of Transportation to govern alcohol testing required to be conducted pursuant to the federal Omnibus Transportation Employee Testing Act of 1991. Drug and alcohol testing requirements for confirmatory testing of a positive test result and sample collection, specifically the requirements for split samples and sample documentation, are made inapplicable to alcohol testing conducted as permitted by this Act.

The Act eliminates the requirement that an employer provide employees with lists of employee assistance program providers if the employer does not have such a program.

The Act also provides that an employer shall provide an employee with rehabilitation following a positive alcohol test in violation of the employer's policy if the employer has at least 50 employees, the employee has worked for the employer at least 12 of the previous 18 months, and the employee has not previously violated the employer's substance abuse policy. Prior law required rehabilitation for a first-time positive alcohol test only if the concentration level was lower than the level established in Code Section 321J.2 for operating while under the influence.

The Act takes effect April 26, 1999.

**SENATE FILE 146 - Regulation of Worker and Public Safety and Protection**

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This Act makes the following changes to Code provisions administered by the Labor Services Division of the Department of Workforce Development:

- Code Section 84A.5, subsection 3: Adds, under the section of the Code that identifies the responsibilities of the Department of Workforce Development, references to two Code sections administered by the Labor Services Division: Code Section 30.7, relating to duties the Iowa Emergency Response Commission may allocate to the Department of Workforce Development, and Code Section 85.68, relating to cause of action authority by the Labor Commissioner when acting on behalf of the Second Injury Fund.
- Code Section 88.3, subsection 2; Code Section 90A.1, subsection 2; and Code Section 91.10: Allow the Labor Commissioner's designee to perform tasks related to the administration of the laws of this state relating to occupational health and safety (OSHA), boxing and wrestling, and the division.
- Code Section 88.8, subsections 1 and 2; Code Section 89A.10, subsection 2, unnumbered paragraph 1; and Code Section 91C.8, subsection 4: Allow the Labor Commissioner to provide notice of penalty or action under OSHA, elevator or contractor registration laws, in the same manner as an original notice or by certified mail. The Code currently permits only notice by certified mail.
- Code Chapter 89A, the Iowa State Elevator Code: Includes hydraulic elevators and wheelchair lifts in the definition of dormant facilities; updates the name change from the American National Standard Safety Code to the American Society of Mechanical Engineers Safety Code; moves language that allows the commissioner to adopt rules related to

material lift elevators; exempts, if certain conditions are met, the commissioner from buying for the State Law Library a copy of elevator codes referenced in the administrative rules; strikes outdated language in the elevator law and allows the commissioner to electronically collect information, including information relating to facility registrations and inspection reports; and removes redundant language in the elevator law.

- Code Chapter 91, the Labor Services Division chapter: Strikes outdated and unnecessary language from the chapter, and requires the Director of the Department of Workforce Development to include in an annual report to the Governor information relating to duties transferred by agreement from the Iowa Emergency Response Commission to the Department of Workforce Development and information relating to cause of action authority by the Labor Commissioner when acting on behalf of the Second Injury Fund.
- Code Section 91A.3, subsection 7: Eliminates a requirement that farm labor contractors, who contract with persons engaged in the production of seed or feed grains, obtain a minimum bond of \$20,000 on the person's behalf. The Act preserves the provision making both the producer and the farm labor contractor liable for the wages to employees.

#### **HOUSE FILE 521 - Employment Agency Licensure and Operation**

**BY RANTS.** This Act repeals Code Chapters 94 and 95, relating to the state free employment service and employment agencies. The Act creates new Code Chapter 94A, relating to the licensure and operation of employment agencies.

The Act defines an "employment agency" as a person who brings together those desiring to employ and those desiring employment and who receives a fee, directly or indirectly, from an employee for the service. As a result of this definition, the requirements of new Code Chapter 94A do not apply to an employment agency that receives a fee from the employer for its services. The Act requires an employment agency to be licensed by the Labor Commissioner and provides a general application process for an employment agency. The Act also provides recordkeeping requirements for an employment agency and provides notification requirements regarding fees to be paid by an employee.

The Act provides that a person shall not require an employee to pay a fee as a condition of application with an employer or an employment agency, an employee shall not be required to pay a fee to an employer as a condition of hire, and an employer shall not require an employee to reimburse the employer for a fee the employer paid to an employment agency when the employee was hired. The Act provides several prohibitions regarding the charging and division of fees, fraudulent promises and deception, and making a referral to an employer who has not applied to the employment agency.

The Act provides that the commissioner may examine the records, books and any papers relating to the conduct and operation of an employment agency. A person violating a provision of new Code Chapter 94A, or refusing the commissioner access to the records, books and papers of an employment agency, shall be guilty of a simple misdemeanor, and the commissioner shall assess a civil penalty against the person in an amount not greater than \$2,000.

## LOCAL GOVERNMENT

- SENATE FILE 41 - County Agricultural Extension Councils — Duties and Meetings
- SENATE FILE 53 - Tax Sales — Date of Sale
- SENATE FILE 186 - County Enterprises
- SENATE FILE 190 - City Cable Communication Utilities — Requirements
- SENATE FILE 337 - Landlord and Tenant Relations — Abandoned and Valueless Property
- SENATE FILE 392 - Telecommunications — City Utilities
- SENATE FILE 393 - Joint County, City, Fire District, and School District Buildings — Agreements — Bond Issuance
- SENATE FILE 448 - Abandoned Property — Delinquent Taxes — Purchase by City or County
- HOUSE FILE 100 - Law Enforcement Officer Certification — Suspension or Revocation
- HOUSE FILE 115 - City and City Utility Public Improvement Contracts — Early Completion Incentives
- HOUSE FILE 218 - Loess Hills Development and Conservation
- HOUSE FILE 224 - Public Hospital and Health Care Facility Operations
- HOUSE FILE 472 - Private Burial Sites
- HOUSE FILE 474 - County Records and Assessments
- HOUSE FILE 476 - Eminent Domain and Condemnation Proceedings
- HOUSE FILE 758 - Mobile Home Park Storm Shelters

## RELATED LEGISLATION

- SENATE FILE 9 - Sales and Use Tax Exemption on Rural Water District Building Materials, Supplies, or Equipment  
*SEE TAXATION.* This Act amends Code Section 422.45 to provide that a rural water district organized under Code Chapter 504A that performs its own construction of facilities is eligible to receive an exemption from sales and use taxes on the purchase of building materials, supplies or equipment. The Act takes effect April 26, 1999, and applies retroactively to July 1, 1998, for sales made or uses occurring on or after that date.
- SENATE FILE 51 - Conservation and Recreation Programs — Cooperative Efforts  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act authorizes a county conservation board to cooperate with a private, not-for-profit organization to carry out conservation and recreation activities and purposes as authorized under Code Chapter 350.
- SENATE FILE 55 - Legalization of Sale of Property by Black Hawk and Buchanan Joint County System  
*SEE EDUCATION.* This Act legalizes all acts and proceedings taken in 1974 by the board of directors of the joint county system of Black Hawk and Buchanan Counties in connection with a transfer of property to the Independence Community School District. The Act takes effect April 15, 1999.
- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law.
- SENATE FILE 150 - Judicial Administration  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes several changes governing the duties and responsibilities of clerks of the district court and makes other changes concerning the administration of the judicial system.
- SENATE FILE 189 - Misdemeanor Classifications and Penalties — OWI Revocations  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act increases the maximum fine for violation of a city or county ordinance from \$100 to \$200.

- SENATE FILE 254** - Emergency Management Services  
**SEE STATE GOVERNMENT.** This Act requires local governments to file an approved comprehensive operations plan with the state effective July 1, 2000, to be eligible for state financial assistance for disaster-related expenses, serious needs or hazard mitigation.
- SENATE FILE 283** - Federal Block Grant Appropriations  
**SEE APPROPRIATIONS.** This Act appropriates federal block grant and other nonstate moneys to various state agencies for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, and for the state fiscal year beginning July 1, 1999, and ending June 30, 2000. The Act includes an appropriation of approximately \$320,000 for local law enforcement programs.
- SENATE FILE 303** - Nonstatutory Liens — Confirmation of Notice to Affected Parties  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act requires that before the clerk of the district court permits the filing of a nonstatutory lien, the clerk must confirm that the required notices have been given to the necessary parties.
- SENATE FILE 305** - Family Farm Tax Credit  
**SEE TAXATION.** This Act authorizes Wright County to pay the amount of underpayment for family farm tax credits on agricultural land in the county, which were underpaid as a result of the county's error in certification to the state. The Act takes effect April 29, 1999.
- SENATE FILE 308** - Benefited Fire District Areas — Tax Levy Rates  
**SEE TAXATION.** This Act allows benefited fire districts to levy an additional 20.25 cents per \$1,000 of assessed valuation in cities located in the benefited fire district if the primary levy of 40.5 cents per \$1,000 of assessed valuation is insufficient. The Act takes effect May 20, 1999.
- SENATE FILE 395** - Department of Corrections — Miscellaneous Provisions  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act amends Code Section 903A.5, concerning the crediting of time served by inmates. The Act provides that, unless the inmate was confined in a correctional facility, the sheriff of the county in which an inmate is confined must certify the number of days served by the inmate to the records administrator at the Iowa Medical and Classification Center and to the applicable clerk of the district court. The records administrator, or designee, is required to apply jail credit as ordered by the court or as otherwise authorized, and shall then forward a copy of the number of days served to the applicable clerk of the district court.
- SENATE FILE 407** - Registration and Titling of All-Terrain Vehicles and Snowmobiles  
**SEE TRANSPORTATION.** This Act makes several Code changes relating to registration and titling of snowmobiles and all-terrain vehicles. Requirements for transfer of an all-terrain vehicle or snowmobile placed in storage by a transferor are changed to allow the transferor to provide a copy of the affidavit filed with the county recorder concerning the storage to the transferee, rather than requiring the transferor to renew the registration prior to transfer. The Act also requires that all-terrain vehicles have certificates of title, which are to be issued by the county recorder for a \$10 fee: \$5 of which is to be deposited in the Special Conservation Fund administered by the Department of Natural Resources, while the remaining \$5 is retained by the county to defray the costs of administering the certificate of title provisions.
- SENATE FILE 439** - Iowa Community Empowerment — Miscellaneous Provisions  
**SEE CHILDREN & YOUTH.** This Act relates to the Iowa Community Empowerment Act, the Iowa Empowerment Board, and related provisions. The initiative authorizes local areas to seek designation as community empowerment areas based upon county or school district boundaries.
- SENATE FILE 451** - Indigent Defense  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act permits the county board of supervisors to establish indigent defense rates for noncontract attorneys or attorneys who are not public defenders in certain court-appointed cases.
- SENATE FILE 458** - Property Tax Statement and Equalization Order Information  
**SEE TAXATION.** This Act requires inclusion of a statement relating to equalization and local tax rates in the property tax equalization order published by the county auditor. The Act also changes the information required to be included on property tax statements prepared by the county treasurer.

- SENATE FILE 469** - Sales and Use Taxes — Miscellaneous Provisions  
**SEE TAXATION.** This Act amends the local option sales and services tax as it relates to the effective date of enactment and repeal, allowing a city located in more than one county to impose the tax, collection of the tax where physical presence of the retailer does not exist, distribution of the tax revenues, and agreement between the school district where the tax is imposed and a county or another school district to split the revenues to be received by the school district. There are different effective dates for these changes.
- SENATE FILE 470** - Campaign Finance  
**SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.** This Act replaces certain references in Code Chapter 56, the Campaign Disclosure — Income Tax Checkoff Act, with terminology related to “express advocacy,” to conform the provisions of the chapter to language contained in the U.S. Supreme Court’s decision in *Buckley v. Valeo* (1976). The Act also creates a bipartisan campaign finance commission to review the campaign finance laws and submit proposed revisions to the next session of the current General Assembly, beginning in January 2000. The Act takes effect May 18, 1999.
- SENATE FILE 473** - Tax Administration — Additional Related Matters  
**SEE TAXATION.** This Act amends various provisions of state tax law relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, and collection of taxes and debts owed to or collected by the state.
- HOUSE FILE 164** - Open Meetings Violations — Attorney Fees  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act provides that a governmental body that violates Code Chapter 21, the Open Meetings Law, is liable to pay appellate attorney fees to the prevailing party.
- HOUSE FILE 242** - Substantive Code Corrections  
**SEE STATE GOVERNMENT.** This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Corrections are made in references relating to the collection and forwarding or retaining of fees by the county registrars for birth records, death records, marriage certificates, marriage license filing fees, and other fees provided by law. The usage of the term “board of supervisors” is conformed within provisions relating to the detachment and attachment of areas to rural water districts. A reference to a stricken provision is deleted in provisions relating to taxation provisions that apply to cities acting under special charters. Certain references to modular homes are deleted from provisions relating to taxes on homes in mobile home parks. The term “transfer replacement tax” is changed to “transfer replacement excise tax” in provisions relating to taxes on electricity and natural gas providers. Provisions relating to the conditions for the issuance of a marriage license are redesignated to conform to the requirements stated in those provisions. Provisions relating to county sesquicentennial commissions are deleted.
- HOUSE FILE 299** - Motor Vehicle Registration and Title Applications  
**SEE TRANSPORTATION.** This Act provides that when applying to the county treasurer for registration and issuance of a certificate of title for a motor vehicle, the owner of the motor vehicle shall use the owner’s passport number on the application in lieu of a social security number if the owner does not have a social security number. The Act also specifies that the driver’s license number supplied by a person applying for registration and title may be an international driver’s license number or may be from a driver’s license issued in this state, another state, or another country.
- HOUSE FILE 343** - Costs of Drainage Improvements in Railroad Rights-of-Way  
**SEE AGRICULTURE.** This Act provides for the collection of attorney fees by a county in an action against a railroad company arising out of the collection of costs associated with the construction of a drainage improvement by a drainage district within a railroad right-of-way when the railroad company fails to make the necessary improvements.
- HOUSE FILE 386** - Assaults on Jailers or Correctional Staff  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act increases the penalty for an assault on a jailer, who is not a peace officer, at a county jail facility.

- HOUSE FILE 442** - **Underground Storage Tanks — Corrective Action Costs of Governmental Subdivisions**  
**SEE ENVIRONMENTAL PROTECTION.** This Act provides for payments from the remedial account of the Iowa Comprehensive Petroleum Underground Storage Tank Fund to governmental subdivisions for costs of corrective actions taken due to certain releases from underground storage tanks.
- HOUSE FILE 497** - **Public Health — Miscellaneous Programs and Issues**  
**SEE HEALTH & SAFETY.** This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards.  
 The Act provides for the availability of emergency reserve funding to local boards of health; makes technical corrections and updates outdated references to the duties of the county registrar regarding fees associated with registering a certificate of birth; and provides that county claims for autopsy expenses shall be forwarded to the State Appeal Board and paid from a standing unlimited appropriation if funds are not appropriated to the department for payment of these claims.
- HOUSE FILE 571** - **Deposit of Public Funds — Depository Standards**  
**SEE BUSINESS, BANKING & INSURANCE.** This Act amends Code Chapter 12C, relating to the deposit of public funds and the conditions which must be met by a financial institution to be eligible to receive such deposits, and subjects a savings and loan association, a savings bank, and any branch of a savings and loan association or savings bank to substantially the same requirements as a bank. The Act takes effect May 11, 1999.
- HOUSE FILE 634** - **Dust Control on Secondary Roads — Primary Road Fund Expenditure**  
**SEE TRANSPORTATION.** This Act authorizes the state Department of Transportation to use moneys from the Primary Road Fund for dust control on a road under the jurisdiction of a county if the road has a notable increase in traffic due to closure of a road by the department for purposes of establishing, constructing or maintaining a road under the jurisdiction of the department.
- HOUSE FILE 651** - **Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers**  
**SEE TRANSPORTATION.** This Act makes several changes relating to regulation of implements of husbandry. The Act amends Code Section 321.471, which allows local authorities to prohibit, or impose weight restrictions on, the operation of vehicles upon highways, bridges and culverts within their jurisdictions. The Act requires implements of husbandry, except implements being hauled for repair, to comply with the restrictions on bridges and culverts. The Act also directs the local authority imposing the restriction to issue a special permit for passage over the restricted bridge or culvert for up to eight weeks upon a showing of agricultural hardship.
- HOUSE FILE 664** - **Mental Health, Mental Retardation, and Developmental Disabilities Services**  
**SEE HUMAN SERVICES.** This Act addresses a number of provisions involving mental health, mental retardation and developmental disabilities (MH/MR/DD) services, including creation of a funding pilot project involving counties and changes in county service planning requirements.
- HOUSE FILE 700** - **Unpaid Charges for City Water, Sewage, and Solid Waste Services**  
**SEE ENERGY & PUBLIC UTILITIES.** This Act amends provisions relating to city utility or enterprise service accounts that become delinquent. The Act provides for withholding service from a delinquent account holder and eliminates the lien on residential rental property for unpaid rates or charges associated with water service to such property under certain circumstances.
- HOUSE FILE 713** - **Domestic Abuse Protective Orders**  
**SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.** This Act amends Code Chapter 236, relating to protective orders for domestic abuse. The Act allows a person protected by a permanent foreign protective order to file the order with the district court in any county where the person may be present.
- HOUSE FILE 755** - **Property Assessments and Taxes — Omitted Property and Erroneous Payments**  
**SEE TAXATION.** This Act limits the time for which the Department of Revenue and Finance and local officials may assess and tax omitted property to two years. The Act also permits a property taxpayer to receive a refund for erroneous property taxes paid if the refund is applied for within two

years from the date the tax was due or, if appealed, within two years of the final decision. The Act takes effect May 24, 1999.

- HOUSE FILE 757** - Real Estate Transfer Tax — Payment and Allocation  
*SEE TAXATION.* This Act requires the real estate transfer tax to be paid to the recorder in each county where a parcel is located. To enable this to occur where multiple parcels from different counties are recorded as one, the Act requires separate declarations of value to be filed with the county recorder in each county in which the parcel is located.
- HOUSE FILE 760** - Appropriations — Human Services  
*SEE APPROPRIATIONS.* This Act makes appropriations to the Department of Human Services for FY 1999-2000, and includes provisions for grant funding to community empowerment areas and many other programs and appropriations affecting human services programs administered by counties.
- HOUSE FILE 769** - Property Tax Classification of Apartments in Condominiums  
*SEE TAXATION.* This Act provides for the classification of apartments in condominiums as residential property if used or intended for use for human habitation on January 1, 1999. This provision is repealed December 31, 2004. Other apartments in condominiums will be classified according to the majority use of the units in the condominium building. The Act also requests an interim study relating to the property taxation of condominiums, with a report due by January 15, 2000.
- HOUSE FILE 772** - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act amends Code Chapter 174, relating to state funding for county and district fairs, providing a mechanism for counties to issue a standby tax levy to back revenue bonds issued by societies conducting county fairs which meet certain requirements, and prohibiting a county ordinance from impairing the authority of a society conducting a county fair.
- HOUSE FILE 776** - Urban Renewal  
*SEE TAXATION.* This Act requires a municipality (city or county) that has established an urban renewal program to annually report information on the urban renewal program to the Department of Management and the county auditor. The annual financial report must be submitted on or before September 30.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
*SEE APPROPRIATIONS.* Division I of this Act makes an appropriation for county mental health, mental retardation and developmental disabilities services growth factor adjustment for FY 2000-2001.

**LOCAL GOVERNMENT****SENATE FILE 41 - County Agricultural Extension Councils — Duties and Meetings**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act requires each county agricultural extension council to meet at least twice during a calendar year. Additional meetings may be held as the council determines. The Act also strikes a requirement that a council publish notice of the date, time and place of the election of its members, because a similar notice is also published by the county commissioner of elections along with a sample ballot. Other January dates are changed to reference the budget certification date, March 15.

**SENATE FILE 53 - Tax Sales — Date of Sale**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows the county treasurer to designate a date in June other than the third Monday of June on which to hold the annual tax sale if, for good cause, the sale cannot be held on the third Monday of June. Parcels with delinquent property taxes are currently offered at a public sale held annually on the third Monday of June.

The Act takes effect February 17, 1999, and applies to tax sales held on or after that date.

**SENATE FILE 186 - County Enterprises**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act adds county memorial hospitals and housing for persons who are elderly or persons with physical disabilities to the definition of a "county enterprise." To do so allows counties to issue revenue bonds for the construction and maintenance of these facilities.

**SENATE FILE 190 - City Cable Communication Utilities — Requirements**

BY LUNDBY. This Act provides that a city which operates a cable communications system shall manage the right-of-way on a competitively neutral and nondiscriminatory basis. The Act provides that a city-operated cable communications system must pay the same fees and charges and comply with other requirements as may be imposed by the city upon any other cable provider.

**SENATE FILE 337 - Landlord and Tenant Relations — Abandoned and Valueless Property**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes a number of Code changes relating to residential and mobile home park landlords and tenants.

The Act provides for the transfer of title of a valueless abandoned mobile home to a mobile home park owner or third party for the purpose of removing the mobile home from a mobile home park or for other disposition.

With regard to the removal of, or transfer of title to, a valueless mobile home, a claimant also includes a holder of a lien as defined in Code Section 555B.2. This Act provides requirements for giving notice between a landlord and a tenant in a residential dwelling or a tenant in a mobile home park for most purposes except written notice of termination pursuant to Code Section 562A.27, subsection 1 or 2, a notice of termination and notice to quit as required by Code Section 648.3, or a petition for forcible entry and detainer pursuant to Code Chapter 648. The notice may be given when a matter comes to the attention of either party by hand delivery and by posting, regular mail, certified mail, or restricted certified mail whether or not the receiving party signs a receipt for the notice.

This Act also provides that a mobile home tenant has a duty to maintain in good and safe working order all utility lines, pipes and cables extending from the dwelling unit to connections provided by the landlord. However, this duty does not apply to a tenant who does not own the mobile home.

This Act provides that the time period requirements in the landlord-tenant relations provisions of the Code are to be made as defined in Code Section 4.1, subsection 34.

If personal service cannot be made upon each defendant in an action for forcible entry or detention of real property joined with an action for rent or recovery as provided in Code Section 648.19, the service may be made by posting notice and sending a copy of original notice to the defendant by certified mail three days before the hearing date.

This Act takes effect on May 26, 1999.

**SENATE FILE 392 - Telecommunications — City Utilities**

BY COMMITTEE ON COMMERCE. This Act provides that a city utility includes telecommunications systems or services offered separately or combined with certain other city systems or services.

The Act permits the governing body of a city utility or combined utility system, or of a city enterprise or combined city enterprise, to hold a closed session to discuss marketing and pricing strategies or proprietary information if its competitive

position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure. The Act also provides that certain public records of a city utility or combined utility system, or of a city enterprise or combined city enterprise, shall not be examined or copied as of right if the competitive position of the utility or system would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure.

The Act establishes certain restrictions and requirements on a municipal utility providing local exchange services. The Act prohibits the use of the city's general fund moneys for the ongoing support or subsidy of a telecommunications system; the providing of any city facilities, equipment or services to provide telecommunications systems or services at a cost for such facilities, equipment or services which is less than the reasonable cost of providing such city facilities, equipment or services; the providing of any other city service, other than a communications service, to a telecommunications customer at a cost which is less than would be paid by the same person receiving such other city service if the person was not a telecommunications customer; and the use of funds or revenue generated from other city services for the ongoing support of that portion of a system or service used to provide local exchange services. A city that owns or operates a municipal utility providing local exchange services must prepare and maintain records which record the full cost accounting of providing local exchange service; adopt rates for the provision of local exchange services that reflect the actual cost of providing the local exchange services; and be subject to all requirements of the city which would apply to any other provider of local exchange services in the same manner as such requirements would apply to such other provider.

The Act provides that a municipal utility providing local exchange services will be subject to taxation on the facilities of such utility that are used for providing local exchange services pursuant to Code Chapter 433 (Telegraph and Telephone Companies Tax).

The Act takes effect April 26, 1999, and applies retroactively to July 1, 1993. City elections held after June 30, 1993, for the purpose of voting on the question of offering communications or telecommunications systems or services, are deemed to be valid for the purpose of offering such systems or services.

**SENATE FILE 393 - Joint County, City, Fire District, and School District Buildings — Agreements — Bond Issuance**  
BY COMMITTEE ON EDUCATION. This Act creates, within Code Chapter 28E, a new section providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, fire district, or school district. The Act provides that two or more counties, cities, fire districts, or school districts, each containing areas within their boundaries that overlap areas within the boundaries of the others, or which are contiguous with each other, may execute an agreement for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use within their overlapping or contiguous areas. Noncontiguous cities located within the same county, or within contiguous counties, may also execute such an agreement. The agreement must be approved by resolution of the governing bodies of each of the participating counties, cities, fire districts, or school districts and must specify the purposes for which the building or improvement would be used, the estimated cost thereof, the estimated amount of the cost to be allocated to each of the participating counties, cities, fire districts, or school districts, the proportion and method of allocating the expenses of the operation and maintenance of the building or improvement, and the disposition to be made of any resulting revenues.

The Act provides that a county, city, fire district, or school district may appropriate funds or issue general obligation bonds for the payment of its share of the cost of constructing, acquiring, furnishing, operating, or maintaining a joint public building, either on a joint or an individual basis, and that bonds may not be issued by a county, city, fire district, or school district until provision is made by each of the other participating counties, cities, fire districts, or school districts to the agreement for the payment of their shares of the cost of the joint public building. A vote in favor of authorization of bonds cast by at least 60 percent of the electors voting on the question of a bond issue is necessary for approval of the bond issue. In the event that the cost of the construction or acquisition, furnishing, operation, and maintenance of the public building exceeds original estimates, the Act authorizes a county, city, fire district, or school district to appropriate additional moneys or issue additional bonds to pay their portion of the increased costs.

The Act additionally authorizes a county, city, fire district, or school district, with the consent of the governing bodies of the other counties, cities, fire districts, or school districts which are parties to the agreement, to improve, add to or equip any such building for its own purposes to the same extent and in the same manner as if the building were wholly owned by and devoted to the uses of the county, city, fire district, or school district.

The Act also allows two or more school districts or two or more fire districts to jointly issue general obligation bonds to fund separate projects in each of the districts through a Code Chapter 28E agreement. The Act defines "fire district" as any governmental entity that provides fire protection services.

**SENATE FILE 448 - Abandoned Property — Delinquent Taxes — Purchase by City or County**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a city or county to bid on parcels containing abandoned property, which is assessed as residential or commercial multifamily housing property, at the annual tax sale. Current law allows these entities to bid on parcels after the parcel has been offered at tax sale and not been sold. The Act defines "abandoned property" as property that has remained vacant and in violation of the applicable local housing code for a period of six consecutive months or more. The Act also allows cities and counties to purchase tax sale certificates from a holder of such a certificate.

The Act allows cities or counties to assign tax sale certificates for abandoned property to low-income or moderate-income families or to organizations that assist low- or moderate-income families in obtaining housing.

The Act also provides that the redemption period on a parcel containing abandoned property which is bid on and purchased by a city or county shall be nine months from the date of sale rather than one year and nine months from the date of sale.

The Act takes effect April 15, 1999, and applies to parcels offered for sale at the tax sale held in June 1999 and in subsequent years.

**HOUSE FILE 100 - Law Enforcement Officer Certification — Suspension or Revocation**

BY BRAUNS, WEIDMAN, BAUDLER, AND DAVIS. This Act authorizes the Iowa Law Enforcement Academy Council to revoke or suspend an officer's certification for violation of the grounds for revocation or suspension established by rule by the Director of the Iowa Law Enforcement Academy and approved by the Iowa Law Enforcement Academy Council. The Act also authorizes the council to suspend an officer's license upon the recommendation of the officer's employer.

The Act provides that when an officer resigns, the officer's employer shall notify the council that an officer has resigned and state the reason for the resignation if a substantial likelihood exists that the reason for resignation would have resulted in the revocation or suspension of the officer's certification.

Current law authorizes revocation of a law enforcement officer's certification upon the officer's conviction of a felony or upon the recommendation of the officer's employer. Existing law does not authorize the suspension of an officer's certification.

**HOUSE FILE 115 - City and City Utility Public Improvement Contracts — Early Completion Incentives**

BY JACOBS. This Act authorizes a city or governing board of a city utility to offer enhancement payments for early completion of a public improvement if the availability of enhancements is included in the bid notice, the enhancement payments are competitively neutral, the enhancement payments are considered separately at the public hearing on the award of contract, and the enhancement payments do not exceed 10 percent of the value of the contract. These procedures are also available to a county board of supervisors pursuant to Code Section 331.341.

**HOUSE FILE 218 - Loess Hills Development and Conservation**

BY BARRY. This Act creates a Loess Hills Alliance, under the general direction of the Loess Hills Development and Conservation Authority, with the mission of creating a common vision for Iowa's Loess Hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region. The alliance has a board of directors of 28 voting members: 21 appointed by the boards of supervisors of the seven counties included in the alliance and seven members appointed by the Loess Hills Development and Conservation Authority to represent the fields of environmental affairs, conservation, finance, development, tourism, and related interests.

The Loess Hills Alliance has the responsibility to prepare and adopt a comprehensive plan for the development and conservation of the Loess Hills area; to study different options for the protection and preservation of significant historic, scenic, geologic, and recreational areas of the Loess Hills; to develop and implement pilot projects for the protection of the Loess Hills area with the use of restrictive easements and fee title ownership from willing sellers; and to apply for, accept and expend private and public funds for Loess Hills planning and projects. This Act creates two separate accounts within the Loess Hills Development and Conservation Fund: a Hungry Canyons Account for a water and soil conservation project established by the Loess Hills Development and Conservation Authority, and a Loess Hills Alliance Account for natural and cultural resources conservation and development projects established by the Loess Hills Alliance with the overall approval of the Loess Hills Development and Conservation Authority.

The provisions of this Act relating to restrictive easements are stricken effective July 1, 2004. The Act also requests the Legislative Council to establish an interim committee to study restrictive easements and covenants as a tool for projects and programs to protect, conserve or develop various areas of the Loess Hills region.

**HOUSE FILE 224 - Public Hospital and Health Care Facility Operations**

BY DIX. This Act authorizes a city or county having a memorial or other public hospital to change the number of commissioners or trustees who supervise the administration of the hospital. A city or county may increase the number of commissioners, by ordinance, from five to seven members. The qualifications of the commissioners of memorial hospitals are changed to allow any resident of the county to be a trustee. Previously, a commissioner of a memorial hospital had to be an honorably discharged soldier, sailor, marine, airman, or coast guard veteran.

The Act also provides that a person or spouse of a person who has medical or special staff privileges at a county hospital, who receives compensation of more than \$1,500 per year from a county hospital, or who receives more than \$1,500 per year in compensation from a person contracting for services with the county hospital, is not eligible to serve as a trustee for that county hospital. The Act provides 20 additional days per month for the secretary of the board of trustees to complete a financial statement of all receipts and disbursements for the preceding month. The Act strikes a requirement that at least one trustee visit and examine the county hospital each month; provides that the board of supervisors receive an annual statement of all receipts and expenditures of the county hospital; provides that a county hospital may deliver any health care service, assisted or independent living service, or other ancillary service to the public; authorizes a county hospital to borrow moneys secured solely by hospital revenue; and provides for notice and a public hearing before selling or leasing any real property.

**HOUSE FILE 472 - Private Burial Sites**

BY BRAUNS. This Act provides that if a person notifies a governmental subdivision or agency that a burial site of the person's ancestor is located on property owned by another person which is within the jurisdiction of the governmental subdivision or agency, the governmental subdivision or agency shall notify the owner that the person shall be permitted reasonable ingress and egress to visit the burial site. The Act also requires that the declaration of value submitted to the county recorder include a statement of the existence of any known burial site situated on the property and the approximate location of the site.

**HOUSE FILE 474 - County Records and Assessments**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes a number of changes to the powers and duties of county treasurers.

Code Sections 161A.35, 357.20 and 384.65 are amended to make the assessment payment procedures in those sections consistent with payment of other special assessments. Code Section 161A.35 is amended to increase from \$20 to \$100 the amount owed by the taxpayer before the amount may be paid in installments for assessments in soil and water conservation districts. Code Section 357.20 is amended to increase from \$10 to \$100 the amount owed by a taxpayer in a water district before the amount may be paid in installments. Code Section 384.65 is amended to increase from \$50 to \$100 the amount owed by a taxpayer for a city special assessment before the amount may be paid in installments.

Code Section 321.47 is amended to provide that in order to transfer ownership of a vehicle by order of a dissolution decree, the person seeking transfer need only provide a reproduction of the certified copy of the dissolution.

Code Section 331.602 is amended to require that any instrument conveying an interest in real property and recorded with the county recorder contain the name and full address of the person to whom the property tax statement is to be mailed. This amendment applies to instruments recorded on or after January 1, 2000.

Code Section 435.24 is amended to require the owner of a mobile home to obtain a tax clearance statement from the county treasurer when the home is moved from real property to a dealer's stock or to a mobile home park.

Code Sections 447.9 and 447.13 are amended to make technical conforming changes relating to notice of expiration of right of redemption resulting from enactment of 1998 Iowa Acts, Chapter 1107.

Chapter 1107 of 1998 Iowa Acts is amended to provide that the section of Chapter 1107 amending Code Section 447.9 applies to redemption of parcels sold for delinquent taxes beginning with the tax sale held in June 1999. This section of the Act takes effect April 28, 1999.

**HOUSE FILE 476 - Eminent Domain and Condemnation Proceedings**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes several changes to the law relating to the power of eminent domain and the procedures by which the State of Iowa and other entities and persons are allowed to condemn private property. The Act defines "acquiring agency" to mean entities or persons conferred the right by law to condemn private property. "Acquiring agency" under the Act includes the state, counties, cities, owners of land without a way to the land, owners of mineral lands, cemetery associations, subdistricts of soil and water conservation districts, and utilities.

The Act defines "public use," "public purpose" and "public improvement" to exclude the condemnation of agricultural land without the consent of the owner. The Act defines "agricultural land" as real property owned by a person in tracts of 10 acres or

more and not laid off into lots of less than 10 acres or divided by streets or alleys into lots of less than 10 acres, and which has been used for production of certain agricultural commodities during three of the past five years.

The definition of "agricultural land" includes land taken out of agricultural production for purposes of environmental protection or preservation. The Act defines "private development purposes" as the construction of, or improvement related to, recreational trails, recreational development paid for primarily with private funds, housing and residential development, or commercial or industrial enterprise development. The Act includes exceptions to the limitations imposed by the definitions of "public use," "public purpose" and "public improvement."

The Act requires a condemning authority to send a notice of a proposed public improvement to the owner of property for which condemnation is being considered for the public improvement. The notice must be mailed by ordinary mail no less than 30 days before adoption of the declaration of intent relating to the public improvement and the acquisition or condemnation of the property. The notice, at a minimum, should include information on the general nature of the public improvement, the intended use of the property, the process relating to the public improvement, and the opportunity for public input relating to the public improvement if the law requires public input.

The Act requires a condemning authority to make a good faith effort to negotiate with the owner to purchase the private property before filing an application for condemnation. The condemning authority is required to provide the owner of the property with a statement of rights. The statement is to be included with the notice of proposed public improvement. Condemnation may not proceed until the notice of proposed public improvement containing the statement of individual rights is provided to the owner. The Act requires the Attorney General to adopt rules prescribing a statement of rights to be used in substantial form by anyone required to provide the statement.

The Act also requires a condemning authority to mail a copy of the condemnation application filed with the district court to the owner of the property. The Act requires that an application for condemnation of agricultural land filed by a city or county for location of an industry must state that as its purpose. The Act also requires that the condemnation application provide information on the minimum amount of land necessary for the public improvement and the amount of land to be acquired by condemnation. The condemnation application must also include a statement of the efforts made by the condemning authority to negotiate with the owner for the sale of the property prior to filing the application.

The Act requires that a list of the persons selected to serve on the condemnation compensation commission for condemnation proceedings be provided to the condemnation applicant and to the owner of the property. The Act allows the applicant and the owner to each dismiss one commissioner without stating cause.

The Act provides that a condemnation compensation commission is a governmental body for purposes of the Open Meetings Law.

The Act provides that an application for condemnation of agricultural land for an industry filed by a city or county is subject to review by the condemnation compensation commission upon the request of the owner of the land sought to be condemned. The request may be made at any time before the 30-day notice of assessment expires. The purpose of the review is for the commission to determine whether the use of condemnation is necessary for the placement of an industry in the community. The Act lists the factors the commission is to use when making such a determination. A determination made by the compensation commission may be appealed to the district court. The appeal must be filed within 30 days of mailing the determination to the landowner and the condemner.

The Act increases from 10 days to 30 days the amount of notice given of an assessment of the property. The Act also requires that the notice inform the landowner of the right to request a review of the application if it is seeking the condemnation of agricultural land for an industry. The Act provides that service of notice of assessment shall be mailed by certified mail to applicants or owners or persons in interest, any of whom are not residents of the state. The Act also requires that the notice to nonresidents be published once 30 days before the assessment.

The Act increases the amount to be paid in moving expenses from \$500 to \$5,000 for an owner occupying land that has been condemned. The Act also increases, from 25 miles to 50 miles, the distance that personal property is moved for which moving expenses are paid.

The Act removes Code language that allowed appraisal damages by a compensation commission to be admissible in an action appealing the amount of damages awarded.

The Act adds outbuildings to the list of property from which a landowner may not be dispossessed by condemnation without determination and payment of damages. "Outbuildings" are defined as structures and improvements located in proximity to the owner's residence.

Current law, which remains in effect, requires the applicant to pay the expenses of the condemnation compensation commission and of the landowner if the award of the commission is 110 percent or more of the final offer of the applicant prior to condemnation. The Act provides that the condemnation applicant shall reimburse the county sheriff for the per diem and actual expenses paid to members of the compensation commission. The Act specifies that the applicant shall reimburse the owner of the property for expenses incurred for recording fees, mortgage penalty costs, and similar expenses incidental to the transfer of the property to the applicant.

The Act provides that relocation expenses for condemnations by the State of Iowa or other entity or person having the right to condemn property shall be determined and paid in the same manner as relocation expenses for condemnations involving federally funded projects.

The Act requires that a copy of the appraisal, on which the purchasing state agency, county or city will base its offer of compensation, be mailed to the owner of the property.

The Act makes current acquisition policy guidelines for projects receiving federal financial assistance applicable to any state-funded projects and to any other public improvement for which condemnation is sought.

The Act provides that if a city makes a good faith effort to comply with notice provisions and if the failure to comply does not unreasonably prejudice the owner, the failure to comply may only result in a delay of the condemnation proceeding.

The Act provides that if an acquiring agency later sells land it obtained by condemnation, the acquiring agency must pay to the previous owner any difference between the condemnation price and the later sale price, minus the cost of any improvements made to or benefiting the land by the acquiring agency. This provision does not apply to property acquired by the state Department of Transportation.

The Act requires that copies of all condemnation applications filed with the county recorder by acquiring agencies and all final reports on damages prepared by the sheriff be filed with the Secretary of State.

The Act amends Code sections providing an alternative condemnation procedure for counties and secondary roads. The county may use the alternative procedure if the right-of-way to be condemned is contiguous to existing road right-of-way and is necessary for maintenance, safety improvement or upgrade of the existing road. The county is also required to use the condemnation compensation commission to assess damages.

The Act provides that a municipality (city or county) shall not condemn agricultural land included within an urban renewal area designated as an economic development area without the consent of the owner of the agricultural land unless the land is to be acquired for location of an industry. This does not apply to city utilities or city franchises.

The Act provides that an employee of the state Department of Transportation, whose duties include appraising property sought to be condemned, must be a certified real estate appraiser according to standards established by state statute. The Act also provides that a real estate appraiser is not required to invoke a jurisdictional exception to appraisal standards on a federally funded project unless federal law requires that an exception be invoked.

The section of the Act amending the definition of "economic development area" for purposes of urban renewal applies to urban renewal areas established on or after the effective date of the Act, July 1, 1999. However, the amendment applies to urban renewal areas established before the effective date if they were amended to add agricultural land to the economic development urban renewal area on or after the effective date of the Act. The remaining sections of the Act which amend or reference Code Chapter 403 apply to urban renewal areas established before, on or after the effective date of the Act.

The Act applies to state highway construction projects approved on or after July 1, 1999. The Act applies to all other condemnation proceedings in which the application for condemnation is filed on or after July 1, 1999.

#### **HOUSE FILE 758 - Mobile Home Park Storm Shelters**

BY COMMITTEE ON WAYS AND MEANS. This Act authorizes a city or a county to require, by ordinance, a storm shelter in a mobile home park constructed after July 1, 1999. As an option, a city or county may require a mobile home park owner to provide a plan for the evacuation of park residents to a safe place during times of severe weather if a safe place of shelter is within a reasonable distance of the mobile home park. Each evacuation plan must be approved by, and filed with, the local emergency management agency. If construction of a storm shelter is required, the shelter requirements shall not exceed the following: a shelter larger than the equivalent of seven square feet for each mobile home space; a restroom if the shelter is used exclusively as a storm shelter; and construction specifications which have been approved by a licensed professional engineer and presented by the mobile home park owner.

This Act also provides a property tax exemption for the storm shelter constructed at a mobile home park. If the storm shelter is used exclusively as a storm shelter, the entire structure's assessed value is exempt. If the storm shelter is not used exclusively as a storm shelter, 75 percent of the assessed value of the structure is tax exempt. A storm shelter shall be assessed for tax purposes as commercial property commencing with the assessment years beginning on or after January 1, 2000.

## NATURAL RESOURCES AND OUTDOOR RECREATION

- SENATE FILE 51 - Conservation and Recreation Programs — Cooperative Efforts
- SENATE FILE 67 - Illegal Taking of Swans or Cranes — Damages
- SENATE FILE 264 - Natural Resources Department Authority — Sac and Fox Tribe and Settlement
- SENATE FILE 265 - Taking of Muskrats by Colony Traps
- HOUSE FILE 414 - Carrying a Gun on a Public Highway — VETOED BY THE GOVERNOR

### RELATED LEGISLATION

- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. The Act provides a February 1 deadline for certifying eligibility for the wildlife habitat property tax exemption. Other property tax credits and exemptions provide specific certification deadlines.
- SENATE FILE 407 - Registration and Titling of All-Terrain Vehicles and Snowmobiles  
*SEE TRANSPORTATION.* This Act makes several Code changes relating to registration and titling of snowmobiles and all-terrain vehicles. The changes include requiring all-terrain vehicles to have certificates of title. The certificate of title will be issued by a county recorder for a \$10 fee. Five dollars of the fee is to be deposited in the Special Conservation Fund administered by the Department of Natural Resources to be used for state snowmobile and all-terrain vehicle programs. The other \$5 is retained by the county to defray the costs of administering the certificate of title provisions.
- HOUSE FILE 218 - Loess Hills Development and Conservation  
*SEE LOCAL GOVERNMENT.* This Act creates a Loess Hills Alliance under the general direction of the Loess Hills Development and Conservation Authority with the mission of creating a common vision for Iowa's Loess Hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region.
- HOUSE FILE 746 - Appropriations — Agriculture and Natural Resources  
*SEE APPROPRIATIONS.* This Act relates to agriculture and natural resources by making appropriations to support related entities, including the Department of Agriculture and Land Stewardship, the Department of Natural Resources, and Iowa State University.
- HOUSE FILE 772 - Appropriations — Infrastructure and Capital Projects  
*SEE APPROPRIATIONS.* This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act requires the Department of Natural Resources, in conjunction with the Department of Agriculture and Land Stewardship, to adopt rules to administer the disbursement of funds from the Blufflands Protection Revolving Fund.

## NATURAL RESOURCES AND OUTDOOR RECREATION

### **SENATE FILE 51 - Conservation and Recreation Programs — Cooperative Efforts**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act authorizes a county conservation board to cooperate with a private, not-for-profit organization to carry out conservation and recreation activities and purposes as authorized under Code Chapter 350 (County Conservation Boards).

### **SENATE FILE 67 - Illegal Taking of Swans or Cranes — Damages**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act authorizes the imposition of a civil penalty of \$1,500 for each crane or swan illegally taken. The civil penalty may be imposed by the court in addition to any criminal penalties for the illegal taking.

### **SENATE FILE 264 - Natural Resources Department Authority — Sac and Fox Tribe and Settlement**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act provides that the Sac and Fox Tribe of the Mississippi in Iowa will exercise regulatory authority regarding seasons, bag limits, possession limits, locality, the method of taking, and the taking of fish and wildlife by its members within the Tama Settlement except where federal law provides that the Natural Resource Commission and the Department of Natural Resources shall exercise the regulatory authority. The specific regulatory authority of the Sac and Fox Tribe of the Mississippi in Iowa, and the state, will be outlined in a written agreement that takes effect when signed by both parties. The state will retain regulatory authority pursuant to the federal Migratory Bird Treaty Act, the federal Migratory Bird Stamp Hunting Act, the federal Endangered Species Act, and other federal law requiring state control.

### **SENATE FILE 265 - Taking of Muskrats by Colony Traps**

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act authorizes the taking of muskrats with the use of colony traps subject to rules adopted by the Natural Resource Commission of the Department of Natural Resources.

### **HOUSE FILE 414 - Carrying a Gun on a Public Highway — VETOED BY THE GOVERNOR**

BY COMMITTEE ON JUDICIARY. This bill would have exempted a gun with a loaded, detached magazine from the requirement that a gun not be carried in a vehicle or on a public highway unless the gun is taken down or contained in a secure case and all barrels and magazines are unloaded, by providing that the gun is considered unloaded if the magazine is detached from the gun. The bill also would have exempted a gun carried in compliance with the provision from violations of Code Section 724.4, relating to carrying weapons.

## STATE GOVERNMENT

- SENATE FILE 99 - Board of Nursing Examiners — Composition
- SENATE FILE 102 - Nonsubstantive Code Corrections
- SENATE FILE 106 - Church Buildings — Accessibility Requirements
- SENATE FILE 210 - National Guard — Active Service Pay
- SENATE FILE 254 - Emergency Management Services
- SENATE FILE 281 - Workforce Development Department — Miscellaneous Provisions
- SENATE FILE 282 - Department of General Services Practices and Procedures
- SENATE FILE 323 - Audiologists and Speech Pathologists — Professional Designations
- SENATE FILE 335 - Real Estate Transfers — Mortgage Releases
- SENATE FILE 462 - Veterans Benefits and Interests
- S.J.R. 1 - Proposed Constitutional Amendments — State Expenditures and Taxes
- S.J.R. 2 - Ola Babcock Miller State Office Building — Commemoration
- HOUSE FILE 242 - Substantive Code Corrections
- HOUSE FILE 308 - Department of Inspections and Appeals Investigators — Status
- HOUSE FILE 402 - Proposed Licensure of Midwives — Review
- HOUSE FILE 417 - Property Tax Rent Reimbursement — Claimant Information
- HOUSE FILE 518 - Fire Safety — Bed and Breakfast Inns
- HOUSE FILE 688 - Designation of State Poet Laureate
- HOUSE FILE 689 - Iowa Freedom Trail Study
- H.J.R. 13 - Rock Island Arsenal — Additional Production Work Request
- H.J.R. 15 - Nullification of Administrative Rule — Preparation of Descriptions of Ballot Issues

### RELATED LEGISLATION

- SENATE FILE 68 - Mid-America Port Commission — Counties Included  
*SEE ECONOMIC DEVELOPMENT.* This Act includes Jefferson, Van Buren and Wapello Counties in the jurisdiction of the Mid-America Port Commission.
- SENATE FILE 101 - Contraband in Prisons and Detention Facilities  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act prohibits the possession of contraband on the grounds of a correctional institution or an institution under the management of the Department of Corrections.
- SENATE FILE 146 - Regulation of Worker and Public Safety and Protection  
*SEE LABOR & EMPLOYMENT.* This Act makes a number of changes to Code provisions administered by the Labor Services Division of the Department of Workforce Development, including provisions relating to the Iowa Emergency Response Commission; cause of action authority by the Labor Commissioner when acting on behalf of the Second Injury Fund; the Iowa State Elevator Code; and the means by which the Labor Commissioner may provide notice of penalty or action under Occupational Safety and Health (OSHA), elevator or contractor registration laws. The Act also allows the Labor Commissioner's designee to perform tasks related to the administration of the laws of this state relating to OSHA, boxing and wrestling, and the division.
- SENATE FILE 203 - Transportation — Miscellaneous Provisions  
*SEE TRANSPORTATION.* This Act repeals, effective April 7, 1999, Code Sections 309.42 and 309.56, which require the state Department of Transportation to review local county plans and contracts for road, bridge and culvert construction on roads under the jurisdiction of the county.

- SENATE FILE 264** - Natural Resources Department Authority — Sac and Fox Tribe and Settlement  
*SEE NATURAL RESOURCES & OUTDOOR RECREATION.* This Act provides that the Sac and Fox Tribe of the Mississippi in Iowa will exercise regulatory authority regarding seasons, bag limits, possession limits, locality, the method of taking, and the taking of fish and wildlife by its members within the Tama Settlement except where federal law provides that the Natural Resource Commission and the Department of Natural Resources exercise the regulatory authority.
- SENATE FILE 277** - Physician Assistants and Advanced Registered Nurse Practitioners — Hospital Clinical Privileges  
*SEE HEALTH & SAFETY.* This Act provides that administrative rules governing hospitals shall not deny clinical privileges at hospitals to physician assistants and advanced registered nurse practitioners solely by reason of this status.
- SENATE FILE 366** - Appropriations — Supplemental Funding for Embedded Chips Replacement  
*SEE APPROPRIATIONS.* This Act makes an FY 1998-1999 supplemental appropriation from the state's Infrastructure Fund to the Division of Information Technology Services of the Department of General Services. The supplemental appropriation of approximately \$2.4 million is to be used to make state government technology and equipment Y2K compliant. The Act takes effect April 21, 1999.
- SENATE FILE 451** - Indigent Defense  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act makes changes pertaining to the payment of costs of indigent persons in criminal, juvenile, postconviction, contempt, and certain other civil actions. The duties and authority of the State Public Defender are also expanded under the Act.
- SENATE FILE 460** - Appropriations — Administration and Regulation  
*SEE APPROPRIATIONS.* This Act relates to and appropriates \$110.3 million for FY 1999-2000, which includes \$88.8 million from the State General Fund and \$21.5 million of other funds, to the Auditor of State, Iowa Ethics and Campaign Disclosure Board, Department of Commerce, Department of General Services, Office of Governor including the Lieutenant Governor and Terrace Hill, Department of Inspections and Appeals, Department of Management, Department of Personnel, Iowa Public Employees' Retirement System, Department of Revenue and Finance, Secretary of State, Office of State-Federal Relations, and the Treasurer of State. The Act also appropriates funding for the state's membership on the Commission on Uniform State Laws, the National Conference of State Legislatures, the American Legislative Exchange Council, the Council of State Governments, the National Conference of Insurance Legislators, and the National Governor's Association.
- SENATE FILE 470** - Campaign Finance  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act replaces certain references in Code Chapter 56 (the Campaign Disclosure — Income Tax Checkoff Act) with terminology related to "express advocacy," to conform the provisions of the chapter to language contained in the U.S. Supreme Court's decision in *Buckley v. Valeo* (1976). The Act also creates a bipartisan campaign finance commission to review the campaign finance laws and submit proposed revisions to the next session of the current General Assembly, beginning in January 2000. The Act takes effect May 18, 1999.
- HOUSE FILE 100** - Law Enforcement Officer Certification — Suspension or Revocation  
*SEE LOCAL GOVERNMENT.* This Act expands the Iowa Law Enforcement Academy Council's ability to revoke or suspend a law enforcement officer's certification. The Act further provides that a law enforcement officer's employer must state to the council the reasons for the resignation of an officer if the resignation is for a reason that would most likely result in the revocation or suspension of the officer's certification.
- HOUSE FILE 164** - Open Meetings Violations — Attorney Fees  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act provides that a governmental body that violates Code Chapter 21, the Open Meetings Law, is liable to pay appellate attorney fees to the prevailing party.

- HOUSE FILE 386** - Assaults on Jailers or Correctional Staff  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act increases the penalty for an assault on correctional staff other than peace officers.
- HOUSE FILE 476** - Eminent Domain and Condemnation Proceedings  
*SEE LOCAL GOVERNMENT.* This Act makes several changes to the law relating to the power of eminent domain and the procedures by which the State of Iowa and other entities and persons are allowed to condemn private property.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
*SEE HEALTH & SAFETY.* This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act eliminates the requirement that rules adopted by the State Fire Marshal for certain residential care facilities be no more restrictive than those adopted for these facilities under a demonstration waiver pilot project; modifies the membership composition of the department's technical advisory committee for operators of radiation machines; eliminates references to the Iowa Board of Medical Examiners in Code Chapter 147A (Emergency Medical Care — Trauma Care), strikes a requirement that any disciplinary actions relating to clinical issues be referred to the board, and provides that investigators authorized by the department, rather than the board, have the powers of peace officers when enforcing the chapter; eliminates the prohibition on chiropractors from advertising or selling nutritional supplements; eliminates required oral exams and proficiency testing for licensing as a funeral director; provides the Board of Mortuary Science Examiners with the authority to establish practicums in mortuary science; extends the license period for cosmetology salons and barbershops from one year to two years; provides the department and professional licensure boards with access to dependent adult and child abuse records; makes changes and updates regarding the Council on Chemically Exposed Infants and Children and changes the status of the directors of Human Services, Human Rights, Education, and Corrections from nonvoting to voting members; extends the authority to use unmarked state vehicles to department disease investigators; and provides that county claims for autopsy expenses shall be forwarded to the State Appeal Board and paid from a standing unlimited appropriation if funds are not appropriated to the department for payment of these claims.
- HOUSE FILE 521** - Employment Agency Licensure and Operation  
*SEE LABOR & EMPLOYMENT.* This Act repeals Code Chapters 94 and 95, relating to the state free employment service and employment agencies. The Act creates new Code Chapter 94A, relating to the licensure and operation of employment agencies.
- HOUSE FILE 571** - Deposit of Public Funds — Depository Standards  
*SEE BUSINESS, BANKING & INSURANCE.* This Act amends Code Chapter 12C, relating to the deposit of public funds and the conditions that must be met by a financial institution to be eligible to receive such deposits, and subjects a savings and loan association, a savings bank, and any branch of a savings and loan association or savings bank to substantially the same requirements as a bank. The Act takes effect May 11, 1999.
- HOUSE FILE 651** - Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers  
*SEE TRANSPORTATION.* This Act makes several changes relating to regulation of implements of husbandry and the movement of vehicles on the highways of this state. The Act amends Code Section 321.474, which allows the state Department of Transportation (IDOT) to impose restrictions as to the weight of vehicles operated upon any highway under its jurisdiction. The Act allows such restrictions to be placed on bridges and culverts within its jurisdiction for an indefinite period of time. Code Section 321.474 is also amended to provide an exception to restrictions imposed by IDOT on highways for implements of husbandry in general and for implements being transported for repair. The Act also directs IDOT to issue special permits for passage over a restricted bridge or culvert for up to eight weeks upon a showing of agricultural hardship.
- HOUSE FILE 679** - Elections — Sac and Fox Settlement Precinct  
*SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE.* This Act requires the county commissioner of elections to redraw the boundaries of the Indian settlement precinct in Tama County to

include land added to the settlement land held in trust by the U. S. Secretary of the Interior on behalf of the Sac and Fox Tribe of the Mississippi in Iowa.

- HOUSE FILE 737** - Appropriations — Health and Human Rights  
**SEE APPROPRIATIONS.** This Act provides that tax revenue in an amount equal to 0.3 percent of the gross sum wagered by the pari-mutuel method, and collected by the state Racing and Gaming Commission, is appropriated to the Iowa Department of Public Health to fund the position of deputy state medical examiner.
- HOUSE FILE 745** - Appropriations — Economic Development  
**SEE APPROPRIATIONS.** This Act provides that a state agency shall disburse public moneys used for grants, loans, tax incentives, or other financial assistance for economic development without discrimination.
- HOUSE FILE 760** - Appropriations — Human Services  
**SEE APPROPRIATIONS.** The Act makes appropriations to the Department of Human Services for FY 1999-2000, and includes numerous provisions involving health-related services including Medical Assistance, mental health and developmental disabilities services, prevention of disabilities, and substance abuse services. The Act also directs that if allowed by federal law and regulation, \$65,000 of the penalties collected for health care facility violations is to be used for training and support for certified nurse aides employed by nursing facilities.
- HOUSE FILE 762** - Appropriations — State Government Technology and Operations  
**SEE APPROPRIATIONS.** This Act provides that it is the intent of the General Assembly that an information technology department be created effective July 1, 2000. The Act creates a transition team for the purpose of developing a written proposal regarding the creation of the department. The Act also creates the IowAccess Revolving Fund. Moneys in the fund are to be used to develop, operate and expand the IowAccess Network.
- HOUSE FILE 772** - Appropriations — Infrastructure and Capital Projects  
**SEE APPROPRIATIONS.** This Act makes appropriations from and to the Rebuild Iowa Infrastructure Fund for various capital and other projects. The Act requires that the Director of the Department of Management compile all capital project budgeting requests of all state agencies and prepare a capital project priority plan for submission with other budget documents with the Governor's budget message by November 1 of each year.
- HOUSE FILE 781** - Compensation for Public Employees  
**SEE APPROPRIATIONS.** This Act appropriates \$52.8 million for the fiscal year beginning July 1, 1999, to fund salary adjustments for certain state elected officers; state appointed, nonelected officers; justices; judges; magistrates; employees subject to collective bargaining agreements; and noncontract employees.
- HOUSE FILE 782** - Miscellaneous Supplemental and Other Appropriations and Provisions  
**SEE APPROPRIATIONS.** Division III of this Act transfers the position of State Medical Examiner to the Department of Public Health from the Commissioner of Public Safety.

## STATE GOVERNMENT

### **SENATE FILE 99 - Board of Nursing Examiners — Composition**

BY COMMITTEE ON STATE GOVERNMENT. This Act changes the membership composition requirements of the Iowa Board of Nursing Examiners. Current law requires that one of the four registered nurses included in the composition of the board must be actively engaged in the practice of nursing, and three are required to be nurse educators from nursing education programs. The Act retains the requirement that the board be composed of four registered nurses, but provides that two of the registered nurses will be actively engaged in practice, and two will be nurse educators from nursing education programs. The Act deletes the previous requirement that one of the nurse educators be affiliated with a diploma education program.

### **SENATE FILE 102 - Nonsubstantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.

Subject matter areas in which technical, grammatical and other nonsubstantive changes are made include the following: the Iowa Educational Savings Plan Trust Program, the Enhanced 911 Program Bonding Authority and Wireless E911 Emergency Communications Fund, the Iowa Access Network, public official impeachment procedures, occupational hearing loss, safety inspection of amusement rides, Iowa Public Employees' Retirement System, controlled substances, child abuse record checks, radon testing, the charging of fees for certain vital statistics records, the licensing board for the profession of barbering, inspection of cold storage plants by the Department of Agriculture and Land Stewardship, the Blufflands Protection Revolving Fund, determinations of the existence of hog-cholera outbreaks, food establishments, organic agricultural products, dry animal nutrient products, membership of the Commission of Persons With Disabilities, the Commission for the Blind, the designation of the Mental Health and Developmental Disabilities Commission, the definitions applicable to the Child Abuse Information Registry, the use of ear-protective devices in vocational or industrial arts shops or laboratories, state Department of Transportation rules for commercial driver's licenses, the providing of records of motor vehicle operation violation convictions through the Iowa Court Information System, applicability of operating while intoxicated prohibitions, fees and charges collected by county recorders for obtaining certain licenses and records, investigation of the premises of confinement feeding operations by state and county officials, references to the Uniform Partnership Act, biennial reports by cooperative corporations and information received by cooperative corporation members, references to the 1989 Corporations Not for Pecuniary Profit chapter, the contents of written disclosures to customers by invention developers, the duties of the clerk of court related to the trial certificate list, the applicability of sex offender registration requirements, employee rights when serving as a witness in a criminal proceeding, and the rights of a victim of a delinquent act.

### **SENATE FILE 106 - Church Buildings — Accessibility Requirements**

BY JENSEN AND KIBBIE. This Act provides that the provisions of the State Building Code, which concern accessibility of persons with disabilities, do not apply to a building, or to any structures or facilities in that building, that is used as a place of worship.

This Act takes effect on April 22, 1999.

### **SENATE FILE 210 - National Guard — Active Service Pay**

BY COMMITTEE ON STATE GOVERNMENT. This Act increases the minimum daily pay for active state service for members of the Iowa National Guard from \$75 to \$100.

### **SENATE FILE 254 - Emergency Management Services**

BY COMMITTEE ON STATE GOVERNMENT. This Act gives the Emergency Management Division of the Department of Public Defense an exemption from a state law that prohibits state competition with private enterprise relating to the repair, calibration or maintenance of radiological detection equipment. The division may also charge a fee for the services and use the proceeds for the operation of the radiological maintenance facility or for radiation incident response training.

The Act also requires local governments to file with the division a comprehensive countywide emergency operations plan that meets state standards in order to maintain eligibility for partial state funding of financial assistance to the local governments or eligible private nonprofit agencies for disaster-related expenses, serious needs or hazard mitigation. This requirement takes effect July 1, 2000.

The Act also requires the administrator of the division to report to the General Assembly by January 15, 2000, regarding state government preparedness to respond to nuclear, chemical or biological materials incidents and identify unmet needs for preparedness and response efforts.

**SENATE FILE 281 - Workforce Development Department — Miscellaneous Provisions**

BY COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM. This Act deals with the Department of Workforce Development.

New Code Section 84A.1C authorizes the Workforce Development Board to establish a nonprofit corporation for the purpose of acquiring funds to be used to further workforce development and the mission of the board. The new section provides for the incorporators of the corporation, the members of the corporation's board of directors, and the authority of the board to obtain and disburse funds in furtherance of the duties of the Workforce Development Board.

Code Section 84A.4, subsection 3, is amended to authorize the payment of expenses incurred by members of regional workforce development advisory boards.

Code Section 84A.5 is amended to authorize the director of the department to adopt rules providing for the charging and collecting of fees on certain services provided by the department that are not required to be provided and are not generally available. The fees shall be determined based upon personnel costs in providing the service.

Code Section 84A.7, concerning the Iowa Conservation Corps, is amended to provide that persons employed through a program of the corps are exempt from the merit system requirements of Code Chapter 19A and are not eligible to receive unemployment compensation benefits.

**SENATE FILE 282 - Department of General Services Practices and Procedures**

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to practices of and appropriations to the Department of General Services. The Act amends Code Section 18.6 to permit a cashier's check to be used as bid security for bids on public improvement projects.

The Act amends Code Section 18.12 to modify the duty of the Director of the Department of General Services to lease buildings and office space for the proper functioning of a state agency at the seat of government. It specifies that the director may lease such buildings and space in Polk County or in a county contiguous to Polk County.

Code Section 18.18, relating to requirements for purchasing recycled products by the Department of General Services, is amended to provide that purchases of recycled printing and writing paper are to meet federal requirements established by the U.S. Environmental Protection Agency. Currently, all types of paper, with certain exceptions, are required to be recycled paper, as defined in Code Section 18.18 in conjunction with recommendations made by the Department of Natural Resources. The Act requires persons submitting bids for printing and writing paper to certify that the paper proposed meets the federal requirements. The Act also makes corresponding changes in Code Sections 216B.3, 262.9 and 307.21.

The Act eliminates the requirement that the director of the department make annual, fiscal or calendar reports to the Governor of the cost of the public printing for each department during the preceding fiscal term. The Act also includes the reproduction of an image by electronic means within the definition of "printing" for purposes of statutory provisions relating to the department's state printing responsibilities and official state reports and publications.

The Act also amends Code Sections 18.37 and 18.43 to allow persons bidding on public printing projects to submit a cashier's check, in lieu of a certified check or bid bond, as surety that the person will enter into a contract with the state if the bid is awarded to the person.

Finally, the Act amends a provision passed by the General Assembly in 1998, relating to an appropriation to the department for the renovation of state-owned buildings and facilities. It specifies the authority of the department to expend up to \$1.25 million of the appropriation for the purchase of property to the north of the capitol complex to include a larger portion of property in that area. This provision of the Act takes effect May 14, 1999.

**SENATE FILE 323 - Audiologists and Speech Pathologists — Professional Designations**

BY COMMITTEE ON STATE GOVERNMENT. This Act prescribes the professional prefix or suffix that may be utilized by a speech pathologist or audiologist with an earned doctoral degree obtained beyond a bachelor's degree from an accredited school, college or university. The Act prescribes the prefix of "Doctor" or "Dr." for a speech pathologist or audiologist meeting the specified educational criteria, and provides that a speech pathologist or audiologist meeting the criteria may use a suffix designating the degree obtained or may add after the person's name the words "speech pathologist," or the word "audiologist," as appropriate.

**SENATE FILE 335 - Real Estate Transfers — Mortgage Releases**

BY COMMITTEE ON COMMERCE. This Act creates new Code Section 16.92, applicable to a mortgage in an original principal amount of \$500,000 or less, and provides that a duly authorized officer or employee of the Title Guaranty Division in the Iowa Finance Authority may execute and record a certificate of release in each county in which a mortgage is recorded.

The certificate of release may be filed by the division if the real estate lender or closer certifies in writing that the payoff statement either does not indicate that the mortgage continues to secure an unpaid obligation due the mortgagee or an unfunded commitment by the mortgagor to the mortgagee, or contains the legal description of the property to be released from the mortgage and the legal description of the property that will continue to be subject to the mortgage; that the payment was made in accordance with the payoff statement; and that more than 30 days have elapsed since the date the payment was sent.

The division must determine that an effective satisfaction or release of the mortgage has not been executed and recorded within 30 days after the date payment was sent or otherwise made in accordance with a payoff statement. In addition, the division, at least 30 days prior to executing the certificate of release, must send by certified mail, to the last known address of the mortgage servicer, written notice of its intention to execute and record a certificate of release, including instructions to notify the division of any reason why the certificate of release should not be executed and recorded.

The Act provides that if, prior to executing and recording the certificate of release, the division receives written notification setting forth a reason satisfactory to the division why the certificate of release should not be executed and recorded by the division, the division shall not execute and record the certificate of release.

The Act provides that a certificate of release filed by the division is to be executed and acknowledged in the same manner as required by law for the execution of a deed. The Act provides that the recording of a wrongful or erroneous certificate of release by the division does not relieve the mortgagor, or the mortgagor's successors or assigns on the debt, from personal liability on the loan or on other obligations secured by the mortgage.

The Act provides that in addition to any other remedy provided by law, if the division wrongfully or erroneously records a certificate of release, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release.

The Act also repeals Code Section 655.2, which provides a penalty for a mortgagee, mortgagee's representative or assignee, who fails to release a mortgage within 30 days after being requested in writing after the mortgage has been satisfied in full. Code Section 655.2 also provides that such person shall forfeit to the mortgagor or any grantee of the property who has paid the mortgage, the sum of \$100 plus reasonable attorney fees incurred by the mortgagor or grantee in securing the release of the mortgage.

New Code Section 655.3 provides that if a mortgagee, or a mortgagee's personal representative or assignee, upon full performance of the conditions of the mortgage, fails to discharge such mortgage within 30 days after a request for discharge, the mortgagee is liable to the mortgagor and the mortgagor's heirs or assigns, for all actual damages caused by such failure, including reasonable attorney fees.

**SENATE FILE 462 - Veterans Benefits and Interests**

BY COMMITTEE ON WAYS AND MEANS. This Act redefines "veteran" to include persons who served in the Armed Forces of the United States during certain wars and armed conflicts and who were discharged under honorable conditions, and persons who served with the reserved forces of the United States or the Iowa National Guard, certain merchant marines, and women who served as Women's Air Force Service Pilots during World War II. The wars and armed conflicts that qualify military persons as veterans include World War I, military service in Germany, Russia, Haiti, Nicaragua, and China during certain dates before 1940, World War II, the Korean Conflict, the Vietnam Conflict, Lebanon and Grenada service, Panama service, and the Persian Gulf Conflict. The specific dates of service are contained in the Act.

This Act provides that veterans are eligible for state and local government employment preferences, a property tax exemption, burial expense for an indigent veteran, spouse or child, county welfare benefits, and grave markers. The property tax credit for local governments increases from \$6.75 to \$6.92 per \$1,000 of exempt property beginning with property tax exemption claims allowed on or after January 1, 2000.

This Act provides a bonus for persons who served on active duty in the active, oceangoing merchant marines between December 7, 1941, and December 31, 1946, for not less than 120 days before December 31, 1946. The bonus is \$12.50 per month for each month of service, not to exceed a total of \$500.

This Act provides arbitration procedures if a person belonging to a class eligible for a veterans preference is refused the preference or is given a salary reduction with intent to bring about a resignation or discharge of the incumbent. This Act also authorizes a special motor vehicle license plate for persons who have been awarded the Legion of Merit.

**SENATE JOINT RESOLUTION 1 - Proposed Constitutional Amendments — State Expenditures and Taxes**

BY IVERSON, JOHNSON, BOETTGER, JENSEN, DRAKE, MADDOX, McKIBBEN, KING, RITTMER, REHBERG, REDWINE, KRAMER, FREEMAN, LAMBERTI, ANGELO, VEENSTRA, HEDGE, ZIEMAN, McKEAN, MILLER, SEXTON, BEHN, GASKILL, BARTZ, TINSMAN, McLAREN, AND SCHUERER. This Joint Resolution proposes two amendments, relating to state budgets, within a new Article XIII to the Constitution of the State of Iowa.

The first amendment establishes a State General Fund expenditure limitation. The amount of the limitation is 99 percent of the adjusted revenue estimate. The amendment defines "adjusted revenue estimate" and requires that the estimate be determined by a revenue estimating conference created by the General Assembly by law. The amendment requires that the expenditure limitation be used by the Governor in preparation of the Governor's budget and by the General Assembly in the budget process. The amendment also provides that if a new revenue source is established and implemented, 95 percent of the estimate of that new revenue shall be included in the expenditure limitation.

The first amendment also provides that the amount of any surplus, which exceeds an amount equal to 10 percent of the adjusted revenue estimate, may be included in the adjusted revenue estimate for the following fiscal year. Any surplus equal to 10 percent or less of the amount of the adjusted revenue estimate may be included in the following year's adjusted revenue estimate if approved by a three-fifths majority of each house of the General Assembly. The amendment also requires the state to use generally accepted accounting principles for state budgeting and accounting purposes. The amendment requires the General Assembly to enact laws to implement the amendment.

The second amendment contained in the Joint Resolution requires a three-fifths majority of the General Assembly for certain tax law changes. The amendment provides that any bill which enacts, amends or repeals the state income tax or the state sales and use taxes, and which causes, in the aggregate, an increase in state tax revenues, as determined by the General Assembly, must be adopted by three-fifths of the whole membership of each house of the General Assembly. The amendment also requires a three-fifths majority vote of each house of the General Assembly in order to enact a new state tax to be imposed by the state. A lawsuit challenging a bill pursuant to either three-fifths majority passage requirement must be filed no later than one year from the date of enactment of the bill. Finally, the amendment requires the General Assembly to enact laws to implement the amendment.

The amendments will be submitted to the voters for ratification at a special election on June 29, 1999. When submitted to the voters, each amendment will be voted on individually.

**SENATE JOINT RESOLUTION 2 - Ola Babcock Miller State Office Building — Commemoration**

BY MADDOX AND HARPER. This Joint Resolution provides that the state office building located at 1112 East Grand Avenue in Des Moines, previously referred to as the "Old State Historical Building," be designated and named the "Ola Babcock Miller State Office Building."

**HOUSE FILE 242 - Substantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

The Act makes changes relating to the investment of moneys and transfer of ownership rights in provisions pertaining to the Iowa Educational Savings Plan.

Language in the Department of Economic Development chapter relating to coordination of the Job Training Partnership Program with the Self-Employment Program is deleted. The Job Training Partnership Program is no longer under the Department of Economic Development.

The Workers' Compensation Liability Insurance chapter is amended to specify that financial statements are to be provided to and are subject to examination and rules of the Commissioner of Insurance. Child abuse record check provisions are amended to specify that if the Department of Human Services determines that an applicant for employment with a health care facility has a record of founded child abuse, that department is also to notify the licensee that an evaluation will be conducted to determine whether the person's employment is warranted.

Corrections are made in references relating to the collection and forwarding or retaining of fees by the county registrars for birth records, death records, marriage certificates, marriage license filing fees, and other fees provided by law.

In provisions relating to reporting of certain wounds that appear to have been received as the result of a criminal offense, the term "serious bodily injury" is changed to the defined term "serious injury," which is referenced in the provisions.

The bond amount for each place of business of a dealer in biological products is changed so that a uniform amount is prescribed. The definition of "distribute" within the chapter pertaining to bulk dry animal nutrient products is amended to provide that any of the methods of distribution listed are included in the definition.

The definition of "mediator" is changed to convert the contents of the definition into substantive provisions in the Civil Rights chapter. Language relating to the appointment of a person outside the Department of Human Rights as the Administrator for the Commission of Persons With Disabilities, and which permits the commission to appoint personnel for the administration of policies and programs of the commission, is stricken. The Act also strikes an obsolete requirement relating to providing information regarding on-site review of waste management in product bidding and contract procedures for institutions under the Commission for the Blind and the State Board of Regents.

An obsolete reference to a joint agreement between the Department of Education and the community colleges, regarding accreditation of community colleges, is eliminated.

References to the Motorcycle Rider Education Fund are corrected to reflect the current statutory citation for the fund. A limitation on the ability of certain persons, who received citations for failure to provide proof of financial liability coverage but who actually had liability coverage in force at the time of the citation, to seek to have the citation dismissed is changed. Provisions specifying the fee for registration of all-terrain vehicles or snowmobiles are conformed to provide for a uniform fee amount. Punctuation is changed in provisions relating to connections for utility services for mobile homes.

The usage of the term "board of supervisors" is conformed within provisions relating to the detachment and attachment of areas to rural water districts.

A reference to a stricken provision is deleted in provisions relating to taxation provisions that apply to cities acting under special charters. An internal reference in provisions relating to computation of tax deductions for medical expenses is corrected. Certain references to modular homes are deleted from provisions relating to taxes on homes in mobile home parks. The term "transfer replacement tax" is changed to "transfer replacement excise tax" in provisions relating to taxes on electricity and natural gas providers. Obsolete provisions pertaining to the taxation of personal property are stricken.

Animal feeding operation provisions are amended to specify which persons are restricted from constructing or expanding animal feeding operations structures. The exemption to certification of confinement site manure applicators is amended to specify that it applies to persons who are acting under the instructions and control of a certified confinement site manure applicator.

Amendments are made to delete language relating to allocation of use tax revenues to the Iowa Petroleum Underground Storage Tank Program, since those revenues are no longer appropriated to that fund, and to transfer language pertaining to the Insurance Account to provisions relating to the now separate Underground Tank Insurance Fund. References to the term "fund" are changed as necessary to specify that the references are to the Underground Storage Tank Insurance Fund, and not to the Iowa Comprehensive Petroleum Underground Storage Tank Fund.

The Uniform Partnership Act provisions are amended to specify that in the case of a merger, certain obligations incurred prior and subsequent to the merger are to be satisfied out of the assets of the surviving entity.

References to the former Community Health Management Information System are deleted. An exception to the former limitation on state bank offices is also deleted, as is an internal reference to a former restriction on the retention of former bank offices by a resulting bank of a merger or consolidation.

Provisions relating to the conditions for the issuance of a marriage license are redesignated to conform to the requirements stated in those provisions.

References pertaining to the availability of suspended or deferred sentences are corrected in the domestic abuse assault provisions.

In provisions relating to the powers and duties of the Director of the Department of Corrections, language relating to the provision of "habilitative services and treatment" is conformed to the term as defined within the section.

In the Victim Rights chapter, provisions relating to the performance of medical examination and treatment are conformed to existing practice; HIV-related testing provisions are amended to conform language to prior Code changes; and language

relating to transportation of domestic abuse victims to medical care and language relating to Attorney General actions to recover moneys and property from convicted felons are conformed to the provisions cited.

The Act also repeals a variety of provisions, including a provision identical to a provision in the Victim Rights chapter. Provisions relating to a former public transit loan program are deleted. Sections establishing a former technical advisory committee in the Department of Natural Resources are deleted. Provisions relating to the Iowa Statehood Sesquicentennial Commission and county sesquicentennial commissions are deleted.

Various session law provisions are amended to conform and correct effective dates and Code references.

**HOUSE FILE 308 - Department of Inspections and Appeals Investigators — Status**

BY COMMITTEE ON JUDICIARY. This Act provides that investigators employed within the Investigations Division of the Department of Inspections and Appeals have the power and authority of a peace officer while conducting an investigation involving state or federal benefit assistance programs as described in Code Section 10A.402, subsection 7. Peace officer status permits a person to, among other things, issue misdemeanor summons, petition for a search warrant, and make an arrest. The Act further provides that an investigator shall not carry a weapon to perform duties as authorized by this Act.

**HOUSE FILE 402 - Proposed Licensure of Midwives — Review**

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the establishment of a Scope of Practice Review Committee regarding the proposed licensure of certified professional midwives. The Act provides that the Iowa Department of Public Health will establish the committee pursuant to the Scope of Practice Review Committee Pilot Project established in 1997 Iowa Acts, Chapter 203, Section 6. The committee will review a request for the establishment of licensure requirements for certified professional midwives, and will submit its findings and recommendations in a report to the General Assembly by January 10, 2000.

**HOUSE FILE 417 - Property Tax Rent Reimbursement — Claimant Information**

BY COMMITTEE ON STATE GOVERNMENT. This Act allows the Department of Revenue and Finance to release information pertaining to an individual's eligibility or claim for property tax rent reimbursement to employees of the Department of Inspections and Appeals who are officially conducting an audit or investigation.

**HOUSE FILE 518 - Fire Safety — Bed and Breakfast Inns**

BY COMMITTEE ON STATE GOVERNMENT. This Act exempts bed and breakfast inns, defined as hotels with nine or fewer guest rooms, from fire safety rules applicable to hotels. However, this Act provides that the State Fire Marshal is required to specifically adopt fire safety rules applicable to bed and breakfast inns.

**HOUSE FILE 688 - Designation of State Poet Laureate**

BY COMMITTEE ON STATE GOVERNMENT. This Act creates an honorary state office of State Poet Laureate. A state poet laureate nominating committee consisting of six persons, three appointed by the Executive Director of Humanities Iowa and three appointed by the Executive Director of the Iowa Arts Council, selects a list of three nominees who are residents of the state and noted for their poetic accomplishments. The Governor may select a State Poet Laureate from this list for a two-year term. The State Poet Laureate shall not receive any compensation as a result of the appointment.

**HOUSE FILE 689 - Iowa Freedom Trail Study**

BY COMMITTEE ON STATE GOVERNMENT. This Act directs the Department of Cultural Affairs to prepare a proposal, with cost estimates, to explore the establishment of an Iowa Freedom Trail Program. The Act requires the department to explore the possibility of securing the cooperation and assistance of the National Park Service in developing and implementing a program that would assist in locating, identifying and preserving sites, routes and other resources located in the state which served a function in the Underground Railroad and antislavery campaign in the state, and identify and recognize any citizens of the state who were instrumental in the Underground Railroad and antislavery campaign. The department must submit a report on the proposal to the General Assembly by January 1, 2000.

**HOUSE JOINT RESOLUTION 13 - Rock Island Arsenal — Additional Production Work Request**

BY COMMITTEE ON STATE GOVERNMENT. This Joint Resolution requests that the U.S. Department of Defense and the U.S. Army place additional production work at the Rock Island Arsenal, in light of indications by the Army of a possible layoff of several hundred skilled production employees at the arsenal during FY 1999-2000. Factors supporting the placement of additional work at the arsenal are identified in the Joint Resolution.

**HOUSE JOINT RESOLUTION 15 - Nullification of Administrative Rule — Preparation of Descriptions of Ballot Issues**  
BY COMMITTEE ON ADMINISTRATION AND RULES. This Joint Resolution nullifies an administrative rule of the Secretary of State's Office applicable to preparation of a summary describing a constitutional amendment or statewide public measure. The rule nullified requires that the words describing a proposed constitutional amendment or statewide public measure be prepared not less than 150 days before the election.

The Joint Resolution takes effect April 26, 1999.

## TAXATION

- SENATE FILE 9** - Sales and Use Tax Exemption on Rural Water District Building Materials, Supplies, or Equipment
- SENATE FILE 136** - Tax Administration and Related Matters
- SENATE FILE 176** - Investment Counseling Not a Taxable Service — VETOED BY THE GOVERNOR
- SENATE FILE 230** - Internal Revenue Code References and Income Tax Provisions
- SENATE FILE 231** - Sales and Use Tax Exemption for Hospices
- SENATE FILE 305** - Family Farm Tax Credit
- SENATE FILE 308** - Benefited Fire District Areas — Tax Levy Rates
- SENATE FILE 458** - Property Tax Statement and Equalization Order Information
- SENATE FILE 469** - Sales and Use Taxes — Miscellaneous Provisions
- SENATE FILE 473** - Tax Administration — Additional Related Matters
- HOUSE FILE 199** - State Sales, Services, and Use Taxes on Aircraft
- HOUSE FILE 387** - Taxpayer Communications — Confidentiality
- HOUSE FILE 418** - Sales and Use Taxes on Argon and Similar Gases
- HOUSE FILE 744** - Individual Income Tax Reductions — VETOED BY THE GOVERNOR
- HOUSE FILE 748** - State Sales, Services, and Use Tax Exemption for Internet Access
- HOUSE FILE 755** - Property Assessments and Taxes — Omitted Property and Erroneous Payments
- HOUSE FILE 757** - Real Estate Transfer Tax — Payment and Allocation
- HOUSE FILE 769** - Property Tax Classification of Apartments in Condominiums
- HOUSE FILE 770** - Manufactured Housing — Sales and Use Taxes — Certificates of Title
- HOUSE FILE 776** - Urban Renewal

## RELATED LEGISLATION

- SENATE FILE 53** - Tax Sales — Date of Sale  
*SEE LOCAL GOVERNMENT.* This Act allows a county treasurer with good cause to designate a date in June other than the third Monday of June on which to hold the annual tax sale. The Act takes effect February 17, 1999, and applies to tax sales held on or after that date.
- SENATE FILE 392** - Telecommunications — City Utilities  
*SEE LOCAL GOVERNMENT.* This Act provides that a city utility includes telecommunications systems or services offered separately or combined with certain other city systems or services. The Act provides that a municipal utility providing local exchange services will be subject to taxation on the facilities used for providing local exchange services. The Act takes effect April 26, 1999, and applies retroactively to July 1, 1993. City elections held after June 30, 1993, for the purpose of voting on the question of offering communications or telecommunications systems or services, are deemed to be valid for the purpose of offering such systems or services.
- SENATE FILE 448** - Abandoned Property — Delinquent Taxes — Purchase by City or County  
*SEE LOCAL GOVERNMENT.* This Act allows a city or county to bid on parcels containing certain abandoned property at the annual tax sale. The Act also allows a city or county to assign tax sale certificates on abandoned property purchased by the city or county to certain persons or organizations and to buy such certificates from current certificate holders. The Act shortens the length of the redemption period on a parcel containing abandoned property that is bid on and purchased by a city or county. The Act takes effect April 15, 1999, and applies beginning with the tax sale held in June 1999.
- SENATE FILE 457** - Iowa Educational Savings Plan Trust — Miscellaneous Provisions  
*SEE EDUCATION.* This Act amends certain Code provisions relating to the Iowa Educational Savings Plan Trust. The Act takes effect May 14, 1999.

- SENATE FILE 459** - School Finance — State Aid — Gifted and Talented Children Program Plans  
*SEE EDUCATION.* This Act increases the regular program foundation base per pupil, for the portion of weighted enrollment that is additional enrollment because of special education, to 87.5 percent of the regular program state cost per pupil, for the school budget year beginning July 1, 1999, and succeeding budget years. The Act takes effect May 24, 1999, for computation of state school aid for school budget years beginning on or after July 1, 1999.
- SENATE FILE 462** - Veterans Benefits and Interests  
*SEE STATE GOVERNMENT.* This Act increases the tax credit to local governments from \$6.75 to \$6.92 per \$1,000 of exempt property arising from the veteran's property tax exemption. The Act also expands the definition of "veteran," which has the effect of extending the property tax exemption of \$1,852 to these newly eligible veterans.
- SENATE FILE 465** - Accelerated Career Education Program  
*SEE ECONOMIC DEVELOPMENT.* This Act provides that a community college may enter into an agreement with certain employers to establish an Accelerated Career Education Program. The Governor item vetoed provisions of the Act regarding the use and allocation of tax credits from withholding as a funding source to pay for program costs. The Act takes effect May 24, 1999.
- S.J.R. 1** - Proposed Constitutional Amendments — State Expenditures and Taxes  
*SEE STATE GOVERNMENT.* This Joint Resolution proposes two amendments, which relate to state budgets, within a new Article XIII to the Constitution of the State of Iowa. One amendment establishes a State General Fund expenditure limitation. The other amendment provides that any bill which enacts, amends or repeals the state income tax or the state sales and use taxes, and which causes, in the aggregate, an increase in state tax revenues, as determined by the General Assembly, must be adopted by three-fifths of the whole membership of each house of the General Assembly. This amendment also requires a three-fifths majority vote of each house of the General Assembly in order to enact a new state tax to be imposed by the state. The amendments will be submitted to the voters for ratification at a special election on June 29, 1999.
- HOUSE FILE 293** - Iowa Sheep and Wool Promotion Board Assessments  
*SEE AGRICULTURE.* This Act amends Code Chapter 182, which provides for the assessment (commonly referred to as a checkoff) of sheep and wool, by providing for the imposition of the assessment regardless of whether the sheep are sold for slaughter or whether the sale occurs at a concentration point.
- HOUSE FILE 417** - Property Tax Rent Reimbursement — Claimant Information  
*SEE STATE GOVERNMENT.* This Act allows the Department of Revenue and Finance to release information pertaining to an individual's eligibility or claim for property tax rent reimbursement to employees of the Department of Inspections and Appeals.
- HOUSE FILE 474** - County Records and Assessments  
*SEE LOCAL GOVERNMENT.* This Act makes a number of changes to the powers and duties of county treasurers relating to special assessments, vehicle ownership transfers, tax statement addresses, tax redemption, and tax clearance statements for mobile homes.
- HOUSE FILE 570** - Marketing of Turkeys and Turkey Products — Council — Producer Assessment  
*SEE AGRICULTURE.* This Act amends Code Chapter 184A, which provides for the establishment of the Iowa Turkey Marketing Council, the imposition of an assessment (commonly referred to as a checkoff) on turkeys sold to processors, and the use of those moneys. The Act takes effect May 20, 1999.
- HOUSE FILE 733** - Economic Development Tax Credits — Miscellaneous Provisions  
*SEE ECONOMIC DEVELOPMENT.* This Act defines the meaning of "new investment" in the New Investment Tax Credit under the New Jobs and Income Program. The Act adds an insurance premium tax credit to the list of incentives and assistance available under the Enterprise Zone Program.
- HOUSE FILE 758** - Mobile Home Park Storm Shelters  
*SEE LOCAL GOVERNMENT.* This Act provides a property tax exemption for storm shelter structures in mobile home parks. If the structure is used exclusively as a storm shelter, the entire assessed value of the storm shelter is exempt. If it is not used exclusively as a storm shelter, 75 percent of the

assessed valuation is exempt. The storm shelter shall be assessed for tax purposes as commercial property for the assessment years beginning on or after January 1, 2000.

**HOUSE FILE 760****- Appropriations — Human Services**

**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act maintains the requirement that DHS use moneys deposited in the Child Day Care Credit Fund for state child care assistance.

## TAXATION

**SENATE FILE 9 - Sales and Use Tax Exemption on Rural Water District Building Materials, Supplies, or Equipment**  
BY McKIBBEN AND BLACK. This Act amends Code Section 422.45 to provide that a rural water district organized under Code Chapter 504A that performs its own construction of facilities is eligible to receive an exemption from sales and use taxes.

In 1998, the General Assembly enacted S. F. 2365 (1998 Iowa Acts, Ch. 1161), which amended Code Section 357A.15 to provide that a rural water district organized under Code Chapter 504A could receive a refund of sales and use taxes on the gross receipts of all sales of building materials, supplies or equipment sold to a contractor or used in the fulfillment of a written contract for the construction of facilities for the rural water district. A rural water district organized under Code Chapter 357A as a governmental subdivision may receive a similar refund under Code Section 422.45, subsection 7, regardless of whether it constructs the facilities or hires a contractor to construct the facilities.

The Act takes effect April 26, 1999, and applies retroactively to July 1, 1998, for sales made or uses occurring on or after that date.

**SENATE FILE 136 - Tax Administration and Related Matters**

BY COMMITTEE ON WAYS AND MEANS. This Act amends various provisions of state and local tax law. The Act, in addition to eliminating obsolete provisions, does the following:

1. Deletes the requirement that the State Board of Tax Review meet six times a year and provides that the state board meet as necessary.
2. Provides that not only public officers need to give the Director of Revenue and Finance information to assist in tax administration, but employees and local governments also need to provide the information.
3. Removes the requirement that taxpayers need to get permission to file a composite return and provides that limited liability companies may join the filing of a composite return. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
4. Provides that, at the discretion of the Director of Revenue and Finance, withholding agents need not send wage and tax statements with the annual report if the information is available from other sources such as the federal Internal Revenue Service or other state or federal agencies.
5. Strikes the requirement that provides that personal representatives of an estate can apply to the district court to determine initially whether the estate is subject to Iowa income tax. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
6. Provides that the 30- or 60-day appeal period, as applicable, for the income taxes, sales and use taxes, death taxes, cigarette and tobacco taxes, and the environmental protection charge commences on the date of the notice. Previously, the appeal period commenced on the date the notice was postmarked.
7. Provides that when a taxpayer has paid 90 percent of the final tax liability by the original due date and files the return sometime in the six-month extended period after the original due date, interest on an overpayment of tax on the return starts to accrue two months after the end of the six-month extended period. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
8. Removes the provision that imposes the Iowa corporate income tax upon a corporation whose legal domicile (place where the corporation was created) is in Iowa and instead imposes it on all corporations doing business in Iowa.
9. Provides that an Iowa-based corporation, whose only activity outside Iowa is the ownership of intangible assets that have acquired a business situs outside Iowa, may apportion its income to determine the portion of its income that is subject to Iowa income tax. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.
10. Makes the exemption from Iowa sales tax for services performed on tangible property delivered into interstate commerce the same as the exemption from Iowa sales tax on tangible personal property delivered to a point outside of Iowa.
11. Provides that the sales tax exemption for providing transportation service does not apply to the transportation of electric energy effective May 20, 1999, and does not apply to the transportation of natural gas effective April 1, 2000.
12. Provides that governmental units, nonprofit educational institutions, and nonprofit private museums have one year instead of six months from final payment to apply for a refund of sales or use tax paid by a contractor on materials used in the performance of a construction contract.

13. Amends the provision relating to the use of sales tax exemption certificates by providing that an exemption certificate may be used to substantiate the sale of nontaxable items as well as sales made to persons holding a direct pay permit. Previous law only provided for exemption certificates for materials purchased for resale or for use in processing.
14. Provides that retailers are required to keep records on the gross receipts from the sale of services as well as from the sale of tangible personal property for sales tax purposes.
15. Allows the Department of Revenue and Finance to use new technologies to preserve records as required by law.
16. Makes it unlawful to willfully inspect income, franchise and sales tax returns for any reason other than as authorized by the Director of Revenue and Finance. The penalty is a serious misdemeanor.
17. Permits the waiver of the penalty imposed for underpayment of estimated tax for reasonable cause.
18. Provides that an income tax credit in lieu of a full motor fuel tax refund is not available for credit relating to casualty loss, transport diversions, pumping credits, blending errors, idle time, power takeoffs, reefer units, and exports by eligible purchasers. However, a refund remains available if a refund permit is obtained from the Department of Revenue and Finance.
19. Provides that a refund is only available for undyed special fuel since no tax is imposed on dyed special fuel.
20. Specifies the method for calculating the livestock production tax credit for cow-calf operations effective beginning with the 1997 tax year. This provision applies retroactively to January 1, 1997, for tax years beginning on or after that date.
21. Exempts, from both the local option sales and services tax and the local option tax for school infrastructure purposes, sales of self-propelled building equipment, pile drivers, motorized scaffolding, and attachments customarily drawn by such items which are directly and primarily used by contractors, subcontractors and builders for construction work on real property.
22. Provides that when a local option sales and services tax is imposed, a local excise tax shall also be imposed on the purchase price of natural gas, natural gas service, electricity, and electric service which is subject to the state use tax. This excise tax shall be imposed on the same basis as the state use tax. These provisions are effective April 1, 2000.
23. Exempts, from both the local option sales and services tax and the local option tax for school infrastructure purposes, the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where these items are subject to a franchise fee or user fee during the period such fee is imposed. These provisions are effective April 1, 2000.
24. Provides that if an overpayment has been made to a local jurisdiction for local option sales tax during the previous fiscal year, the November payment must reflect the adjustment.
25. Moves a local income surtax fund from the Office of Treasurer of State to the Department of Revenue and Finance.
26. Moves the sign-up date from July 1 to April 15 for claiming a property tax exemption by war veterans' organizations and religious, literary and charitable societies. This would allow the taxpayer to appeal the assessment to the local board of review prior to its adjournment if the claim is denied.
27. Provides a February 1 deadline for certifying eligibility for the wildlife habitat property tax exemption. Other property tax credits and exemptions provide specific certification deadlines.
28. Provides that the 10-year inheritance tax lien ceases regardless of whether the decedent died prior to or subsequent to July 1, 1995. Prior law was interpreted so that the lien ceased only if the decedent died subsequent to July 1, 1995.
29. Provides that, in addition to the surviving spouse as already provided in statute, when the estate does not have a federal estate tax obligation and all property of the estate is held in joint tenancy with the right of survivorship solely by the decedent and a lineal ascendant, child, stepchild, or lineal descendant, or any combination of these individuals, an Iowa inheritance tax return need not be filed. This provision takes effect July 1, 1999, for estates of decedents dying on or after that date.
30. Allows the Department of Revenue and Finance to adjust previously accepted, submitted, appraised, or agreed upon values of real property for inheritance tax purposes if the new values have been accepted for federal estate tax purposes. Also, the personal representative for the estate may claim a refund of tax if the personal representative for the estate files a claim for refund within six months of the final disposition of any real property valuation matter. This provision takes effect July 1, 1999, for estates of decedents dying on or after that date.
31. Provides that a lien for Iowa estate tax could be made on those items listed as exemptions under Code Section 450.7 for inheritance tax. This provision takes effect July 1, 1999, for estates of decedents dying on or after that date.

32. Provides that a person need not export fuel exclusively to be considered an exporter and that transmix is taxed as motor vehicle fuel. Transmix is a product used as a buffer between fuel types being transported through a pipeline.
33. Requires the person who owns the fuel at the time it is imported into the state to pay the tax on motor fuel.
34. Provides consistency in the motor vehicle fuel tax by changing the word "report" to "return." When the motor vehicle fuel tax chapters were amended in 1995 to change the point of taxation, these sections contained in the Act were not amended.
35. Provides that a fuel tax refund is available for machinery and equipment used for nonhighway purposes and clarifies that distributors who are eligible purchasers are entitled to refund of the tax paid.
36. Provides that records need to be kept relating to fuel used in watercraft and provides that no refund will be issued for undyed special fuel taken out of the state in the fuel supply tank of a vehicle.
37. Extends the time for claiming fuel tax refunds resulting from the excess tax paid on fuel blended with alcohol to produce ethanol from 90 days to one year and prohibits claiming an income tax credit for the excess tax paid.
38. Requires a licensee who collects motor fuel tax in error from a consumer to either return the tax to the consumer or remit it to the Department of Revenue and Finance.
39. Provides that the taxpayer may enter into an agreement with the Department of Revenue and Finance to extend the statute of limitations for assessment and refund of motor fuel taxes and cigarette and tobacco taxes.
40. Lists distributors and manufacturers as those who must stamp cigarettes.
41. Provides that any person who is in possession of unstamped cigarettes shall pay the cigarette tax directly to the Department of Revenue and Finance and provides that the cigarette tax shall be added to the selling price and collected from the purchasers so that the ultimate consumer bears the burden of the tax.
42. Provides that the Department of Revenue and Finance is no longer required to sell cigarette stamps in unbroken books of 1,000 stamps.
43. Provides that any person who is not licensed must keep records, file reports, and pay the cigarette tax in the same manner as permit holders.
44. Provides that manufacturers of cigarettes may only ship unstamped cigarettes into the state to licensed distributors or licensed distributors' agents.
45. Provides that the two-year statute of limitations does not apply if a false or fraudulent report or return is made with the intent to evade the cigarette or tobacco products tax, if a report or return is not filed, or if the person is in possession of unstamped cigarettes. In these instances, the statute of limitations is unlimited.
46. Changes the civil penalty for failure to keep records, selling cigarettes without a valid permit, making a false or incomplete report, or failing to abide by rules of the Department of Revenue and Finance. The previous penalty was \$50 for each offense. Each violation was a separate offense, and the same violation was a separate offense for each day it continued. The change strikes the \$50-a-day penalty and replaces it with a three-tiered civil penalty for these offenses: \$200 for the first offense, \$500 for the second offense within two years, and \$1,000 for the third offense within two years and for subsequent offenses.

A second three-tiered penalty for possession of unstamped cigarettes is provided. This penalty is based on the number of cigarettes in the person's possession.

<u>Number of Cigarettes</u>	<u>1st Violation Within 2</u>	<u>2nd Violation Within 2</u>	<u>Third Violation</u>
	<u>Years</u>	<u>Years</u>	
41-400	\$ 200	\$ 400	\$ 600
401-2,000	\$ 500	\$1,000	\$1,500
2,001 or more	\$1,000	\$2,000	\$3,000

The penalties are no longer subject to mandatory waiver for reasonable cause.

47. Requires persons who sell tobacco products to retain records for two years from the date of sale instead of the present one-year requirement.
48. Requires the Department of Economic Development to submit a report to the General Assembly on the phaseout of the machinery, equipment and computer property tax, including estimated economic impact and recommendations for modification of the reimbursement formula.
49. Provides that items in the Act which do not specify an effective or applicability date take effect May 20, 1999.

**SENATE FILE 176 - Investment Counseling Not a Taxable Service — VETOED BY THE GOVERNOR**

BY COMMITTEE ON WAYS AND MEANS. This bill would have eliminated investment counseling as a taxable service under the state sales and use taxes.

**SENATE FILE 230 - Internal Revenue Code References and Income Tax Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act updates the references to the Internal Revenue Code to make the federal income tax revisions enacted by Congress in 1998 applicable for Iowa income tax purposes.

Iowa Code Sections 15.335, 15A.9, 422.10, and 422.33 are amended to update the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones, to include the 1998 changes to the federal research activities credit.

Iowa Code Section 422.3 is amended to update the reference in the Iowa Code to January 1, 1999, to include the federal income tax revisions made by Congress in the 1998 calendar year, making those revisions applicable for Iowa income tax purposes.

Iowa Code Section 422.6 is amended to allow estates and trusts to take the same credits against computed tax as individuals.

Iowa Code Sections 422.9 and 422.35 are amended to extend the net operating loss carryback period to five years for net operating losses from farming businesses arising in taxable years beginning after December 31, 1997.

Iowa Code Section 422.33 is also amended to add a new subsection that allows a franchise tax credit for unrelated business income earned by qualified pension plans, employee stock option plans, and certain nonprofit organizations as a result of being a shareholder in an S corporation bank.

The Act takes effect May 6, 1999, and applies retroactively to January 1, 1998, for tax years beginning on or after that date.

**SENATE FILE 231 - Sales and Use Tax Exemption for Hospices**

BY COMMITTEE ON WAYS AND MEANS. This Act exempts from the sales and use taxes the sale of tangible personal property or services furnished or rendered to a freestanding nonprofit hospice facility that operates a hospice program as defined in federal regulations if the property or services are to be used in the hospice program.

**SENATE FILE 305 - Family Farm Tax Credit**

BY COMMITTEE ON WAYS AND MEANS. As a result of an error in the certification of the total amount of family farm tax credits to be allowed on agricultural land in Wright County, the total amount of credits for that county payable during FY 1998-1999 was reduced and, therefore, the credit claims were underpaid. This Act requires the county to pay the amount of the underpayment to those qualifying for the family farm tax credit. The county will subsequently be reimbursed for the moneys paid from the appropriation made to the Family Farm Tax Credit Fund to pay credits during FY 1999-2000.

The Act takes effect April 29, 1999.

**SENATE FILE 308 - Benefited Fire District Areas — Tax Levy Rates**

BY COMMITTEE ON WAYS AND MEANS. Prior to this Act, a benefited fire district could levy an annual tax of 40.5 cents per \$1,000 of assessed value for the purpose of fire protection. If this amount was insufficient, another 20.25 cents per \$1,000 of assessed value could be levied. However, where a city was part of the benefited fire district prior to the city's incorporation, the levy was 40.5 cents per \$1,000 of assessed value in the city and no additional levy in the city was permitted. This Act allows the benefited fire district to levy that additional 20.25 cents per \$1,000 of assessed valuation. In addition, the Act increases the amount a city may levy in areas outside of its boundaries, which were part of a dissolved benefited fire district, from 40.5 cents to 60.75 cents per \$1,000 of assessed value if the city is providing fire protection services to those areas.

The Act takes effect on May 20, 1999.

**SENATE FILE 458 - Property Tax Statement and Equalization Order Information**

BY COMMITTEE ON WAYS AND MEANS. This Act requires that the property tax equalization order published by the county auditor contain the following statement: "Assessed values are equalized by the Department of Revenue and Finance every two years. Local taxing authorities determine the final tax levies and may reduce property tax rates to compensate for any increase in valuation due to equalization."

The Act also changes one of the requirements relating to information to be included on the property tax statement prepared by the county treasurer. Prior law required that the tax statement contain the amount of taxes levied in the previous year, the current year, the dollar amount difference between the two, and that amount stated as a percentage increase or decrease. The Act removes the requirement that the difference be stated in dollars.

**SENATE FILE 469 - Sales and Use Taxes — Miscellaneous Provisions**

BY COMMITTEE ON WAYS AND MEANS. This Act provides that increases or decreases in the rate of state sales and use taxes are to become effective on January 1 or July 1, but not sooner than 90 days following enactment of the increase or decrease in rate. Enactment is accomplished when the Governor approves the bill.

The Act allows, upon approval of the Director of Revenue and Finance, the consolidated filing of state sales tax returns by a parent corporation and its affiliated corporations. The Act also reduces the statute of limitations for assessing a state tax or applying for a tax refund from five years to three years over a two-year period. For quarterly periods beginning on or after January 1, 2000, and before January 1, 2001, the statute of limitations is four years. For quarterly periods beginning on or after January 1, 2001, the statute of limitations is three years. These state sales and use tax changes are effective January 1, 2000.

The rest of the Act makes the following changes in the local option sales and services taxes:

- Authorizes a city located in more than one county to impose a local option sales and services tax in the area of the city located in the county where not more than 15 percent of its residents reside, if the county where at least 85 percent of the residents of that city reside has imposed such tax. This provision takes effect upon May 20, 1999, and is repealed July 1, 2000.
- Provides that the local option sales and services tax and the local option tax for school infrastructure purposes are to be imposed either on January 1 or July 1 but not sooner than 90 days following the favorable election. Repeal of the taxes would be either on June 30 or December 31. This provision takes effect April 1, 2000.
- Provides that local option sales and services tax and the local option tax for school infrastructure purposes do not have to be collected on transactions delivered within the area where the tax is imposed unless the retailer has a physical presence in that area. This provision takes effect July 1, 1999.
- Provides that for the local option sales and services tax imposed by the county, distribution of 75 percent of the revenue, which is done on the basis of population, shall be accomplished using a subsequent certified census that modifies the most recent certified census. This provision is effective July 1, 1999.
- Provides for construction contractors to receive a refund of the local option sales and services tax for school infrastructure purposes paid by the contractor. This provision takes effect May 20, 1999, and applies retroactively to July 1, 1998.
- Permits a school district where the local option sales and services tax for school infrastructure purposes is imposed to enter into an agreement with a county and another school district to receive some of the local option sales and services tax revenues received by the school district. This provision takes effect May 20, 1999, and applies retroactively to July 1, 1998.

**SENATE FILE 473 - Tax Administration — Additional Related Matters**

BY COMMITTEE ON WAYS AND MEANS. This Act amends various provisions of state tax law relating to the administration of the state individual income tax, corporate income tax, sales and use taxes, franchise tax, replacement taxes on electric and natural gas providers, motor fuel taxes, inheritance and estate taxes, property taxes, and collection of taxes and debts owed to or collected by the state.

The Act allows the Department of Revenue and Finance to utilize a participating agency's collection powers to collect the participating agency's delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state; allows the department to make and store electronic copies of documents; and changes the date for the department to reimburse counties for the amount of property tax credit claims from February 15 to June 15. The Act also provides that when the Director of Revenue and Finance issues an order revoking or modifying a tax exemption, the order is applicable to the tax year commencing with the tax year in which the application for revocation is made.

The Act provides that persons being prosecuted for tax violations such as sales, withholding, motor fuel, and use tax arising out of operation of a business may be prosecuted where the business operates rather than in each person's county of residence. In addition, the Act provides that venue for drug tax stamp violation is either in the county of the person's residence or the county in which the drugs were located.

The Act clarifies that gain or loss from the disposition of property is business income even if it is only operationally related to sources within and without this state. For example, royalties for the use of a trademark within or without Iowa are considered business income subject to apportionment; however, the previous law did not specifically provide that the gain on the sale of the trademark is subject to apportionment. This provision applies retroactively to January 1, 1999, for tax years beginning on or after that date.

The Act removes the requirement that for services to be exempt from sales tax, the services must be performed on property for use in taxable retail sales.

The Act provides that persons engaged in selling tangible personal property or providing services are not required to obtain a sales tax permit if they make no taxable sales.

The Act modifies provisions related to the low-income elderly and disabled property tax credit and rent reimbursement by deleting the surviving spouse eligibility class for purposes of qualifying for property tax credit and rent reimbursement benefits; deleting the requirement that a claimant live in Iowa for the entire base year to be eligible to claim benefits; deleting the requirement that the person occupy the property during the year to qualify for tax credit benefits; permitting more than one eligible person to file a claim for credit or reimbursement based on their individual incomes and rent or property taxes paid if living in the same homestead; and deleting unnecessary language.

The Act provides that claims for rent reimbursement may be applied to any delinquent accounts, loans, fees, or other debts owed the state.

The Act permits a claim for a reduction in the mobile home tax to be filed on behalf of a deceased person.

The Act deletes the requirement that a claimant for a mobile home reduced tax rate intended to live in the mobile home for six months or more during the year.

The Act makes changes relating to the replacement taxes on electricity and natural gas providers by changing the references to "taxing district" to "taxing authority" to refer to the specific taxing bodies, e.g., city, county or school district; redesignating natural gas competitive service areas; making clear that the replacement tax is an excise tax; better expressing the intent of exempting transmission lines owned by or leased to a lessor if those lines are subject to the replacement transmission tax payable by the lessor; and making clear that all property directly and primarily used in the production, generation, transmission, or delivery of electricity or natural gas which is subject to a replacement tax is exempt from property taxation. These replacement tax changes are effective July 1, 1999.

The Act enacts a new section that provides for an adjustment in the property taxes paid by electricity and natural gas providers during FY 1998-1999 if the actual taxes paid were based upon valuation which did not correct for depreciation. The amount of property taxes paid is the basis for replacement delivery tax rates.

The Act provides that under the Iowa inheritance tax, commissioned appraisers may appraise real property based on fee simple ownership. When valuing property, appraisers do not have jurisdiction to determine what property or interest in property is subject to tax. Joint property is to be appraised at full market value and long-term leases are not to be considered in determining value of appraised property. The inheritance tax changes are effective July 1, 1999, for estates of decedents dying on or after that date.

The Act also eliminates the requirement that municipal utilities report their property taxes based upon valuations determined in the 1993 through 1997 assessment years. Only the valuation for the 1997 assessment year is required for purposes of calculating the replacement delivery tax rates.

Provisions of the Act that do not have a specific effective date are effective May 20, 1999.

#### **HOUSE FILE 199 - State Sales, Services, and Use Taxes on Aircraft**

**BY COMMITTEE ON WAYS AND MEANS.** This Act exempts the sales of aircraft from the state sales tax but subjects the use of aircraft required to register with the state Department of Transportation to the state use tax. Exemptions that were previously provided for sales of aircraft in the state will still apply to the use of such aircraft in the state. The use tax is to be paid at the time and place the aircraft is registered in Iowa.

**HOUSE FILE 387 - Taxpayer Communications — Confidentiality**

BY COMMITTEE ON JUDICIARY. This Act creates the privilege of confidentiality for state tax purposes for those individuals who are authorized to practice before the Internal Revenue Service and who provide tax advice to persons in regard to state tax purposes. The confidentiality privilege applies to tax advice communication to the same extent that such communication would be considered privileged if it occurred between the taxpayer and an attorney. The confidentiality privilege applies to a noncriminal tax matter before the Iowa Department of Revenue and Finance or a noncriminal tax proceeding in federal or state court brought by or against the State of Iowa. However, the privilege does not apply to communication with a director, officer, shareholder, or agent of a corporation in connection with a tax shelter where the main purpose is the avoidance of federal income tax.

**HOUSE FILE 418 - Sales and Use Taxes on Argon and Similar Gases**

BY COMMITTEE ON WAYS AND MEANS. This Act exempts from the sales and use taxes the sale of argon and similar gases to be used in the manufacturing process. The Act provides for a limit of \$25,000 on the total amount of refunds allowed as a result of the retroactivity of the Act. If refund claims exceed that amount, each refund will be prorated.

The Act takes effect May 24, 1999, and applies retroactively to January 1, 1991, for sales occurring between those dates.

**HOUSE FILE 744 - Individual Income Tax Reductions — VETOED BY THE GOVERNOR**

BY COMMITTEE ON WAYS AND MEANS. This bill would have increased the pension income deduction from \$5,000 for single filers and \$10,000 for joint filers to \$6,000 and \$12,000, respectively, and the personal and dependent credits from \$40 to \$70 under the individual income tax.

**HOUSE FILE 748 - State Sales, Services, and Use Tax Exemption for Internet Access**

BY COMMITTEE ON WAYS AND MEANS. This Act exempts from the state sales tax access charges paid to a provider for access to the Internet.

**HOUSE FILE 755 - Property Assessments and Taxes — Omitted Property and Erroneous Payments**

BY COMMITTEE ON WAYS AND MEANS. This Act limits the time in which the Department of Revenue and Finance and local officials may assess and tax omitted property to two years. Prior to this Act, the law allowed the department and local officials to go back up to five years to assess omitted property and collect taxes that would have been levied if the omitted property had been assessed.

The Act also permits a property taxpayer to receive a refund for erroneous property taxes paid if the refund is applied for within two years from the date the tax was due or, if appealed, within two years of the final decision. Prior to this Act, the law limited the time to one year.

The Act takes effect May 24, 1999.

**HOUSE FILE 757 - Real Estate Transfer Tax — Payment and Allocation**

BY COMMITTEE ON WAYS AND MEANS. The real estate transfer tax is collected at the time deeds are recorded. The proceeds are divided 82.75 percent to the state and 17.25 percent to the county. Under prior law, when multiple parcels of land from different counties are sold and the tax is paid on the entire amount in one county, that county receives the whole 17.25 percent. The Act requires the tax be paid to each recorder in the county where the parcel is located. To enable the tax to be paid when a transfer is made involving parcels located in more than one county, separate declarations of value are to be filed with the county recorder in each county where the parcel is located. This will permit each county to retain 17.25 percent of the amount of value allocated to the county.

**HOUSE FILE 769 - Property Tax Classification of Apartments in Condominiums**

BY COMMITTEE ON WAYS AND MEANS. The Department of Revenue and Finance adopted rules providing that, beginning with the assessment year beginning January 1, 2000, horizontal property regimes (condominiums) will be classified for purposes of property taxation based upon the majority use of the condominium apartments included in the building.

This Act provides that if a condominium apartment was used for human habitation on January 1, 1999, or was intended for human habitation pursuant to a declaration submitting a parcel of property to a horizontal property regime, which declaration was recorded prior to January 1, 1999, the condominium apartment will be residential property as long as the apartment is used for human habitation. In addition, if a development plan to build condominium apartments was approved by a city or county prior to January 1, 1999, and the condominiums are built to the general specifications, such a condominium apartment will be classified as residential as long as the apartment is used for human habitation. However, these provisions are repealed December 31, 2004.

The Act also requests the Legislative Council to establish an interim committee to study the issue of the property taxation of condominiums, including the classification for property tax purposes of condominiums located in buildings with multiple uses. Any recommendations are to be reported to the General Assembly by January 15, 2000.

**HOUSE FILE 770 - Manufactured Housing — Sales and Use Taxes — Certificates of Title**

BY COMMITTEE ON WAYS AND MEANS. This Act deals with the treatment of transactions involving manufactured housing under the state sales and use taxes and the requirements for issuance of a title for manufactured housing. Manufactured housing is a factory-built structure constructed under federal standards on or after June 15, 1976, which is required to display a seal from the U.S. Department of Housing and Urban Development. The Act specifically states that manufactured housing is subject only to issuance of a certificate of title, which was its status under prior law. The Act provides that a certificate of title must be applied for within 30 days of acquisition, which is an increase from the previous 15 days.

The Act provides that the sale of manufactured housing for use in this state is subject to the state use tax. The 5 percent use tax rate is applied to the purchase price of the manufactured housing if sold in the form of tangible personal property, or is applied to the installed purchase price if sold in the form of realty. The installed purchase price includes the charge for installing a foundation and for electrical and plumbing hookups in addition to the purchase price. There is an exemption for 40 percent of the purchase price or installed purchase price that is not attributable to costs of the tangible personal property, e.g., labor costs. In addition, the use tax is to be paid to the county treasurer or the state Department of Transportation from whom the certificate of title was obtained.

**HOUSE FILE 776 - Urban Renewal**

BY COMMITTEE ON WAYS AND MEANS. This Act requires a municipality (city or county) that has established an urban renewal program to annually report information on the urban renewal program to the Department of Management and the county auditor. The annual financial report, to be submitted on or before September 30, must include the following information:

1. A listing and description of each project within an urban renewal area.
2. A description of the original purpose for establishing the urban renewal area.
3. The establishment date of the urban renewal area and the expiration date of the urban renewal area and, if applicable or otherwise, the term of the indebtedness.
4. The designation under which the urban renewal area was established.
5. The base year valuation of the urban renewal area.
6. The amount of incremental valuation in the urban renewal area.
7. A description of the use for the incremental funding.
8. The number of businesses that have located in each urban renewal area.
9. The number of urban renewal projects that have been completed in each urban renewal area.
10. The type and term length of financing for urban renewal projects.
11. The amount of loans, advances, indebtedness, or bonds that qualified for payment from the special fund for each urban renewal project in the preceding fiscal year.
12. The total of the amount specified in paragraph 11 for each urban renewal area located in the municipality.

## TRANSPORTATION

- SENATE FILE 76 - Transportation — Reversion, Nonreversion, and Appropriation of Certain Funds
- SENATE FILE 114 - All-Terrain Vehicles and Snowmobiles — Railroad Rights-of-Way — Utility Employees
- SENATE FILE 149 - Motor Vehicle Warranty Claims — Service or Warranty Facilities
- SENATE FILE 203 - Transportation — Miscellaneous Provisions
- SENATE FILE 352 - Slow-Moving Vehicles — Reflective Devices
- SENATE FILE 398 - Driver's License Issuance Requirements
- SENATE FILE 407 - Registration and Titling of All-Terrain Vehicles and Snowmobiles
- HOUSE FILE 200 - Special Motor Vehicle Registration Plates
- HOUSE FILE 299 - Motor Vehicle Registration and Title Applications
- HOUSE FILE 634 - Dust Control on Secondary Roads — Primary Road Fund Expenditure
- HOUSE FILE 651 - Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers

## RELATED LEGISLATION

- SENATE FILE 68 - Mid-America Port Commission — Counties Included  
*SEE ECONOMIC DEVELOPMENT.* This Act includes Jefferson, Van Buren and Wapello Counties in the jurisdiction of the Mid-America Port Commission.
- SENATE FILE 95 - Proof of Motor Vehicle Financial Liability Coverage — Parking Lots  
*SEE BUSINESS, BANKING & INSURANCE.* This Act provides that it is to be conclusively presumed that a motor vehicle driven upon a parking lot which is available to the public without charge, or which is available to customers or invitees of a business or facility without charge, was driven on the highways of this state in order to enter the parking lot and is subject to the state's mandatory proof of financial responsibility requirements.
- SENATE FILE 136 - Tax Administration and Related Matters  
*SEE TAXATION.* This Act amends various provisions of state and local tax law. A number of these amended provisions relate to taxes and tax refunds on fuel. The Act provides that a person need not export fuel exclusively to be considered an exporter and that transmix is taxed as motor vehicle fuel. Transmix is a product that is used as a buffer between fuel types being transported through a pipeline. In addition, the Act provides that records need to be kept relating to fuel used in watercraft.
- SENATE FILE 150 - Judicial Administration  
*SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION.* This Act makes several changes governing the duties and responsibilities of clerks of the district court and makes other changes concerning the administration of the judicial system. Code Section 321A.12 is amended to provide that the clerk of the district court need notify the state Department of Transportation of an unsatisfied civil judgment relating to vehicle financial responsibility only upon written request of the judgment creditor when the judgment obligee fails to satisfy the judgment within 60 days of the judgment.
- SENATE FILE 189 - Misdemeanor Classifications and Penalties — OWI Revocations  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act reclassifies certain serious misdemeanors currently in the Code as simple misdemeanors, including certain driving under suspension offenses and interference with or unlawful possession of traffic-control or railroad signs or signals offenses. The Act also imposes a mandatory minimum fine of \$250 for any offense that is reclassified from a serious to simple misdemeanor. The Act gives the court discretion to impose a jail sentence in addition to ordering a mandatory fine for persons who commit the offense of driving under suspension or revocation or driving while barred under Code Section 321J.21.
- SENATE FILE 192 - Open Containers in Motor Vehicles  
*SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.* This Act changes the current Code provision relating to open containers in motor vehicles by prohibiting both the driver of and passen-

gers in a motor vehicle, regardless of intent, from possessing an open or unsealed receptacle containing an alcoholic beverage in the passenger area of the motor vehicle. A violation of the Act is a simple misdemeanor punishable by a scheduled fine of \$50.

- SENATE FILE 424** - Appropriations — Transportation  
**SEE APPROPRIATIONS.** This Act makes appropriations for FY 1999-2000 from the General Fund of the State, the Road Use Tax Fund, and the Primary Road Fund to the Iowa Department of Transportation (IDOT). The Act prohibits IDOT from selling personal information in its records that is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph. The Act also directs IDOT to conduct studies covering the hours of service for drivers of vehicles operated for hire and designed to transport more than six persons, the possible dangers of Adopt-a-Highway Program activities, and state provision of commercial truck parking.
- HOUSE FILE 199** - State Sales, Services, and Use Taxes on Aircraft  
**SEE TAXATION.** This Act exempts sales of aircraft from the state sales tax, but subjects aircraft subject to registration in the state to the state use tax.
- HOUSE FILE 209** - Eluding a Law Enforcement Vehicle  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act changes the penalty for the crime of eluding or attempting to elude a pursuing law enforcement vehicle by creating three levels of offenses.
- HOUSE FILE 242** - Substantive Code Corrections  
**SEE STATE GOVERNMENT.** This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. References to the Motorcycle Rider Education Fund are corrected to reflect the current statutory citation for the fund. A limitation on the ability of certain persons, who received citations for failure to provide proof of financial liability coverage but who actually had liability coverage in force at the time of the citation, to seek to have the citation dismissed is changed. Provisions that specify the fee for registration of all-terrain vehicles or snowmobiles are conformed to provide for a uniform fee amount. Provisions that related to a former public transit loan program are deleted.
- HOUSE FILE 395** - Vehicular Homicide — Bail on Appeal  
**SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS.** This Act provides that certain defendants convicted of vehicular manslaughter are not bailable on appeal of their convictions.
- HOUSE FILE 476** - Eminent Domain and Condemnation Proceedings  
**SEE LOCAL GOVERNMENT.** This Act makes several changes to the law relating to the power of eminent domain and the procedures by which the State of Iowa and other entities and persons are allowed to condemn private property. The Act provides that if an acquiring agency later sells land it obtained by condemnation, the acquiring agency must pay to the previous owner any difference between the condemnation price and the later sale price, minus the cost of any improvements made to or benefiting the land by the acquiring agency. This provision does not apply to property acquired by the Iowa Department of Transportation. The Act provides that an employee of the Iowa Department of Transportation whose duties include appraising property sought to be condemned must be a certified real estate appraiser according to standards established by state statute. The Act also provides that a real estate appraiser is not required to invoke a jurisdictional exception to appraisal standards on a federally funded project unless federal law requires that an exception be invoked.
- HOUSE FILE 497** - Public Health — Miscellaneous Programs and Issues  
**SEE HEALTH & SAFETY.** This Act provides for several changes related to the administration of programs under the purview of the Iowa Department of Public Health and health-related professional licensing and regulatory boards. The Act provides that funds transferred to the Iowa Department of Public Health from the Iowa Department of Transportation from revenues derived from the "Love Our Kids" license plates shall not revert to the General Fund of the State.
- HOUSE FILE 760** - Appropriations — Human Services  
**SEE APPROPRIATIONS.** This Act provides appropriations to the Department of Human Services (DHS) for FY 1999-2000, and includes provisions related to human services and health care. The Act

requires that civil penalty moneys collected by the Iowa Department of Transportation (IDOT) at the time that IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges are to be deposited with DHS and are appropriated for juvenile detention homes. The Act also provides that moneys collected beginning July 1, 1998, and ending June 30, 1999, are to be deposited to the credit of DHS and are appropriated to be used for juvenile detention homes. This provision relating to moneys collected beginning July 1, 1998, and ending June 30, 1999, takes effect May 21, 1999.

**HOUSE FILE 770**

- Manufactured Housing — Sales and Use Taxes — Certificates of Title

**SEE TAXATION.** This Act deals with the treatment of transactions involving manufactured housing under the state sales and use taxes and the requirements for issuance of a title. The Act specifically states that manufactured housing is subject only to issuance of a certificate of title, which was its previous status. The Act provides that a certificate of title must be applied for within 30 days of acquisition, which is an increase from the previous 15 days. The Act provides that the sale of manufactured housing for use in this state is subject to the state use tax. The use tax is to be paid to the county treasurer or the Iowa Department of Transportation that issued the certificate of title.

**HOUSE FILE 777**

- Sale of Certain Insurance Products by Motor Vehicle Rental Companies

**SEE BUSINESS, BANKING & INSURANCE.** This Act provides for the limited licensure of vehicle rental companies for the purpose of offering and selling certain types of insurance with the rental of vehicles.

**HOUSE FILE 782**

- Miscellaneous Supplemental and Other Appropriations and Provisions

**SEE APPROPRIATIONS.** Division VI of this Act provides for the suspension or revocation of a child's driver's license or operating privilege if the child commits an assault upon an employee of the school with intent to inflict serious injury, carries a dangerous weapon on school grounds, or carries or transports a firearm on school grounds.

## TRANSPORTATION

### **SENATE FILE 76 - Transportation — Reversion, Nonreversion, and Appropriation of Certain Funds**

BY COMMITTEE ON TRANSPORTATION. This Act relates to the administration of the Iowa Department of Transportation (IDOT). It authorizes IDOT to encumber up to 50 percent of its unused operational appropriations from the Road Use Tax Fund and the Primary Road Fund, with a cap of \$500,000. The funds are to be used by IDOT during the succeeding fiscal year for employee training and technology enhancement. Any of the funds not used at the end of the fiscal year for such training and technology will revert to the fund from which the moneys were appropriated. This provision takes effect May 14, 1999.

The Act makes an appropriation from the Road Use Tax Fund to IDOT for FY 1999-2000 to support the county issuance of driver's licenses.

The Act also specifies that money transferred from lottery revenues to the Railway Finance Authority for a community assistance grant in 1994 Iowa Acts, Chapter 1199, shall not revert, but shall be transferred to the Railroad Revolving Loan Fund. In addition, the Act provides that IDOT may use moneys in the Railroad Revolving Loan Fund to erect close-clearance warning devices along railroad rights-of-way when necessary.

### **SENATE FILE 114 - All-Terrain Vehicles and Snowmobiles — Railroad Rights-of-Way — Utility Employees**

BY COMMITTEE ON TRANSPORTATION. This Act amends Code Section 321G.13, relating to the operation of all-terrain vehicles and snowmobiles, to provide that an employee of a utility, who is authorized to enter upon a railroad right-of-way in the lawful performance of the employee's duties, is excepted from the prohibition on operating all-terrain vehicles and snowmobiles on railroad rights-of-way. Currently, only law enforcement officers and railroad employees are excepted from the prohibition.

### **SENATE FILE 149 - Motor Vehicle Warranty Claims — Service or Warranty Facilities**

BY COMMITTEE ON TRANSPORTATION. This Act amends Code Section 322.3 to prohibit a motor vehicle manufacturer, distributor or importer of motor vehicles, or an agent thereof, from reducing compensation or disallowing a claim for warranty parts, repairs or service supplied by a motor vehicle dealer if 12 months or more have passed since the claim was submitted. The 12-month limitation does not apply if a court finds the claim was fraudulent. A motor vehicle manufacturer, distributor or importer who violates the prohibition is guilty of a serious misdemeanor.

The Act also amends Code Section 322A.1 by providing that an additional motor vehicle dealership, as referred to throughout Code Chapter 322A, includes a facility providing manufacturer-authorized or distributor-authorized service or warranty work for motor vehicles of a line-make in a community in which the same line-make is represented. Code Chapter 322A prohibits a franchiser from entering into a franchise agreement to establish an additional motor vehicle dealership in a community in which the same line-make is already represented unless the Department of Inspections and Appeals grants the franchiser permission to enter into such franchise agreement. The franchiser must show, at a hearing before the department, that there is good cause for such dealership and that the dealership is in the public interest.

### **SENATE FILE 203 - Transportation — Miscellaneous Provisions**

BY COMMITTEE ON TRANSPORTATION. This Act makes several Code changes relating to transportation issues. The Act revises several definitions applicable to Code Chapter 321, which regulates motor vehicles and provides for rules of the road.

The definition of "school bus" is modified to exclude vehicles operated by a regional transit system, as defined in Code Section 324A.1, for the transportation of children as part of or in addition to the system's regularly scheduled service. Currently, the definition of "school bus" excludes such vehicles operated by a municipally or privately owned urban transit company for the same purpose. The Act also provides that school transportation services may only be provided by a regional transit system pursuant to rules adopted by the Iowa Department of Transportation (IDOT) in consultation with the Department of Education.

The definition of "special truck" is also revised to provide that a special truck does not include a truck-tractor operated more than 15,000 miles per year, rather than the current 7,500 miles per year. The owner of a special truck may register the vehicle as a special truck and pay a registration fee that is less than the registration fee for other trucks of similar size and weight. Additionally, special trucks are not subject to rules concerning periodic inspections adopted by IDOT.

The Act amends Code Section 321.23, relating to certificates of title for specially constructed and foreign vehicles. The Act provides that the owner of a foreign vehicle who has registered the vehicle in this state may transfer the vehicle to a licensed motor vehicle dealer without obtaining a certificate of title in this state if the foreign certificate of title is held by a secured party and the motor vehicle dealer has paid the appropriate sum to discharge the security interest.

Code Sections 321.25, 321.48 and 321.49 are amended to extend the periods of time within which a registration or certificate of title must be displayed or applied for in certain situations.

The Act also amends Code Section 321.42, relating to lost or damaged certificates of title, registration cards, and registration plates, to provide that a replacement certificate of title may be issued without the released security interest noted on the replacement if the security interest was released by the lienholder pursuant to a notarized signature on a separate form, but the lienholder has not delivered the original certificate to the appropriate party.

The Act also amends Code Section 321.50 to provide that a security interest in a vehicle of any weight may be discharged by noting the cancellation of the security interest on the face of the title and on a separate form which is to be delivered to the department or to the appropriate county treasurer. Currently, only security interests in vehicles with a gross vehicle weight rating of 16,000 pounds or more may be discharged in this manner.

The Act eliminates the requirement that laboratory driver education instructors be licensed teachers. The Act also modifies the requirements for street and highway driving instructors who are not licensed teachers to provide that, in addition to the current requirement that such instructors be certified by IDOT, the instructors must be authorized by the Board of Educational Examiners. Final field tests prior to students' completion of the driver education course are to be administered by a licensed classroom driver education instructor.

The Act eliminates the requirement that the social security number of a commercial driver's licensee appear on the face of the commercial driver's license.

The Act amends graduated driver's license provisions to allow an out-of-state instruction permit or intermediate driver's license with comparable requirements to an instruction permit or intermediate license issued in this state to be used to obtain an intermediate or full driver's license in this state.

The Act prohibits the use of devices on motor vehicles, motorcycles or motorized bicycles that restrict the light output of headlamps, rear lamps, signal lamps or devices which give a signal of intention to stop, or turning signals. A violation of the prohibition subjects the violator to a scheduled fine of \$15 under Code Section 805.8.

The Act also amends Code Section 321.449, relating to motor carrier safety rules, to provide that a for-hire driver of a commercial vehicle who is engaged exclusively in intrastate commerce and who operates trucks and truck-tractors exclusively for the movement of construction materials and equipment to and from construction projects shall have the same restrictions on the length of time the driver may drive and be on duty as a driver for a private carrier who is not for hire and who is engaged exclusively in intrastate commerce. The amendment takes effect April 7, 1999.

Code Section 321.453, providing exceptions to the size, weight and load requirements for vehicles in Code Chapter 321 and to the permit requirements in Code Chapter 321E, is amended to except road maintenance equipment used in the performance of a contract with a state or local authority from the requirements. Currently, road maintenance equipment owned by or under lease to a state or local authority is excepted from the requirements.

The Act eliminates the need for proof of financial responsibility by a driver whose license revocation is rescinded, provided that the driver is under no other legal obligation to provide proof of financial responsibility. This provision takes effect April 7, 1999.

The Act increases the length and height limitations for vehicles carrying an indivisible load pursuant to one category of an excessive size and weight permit. The length limitation is increased from 100 to 120 feet. The height limitation is increased from 14 feet to 15 feet 5 inches.

The Act adds a subsection to Code Section 321J.13, which regulates administrative revocations of driver's licenses under the Code chapter dealing with operating while intoxicated violations. This subsection restores a provision on reopening revocation hearings that was stricken in 1997 legislation. The provision provides that a person may reopen a revocation hearing by filing a petition stating that there is new evidence requiring rescission of the revocation. The person may prevail in the hearing by showing that, in the criminal action resulting from the same violation of Code Chapter 321J that caused the administrative revocation of the license, the court held that the peace officer did not have reasonable grounds to request or administer a chemical test, or that the chemical test was otherwise inadmissible or invalid.

The Act also amends Code Section 322.5 to allow a motor vehicle manufacturer, distributor or dealer to display ambulances, new fire vehicles, and new rescue vehicles, pursuant to a temporary permit, for educational purposes at vehicle shows and exhibitions conducted to educate fire and rescue personnel in new technology and techniques. The temporary permits are available upon application to the Iowa Department of Transportation and payment of a \$10 permit fee.

Code Section 322.14, providing penalties for violations of Code Chapter 322, regulating motor vehicle manufacturers, distributors and dealers, is amended to provide that violations for which a penalty is not specifically provided are simple misde-

meanors, rather than serious misdemeanors, punishable by a fine of not less than \$250 or more than \$1,500 or by imprisonment not to exceed 30 days. The Act subjects manufacturers and distributors who terminate or fail to renew a contract with a motor vehicle dealer without reasonable cause or because the dealer did not sell, assign or transfer a retail installment contract to a person or class of persons designated by the manufacturer or distributor to the same penalty provisions as persons violating other provisions of Code Chapter 322.

The Act adds Code Section 322.21, providing that when a vehicle which is traded in to a dealer on the purchase of another vehicle is worth less than the amount owed on the trade-in, the amount necessary to pay off the security interest on the trade-in may be included in the amount of the retail installment contract for the vehicle purchased without subjecting the dealer to Code Chapter 536 or 536A, regulating loans.

The Act also repeals Code Sections 309.42 and 309.56, requiring that the Iowa Department of Transportation review local county plans and contracts for road, bridge and culvert construction on secondary roads. These repeals take effect April 7, 1999.

Code Section 321.21, providing for registration of vehicles classified as special mobile equipment, is repealed by the Act. "Special mobile equipment" is defined by Code Section 321.1 as every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved on the highways. The Act also makes corresponding changes in Code Sections 321.166 and 321E.12. These provisions, as well as the amendment to Code Section 321.1, subsection 32, relating to registration of special mobile equipment, take effect April 7, 1999.

The Act requests the Legislative Council to establish an interim study committee on driver's education curriculum.

#### **SENATE FILE 352 - Slow-Moving Vehicles — Reflective Devices**

BY COMMITTEE ON TRANSPORTATION. This Act amends Code Section 321.383 to provide that a slow-moving vehicle drawn by a horse or mule may be equipped with an alternative reflective device that complies with rules adopted by the Iowa Department of Transportation (IDOT), if the person operating the vehicle objects, for religious reasons, to using a reflective device that complies with the standards of the American Society of Agricultural Engineers. Currently, IDOT rules require that a reflective device on a slow-moving vehicle comply with a designated standard of the American Society of Agricultural Engineers. The standard specifies that the device be triangular. Persons who violate the requirements pertaining to reflective devices on slow-moving vehicles are subject to a scheduled fine of \$20.

The Act also makes a corresponding amendment to a Code provision that requires persons operating motor vehicles to reduce their speed when approaching and passing a slow-moving vehicle.

#### **SENATE FILE 398 - Driver's License Issuance Requirements**

BY COMMITTEE ON TRANSPORTATION. This Act modifies the requirements for issuance of graduated driver's licenses for persons aged 14 through 17 years. The Act allows an instruction permit or an intermediate driver's license issued by another state, which has comparable requirements to an instruction permit or intermediate license issued in this state, to be used to meet the requirements for obtaining an intermediate driver's license or a full driver's license in this state. The Act also requires that the applicant for an intermediate driver's license or full driver's license possess an instruction permit or intermediate driver's license immediately preceding application for the respective license.

#### **SENATE FILE 407 - Registration and Titling of All-Terrain Vehicles and Snowmobiles**

BY COMMITTEE ON TRANSPORTATION. This Act makes several Code changes relating to registration and titling of snowmobiles and all-terrain vehicles. The Act amends Code Section 321G.4 to specify that an all-terrain vehicle or snowmobile which has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of \$5.

The Act amends Code Section 321G.6 to change the requirements for transfer of an all-terrain vehicle or snowmobile placed in storage by the transferor. The Act allows the transferor to provide a copy of the affidavit filed with the county recorder concerning the storage to the transferee rather than requiring the transferor to renew the registration prior to transfer.

Code Section 321G.6 is also amended to provide a penalty of \$5 for transferees of all-terrain vehicles and snowmobiles who fail to file a new application form for registration within five days of the transfer.

The Act requires that all-terrain vehicles have certificates of title. The certificate of title will be issued by a county recorder for a \$10 fee. Five dollars of the fee is to be deposited in the Special Conservation Fund administered by the Department of Natural Resources to be used for state snowmobile and all-terrain vehicle programs. The other \$5 is retained by the county to defray the costs of administering the certificate of title provisions.

The Act also provides for the obtaining and transferring of manufacturers' certificates of origin by manufacturers and dealers, the development of a repository of all-terrain vehicle titles by the department, and provisions for perfecting security interests in all-terrain vehicles. The fee for perfecting a security interest in an all-terrain vehicle is \$10 and is distributed in the same manner as the fee for a title certificate.

Violations of any of the provisions of the Act are punishable as simple misdemeanors under Code Section 321G.14.

#### **HOUSE FILE 200 - Special Motor Vehicle Registration Plates**

BY RAYHONS. This Act provides for the issuance of certain special motor vehicle registration plates, including radio operators plates, Congressional Medal of Honor plates, certain military plates, and other special plates, to owners of motorcycles and trailers. Currently, such plates may be issued to owners of certain other motor vehicles, including automobiles, light delivery trucks, panel delivery trucks, and pickups.

#### **HOUSE FILE 299 - Motor Vehicle Registration and Title Applications**

BY RAYHONS. This Act provides that an owner of a motor vehicle who does not have a social security number, but has a passport, shall use the owner's passport number in lieu of a social security number when applying for registration and issuance of a certificate of title for the motor vehicle. The Act also modifies the requirement that a person applying for registration and a certificate of title supply the person's driver's license number, by providing that the driver's license number may be accepted whether the license was issued in this state, another state, or another country, or if the number is an international driver's license number.

#### **HOUSE FILE 634 - Dust Control on Secondary Roads — Primary Road Fund Expenditure**

BY COMMITTEE ON TRANSPORTATION. This Act authorizes the Iowa Department of Transportation (IDOT) to use moneys from the Primary Road Fund for dust control on a road under the jurisdiction of a county if the road has a notable increase in traffic due to closure of a road by IDOT for purposes of establishing, constructing or maintaining a road under the department's jurisdiction.

#### **HOUSE FILE 651 - Implements of Husbandry and Other Vehicles — Movement Restrictions — Product Identification Numbers**

BY COMMITTEE ON TRANSPORTATION. This Act amends Code Section 321.1 to redefine an "implement of husbandry" as a vehicle or special mobile equipment manufactured, designed or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. A self-propelled implement of husbandry is to be operated at speeds of 35 miles per hour or less to be considered an implement of husbandry. Currently, the definition is limited to a vehicle designed for agricultural purposes and used by the owner of the vehicle in the owner's agricultural operations and includes certain other agricultural vehicles. The Act also makes several Code changes corresponding to the revised definition. Code Section 321.1 is also amended to define the terms "fence-line feeder," "grain cart," "product identification number," and "tank wagon."

The Act amends Code Section 321.234A, relating to the incidental use of all-terrain vehicles used for agricultural purposes on highways, and Code Section 321.383, relating to the identification of slow-moving vehicles, to provide that such vehicles shall be operated at speeds of 35 miles per hour or less, rather than 30.

Code Section 321.453, providing exceptions to the size, weight and load restrictions for vehicles on highways and to the permit requirements for vehicles of excessive size and weight, is amended to require implements of husbandry moved or moving on the interstate to comply with the restrictions and permit requirements. The Act requires certain implements of husbandry to comply with legal axle weight restrictions when operated on public roadways by certain dates, as provided by Code Section 321.463, as amended. The provision requiring certain vehicles carrying implements of husbandry to be equipped with an amber flashing light is revised to specify that the light must be visible from the rear and to require that, if the light is obstructed by the loaded implement, the loaded implement must also display an amber flashing light.

The Act also amends Code Section 321.463, relating to legal vehicle axle weights, by requiring fence-line feeders, grain carts, and tank wagons, as defined by the Act, which are manufactured on or after July 1, 2001, to comply with the axle weight requirements. All fence-line feeders, grain carts, and tank wagons shall comply with the axle weight requirements beginning July 1, 2005. The year of manufacture of the vehicle is to be permanently made a part of the identification plate on the vehicle. Fraudulently altering or defacing the year of manufacture or other product identification number is a violation of Code Section 321.92. A violation is punishable as a class "D" felony by imprisonment not to exceed five years and a fine of at least \$750, but not more than \$7,500. Code Section 714.8, relating to fraudulent practices, is also amended to provide that removing, defacing, covering, altering, or destroying a product identification number on a fence-line feeder, grain cart, or tank wagon, for the purpose of concealing or misrepresenting the identity or year of manufacture of the vehicle, is a fraudulent practice. Fraudulent

practices are punishable in varying degrees, ranging from a simple misdemeanor to a class "C" felony, depending on the amount of money or value of property involved.

The Act allows the weight on any one axle or on a group of axles, or the overall gross weight of a fence-line feeder, grain cart, or tank wagon, to exceed the maximum weight restrictions by 20 percent. If the vehicle exceeds the 20 percent tolerance, the fine assessed for the violation shall be computed on the difference between the actual weight and the 20 percent tolerance weight allowed.

Code Section 321.471, allowing local authorities to prohibit or impose weight restrictions on the operation of vehicles upon highways, bridges and culverts within their jurisdictions, is amended to provide that implements of husbandry, except implements of husbandry loaded on hauling units to transport the implements for repair, must comply with the restrictions on bridges and culverts. The Act adds language providing that the limitations imposed by local authorities are effective when signs giving notice of the limitations are erected. The Act also adds language providing that the limitations on highways and bridges and culverts do not apply to fire apparatus and road maintenance equipment owned by or under lease to any state or local authority. Similarly, Code Section 321.474, allowing the Iowa Department of Transportation (IDOT) to impose weight restrictions for a definite period of 12 months or less on the operation of vehicles upon highways within its jurisdiction, is amended to allow such restrictions to be placed on bridges and culverts within the department's jurisdiction for an indefinite period of time. The restrictions imposed are effective when signs giving notice of the restrictions are erected. Code Section 321.474 is also amended to provide an exception to restrictions imposed by IDOT on highways for implements of husbandry in general and for implements being transported for repair. The Act adds provisions to both Code sections to direct the authority imposing the restriction to issue a special permit for passage over the restricted bridge or culvert for up to eight weeks upon a showing of agricultural hardship. The operator of a vehicle that is the subject of a permit must carry the permit while operating the vehicle and show the permit to a peace officer upon request.

The Act directs IDOT, in consultation with manufacturers and distributors of implements of husbandry, agricultural associations, and the Iowa Association of Counties, to study tracked vehicles, the use of flotation tires, and the fine and legal axle weight schedules applicable to certain implements of husbandry.

## CHAPTER NUMBERS OF THE 1999 IOWA ACTS

## Senate Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
8	75	203	13	361	195
9	59	210	99	366	196
41	133	211	94	367	103
47	3	216	61	392	63
51	48	221	100	393	145
53	4	224	20	395	182
55	26	230	95	398	128
67	58	231	62	404	22
68	27	233	34	406	166
70	5	248	181	407	113
76	120	249	165	410	134
92	52	254	86	413	148
95	110	264	39	424	198
99	19	265	40	429	79
101	163	275	189	436	88
102	96	276	41	437	104
106	49	277	42	439	190
114	97	280	53	448	29
115	60	281	21	451	135
136	151	282	121	457	122
146	68	283	193	458	167
149	69	287	111	459	178
150	144	294	112	460	199
160	85	303	35	462	180
173	28	305	87	464	205
186	76	308	154	465	179
189	153	309	78	468	202
190	33	323	101	469	156
192	77	335	54	470	136
193	164	337	155	473	152
194	98	352	102	482	157

## Senate Joint Resolutions

File No.	Acts Chapter
SJR 1	212
SJR 2	209

## CHAPTER NUMBERS OF THE 1999 IOWA ACTS

## House Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
38	43	379	129	662	56
100	70	386	64	663	125
115	137	387	25	664	160
136	23	395	123	675	147
144	24	402	81	676	66
146	1	403	37	679	17
147	2	412	91	688	161
164	9	417	139	689	126
165	89	418	170	700	149
172	138	442	74	705	67
182	11	443	15	708	132
199	168	445	162	713	57
200	7	448	185	714	150
208	30	458	82	721	109
209	31	472	140	733	172
210	90	474	83	737	201
218	119	476	171	741	51
222	10	489	46	743	18
224	36	497	141	745	197
242	114	498	107	746	206
255	115	501	65	748	173
281	105	518	32	755	174
293	50	521	130	757	175
296	71	531	84	758	186
299	8	532	191	760	203
308	80	570	158	761	192
311	55	571	117	762	207
312	106	573	12	766	142
313	44	584	124	769	187
322	169	588	16	770	188
330	6	624	146	772	204
332	194	633	38	773	127
337	183	634	118	776	176
339	72	636	92	777	143
343	184	647	93	779	177
345	116	651	108	781	200
347	14	659	47	782	208
349	45	660	131		
375	73	661	159		

## House Joint Resolutions

File No.	Acts Chapter
HJR 13	210
HJR 15	211



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
8.8	Section amended	HF 782.15	J
8.59	Section amended	SF 451.1	J
8.62	Subsection 2 amended	SF 395.1	J
8.62	Subsection 4 stricken	SF 395.2	J
8.63	Subsection 4 amended	HF 782.16	J
8D.3	Subsection 3, new paragraph k	HF 762.8	J
8E.1	New section	HF 322.2	E
8E.2	New section	HF 322.3	E
8E.3	New section	HF 322.4	E
8E.4	New section	HF 322.5	E
8E.5	New section	HF 322.6	E
9.2A	New section	HF 476.25	J
9H.1	Subsection 12 amended	HF 322.1	E
10A.202	Section amended	HF 761.33	J
10A.403	New section	HF 308.1	J
12.27	Section repealed	HF 375.1	J
12.32	New subsection 4	HF 779.1	E
12.34	Section amended	HF 779.2	E
12.41	New subsection 1A	HF 779.3	E
12.43A	New section	HF 779.4	E
12.43B	New section	HF 779.5	E
12C.1	Subsection 2, paragraph c amended	HF 571.1	E
12C.1	Subsection 2, paragraph f amended	HF 571.2	E
12C.1	Subsection 3, paragraph a amended	HF 571.3	E
12C.1	Subsection 3, paragraph b amended	HF 571.4*	E
12C.1	Subsection 3, paragraph b amended	HF 782.42	E
12C.6A	Subsection 4, paragraph g amended	SF 280.1	J
12C.6A	Subsection 5, paragraphs a, b, & c amended	HF 571.5	E
12C.15	Section amended	HF 571.6	E
12C.16	Section amended	HF 571.7	E
12C.17	Section amended	HF 571.8	E
12C.18	Section amended	HF 571.9	E
12C.19	Subsections 3 & 4 amended	HF 571.10	E
12C.21	Section repealed	HF 571.14	E
12C.23	Section amended	HF 571.11*	E
12C.23	Subsection 3, paragraph d amended	HF 782.43	E
12C.23A	New section	HF 571.12*	E
12C.23A	New section, subsection 3, paragraph b amended	HF 782.44	E
12C.23A	New section, subsection 3, paragraph d amended	HF 782.45	E
12C.25	Subsection 3 stricken	HF 571.13	E
12D.2	Unnumbered paragraph 2 stricken	SF 457.1	R 7/1/98
12D.2	Subsection 12 amended	HF 242.1	J
12D.3	Subsection 1, paragraph a amended	SF 457.2	R 7/1/98
12D.3	Subsection 2 amended	SF 457.3	R 7/1/98
12D.3	Subsection 3 rewritten	SF 457.4	R 7/1/98
12D.4A	New section	SF 457.5	R 7/1/98
12D.5	Subsection 1 rewritten	SF 457.6	R 7/1/98
12D.5	Subsection 2, paragraph a, unnumbered paragraph 1 amended	SF 102.1	J
12D.5	Subsection 2, paragraph b amended	SF 457.7	R 7/1/98
12D.6	Subsection 2, unnumbered paragraph 1 amended	SF 457.8	R 7/1/98
12D.6	Subsection 2, unnumbered paragraph 2 amended	SF 102.2	J
12D.6	Subsection 6 amended	HF 242.2	J
12D.9	Subsection 1, paragraph f amended	SF 457.9	R 7/1/98

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
13.2	New subsection 3A	SF 294.1	J
13B.2A	New section	SF 451.2	J
13B.4	Subsection 1 amended	HF 573.1*	J
13B.4	Subsection 1 amended	HF 782.46	J
13B.4	Subsections 1, 2, & 3 amended	SF 451.3	J
13B.4	Subsection 4 rewritten	SF 451.4	J
13B.4	New subsection 4A	SF 451.5	J
13B.4	Subsection 7 amended	SF 451.6	J
13B.8	Subsection 2 amended	SF 451.7	J
13B.9	Subsection 1, paragraph b amended	SF 451.8	J
13B.9	Subsection 1, paragraph c stricken	SF 451.9	J
13B.9	Subsection 3 stricken	SF 451.10	J
13B.10	Subsections 2, 3, & 4 stricken	SF 451.11	J
15.108	Subsection 7, paragraph j stricken	HF 745.20	E
15.204	New section	HF 779.6	E
15.241	Subsection 1, unnumbered paragraph 1 amended	HF 242.3	J
15.251	Subsection 2 amended	HF 337.1	J
15.285	Section amended	HF 761.33	J
15.313	New subsection 2A	HF 745.21	J
15.329	Section amended	HF 761.33	J
15.333	Section amended	HF 733.1	J
15.335	Unnumbered paragraph 1 amended	SF 230.1	R 1/1/98
15.342A	Section amended	SF 465.10	VETO
15.342A	Section amended	HF 337.2	J
15.343	Subsection 2, new paragraph e	HF 337.3	J
15.364	Subsection 9, paragraph b amended	HF 144.1	J
15.371	New section	HF 772.23	J
15.372	New section	HF 772.24	J
15.373	New section	HF 772.25	IV J
15A.1	New subsection 4	HF 745.22	J
15A.9	Subsection 8, unnumbered paragraph 2 amended	SF 230.2	R 1/1/98
15E.152	Section repealed	HF 782.73	J
15E.153	Section repealed	HF 782.73	J
15E.154	Section repealed	HF 782.73	J
15E.155	Section repealed	HF 782.73	J
15E.157	Section repealed	HF 782.73	J
15E.158	Section repealed	HF 782.73	J
15E.159	Section repealed	HF 782.73	J
15E.160	Section repealed	HF 782.73	J
15E.161	Section repealed	HF 782.73	J
15E.165	Section repealed	HF 782.73	J
15E.166	Section repealed	HF 782.73	J
15E.196	New subsection 6	HF 733.2	J
15E.205	Subsection 1, paragraph a amended	HF 676.1	J
15E.208	Subsection 5, para. d, subpara. (5), unnumbered para. 1 amended	HF 676.2	J
15E.221	New section	HF 767.1	VETO
15E.222	New section	HF 767.2	VETO
15E.223	New section	HF 767.3	VETO
15E.224	New section	HF 767.4	VETO
15E.225	New section	HF 767.5	VETO

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
15E.226	New section	HF 767.6	VETO
15E.227	New section	HF 767.7	VETO
15E.228	New section	HF 767.8	VETO
15E.229	New section	HF 767.9	VETO
15E.230	New section	HF 767.10	VETO
15E.231	New section	HF 767.11	VETO
15E.232	New section	HF 767.12	VETO
16.92	New section	SF 335.1	J
16.161	Unnumbered paragraph 1 amended	SF 102.3	J
18.6	Subsection 9, paragraph b amended	SF 282.1	J
18.8	Unnumbered paragraph 1 amended	HF 762.9	J
18.12	Subsection 9, paragraph a amended	SF 282.2	J
18.18	Section amended	SF 282.3	J
18.27	Subsection 5 stricken	SF 282.4	J
18.28	Section amended	SF 282.5	J
18.37	Section amended	SF 282.6	J
18.43	Section amended	SF 282.7	J
18.183	Subsection 2 amended	SF 102.4	J
18.187	New section	HF 762.11	J
19A.8	New unnumbered paragraph	HF 781.17	J
19A.9	Subsection 21, unnumbered paragraph 1 amended	SF 462.1	J
19A.35	New section	HF 781.18	J
21.6	Subsection 3, paragraph b amended	HF 164.1	J
22.3A	Subsection 2, paragraph a amended	HF 762.12	J
22.7	New subsection 38	HF 624.43	J
22.7	New subsection 38	SF 436.1	7/1/00
22.7	New subsection 38 stricken	SF 436.11	C
23A.2	Subsection 10, new paragraph m	SF 254.1	J
25B.7	Subsection 2, paragraph c amended	SF 462.22	A J
28E.19	Section amended	SF 451.12	J
28E.41	New section	SF 393.1	J
28E.42	New section	SF 393.2	J
28K.3	Section amended	SF 68.1	J
28K.5	Section amended	SF 68.2	J
29A.27	Unnumbered paragraph 1 amended	SF 210.1	J
29C.6	Subsection 17 amended	SF 254.3	7/1/00
29C.8	New subsection 5	SF 254.2	J
34A.7A	Subsection 2, para. c, subpara. (2), unnumbered para. 2 amended	SF 102.5	J
35.1	New section	SF 462.2	J
35.7	Section repealed	SF 462.21	J
35.8	Section amended	SF 462.3	J
35.9	Unnumbered paragraph 1 amended	SF 462.4	J
35A.8	New subsection 4	SF 462.5	J
35A.11	New section	HF 737.8	J
35B.3	Section amended	SF 462.6	J
35B.10	Unnumbered paragraph 1 amended	SF 462.7	J
35B.13	Section amended	SF 462.8	J
35B.14	Unnumbered paragraph 1 amended	SF 462.9	J
35B.16	Section amended	SF 462.10	J
35C.3	Section amended	SF 462.11	J
35C.5A	New section	SF 462.12	J
37.9	Unnumbered paragraphs 1 & 5 amended	HF 224.1	J
37.10	Unnumbered paragraph 1 amended	SF 462.13	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
37.10	Unnumbered paragraph 1 amended	HF 224.2*	J
37.10	Unnumbered paragraph 1 amended	HF 782.47	J
46.16	New subsection 3	HF 647.1	J
46.20	Section amended	HF 647.2	J
46.21	Section amended	HF 647.3	J
46.24	Unnumbered paragraph 1 amended	HF 647.4	J
49.3	Subsection 3 amended	HF 679.1	J
49.4	Subsection 3 amended	HF 679.2	J
49.8	New subsection 7	HF 679.3	J
56.2	New subsections 5A & 12A	SF 470.1	E
56.2	Subsections 16 & 17 amended	SF 470.2	E
56.4	Unnumbered paragraphs 2 & 3 amended	SF 470.3	E
56.5	Subsection 2, paragraph f amended	SF 470.4	E
56.5A	Section amended	SF 470.5	E
56.6	Subsection 1, paragraph d amended	SF 470.6	E
56.12A	Unnumbered paragraph 1 amended	SF 470.7	E
56.13	Subsections 1, 2, & 3 amended	SF 470.8	E
56.14	Subsection 1, paragraph a amended	SF 470.9	E
56.15	Subsections 1, 2, & 4 amended	SF 470.10	E
56.15	New subsection 4A	SF 470.11	E
56.22	Subsection 2 amended	SF 470.12	E
68.10	Subsection 5 amended	SF 102.6	J
80.9	Subsection 2, paragraph d amended	SF 248.1	J
80.41	Section repealed	SF 468.27	J
80B.11	Subsection 7 amended	HF 100.1	J
80B.13	Subsection 8, unnumbered paragraph 1 amended	HF 100.2	J
80B.13	Subsection 8, unnumbered paragraph 3 amended	HF 100.3	J
80B.13	Subsection 9 amended	HF 100.4	J
84A.1C	New section	SF 281.1	J
84A.4	Subsection 3 amended	SF 281.2	J
84A.5	Subsection 3 amended	SF 146.1	J
84A.5	Subsection 3 amended	HF 521.7	J
84A.5	New subsection 10	SF 281.3	J
84A.7	New subsection 5	SF 281.4	J
85B.11	Section amended	SF 102.7	J
87.11	Unnumbered paragraph 6 amended	HF 242.4	J
88.3	Subsection 2 amended	SF 146.2	J
88.8	Subsections 1 & 2 amended	SF 146.3	J
88A.1	Subsections 2 & 11 amended	SF 102.8	J
89A.1	Subsections 5 & 11 amended	SF 146.4	J
89A.3	Subsection 2 amended	SF 146.5	J
89A.3	Subsection 3 rewritten	SF 146.6	J
89A.5	Section amended	SF 146.7	J
89A.6	Subsection 5 amended	SF 146.8	J
89A.7	Section amended	SF 146.9	J
89A.8	Unnumbered paragraph 3 amended	SF 146.10	J
89A.10	Subsection 2, unnumbered paragraph 1 amended	SF 146.11	J
89A.12	Section amended	SF 146.12	J
90A.1	Subsection 2 amended	SF 146.13	J

**EFFECTIVE DATE** - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
91.4	Subsection 2 amended	SF 146.14	J
91.4	Subsection 5 amended	SF 146.15	J
91.4	Subsection 5 amended	HF 521.8	J
91.10	Section amended	SF 146.16	J
91.11	Section amended	SF 146.17	J
91A.3	Subsection 7 amended	SF 146.18	J
91C.8	Subsection 4 amended	SF 146.19	J
94	Chapter repealed	HF 521.9	J
94A.1	New section	HF 521.1	J
94A.2	New section	HF 521.2	J
94A.3	New section	HF 521.3	J
94A.4	New section	HF 521.4	J
94A.5	New section	HF 521.5	J
94A.6	New section	HF 521.6	J
95	Chapter repealed	HF 521.9	J
96.7	Subsection 2, paragraph b, unnumbered paragraph 1 amended	SF 70.1	J
97B.73A	Subsection 1 amended	SF 102.9	J
99E.10	Subsection 1, paragraph a amended	HF 737.9	J
99E.10	Subsection 1, unnumbered paragraph 3 amended	HF 782.2	J
99E.10	Subsection 2 amended	HF 782.3	J
99E.20	Subsection 2 amended	HF 782.4	J
99E.34	Section repealed	HF 782.5	J
103A.7	Subsection 5 amended	SF 106.1	E
104A.2	Section amended	SF 106.2	E
123.47	Subsection 3 amended	SF 189.1	J
123.53	Subsection 5 amended	SF 460.32	J
124.101	Subsection 16, unnumbered paragraph 1 amended	HF 165.1	E
124.401	Subsection 1, paragraph d amended	HF 501.1	J
124.401	Subsection 4 amended	HF 573.2	J
124.401	Subsection 5, new unnumbered paragraphs	HF 573.3	J
124.401D	New section	HF 573.4	J
124.401E	New section	HF 573.5	J
124.401F	New section	HF 573.6*	J
124.401F	New section, subsection 1 amended	HF 782.48	J
124.407	Unnumbered paragraphs 2 & 7 stricken	SF 451.13	J
124.410	Section amended	HF 705.1	J
124.502	Subsection 1, paragraph c amended	SF 102.10	J
125.39	Subsection 1 stricken	HF 497.1	J
125.78	Subsections 1 & 2 amended	SF 451.14	J
125.85	Subsection 4 amended	SF 150.1	J
135.11	Subsection 9 amended	HF 497.2	J
135.16	New section	SF 361.8	J
135.22	Section amended	HF 497.3	J
135.22A	Section amended	HF 497.4	J
135.101	Section amended	HF 497.5	J
135.102	Subsections 2 & 5 amended	HF 497.6	J
135.103	Section amended	HF 497.7	J
135.104	Unnumbered paragraph 1 amended	HF 497.8	J
135.104	Subsection 7 amended	HF 497.9	J
135.105	Subsection 1 amended	HF 497.10	J
135B.7	Unnumbered paragraph 2 amended	SF 277.1	J
135C.2	Subsection 5, paragraph b amended	HF 497.11	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
135C.6	Subsection 8, paragraphs a & b amended	HF 664.17	J
135C.11	Subsection 2 amended	HF 379.1	J
135C.13	Section amended	HF 379.2	J
135C.14	Subsection 8, paragraph d amended	HF 379.3	J
135C.20A	Subsection 2 amended	HF 379.4	J
135C.20B	New section	HF 708.1	J
135C.25	Section amended	HF 379.5	J
135C.33	Subsection 2 amended	HF 242.5	J
135C.33	Subsection 5, paragraph c, unnumbered paragraph 2 amended	SF 102.11	J
135C.37	Section amended	HF 379.6	J
135C.38	Subsection 1, paragraphs a & c amended	HF 379.7	J
135C.38	Subsection 4 amended	HF 379.8	J
135H.6	Subsection 2 amended	SF 194.1	J
135H.6	Subsections 4, 5, 6, 7, & 8 amended	HF 741.1	E
136B.5	Section amended	SF 102.12	J
136C.3	Subsection 2, unnumbered paragraph 2 amended	HF 497.12	J
137.19	Section amended	HF 497.13	J
137C.35	Unnumbered paragraph 2 amended	HF 518.1	J
137D.9	Section repealed	HF 782.41	J
137F.1	Section amended	HF 761.33	J
137F.1	Subsection 8, paragraph f rewritten	HF 782.28	J
137F.2	Subsection 6 amended	HF 782.29	J
137F.2	New subsection 12	HF 782.30	J
137F.2	New subsection 13	HF 782.31	J
137F.2	New subsection 14	HF 782.32	J
139B.1	Subsection 1, paragraph a amended	SF 248.2	J
139C.1	Subsection 6 amended	SF 248.3	J
139C.2	Subsection 7 amended	SF 248.4	J
141	Chapter repealed	SF 248.22	J
141A.1	New section	SF 248.5	J
141A.2	New section	SF 248.6	J
141A.3	New section	SF 248.7	J
141A.4	New section	SF 248.8	J
141A.5	New section	SF 248.9	J
141A.6	New section	SF 248.10	J
141A.7	New section	SF 248.11	J
141A.8	New section	SF 248.12	J
141A.9	New section	SF 248.13	J
141A.10	New section	SF 248.14	J
141A.11	New section	SF 248.15	J
144.1	New subsection 1A	HF 497.14	J
144.1	Subsection 13 amended	HF 497.15	J
144.13	Subsection 1, paragraph d amended	HF 497.16	J
144.13A	Section amended	SF 102.13	J
144.13A	Section amended	HF 497.17	J
144.24	Section amended	HF 497.18	J
144.36	Subsection 4 amended	HF 242.6	J
144.43A	New section	HF 497.19	J
144.46	Section amended	HF 242.7	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
 C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
 E - Effective upon enactment      VETO - Entire bill section vetoed  
 J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Use/Sen File#</u>	<u>Effective</u>
147.14	Subsection 1 amended	SF 102.14	J
147.14	Subsection 3 amended	SF 99.1	J
147.74	Subsection 11 rewritten	SF 323.1	J
147.103A	Subsection 3 amended	HF 497.20	J
147.111	Section amended	HF 242.8	J
147.112	Section amended	HF 242.9	J
147A.1	Subsection 1 stricken	HF 497.21	J
147A.4	Subsection 2 amended	HF 497.22	J
147A.7	Subsection 2 stricken	HF 497.23	J
147A.8	Unnumbered paragraph 2 stricken	HF 497.24	J
147A.9	Subsection 4 stricken	HF 497.25	J
147A.13A	New section	HF 497.26	J
151.1	Subsection 3 amended	HF 497.27	J
151.7	Section repealed	HF 497.42	J
157.11	Unnumbered paragraph 2 amended	HF 497.28	J
158.9	Unnumbered paragraph 2 amended	HF 497.29	J
159.5	Subsection 9 amended	SF 102.15	J
161A.35	Unnumbered paragraph 1 amended	HF 474.1	J
161A.80	Subsection 2, unnumbered paragraph 1 amended	SF 102.16	J
161A.80	Subsection 2, unnumbered paragraph 1 amended	HF 772.26	E
161C.7	New section	HF 772.27	J
161D.1	Subsection 4 amended	HF 218.1	J
161D.2	Section amended	HF 218.2	J
161D.3	New section	HF 218.3	J
161D.4	New section	HF 218.4	J
161D.5	New section	HF 218.5	J
161D.6	New section	HF 218.6	J
161D.6	New section, subsection 2 stricken	HF 218.7	7/1/04
161D.7	New section	HF 218.8	J
161D.11	New section	HF 208.1	J
161D.12	New section	HF 208.2	J
166.6	Unnumbered paragraph 1 amended	HF 242.10	J
166.42	Unnumbered paragraph 1 amended	SF 102.17	J
172C.1	New section	SF 436.2*	7/1/00
172C.1	New section, subsection 3 amended	HF 782.49	7/1/00
172C.2	New section	SF 436.3	7/1/00
172C.2	New section repealed	SF 436.11	C
172C.3	New section	SF 436.4	7/1/00
172C.3	New section repealed	SF 436.11	C
172C.4	New section	SF 436.5	E
172C.5	New section	SF 436.6	7/1/00
172C.5	New section, subsection 2, paragraph a stricken	SF 436.11	C
172C.5	New section, subsection 2, paragraph b stricken	SF 436.11	C
172C.6	New section	SF 436.7	M
172C.6	New section, subsection 1, paragraph b stricken	SF 436.11	C
172C.6	New section, subsection 3 stricken	SF 436.11	C
172C.7	New section	SF 436.8	M
172C.7	New section, subsection 1 stricken	SF 436.11	C
172C.7	New section, subsection 2 stricken	SF 436.11	C
173.2	Subsection 3 amended	HF 772.28	J
173.6	Unnumbered paragraph 2 amended	SF 102.18	J
174.3	Section amended	HF 772.29	J
174.9	Unnumbered paragraph 1 amended	HF 772.30	J



<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
200.18	Subsection 2 amended	HF 573.9	J
200A.3	Subsection 2 amended	SF 102.21	J
200A.3	Subsection 4 amended	HF 242.11	J
203.1	Subsection 8, unnumbered paragraph 1 amended	HF 312.1	J
203.1	Subsection 8, paragraph c amended	HF 312.2	J
203.1	Subsection 8, paragraph d rewritten	HF 312.3	J
203.2A	New section	HF 312.4	J
203.11A	New section	HF 312.5	J
203.11B	New section	HF 312.6	J
203.15	Subsection 7, para. c, subpara. (2), unnumbered para. 2 amended	HF 312.7	J
203.16	New subsection 8	HF 312.8	J
203C.1	Subsection 11 amended	HF 312.9	J
203C.1	New subsection 11A	HF 312.10	J
203C.1	Subsection 24 amended	HF 312.11	J
203C.17	Subsection 1 amended	HF 312.12	J
203C.23	Section amended	HF 312.13	J
203C.24	New subsection 8	HF 312.14	J
203C.36A	New section	HF 312.15	J
216.15B	Subsection 1 amended	HF 242.12	J
216A.2	Subsection 9 stricken	HF 737.10	J
216A.2	Unnumbered paragraph 2 amended	HF 737.11	J
216A.71	Subsection 1 amended	HF 737.12	J
216A.73	Subsection 4 amended	SF 102.22	J
216A.78	Section amended	HF 242.13	J
216A.92A	Subsection 2 amended	HF 737.13	J
216B.2	Unnumbered paragraph 1 amended	SF 102.23	J
216B.3	Subsection 14 amended	SF 282.8	J
216B.3	Subsection 14 amended	HF 242.14	J
216B.6	Section amended	SF 102.24	J
217.12	Section amended	HF 761.33	J
217.12	Subsection 3, paragraph b amended	SF 361.5	J
222.13A	Subsection 4 amended	SF 451.15	J
222.22	Section amended	SF 451.16	J
225C.4	Subsection 1, paragraph n amended	HF 379.9	J
225C.4	Subsection 1, paragraph p amended	HF 664.2	J
225C.4	Subsection 1, new paragraph pp	HF 664.3	J
225C.6	Subsection 1, paragraph c amended	HF 664.4	J
225C.6	Subsection 1, paragraph l amended	HF 664.5	J
225C.21	Subsection 2 amended	HF 664.6	J
225C.23	Section amended	HF 497.30	J
227.2	Subsection 2 amended	HF 379.10	J
227.4	Section amended	HF 379.11	J
229.2	Subsection 1, paragraph c amended	SF 451.17	J
229.8	Subsection 1 amended	SF 451.18	J
229.16	Section amended	SF 150.2	J
229.19	Unnumbered paragraph 3 amended	SF 451.19	J
229.21	Subsection 3, paragraph a amended	SF 150.3	J
229.21	Subsection 3, paragraph b, unnumbered paragraph 1 amended	SF 150.4	J
229A.2	New subsection 1A	SF 216.1	E
229A.4	Subsection 1 amended	SF 216.2	E
229A.5	Subsection 2, unnumbered paragraph 1 amended	SF 216.3	E
229A.5	Subsection 5 amended	SF 216.4	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
229A.5A	New section	SF 216.5	E
229A.7	Subsection 2 amended	SF 216.6	E
229A.7	Subsection 5 amended	SF 216.7	E
229A.10	Section amended	SF 216.8	E
229A.12	Section amended	SF 216.9	E
230A.3	Subsection 3 amended	SF 102.25	J
231.33	Subsection 21 amended	HF 379.12	J
231.42	Subsection 6 amended	HF 379.13	J
231.44	Section amended	HF 379.14	J
231A.2	Subsections 2, 3, 4, & 8 amended	HF 379.15	J
231B.2	Subsection 2, paragraphs g & h amended	HF 379.16	J
232.2	Subsection 22 amended	SF 193.1*	J
232.2	Subsection 22, paragraph b, subparagraph (7) stricken	HF 782.33	J
232.2	Subsection 22, paragraph c amended	HF 782.34	J
232.3	Subsection 1 amended	SF 367.42	J
232.52	Subsect. 2, para. a, subpara. (4), new subpara. subdivisions (g), (h), & (i)	HF 782.35	J
232.69	Section amended	HF 761.33	J
232.69	Subsection 1, paragraph b, subparagraph (7) amended	HF 761.27	J
232.71D	Section amended	HF 761.33	J
232.78	Section amended	HF 761.33	J
232.141	Subsection 2 amended	SF 451.20	J
232.141	Subsection 3, paragraph c amended	SF 451.21	J
232.143	Subsection 2 amended	SF 287.9	J
232.148	Subsection 2 amended	HF 403.1	J
232.175	Section amended	SF 287.1	C
232.178	Subsection 4 amended	SF 287.2	C
232.182	Subsection 5, unnumbered paragraph 1 amended	SF 287.3	C
232.182	Subsection 7 stricken	SF 287.4	C
232.188	Section amended	HF 761.33	J
232.188	Subsection 4 amended	SF 287.10	J
232.188	New subsection 8	SF 439.16	E
234.6	Subsection 6, paragraph a amended	HF 761.28	J
234.6	Subsection 6, paragraph f amended	SF 287.5	C
234.39	New subsection 5	HF 773.1	J
235A.13	Subsections 1, 2, 3, 4, 5, 6, & 7 amended	SF 102.26	J
235A.15	Section amended	HF 761.33	J
235A.15	Subsection 2, paragraph d, new subparagraph (6)	SF 216.10	E
235A.15	Subsection 2, paragraph d, new subparagraph (6)	HF 497.31	J
235A.15	Subsection 2, paragraph f, new unnumbered paragraph	SF 287.8	J
235A.15	Subsection 3, new paragraph d	SF 216.11	E
235A.15	Subsection 4, new paragraph d	SF 216.12	E
235A.18	Subsection 1, paragraphs a & b amended	SF 216.13	E
235B.3	Subsection 2, paragraph f amended	HF 379.17	J
235B.6	Subsection 2, paragraph b, new subparagraph (7)	HF 497.32	J
235C.2	Subsections 2, 3, 4, 5, & 8 amended	HF 497.33	J
235C.2	New subsection 18	HF 497.34	J
235C.3	Section amended	HF 761.33	J
235C.3	Subsection 2, paragraph b amended	HF 497.35	J
235C.3	Subsection 5, unnumbered paragraph 2 stricken	HF 497.36	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions

M - Multiple effective dates

00-00-00 - Specified effective date

C - Conditional effective date

R - Retroactive applicability

\* - Section amended by subsequent bill

E - Effective upon enactment

VETO - Entire bill section vetoed

J - Effective July 1, 1999

IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
236.5	Subsection 2, paragraph c, unnumbered paragraph 2 amended	HF 713.1	J
236.19	Subsection 2 amended	HF 713.2	J
236A.1	Section repealed	HF 242.54	J
237.1	Subsection 4, paragraph d amended	HF 761.29	J
237.13	Subsection 3 amended	HF 311.1	J
237.13	Subsection 4, paragraph g stricken	HF 311.2	J
237.13	Subsection 4, paragraph h stricken	HF 311.3	J
237.13	Subsection 6 amended	HF 311.4	J
237.20	Subsection 4, paragraph e amended	SF 451.22	J
237A.1	Section amended	HF 761.1	J
237A.2	Section amended	HF 761.2	J
237A.3	Section amended	HF 761.3	J
237A.3A	Subsection 1 amended	HF 761.4	J
237A.3A	Subsection 2 rewritten	HF 761.5	J
237A.3A	Subsection 3, paragraph c amended	HF 761.6	J
237A.3A	Subsection 3, paragraph d, subparagraph (2) amended	HF 761.7	J
237A.3A	Subsection 4, paragraph a amended	HF 761.8	J
237A.3A	Subsection 6 amended	HF 761.9	J
237A.3A	Subsection 11, paragraph c amended	HF 761.10	J
237A.3A	Subsection 12, paragraph f amended	HF 761.11	J
237A.4	Section amended	HF 761.12	J
237A.5	Subsections 2, 6, & 7 amended	HF 761.13	J
237A.7	Unnumbered paragraph 1 amended	HF 761.14	J
237A.8	Section amended	HF 761.15	J
237A.12	Section amended	HF 761.16	J
237A.19	Unnumbered paragraph 2 amended	HF 761.17	J
237A.20	Section amended	HF 761.18	J
237A.21	Section amended	HF 761.19	J
237A.22	Section amended	HF 761.20	J
237A.24	New section	HF 761.21	E
237A.26	Section amended	HF 761.22	J
237A.27	Section amended	HF 761.23	J
237A.28	Section amended	HF 761.24	J
237A.29	Section amended	HF 761.25	J
237A.30	New section	HF 760.49	J
237C.1	New section	SF 275.1	J
239B.2	Subsection 4 amended	SF 221.1	J
239B.3	Subsection 1, paragraph b amended	SF 221.2	J
239B.7	Section amended	HF 761.33	J
239B.7	Subsection 3 stricken	HF 761.34	J
239B.8	Section amended	HF 761.33	J
239B.9	Subsection 1, paragraph a amended	SF 221.3	J
239B.10	Section amended	HF 761.33	J
239B.24	New section	HF 761.35	J
249A.3	Subsection 2, unnumbered paragraph 1 amended	HF 782.50	J
249A.3	Subsection 2, new paragraph a	SF 211.1	J
249A.3	New subsection 5A	HF 760.50	J
249A.4	Subsection 15 amended	SF 102.27	J
249A.18	Section amended	HF 760.51	J
249F.3	Subsection 1, unnumbered paragraph 1 amended	SF 92.1	J
249F.4	Subsection 2 amended	SF 92.2	J
252D.23	Section amended	HF 773.2	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
252I.4	Subsection 3 amended	HF 773.3	J
256.9	Subsection 35, unnumbered paragraph 2 amended	HF 761.30	J
256.16	Section amended	HF 532.1	J
256.22	Subsection 2 amended	SF 464.19	J
256.44	Section rewritten	HF 766.1*	J
256.44	New subsection 8	SF 464.20	J
256.67A	New section	SF 464.21	J
256A.3	Section amended	HF 761.33	J
256C.3	Section amended	HF 761.33	J
256C.3	Section amended	HF 761.33	J
256C.3	Subsection 5 amended	HF 761.31	J
256E.1	New section	SF 464.22	J
256E.1	New section	HF 743.1	J
256E.2	New section	SF 464.23	J
256E.2	New section	HF 743.2	J
256E.3	New section	SF 464.24	J
256E.3	New section	HF 743.3	J
256E.4	New section	SF 464.25	J
256E.4	New section	HF 743.4	J
256E.5	New section	SF 464.26	J
256E.5	New section	HF 743.5	J
256E.6	New section	HF 743.6	J
256E.7	New section	HF 743.7*	J
256E.7	New section, subsection 4 amended	HF 782.51	J
256E.8	New section	HF 743.8	J
256E.9	New section	HF 743.9	J
256E	New chapter repealed	HF 743.9	7/1/03
257.1	Subsection 2, unnumbered paragraph 2 amended	SF 459.1	IV E
257.1	Subsection 2, unnumbered paragraph 3 amended	HF 147.1	E
257.8	Subsection 1 amended	HF 146.1	A 7/1/00
257.8	New subsections 2A, 2B, 2C, & 4	SF 459.2	IV E
257.10	Subsection 5 amended	SF 459.3	E
257.13	New section	HF 147.2	E
257.14	Subsection 1 amended	HF 147.3	E
257.14A	New section	SF 459.4	VETO
257.42	Unnumbered paragraphs 1, 4, & 5 amended	SF 459.5	E
257.43	Section amended	SF 459.6	E
257.45	Subsection 1 amended	SF 459.7	E
257.46	Section amended	SF 459.8	IV E
259.4	Subsections 6 & 7 amended	SF 173.1	J
260C.47	Subsection 1, unnumbered paragraph 1 amended	HF 242.15	J
260C.69	Section amended	HF 761.33	J
260G.1	New section	SF 465.1	E
260G.2	New section	SF 465.2	IV E
260G.3	New section	SF 465.3	IV E
260G.4	New section	SF 465.4	E
260G.5	New section	SF 465.5	VETO
260G.6	New section	SF 465.6	VETO
260G.7	New section	SF 465.7	VETO
260G.8	New section	SF 465.8	E
260G.9	New section	SF 465.9	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
261.2	New subsection 15	SF 464.27	VETO
261.12	Subsection 1, paragraph b amended	SF 464.28	J
261.17	Subsection 3, unnumbered paragraph 1 amended	SF 464.29	J
261.17	Subsection 4 amended	SF 464.30	J
261.21	Section repealed	SF 464.47	J
261.25	Subsections 1, 2, & 3 amended	SF 464.31	J
261.25	Subsection 4 stricken	SF 464.32	J
261.38	Subsection 1 amended	SF 464.33	J
261.38	Subsection 2 stricken	SF 464.34	J
261.38	Subsections 3, 4, & 5 amended	SF 464.35	J
261.38	Subsection 6 stricken	SF 464.36	J
261.38	Subsection 7, unnumbered paragraph 1 amended	SF 464.37	J
261.71	Subsection 1, paragraph c amended	SF 464.38	J
261.71	Subsections 2 & 3 amended	SF 464.39	J
261.86	New section	SF 464.40	J
261.111	Section rewritten	SF 464.41	J
261.112	Section repealed	SF 464.47	J
262.9	Subsection 6 amended	SF 282.9	J
262.9	Subsection 6 amended	HF 242.16	J
262.14	Subsection 3, unnumbered paragraph 1 amended	HF 663.103	7/1/00
266.39	Subsection 3, new paragraph h	HF 412.1	J
266.39	Subsection 3, unnumbered paragraph 2 amended	HF 412.2	J
272.25	Subsection 1 amended	HF 532.2	J
279.49	Section amended	HF 761.33	J
279.51	Section amended	HF 761.33	J
279.51	Section amended	HF 761.33	J
279.51	Subsection 1, paragraph d amended	SF 361.11	J
279.51	Subsection 3, unnumbered paragraph 3 amended	SF 361.12	J
280.3A	Section amended	HF 761.33	J
280.11	Section amended	SF 102.28	J
282.6	Unnumbered paragraph 1 amended	SF 462.14	J
283A.2	Subsection 2 amended	HF 675.1	J
283A.2	Subsection 3 amended	HF 675.2	J
285.1	Section amended	HF 761.33	J
294A.25	Subsections 6, 11, & 12 amended	SF 464.42	J
294A.25	New subsections 13 & 14	SF 464.43	J
298A.12	Section amended	HF 761.33	J
303.16	New subsection 10	SF 464.44	J
303.88A	New section	HF 688.1	J
306.19	Subsection 3 amended	HF 476.26	J
306.19	Subsection 4 amended	HF 476.27	J
306.27	Section amended	HF 476.28	J
306.28	Section rewritten	HF 476.29	J
306.29	Unnumbered paragraph 2 amended	HF 476.30	J
306.31	Section amended	HF 476.31	J
307.21	Subsection 4, paragraph b, subparagraph (1) amended	SF 282.10	J
307.21	Subsection 4, paragraph b, subparagraph (3) amended	HF 242.17	J
307.38	Section repealed	HF 242.54	J
307.46	New section	SF 76.1	E
309.42	Section repealed	SF 203.28	E
309.56	Section repealed	SF 203.28	E
312.2	Subsection 17 amended	HF 242.18	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
313.4	Subsection 1, new unnumbered paragraph	HF 634.1	J
316.1	Subsection 5, paragraphs a & b amended	HF 476.32	J
321.1	New subsections 24A & 28A	HF 651.1	J
321.1	Subsection 32 amended	HF 651.2	J
321.1	Subsection 32, unnumbered paragraph 3 amended	SF 203.1	E
321.1	New subsection 36A	HF 770.1	J
321.1	New subsections 54A & 80A	HF 651.3	J
321.1	Subsection 69, paragraph c amended	SF 203.2	J
321.1	Subsection 76 amended	SF 203.3	J
321.11	New unnumbered paragraph	SF 424.4	J
321.18	Subsection 8 amended	HF 770.2	J
321.19	Subsection 1, unnumbered paragraph 2 amended	HF 497.37	J
321.20	Unnumbered paragraph 1 amended	HF 770.3	J
321.20	Subsection 1 amended	HF 299.1	J
321.20B	Subsection 1, new unnumbered paragraph	SF 95.1	J
321.20B	Subsection 4, paragraph c amended	HF 242.19	J
321.21	Section repealed	SF 203.28	E
321.23	Subsection 3 amended	SF 203.4	J
321.24	Unnumbered paragraphs 1 & 6 amended	HF 770.4	J
321.25	Unnumbered paragraph 1 amended	SF 203.5	J
321.30	Subsections 10 & 11 amended	HF 770.5	J
321.34	Subsection 3 amended	HF 200.1	J
321.34	Subsection 8, unnumbered paragraph 1 amended	HF 200.2	J
321.34	Subsection 8A, unnumbered paragraph 1 amended	HF 200.3	J
321.34	Subsections 10 & 10A amended	HF 200.4	J
321.34	Subsection 11, paragraph a amended	HF 200.5	J
321.34	Subsection 11A, paragraph a amended	HF 200.6	J
321.34	Subsection 11A, paragraph c amended	HF 497.38	J
321.34	Subsection 11B, paragraph a amended	HF 200.7	J
321.34	Subsection 11B, paragraph c amended	HF 242.20	J
321.34	Subsection 12, paragraph a amended	HF 200.8	J
321.34	Subsection 12, new paragraph d	HF 200.9	J
321.34	New subsection 15	SF 462.15	J
321.42	Section amended	SF 203.6	J
321.45	Subsection 1, unnumbered paragraph 2 amended	HF 770.6	J
321.45	Subsection 4 amended	HF 770.7	J
321.46	Subsection 2 amended	HF 770.8	J
321.47	Unnumbered paragraph 1 amended	HF 474.2	J
321.48	Subsection 1, unnumbered paragraph 2 amended	SF 203.7	J
321.49	Subsection 1 amended	SF 203.8	J
321.49	Subsection 3 amended	HF 770.9	J
321.50	Subsection 1 amended	HF 770.10	J
321.50	Subsection 4, unnumbered paragraph 3 amended	SF 203.9	J
321.57	Unnumbered paragraph 5 amended	HF 770.11	J
321.101	Subsection 8 amended	HF 770.12	J
321.104	Subsection 6 amended	HF 770.13	J
321.123	Unnumbered paragraph 1 amended	HF 770.14	J
321.166	Subsections 1 & 4 amended	SF 203.10	E
321.178	Subsection 1, unnumbered paragraphs 2 & 3 amended	SF 203.11	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	
J - Effective July 1, 1999	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321.180B	Subsection 2, unnumbered paragraph 1 amended	SF 203.12	J
321.180B	Subsection 2, unnumbered paragraph 1 amended	SF 398.1	E
321.180B	Subsection 4 amended	SF 203.13	J
321.180B	Subsection 4 amended	SF 398.2	E
321.186	Unnumbered paragraph 4 amended	SF 248.16	J
321.187	Section amended	SF 102.29	J
321.188	Subsection 1, paragraphs a & c amended	SF 102.30	J
321.188	Subsection 2, paragraph b, subparagraph (2) amended	SF 102.31	J
321.188	Subsection 3 amended	SF 102.32	J
321.189	Subsection 2, paragraphs b & c amended	SF 203.14	J
321.208	Subsection 2 amended	SF 102.33	J
321.218	Subsection 1 amended	SF 189.2	J
321.234A	Section amended	HF 651.4	J
321.260	Subsection 1, paragraph a amended	SF 189.3	J
321.260	Subsection 2 amended	SF 189.4	J
321.279	Section amended	HF 209.1	J
321.284	Section amended	SF 192.1	J
321.284A	New section	SF 192.2	J
321.288	Subsection 5 amended	SF 352.1	J
321.377	New section	SF 203.15	J
321.383	Section amended	HF 651.5	J
321.383	Subsection 2 amended	SF 352.2	J
321.404A	New section	SF 203.16	J
321.449	Section amended	SF 102.34	J
321.449	Unnumbered paragraphs 2 & 4 amended	SF 203.17	E
321.453	Section amended	SF 203.18	J
321.453	Section amended	HF 651.6	J
321.463	Subsection 4 rewritten	HF 651.7	J
321.471	Section amended	HF 651.8*	J
321.471	Subsection 1, unnumbered paragraph 1 amended	HF 782.52	J
321.471	Subsection 2, paragraph a amended	HF 782.53	J
321.474	Unnumbered paragraph 1 amended	HF 651.9*	J
321.474	Unnumbered paragraph 1 amended	HF 782.54	J
321.474	Unnumbered paragraph 2 amended	HF 782.55	J
321.474	Unnumbered paragraph 3 amended	HF 651.10	J
321.491	Unnumbered paragraph 2 amended	SF 102.35	J
321.491	Unnumbered paragraph 2 amended	HF 762.13	J
321A.3	Subsections 1, 2, & 7 amended	HF 762.14	J
321A.12	Subsection 1 amended	SF 150.5	J
321A.17	New subsection 8	SF 203.19	E
321A.32	Subsection 1 amended	SF 189.5	J
321E.8	Subsections 2 & 3 amended	SF 203.20	E
321E.12	Section amended	SF 203.21	E
321G.1	Subsection 1, new unnumbered paragraph	SF 407.1	J
321G.4	Unnumbered paragraph 2 amended	SF 407.2	J
321G.4	Unnumbered paragraph 2 amended	HF 242.21	J
321G.6	Unnumbered paragraph 6 amended	SF 407.3	J
321G.13	Subsection 8 amended	SF 114.1	J
321G.29	Subsections 1, 3, 4, 5, 6, 7, 8 & 9 amended	SF 407.4	J
321G.31	Section amended	SF 407.5	J
321G.32	Subsection 1, unnumbered paragraph 1 amended	SF 407.6	J
321J.2	Subsection 7, paragraph a amended	SF 102.36	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
321J.13	New subsection 6	SF 203.22	E
321J.21	Subsection 1 amended	SF 189.6	J
321M.6	Subsection 2, paragraph b amended	SF 102.37	J
322.3	New subsection 13	SF 149.1	J
322.5	New subsection 5	SF 203.23	J
322.14	Section rewritten	SF 203.24	J
322.21	New section	SF 203.25	J
322A.1	New subsection 0A	SF 149.2	J
322B.2	Subsection 3 amended	HF 770.15	J
322B.3	Subsection 5 amended	HF 242.22	J
322B.6	Subsection 6 amended	HF 770.16	J
331.301	New subsection 15	HF 758.1	J
331.302	Subsection 2 amended	SF 189.7	J
331.302	Subsection 4A, paragraph a, subparagraph (2) amended	SF 189.8	J
331.303	Subsection 5 amended	HF 772.35	J
331.304	Subsection 8 amended	HF 476.33	J
331.438	Subsection 4, paragraph b, unnumbered paragraph 1 amended	HF 664.7	J
331.438	Subsection 4, paragraph b, subparagraph (1) amended	HF 664.8	J
331.438	Subsection 4, paragraph b, subparagraph (2) amended	HF 664.9	J
331.438	Subsection 4, paragraph b, subparagraph (4) amended	HF 664.10	J
331.439	Subsection 1, paragraph b amended	HF 664.13	E
331.439	Subsection 1, paragraph c, subparagraph (1) amended	HF 664.14	7/1/00
331.439	Subsection 1, paragraphs d & e amended	HF 664.15	7/1/00
331.461	Subsection 2, paragraph e amended	SF 186.1	J
331.461	Subsection 2, new paragraph g	SF 186.2	J
331.602	Subsection 1, unnumbered paragraph 1 amended	HF 474.3	A 1/1/00
331.602	Subsection 1, new paragraph d	HF 474.4	A 1/1/00
331.602	Subsection 24 amended	HF 476.34	J
331.605	Subsections 3 & 5 amended	SF 102.38	J
331.605	Subsection 5 amended	HF 497.39	J
331.608	Subsection 8 amended	SF 462.16	J
331.802	Subsection 2 amended	HF 497.40	J
331.440A	New section	HF 664.1	J
347.9	Section amended	HF 224.3	J
347.12	Unnumbered paragraph 3 amended	HF 224.4	J
347.13	Subsection 7 stricken	HF 224.5	J
347.13	Subsection 11 rewritten	HF 224.6	J
347.14	Subsection 11 amended	HF 224.7	J
347.14	New subsection 16	HF 224.8	J
347.30	Section amended	HF 224.9	J
347A.1	Unnumbered paragraph 1 amended	HF 224.10	J
350.7	Section amended	SF 51.1	J
357.20	Section amended	HF 474.5	J
357A.24	Subsections 3 & 4 amended	HF 242.23	J
357B.5	Subsection 2 amended	SF 308.1	E
357B.8	Subsection 2 amended	SF 308.2	E
362.2	Subsection 6 amended	SF 392.2	R 7/1/93
364.3	Subsection 2 amended	SF 189.9	J
364.3	New subsection 7	SF 190.1	J
364.3	New subsection 7	HF 758.2	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
E - Effective upon enactment      VETO - Entire bill section vetoed  
J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
384.65	Subsection 1 amended	HF 474.6	J
384.84	Subsection 2, new paragraph d	HF 700.1	J
384.84	Subsection 3, paragraphs a, c, & d amended	HF 700.2	J
384.99	Section amended	HF 115.1	J
388.9	New section	SF 392.3	R 7/1/93
388.10	New section	SF 392.4	R 7/1/93
392.6	Unnumbered paragraph 2 amended	HF 224.11	J
400.10	Section amended	SF 462.17	J
403.5	Subsection 4, new unnumbered paragraph	HF 476.35	A J
403.7	Unnumbered paragraph 1 amended	HF 476.36	A J
403.17	New subsection 2A	HF 476.37	A J
403.17	Subsection 9 amended	HF 476.38	A J
403.23	New section	HF 776.1	J
412.4	Section amended	HF 663.104	7/1/00
414.1	Section amended	HF 772.36	J
420.207	Section amended	HF 242.24	J
421.1	Unnumbered paragraph 8 amended	SF 136.1	E
421.16	Section amended	SF 136.2	E
421.17	Subsection 34, paragraph c amended	SF 473.1	E
421.18	Section amended	SF 136.3	E
422.3	Subsection 4 amended	SF 230.3	R 1/1/98
422.4	Subsection 17, paragraph c stricken	SF 473.2	E
422.5	Subsections 3 & 11 stricken	SF 136.4	E
422.6	Unnumbered paragraph 1 amended	SF 230.4	R 1/1/98
422.7	Subsection 31 amended	HF 744.1	VETO
422.9	Subsection 2, paragraph i amended	HF 242.25	J
422.9	Subsection 3, paragraph b amended	SF 230.5	R 1/1/98
422.9	Subsection 3, new paragraph d	SF 230.6	R 1/1/98
422.10	Unnumbered paragraph 1 amended	SF 230.7	R 1/1/98
422.12	Subsection 1, paragraphs a, b, & c amended	HF 744.2	VETO
422.13	Subsection 5 amended	SF 136.5	R 1/1/99
422.16	Subsection 2, unnumbered paragraph 2 amended	SF 136.6	E
422.16A	Section amended	SF 465.11	VETO
422.23	Unnumbered paragraph 2 stricken	SF 136.7	R 1/1/99
422.25	Subsection 1, paragraph b amended	SF 136.8	E
422.25	Subsection 3 amended	SF 136.9	R 1/1/99
422.25	Subsection 9 stricken	SF 473.3	E
422.32	Subsection 2, unnumbered paragraph 1 amended	SF 473.4	R 1/1/99
422.33	Subsection 1, unnumbered paragraph 1 amended	SF 136.10	E
422.33	Subsection 2, unnumbered paragraph 1 amended	SF 136.11	R 1/1/99
422.33	Subsection 5, unnumbered paragraph 1 amended	SF 230.8	R 1/1/98
422.33	New subsection 9	SF 230.9	R 1/1/98
422.35	Subsection 11, paragraph b amended	SF 230.10	R 1/1/98
422.35	Subsection 11, new paragraph f	SF 230.11	R 1/1/98
422.42	Subsection 6 amended	SF 136.12	E
422.42	Subsections 6 & 18 amended	SF 473.5	E
422.42	Subsection 18, unnumbered paragraph 1 amended	SF 136.13	E
422.43	Subsection 11, unnumbered paragraph 1 amended	SF 176.1	VETO
422.43	New subsection 14	SF 469.1	1/1/00
422.44	Unnumbered paragraph 2 stricken	SF 136.14	E
422.45	Subsection 2 amended	SF 136.15	E
422.45	Subsection 2 amended	SF 136.16	4/1/00
422.45	Subsections 4 & 6 amended	HF 199.1	J
422.45	Subsection 7, paragraph b, unnumbered paragraph 1 amended	SF 136.17	E
422.45	New subsection 7B	SF 9.1	R 7/1/98
422.45	Subsection 41, unnumbered paragraph 2 stricken	SF 473.6	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
422.45	Subsection 46 amended	SF 136.18	E
422.45	New subsection 54A	SF 231.1	J
422.45	New subsection 55	HF 418.1	R 1/1/1991
422.45	New subsection 55	HF 748.1	J
422.47	Subsection 3, paragraphs a & b amended	SF 136.19	E
422.47	Subsection 3, paragraph c amended	SF 136.20	E
422.47	Subsection 4, paragraph c amended	SF 136.21	E
422.50	Section amended	SF 136.22	E
422.51	New subsection 5	SF 469.2	1/1/00
422.52	Subsection 3, unnumbered paragraph 2 stricken	SF 136.23	E
422.53	Subsection 6, new unnumbered paragraph	SF 473.7	E
422.54	Subsections 1 & 3 amended	SF 469.3	1/1/00
422.58	Subsection 6 stricken	SF 473.8	E
422.68	Subsection 4 amended	SF 136.24	E
422.68	Subsection 4 amended	SF 473.9	E
422.72	Subsection 1, unnumbered paragraph 1 amended	SF 136.25	E
422.72	Subsection 6, unnumbered paragraph 2 amended	SF 473.10	E
422.73	Subsection 1 amended	SF 469.4	1/1/00
422.90	Section repealed	SF 136.85	E
422.100	Section amended	HF 761.33	J
422.110	Section amended	SF 136.26	E
422.111	Unnumbered paragraph 1 amended	SF 136.27	E
422.111	Unnumbered paragraph 3 stricken	SF 136.28	E
422.121	Section amended	SF 136.29	R 1/1/97
422B.1	Subsection 2, paragraph a, subparagraphs (1) & (2) amended	SF 469.5	E
422B.1	Subsection 2, paragraph b, subparagraph (1) amended	SF 469.6	E
422B.1	Subsection 2, paragraph e amended	SF 469.7	E
422B.1	Subsection 5 amended	SF 469.8	4/1/00
422B.1	Subsection 6, paragraph a amended	SF 469.9	4/1/00
422B.1	Subsection 6, paragraph b amended	SF 469.10	J
422B.1	Subsection 9 amended	SF 469.11	4/1/00
422B.8	Unnumbered paragraph 1 amended	SF 469.12	J
422B.8	Unnumbered paragraph 1 amended	SF 136.30	E
422B.8	Unnumbered paragraphs 1 & 3 amended	SF 136.31	R 5/1/99
422B.8	New unnumbered paragraph	SF 136.32	R 5/1/99
422B.9	Subsection 1 amended	SF 469.13	4/1/00
422B.9	Subsection 2, paragraph b amended	SF 136.33	R 5/1/99
422B.10	Subsection 2, paragraph c amended	SF 136.34	E
422B.10	Subsection 3, new paragraph c	SF 469.14	J
422D.3	Unnumbered paragraph 4 amended	SF 136.35	E
422E.1	Subsection 1, new unnumbered paragraph	SF 136.36	R 5/1/99
422E.2	Subsections 1 & 3 amended	SF 469.15	4/1/00
422E.2	Subsection 4, paragraph b, unnumbered paragraph 1 amended	SF 469.16	J
422E.3	Subsection 2 amended	SF 136.37	R 5/1/99
422E.3	Subsection 2 amended	SF 136.38	E
422E.3	Subsection 3 amended	SF 136.39	R 5/1/99
422E.3	Subsection 3 amended	SF 469.17	J
422E.3	Subsection 5, paragraph c amended	SF 469.18	J
422E.3	New subsection 7	SF 469.19	R 7/1/98
422E.4	Unnumbered paragraph 2 amended	SF 469.20	R 7/1/98
423.1	Subsection 1 amended	HF 770.17	J
423.1	New subsections 2A & 2B	HF 770.18	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
 C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
 E - Effective upon enactment      VETO - Entire bill section vetoed  
 J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
423.1	Subsection 12 amended	HF 770.19	J
423.2	Section amended	HF 199.2	J
423.2	Section amended	HF 770.20	J
423.4	Subsection 4 amended	HF 199.3	J
423.4	Subsections 11 & 12 amended	HF 770.21	J
423.4	New subsections 17, 18, 19, & 20	HF 199.4	J
423.6	Subsection 1 amended	HF 770.22	J
423.7	Section amended	HF 770.23	J
423.12	New unnumbered paragraph	SF 469.21	1/1/00
423.16	Section amended	SF 469.22	1/1/00
423.18	Subsection 4 stricken	SF 473.11	E
423.24	Subsection 2 amended	SF 468.21	J
424.10	Subsections 2 & 3 amended	SF 136.40	E
424.17	Subsection 4 stricken	SF 473.12	E
425.17	Subsections 2, 4, 5, & 6 amended	SF 473.13	E
425.19	Section amended	SF 473.14	E
425.21	Section amended	SF 473.15	E
425.28	New unnumbered paragraph	HF 417.1	J
425.29	Section amended	SF 473.16	E
426A.2	Section amended	SF 462.23	A J
427.1	Subsection 2 amended	SF 392.5	R 7/1/93
427.1	Subsection 14, unnumbered paragraph 1 amended	SF 136.41	E
427.1	Subsection 16 amended	SF 473.17	E
427.1	Subsection 24 amended	SF 136.42	E
427.1	New subsection 30	HF 758.3*	A 1/1/00
427.1	New subsection 30 amended	HF 782.56	J
427.3	Subsections 1, 2, & 3 amended	SF 462.18	J
427.3	Section transferred	SF 136.88	E
427.4	Section amended	SF 462.19	J
427.4	Section transferred	SF 136.88	E
427.5	Section transferred	SF 136.88	E
427.6	Section transferred	SF 136.88	E
427.7	Section transferred	SF 136.88	E
427A.12	Subsection 6 amended	SF 473.18	E
427A.14	Section repealed	SF 473.39	E
428.1	Unnumbered paragraph 1 amended	SF 136.43	E
428.9	Section repealed	HF 242.54	J
428.11	Section repealed	HF 242.54	J
428.13	Section repealed	HF 242.54	J
428.14	Section repealed	HF 242.54	J
428.15	Section repealed	HF 242.54	J
428.34	Section repealed	HF 242.54	J
428.36	Section repealed	HF 242.54	J
428A.1	Unnumbered paragraph 2 amended	HF 757.1	J
428A.5	Section amended	HF 757.2	J
429.2	Subsection 1 amended	SF 136.44	E
432.13	New unnumbered paragraph	HF 781.19	R 1/1/99
433.12	Section amended	SF 392.6	R 7/1/93
435.22	Subsection 2, unnumbered paragraph 2 amended	SF 473.19	E
435.22	Subsection 5, unnumbered paragraph 1 amended	SF 473.20	E
435.24	Subsection 5 amended	HF 474.7	J
435.26	Subsection 3 amended	HF 242.26	J
437A.3	Subsection 13 amended	SF 473.21	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
437A.3	New subsection 13A	SF 473.21	J
437A.3	Subsection 19, paragraph a, subparagraph (2) amended	SF 473.22	J
437A.3	Subsection 28 amended	SF 473.23	J
437A.3	Subsection 28 amended	HF 242.27	J
437A.7	Subsection 2, paragraph b rewritten	SF 473.24	J
437A.10	Subsection 2 amended	SF 473.25	J
437A.14	Subsection 4, unnumbered paragraph 1 amended	SF 473.26	J
437A.14	Subsection 5 amended	SF 473.27	J
437A.15	Subsection 7, unnumbered paragraph 2 amended	SF 473.28	J
437A.16	Section amended	SF 473.29	J
437A.17A	New section	SF 473.30	E
437A.19	Subsection 2, unnumbered paragraph 4 amended	SF 473.31	J
437A.23	Section amended	HF 782.17	J
440.1	Section amended	HF 755.1	E
440.5	Section amended	HF 755.2	E
441.21	Subsection 2, unnumbered paragraph 1 stricken	HF 242.28	J
441.30	Section repealed	HF 242.54	J
441.49	Unnumbered paragraph 3 amended	SF 458.1	J
443.12	Section amended	HF 755.3	E
443.15	Section amended	HF 755.4	E
443.17	Section amended	HF 755.5	E
445.5	Subsection 1, paragraph i amended	SF 458.2	J
445.60	Section amended	HF 755.6	E
446.7	Unnumbered paragraph 1 amended	SF 53.1	E
446.9	Subsections 1 & 2 amended	SF 53.2	E
446.19A	Section rewritten	SF 448.1	A 6/1/99
446.28	Section amended	SF 53.3	E
447.9	Subsection 1 amended	SF 448.2	A 6/1/99
447.9	Subsection 1 amended	HF 474.8	J
447.13	Section amended	HF 474.9	J
450.1	New unnumbered paragraph	SF 473.32	A J
450.7	Subsection 1, unnumbered paragraph 2 amended	SF 136.45	E
450.22	Section amended	SF 136.46	A J
450.27	Section amended	SF 473.33	A J
450.37	Subsection 2, unnumbered paragraph 1 amended	SF 473.34	A J
450.37	New subsection 3	SF 136.47	A J
450.92	Section repealed	SF 136.86	A J
450.94	Subsections 2 & 3 amended	SF 136.48	A J
451.12	Section amended	SF 136.49	A J
452A.2	Subsection 11 amended	SF 136.50	E
452A.2	Subsection 17, paragraph a amended	SF 136.51	E
452A.3	Subsection 5, paragraph b amended	SF 136.52	E
452A.8	Subsection 1, unnumbered paragraph 1 amended	SF 136.53	E
452A.8	Subsection 2, unnumbered paragraph 1 amended	SF 136.54	E
452A.8	Subsection 2, paragraph d amended	SF 136.55	E
452A.8	Subsection 3 amended	SF 136.56	E
452A.9	Section amended	SF 136.57	E
452A.15	Subsection 3 amended	SF 136.58	E
452A.17	Subsection 1, paragraph a, subparagraphs (4) & (6) amended	SF 136.59	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
452A.17	Subsection 1, paragraph b, subparagraphs (4) & (5) amended	SF 136.60	E
452A.17	Subsection 2 amended	SF 136.61	E
452A.17	Subsection 3, paragraph b amended	SF 136.62	E
452A.17	Subsection 3, paragraph c stricken	SF 136.63	E
452A.21	Unnumbered paragraph 1 amended	SF 136.64	E
452A.21	Unnumbered paragraph 3 amended	SF 136.65	E
452A.22	New section	SF 136.66	E
452A.60	Unnumbered paragraph 1 amended	SF 136.67	E
452A.61	Section amended	SF 136.68	E
452A.63	Section amended	SF 136.69	E
452A.67	Section amended	SF 136.70	E
452A.68	Unnumbered paragraph 1 amended	SF 136.71	E
452A.74	Subsection 8, unnumbered paragraph 2 amended	SF 473.35	E
452A.74A	Subsection 7 amended	SF 136.72	E
452A.75	Unnumbered paragraph 2 amended	SF 473.36	E
452A.79	Subsection 1 amended	HF 772.37	J
452A.86	Section amended	SF 136.73	E
453A.6	Subsection 3 amended	SF 136.74	E
453A.6	New subsections 4 & 5	SF 136.75	E
453A.8	Subsection 1 amended	SF 136.76	E
453A.15	Subsections 1, 3, 4, & 6 amended	SF 136.77	E
453A.16	Section amended	SF 136.78	E
453A.28	Section amended	SF 136.79	E
453A.29	Section amended	SF 136.80	E
453A.31	Section rewritten	SF 136.81	E
453A.45	Subsections 2, 3, & 4 amended	SF 136.82	E
453A.46	Subsections 1, 4, & 6 amended	SF 136.83	E
453C.1	New section	SF 482.1	E
453C.2	New section	SF 482.2	E
455B.110	Subsection 1, paragraph c, subparagraph (3) amended	SF 102.39	J
455B.173	Subsection 6, paragraph b stricken	HF 349.1	J
455B.202	Subsection 2, paragraph b amended	HF 242.29	J
455B.203A	Subsection 5, para. b, subpara. (2), unnumbered para. 1 amended	HF 242.30	J
455B.501	Subsection 2 amended	HF 489.1	J
455B.502	Section repealed	HF 489.3	J
455B.503	Section amended	HF 489.2	J
455D.9A	Section amended	HF 347.1	J
455G.8	Subsections 2 & 4 amended	HF 242.31	J
455G.8	Subsection 4 stricken	HF 242.31	J
455G.9	Subsection 1, new paragraph j	HF 442.1	J
455G.9	New subsection 10	HF 442.2	J
455G.11	Subsection 1 amended	HF 242.32	J
455G.11	Subsection 2, paragraph c amended	HF 242.33	J
455G.11	Subsection 8, unnumbered paragraph 1 amended	HF 242.34	J
455G.11	Subsection 11 paragraphs a & b amended	HF 242.35	J
455G.13	Subsection 12 amended	HF 242.36	J
455G.21	Subsection 1 amended	HF 242.37	J
455G.21	Subsection 2, paragraph a amended	HF 242.38	J
455H.103	Subsection 15 stricken	HF 242.39	J
455H.501	Section repealed	HF 242.54	J
455H.502	Section repealed	HF 242.54	J
455I.3	Subsection 1 amended	HF 339.1	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
456A.20	Section amended	HF 746.25	J
456A.21A	New section	HF 746.26	J
461A.31A	New section	HF 746.27	J
461A.35A	New section	HF 746.28	E
461A.42	Subsection 2 amended	SF 189.10	J
468.112	Section amended	HF 343.1	J
475A.6	Section amended	SF 224.1	E
476.1B	Subsection 3 amended	SF 392.7	R 7/1/93
476.86	New section	SF 224.2*	E
476.86	New section, unnumbered paragraph 1 amended	HF 782.57	E
476.87	New section	SF 224.3	E
476.101	New subsection 10	SF 224.4	E
476.103	New section	HF 588.1	J
479.29	Section amended	SF 160.1	6/1/99
479.45	Section amended	SF 160.2	6/1/99
479.48	New section	SF 160.3	6/1/99
479A.9	Section amended	SF 160.10	6/1/99
479A.14	Section amended	SF 160.4	6/1/99
479A.24	Subsections 1 & 2 amended	SF 160.5	6/1/99
479A.27	New section	SF 160.6	6/1/99
479B.20	Section amended	SF 160.7	6/1/99
479B.29	Section amended	SF 160.8	6/1/99
479B.32	New section	SF 160.9	6/1/99
481A.38	New subsection 4	SF 264.1	J
481A.92	Unnumbered paragraph 1 amended	SF 265.1	J
481A.130	Subsection 1, paragraph h amended	SF 67.1	J
483A.24	Subsection 13 amended	SF 462.20	J
483A.36	Section amended	HF 414.1	VETO
484B.4	Subsection 2, paragraph c stricken	HF 782.36	J
486A.906	Subsection 3, paragraphs b & c amended	HF 242.40	J
490A.1504	Section amended	HF 782.37	J
499B.11	Subsection 1 amended	HF 769.1	J
499B.11	New subsection 1A	HF 769.2	J
499B.11	New subsection 1A repealed	HF 769.2	12/31/04
501.101	Subsection 2, paragraph b amended	SF 102.40	J
501.101	Subsection 6, paragraph c amended	SF 102.41	J
501.701	Subsection 5, paragraph g amended	SF 102.42	J
501.702	Subsection 5, paragraph a amended	SF 102.43	J
501.713	Subsection 5 amended	SF 102.44	J
502.102	Subsection 13, new paragraph c	SF 410.1	J
502.102	Subsection 19 amended	SF 410.2	J
502.102	New subsection 20A	SF 410.3	J
502.202	Subsection 12, paragraph b, unnumbered paragraph 1 amended	SF 406.1	J
502.202	New subsection 19	SF 410.4	J
502.302	Subsection 3 amended	SF 406.2	J
502.304	Subsection 5 amended	SF 406.3	J
502.304	New subsection 5A	SF 406.4	J
502.305	Section amended	SF 406.5	J
502.503	Subsection 1 amended	SF 406.6	J
502.504	New subsection 7	SF 406.7	J
502.604	Subsection 2 amended	SF 406.8	J

**EFFECTIVE DATE** - Effective date indicates the date from which the bill section is to be applied; not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
504A.100	Subsection 3, unnumbered paragraph 1 amended	SF 102.45	J
504A.100	Subsection 3, paragraph e, unnumbered paragraph 1 amended	SF 102.46	J
504A.100	Subsections 5, 6, 9, & 12 amended	SF 102.47	J
505.8	Subsection 2 amended	HF 242.41	J
505.16	Subsection 1 amended	SF 248.17	J
505.17	Section amended	SF 249.1	J
505.20	Section repealed	HF 242.54	J
508.31A	Subsection 3 amended	SF 47.1	R 7/1/98
508B.1	Subsection 6 amended	SF 249.2	J
508B.6	Section amended	SF 249.3	J
508B.12	Section amended	SF 249.4	J
508B.13	Section amended	SF 249.5	J
508B.14	Section amended	SF 249.6	J
509.3	Subsection 6 stricken	SF 8.2	J
509A.1	Section amended	HF 781.20	J
509A.13A	Subsection 1, paragraph b, subparagraph (3) amended	HF 781.21	J
511.28	Section amended	SF 249.7	J
513B.13	New subsection 15	SF 249.8	J
513C.7	Subsection 1, paragraph a amended	SF 249.9	J
513C.7	Subsection 4, paragraph b amended	SF 249.10	J
514.7	Unnumbered paragraph 3 stricken	SF 8.3	J
514B.1	Subsection 5, paragraph c stricken	SF 8.4	J
514B.4	Subsection 2 amended	SF 249.11	J
514C.14	New section	SF 276.1	J
514C.14	New section	SF 8.1*	J
514C.14	New section, subsection 2, paragraph b amended	HF 782.58	J
514C.15	New section	SF 276.2	J
514C.16	New section	SF 276.3	J
514C.17	New section	SF 276.4	J
514F.4	New section	SF 276.5	J
514F.5	New section	SF 276.6	J
514I.5	Subsection 7, paragraph d amended	HF 782.38	J
514I.7	Subsection 2, paragraph a stricken	HF 782.39	J
514I.11	New section	HF 760.52	J
514J.1	New section	SF 276.7	1/1/00
514J.2	New section	SF 276.8	1/1/00
514J.3	New section	SF 276.9	1/1/00
514J.4	New section	SF 276.10	1/1/00
514J.5	New section	SF 276.11	1/1/00
514J.6	New section	SF 276.12	1/1/00
514J.7	New section	SF 276.13	1/1/00
514J.8	New section	SF 276.14	1/1/00
514J.9	New section	SF 276.15	1/1/00
514J.10	New section	SF 276.16	1/1/00
514J.11	New section	SF 276.17	1/1/00
514J.12	New section	SF 276.18	1/1/00
514J.13	New section	SF 276.19	1/1/00
514J.14	New section	SF 276.20	1/1/00
514K.1	New section	SF 276.21	J
515.26	Section amended	SF 249.12	J
515.35	Subsect. 3, para. a, subpara. (2), subpara. subdivision (a) amended	SF 249.13	J
515.74	Section amended	SF 249.14	J
518.2	Section amended	SF 249.15	J
518.17	Section amended	SF 249.16	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
518.25	Section amended	SF 249.17	J
518A.1A	New section	SF 249.18	J
518A.8	Section rewritten	SF 249.19	J
518A.10	Section repealed	SF 249.23	J
518A.13	Section repealed	SF 249.23	J
518A.17	Section repealed	SF 249.23	J
518A.28	Section repealed	SF 249.23	J
518A.37	Section amended	SF 249.20	J
518A.44	Section rewritten	SF 249.21	J
519.11	Section amended	SF 249.22	J
522A.1	New section	HF 777.1	J
522A.2	New section	HF 777.2	J
522A.3	New section	HF 777.3	J
522A.4	New section	HF 777.4	J
522A.5	New section	HF 777.5	J
522A.6	New section	HF 777.6	J
522A.7	New section	HF 777.7	J
523A.5	Subsection 2, new paragraph e	SF 406.9	J
523A.6	Section amended	SF 406.10	J
523B.1	Subsection 3 amended	HF 210.1	R 7/1/98
523B.2	Subsection 10, paragraph a, subparagraph (9) amended	SF 406.11	J
523B.3	Subsection 1, paragraphs b, c, d, & g stricken	HF 210.2	R 7/1/98
523C.6	Section amended	SF 406.12	J
523C.8	Section amended	SF 406.13	J
523E.1	Subsection 6 amended	SF 406.14	J
523G.4	Subsection 2, paragraph d stricken	SF 102.48	J
523I.6	New subsection 4	SF 406.15	J
524.221	Subsection 1, new unnumbered paragraph	SF 233.1	J
524.544	Subsection 1 amended	HF 330.1	J
524.810A	New section	SF 413.1	J
524.904	Subsections 2, 4, & 5 amended	HF 330.2	J
524.1202	Subsection 2, paragraph b amended	HF 242.42	J
524.1213	Subsection 3, unnumbered paragraph 1 amended	HF 242.43	J
524.1406	New subsection 3	HF 445.1*	J
524.1406	New subsection 3, paragraph b amended	HF 782.59	J
527A.1	New section	SF 405.1	VETO
527A.2	New section	SF 405.2	VETO
533.26	Section amended	SF 233.2	J
533.28	Section amended	SF 233.3	J
533.49E	New section	SF 413.2	J
534.106	Subsection 7, new unnumbered paragraph	SF 233.4	J
535.10	Subsection 3 amended	HF 443.1	J
535.14	New section	HF 443.2	J
535.15	Section repealed	HF 375.1	J
537.2501	Subsection 1, new paragraph i	HF 345.1	J
537.2502	Subsections 1, 2, & 3 amended	HF 443.3	J
537.3206	New subsection 4	HF 443.4	J
541A.6	New section	SF 221.4	J
543B.7	Subsection 5 amended	HF 458.1	J
543B.34	Subsection 9 amended	SF 404.1	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
 C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
 E - Effective upon enactment      VETO - Entire bill section vetoed  
 J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
543B.60A	New section	SF 404.2	J
543D.3	Unnumbered paragraph 2 amended	HF 476.39	J
543D.5	Subsection 2, paragraph a amended	HF 476.40	J
554C.101	New section	HF 624.1	J
554C.102	New section	HF 624.2	J
554C.103	New section	HF 624.3	J
554C.201	New section	HF 624.4	J
554C.202	New section	HF 624.5	J
554C.203	New section	HF 624.6	J
554C.204	New section	HF 624.7	J
554C.205	New section	HF 624.8	J
554C.206	New section	HF 624.9	J
554C.207	New section	HF 624.10	J
554C.301	New section	HF 624.11	J
554C.302	New section	HF 624.12	J
554C.303	New section	HF 624.13	J
554C.304	New section	HF 624.14	J
554C.305	New section	HF 624.15	J
554C.306	New section	HF 624.16	J
554C.401	New section	HF 624.17	J
554C.411	New section	HF 624.18	J
554C.412	New section	HF 624.19	J
554C.413	New section	HF 624.20	J
554C.421	New section	HF 624.21	J
554C.422	New section	HF 624.22	J
554C.423	New section	HF 624.23	J
554C.424	New section	HF 624.24	J
554C.425	New section	HF 624.25	J
554C.431	New section	HF 624.26	J
554C.432	New section	HF 624.27	J
554C.433	New section	HF 624.28	J
554C.434	New section	HF 624.29	J
554C.435	New section	HF 624.30	J
554C.436	New section	HF 624.31	J
554C.437	New section	HF 624.32	J
554C.441	New section	HF 624.33	J
554C.442	New section	HF 624.34	J
554C.443	New section	HF 624.35	J
554C.444	New section	HF 624.36	J
554C.445	New section	HF 624.37	J
554C.451	New section	HF 624.38	J
554C.452	New section	HF 624.39	J
554C.453	New section	HF 624.40	J
554C.501	New section	HF 624.41	J
554C	New chapter repealed	HF 624.41	7/1/04
555B.1	Subsection 2 amended	SF 337.1	E
555C.2	Section amended	SF 337.2	E
555C.3	Section amended	SF 337.3	E
555C.5	Section amended	SF 337.4	E
558.69	Section amended	HF 472.1	J
562A.8	Section amended	SF 337.5	E
562A.8A	New section	SF 337.6	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
562A.29A	Subsection 2 amended	SF 337.7	E
562B.9	Section amended	SF 337.8	E
562B.9A	New section	SF 337.9	E
562B.18	New subsection 6	SF 337.10	E
562B.27	Subsection 2, paragraph a amended	SF 337.11	E
562B.27A	Subsection 2 amended	SF 337.12	E
566.35	New section	HF 472.2	J
572.23	Section amended	SF 429.1	J
572.24	Section amended	SF 429.2	J
572.28	Section amended	SF 429.3	J
572.32	Section amended	SF 429.4	J
572.33	Section amended	SF 437.1	J
575.1	Section amended	SF 303.1	J
579A.1	Subsections 2, 3, & 4 amended	HF 322.7	E
579A.1	New subsection 4A	HF 322.8	E
579A.2	Subsection 1 amended	HF 322.9	E
579A.2	Subsection 2, paragraph c amended	HF 322.10	E
579A.2	Subsection 3 amended	HF 322.11	E
579A.4	New section	HF 322.12	E
579A.5	New section	HF 322.13	E
579B.1	New section	HF 322.14	E
579B.2	New section	HF 322.15	E
579B.3	New section	HF 322.16	E
579B.4	New section	HF 322.17	E
579B.5	New section	HF 322.18	E
579B.6	New section	HF 322.19	E
579B.7	New section	HF 322.20	E
595.2	Subsection 4 amended	HF 242.44	J
595.5	Section amended	HF 714.1	J
597.15	Unnumbered paragraph 1 amended	SF 367.43	J
598.21	Subsection 6 amended	SF 367.44	J
598.21	Subsection 8, unnumbered paragraph 2 amended	SF 367.45	J
598.41	New subsection 5A	HF 255.1	J
598.41B	New section	HF 633.1	J
598A	Chapter repealed	SF 367.47	J
598B.101	New section	SF 367.1	J
598B.102	New section	SF 367.2	J
598B.103	New section	SF 367.3	J
598B.104	New section	SF 367.4	J
598B.105	New section	SF 367.5	J
598B.106	New section	SF 367.6	J
598B.107	New section	SF 367.7	J
598B.108	New section	SF 367.8	J
598B.109	New section	SF 367.9	J
598B.110	New section	SF 367.10	J
598B.111	New section	SF 367.11	J
598B.112	New section	SF 367.12	J
598B.201	New section	SF 367.13	J
598B.202	New section	SF 367.14	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	* - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	
J - Effective July 1, 1999	IV - Part of bill section vetoed	

<u>Section</u>	<u>Action Taken</u>	<u>Hsc/Sen File#</u>	<u>Effective</u>
598B.203	New section	SF 367.15	J
598B.204	New section	SF 367.16	J
598B.205	New section	SF 367.17	J
598B.206	New section	SF 367.18	J
598B.207	New section	SF 367.19	J
598B.208	New section	SF 367.20	J
598B.209	New section	SF 367.21	J
598B.210	New section	SF 367.22	J
598B.301	New section	SF 367.23	J
598B.302	New section	SF 367.24	J
598B.303	New section	SF 367.25	J
598B.304	New section	SF 367.26	J
598B.305	New section	SF 367.27	J
598B.306	New section	SF 367.28	J
598B.307	New section	SF 367.29	J
598B.308	New section	SF 367.30	J
598B.309	New section	SF 367.31	J
598B.310	New section	SF 367.32	J
598B.311	New section	SF 367.33	J
598B.312	New section	SF 367.34	J
598B.313	New section	SF 367.35	J
598B.314	New section	SF 367.36	J
598B.315	New section	SF 367.37	J
598B.316	New section	SF 367.38	J
598B.317	New section	SF 367.39	J
598B.401	New section	SF 367.40	J
598B.402	New section	SF 367.41	J
600.6	Subsection 5 stricken	HF 38.1	J
600.8	Subsection 1, paragraph c rewritten	HF 172.1	J
600.8	Subsections 4, 5, & 6 amended	HF 172.2	J
600.9	Subsection 2, paragraph e amended	HF 172.3	J
600.13	Subsection 6 stricken	HF 38.2	J
600.15	Subsection 1, paragraph c rewritten	HF 172.4	J
600.16	Subsection 1, unnumbered paragraph 1 amended	HF 172.5	J
600A.4	Subsection 2, paragraph d amended	HF 172.6	J
602.1501	New subsection 4A	HF 647.5	J
602.5104	Section amended	SF 150.6	J
602.6104	Subsection 1 amended	HF 647.6	J
602.6201	Subsection 10 amended	SF 468.22	J
602.7103	Section amended	HF 647.7*	J
602.7103	Subsection 2 amended	HF 782.60	J
602.7103A	New section	HF 647.8	J
602.7103B	New section	HF 647.9*	J
602.7103B	New section, subsection 5 amended	HF 782.61	J
602.7103C	New section	HF 647.10	J
602.8102	Subsection 59 stricken	SF 136.84	E
602.8102	Subsection 85 amended	SF 367.46	J
602.8102	Subsection 152 stricken	SF 102.49	J
602.8103	New subsection 6	SF 150.7	J
602.9204	Subsection 1 amended	HF 781.22	J
614.14	Subsection 4, paragraph b amended	HF 662.1	J
622.10A	New section	HF 387.1	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
622A.3	Section amended	SF 150.8	J
622A.4	Section amended	SF 150.9	J
624.37	Section amended	SF 150.10	J
627.6	Subsection 8, paragraph a amended	HF 660.1	E
627.6	Subsection 8, new paragraph f	HF 660.2	E
631.1	New subsection 6	SF 429.5	J
631.4	Subsection 2, new paragraph d	SF 337.13	E
631.12	Section amended	SF 150.11	J
633.10	Subsection 4, new paragraph d	HF 662.2	J
633.20	Subsection 3 amended	HF 647.11	J
633.20A	New section	HF 647.12	J
633.20B	New section	HF 647.13*	J
633.20B	New section, subsection 5 amended	HF 782.62	J
633.20C	New section	HF 647.14	J
633.29	Section repealed	SF 150.15	J
633.31	New subsection 3	HF 662.3	J
633.48	Section amended	SF 150.12	J
633.51	Section amended	SF 150.13	J
633.103	Section repealed	HF 584.32	J
633.123	Section repealed	HF 663.108	7/1/00
633.123A	Subsection 1, unnumbered paragraph 1 amended	HF 663.105	7/1/00
633.348	Section amended	HF 663.106	7/1/00
633.352	Section amended	HF 584.31	J
633.357	New section	HF 662.4	J
633.440	Section amended	HF 662.5	J
633.646	Subsection 5 amended	HF 663.107	7/1/00
633.704	Subsection 3, paragraph a amended	HF 662.6	J
633.1101	New section	HF 663.1	7/1/00
633.1102	New section	HF 663.2	7/1/00
633.1103	New section	HF 663.3	7/1/00
633.1104	New section	HF 663.4	7/1/00
633.1105	New section	HF 663.5	7/1/00
633.1106	New section	HF 663.6	7/1/00
633.1107	New section	HF 663.7	7/1/00
633.2101	New section	HF 663.8	7/1/00
633.2102	New section	HF 663.9	7/1/00
633.2103	New section	HF 663.10	7/1/00
633.2104	New section	HF 663.11	7/1/00
633.2105	New section	HF 663.12	7/1/00
633.2106	New section	HF 663.13	7/1/00
633.2107	New section	HF 663.14	7/1/00
633.2201	New section	HF 663.15	7/1/00
633.2202	New section	HF 663.16	7/1/00
633.2203	New section	HF 663.17	7/1/00
633.2204	New section	HF 663.18	7/1/00
633.2205	New section	HF 663.19	7/1/00
633.2206	New section	HF 663.20	7/1/00
633.2207	New section	HF 663.21	7/1/00
633.2301	New section	HF 663.22	7/1/00
633.2302	New section	HF 663.23	7/1/00
633.2303	New section	HF 663.24	7/1/00
633.3101	New section	HF 663.25	7/1/00
633.3102	New section	HF 663.26	7/1/00
633.3103	New section	HF 663.27	7/1/00

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
E - Effective upon enactment      VETO - Entire bill section vetoed  
J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
633.3104	New section	HF 663.28	7/1/00
633.3105	New section	HF 663.29	7/1/00
633.3106	New section	HF 663.30	7/1/00
633.3107	New section	HF 663.31	7/1/00
633.3108	New section	HF 663.32	7/1/00
633.3109	New section	HF 663.33	7/1/00
633.3110	New section	HF 663.34	7/1/00
633.3111	New section	HF 663.35	7/1/00
633.4101	New section	HF 663.36	7/1/00
633.4102	New section	HF 663.37	7/1/00
633.4103	New section	HF 663.38	7/1/00
633.4104	New section	HF 663.39	7/1/00
633.4105	New section	HF 663.40	7/1/00
633.4106	New section	HF 663.41	7/1/00
633.4107	New section	HF 663.42	7/1/00
633.4108	New section	HF 663.43	7/1/00
633.4109	New section	HF 663.44	7/1/00
633.4110	New section	HF 663.45	7/1/00
633.4111	New section	HF 663.46	7/1/00
633.4201	New section	HF 663.47	7/1/00
633.4202	New section	HF 663.48	7/1/00
633.4203	New section	HF 663.49	7/1/00
633.4204	New section	HF 663.50	7/1/00
633.4205	New section	HF 663.51	7/1/00
633.4206	New section	HF 663.52	7/1/00
633.4207	New section	HF 663.53	7/1/00
633.4208	New section	HF 663.54	7/1/00
633.4209	New section	HF 663.55	7/1/00
633.4210	New section	HF 663.56	7/1/00
633.4211	New section	HF 663.57	7/1/00
633.4212	New section	HF 663.58	7/1/00
633.4213	New section	HF 663.59	7/1/00
633.4214	New section	HF 663.60	7/1/00
633.4301	New section	HF 663.61	7/1/00
633.4302	New section	HF 663.62	7/1/00
633.4303	New section	HF 663.63	7/1/00
633.4304	New section	HF 663.64	7/1/00
633.4305	New section	HF 663.65	7/1/00
633.4306	New section	HF 663.66	7/1/00
633.4307	New section	HF 663.67	7/1/00
633.4308	New section	HF 663.68	7/1/00
633.4309	New section	HF 663.69	7/1/00
633.4310	New section	HF 663.70	7/1/00
633.4401	New section	HF 663.71	7/1/00
633.4402	New section	HF 663.72	7/1/00
633.4501	New section	HF 663.73	7/1/00
633.4502	New section	HF 663.74	7/1/00
633.4503	New section	HF 663.75	7/1/00
633.4504	New section	HF 663.76	7/1/00
633.4505	New section	HF 663.77	7/1/00
633.4506	New section	HF 663.78	7/1/00
633.4601	New section	HF 663.79	7/1/00
633.4602	New section	HF 663.80	7/1/00
633.4603	New section	HF 663.81	7/1/00
633.4604	New section	HF 663.82	7/1/00
633.4605	New section	HF 663.83	7/1/00
633.4701	New section	HF 663.84	7/1/00
633.5101	New section	HF 663.85	7/1/00
633.5102	New section	HF 663.86	7/1/00
633.5103	New section	HF 663.87	7/1/00
633.5104	New section	HF 663.88	7/1/00
633.6101	New section	HF 663.89	7/1/00
633.6102	New section	HF 663.90	7/1/00

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
633.6103	New section	HF 663.91	7/1/00
633.6104	New section	HF 663.92	7/1/00
633.6105	New section	HF 663.93	7/1/00
633.6201	New section	HF 663.94	7/1/00
633.6202	New section	HF 663.95	7/1/00
633.6301	New section	HF 663.96	7/1/00
633.6302	New section	HF 663.97	7/1/00
633.6303	New section	HF 663.98	7/1/00
633.6304	New section	HF 663.99	7/1/00
633.6305	New section	HF 663.100	7/1/00
633.6306	New section	HF 663.101	7/1/00
633.6307	New section	HF 663.102	7/1/00
637.101	New section	HF 584.1	J
637.102	New section	HF 584.2	J
637.103	New section	HF 584.3	J
637.201	New section	HF 584.4	J
637.202	New section	HF 584.5	J
637.301	New section	HF 584.6	J
637.302	New section	HF 584.7	J
637.303	New section	HF 584.8	J
637.401	New section	HF 584.9	J
637.402	New section	HF 584.10	J
637.403	New section	HF 584.11	J
637.410	New section	HF 584.12	J
637.411	New section	HF 584.13	J
637.412	New section	HF 584.14	J
637.413	New section	HF 584.15	J
637.420	New section	HF 584.16	J
637.421	New section	HF 584.17	J
637.422	New section	HF 584.18	J
637.423	New section	HF 584.19	J
637.424	New section	HF 584.20	J
637.425	New section	HF 584.21	J
637.426	New section	HF 584.22	J
637.427	New section	HF 584.23	J
637.501	New section	HF 584.24	J
637.502	New section	HF 584.25	J
637.503	New section	HF 584.26	J
637.504	New section	HF 584.27	J
637.505	New section	HF 584.28	J
637.506	New section	HF 584.29	J
637.601	New section	HF 584.30	J
655.2	Section repealed	SF 335.3	J
655.3	New section	SF 335.2	J
669.14	Subsection 12 amended	HF 379.18	J
674.2	Subsection 7 amended	HF 714.2	J
690.2	Section amended	HF 403.2	J
691.5	Section amended	HF 782.6	E
691.6	Subsection 3 amended	HF 782.7	E
691.6A	New section	HF 782.8	E
691.6B	New section	HF 782.9	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date  
C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill  
E - Effective upon enactment      VETO - Entire bill section vetoed  
J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
691.6C	New section	HF 782.10	E
691.7	Section amended	HF 782.11	E
692.15	Subsections 3 & 4 amended	HF 403.3	J
692A.1	New subsection 1A	SF 294.2	J
692A.1	Subsection 3, new paragraphs a & b & redesignate others	HF 136.1	E
692A.1	Subsection 3, paragraph l amended	HF 136.2	E
692A.1	Subsection 7, paragraph d amended	HF 136.3	E
692A.1	Subsection 9 amended	SF 294.3	J
692A.2	Subsection 1, unnumbered paragraph l amended	SF 294.4	J
692A.2	Subsection 3 amended	SF 294.5	J
692A.2	Subsection 4 amended	SF 102.50	J
692A.2	Subsection 5 amended	SF 294.6	J
692A.3	Subsection 1 amended	SF 294.7	J
692A.3	Subsection 4 amended	SF 294.8	J
692A.5	Subsection 1, new paragraph f	SF 294.9	J
692A.10	Subsection 4 amended	SF 294.10	J
692A.10	New subsection 5	SF 294.11	J
692A.13	Unnumbered paragraph 1 amended	SF 294.12	J
692A.13	Subsections 1 & 2 amended	SF 294.13	J
692A.13	Subsection 3, unnumbered paragraph 1 amended	SF 294.14	J
692A.13	Subsection 3, paragraph b amended	SF 294.15	J
692A.13	Subsection 3, paragraph c stricken	SF 294.16	J
692A.13	Subsection 3, paragraph c, unnumbered paragraph 1 amended	HF 761.32	J
692A.13	Subsection 3, paragraph d amended	SF 294.17	J
692A.13	Subsections 6 & 7 stricken	SF 294.18	J
692A.13	New subsection 8A	HF 136.4	E
692A.13A	New section	SF 294.19	J
692A.16	Subsection 1 amended	SF 102.51	J
702.11	Section amended	HF 501.2	J
702.18	Section amended	HF 182.1	J
708.2	New subsection 3A	HF 501.3	J
708.2A	Subsection 6, paragraph b amended	HF 242.45	J
708.2A	Subsection 6, paragraph b amended	HF 501.4	J
708.3A	Section amended	HF 386.1	J
708.4	Section amended	HF 501.5	J
708.13	New section	HF 313.1	J
709.1	Section amended	HF 661.1	J
709.1A	New section	HF 661.2	J
709.3	Section amended	HF 661.3	J
709.4	Section amended	HF 661.4	J
709.5	Section amended	HF 661.5	J
714.2	Subsections 4 & 5 amended	SF 189.11	J
714.8	Subsection 11 amended	HF 651.11	J
714.8	New subsection 17	SF 436.9	E
714.8	New subsection 17	HF 322.21	E
714.8	New subsection 17	HF 498.1	J
714.12	Unnumbered paragraph 1 amended	SF 189.12	J
714.13	Unnumbered paragraph 1 amended	SF 189.13	J
714.16B	New section	HF 659.1	J
714D.1	New section	HF 448.1	J
714D.1	New section	HF 588.2	J
714D.2	New section	HF 448.2	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
714D.2	New section	HF 588.3	J
714D.3	New section	HF 588.4	J
714D.4	New section	HF 588.5	J
714D.5	New section	HF 588.6	J
714D.6	New section	HF 588.7	J
714D.7	New section	HF 588.8	J
715A.8	New section	HF 659.2	J
715A.9	New section	HF 659.3	J
716.6	Section amended	SF 189.14	J
716.8	Subsection 2 amended	SF 189.15	J
716.8	Subsection 4 amended	SF 189.16	J
716A.7	Section amended	SF 189.17	J
716A.8	Section amended	SF 189.18	J
716A.13	Section amended	SF 189.19	J
716A.14	Section amended	SF 189.20	J
719.1	Subsection 1 amended	SF 189.21	J
719.4	Subsections 1 & 2 amended	SF 395.3	J
719.7	Section rewritten	SF 101.1	J
719.8	Section amended	SF 101.2	J
724.4	Subsection 4, new paragraph 1	HF 414.2	VETO
727.2	Unnumbered paragraph 2 amended	SF 189.22	J
730.4	Subsection 6 amended	SF 189.23	J
730.5	Subsection 7, paragraph b amended	SF 115.1	E
730.5	Subsection 7, paragraph c, subparagraph (1) amended	SF 115.2	E
730.5	Subsection 7, paragraph f amended	SF 115.3	E
730.5	Subsection 7, paragraph g amended	SF 115.4	E
730.5	Subsection 9, paragraph c, subparagraph (2) amended	SF 115.5	E
730.5	Subsection 9, paragraph g, unnumbered paragraph 1 amended	SF 115.6	E
730.5	Subsection 9, paragraph h amended	SF 115.7	E
803.3	New subsection 6	SF 473.37	E
805.8	Subsection 2, paragraph d amended	SF 203.26	J
805.8	Subsection 10, paragraph b amended	SF 192.3	J
808B.1	Subsections 1 & 2 amended	SF 309.1	J
808B.1	New subsection 3A	SF 309.2	J
808B.1	Subsection 4, unnumbered paragraph 1 amended	SF 309.3	J
808B.1	Subsection 5 amended	SF 309.4	J
808B.1	New subsections 7A & 8A	SF 309.5	J
808B.2	Subsection 1, paragraph a amended	SF 309.6	J
808B.2	Subsection 1, paragraphs c & d amended	SF 309.7	J
808B.2	Subsection 2, paragraphs b & c amended	SF 309.8	J
808B.2	Subsection 3 amended	SF 309.9	J
808B.3	Section amended	SF 309.10	J
808B.4	Section amended	SF 309.11	J
808B.5	Subsection 1, unnumbered paragraph 1 amended	SF 309.12	J
808B.5	Subsection 1, paragraph e amended	SF 309.13	J
808B.5	Subsection 3, unnumbered paragraph 1 amended	SF 309.14	J
808B.5	Subsection 3, paragraph d amended	SF 309.15	J
808B.5	Subsection 4, unnumbered paragraph 1 amended	SF 309.16	J
808B.5	Subsections 5 & 6 amended	SF 309.17	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions

M - Multiple effective dates

00-00-00 - Specified effective date

C - Conditional effective date

R - Retroactive applicability

\* - Section amended by subsequent bill

E - Effective upon enactment

VETO - Entire bill section vetoed

J - Effective July 1, 1999

IV - Part of bill section vetoed

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
808B.5	Subsection 8, unnumbered paragraph 1 amended	SF 309.18	J
808B.5	Subsection 9, paragraph b, subparagraph (3) amended	SF 309.19	J
808B.5	Subsection 10 amended	SF 309.20	J
808B.5	Subsection 11 amended	SF 309.21*	J
808B.5	Subsection 11 amended	HF 782.63	J
808B.7	Section amended	SF 309.22	J
808B.8	Subsection 1, unnumbered paragraph 1 amended	SF 309.23	J
808B.8	Subsection 3 amended	SF 309.24	J
808B.10	New section	SF 309.25	J
808B.11	New section	SF 309.26*	J
808B.11	New section, subsections 1 & 2 amended	HF 782.64	J
808B.11	New section, subsection 4 amended	HF 782.65	J
808B.12	New section	SF 309.27*	J
808B.12	New section, subsection 1, paragraph a amended	HF 782.66	J
808B.12	New section, subsection 3 amended	HF 782.67	J
808B.13	New section	SF 309.28	J
808B.14	New section	SF 309.29	J
811.1	Subsections 1 & 2 amended	HF 573.10	J
811.1	Subsection 2 amended	HF 395.1	J
811.1	Subsection 3 amended	HF 296.1	J
811.2	Subsection 1, new unnumbered paragraph	HF 573.11	J
811.9	Section amended	SF 150.14	J
811.12	Subsection 2, new paragraph d	HF 281.1	J
814.11	Section amended	SF 451.23	J
815.4	Section amended	SF 451.24	J
815.5	Section amended	SF 451.25	J
815.7	Section amended	SF 451.26	J
815.9	Section amended	SF 451.27	J
815.9A	Section repealed	SF 451.31	J
815.10	Section amended	SF 451.28	J
815.10A	Section repealed	SF 451.31	J
815.11	Section amended	SF 451.29	J
901.2	Unnumbered paragraph 3 amended	HF 573.12	J
901.4	Section amended	SF 294.20	J
901.5A	New section	HF 573.13	J
901.10	Section amended	HF 573.14	J
902.3	Section amended	HF 573.15	J
902.8A	New section	HF 573.16	J
902.9	New subsection 0A	HF 573.17	J
902.9	Subsection 3 amended	HF 501.6	J
902.9	Subsection 4 amended	HF 501.7	J
903.1	Subsection 1, paragraph a amended	SF 189.24	J
903A.5	Section amended	SF 395.4	J
903A.5	Unnumbered paragraph 1 amended	HF 573.18	J
904.108	Subsection 1, paragraph d amended	HF 242.46	J
904.508A	Section amended	SF 468.23	VETO
904.515	Section amended	SF 248.18	J
904.703	Section amended	SF 395.5	J
904.809	Subsection 5 amended	SF 395.6	J
905.7	Subsection 8 amended	SF 395.7	J
906.5	Subsection 1, unnumbered paragraph 1 amended	HF 573.19	J
907.3	Subsection 3, unnumbered paragraph 1 amended	SF 395.8	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File#</u>	<u>Effective</u>
915.10	Subsection 3 amended	HF 242.47	J
915.23	Subsection 1 amended	SF 102.52	J
915.24	Subsection 1, unnumbered paragraph 1 amended	SF 102.53	J
915.40	Subsection 3, paragraph c amended	SF 248.19	J
915.41	Section amended	HF 242.48	J
915.42	Subsection 4, paragraph a amended	SF 248.20	J
915.42	Subsection 4, paragraph a amended	HF 242.49	J
915.42	Subsection 6, paragraph b amended	HF 242.50	J
915.43	Subsections 1, 2, 4, & 5 amended	SF 248.21	J
915.43	Subsection 11 amended	HF 242.51	J
915.50	Subsection 2 amended	HF 242.52	J
915.84	Subsection 1 amended	HF 222.1	J
915.86	Subsection 1 amended	HF 222.2	J
915.100	Subsection 2, paragraph c amended	HF 222.3	J
915.100	Subsection 2, paragraph h amended	HF 242.53	J

### 1999 ACTS - Listed by Bill Number

<u>Bill/Section</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
SF 8.1	Section amended	HF 782.58	J
SF 193.1	Section amended	HF 482.33	J
SF 193.1	Section amended	HF 782.34	J
SF 224.2	Section amended	HF 782.57	E
SF 309.21	Section amended	HF 782.63	J
SF 309.26	Section amended	HF 782.64	J
SF 309.26	Section amended	HF 782.65	J
SF 309.27	Section amended	HF 782.66	J
SF 309.27	Section amended	HF 782.67	J
SF 436.2	Section amended	HF 782.49	7/1/00
SF 460.10	Subsection 7, unnumbered paragraph 2 amended	HF 782.69	J
SF 464.1	Subsection 4 amended	HF 782.70	J
SF 464.4	Section amended	HF 782.71	E
SF 468.4	Subsection 1, paragraph e amended	HF 762.21	J
HF 224.2	Section amended	HF 782.47	J
HF 445.1	Section amended	HF 782.59	J
HF 571.4	Section amended	HF 782.42	E
HF 571.11	Section amended	HF 782.43	E
HF 571.12	Section amended	HF 782.44	E
HF 571.12	Section amended	HF 782.45	E
HF 573.1	Section amended	HF 782.46	J
HF 573.6	Section amended	HF 782.48	J
HF 647.7	Section amended	HF 782.60	J
HF 647.9	Section amended	HF 782.61	J
HF 647.13	Section amended	HF 782.62	J
HF 651.8	Section amended	HF 782.52	J
HF 651.8	Section amended	HF 782.53	J
HF 651.9	Section amended	HF 782.54	J
HF 651.9	Section amended	HF 782.55	J
HF 743.7	Section amended	HF 782.51	J
HF 745.1	Subsection 2, paragraph e effective upon enactment	HF 782.72	E
HF 745.8	Subsection 2 amended	HF 782.19	J

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions      M - Multiple effective dates      00-00-00 - Specified effective date

C - Conditional effective date      R - Retroactive applicability      \* - Section amended by subsequent bill

E - Effective upon enactment      VETO - Entire bill section vetoed

J - Effective July 1, 1999      IV - Part of bill section vetoed

<u>Bill/Section</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
HF 745.19	Section amended	HF 782.68	E
HF 758.3	Section amended	HF 782.56	J
HF 760.2	Subsection 1, paragraphs a & b amended	SF 439.17	J
HF 766.1	Section amended	SF 464.20	J

**1998 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1101.15	Subsection 2 amended	SF 468.25	J
1107	New section 34	HF 474.10	E
1127.4	Section repealed	HF 761.26	J
1138.35	Section amended	HF 242.56	R 4/16/98
1194.38	New subsection 9	SF 473.38	J
1209.28	Section amended	HF 242.57	R 7/1/98
1209.53	Section amended	HF 242.58	R 5/21/98
1212.2	Subsection 10 amended	SF 424.6	E
1218.5	Subsection 4 amended	HF 760.40	E
1218.33	Section rewritten	HF 760.36	E
1219.6	Subsection 1, unnumbered paragraph 3 amended	SF 282.11	E
1219.6	Subsection 1, unnumbered paragraph 3 amended	HF 772.39	E
1219.10	Subsection 4, unnumbered paragraph 2 amended	HF 772.40	E
1221.9	Section amended	HF 737.17	E
1222.25	Subsection 3 amended	SF 468.26	E
1224.7	Subsection 2, paragraphs b, c, k, m, n, p, r, & t amended	HF 762.18	E

**1997 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
12	Chapter repealed	HF 636.3	J
203.9	Section amended	HF 737.17	E
210.10	New subsection 1A	HF 762.17	J

**1995 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
220.20	Subsection 4 stricken	SF 468.24	J

**1994 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1068.8	Section amended	HF 737.17	E
1193.24	Section amended	HF 675.1	J

**1993 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
55.1	Section amended	HF 737.17	E

**1989 ACTS AMENDED**

<u>Chap/Sec.</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
135.135	Section repealed	SF 459.9	VETO

**IOWA ADMINISTRATIVE CODE AMENDED**

<u>Agency</u>	<u>Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
721	Rule 21.200, subrule 3, paragraph a, lines 1 & 2 through the word 'voters,' nullified	HJR 15.1	E

**PROPOSED CONSTITUTIONAL AMENDMENTS**

<u>Article/Action</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
New Article XIII, new section 1	SJR 1.1	upon approval of voters
New Article XIII, new sections 1, 2, 3. & 4	SJR 1.2	upon approval of voters

**EFFECTIVE DATE** - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - Applicability provisions	M - Multiple effective dates	00-00-00 - Specified effective date
C - Conditional effective date	R - Retroactive applicability	** - Section amended by subsequent bill
E - Effective upon enactment	VETO - Entire bill section vetoed	*** - Bill section repealed by subsequent bill
J - Effective July 1, 1998	IV - Part of bill section vetoed	* - 1997 Code Supplement

## 1999 SENATE COMMITTEES

### STANDING COMMITTEES

#### AGRICULTURE

Gaskill, Chair  
 Miller, Vice Chair  
 Fraise, Ranking Member  
 Angelo  
 Bartz  
 Behn  
 Black  
 Hedge  
 Judge  
 Kibbie  
 Sexton  
 Shearer  
 Soukup  
 Veenstra  
 Zieman

#### APPROPRIATIONS

McLaren, Chair  
 Kramer, Vice Chair  
 Flynn, Ranking Member  
 Behn  
 Black  
 Bolkcom  
 Connolly  
 Deluhery  
 Dvorsky  
 Freeman  
 Hammond  
 Hedge  
 Horn  
 Jensen  
 Johnson  
 King  
 Lamberti  
 Maddox  
 McCoy  
 Redwine  
 Rehberg  
 Rife  
 Schuerer  
 Soukup  
 Tinsman

#### BUSINESS & LABOR RELATIONS

McKibben, Chair  
 Freeman, Vice Chair  
 Dearden, Ranking Member  
 Behn  
 Fraise  
 Hansen  
 Hedge  
 Horn  
 King  
 Rife  
 Schuerer

#### COMMERCE

Jensen, Chair  
 Maddox, Vice Chair  
 Deluhery, Ranking Member  
 Bolkcom

Flynn  
 Gronstal  
 Hansen  
 Johnson  
 King  
 Lamberti  
 Lundby  
 McCoy  
 Redfern  
 Redwine  
 Schuerer

#### EDUCATION

Redfern, Chair  
 Rehberg, Vice Chair  
 Connolly, Ranking Member  
 Angelo  
 Boettger  
 Dvorsky  
 Fink  
 Gaskill  
 Harper  
 Redwine  
 Sexton  
 Shearer  
 Szymoniak  
 Tinsman  
 Veenstra

#### ETHICS

Hedge, Chair  
 Drake, Vice Chair  
 Szymoniak, Ranking Member  
 Connolly  
 Hammond  
 McKean

#### HUMAN RESOURCES

Boettger, Chair  
 Redwine, Vice Chair  
 Szymoniak, Ranking Member  
 Bartz  
 Behn  
 Dvorsky  
 Hammond  
 Harper  
 Miller  
 Schuerer  
 Shearer  
 Tinsman  
 Veenstra

#### JUDICIARY

McKean, Chair  
 Lamberti, Vice Chair  
 Hansen, Ranking Member  
 Angelo  
 Boettger  
 Dvorsky  
 Fraise  
 Hammond  
 Horn  
 Maddox

McCoy  
 McKibben  
 Miller  
 Redfern  
 Tinsman

#### LOCAL GOVERNMENT

Angelo, Chair  
 Bartz, Vice Chair  
 Bolkcom, Ranking Member  
 Fraise  
 Gaskill  
 Hammond  
 Judge  
 McCoy  
 McKean  
 McKibben  
 Miller  
 Rife  
 Zieman

#### NATURAL RESOURCES & ENVIRONMENT

Bartz, Chair  
 King, Vice Chair  
 Fink, Ranking Member  
 Black  
 Bolkcom  
 Dearden  
 Deluhery  
 Drake  
 Freeman  
 Gaskill  
 Johnson  
 Kibbie  
 Miller  
 Rehberg  
 Rife

#### RULES & ADMINISTRATION

Iverson, Chair  
 Kramer, Vice Chair  
 Gronstal, Ranking Member  
 Dvorsky  
 Fink  
 Harper  
 Jensen  
 Lundby  
 Redfern  
 Rehberg  
 Rittmer

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

Lundby, Chair  
 Behn, Vice Chair  
 Shearer, Ranking Member  
 Boettger  
 Flynn  
 Hansen  
 Judge

Rittmer  
 Sexton  
 Soukup  
 Tinsman  
 Veenstra  
 Zieman

#### STATE GOVERNMENT

Rittmer, Chair  
 Lamberti, Vice Chair  
 Kibbie, Ranking Member  
 Connolly  
 Dearden  
 Deluhery  
 Drake  
 Fink  
 King  
 Lundby  
 Maddox  
 McLaren  
 Schuerer  
 Sexton  
 Szymoniak

#### TRANSPORTATION

Drake, Chair  
 Sexton, Vice Chair  
 McCoy, Ranking Member  
 Fink  
 Fraise  
 Freeman  
 Jensen  
 Judge  
 Kibbie  
 McKean  
 McKibben  
 Rittmer  
 Zieman

#### WAYS & MEANS

Johnson, Chair  
 McKibben, Vice Chair  
 Harper, Ranking Member  
 Bartz  
 Bolkcom  
 Connolly  
 Deluhery  
 Drake  
 Flynn  
 Hedge  
 Lamberti  
 Maddox  
 McLaren  
 Redwine  
 Soukup

**SENATE APPROPRIATIONS SUBCOMMITTEES****ADMINISTRATION & REGULATION**

Redwine, Chair  
 Bartz, Vice Chair  
 McCoy, Ranking Member  
 Flynn  
 Sexton

**AGRICULTURE & NATURAL RESOURCES**

Behn, Chair  
 Hedge, Vice Chair  
 Black, Ranking Member  
 Fink  
 Gaskill

**ECONOMIC DEVELOPMENT**

Schuerer, Chair

Boettger, Vice Chair  
 Soukup, Ranking Member  
 Judge  
 Lamberti

**EDUCATION**

Rehberg, Chair  
 Redfern, Vice Chair  
 Horn, Ranking Member  
 Kibbie  
 McLaren

**HEALTH & HUMAN RIGHTS**

Rife, Chair  
 Zieman, Vice Chair  
 Bolkcom, Ranking Member  
 Dearden  
 McKibben

**HUMAN SERVICES**

Tinsman, Chair  
 Veenstra, Vice Chair  
 Hammond, Ranking Member  
 Miller  
 Szymoniak

**JUSTICE SYSTEM**

Maddox, Chair  
 Angelo, Vice Chair  
 Dvorsky, Ranking Member  
 Fraise  
 McKean

**OVERSIGHT & COMMUNICATIONS**

King, Chair  
 Lundby, Vice Chair  
 Deluhery, Ranking Member

Harper  
 Rittmer

**TRANSPORTATION, INFRASTRUCTURE & CAPITALS**

Freeman, Chair  
 Jensen, Vice Chair  
 Connolly, Ranking Member  
 Johnson  
 Shearer

## 1999 HOUSE COMMITTEES

### STANDING COMMITTEES

#### ADMINISTRATION & RULES

Carroll, Chair  
Brauns, Vice Chair  
Connors, Ranking Member  
Barry  
Blodgett  
Corbett  
Gipp  
Jochum  
Myers  
Rants  
Schrader  
Siegrist  
Warnstadt  
Weigel

#### AGRICULTURE

Klemme, Chair  
Horbach, Vice Chair  
Drees, Ranking Member  
Alons  
Baudler  
Bogges  
Drake  
Fallon  
Frevert  
Greiner  
Huseman  
Johnson  
Kuhn  
May  
Mertz  
Mundie  
Parmenter  
Rayhons  
Scherrman  
Teig  
Welter

#### APPROPRIATIONS

Millage, Chair  
Dix, Vice Chair  
Murphy, Ranking Member  
Barry  
Bell  
Bogges  
Brunkhorst  
Cataldo  
Cormack  
Falck  
Garman  
Gipp  
Greiner  
Hansen  
Heaton  
Huser  
Jacobs  
Mascher  
Mertz  
Nelson  
Parmenter  
Sukup

Taylor  
Warnstadt  
Wise

#### COMMERCE & REGULATION

Metcalf, Chair  
Hoffman, Vice Chair  
Chapman, Ranking Member  
Bradley  
Cataldo  
Chioldo  
Dix  
Doderer  
Drees  
Hansen  
Holmes  
Holveck  
Jacobs  
Jenkins  
Johnson  
Osterhaus  
Raecker  
Rants  
Van Fossen  
Weigel  
Wise

#### ECONOMIC DEVELOPMENT

Teig, Chair  
Jenkins, Vice Chair  
Dotzler, Ranking Member  
Bogges  
Cohoon  
Cormack  
Dolecheck  
Heaton  
Hoffman  
Horbach  
Jochum  
Martin  
May  
Metcalf  
Nelson  
O'Brien  
Stevens  
Thomas  
Van Fossen  
Weigel  
Witt

#### EDUCATION

Grundberg, Chair  
Thomson, Vice Chair  
Wise, Ranking Member  
Boal  
Boddicker  
Brunkhorst  
Bukta  
Carroll  
Cohoon  
Dolecheck

Eddie  
Falck  
Foegel  
Hansen  
Kreiman  
Lord  
Mascher  
Nelson  
Rants  
Stevens  
Sunderbruch  
Thomas  
Warnstadt

#### ENVIRONMENTAL PROTECTION

Hahn, Chair  
Bradley, Vice Chair  
Witt, Ranking Member  
Alons  
Bogges  
Brunkhorst  
Burnett  
Cormack  
Drake  
Fallon  
Foegel  
Gipp  
Greiner  
Holveck  
Huseman  
Kettering  
Klemme  
Mascher  
Richardson  
Shoultz  
Stevens

#### ETHICS

Cormack, Chair  
Lord, Vice Chair  
Warnstadt, Ranking Member  
Chapman  
Martin  
Weigel

#### HUMAN RESOURCES

Boddicker, Chair  
Lord, Vice Chair  
Foegel, Ranking Member  
Barry  
Blodgett  
Boal  
Brunkhorst  
Bukta  
Burnett  
Carroll  
Davis  
Ford  
Grundberg  
Hahn  
Kreiman  
Martin

Mertz  
Murphy  
Reynolds  
Thomson  
Witt

#### JUDICIARY

Larson, Chair  
Baudler, Vice Chair  
Kreiman, Ranking Member  
Barry  
Bell  
Boddicker  
Chapman  
Davis  
Doderer  
Ford  
Holveck  
Jager  
Kettering  
Millage  
Myers  
Parmenter  
Raecker  
Shoultz  
Sukup  
Sunderbruch  
Thomson

#### LABOR & INDUSTRIAL RELATIONS

Tyrrell, Chair  
Barry, Vice Chair  
Taylor, Ranking Member  
Boddicker  
Connors  
Dolecheck  
Dotzler  
Falck  
Ford  
Grundberg  
Hoffman  
Horbach  
Larson  
Metcalf  
Millage  
Murphy  
Parmenter  
Raecker  
Scherrman  
Sukup  
Whitead

#### LOCAL GOVERNMENT

Houser, Chair  
Arnold, Vice Chair  
Fallon, Ranking Member  
Alons  
Brauns  
Burnett  
Carroll  
Connors  
Dix

Eddie  
Hahn  
Huser  
Klemme  
Kuhn  
Mundie  
Reynolds  
Richardson  
Van Engelenhoven  
Weidman  
Welter  
Whitead

**NATURAL RESOURCES**

Huseman, Chair  
Sunderbruch, Vice Chair  
O'Brien, Ranking Member  
Alons  
Baudler  
Bell  
Brauns  
Dotzler  
Drake  
Frevort  
Garman  
Kettering  
Klemme  
May

Mundie  
Myers  
Rayhons  
Richardson  
Scherrman  
Tyrrell  
Weidman

**STATE GOVERNMENT**

Martin, Chair  
Holmes, Vice Chair  
Larkin, Ranking Member  
Arnold  
Bradley  
Brauns  
Cataldo  
Chiodo  
Connors  
Davis  
Gipp  
Houser  
Jacobs  
Jager  
Jochum  
Metcalf  
O'Brien  
Reynolds

Taylor  
Van Engelenhoven  
Whitead

**TRANSPORTATION**

Welter, Chair  
Jager, Vice Chair  
May, Ranking Member  
Arnold  
Blodgett  
Brauns  
Bukta  
Chiodo  
Cohoon  
Drees  
Eddie  
Garman  
Heaton  
Huser  
Johnson  
Larkin  
Rayhons  
Thomas  
Van Engelenhoven  
Warnstadt  
Weidman

**WAYS & MEANS**

Van Fossen, Chair  
Drake, Vice Chair  
Shoultz, Ranking Member  
Blodgett  
Boal  
Chapman  
Doderer  
Frevort  
Hoffman  
Holmes  
Houser  
Jager  
Jenkins  
Jochum  
Kuhn  
Larkin  
Larson  
Lord  
Myers  
Osterhaus  
Raecker  
Rants  
Richardson  
Teig  
Weigel

**HOUSE APPROPRIATIONS SUBCOMMITTEES****ADMINISTRATION & REGULATION**

Brunkhorst, Chair  
Van Engelenhoven, Vice Chair  
Cataldo, Ranking Member  
Chiodo  
Holmes  
Klemme  
O'Brien  
Taylor  
Tyrrell

**AGRICULTURE & NATURAL RESOURCES**

Greiner, Chair  
Dolecheck, Vice Chair  
Mertz, Ranking Member  
Baudler  
Eddie  
Hahn  
May  
Parmenter  
Thomas

**ECONOMIC DEVELOPMENT**

Boggess, Chair  
Raecker, Vice Chair  
Holveck, Ranking Member

Dotzler  
Hoffman  
Reynolds  
Stevens  
Sunderbruch  
Teig

**EDUCATION**

Hansen, Chair  
Boal, Vice Chair  
Mascher, Ranking Member  
Barry  
Carroll  
Dix  
Frevort  
Scherrman  
Witt

**HEALTH & HUMAN RIGHTS**

Nelson, Chair  
Alons, Vice Chair  
Ford, Ranking Member  
Brauns  
Chapman  
Lord  
Shoultz  
Thomson  
Weigel

**HUMAN SERVICES**

Heaton, Chair  
Johnson, Vice Chair  
Osterhaus, Ranking Member  
Arnold  
Blodgett  
Burnett  
Foege  
Houser  
Jochum

**JUSTICE SYSTEMS**

Garman, Chair  
Davis, Vice Chair  
Bell, Ranking Member  
Cormack  
Jager  
Larkin  
Mundie  
Richardson  
Welter

**OVERSIGHT & COMMUNICATIONS**

Jacobs, Chair  
Kettering, Vice Chair  
Falck, Ranking Member  
Bradley  
Drees

Huser  
Jenkins  
Martin  
Whitead

**TRANSPORTATION, INFRASTRUCTURE & CAPITALS**

Sukup, Chair  
Rayhons, Vice Chair  
Cohoon, Ranking Member  
Bukta  
Horbach  
Huseman  
Kuhn  
Warnstadt  
Weidman